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PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, SECOND SESSION

SENATE—*Tuesday, February 8, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *what the law could not do, in that it was weak through the flesh* * * *.—Romans 8:3.

Almighty God, eternal in the heavens, help us comprehend the limitations of law. The Apostle Paul revered the law to which he referred, the Law given to Moses, the Torah, the Creator's design for life as it was created to be. Even that perfect Law of God has its limitations because of "the weakness of the flesh."

Ruler of the nations, help us see that the deepest crisis in history is a spiritual-moral crisis. We trust in the gods of our own invention—or in ourselves as gods. We fail to take seriously the God who created us, who engraved on the human heart through conscience the same Law He engraved on the tablets of stone for Moses—the God who endowed us with "certain unalienable rights."

Eternal God, perfect in truth, justice, righteousness, and love, teach us to trust You rather than the gods of our invention—the little gods of manmade religion, whatever its label. Teach us to trust the true God who transcends, by infinity, the transitory gods of human imagination. Help us to put our faith in the God who created us, not the gods we create.

In His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 8, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1150, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Coats Amendment No. 1386, to provide a low-income school choice demonstration program.

(2) Grassley Modified Amendment No. 1388, to prohibit the use of certain funds for activities related to a student's personal values, attitudes, beliefs, or sexual behavior without certain consent, notification, access to information, and an opportunity for a hearing, to provide for enforcement of such prohibition, and to require the Secretary of Education to designate or establish an office and review board within the Department of Education.

(3) Mack Amendment No. 1389, to achieve significant school reform and innovation through empowering parents, students, teachers, and local school boards.

(4) Helms Amendment No. 1390, to prohibit the use of funds to support the distribution or provision of condoms or other contraception devices or drugs to an unemancipated minor without the prior written consent of such minor's parent or guardian.

(5) Kennedy/Jeffords Amendment No. 1393, to ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage family participation in such programs.

(6) Levin Amendment No. 1394, to provide that no funds shall be denied to any State or local agency because it has adopted a constitutional policy relative to prayer in public schools.

(7) Jeffords/Gregg/Dodd Amendment No. 1420, to express the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget constraints.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. is equally divided and controlled by the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Massachusetts [Mr. KENNEDY], or his designee.

Who yields time?

Mr. JEFFORDS. Madam President, I yield to the Senator from Alaska such time as he may consume.

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that amendments are not in order.

Mr. MURKOWSKI. Based on my understanding with the floor manager, this amendment had been cleared by the committee of jurisdiction, the Committee on Indian Affairs, and cleared as well by the Labor Committee. I ask the Parliamentarian to re-

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

view her comments with regard to the amendment, because it is my understanding that it has been cleared by unanimous consent.

Mr. JEFFORDS. If the Senator will yield, what bill are we amending?

Mr. MURKOWSKI. S. 1361, the school-to-work bill.

The ACTING PRESIDENT pro tempore. The Senate is currently considering S. 1150.

Mr. JEFFORDS. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. JEFFORDS. Madam President, I yield to the Senator from Alaska such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I would appeal again to the Parliamentarian relative to the amendment that I am prepared to offer. My amendment would attach S. 1059, the Alaska Native Culture and Arts Development Act, to S. 1361.

The ACTING PRESIDENT pro tempore. If the Senator obtains unanimous consent, it would be in order to offer the amendment.

Mr. MURKOWSKI. The Senator would ask unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and I thank the Parliamentarian and floor managers.

SCHOOL-TO-WORK OPPORTUNITIES ACT

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator from Alaska that we need to move to the bill.

The clerk will report

The legislative clerk read as follows:

A bill (S. 1361) to establish a national framework for the development of the school-to-work opportunities systems in all States, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gorton Amendment No. 1429, to encourage the placement of youths in private sector jobs under the Summer Youth Employment and Training Program.

(2) Kassebaum (for Coverdell) Amendment No. 1432, to prohibit the use of funds for School-to-Work Opportunities programs until the deficit increase resulting from fiscal year 1994 emergency spending is eliminated.

(3) Kassebaum (for Dole) Amendment No. 1433, to express the sense of the Senate regarding a limitation on the amount of funds appropriated to carry out School-to-Work Opportunities programs.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

AMENDMENT NO. 1434

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 1434.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term.".

Mr. MURKOWSKI. Madam President, I rise today to offer an amendment on behalf of Senator STEVENS and myself to S. 1361, the school-to-work bill.

The amendment would attach S. 1059, which is the Alaskan Native Culture and Arts Development Act to S. 1361.

The Alaska Native Culture and Arts Development Act was introduced by Senator STEVENS and myself on May 28, 1993, and was referred to the Senate Committee on Indian Affairs.

Through the efforts of the chairman and the ranking member, the committee favorably reported the bill on November 17, 1993 and on November 20, 1993 the bill passed the Senate.

The amendment I am offering today amends the Native Hawaiian Culture and Arts Development Act by making the act apply also to Alaska Native arts and culture development as it does for native Hawaiians.

Mr. President, since the early 1980's statewide representatives of Alaska Native organizations have conducted planning efforts to establish a statewide Alaska Native Cultural Center under the auspices of the Alaska Native Heritage Park.

The proposed park's objectives are: To preserve, portray, and transmit Alaska's Native heritage; to educate and foster understanding and appreciation of native arts and culture among Alaska Natives and non-natives; and to promote pride and self-esteem among Alaska Natives.

Delegates to the Alaska Federation of Natives Conventions—representing 90,000 Alaska Natives—have continually adopted resolutions supporting the Alaska Native Heritage Park and creation of an Alaska Native Cultural Center.

Native elders throughout the State have been engaged in planning efforts that will ensure the authenticity of the program's design.

Mr. President, the amendment I am offering today has already passed the Senate. My amendment is noncontroversial and has the support of the Senate Committee on Indian Affairs.

I would like to thank Senator KASSEBAUM and Senator KENNEDY for supporting my amendment and compliment them on their efforts to protect and enhance Alaska's Native heritage.

It is my understanding that this amendment is noncontroversial and has the support of the Senate Committee on Indian Affairs.

I want to thank my colleagues, Senator KASSEBAUM and Senator KENNEDY, the floor managers, for allowing the amendment to come up and accommodating me.

I would ask for its immediate consideration.

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

Madam President, both sides of the aisle have examined this amendment and have no problem with it. Therefore, I would ask at this time that it be appropriate that we vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1434) was agreed to.

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Without objection, the Senate will return to consideration of S. 1150.

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

At 10 o'clock, we will vote on five outstanding amendments to S. 1150, the Goals 2000: Educate America Act. Senator GRASSLEY's amendment, on which we had considerable discussion last Friday, has been modified to reflect an agreement reached by all sides. The other four amendments were debated at length during Friday's session and we will vote on them later.

I hope that upon disposition of these amendments and those related to the school-to-work bill, we can move expeditiously to consideration and disposal of the Levin amendment, which will be controversial.

Final passage on this critical piece of legislation has been delayed long enough. It has been 10 years, by my count, since the report "Nation at Risk" brought the public's attention to the serious state of our Nation's schools.

Today, we will have an opportunity to design and go forward to establish a program to eliminate the serious deficiencies in education. Whether or not it will be a success, we do not know. But I am hopeful that, rather than just pass another bill which will outline all the wonderful things we would like to do, it will turn into a meaningful path to get to where we want to be.

Last week's debate proved that interest in education reform remains high. While we may argue about the best method to achieve reform, there is no debate that reform must occur. Indeed, some of the amendments offered by my colleagues reflect the differences of opinion about how to achieve the goal of school reform. Though not all of the changes were accepted, those amendments included in the final package will improve and strengthen this legislation, and I praise my colleagues for their efforts in so doing.

S. 1150 represents a bipartisan consensus and reinforces the notion that States and towns are responsible for education and restructuring. We have not tampered with that basic American belief. Thanks, in part, to the amendments offered by Senator GREGG, the bill makes clear that the Federal role in education is limited to financial incentives and replication of model programs. The bill also includes regulatory flexibility, grants to schools to prevent violence, and other changes to improve the legislation.

We have a strong bill and something to be proud of. But let us not make this bill a hollow promise. The future of our next generation depends upon the education it receives from our schools. We cannot, in good conscience, codify these goals without providing the adequate resources to achieve them.

I think it is an investment and one that we simply must make. I stand ready to make education a higher priority in the Federal budget than it is now and to provide the resources that will produce the tangible results for our young people. This is what Goals 2000 means to me—the start of real action to improve America's educational system.

Madam President, I want to take a few moments to thank all of the Members and their staffs that made passage of this bill possible.

First, let me thank and commend my colleague, Senator KENNEDY. Passage of this legislation could not have been possible without his leadership. And let me thank his staff, in particular, Ellen Guiney, Clayton Spencer, Matt Alexander, Ron Weich; Senator PELL and his staff, David Evans and Michael Dannenberg; Senator KASSEBAUM, and her staff, Lisa Ross and Wendy Cramer; and I thank my own staff, especially Pamela Devitt and Katie Henry.

Madam President, at this time, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are on the threshold of an important moment for education reform in this Nation. When we pass this bill today, with strong bipartisan support, we will be changing the way that the Federal Government supports the revitalization of local schools in every school district in America.

We will also have ended congressional gridlock on education reform, for not only will we pass Goals 2000, the education reform legislation, the first such legislation that has successfully made it through the Congress since the national goals were set in 1989, but today we will also act on the Safe Schools Act that was put forward by our friend and colleague Senator DODD; the School-to-Work Act, which I will talk more about later and which was really energized by our good friend Senator SIMON and others; and the Office of Education Research and Improvement legislation, which will represent the first time that we have really ensured that this agency will be equipped to do the kind of research that it was initially set up to do, and which is a bill that has been awaiting passage for over 3 years. In a single day, we will lay much of the foundation for lifelong learning in this country.

In passing Goals 2000, we will also have successfully responded to the challenge of Eileen Shakespeare, a dedicated teacher at the Fenway School in Boston, who told me, "If I could ask you to take a single message back to Washington it would be this: Please have a sense of urgency about what we are doing here with students, and help us."

This bill responds to that plea. It is a major step toward meeting the urgent needs of hundreds of thousands of innovative teachers and students and school administrators in every community in America. We are seeding a new and different partnership to support innovative and creative educators in classrooms across the country.

Goals 2000 will establish new standards informing schools about what every student should know in core subjects like English, history, mathematics, and science.

It provides new leadership and a new blueprint for school reform by moving Federal, State, and local governments in the same direction on education.

It increases flexibility for States and school districts by waiving regulations that impede reform.

It emphasizes the importance of quality teaching.

It supports expanded involvement of parents and communities in local school reform.

It assures accountability by emphasizing results and the importance of assessing school and student progress.

It keeps education decisionmaking where it belongs, at the local level, with parents and teachers and local educators.

It will bring lasting improvements to the quality of the work force by promoting the development of occupational standards intended to ensure that workers are the best trained in the world.

Above all, it promotes bottom-up school reform by supporting activities at the local school level. If the Pentagon can conduct a Bottom-Up Review to get its house in order, so can education.

I commend my colleague from Vermont, Senator JEFFORDS, for his impressive leadership on this bill. He has worked skillfully and tirelessly in this bipartisan effort. I thank the chairman of our Education Committee, CLAIBORNE PELL, who, as I mentioned at the opening of the discussion and debate, has had a lifelong commitment to strengthening education, at the elementary and secondary level, as well as at the postsecondary level, including the transition from school to work. I also thank Senator KASSEBAUM, and I thank Senator MITCHELL as well, for moving this legislation so expeditiously at the beginning of this year.

This has been a long and deliberative process. In 3 days we have adopted 50 amendments, 46 by voice vote. We have rejected only one. I think we have made this a better bill but have left its essence intact: A framework for high academic standards, locally developed, and implemented with our support.

I want to thank in particular the members of our staffs that have worked so well on this. My own staff, Ellen Guiney, Clayton Spencer, Matt Alexander, and Ron Weich; David Evans and Michael Dannenberg of Senator PELL's staff; Pam Devitt and Katie Henry of Senator JEFFORDS' staff; Lisa Ross and Wendy Cramer of Senator KASSEBAUM's staff.

Madam President, I will mention briefly again what we really hope will be accomplished with Goals 2000. Effectively, this legislation does eight things.

First of all, it sets into law the six national education goals and a bipartisan National Education Goals Panel to report on progress toward achieving the goals. The goals have been adopted unanimously by the Governors. This legislation writes the goals into law, and it will allow us to assess what progress we are making toward achieving those goals in a way that the country can see and understand.

Second, we will establish a process to certify, through the National Education Standards and Improvement Council, voluntary academic standards in core subjects that are meaningful, challenging, and appropriate for all students.

We will identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards.

We also will approve new assessments that are voluntarily presented to the National Education Standards and Improvement Council, assessments that can accurately measure performance on the new and challenging content standards. So we are establishing world class standards and also creating effective kinds of assessments so that parents and children, teachers, members of the education community, and the entire country, will understand, really for the first time, what progress we are making in education at the elementary and secondary level.

We will establish the National Skills Standards Board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world. We are establishing world class standards for elementary and secondary education, and we are also setting high standards in terms of job skills. Later in the day we will pass the school-to-work legislation which complements Goals 2000.

We will provide resources to help States and local communities initiate their own local reform measures to create innovative schools and to ensure that students reach the standards. We emphasize moving resources down to the local level as soon as possible to ensure that there really is bottom-up reform, with support from the top.

We will increase flexibility for States and school districts by waiving regulations and other requirements that might impede school-based reform. We believe that this will encourage a lot of energy and creativity at the local level. I think most of us who have had the opportunity to talk with teachers and parents will understand the importance of supporting this kind of effort.

We will also create an Office of Technology within the Department of Education, which will give States grants to develop technology plans. We will have follow-up legislation, S. 1040, which will help our neediest schools by giving them grants to provide technology in the classroom, give loans to those school districts which are more affluent, and establish training programs for teachers. We not only need new technologies, but we also need to improve training efforts for teachers, so they can utilize these new technologies to enhance academic achievement for our young people.

Madam President, I think we have a good program here. We are grateful to all of our colleagues for their support and for their efforts and for the consideration which they have given to this legislation.

I know Senator EXON wishes to address the Senate, so I will withhold further comments at this time and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. EXON. May I ask the Chair, are we under controlled time?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Massachusetts controls 11 minutes, the Senator from Vermont controls 11 minutes 53 seconds.

Mr. EXON. I would like 5 minutes to discuss the matter before us and other matters I could take up in that time.

Mr. KENNEDY. I yield 5 minutes.

Mr. EXON. I thank my colleagues and I thank the Chair. Let me start, Madam President, by saluting the Senator from Massachusetts and the Senator from Vermont for this particularly excellent job I think they have done on this piece of legislation, Goals 2000. I will support the legislation. It is not a perfect piece of legislation but seldom do we pass perfect legislation in this body.

I really, firmly believe that education is so important. Through the efforts of these two Senators and their staffs and others we are making an important step in the right direction to improve education in the United States of America while assuring the decisionmaking process is maintained at the local level, with the local school board. I think that particular position cannot be overemphasized.

BOSNIA

Mr. EXON. Madam President, I will now turn to another subject, an overriding international subject that is on the minds of many Americans and many of us in the House and Senate this day. That has to do with Bosnia.

Madam President, I have discussed this matter before. I say again, I hope that we will listen to the advice of our military leadership and never, ever commit American ground troops to be involved unilaterally or as a part of a United Nations effort to restore order there until and unless there is a ceasefire that looks like it has a chance to hold. That is not in the offing as of now.

I will simply say to the President and our other decisionmakers that I hope we will be very careful and very cautious as to what we do and not do. Naturally, with the recent atrocities that happened there—the killing of civilians—there is a tendency to move and move now.

I will simply sum up my position by saying that we should not get further involved there unless and until we think through what the ultimate situation might be. I think it might best be summed up, in my mind at least: Do not go without a workable goal.

Let me repeat that: Do not go without a workable goal.

The superpower of the United States of America cannot and should not be involved as the ultimate policeman of the world. On many occasions, I have said that I am fearful that we are becoming the police force of the United Nations. The United Nations has done a lot of good over there, I think, in many things, and certainly the efforts of the United Nations today have alleviated some of the problems there.

But if we are going to enter into some arrangement with the United Nations and limit that only to selected bombing of gun emplacements of the Serbs around Sarajevo, then I think the word of our military leadership that has been stated over and over again will likely come to pass: It will not be effective.

I simply say in using the phrase "do not go without a workable goal" that we should tell the United Nations, we should tell our allies in NATO that if we are going to be involved in such a situation with them, we have to look beyond as to what will happen if the selected bombing raids do not work, which I suspect they will not for a variety of reasons.

I simply say, Madam President, that unless the United Nations and unless our NATO allies are willing and agreeable to what would happen as the next step if the selected bombing in the combat area does not work, what do we do then, it seems to me that we ought to cross that bridge that has been talked about very little. If the bombing starts there and it does not work, then I think we have a responsibility, in conjunction with the United Nations and our NATO allies, to agree we would talk about bombers and other warmaking potential of the Serbs throughout the former state of Yugoslavia, even to Belgrade itself.

I am talking about warmaking essentials—communications, railroad yards, factories and everything else that has gone into the success of the Serbian aggression and ethnic cleansing, if you will, in that troubled part of the world. I think we should go slow, we should go carefully. Last week, the week before last, I chaired a meeting in the Armed Services Committee with our counterparts in the armed services committees of our NATO allies.

I will sum up by saying I think there was much diversion, discussion, and division among our NATO allies, as there probably is in the United States. Unless we have a clear policy thought through that can have a chance of winning, I say, do not go.

In closing, Madam President, let me say once again I simply warn, while some action might be in order, I suggest that the United States of America not go without a winnable goal. I thank my colleagues for yielding me the time, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Massachusetts.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, I yield myself 4 minutes.

Just to review for the membership exactly where we are, we will commence voting at 10 o'clock and the first vote will be on a school choice amendment by Senator COATS. Our position is in opposition to this. We addressed this issue in 1990. We had a good debate on this at the end of last week. We believe that scarce resources should not be utilized for private schools but should be focused on the public schools of this country. That position is supported overwhelmingly by the American people.

Second, we will have a Grassley amendment to protect the parental role in surveys administered to children. I thank the Senator from Iowa. We support that amendment. We think it strengthens the Gephardt language which exists in current law.

Third will be Senator MACK's amendment on the role of the States. We oppose his position, and we are supported by the Governors, as well as the heads of the State agencies dealing with education. We hope that the Senate will reject this amendment.

Next will be the Helms amendment requiring parental consent for distribution or provision of condoms or other contraceptive devices or drugs or information about contraception. We recommend voting no, and instead we hope that the Senate will support an amendment which Senator JEFFORDS and I have offered restating the law which has been in effect since 1981, which involves parents to the extent possible. So we will vote on the Helms amendment first and then on the amendment which Senator JEFFORDS and I have offered.

Then there will be the Jeffords amendment, which is a sense of the Senate that does not impose unfunded mandates, of which we are in strong support.

Finally, there will be a Gorton amendment to the school-to-work legislation. The Senator from Washington would provide tax credits for the hiring of summer youth. We are in opposition to the Gorton amendment, and there will be a motion to table the amendment. We have tried to work this issue out. There may be changes in the Summer Youth Program, but this amendment would not really provide any kind of accountability, no assurance that at the end of the summer these young people would continue to work. We do not know how decisions would be made as to which companies would be able to get the approval of the young people. So we recommend tabling the Gorton amendment.

We will then move on to the Goals 2000 legislation. We still have pending the final passage of both Goals 2000 and the School-to-Work Program.

There are two or three items left: The Levin school prayer amendment to Goals 2000, and another amendment offered by the Senator from North Carolina relating to that; Senator DOLE's School-to-Work amendment on paying for the program; and Senator COVERDELL's amendment on paying for earthquake relief. We are still in the process of trying to work these out. I am hopeful we will be able to do so.

Again, I thank all of the Members for their attention. As I mentioned earlier, we worked out a great majority of the amendments, and we are thankful to all of our colleagues. We are hopeful that we will be able to conclude consideration of both of these measures today. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

STATE GOVERNANCE OF SCHOOL-TO-WORK PROGRAMS

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

Madam President, I rise to express my concern about a change in the provisions for State governance which was made in the substitute amendment to the committee bill. Specifically, the committee provided that the Governor of each State would apply for these grants, with the provision that plans for implementing a statewide school-to-work system would have to include evidence of support of the agencies and officials responsible for the different programs affected by the plan and their agreement with the plan. That provision is dropped in the substitute we are considering here, and I am concerned about what that means for assuring the commitment of State and local education agencies and resources which must be linked with Federal funds to provide effective programs. The committee bill included the provisions so that there was clear agreement by the education authorities presented to the Secretaries in considering the application and grant approval.

We must be certain there are affirmative agreements from education authorities to make this program work. In many States, Governors do not have the authority to commit certain education resources or agree to provisions for education standards, certification, or quality controls assigned to chief State school officers and or State boards of education. In addition, there are provisions in the bill for waiver requests under Federal laws, such as chapter 1 and Perkins vocational training, which are under the authority of education agencies.

New systems for school-to-work transition are not going to work without the explicit agreement of the State education officials for those parts of the plan that involve their programs. We must be certain this Federal law does not override States rights in the governance of education.

Mr. KENNEDY. Madam President, I appreciate my colleague's concern here. As he knows, we have in the committee bill and the substitute amendment a provision that says, "Nothing in this Act shall be construed to supersede the legal authority of any State agency or official over programs that are under the jurisdiction of the agency or official." We strengthened that provision in the substitute amendment to assure that all the responsibilities recognized in Federal law and granted in State law are respected. The House version of the bill contains the same provisions.

We also provided in the committee bill and the substitute that in approving these plans, the Secretaries of Labor and Education would give priority to applications that demonstrate the highest levels of collaboration among the various State agencies and officials in planning and implementing these systems. We strengthened the provision in the substitute amendment by including concurrence of these officials in that priority.

Mr. JEFFORDS. It is reassuring to know there are provisions to recognize State statutes and avoid unintentionally changing the responsibilities education agencies have under other Federal laws. However, we need more than a priority for concurrence among these officials and the Governor in the review of applications. That does not prohibit the Secretaries from approving grants to States where concurrence is not evident. Concurrence and explicit agreement, stated in the State plan, must be a condition for the Secretaries' approval. Without explicit statements of agreement, the Federal departments are in the business of judging the degree of agreement at the State level, and does not assure that the various education agencies and officials responsible for the programs affected by the plan are on board. There need to be something up from in the plan itself to show this agreement.

Mr. KENNEDY. I understand the Senator's concern and assure him this will be an issue we will address in conference with the House. Madam President, as you know, the House bill has provisions for education officials and agencies to approve the parts of the plan over which they have jurisdiction. We all know we are going to have to work out something that assures there is the broadest feasible agreement among all the responsible agencies and officials with the plan.

Mr. JEFFORDS. I thank the chairman. I appreciate his willingness to work with me on this. The provisions for planning and administration of these school-to-work systems at the State levels must reflect the kind of collaboration and explicit agreement that is demonstrated in this bill between the Federal Departments of Labor and Education. That is key to the success of this initiative across the States.

Madam President, I would like to make a few additional comments, as I see no other Members on my side of the aisle present at this time. I would like to say, again, that this is a critically important bill, the importance of which we cannot overestimate. I want to give some reasons as to why that is the case. Let me run through first some of the goals that we have established and where we are.

With respect to the first goal—by the year 2000 all children will start school ready to learn—we find that there are many, many children who are not in that capacity at this point. We have, for instance, only a small percentage of our young children attending preschool, especially with respect to the economically underprivileged.

For instance, in 1991, only 37 percent of 2-year-olds had been fully immunized.

Less than half of all 3- to 5-year-olds from families with incomes less than $30,000 were enrolled in preschool.

Fully 70 percent of the children eligible for Head Start go unserved.

Goal 2 can be a little misleading. It says by the year 2000 the high school graduation rate will increase to at least 90 percent. You will find there are records that, at least by the age of 24, 88 percent do get a high school diploma. But if you take a look at how they rate, relative to the skills and knowledge they should have under goal 3, you will find that we are really in bad shape.

Some of the facts there: Less than 50 percent of those who graduate from high school now have the basic skills necessary to be able to meet the goals that are in the bill, goal 3 in particular.

Also, as far as goal 3 is concerned, we have a long way to go before we are going to reach the standards which are necessary in order to meet what has to be done for this Nation.

In goal 4, for instance, by the year 2000 our students are supposed to be first in math and science, and yet in recent tests of 13-year-olds in 11 of the industrialized nations, we were last in math and next to last in science.

We also have a real problem with respect to those who are going on now to get their doctorates. More and more of our doctorate degrees are given to people from out of this country. That used to be good when they stayed in this country to aid us, but now almost all of them are leaving. For instance, 50 percent of those who get doctorate degrees in mathematics are from out of this country; 44 percent computer science and 50 percent in engineering are not members of this country, because we do not have a sufficient number applying for those schools.

Goal 5 is another one where we are really in bad trouble: By the year 2000, every adult American will be literate. The evidence is that we have anywhere from 30 to 80 million functionally illiterate people in this country, incapable of meeting the skills necessary for jobs, even the simplest employment in most cases. By the year 2000 we are supposed to have them all literate. It is a goal which will be incredibly difficult to meet.

I wish to say that we have a long way to go, but let me also, before I end, talk a little bit about the cost of not meeting those goals.

The total cost right now to our country by the failure to have an adequate educational system totals close to half a trillion dollars. One-half of a trillion dollars is lost in our GNP because of our present problems with education.

Let me summarize some of those areas.

Madam President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Vermont controls 6 minutes.

Mr. JEFFORDS. I yield myself 4 minutes.

Lost productivity: $225 billion a year. These are all from studies which have been done by experts to determine the cost of our educational system in its present state.

One is probably the most interesting in the sense of defining what we have to do to correct our problems. The cost of on-the-job remedial training and education to our industry is $200 billion a year. In other words, our industries have to spend $200 billion a year to make up for the deficiencies in our school system training.

Welfare costs: Health and Human Services, Housing and Urban Affairs, Department of Education, and the Department of Labor spent over $208 billion, while States spent another $82 billion on means tested entitlement programs collectively referred to as welfare. The programs consist of trying to make up for the deprivation of education to a large extent. Improved education there will save much of that money.

For instance, in a book by David Kearns and Denis Doyle, "Winning the Brain Race," it was indicated that early intervention with the Head Start Program could have a major impact to improve the prospects of young children, and yet we only serve 30 percent of those who are eligible.

The cost of drugs, another area which is greatly related to the educational system, $238 billion. The Institute of Health Policy at Brandeis came up with these figures. That is what is lost to our economy by people not having choices perhaps other than use of drugs.

Crime and incarceration: $43 billion a year. If you look at the record, 82 percent of those who are in prison now are school dropouts.

I could go on and on.

Another area is unemployment. The figures show that a substantial number, a very large percentage of those unemployed are those who are school dropouts.

Health care: Another $141 billion is estimated to be lost by the lack of adequate education; 15 percent of the population is not covered by health insurance. Those people are primarily working poor and would be helped by increased educational opportunities. That is from the Health and Human Services Census Bureau.

My point is, yes, we have serious problems but, more importantly, if you look at it from the future of the country, if we do not correct them, then we will continue to lose the economic growth that would be created by an adequate education system. The choice is ours.

I am confident that we will pass the goals, but the question that will remain is, will we have the dedication to change the priorities of this Nation in order to provide the resources necessary to have a chance of meeting those goals. We will pursue that later on, but today let us set the goals.

Madam President, I yield to the Senator from Kansas such time as she may consume.

Mrs. KASSEBAUM. Madam President, I ask if I may have 2 minutes.

Mr. JEFFORDS. That is fine. The Senator is yielded 2 minutes and, if the Senator needs more, let me know.

Mrs. KASSEBAUM. I thank the Senator.

Madam President, I wish to express my appreciation for the stewardship and leadership that the Senator from Vermont [Mr. JEFFORDS] has given to educational issues. He was dedicated to this issue when he was in the House. He has continued that dedication in the Senate and has managed, of course, the Goals 2000 legislation for the Republican side of the aisle.

As has been stated over and over, Madam President, this is legislation which addresses education from the bottom up. It reinforces support for local control. It reinforces the importance of the school boards. It reinforces the need to work from the local level and encourages States to be participants in the partnership. It has the strong support of the National Governors Association. It is not a mandatory bill. It is a bill that addresses the importance of education with the interests of students, parents, and teachers at the heart of it.

It is for these reasons I am supporting this bill, and I wish to express appreciation to all staff and Senators who have been very involved in addressing the issue in this Chamber.

I thank the Chair.

AMENDMENT NO. 1386

Mr. BRADLEY. Madam President, I rise in support of the low-income school choice demonstration amendment. Choice may not be the panacea for all our Nation's education ills, but we cannot afford not to take an honest look at whether more options would help kids who today are trapped in the worst schools in our poorest areas.

When we first took up this amendment 2 years ago, I thought about the schools and the families in the most desperate and impoverished areas of New Jersey, such as the cities of Paterson, Jersey City, and Newark. I asked people then, and I have asked them more recently, are those school systems better or worse than they were 15 years ago, when I came to the U.S. Senate? Worse, I was told, and my own eyes confirm that sad fact. There are schools where crime, disorder, and drugs so dominate the daily lesson plan that there is hardly time to begin dealing with real learning.

For 15 years, while we have stood here debating what to do with the public schools, we have lost a generation. To save the next generation, we need to try anything that might work. We need to try anything that gives families that want their kids to learn and grow an immediate option, a way out. We need to be imaginative about using resources for education that are already there and can make an immediate difference. I strongly support Goals 2000, and share the commitment to systemic reform in our public schools. I have seen such reform begin to make a difference in Camden, Trenton, and other cities that have begun to change their own expectations of what students and teachers can achieve. I support full funding for every public program that works for kids, Head Start and Chapter 1. But real change may take time. Kids do not have time. If there is something out there that might work, we cannot wait to find out.

There is a resource in our cities that gives families a way to see that their kids get a basic, disciplined education in this sort of environment. I think of schools like St. Benedict's in Newark or St. Bartholomew in Camden. They happen to be private; these two happen to be operated by Catholic dioceses. But they have been serving the public at modest cost. Most of the students are non-Catholic; most are black or Hispanic.

That option is rapidly disappearing for many families. More than 25 urban Catholic schools closed their doors in New Jersey, not because they did not want to educate poor kids, but because they could no longer afford to. Across the Nation, there are 300 fewer urban parochial schools than there were 10 years ago. Enrollment in the 10 largest cities declined by 200,000 kids in the last 10 years; in Newark, 20,000 fewer students are served, largely because the schools are in trouble.

When a school that works shuts its doors, especially in an area where most schools do not work, it is a tragedy whether that school is public or private. An opportunity is lost to thousands of families and their kids. Nothing we do here with a few hundred million dollars for systemic reform can make up for the loss of hundreds of schools that work. If there is a way to keep good schools that serve the broadest public purposes alive, we should try it. If there is a way to encourage new schools to emerge to serve public purposes, we should try it. This amendment will help us find out if we can open schools to students who deserve better options.

If this amendment were much different than it is, I would not be able to support it. I would not support the demonstration program were it not targeted to the families that most need help—those eligible for subsidized school lunches—in the most troubled areas. I am skeptical of voucher proposals that might subsidize the few who can already afford private schooling, but this demonstration will pay for the full cost of attendance at any participating school, so that it will create realistic options. The certificates will cover transportation costs, again making the option more realistic than in other voucher proposals. The funding will be new money and will not cut into our other investments in education. The amendment includes language that I suggested 2 years ago to absolutely guarantee that none of the funds provided through this program go to schools that discriminate on the basis of race. Above all, this amendment asks a great deal of all the schools that might participate. It insists that those schools serve, or continue to serve, a public purpose.

I view this amendment as a real demonstration: It might work, it might not. Advocates of choice have put a lot on the line with this proposal. If it does not work, we will know it, and we will never again hear choice described as the sure cure for American education. If it does work, we will learn more about how to improve all schools. We will learn whether empowering parents with good choices gets them constructively involved with their kids' educations. We will learn whether schools that now succeed at educating students whose families can pay for their education can remain successful servicing more students from poorer backgrounds and with troubled home lives. Above all, we will find out whether a school choice demonstration project improves results across the board, for all students in all the public and private schools participating.

I do not know whether these choice demonstrations will improve results, whether students will do better at math and science, come out better prepared for college or the work force. I do know that at a time of crisis, we have to take risks. We have to find out what might work, before we lose another generation. I support the amendment.

Mr. MITCHELL. Madam President, there will now occur a series of votes, at least seven in number. It is, I think sensible that we limit the length of time for all of the votes after the first one. Therefore, I now ask unanimous consent that all votes after the first vote be for 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JEFFORDS. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. So, Madam President, Senators should be aware that the first vote, which will occur shortly, will be the usual time limit, and then votes thereafter will be for 10 minutes. Senators are encouraged to remain in the Chamber to cast those votes. Further, it is their responsibility to see that the clerk has recorded their vote, and I encourage them not to leave so as not to miss votes during this sequence.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. KENNEDY. Madam President, do I have 20 seconds remaining?

The ACTING PRESIDENT pro tempore. All time has expired.

VOTE ON AMENDMENT NO. 1386

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the question is on agreeing to the amendment of the Senator from Indiana [Mr. COATS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—41

Bennett
Bond
Bradley
Brown
Byrd
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bryan
Bumpers
Burns
Campbell
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the amendment (No. 1386) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1388, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 1388 offered by the Senator from Iowa [Mr. GRASSLEY]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—0

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the amendment (No. 1388), as modified, was agreed to.

VOTE ON AMENDMENT NO. 1389

The PRESIDING OFFICER. The question occurs now on amendment No. 1389 offered by the Senator from Florida [Mr. MACK]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 61, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—32

Brown
Burns
Coats
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gorton
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Smith
Stevens
Thurmond
Wallop

NAYS—61

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Cochran
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Simon
Simpson
Specter
Warner
Wellstone
Wofford

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the amendment (No. 1389) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1390

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1390, offered by the Senator from

North Carolina [Mr. HELMS]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 59, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—34

Bennett
Brown
Burns
Byrd
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Exon
Faircloth
Ford
Grassley
Hatch
Heflin
Helms
Kassebaum
Kempthorne
Lott
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Sasser
Shelby
Smith
Thurmond
Wallop

NAYS—59

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bryan
Bumpers
Campbell
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wofford

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the amendment (No. 1390) was rejected.

VOTE ON AMENDMENT NO. 1393

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 1393 offered by the Senator from Massachusetts [Mr. KENNEDY].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—91

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—2

Faircloth
Wallop

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So, the amendment (No. 1393) was agreed to.

VOTE ON AMENDMENT NO. 1420

The PRESIDING OFFICER. The question occurs on amendment No. 1420 offered by the Senator from Vermont [Mr. JEFFORDS].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the amendment (No. 1420) was agreed to.

SCHOOL-TO-WORK OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1361.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 1 minute in terms of the order of votes, if there is no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Massachusetts?

Without objection, it is so ordered.

The Senator is recognized for 1 minute.

Mr. KENNEDY. Mr. President, for the information of the Members, we will vote on this amendment now. There are two, the Coverdell and Dole amendments, that I understand have been worked out. They will be accepted by unanimous consent unless there is objection to them. Right after this vote, we will go to those, and they will be accepted without objection, and then we will have the final passage vote on the School-to-Work Program.

So we will have final passage right after this, with intervening action by Senator KASSEBAUM to ask the Chair to put forward the Dole and Coverdell amendments, which have been worked out.

I thank the Chair.

VOTE ON AMENDMENT NO. 1429

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table amendment No. 1429 offered by the Senator from Washington [Mr. GORTON].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—50

Akaka
Baucus
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—43

Bennett
Biden
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the motion to table the amendment (No. 1429) was agreed to.

AMENDMENT NO. 1433, AS MODIFIED

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, there are now only two pending amendments to the school-to-work bill and there is one amendment that was adopted yesterday that needs to be modified.

I understand Senator DOLE is willing to modify his amendment.

The PRESIDING OFFICER. The Chair will remind the Senator the pending amendment currently is amendment No. 1433, offered by the Senator from Kansas, Senator KASSEBAUM, for Senators DOLE and NICKLES.

Mrs. KASSEBAUM. Mr. President, at this time I ask unanimous consent to modify the Dole-Nickles amendment, No. 1433, and send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1433), as modified, is as follows:

> At the appropriate place in title V, insert the following:
>
> **SEC. . SENSE OF THE SENATE.**
>
> It is the sense of the Senate that the Congress should fund programs under this Act, for fiscal years 1996 through 2002, predominately from the savings resulting from efforts of the Department of Labor, the Department of Education, and other Federal agencies, to eliminate, consolidate, or streamline, duplicative or ineffective education or job training programs in existence on the date of enactment of this Act.

The PRESIDING OFFICER. Is there further debate on amendment No. 1433, as modified?

The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, as modified, the amendment is acceptable. It expresses the sense of the Senate that the school-to-work initiative should be funded predominantly from streamlining existing programs. This is reflected in the President's fiscal year 1995 budget. So I hope it will be agreed to.

Mr. DOLE. Mr. President, as we head into the 21st century, America must be prepared to meet the challenges of a world that is becoming increasingly more competitive. Few can dispute the importance of a highly skilled and well-trained work force to America's competitive position and to her economic security.

Now, the stated goal of the school-to-work bill is a laudable one: To help ease the transition from high school to the workplace. Far too many of our young people are not adequately equipped with the skills necessary to be effective workers. American productivity suffers as a result.

Over the years, the Federal Government has pumped billions upon billions of dollars into job training: The Department of Education runs 59 separate programs at a total annual cost of more than $13 billion. The Department of Labor has 34 programs carrying a yearly price tag of $7 billion. Even the Interior Department has gotten into the act, running two separate job-training programs with an annual cost of more than $22 million. According to the General Accounting Office, the Federal Government spends nearly $25 billion each year on 154 separate job training and education programs. That's a lot of money, and a lot of programs—even by Washington standards.

The school-to-work bill continues this spending pattern by authorizing hundreds of millions of dollars in additional funds over the next 5 years.

I agree with the other concerns raised yesterday by my distinguished colleague from Kansas, Senator KASSEBAUM—that the School-to-Work Program lacks the flexibility necessary to successfully integrate existing job-training programs; that the priority given to "paid-work experience" is a disincentive to business involvement and could have the unintended consequences of reducing opportunities for our young people; and, most importantly, that school-to-work is nothing more and nothing less than another stand-alone job-training program.

Before spending more money on job-training program No. 155, we ought to first have a full accounting of the 154 other Federal programs that are already up and running: Which programs work, and which ones don't work? Which programs can be made more effective through consolidation or streamlining, and which ones should be eliminated altogether?

These concerns are real: For example, the Wall Street Journal reported that the Education Department's Vocational Lending Program made loans to train 81,600 cosmetology students, even though the job market is creating slots for just 17,000 new cosmetologists. This is the sort of ill-conceived and wasteful spending that gives Government a bad name.

To his credit, Secretary of Labor Robert Reich has himself recognized that pouring more money into the job-training hodgepodge doesn't serve anyone—except perhaps the Government bureaucrats. As he recently pointed out in a speech before the Center for National Policy: "Investing scarce resources in programs that don't deliver cheats workers who require results and taxpayers who finance failure." Secretary Reich then outlined his philosophy on job-training:

> Where a program works and meets a real need, we'll make it happen. Where it doesn't we'll eliminate it. And where it's broken, we'll fix it. Build on what's working, get rid of what's not.

I agree. And that's why I joined yesterday with my distinguished colleague from Oklahoma, Senator NICKLES, in offering an amendment that would put the Senate on record as supporting what works, and opposing what doesn't work.

Our amendment is straightforward: It expresses the sense of the Senate that, in fiscal years 1996 through 2002, the School-to-Work Program should be funded predominantly from savings resulting from efforts to eliminate, consolidate, or streamline existing education and job training programs that are either duplicative or ineffective.

In other words, I am willing to give Secretary Reich's philosophy a fighting chance: Let's consolidate, streamline, and eliminate those programs that don't work before throwing more money into another high-dollar Federal program. Indeed, if the Department of Labor and the other Federal agencies do their job and identify those programs that deserve to be streamlined or eliminated, there should be plenty of funds left over to finance the new School-to-Work Program.

In the $25 billion Federal job-training hodgepodge, we should be able to find at least $300 million in annual savings.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1433), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts, [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I understand the Senator from Georgia is willing to withdraw his amendment?

AMENDMENT NO. 1432 WITHDRAWN

Mrs. KASSEBAUM. Mr. President, on behalf of Senator COVERDELL I would like to withdraw amendment No. 1432.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 1432, previously offered by the Senator from Georgia, is withdrawn.

The amendment (No. 1432) was withdrawn.

AMENDMENT NO. 1424, AS MODIFIED

Mr. KENNEDY. Mr. President, I understand the Senator from Kansas wishes to modify an amendment which she successfully offered yesterday.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to modify amendment No. 1424. This is my own amendment. This is a technical correction which has been agreed to on both sides.

The PRESIDING OFFICER. Is there objection to the request on modification?

Without objection the modification is agreed to.

The amendment (No. 1424), as modified, is as follows:

Insert after section 504 the following new section:

SEC. 504A. COMBINATION OF FEDERAL FUNDS BY STATES.

(a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with State school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a State that receives assistance under title II may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this Act, and

(B) other Federal funds made available from among programs under—

(i) Carl D. Perkins Vocational and Applied Technology Act, section 201; and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(b) USE OF FUNDS.—A State may use the State portion of the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in section 502(c), and section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State seeking to combine funds under subsection (a) shall include in the application of the State under title II—

(1) a description of the funds the State proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) evidence of support for the waiver requests by the State agencies officials with jurisdiction over the funds that would be combined;

(5) a State's authority to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that such authority would further the purpose of this Act; and

(6) such other information as the Secretaries may require.

In section 510, in the section heading, strike "**SEC. 510.**" and insert "**SEC. 511.**".

In section 509, in the section heading, strike "**SEC. 509.**" and insert "**SEC. 510.**".

In section 508, in the section heading, strike "**SEC. 508.**" and insert "**SEC. 509.**".

In section 507, in the section heading, strike "**SEC. 507.**" and insert "**SEC. 508.**".

In section 506, in the section heading, strike "**SEC. 506.**" and insert "**SEC. 507.**".

In section 505, in the section heading, strike "**SEC. 505.**" and insert "**SEC. 506.**".

In section 504A, in the section heading, strike "**SEC. 504A.**" and insert "**SEC. 505.**".

In section 303(a)(1), strike "507(b)" and insert "508(b)".

In section 401(a), strike "507(c)" and insert "508(c)".

In section 401(b), strike "507(c)" and insert "508(c)".

In section 402(a), strike "507(c)" and insert "508(c)".

In section 402(b), strike "507(c)" and insert "508(c)".

In section 402(d), strike "507(c)" and insert "508(c)".

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

Mr. PRESIDING OFFICER. The Chair will inquire of the Senator if he is requesting the yeas and nays on the underlying House bill?

Mr. KENNEDY. The Chair is correct, on the House bill, the school-to-work bill.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

Mr. HATCH. Mr. President, earlier today I voted against S. 1361, the School-to-Work Opportunities Act. I did so reluctantly, Mr. President, as I have been a long-time supporter and promoter of job training. I also cast my vote understanding that this bill would almost certainly become law, notwithstanding my concerns.

Those concerns, Mr. President, were not with the laudable and legitimate needs that this legislation sought to address. My concerns deal with the fact that we already have 154 separate job training programs on the books that cost Federal taxpayers nearly $25 billion a year.

There is currently a maze of Federal and State job training efforts that is in desperate need of reform. Notably, in that section of this bill that outlines the requisite content of the plan that States must file, S. 1361 states that such State plans must, among many things, "describe the manner in which the school-to-work opportunities system will coordinate with or integrate local school-to-work programs, including programs financed from State and private sources, with funds available from such related Federal programs under the Adult Education Act, the Carl Perkins Vocational and Applied Technology Education Act, the Elementary and Secondary Education Act, the Higher Education Act, part F of title IV of the Social Security Act, the Goals 2000, the National Skills Standards Act, the Individuals With Disabilities Act, the Job Training Partnership Act, the Act of 1937—commonly known as the National Apprenticeship Act—the Rehabilitation Act of 1973, and the National and Community Service Act of 1990."

To the States I say: Good luck.

As Senator KASSEBAUM has observed, this bill "creates a whole new program to loop together another set of programs and relies on an elaborate set of waiver provisions to try to make it all work." The price tag is $300 million per year.

Mr. President, I favor program coordination. I think the left hand ought to know what the right hand is doing. I might add that President Bush proposed legislation that would consolidate several Federal job training and vocational education efforts into one program with one set of rules and regulations, one application form, and one funding stream. I do not recall that this plan even got the benefit of a hearing.

Today, Mr. President, instead of exercising some leadership—instead of making Federal programs more efficient and more workable—we are taking the coward's way out and making the States come up with a plan for coordination. We are making the States do what we ought to be doing—streamlining Federal bureaucracies.

As I said, Mr. President, I sincerely appreciate the goal that is implicit in this bill. I cannot support the additional burden placed on States; I cannot support creation of yet another Federal apparatus for job training; and I cannot support authorizing $300 million in new money for this purpose when there are 154 other job training programs already in existence that could no doubt serve more people with more money.

Mr. President, in these times of limited resources it is incumbent upon us to simply stop piling new and duplicative programs onto existing ones. In this case, we missed that opportunity.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 1361, the School-to-Work Opportunities Act. I am a cosponsor of this legislation and am pleased that the Senate is poised to pass it.

Mr. President, our modern economy is rapidly changing. Today's American worker must compete against workers all over the world as well as embrace modern technology in the workplace.

Despite these changes, our educational system is primarily focused on a traditional career path. We have several programs for students who go onto college. However, 75 percent of all high school graduates do not complete an undergraduate degree and 50 percent never take a post high-school class.

We need to equip these millions of non-college-bound students with basic academic and occupational skills necessary in an increasingly complex labor market. In the 1980's, the earnings gap between high school and college graduates doubled. At the same time, employers have expressed increasing frustration with the quality of job skills possessed by high school graduates.

These trends tell us that we need to develop a new system to educate and train those who do not go on to college. We must prepare them for the competitive workplace of the 21st century. This is what the School-to-Work Opportunities Act seeks to do—to provide educational and job training opportunity for those who are left out of our current system.

The school-to-work bill provides funding to States to plan and develop school-to-work systems. This is critical because the current apprenticeship, job training, and job counseling system is fractured in each State. Each State plan must describe how the State will integrate private business and the educational system into a school-to-work plan. Once the State plan is completed, a State may receive an implementation grant to provide funding to local partnerships and school-to-work programs to help educate, train, and place young people into high skilled occupations. This bill also allows States to seek waivers from other Federal education and labor programs if they will help them better establish a coordinated school-to-work system.

Mr. President, the young people of our country are our future. In the past, we have focused on the college bound students while leaving high school graduates with no career education and training. This bill will address this serious failure so that all of our young people can enter the job market with skills that permit them to make a productive contribution to our economy. It will also please the business community that will benefit from a better skilled work force. It is no surprise that this legislation is supported by the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce as well as organized labor.

I urge my colleagues to support this legislation.

Mr. COATS. Mr. President, school-to-work transition is a concept that I strongly endorse. Many of our youth, as we have previously heard, will not go to college, and many who do go to college will not earn a degree. We need to provide meaningful opportunities for these students—and we need to provide them as early as possible.

Not only do I support school-to-work as a theory, but I support many of the principles embodies in the legislation before us. Collaboration, public/private partnerships, mentorship—these are all important concepts, and crucial for an effective program.

Unfortunately, the positive aspects of S. 1361 do not outweigh, in my mind, the problems with this proposal.

First, I am concerned that this is yet another categorical program. According to the Government Accounting Office, we are presently funding over 150 job training programs at an estimated cost of $20 billion. The school-to-work bill adds another job training proposal to this already costly mix. And perhaps more important is the fact that it duplicates efforts already authorized to be provided to this same group—kids not bound for college.

As a matter of fact, the State of Indiana, as well as 23 other States, has already received grants for the development of school-to-work programs. Some might ask how this was possible since S. 1361 has not yet been enacted. Using existing authority under JTPA and the Carl Perkins Act, the Departments of Labor and Education have provided funds to States for the Development of school-to-work initiatives. So we see that school-to-work initiatives are not only possible, but are already being supported by Federal funds, so why is this bill needed?

Second, I am concerned by the requirement that students who participate in this program be paid for their training. Aside from questioning the appropriateness of paying people for training, I am concerned that this requirement will significantly limit the opportunities for valuable work experiences. This is particularly true for small businesses, which are the life blood of our economy.

Finally, I feel strongly that States should be afforded maximum flexibility in designing both the program and the work opportunities that would be available. As currently drafted, S. 1361 is prescriptive and would significantly tie the hands of the States, employers, and schools participating in this initiative. I think we have seen time and time again that Washington's one-size-fits-all solutions don't work. Let's let people with hands on experience design programs that will really help those in need.

Mr. President, the concept of school-to-work transition is an important one, and that deserves our close attention. However, it is a job training proposal, and as such I think it would have been more appropriate to have considered in conjunction with the other job training programs.

We have made a great deal of progress on this legislation over the course of the past few days, and have included some very important amendments. I strongly support these changes and the concept of school-to-work, however, at this time I am unable to support this legislation. We still have a ways to go, and I would have preferred that this be considered in a broader context, but will re-examine the legislation when it emerges from conference.

Mrs. MURRAY. Mr. President, I am pleased to speak today in favor of Senate bill 1361, the School-to-Work Opportunities Act.

With this bill, we continue to build upon a theme introduced by President Clinton in last year's budget process—investing in our future. By immunizing our children and fully funding important programs such as Head Start, WIC, Goals 2000, and school-to-work, we are investing in our children, and in the America of tomorrow.

As we focus on planning, and preparing our children for the future, we are challenged to make adjustments. We cannot afford to operate on old assumptions—assumptions that are no longer relevant today.

We must recognize that approximately half of our Nation's young people do not go on to college; 75 percent do not earn a bachelor's degree. Many of these young people do not possess the basic academic and occupational skills necessary for the changing workplace, or for further education. Many cannot find stable, career-track jobs for a good 5 to 10 years after graduating from high school.

Whether the family-wage jobs of the future will require a college degree, they no doubt will require professional or technical training. We must prepare our children throughout the Nation for both. The school-to-work bill will help young people link what they are learning in school to the workplace. It will also prepare them for 4-year college.

Our schools have a stake in preparing students for tomorrow's work force. They must help educate and train our children today for the jobs of tomorrow.

My home State of Washington has made major strides toward developing high school coursework that is relevant for students, and clearly applicable to the real world. Four model high schools in Bethel, Central Valley, Camas, and Grand Coulee are beginning their third year of comprehensive restructuring efforts.

In addition, last year the Washington Legislature enacted the School-to-Work Transitions Program. This program provides funding for model high school transition projects in 33 school districts in the State. The emphasis is on providing high school students with a choice of educational pathways. These pathways are based on the student's career interest area—and they integrate academic, vocational, and technical education into a single curriculum.

In the Washington program, priority is given to high schools that work with middle and junior high schools to improve students' career awareness. In addition, the program requires that partnerships be formed with employers and employees to give students work-based learning experiences as well.

Mr. President, I support the emphasis on collaboration in the Washington program, and in the bill before us. Encouraging government, educational institutions, employers, labor, students, parents, and community-based organizations to work together is crucial.

In addition, we must work diligently to identify the growth sectors of our economy, and the education and skills that will be needed by the work force in these sectors. As part of this effort, I am holding a futures forum in my home State of Washington during the spring work period.

I am bringing together experts from a variety of disciplines and communities in the State—experts in business, labor representatives, educators, academics, and government leaders—to discuss what Washington's economy and work force will look like in the next 10 to 20 years. We will focus on the prospects for growth in a variety of sectors of the economy. And, we will discuss the education and skills that will be needed by the work force in State.

We will also discuss how to give our children the education and skills they will need to participate in the work force of the future. This will be the first in a series of forums, and I look forward to hearing from those who work on this challenge on a daily basis.

Finally, I want to mention the use of Federal funds as seed money to stimulate State and local creativity in establishing statewide school-to-work programs. This approach is far superior to creating yet another large Federal employment and training program. This way we are encouraging States to expand upon existing programs such as tech prep education, cooperative education, youth apprenticeship, school-sponsored enterprises, and existing school-to-work programs—like the one we have in Washington State.

Mr. President, this is a very important bill for our Nation's children today, and for our economy tomorrow. I urge my colleagues to support this bill.

Mr. HATFIELD. Mr. President, America's economic future is at risk. For years, I have been deeply concerned that the United States is addressing the requirements of its work force in the wrong way and this is posing a tremendous threat to our ability to compete in the emerging global economy.

Under our current "Tayloristic" system, we have become so overdependent on a small cadre of decisionmakers and managers that our ability to increase our quality and variety of products, processes, and services is diminishing. Therefore, our capacity to adapt to new consumer needs in this global economy and sustain a high standard of living has suffered. If we continue to ignore our frontline workers' abilities, I believe that our folly ultimately will relegate us to second class status in the global marketplace.

According to the Commission on the Skills of the American Workforce: "The world is prepared to pay high prices and high wages for quality, variety, and responsiveness to changing consumer tastes." If the United States is to continue as the world's economic leader, we must develop the best educated and best trained work force in the world in order to command those high prices and afford those high wages.

American employers are realizing that they must insist on having workers who are able to adapt to changing conditions not only by learning new skills but also by changing their roles in the workplace. They must be capable of solving problems, and they must be encouraged to do so by working in teams and by helping forward-thinking management meet its responsibilities. Although the legislation before us today does not address the needs of our current work force, it will, however, help our competitiveness in the future by assisting States to prepare our youth for the critical transition from school to work.

Currently, American high schools direct most of their attention toward preparing students for college. However, of those who enter college, only about 15 percent go on to graduate and then obtain a 4-year college degree within 6 years of high school graduation. Yet we continue to allow our educational system to essentially ignore the needs of the remaining 85 percent. We abandon them to muddle between different educational and employment opportunities. Furthermore, about 30 percent of youth aged 16 to 24 lack the necessary skills for entry-level employment. This problem becomes shockingly vivid when one sees that 50 percent of adults in their late twenties have not found a steady job.

Mr. President, it is time for us to change the way we think and virtually revolutionize the way we address the current educational system for those who will never enter our colleges and universities. We must help students understand why they are learning the particular subject matter so that they think more about applied academics and connect education to the world of work. We must help them make a successful transition from school to work.

In 1991, Oregon made a striking break with traditional American education with the passage of Oregon Education Act for the 21st century. Among other things, it established certificates of initial mastery and advanced mastery as new high-performance standards for all students and has created new partnerships among business, labor, and the educational community to develop academic and professional technical standards.

Once basic mastery is demonstrated, and no one advances until fundamental skills are absorbed—students will select a broad career area to provide the context for further study. This prepares them for postsecondary education or further skills training for family-wage jobs. Work-based learning opportunities will be provided to interested students so that necessary skills and competencies can be learned in the work environment as well as in the classroom. This is vital, it drives home to students the interrelationship between education and work.

Our school reform strategy recognizes the interdependence between places of learning and places of work. In fact, several high schools like Sprague, Roosevelt, and David-Douglas have made this connection. Education and work force reform movements also recognize that to improve the performance of students and the productivity of workers requires new partnerships among business, labor, education, and government. Understandably, Oregon has received national recognition for focusing on the critical school-to-work transition.

The legislation before us today will provide seed money to help States develop comprehensive plans that includes work-based and school-based learning programs. Most systems will involve a year of postsecondary education and will lead to a high school diploma, a certificate or diploma from a postsecondary institution, and an occupational skill certificate certifying mastery of specific occupational skills. Second, it will provide the States with 5-year implementation grants to help operate these systems.

Mr. President, many of the problems facing our noncollege bound students need to be addressed at the State and local levels. Nevertheless, this is also a national problem because our economic competitiveness depends on our willingness to help them meet our future work-force demands.

If we are to affect lasting change for future generations—if that change is to keep pace with the changing global marketplace—then we must engage schools, businesses, and government at all levels to prepare tomorrow's workers for our future. Passage of this legislation today will encourage our States to creatively meet the needs of our noncollege bound student population. The needs of these students have been ignored for far too long and it is my pleasure to be an original cosponsor of this bill.

Mr. GRASSLEY. Mr. President, I rise today to address the issue of school to work. I share many of the sentiments that have already been expressed by my colleagues. Today, students who do not pursue a college degree, face great challenges in finding a job which is personally and financially rewarding. The issue before us is how do we better assist these young people find gainful employment and make the transition from school-to-work?

Only 25 percent of all high school graduates go on to college. The remaining students enter the work force with only a high school diploma and limited skills. At one time, low-skill, high-wage manufacturing jobs were abundant. This is no longer the case. Today, individuals without a college degree earn significantly less than individuals with a college degree and that gap is widening each year.

I agree with my colleagues that we need to build a better partnership between our schools and businesses to determine what skills are needed in the increasingly competitive economy. We then must target students at need and equip them with the necessary skills. My question is do we need another Federal jobs program to achieve this goal? I don't believe so and that is why I am not able to support S. 1361, the School-to-Work Opportunities Act.

There are 154 existing Federal jobs-related programs which cost the Treasury over $20 billion annually. Enacting this legislation would create yet another program with a price tag of $300 million this year and such sums as necessary for the period of its authorization. Although the program is due to expire after its authorization, I have not known this Congress to allow programs to expire. It's much easier to extend a program than to let it die.

I believe the better way to address the issue of school-to-work is to focus on existing programs and restructure them to better serve our young people. For example, there are a number of existing programs that target the very students we are talking about today. The Carl Perkins Tech-Prep Program, career academies and youth apprenticeship programs all assist students in the transition from school to work. It seems to make better sense to determine how to improve these programs and, if necessary, integrate them. Unfortunately, there are provisions in the school-to-work bill which would prevent the integration of the Carl Perkins Tech Prep Program into the School-to-Work Program.

For example, the School-to-Work Program requires a paid work experience in certain circumstances. The Carl Perkins Tech-Prep Program does not have a similar requirement, so this program would operate parallel to the new school-to-work program. They couldn't be coordinated, nor integrated, yet they would essentially serve the same students.

I would like to take this opportunity to discuss the paid work experience which I have alluded to. The original language contained in the bill required students to have a work experience which must be paid. Many small businesses struggle financially. While many may want to participate in the program, they may find the salary requirement prohibitive. This provision ignores the value of unpaid work experiences. I am pleased that my colleagues recognized the burden of this provision when it adopted an amendment removing the paid work requirement except in some cases. A student can still have a valuable learning experience if the job is unpaid. Shadowing experiences, mentoring are all crucial learning experiences.

I believe we are placing too much emphasis on spending more and not enough on improving existing education and jobs programs. We must better manage these programs. If our young people are not prepared to enter the work force, shouldn't we try to understand why? Should school curriculum be altered? School systems across the country already recognize that they should be building partnerships with local employers to prepare students for employment. We do not need new Federal legislation to achieve these goals. Again, we are faced with a situation where local action is outpacing Federal legislative initiatives.

I strongly support the intentions of this legislation, but I am not prepared to vote to create yet another Federal program. I would rather reevaluate existing programs and determine how they can better serve our young people prepare for the future.

Mr. ROCKEFELLER. Mr. President, America's future lies with its children. Recognizing the importance of providing educational and occupational training for today's youth, I am proud to cosponsor the School-to-Work Opportunities Act. Because of a personal commitment, I had to be in West Virginia earlier today and unfortunately missed the vote on final passage of this legislation. But it was clear this measure had strong bipartisan support and would pass. My statement is to reinforce my support for this initiative.

This legislation represents part of an overall strategy to reform our American educational system, and it specifically seeks to enhance the transition to work for young people. The provisions of this bill reaffirm this Nation's commitment to the education and employment of today's youth. The bill's goal is to unite partnerships of employers and educators to create a high quality school-to-work program that assists students in the transition from school to a well-paying first job.

The legislation maps out a new strategy to achieve this goal. First, it establishes components and goals for successful school-to-work programs. Next, it seeks to integrate work-based and school-based learning to provide students with additional skills. It will create a national framework that provides States the flexibility to develop programs to effectuate the transition from school to employment.

Every parent, student, teacher, and employer should embrace the goals of the School-to-Work Act and strive together to achieve them.

We need to recognize that approximately one-half of American youth do not go to college and about 75 percent of those who initially enroll do not graduate. Even more important, a 1990 report by the Commission on the Skills of the American Work Force noted that 70 percent of the jobs in America in the year 2000 will not require a college education, but most will require training beyond high school.

America needs the School-to-Work Act to ensure that students who don't go to college still are prepared to enter the work force. Entering work directly after high school needs to be a viable alternative for students who cannot or do not want to attend college. Our competitiveness will depend on how well we prepare our youth for the modern workplace.

Every student should have the opportunity to earn a living at a high-skill, high-wage job upon graduation from high school. Under the School-to-Work Act, we will ensure that students are given the educational and occupational training that they need to obtain a high-paying first job and begin a career. The legislation establishes a national framework within which States can develop effective systems for improving students' transition from school to work.

Under the legislation, States will have the flexibility to design their own programs suited to their States' needs, economy and labor market. Although the program requires core components and goals it does not mandate the means to achieve these goals. Various sources of support, including Federal grants to States, waivers, direct grants to local partnerships, and high poverty area grants, will enable States to create their own school-to-work programs.

States will receive a 1-year planning grant and one 5-year implementation grant. The act also provides for waivers of certain regulatory and statutory programs to all other Federal funds to be coordinated with comprehensive school-to-work programs.

The heart of the program is making employers full partners in providing high-quality, work-based learning experiences to students. The program will improve the knowledge and skill of young people by combining academic and occupational learning. Every school-to-work plan must include work-based learning that provides job training or work experiences. In addition, each program must provide school-based learning including career counseling and instruction in a career major, and a program of study that is based on high academic and skill standards as proposed in Goals 2000 Educate America Act.

This combination of occupational and academic education will provide students with additional knowledge and skills that will better prepare them to enter the job market and obtain high-wage, high-paying jobs.

My support of the School-to-Work Act is a continuation of my work as chairman of the National Commission on Children. As chairman, I traveled across the country meeting with young people, parents, and teachers. Everywhere I went, people recognized that education is the key to the future. Education will provide students with the key to unlock the door to high-wage, high-skill jobs upon graduation from high school.

Educators and employers need to unite in the effort to educate youth and provide them opportunities to contribute to society. The School-to-Work Act provides the means for a partnership between schools and employers, a partnership that was strongly endorsed by the unanimous, bipartisan report of the National Commission on Children. It is gratifying to note that this important legislation reflects the principles of reform outlined by the Commission.

Mr. DODD. Mr. President, I rise today in strong support of S. 1361, the School-to-Work Opportunities Act.

In the last few days, we have charted a new course in Federal education legislation. For over a decade, States and communities have been at work developing innovative programs to address the challenges facing today's schools. With the Goals 2000 legislation and the School-to-Work Opportunities Act, the Federal Government finally steps forward as a full partner in these efforts. And unlike in the past, we are bringing more than our ideas and mandates to the table. These new initiatives come not with strings, but with money and flexibility.

The School-to-Work Opportunities Act is aimed at the 75 percent of students who never complete college. These students are often overlooked by the current system. To a great extent, the focus of our high schools has been on the college-bound student. Computer programming, accounting, automotive engineering, and other vocationally-oriented courses have been offered as electives, if at all. Students who complete high school, but not college, find themselves with a diploma, but few job skills.

Thirty years ago, a high school diploma was enough to put a young man or woman into a job that could support a family and a home. Today, that is just not the case. The average monthly earnings of a full-time worker with only a high school diploma is just $1,200. There are few places in America where this income could support a family. And the situation is only getting worse for these low-skill workers as the workplace grows ever more technologically advanced. We must do what we can to make sure these young people are not left to fall further behind.

The school-to-work initiative seeks to ensure students a smooth transition from school into meaningful, high-quality jobs. Under this legislation, partnerships will be developed at the State and local level to bring together employers, educators, labor leaders, community-based organizations, and others. These partnerships will work to coordinate existing programs to prepare students to compete and succeed in the high-technology, high-skill work force of the next century.

Many States are already experimenting in this area. Pennsylvania has had tremendous success with its youth apprenticeship program. Connecticut has a similar program that brings together inner-city youth and representatives of the building and construction trades. The tech-prep program has also provided thousands of young people in Connecticut and in many other States with new opportunities. The school-to-work initiative will provide these States with seed money to expand and enhance these and other programs to meet the critical needs of non-college bound students.

I urge my colleagues to join me in support of this important bill.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2884.

The assistant legislative clerk read as follows:

A bill (H.R. 2884) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. All after the enacting clause is stricken. The text of S. 1361, as amended, is substituted in lieu thereof, and H.R. 2884, as amended, is considered read a third time.

The question is, Shall the bill, H.R. 2884, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bryan
Bumpers
Campbell
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Shelby
Simon
Specter
Thurmond
Wellstone
Wofford

NAYS—31

Bennett
Brown
Burns
Byrd
Coats
Coverdell
Craig
Dole
Domenici
Faircloth
Gorton
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Stevens
Wallop
Warner

NOT VOTING—7

Breaux
Chafee
Gramm
Hutchison
Johnston
Moseley-Braun
Rockefeller

So the bill (H.R. 2884), as amended, was passed, as follows:

H.R. 2884

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "School-to-Work Opportunities Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

Sec. 3. Purposes and congressional intent.
Sec. 4. Definitions.
Sec. 5. Federal administration.

TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

Sec. 101. General program requirements.
Sec. 102. Work-based learning component.
Sec. 103. School-based learning component.
Sec. 104. Connecting activities component.

TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

Subtitle A—State Development Grants

Sec. 201. Purpose.
Sec. 202. State development grants.

Subtitle B—State Implementation Grants

Sec. 211. Purpose.
Sec. 212. State implementation grants.
Sec. 213. Limitation on administrative costs.

TITLE III—FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS

Sec. 301. Purposes.
Sec. 302. Federal implementation grants to partnerships.
Sec. 303. School-to-work opportunities program grants in high poverty areas and in congressional districts with low population densities.

TITLE IV—NATIONAL PROGRAMS

Sec. 401. Research, demonstration, and other projects.
Sec. 402. Performance outcomes and evaluation.
Sec. 403. Training and technical assistance.

TITLE V—GENERAL PROVISIONS

Sec. 501. State request and responsibilities for a waiver of statutory and regulatory requirements.
Sec. 502. Waivers of statutory and regulatory requirements by the Secretary of Education.
Sec. 503. Waivers of statutory and regulatory requirements by the Secretary of Labor.
Sec. 504. Combination of Federal funds for high poverty schools.
Sec. 505. Combination of Federal funds by States.
Sec. 506. Requirements.
Sec. 507. Sanctions.
Sec. 508. Authorization of appropriations.
Sec. 509. Acceptance of gifts, and other matters.
Sec. 510. State authority.
Sec. 511. Construction.
Sec. 512. Additional Federal requirements.
Sec. 513. Sense of the Senate.

TITLE VI—OTHER PROGRAMS

Sec. 601. Tech-prep education.

TITLE VII—TECHNICAL PROVISIONS

Sec. 701. Effective date.
Sec. 702. Sunset.

TITLE VIII—ALASKA NATIVE ART AND CULTURE

Sec. 801. Short title.
Sec. 802. Alaska Native art and culture.

SEC. 2. FINDINGS.

Congress finds that—

(1) three-fourths of America's high school students enter the work force without baccalaureate degrees, and many do not possess the academic and entry-level occupational skills necessary to succeed in the changing American workplace;

(2) a substantial number of American youth, especially disadvantaged students, students of diverse racial, ethnic, and cultural backgrounds, and students with disabilities, do not complete school;

(3) unemployment among American youth is intolerably high, and earnings of high school graduates have been falling relative to earnings of persons with more education;

(4) the American workplace is changing in response to heightened international competition and new technologies, and such forces, which are ultimately beneficial to the Nation, are shrinking the demand for and undermining the earning power of unskilled labor;

(5) the United States lacks a comprehensive and coherent system to help its youth acquire the knowledge, skills, abilities, and information about and access to the labor market necessary to make an effective transition from school to career-oriented work or to further education and training;

(6) American students can achieve to high standards, and many learn better and retain more when the students learn in context, rather than in the abstract;

(7) while many American students have part-time jobs, there is infrequent linkage between—

(A) such jobs; and

(B) the career planning or exploration, or the school-based learning, of such students;

(8) the work-based learning approach, which is modeled after the time-honored apprenticeship concept, integrates theoretical instruction with structured on-the-job training, and this approach, combined with school-based learning, can be very effective in engaging student interest, enhancing skill acquisition, developing positive work attitudes, and preparing youth for high-skill, high-wage careers; and

(9) Federal resources currently fund a series of categorical, work-related education and training programs, many of which serve disadvantaged youth, that are not administered as a coherent whole.

SEC. 3. PURPOSES AND CONGRESSIONAL INTENT.

(a) PURPOSES.—The purposes of this Act are to—

(1) establish a national framework within which all States can create statewide School-to-Work Opportunities systems that—

(A) are a part of comprehensive education reform;

(B) are integrated with the State education systems reformed under the Goals 2000: Educate America Act; and

(C) offer opportunities for all students to participate in a performance-based education and training program that will—

(i) enable the students to earn portable credentials;

(ii) prepare the students for first jobs in high-skill, high-wage careers; and

(iii) increase their opportunities for further education, including education in a 4-year college or university;

(2) create a universal, high-quality school-to-work transition system that enables all young Americans to identify and navigate paths to productive and progressively more rewarding roles in the workplace;

(3) utilize workplaces as active learning environments in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;

(4) use Federal funds under this Act as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;

(5) promote the formation of partnerships that are dedicated to linking the worlds of school and work, among secondary schools and postsecondary education institutions, private and public employers, labor organizations, government, community-based organizations, parents, students, State educational agencies, local educational agencies, and training and human service agencies;

(6) help all students attain high academic and occupational standards;

(7) build on and advance a range of promising school-to-work transition programs, such as tech-prep education programs, career academies, school-to-apprenticeship programs, cooperative education programs, youth apprenticeship programs, school-sponsored enterprises, and business-education compacts, that can be developed into programs funded under this Act;

(8) improve the knowledge and skills of youth by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;

(9) encourage the development and implementation of programs that will provide paid high-quality, work-based learning experiences;

(10) motivate all youth, including low-achieving youth, youth who have dropped out of school, and youth with disabilities, to stay in or return to school or a classroom setting and strive to succeed, by providing enriched learning experiences and assistance in obtaining good jobs and continuing their education in postsecondary education institutions;

(11) expose students to a vast array of career opportunities, and facilitate the selection of career majors, based on individual interests, goals, strengths, and abilities; and

(12) further the National Education Goals set forth in title I of the Goals 2000: Educate America Act.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that the Secretary of Labor and the Secretary of Education jointly administer this Act, in consultation with the Secretary of Commerce, in a flexible manner that—

(1) promotes State and local discretion in establishing and implementing School-to-Work Opportunities systems and programs; and

(2) contributes to reinventing government by—

(A) building on State and local capacity;

(B) eliminating duplication in education and training programs for youth by integrating such programs into one comprehensive system;

(C) maximizing the effective use of resources;

(D) supporting locally established initiatives;

(E) requiring measurable goals for performance; and

(F) offering flexibility in meeting such goals.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "all aspects of the industry" means all aspects of the industry or industry sector a student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to such industry or industry sector;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "approved plan" means a School-to-Work Opportunities system plan that is submitted by a State under section 212(a), is determined by the Secretaries to include the program components described in sections 102 through 104 and otherwise meet the requirements of this Act, and is consistent with the improvement plan of the State, if any, under the Goals 2000: Educate America Act;

(4) the term "career major" means a coherent sequence of courses or field of study that prepares a student for a first job and that—

(A) integrates academic and occupational learning, integrates school-based and work-

based learning, establishes linkages between secondary and postsecondary education, and prepares students for admission to 2-year or 4-year postsecondary education institutions;

(B) prepares the student for employment in broad occupational clusters or industry sectors;

(C) typically includes at least 2 years of secondary education and at least 1 or 2 years of postsecondary education;

(D) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;

(E) results in the award of—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate); and

(iii) a skill certificate; and

(F) may lead to further education and training, such as entry into a registered apprenticeship program, or may lead to admission to a 4-year college or university;

(5) the term "employer" includes both public and private employers;

(6) the term "Governor" means the chief executive of a State;

(7) the term "local educational agency" has the meaning given the term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12));

(8) the term "partnership" means a local entity that—

(A) is responsible for carrying out local School-to-Work Opportunities programs;

(B) consists of employers or employer organizations, public secondary schools and postsecondary educational institutions (or representatives, such as teachers, counselors, and administrators), and labor organizations or nonmanagerial employee representatives; and

(C) may include other entities, such as community-based organizations, national trade associations working at local levels, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational education entities, proprietary institutions of higher education as defined in section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) (so long as such institutions meet the requirements specified in section 498 of such Act), local government agencies, parent organizations and teacher organizations, vocational student organizations, private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), and Indian tribes, as defined in section 1 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801);

(9) the term "postsecondary education institution" means a public or private institution that is authorized within a State to provide a program of education beyond secondary education, and includes a community college, a technical college, a postsecondary vocational institution, a tribally controlled community college, as defined in section 1 of the Tribally Controlled Community College Assistance Act of 1978, and a 4-year college or university;

(10) the term "registered apprenticeship agency" means the Bureau of Apprenticeship and Training in the Department of Labor or a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes;

(11) the term "registered apprenticeship program" means a program registered by a registered apprenticeship agency;

(12) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(17));

(13) the term "school site mentor" means a professional employed at a school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student;

(14) the term "School-to-Work Opportunities program" means a program that meets the requirements of this Act, other than a program described in section 401(a);

(15) the term "secondary school" has the meaning given the term in section 1201(d) of the Higher Education Act of 1965 (20 U.S.C. 1141(d));

(16) the term "Secretaries" means the Secretary of Education and the Secretary of Labor;

(17) the term "skill certificate" means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1993, except that until such skill standards are developed, the term "skill certificate" means a credential issued under a process described in the approved plan of a State;

(18) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(19) the term "State educational agency" has the meaning given the term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)); and

(20) the term "workplace mentor" means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

SEC. 5. FEDERAL ADMINISTRATION.

(a) JOINT ADMINISTRATION.—Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled "An Act To Create a Department of Labor", approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 166 of the Job Training Partnership Act (29 U.S.C. 1576), the Secretaries shall jointly provide for the administration of the programs established by this Act. The Secretaries shall jointly issue such uniform procedures, guidelines, and regulations, in accordance with section 553 of title 5, United States Code, as the Secretaries determine to be necessary and appropriate to administer and enforce the provisions of this Act.

(b) REGULATIONS.—Section 431 of the General Education Provisions Act (20 U.S.C. 1232) shall not apply to regulations issued with respect to any programs under this Act.

(c) PLAN.—Within 120 days after the date of enactment of this Act, the Secretaries shall prepare a plan for the joint administration of this Act and submit such plan to the appropriate Committees of Congress for review and comment.

TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

SEC. 101. GENERAL PROGRAM REQUIREMENTS.

A School-to-Work Opportunities program under this Act shall—

(1) integrate school-based learning and work-based learning, as provided for in sections 102 and 103, integrate academic and occupational learning, and establish effective linkages between secondary and postsecondary education;

(2) provide participating students with the opportunity to complete career majors;

(3) incorporate the program components provided in sections 102 through 104;

(4) provide participating students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are preparing to enter; and

(5) provide all students with equal access to the full range of such program components (including both school- and work-based learning components) and related activities and to recruitment, enrollment, and placement activities.

SEC. 102. WORK-BASED LEARNING COMPONENT.

(a) MANDATORY ACTIVITIES.—The work-based learning component of a School-to-Work Opportunities program shall include—

(1) work experience;

(2) a planned program of job training and work experiences (including training related to preemployment and employment skills to be mastered at progressively higher levels) that are coordinated with learning in the school-based learning component described in section 103 and are relevant to the career majors of students and lead to the award of skill certificates;

(3) workplace mentoring; and

(4) instruction in general workplace competencies, including instruction and activities developing positive work attitudes, and employability and participative skills.

(b) PERMISSIBLE ACTIVITIES.—Such component may include such activities as job shadowing, school-sponsored enterprises, or on-the-job training for academic credit.

SEC. 103. SCHOOL-BASED LEARNING COMPONENT.

The school-based learning component of a School-to-Work Opportunities program shall include—

(1) career exploration and counseling, beginning prior to the 11th grade year of the students, in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors;

(2) initial selection by interested students of career majors not later than the beginning of the 11th grade;

(3) a program of study designed to meet academic standards established by the State for all students, including, where applicable, any content standards developed under the Goals 2000: Educate America Act, and to meet the requirements necessary to prepare students for postsecondary education and to earn skill certificates; and

(4) regularly scheduled evaluations involving ongoing consultation and problem solving with students to identify academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills.

SEC. 104. CONNECTING ACTIVITIES COMPONENT.

The connecting activities component of a School-to-Work Opportunities program shall include—

(1) matching students with the work-based learning opportunities of employers;

(2) serving, with respect to each student, as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and, if appropriate, other community partners;

(3) providing technical assistance and services to employers, including small- and medium-sized businesses, and other parties in—

(A) designing work-based learning components described in section 102 and counseling and case management services; and

(B) training teachers, workplace mentors, school site mentors, and counselors;

(4) providing assistance to schools and employers to integrate school-based and work-based learning and integrate academic and occupational learning in the program;

(5) encouraging the active participation of employers, in cooperation with local education officials, in the implementation of local activities described in section 102, 103, or this section;

(6)(A) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program; and

(B) linking the participants with other community services that may be necessary to assure a successful transition from school to work;

(7) collecting and analyzing information regarding post-program outcomes of participants in the School-to-Work Opportunities program, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students; and

(8) linking youth development activities under this Act with employer and industry strategies for upgrading the skills of their workers.

TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

Subtitle A—State Development Grants

SEC. 201. PURPOSE.

The purpose of this subtitle is to assist States in planning and developing comprehensive, statewide systems for school-to-work opportunities.

SEC. 202. STATE DEVELOPMENT GRANTS.

(a) IN GENERAL.—

(1) AWARD.—On the application of the Governor on behalf of a State, the Secretaries may award a development grant to the State in such amount as the Secretaries determine to be necessary to enable the State to complete development of a comprehensive, statewide School-to-Work Opportunities system.

(2) AMOUNT.—The amount of a development grant under this subtitle may not exceed $1,000,000 for any fiscal year.

(3) COMPLETION.—The Secretaries may award such grant to complete development initiated with funds awarded under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(b) APPLICATION CONTENTS.—To be eligible to receive a grant under subsection (a), a State shall submit an application to the Secretaries that shall—

(1) include a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system, for all students;

(2) describe the manner in which—

(A) the Governor;

(B) the State educational agency;

(C) the State agency officials responsible for job training and employment;

(D) the State agency officials responsible for economic development;

(E) the State agency officials responsible for postsecondary education;

(F) representatives of the private sector; and

(G) other appropriate officials,

will collaborate in the planning and development of the statewide School-to-Work Opportunities system;

(3) describe the manner in which the State has obtained and will continue to obtain the active and continued participation, in the planning and development of the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, clergy, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, and human service agencies;

(4) describe the manner in which the State will coordinate planning activities with any local school-to-work programs, including programs that have received a grant under title III, if any;

(5) designate a fiscal agent to receive and be accountable for funds awarded under this subtitle;

(6) include such other information as the Secretaries may require; and

(7) be submitted at such time and in such manner as the Secretaries may require.

(c) STATE DEVELOPMENT ACTIVITIES.—Funds awarded under this section shall be expended by a State only for activities undertaken to develop a statewide School-to-Work Opportunities system, which may include—

(1) identifying or establishing an appropriate State structure to administer the School-to-Work Opportunities system;

(2) identifying secondary and postsecondary school-to-work programs that might be incorporated into the State system;

(3) identifying or establishing broad-based partnerships among employers, labor, education, government, and other community and parent organizations to participate in the design, development, and administration of School-to-Work Opportunities programs;

(4) developing a marketing plan to build consensus and support for School-to-Work Opportunities programs;

(5) promoting the active involvement of business, including small- and medium-sized businesses, in planning, developing, and implementing local School-to-Work Opportunities programs;

(6) identifying ways that local school-to-work programs could be coordinated with the statewide School-to-Work Opportunities system;

(7) supporting local planning and development activities to provide guidance, training, and technical assistance in the development of School-to-Work Opportunities programs;

(8) identifying or establishing mechanisms for providing training and technical assistance to enhance the development of a statewide School-to-Work Opportunities system;

(9) initiating pilot programs for testing key components of the program design of programs under the system;

(10) developing a State process for issuing skill certificates that is, to the extent feasible, consistent with the efforts of the National Skill Standards Board and the skill standards endorsed under the National Skill Standards Act of 1993;

(11) designing challenging curricula, in cooperation with representatives of local partnerships, that take into account the diverse learning needs and abilities of the student population served by the system;

(12) developing a system for labor market analysis and strategic planning for local targeting, of industry sectors or broad occupational clusters, that can provide students with placements in high-skill workplaces;

(13) analyzing the post-high school employment experiences of recent high school graduates and students who have dropped out of school;

(14) preparing the plan described in section 212(b); and

(15) developing a training and technical support system for teachers, employers, mentors, counselors, related services personnel, and other parties.

(d) GRANTS TO CONSORTIA.—

(1) IN GENERAL.—The Secretaries may make grants under subsection (a) to consortia of congressional districts with low population densities, to enable each such consortium to complete development of comprehensive, consortiawide School-to-Work Opportunities systems. Each such system shall be implemented by individuals selected by the States in which the system is located. Each such system shall meet the requirements of this Act for such a system, except as otherwise provided in this subsection.

(2) AMOUNT.—Notwithstanding any other provision of this section, the amount of a development grant under this subtitle to a consortium shall be in such amount as the Secretaries may determine to be appropriate.

(3) APPLICATION.—For purposes of the application of this subtitle to a consortium:

(A) GOVERNOR.—References to a Governor shall be deemed to be references to an official designated by the consortium to carry out the duties of a Governor under this subtitle.

(B) STATE.—References to a State shall be deemed to be references to the consortium.

(C) OFFICIAL.—References to an official of a State shall be deemed to be references to such an official of any of the States in which the consortium is located.

(4) ABILITY OF STATE TO CARRY OUT PROGRAM.—Nothing in this subsection shall limit the ability of a State to carry out a statewide School-to-Work Opportunities system in the State, even if a congressional district located in the State participates in a consortium under paragraph (1).

(5) DEFINITION.—As used in this subsection, the term "consortia of congressional districts with low population densities" means a consortia of congressional districts, each congressional district of which has an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

Subtitle B—State Implementation Grants

SEC. 211. PURPOSE.

The purpose of this subtitle is to assist States in the implementation of comprehensive, statewide School-to-Work Opportunities systems.

SEC. 212. STATE IMPLEMENTATION GRANTS.

(a) IN GENERAL.—

(1) ELIGIBILITY.—On the application of the Governor on behalf of a State, the Secretaries may award, on a competitive basis, a 5-year implementation grant to the State.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a State shall submit an application to the Secretaries that shall—

(A) contain—

(i) a plan for a comprehensive, statewide School-to-Work Opportunities system that meets the requirements of subsection (b);

(ii) a description of the manner in which the State will allocate funds made available through such a grant to local School-to-Work Opportunities partnerships under subsection (g);

(iii) a request, if the State decides to submit such a request, for one or more waivers of certain statutory or regulatory requirements, as provided for under title V;

(iv) a description of the manner in which—

(I) the Governor;

(II) the State educational agency;

(III) the State agency officials responsible for job training and employment;

(IV) the State agency officials responsible for economic development;

(V) the State agency officials responsible for postsecondary education;

(VI) other appropriate officials; and

(VII) the private sector,

collaborated in the development of the application; and

(v) such other information as the Secretaries may require; and

(B) be submitted at such time and in such manner as the Secretaries may require.

(b) Contents of State Plan.—A State plan referred to in subsection (a)(2)(A)(i) shall—

(1) designate the geographical areas, including urban and rural areas, to be served by partnerships that receive grants under subsection (g), which shall, to the extent feasible, reflect local labor market areas;

(2) describe the manner in which the State will stimulate and support local School-to-Work Opportunities programs that meet the requirements of this Act, and the manner in which the statewide School-to-Work Opportunities system will be expanded over time to cover all geographic areas in the State;

(3) describe the procedure by which—

(A) the Governor;

(B) the State educational agency;

(C) the State agency officials responsible for job training and employment;

(D) the State agency officials responsible for economic development;

(E) the State agency officials responsible for postsecondary education;

(F) representatives of the private sector; and

(G) other appropriate officials,

will collaborate in the implementation of the statewide School-to-Work Opportunities system;

(4) describe the manner in which the State has obtained and will continue to obtain the active and continued involvement, in the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, clergy, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, State or regional cooperative education associations, and human service agencies;

(5) describe the manner in which the School-to-Work Opportunities system will coordinate with or integrate local school-to-work programs, including programs financed from State and private sources, with funds available from such related Federal programs as programs under the Adult Education Act (20 U.S.C. 1201 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301, et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Goals 2000: Educate America Act, the National Skills Standards Act of 1993, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(6) describe the strategy of the State for providing training for teachers, employers, mentors, counselors, related services personnel, and other parties;

(7) describe the strategy of the State for incorporating project-oriented, experiential learning programs which integrate theory and academic knowledge with hands-on skills and applications into the school curriculum for all students in the State;

(8) describe the resources, including private sector resources, that the State intends to employ in maintaining the School-to-Work Opportunities system when funds under this Act are no longer available;

(9) describe the extent to which the School-to-Work Opportunities system will include programs that will provide paid high-quality, work-based learning experiences;

(10) describe the manner in which the State will ensure effective and meaningful opportunities for all students in the State to participate in School-to-Work Opportunities programs;

(11) describe the goals of the State and the methods the State will use, such as awareness and outreach, to ensure opportunities for young women to participate in School-to-Work Opportunities programs in a manner that leads to employment in high-performance, high-paying jobs, including nontraditional employment;

(12) describe the manner in which the State will ensure opportunities for low-achieving students, students with disabilities, and former students who have dropped out of school, to participate in School-to-Work Opportunities programs;

(13) describe the process of the State for assessing the skills and knowledge required in career majors, and the process for awarding skill certificates that is consistent with the efforts of the National Skill Standards Board and the skill standards endorsed under the National Skill Standards Act of 1993;

(14) describe the manner in which the State will ensure that students participating in the programs are provided, to the greatest extent possible, with flexibility to develop new career goals over time and to change career majors without adverse consequences;

(15) describe the manner in which the State will, to the extent feasible, continue programs funded under section 302 in the statewide School-to-Work Opportunities system;

(16) describe the manner in which local school-to-work programs, including programs funded under section 302, if any, will be integrated into the statewide School-to-Work Opportunities system;

(17) describe the performance standards that the State intends to meet; and

(18) designate a fiscal agent to receive and be accountable for funds awarded under this subtitle.

(c) Review of Applications.—In reviewing each application submitted under subsection (a), the Secretaries shall submit the application to a peer review process, determine whether to approve the plan described in subsection (b), and, if such determination is affirmative, further determine whether to take one or more of the following actions:

(1) Award an implementation grant described in subsection (a) to the State submitting the application.

(2) Approve the request of the State, if any, for a waiver in accordance with the procedures set forth in title V.

(3) Inform the State of the opportunity to apply for further development funds under subtitle A, by submitting to the Secretaries an application that includes a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system, except that further development funds may not be awarded to a State that receives an implementation grant under subsection (e).

(d) Review Considerations.—In evaluating an application submitted under subsection (a), the Secretaries shall—

(1) take into consideration the quality of the application, including the replicability, sustainability, and innovation of programs described in the application;

(2) give priority to applications, based on the extent to which the system described in the application would limit administrative costs and increase amounts spent on delivery of services to students enrolled in programs carried out through the system under this Act;

(3) give priority to applications that describe the highest levels of—

(A) concurrence with the plan for the system; and

(B) collaboration in the development and implementation of the system; and

(4) give priority to applications that describe systems that include programs that will provide paid high-quality, work-based learning experiences;

by appropriate State agencies and officials and the private sector.

(e) Grant Amount and Duration of Grant.—

(1) Amount.—The Secretaries shall establish the minimum and maximum amounts available for an implementation grant under subsection (a), and shall determine the actual amount granted to any State under such subsection, based on such criteria as the scope and quality of the plan described in subsection (b) and the number of projected participants in programs carried out through the system.

(2) Duration.—No State shall be awarded more than one implementation grant.

(f) State Implementation Activities.—A State shall expend funds awarded through grants under subsection (a) only for activities undertaken to implement the School-to-Work Opportunities system of the State, which may include—

(1) recruiting and providing assistance to employers to provide work-based learning for all students;

(2) conducting outreach activities to promote and support collaboration, in School-to-Work Opportunities programs, by businesses, labor organizations, and other organizations;

(3) providing training for teachers, employers, workplace mentors, school site mentors, counselors, related services personnel, and other parties;

(4) providing labor market information to local partnerships that is useful in determining which high-skill, high-wage occupations are in demand;

(5) designing or adapting model curricula that can be used to integrate academic and occupational learning, school-based and work-based learning, and secondary and postsecondary education, for all students in the State;

(6) designing or adapting model work-based learning programs and identifying best practices for such programs;

(7) conducting outreach activities and providing technical assistance to other States that are developing or implementing School-to-Work Opportunities systems;

(8) reorganizing and streamlining School-to-Work Opportunities systems in the State to facilitate the development of a comprehensive statewide School-to-Work Opportunities system;

(9) identifying ways that existing local school-to-work programs could be integrated with the statewide School-to-Work Opportunities system;

(10) designing career awareness and exploration activities, which may begin as early as the elementary grades, such as job shadowing, job site visits, school visits by individuals in various occupations, and mentoring;

(11) designing and implementing school-sponsored work experiences, such as school-sponsored enterprises and community development projects; and

(12) providing career exploration and awareness services, counseling and mentoring services,

college awareness and preparation services, and other services to prepare students for the transition from school to work.

(g) ALLOCATION OF FUNDS TO PARTNERSHIPS.—A State that receives a grant under subsection (a) shall award grants, according to criteria established by the State, to partnerships to carry out local School-to-Work Opportunities programs. In awarding such grants, the State shall use not less than 65 percent of the sums awarded to the State under subsection (a) in the first year in which the State awards such grants, 75 percent of such sums in the second such year, and 85 percent of such sums in each such year thereafter.

(h) STATE SUBGRANTS TO PARTNERSHIPS.—

(1) APPLICATION.—A partnership that seeks a grant to carry out a local School-to-Work Opportunities program, including a program initiated under section 302, shall submit an application to the State that—

(A) describes how the program would include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of this Act;

(B) sets forth measurable program goals and outcomes;

(C) describes the local strategies and timetables of the partnership to provide School-to-Work Opportunities program opportunities for all students in the area served;

(D) describes the extent to which the program will provide paid high-quality, work-based learning experiences;

(E) describes the process that will be used to ensure employer involvement in the development and implementation of the School-to-Work Opportunities program;

(F) provides such other information as the State may require; and

(G) is submitted at such time and in such manner as the State may require.

(2) ALLOWABLE ACTIVITIES.—A partnership shall expend funds awarded through grants under this subsection only for activities undertaken to carry out local School-to-Work Opportunities programs, and such activities may include, for each such program—

(A) recruiting and providing assistance to employers, including small- and medium-size businesses, to provide the work-based learning components described in section 102 in the School-to-Work Opportunities program;

(B) establishing consortia of employers to support the School-to-Work Opportunities program and provide access to jobs related to the career majors of students;

(C) supporting or establishing intermediaries (selected from among the members of the partnership) to perform the activities described in section 104 and to provide assistance to students in obtaining jobs and further education and training;

(D) designing or adapting school curricula that can be used to integrate academic and occupational learning, school-based and work-based learning, and secondary and postsecondary education for all students in the area served;

(E) providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;

(F) establishing, in schools participating in the School-to-Work Opportunities program, a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities, in graduating from high school, enrolling in postsecondary education or training, and finding or advancing in jobs;

(G) conducting or obtaining an indepth analysis of the local labor market and the generic and specific skill needs of employers to identify high-demand, high-wage careers to target;

(H) integrating work-based and school-based learning into existing job training programs for youth who have dropped out of school;

(I) establishing or expanding school-to-apprenticeship programs in cooperation with registered apprenticeship agencies and apprenticeship sponsors;

(J) assisting participating employers, including small- and medium-size businesses, to identify and train workplace mentors and to develop work-based learning components;

(K) designing local strategies to provide adequate planning time and staff development activities for teachers, school counselors, related services personnel, and school site mentors;

(L) enhancing linkages between—

(i) after-school, weekend, and summer jobs; and

(ii) opportunities for career exploration and school-based learning; and

(M) providing career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services to prepare students for the transition from school to work.

(i) GRANTS TO CONSORTIA.—

(1) IN GENERAL.—The Secretaries may make grants under subsection (a) to consortia of congressional districts with low population densities, to enable each such consortium to implement comprehensive, consortiawide School-to-Work Opportunities systems. Each such system shall be implemented by individuals selected by the States in which the system is located. Each such system shall meet the requirements of this Act for such a system, except as otherwise provided in this subsection.

(2) AMOUNT.—Notwithstanding any other provision of this section, the amount of an implementation grant under this subtitle to a consortium shall be in such amount as the Secretaries may determine to be appropriate.

(3) APPLICATION.—For purposes of the application of this subtitle to a consortium:

(A) GOVERNOR.—References to a Governor shall be deemed to be references to an official designated by the consortium to carry out the duties of a Governor under this subtitle.

(B) STATE.—References to a State shall be deemed to be references to the consortium.

(C) OFFICIAL.—References to an official of a State shall be deemed to be references to such an official of any of the States in which the consortium is located.

(4) WAIVERS.—In order for a consortium that receives a grant under this section to receive a waiver under title V with respect to a congressional district located within a State, the State and officials of the State shall comply with the applicable requirements of title V for such a waiver.

(5) ABILITY OF STATE TO CARRY OUT PROGRAM.—Nothing in this subsection shall limit the ability of a State to carry out a statewide School-to-Work Opportunities system in the State, even if a congressional district located in the State participates in a consortium under paragraph (1).

(6) DEFINITION.—As used in this subsection, the term "consortia of congressional districts with low population densities" means a consortia of congressional district, each congressional district of which has an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

SEC. 213. LIMITATION ON ADMINISTRATIVE COSTS.

(a) STATE SYSTEM.—A State that receives an implementation grant under section 212 may not use more than 15 percent of the amounts received through the grant for any fiscal year for administrative costs associated with implementing the School-to-Work Opportunities system of the State for such fiscal year.

(b) LOCAL PROGRAM.—A partnership that receives a grant under section 212 may not use more than 15 percent of the amounts received through the grant for any fiscal year for administrative costs associated with carrying out the School-to-Work Opportunities programs of the partnership for such fiscal year.

TITLE III—FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to authorize the Secretaries to award competitive grants to partnerships in States that have not received, or have only recently received, implementation grants under section 212(a), in order to provide funding for communities that have established a sound planning and development base for School-to-Work Opportunities programs and are ready to begin implementing a local School-to-Work Opportunities program; and

(2) to authorize the Secretaries to award competitive grants to implement School-to-Work Opportunities programs in high poverty areas of urban and rural communities, and to implement such programs in congressional districts with low population densities, to provide support for a comprehensive range of education, training, and support services for youth residing in designated high poverty areas or in congressional districts with low population densities.

SEC. 302. FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS.

(a) IN GENERAL.—The Secretaries may award Federal implementation grants, in accordance with competitive criteria established by the Secretaries, to partnerships in States that have not received an implementation grant under section 212, or are carrying out activities for an initial year of an initial grant under such section, in order to enable the partnerships to begin implementing local School-to-Work Opportunities programs. A partnership may not receive funds under this section for any fiscal year subsequent to such initial fiscal year.

(b) APPLICATION PROCEDURE.—A partnership that desires to receive or extend a Federal implementation grant under this section shall submit an application to the Secretaries at such time and in such manner as the Secretaries may require. The partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries. The Secretaries shall submit the application to a peer review process.

(c) APPLICATION CONTENTS.—The application described in subsection (b) shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the partnership will meet the requirements of this Act;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (4) through (11) of section 212(b);

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

(d) CONFORMITY WITH APPROVED PLAN.—The Secretaries shall not award a grant under this section to a partnership in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with the approved plan.

(e) IMPLEMENTATION ACTIVITIES.—A partnership shall expend funds awarded under this section only for activities undertaken to implement School-to-Work Opportunities programs, which may include the activities specified in section 212(f).

SEC. 303. SCHOOL-TO-WORK OPPORTUNITIES PROGRAM GRANTS IN HIGH POVERTY AREAS AND IN CONGRESSIONAL DISTRICTS WITH LOW POPULATION DENSITIES.

(a) IN GENERAL.—

(1) AWARD OF GRANTS.—From the funds reserved under section 508(b), the Secretaries are authorized and encouraged to award grants, in accordance with competitive criteria established by the Secretaries, to partnerships to implement School-to-Work Opportunities programs that include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I, in high poverty areas and to partnerships to implement such programs in congressional districts with low population densities.

(2) HIGH POVERTY AREA.—For purposes of this subsection, the term "high poverty area" means an urban census tract, the block number area in a nonmetropolitan county, or an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)), with a poverty rate of 20 percent or more among youth aged 5 to 17, inclusive, as determined by the Bureau of the Census.

(3) CONGRESSIONAL DISTRICT WITH A LOW POPULATION DENSITY.—For purposes of this subsection, the term "congressional district with a low population density" means a congressional district with an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

(b) APPLICATION PROCEDURE.—A partnership that desires to receive a grant under this section, in addition to any funds received under section 212 or 302, shall submit an application to the Secretaries at such time and in such manner as the Secretaries may require. The partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries. The Secretaries shall submit the application to a peer review process.

(c) APPLICATION CONTENTS.—The application described in subsection (b) shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the partnership will meet the requirements of this Act;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (4) through (11) of section 212(b);

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

(d) CONFORMITY WITH APPROVED PLAN.—The Secretaries shall not award a grant under this section to a partnership in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with the approved plan.

(e) IMPLEMENTATION ACTIVITIES.—A partnership shall expend funds awarded under this section only for activities undertaken to implement School-to-Work Opportunities programs, including the activities specified in section 212(h)(2).

(f) USE OF FUNDS.—Funds awarded under this section may be awarded in combination with funds awarded under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.).

TITLE IV—NATIONAL PROGRAMS

SEC. 401. RESEARCH, DEMONSTRATION, AND OTHER PROJECTS.

(a) IN GENERAL.—With funds reserved under section 508(c), the Secretaries shall conduct research and development projects and establish a program of experimental and demonstration projects, to further the purposes of this Act.

(b) ADDITIONAL USE OF FUNDS.—Funds reserved under section 508(c) may be used for programs or services authorized under any other provision of this Act that are most appropriately administered at the national level and that will operate in, or benefit, more than one State.

SEC. 402. PERFORMANCE OUTCOMES AND EVALUATION.

(a) IN GENERAL.—Using funds reserved under section 508(c), the Secretaries, in collaboration with the States, shall establish a system of performance measures for assessing State and local School-to-Work Opportunities programs regarding—

(1) progress in the development and implementation of State plans described in section 212(b) with respect to programs that include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I;

(2) participation in School-to-Work Opportunities programs by employers, schools, and students;

(3) progress in developing and implementing strategies for addressing the needs of all students in the State;

(4) progress in meeting the goals of the State to ensure opportunities for young women to participate in School-to-Work Opportunities programs, including participation in nontraditional employment;

(5) outcomes for students in the programs (including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students), which outcomes shall include—

(A) academic learning gains;

(B) progress in staying in school and attaining—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a skill certificate; and

(iii) a postsecondary degree;

(C) attainment of strong experience in and understanding of all aspects of the industry the students are preparing to enter;

(D) placement and retention in further education or training, particularly in the career major of the student; and

(E) job placement, retention, and earnings, particularly in the career major of the student; and

(6) the extent to which the program has met the needs of employers.

(b) EVALUATION.—Using funds reserved under section 508(c), the Secretaries shall conduct, through grants, contracts, or other arrangements, a national evaluation of School-to-Work Opportunities programs funded under this Act that will track and assess the progress of implementation of State and local School-to-Work Opportunities programs and their effectiveness based on measures such as the measures described in subsection (a).

(c) REPORTS TO THE SECRETARIES.—

(1) IN GENERAL.—Each State shall prepare and submit to the Secretaries periodic reports, at such intervals as the Secretaries may determine, containing information described in paragraphs (1) through (5) of subsection (a).

(2) FEDERAL PROGRAMS.—Each State shall prepare and submit reports to the Secretaries, at such intervals as the Secretaries may determine, containing information on the extent to which Federal programs implemented at the State and local level may be duplicative, outdated, overly restrictive, or otherwise counterproductive to the development of comprehensive statewide School-to-Work Opportunities systems.

(d) REPORT TO THE CONGRESS.—Using funds reserved under section 508(c), not later than 24 months after the date of enactment of this Act, the Secretaries shall submit a report to the Congress on School-to-Work Opportunities programs and shall, at a minimum, include in such report—

(1) information concerning the programs that receive assistance under this Act;

(2) a summary of the information contained in the State reports submitted under subsection (c); and

(3) information regarding the findings and actions taken as a result of any evaluation conducted by the Secretaries.

SEC. 403. TRAINING AND TECHNICAL ASSISTANCE.

(a) PURPOSE.—The Secretaries shall work in cooperation with States, employers and associations of employers, secondary schools and postsecondary education institutions, student and teacher organizations, labor organizations, and community-based organizations, to increase their capacity to develop and implement effective School-to-Work Opportunities programs.

(b) AUTHORIZED ACTIVITIES.—Using funds reserved under section 508(c), the Secretaries shall provide, through grants, contracts, or other arrangements—

(1) training, technical assistance, and other activities that will—

(A) enhance the skills, knowledge, and expertise of the personnel involved in planning and implementing State and local School-to-Work Opportunities programs; and

(B) improve the quality of services provided to individuals served under this Act;

(2) assistance to States and partnerships involved in carrying out School-to-Work Opportunities programs in order to integrate resources available under this Act with resources available under other Federal, State, and local authorities;

(3) assistance to States and such partnerships to recruit employers to provide the work-based learning component, described in section 102, of School-to-Work Opportunities programs; and

(4) assistance to States and such partnerships to design and implement school-sponsored enterprises.

(c) PEER REVIEW.—The Secretaries may use funds reserved under section 508(c) for the peer review of State applications and plans under section 212 and applications under title III.

(d) NETWORKS AND CLEARINGHOUSES.—

(1) ESTABLISHMENT.—To carry out their responsibilities under subsection (b), the Secretaries shall establish, through grants, contracts, or other arrangements, a Clearinghouse and Capacity Building Network (hereafter referred to in this subsection as the "Clearinghouse").

(2) FUNCTIONS.—The Clearinghouse shall—

(A) collect and disseminate information on successful school-to-work programs, and innovative school-based and work-based curricula;

(B) collect and disseminate information on research and evaluation conducted concerning activities carried out through School-to-Work Opportunities programs;

(C) collect and disseminate information that will assist States and partnerships in undertaking labor market analysis, surveys, or other activities related to economic development;

(D) collect and disseminate information on skill certificates, skill standards, and related assessment technologies;

(E) collect and disseminate information on methods for recruiting and building the capacity of employers to provide work-based learning opportunities;

(F) facilitate communication and the exchange of information and ideas among States and partnerships carrying out School-to-Work Opportunities programs; and

(G) carry out such other activities as the Secretaries determine to be appropriate.

(3) COORDINATION.—The Secretaries shall coordinate the activities of the Clearinghouse with the activities of other similar entities to avoid duplication and enhance the sharing of relevant information.

TITLE V—GENERAL PROVISIONS

SEC. 501. STATE REQUEST AND RESPONSIBILITIES FOR A WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) STATE REQUEST FOR WAIVER.—A State with an approved plan may, at any point during the development or implementation of a School-to-Work Opportunities program, request a waiver of one or more statutory or regulatory provisions from the Secretaries in order to carry out the purposes of this Act, and such requests for waivers shall be submitted as part of the plan or as amendments to the plan.

(b) PARTNERSHIP REQUEST FOR WAIVER.—A partnership that seeks a waiver of any of the provisions specified in sections 502 and 503 shall submit an application for such waiver to the State, and the State shall determine whether to submit a request for a waiver to the Secretaries, as provided in subsection (a).

(c) WAIVER CRITERIA.—Any such request by the State shall meet the criteria contained in section 502 or 503 and shall specify the provisions or regulations referred to in such sections with respect to which the State seeks a waiver.

(d) SUPPORT BY APPROPRIATE STATE AGENCIES.—In requesting such a waiver, the State shall provide evidence of support for the waiver request by the State agencies or officials with jurisdiction over the provisions or regulations that would be waived.

SEC. 502. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS BY THE SECRETARY OF EDUCATION.

(a) IN GENERAL.—

(1) WAIVER.—Except as provided in subsection (c), the Secretary of Education may waive any requirement of any provisions specified in subsection (b) or of the regulations issued under such provisions for a State that requests such a waiver—

(A) if, and only to the extent that, the Secretary of Education determines that such requirement impedes the ability of the State or a partnership to carry out the purposes of this Act;

(B) if the State waives, or agrees to waive, similar requirements of State law; and

(C) if the State—

(i) has provided all partnerships that carry out programs under this Act, and local educational agencies participating in such a partnership, in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver; and

(ii) has submitted the comments of the partnerships and local educational agencies to the Secretary of Education.

(2) ACTION.—The Secretary of Education shall act promptly on any request submitted pursuant to paragraph (1).

(3) TERM.—Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Education may extend such period if the Secretary of Education determines that the waiver has been effective in enabling the State or partnership to carry out the purposes of this Act.

(b) INCLUDED PROGRAMS.—The provisions subject to the waiver authority of this section are—

(1) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), including the Even Start programs carried out under part B of such chapter (20 U.S.C. 2741 et seq.);

(2) part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.);

(3) part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2981 et seq.);

(4) part D of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3121 et seq.);

(5) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3171 et seq.); and

(6) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(c) WAIVERS NOT AUTHORIZED.—The Secretary of Education may not waive any statutory or regulatory requirement of the provisions specified in subsection (b) relating to—

(1) the basic purposes or goals of the affected programs under such provisions;

(2) maintenance of effort;

(3) comparability of services;

(4) the equitable participation of students attending private schools;

(5) student and parental participation and involvement;

(6) the distribution of funds to State or to local educational agencies;

(7) the eligibility of an individual for participation in the affected programs;

(8) public health or safety, labor, civil rights, occupational safety and health, or environmental protection; or

(9) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) TERMINATION OF WAIVERS.—The Secretary of Education shall periodically review the performance of any State or partnership for which the Secretary of Education has granted a waiver under this section and shall terminate the waiver under this section if the Secretary determines that the performance of the State, partnership, or local educational agency affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

SEC. 503. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS BY THE SECRETARY OF LABOR.

(a) IN GENERAL.—

(1) WAIVER.—Except as provided in subsection (c), the Secretary of Labor may waive any requirement of the Act, or any provisions of the Act, specified in subsection (b) or of the regulations issued under such Act or provisions for a State that requests such a waiver—

(A) if, and only to the extent that, the Secretary of Labor determines that such requirement impedes the ability of the State or a partnership to carry out the purposes of this Act;

(B) if the State waives, or agrees to waive, similar requirements of State law; and

(C) if the State—

(i) has provided all partnerships that carry out programs under this Act in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver; and

(ii) has submitted the comments of the partnerships to the Secretary of Labor.

(2) ACTION.—The Secretary of Labor shall act promptly on any request submitted pursuant to paragraph (1).

(3) TERM.—Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Labor may extend such period if the Secretary of Labor determines that the waiver has been effective in enabling the State or partnership to carry out the purposes of this Act.

(b) INCLUDED PROGRAMS.—The Act subject to the waiver authority of this section is the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(c) WAIVERS NOT AUTHORIZED.—The Secretary of Labor may not waive any statutory or regulatory requirement of the Act, or any provision of the Act, specified in subsection (b) relating to—

(1) the basic purposes or goals of the affected programs under such provisions;

(2) maintenance of effort;

(3) the allocation of funds under the affected programs;

(4) the eligibility of an individual for participation in the affected programs;

(5) public health or safety, labor, civil rights, occupational safety and health, or environmental protection; or

(6) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) TERMINATION OF WAIVERS.—The Secretary of Labor shall periodically review the performance of any State or partnership for which the Secretary of Labor has granted a waiver under this section and shall terminate the waiver under this section if the Secretary determines that the performance of the State or partnership affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

SEC. 504. COMBINATION OF FEDERAL FUNDS FOR HIGH POVERTY SCHOOLS.

(a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a local partnership that receives assistance under title II or III may carry out schoolwide school-to-work activities in schools that meet the requirements of subparagraphs (A) and (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(A) and (B)) with funds obtained by combining—

(A) Federal funds under this Act; and

(B) other Federal funds made available from among programs under—

(i) the provisions of law listed in paragraphs (2) through (6) of section 502(b); and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(b) USE OF FUNDS.—A local partnership may use the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in paragraphs (1) through (6) and paragraphs (8) and (9) of section 502(c), and paragraph (1) and paragraphs (3) through (6) of section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A local partnership seeking to combine funds under subsection (a) shall include in the application of the partnership under title II or III—

(1) a description of the funds the partnership proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in schoolwide school-to-work activities; and

(4) such other information as the State, or Secretaries, as the case may be, may require.

(d) DISSEMINATION OF INFORMATION.—The local partnership shall, to the extent feasible,

provide information on the proposed combination of Federal funds under subsection (a) to parents, students, educators, advocacy and civil rights organizations, and the public.

SEC. 505. COMBINATION OF FEDERAL FUNDS BY STATES.

(a) In General.—

(1) Purposes.—The purposes of this section are—

(A) to integrate activities under this Act with State school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) Combination of funds.—To carry out such purposes, a State that receives assistance under title II may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this Act; and

(B) other Federal funds made available from among programs under—

(i) the Carl D. Perkins Vocational and Applied Technology Act, section 201; and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(b) Use of Funds.—A State may use the State portion of the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in section 502(c), and section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) Additional Information in Application.—A State seeking to combine funds under subsection (a) shall include in the application of the State under title II—

(1) a description of the funds the State proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) evidence of support for the waiver request by the State agencies or officials with jurisdiction over the funds that would be combined;

(5) a State's authority to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that such authority would further the purposes of this Act; and

(6) such other information as the Secretaries may require.

SEC. 506. REQUIREMENTS.

The following requirements shall apply to School-to-Work Opportunities programs under this Act:

(1) No student participating in such a program shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No School-to-Work Opportunities program shall impair existing contracts for services or collective bargaining agreements, and no program under this Act that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No student shall be employed or fill a position—

(A) when any other individual is on temporary layoff from the participating employer, with the clear possibility of recall, from the same or any substantially equivalent job; or

(B) when the employer has terminated the employment of any regular employee or otherwise reduced the work force of the employer with the intention of filling the vacancy so created with a student.

(4) Students participating in such programs shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety standards of Federal, State, and local law.

(5) Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(6) Funds appropriated under authority of this Act shall not be expended for wages of students participating in such programs.

(7) The Secretaries shall establish such other requirements as the Secretaries may determine to be appropriate, in order to ensure that participants in such programs are afforded adequate supervision by skilled adult workers, or to otherwise further the purposes of this Act.

SEC. 507. SANCTIONS.

(a) In General.—The Secretaries may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretaries determine that the recipient has failed to meet the requirements of this Act, including requirements under section 402(c), or any regulations under this Act, or any approved plan submitted pursuant to this Act. The Secretaries shall provide to the recipient prompt notice of such termination, suspension, or refusal to extend a grant and the opportunity for a hearing within 30 days after such notice.

(b) Nondelegation.—The Secretaries shall not delegate any of the functions or authority specified in this section, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—There are authorized to be appropriated to the Secretaries $300,000,000 for fiscal year 1995, and $400,000,000 for fiscal year 1996; $400,000,000 for fiscal year 1997; $330,000,000 for fiscal year 1998; and $220,000,000 for fiscal year 1999.

(b) High Poverty Areas and Congressional Districts With Low Population Densities.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretaries may reserve not more than 10 percent of such amounts for the fiscal year to carry out section 303, which reserved funds may be used in conjunction with funds available under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.).

(c) National Programs.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretaries may reserve not more than 10 percent of such amounts for the fiscal year to carry out title IV.

(d) Territories.—

(1) In general.—Of the amounts appropriated for a fiscal year under subsection (a), the Secretaries may reserve up to ¼ of 1 percent to make Federal implementation grants to territories under section 212 on the same basis as the Secretaries make grants to States under such section. The territories shall use funds made available through such grants to implement School-to-Work Opportunities programs in accordance with the requirements applicable to States under subtitle B of title II.

(2) Definition.—As used in this subsection, the term "territory" means the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Federated States of Micronesia, and the Republic of the Marshall Islands, and includes the Republic of Palau (until the Compact of Free Association is ratified).

(e) Native American Programs.—

(1) Reservation.—The Secretaries may reserve up to ¼ of 1 percent of the funds appropriated for any fiscal year under subsection (a) to make Federal implementation grants to appropriate entities under section 212 on the same basis as the Secretaries make grants to States under such section. The territories shall use funds made available through such grants to implement School-to-Work Opportunities programs, for students who are Indians (as defined in section 1(1) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(1)), that involve Bureau funded schools, as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3)), in accordance with the requirements applicable to States under subtitle B of title II.

(2) Implementation.—The Secretaries may carry out this subsection through such means as the Secretaries determine to be appropriate, including—

(A) the transfer of funds to the Secretary of the Interior; and

(B) the provision of financial assistance to tribes and Indian organizations, as defined in paragraphs (13) and (7), respectively, of section 1139 of such Act.

(f) Availability of Funds.—Funds obligated for any fiscal year for programs authorized under this Act shall remain available until expended.

SEC. 509. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.

The Secretaries are authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

SEC. 510. STATE AUTHORITY.

Nothing in this Act shall be construed to supersede the legal authority, under State law or other applicable law, of any State agency or State public official over programs that are under the jurisdiction of the agency or official.

SEC. 511. CONSTRUCTION.

Nothing in this Act shall be construed to establish a right for any person to bring an action to obtain services under this Act.

SEC. 512. ADDITIONAL FEDERAL REQUIREMENTS.

(a) Purpose.—The purpose of this section is to ensure that the funds provided under this Act cannot be utilized by the Federal Government to contribute to an unfunded Federal mandate.

(b) Requirements.—Subject to subsection (c) and notwithstanding any other provision of Federal law, no provision of Federal law shall require a State, in order to receive funds under this Act, to comply with any Federal requirement, other than a requirement of this Act as in effect on the effective date of this Act.

(c) Rule of Construction.—Any provision of Federal statutory or regulatory law, in effect on or after the effective date of this Act, shall be subject to subsection (b) unless such law explicitly excludes the application of subsection (b) by reference to this section.

SEC. 513. SENSE OF THE SENATE.

It is the sense of the Senate that the Congress should fund programs under this Act, for fiscal years 1996 through 2002, predominately from the savings resulting from efforts of the Department of Labor, the Department of Education, and other Federal agencies, to eliminate, consolidate, or streamline, duplicative or ineffective education or job training programs in existence on the date of enactment of this Act.

TITLE VI—OTHER PROGRAMS

SEC. 601. TECH-PREP EDUCATION.

(a) Contents of Program.—Paragraph (2) of section 344(b) of the Tech-Prep Education Act

(20 U.S.C. 2394b(b)(2)) is amended by inserting "or 4 years" before "of secondary school".

(b) SPECIAL CONSIDERATION; PRIORITY.—Section 345 of the Tech-Prep Education Act (20 U.S.C. 2394c) is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) are developed in consultation with institutions of higher education that award baccalaureate degrees;";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection:

"(e) PRIORITY.—The Secretary or the State board, as appropriate, shall give highest priority to applications that provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs.".

TITLE VII—TECHNICAL PROVISIONS

SEC. 701. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SEC. 702. SUNSET.

The authority provided by this Act shall terminate on October 1 of the ninth calendar year after the date of enactment of this Act.

TITLE VIII—ALASKA NATIVE ART AND CULTURE

SEC. 801. SHORT TITLE.

This title may be cited as "Alaska Native Culture and Arts Development Act".

SEC. 802. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term.".

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House thereon, and the Chair is authorized to appoint conferees on the part of the Senate.

The Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER conferees on the part of the Senate.

Mrs. KASSEBAUM. Mr. President, I am pleased we have been able to reach agreement on a number of amendments on this bill, including both of the amendments I offered yesterday.

We have agreed to a 5-year authorization, and Senator NICKLES has been very helpful in limiting the amount of funds authorized. I am also pleased that we have worked out language so that my amendment to consolidate programs has been accepted.

Despite these improvements, Mr. President, I voted against the bill. As I said yesterday, we already have 154 job training programs, and we don't need 155.

I believe this bill is another example of what is wrong with our job training efforts. Each time Congress identifies a specific group in need of training—in this case high school students—it creates a new program, with new requirements and, of course, new funds.

Mr. President, this bill is loaded with various kinds of grants—State development grants, State implementation grants, Federal implementation grants, and high-poverty area grants. I fear the job opportunities created will not be for students but for grant writers and auditors.

Creating new programs because we are disappointed with the effectiveness of the old ones is a time-honored tradition in Congress. Yielding again to this temptation is not the answer.

Instead of establishing a new categorical program, we need to reform the patchwork job training system we now have. Our primary goal should be to overhaul the current system, not simply add another job training program to the 154 we already have.

I would also like to thank the Senators on this side of the aisle who worked to make improvements on this bill, particularly Senators THURMOND and Senator GREGG. I also appreciated the efforts of Senator GORTON, Senator NICKLES, and Senator PRESSLER.

I would also like to thank staff on this side of the aisle: Todd Atwater with Senator THURMOND, Alyssa Hamilton with Senator GREGG, Linda Benning with Senator PRESSLER, Stan Bowman with Senator GORTON, Diane Moery with Senator NICKLES, and Ted Verheggen, Carla Widener, and Dan Bolen.

GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.)

Mr. KENNEDY. Mr. President, I ask that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1404, AS MODIFIED

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previously adopted Burns amendment No. 1404 be modified with a technical correction that I now send to the desk and that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1404), as modified, is as follows:

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between line 20 and 21, insert the following:

(3) to mandate any curriculum framework, instructional material, examination, assessment, or system of assessments for private, religious, or home schools.

Mr. KENNEDY. I ask unanimous consent that the RECORD note my cosponsorship of the Bond and the Glenn amendments adopted Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, on the last bill just passed, I thank Bryan Kennedy and Luis Castro of my staff; Sarah Fox from Senator KENNEDY's staff; Ted Verheggen and Carla Widener of Senator KASSEBAUM's staff; Marty Rogers from Senator WOFFORD's staff; Dean Rosen from Senator DURENBERGER's staff; Mark Landaver from Senator HATFIELD's, and Reginald Jones from Senator JEFFORDS' staff.

Mr. MITCHELL. Mr. President, I commend the distinguished manager of the bill, chairman of the committee, Senator KENNEDY, and the ranking member on this bill, Senator JEFFORDS, for their outstanding effort in moving this important bill to passage by the Senate. It had been my hope that we could complete action on the other education bill, the Goals 2000 bill, which we had previously begun work on, and bring both of those bills to passage this morning. That has proven not to be possible, as there is one remaining issue to be resolved with respect to the Goals 2000 bill, and we have not been able to reach an agreement among the parties on how best to resolve that. So it is my belief that it will take the next couple of hours to do that.

Therefore, I will momentarily have the Senate go into recess. We ordinarily would have gone into recess at 12:30 until after the caucuses.

Before Senator SIMON leaves the floor, I thank him as well for his outstanding work on the school-to-work bill as a member of the committee. He is one of the principal authors of the bill, and his work made it possible for us to pass this important bill.

Mr. President, it is still my hope that we will be able to reach an agreement and have final passage on the Goals 2000 bill early this afternoon. So further rollcall votes are expected on that legislation.

I want to thank Senator WOFFORD, of Pennsylvania, who, with Senators SIMON, KENNEDY, JEFFORDS, and others, joined in moving this important legislation forward.

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:17 p.m., recessed until 2:30 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. DORGAN).

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1394

The PRESIDING OFFICER. The pending business in the Senate is the Levin amendment No. 1394 to the bill S. 1150.

Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, my amendment seeks to assure school boards that if they seek in good faith to adopt constitutional policies relative to prayer in school that they are not going to find their Federal funds cut off.

Last week the Senate adopted an amendment of Senator HELMS which threatens to cut off Federal education funds to local school districts if they make a mistake, even, presumably, in good faith, relative to the efforts of students seeking to pray in school. It put a club to heads of local school boards to protect the rights of only one group of students: the group wishing to have organized prayer in school.

There were a number of options following the adoption of the Helms amendment.

One was to offer an amendment threatening the same funds cutoff if local school boards violate the constitutional rights of persons who do not want to be faced with organized prayer in school, thereby putting another club to the heads of local school boards.

A second option was to try to remove some of the threat in the Helms amendment by assuring school boards that if they adopt a constitutional policy toward prayer, whether facilitating it or the opposite, their good faith decision would not lead to a funding cutoff.

My amendment follows the second route because the first approach is a slippery slope for local school boards which already face complex decisions relative to constitutional rights as relate to prayer in school. We should not make it more difficult for school boards to follow the Constitution by making them a target of either side of the prayer issue. We should not put them under the threat that Federal funds could be cut off if a good faith effort on the school boards' part turns out to be unconstitutional, according to some court.

The school prayer issue is one of the most emotional of all issues faced by school boards. School boards already spend large sums of money defending lawsuits from one side or the other. That is why my amendment is aimed at neutralizing some of the impact of the Helms amendment. That is why I decided not to put another club to the heads of local school boards by threatening them with the loss of Federal funds if they failed to protect the constitutional rights of those on the other side of the issue.

One final word on a procedural issue: My amendment was offered last week pursuant to the unanimous-consent agreement which allowed for amendments offered before a time certain. I was not involved in setting the time. This amendment was offered in a timely manner. I had previously informed the leadership staff that I would be offering such an amendment. There was no restriction in the unanimous-consent agreement relative to this amendment nor did I know of any side agreement, if there was one.

Mr. BUMPERS. Mr. President, I would like to be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEVIN AMENDMENT CONSISTENT WITH HELMS-LOTT AMENDMENT

Mr. HELMS. Mr. President, this past Thursday there was a gentlemen's agreement with the Senator from Massachusetts [Mr. KENNEDY], which would reduce the debate time on this bill. I agreed to reduce to two the number of amendments I would offer—and the Senator from Massachusetts would be permitted to offer one opposing amendment for each of my two.

I offered an amendment on school prayer. Senator DANFORTH then offered an amendment on behalf of Senator KENNEDY on silent meditation. The Senate then approved my prayer amendment, 75–22, and, by a vote of 78 to 8, approved the Danforth amendment the following morning, on Friday. I then offered my second amendment forbidding the distribution of condoms to school children without parental consent. Senator KENNEDY and Senator JEFFORDS offered an opposing amendment.

Mr. President, pursuant to the unanimous consent agreed to by Senator KENNEDY and me, I assumed that good faith had prevailed. I then agreed to another unanimous consent request establishing a deadline for Senators to offer other first degree amendments to the bill at 4 p.m. on Friday, with votes on all amendments pending to be stacked on Tuesday.

However, without my knowledge or consent, the unanimous-consent agreement was changed to extend the deadline for amendments to 5 p.m. At a few minutes before the 5 p.m. deadline, the Senator from Michigan [Mr. LEVIN], offered another first degree amendment relating to the issue of prayer in the schools.

So once again, good faith efforts from this side of the aisle to save the Senate's time are met with bad faith from the manager on the other side of the aisle.

Mr. President, as to the Levin amendment itself, over the weekend I checked with some of the Nation's foremost legal scholars and litigators on the issue of school prayer and the first amendment. Specifically, I asked them to examine Senator LEVIN'S amendment to see what effect, if any, the LEVIN proposal would have on my school prayer amendment which the Senate passed by a vote of 75 to 22.

Mr. President, their unanimous conclusion was that the Levin amendment is consistent with, and indeed complements, the Helms amendment.

Obviously, the Levin amendment, is what is known around this place as a CMF amendment, a "cover my fanny" amendment. Senator LEVIN was 1 of the 22 Senators who voted against my school prayer amendment last Thursday—and he caught some heat about it. However, as the Levin amendment will not diminish the impact of the Helms-Lott amendment, I will not be upset if is it accepted on a voice vote. At least that would save the Senate some time.

Mr. President, I ask unanimous consent that a legal opinion on the implications of the Helms-Lott amendment and the Levin amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. This opinion was drafted by Mr. James Matthew Henderson, Sr., senior litigation counsel for the American Center for Law and Justice.

Mr. Henderson has been involved in many of the school prayer and religious rights cases that have come before the Supreme Court in prior years. Mr. Henderson has this to say about the effect of the Levin amendment on my school prayer amendment:

First, the Levin amendment is not a substitute for the Helms-Lott amendment. The two amendments are separately effective. The two amendments are capable of coordinated reading and effect. There is no inconsistency in a reading of the amendments which allows Levin to moderate Helms-Lott. Because they are not inconsistent, and because Levin does not purport to supplant Helms-Lott, both amendments are viable.

Second, the Levin amendment responds to the Helms-Lott amendment. In other words, the funding inquiry would begin with the Helms-Lott amendment question: does the agency have a policy or practice which interferes with instances of voluntary, student-initiated prayer? If so, Helms-Lott would mandate stripping funding from such education agencies. The Levin amendment, however, would provide those education agencies in jeopardy of funding losses with the opportunity to prove that the questioned policy on school prayer satisfies constitutional requirements.

Mr. President, the Levin amendment really should be withdrawn, but if it is not, I must serve notice that I have a number of second-degree amendments that I will offer to it.

EXHIBIT 1

A TALE OF TWO AMENDMENTS: COMPARISONS AND CONTRASTS BETWEEN THE HELMS-LOTT AND LEVIN AMENDMENTS

(By James Matthew Henderson, Sr.)

INTRODUCTION

The Senate has added one amendment to the education bill now pending before it, and has a second one pending before it. The first amendment, the Helms-Lott amendment, states:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools."

On February 4, 1994, Senator Levin offered the second amendment, which is still pending. The Levin amendment states:

"Notwithstanding any other provision of this act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied because it has adopted a constitutional policy relative to prayer in public school."

Important questions must be answered in consideration of these back-to-back amendments. Most importantly, the question of whether the legal effect of the two amendments is essentially a nullity, if both survive conference committee, it needs to be resolved. Also, consideration should be given to their separate operation and enforceability, given the possibility that only one may survive conference.

As a prerequisite to this discussion, it must be understood that, in the public school setting, a student is generally free to express his views so long as such expression does not lead to disruption of the school or work a substantial interference with the rights of others. Further, it is clear that the Establishment Clause does not operate to restrict or private religious expression, including prayer. That clause concerns itself with the affairs of government, not of students. Thus, a guiding axiom is that students in public schools cannot violate the Clause by their private actions.

THE HELMS-LOTT AMENDMENT

There need be no doubt about the need for strong medicine to buttress the rights of students seeking to express faith in their God through voluntary, student-initiated prayer on public school campuses. The contact reports and files of the American Center for Law and Justice include many, many instances in which public school officials have prevented or interfered with student-initiated, voluntary prayer on campus. It is an unfortunate fact of life for many students that ignorance of the law seems to abound in the area of student-initiated, voluntary prayer.

Consider the case of Misty Newberry, a student at Massac County High School in Metropolis, Illinois. In September, 1992, Misty joined with a small group of friends for a short time of prayer before the beginning of the school day. They were observing "See You At The Pole," the National Day of Student Prayer, when hundreds of thousands of students around the Nation joined together to pray for their fellow students, their teachers and administrators and their communities.

When Misty Newberry and her friends were praying, however, her school's administrators were calling the police and the sheriff. Before the event could end voluntarily, Misty and another had been threatened with tear gas, if they would not cease their prayer activities. Ultimately, Misty was taken into custody and placed in the back of a sheriff's cruiser, then released after approximately fifteen minutes.

Had the Helms-Lott amendment been the law at the time of Misty's misfortune, there is little doubt that Misty would have been able to pray for her principal, instead of being arrested at his direction.

The Helms-Lott amendment positively mandates a cut-off of any funds made available through the Department of Education for any "state or local educational agency" that, by policy or practice, "prevents participation in, constitutionally-protected prayer" under conditions where the prayer is student-initiated and voluntary. No implementing regulation seems necessary before the effect of the amendment would be felt. Nor does the language admit of a discretionary authority to deny funding. Rather, funding under the Goals legislation, and funding under any other act, which is provided through the Department of Education would be at jeopardy if a school district or state education department promulgated or enforced a policy of interfering with student-initiated voluntary prayer.

It is also important to note what the Helms-Lott amendment would not do. Under the Helms-Lott amendment, there would not be any possibility of coerced participation in religious activity. Nothing in the language admits of an interpretation under which students could be compelled to participate in prayer activities. Of course, the Supreme Court's decision in Abington v. Schemmp, struck down such programs of compulsory religious observance in public schools. As if the fact of precedent were insufficient, the Helms-Lott amendment states quite specifically, "Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools." Thus, student and teachers both are protected from unwanted and unwarranted compulsion to give assent to any particular religious observance.

THE LEVIN AMENDMENT

Following the adoption of the Helms-Lott amendment, the Senate took up the Levin amendment, a separately effective provision which prohibits the Department of Education from withholding any funds under any federal act in cases where the recipient of the funds has "adopted a constitutional policy" on school prayer.

Taken in isolation, the Levin amendment approaches constitutional insignificance. Its operative impact is extremely light. Because it appears chiefly to have been offered as a counterweight to the Helms-Lott amendment, it would only affect those situations where an educational agency was threatened with a cut-off of federal funds because of its policy or practice of preventing voluntary participation in student-initiated prayer. Careful review of the language of the Levin amendment demonstrates that it is not positive law.

In the absence of the Levin amendment, would the Department of Education be permitted to withhold funds from a school district solely on the basis of the district having a stated, and constitutional policy regarding school prayer? The obvious answer is, no. Such a denial would be irrational. The addition of the Levin language, then, adds nothing, because the Department of Education is not in the business of denying federal funding to otherwise eligible educational agencies.

TAKING THE AMENDMENTS IN TANDEM

Two key points should be noted about the situation in which both amendments service the conference process, and, ultimately, become law.

First, the Levin amendment is not a substitute for the Helms-Lott amendment. The two amendments are separately effective. The two amendments are capable of coordinated reading and effect. There is no inconsistency in a reading of the amendments which allows Levin to moderate Helms-Lott. Because they are not inconsistent, and because Levin does not purport to supplant Helms-Lott, both amendments are viable.

Second, the Levin amendment responds to the Helms-Lott amendment. In other words, the funding inquiry would begin with the Helms-Lott amendment question: does the agency have a policy or practice which interferes with instances of voluntary, student-initiated prayer. If so, Helms-Lott would mandate stripping funding from such education agencies. The Levin amendment, however, would provide those education agencies in jeopardy of funding losses with the opportunity to prove that the questioned policy on school prayer satisfies constitutional requirements.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1394) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I am pleased that the committee accepted an amendment that I have joined Senator PRYOR in introducing which would utilize the reservoir of skill and talent that exists among senior citizens in the school community. Our amendment would provide for State enhancement and expansion of intergenerational mentoring programs, including tutorial programs, in their public schools. The proposal would place trained, mature adults into the public school system, and match the needs of America's youth with the experience and skills of seniors. Specifically, our amendment would:

Encourage States to use intergenerational mentoring for State educational improvements:

Ask States, in developing State improvement plans, to describe strategies for utilizing programs such as intergenerational mentoring in helping students meet State standards; and

Authorize that funds to be used for State activities designed to implement the State improvement plan would include programs such as intergenerational mentoring.

Mr. President, this amendment builds upon legislation I previously authored, which was enacted into law in 1989 as a part of the National Volunteer Service Act, that creates a separate RSVP one-to-one senior tutorial program for K–12 students.

Programs that involve senior citizens in the education of our Nation's children are by no means new. Such projects have had great success in schools throughout this country, including my own State of Michigan. There are currently a number of projects in Michigan that have achieved success in increasing the learning abilities of educationally disadvantaged students, and have provided rewarding experiences to our greatest human resouce—our senior citizens. Programs exist from as far north as Escanaba in the Upper Peninsula, to the southern region of the State in Jackson County, and spanning from west to east covering Kent, Oakland, and Wayne Counties.

Mr. President, current projects that are scattered about varying public schools in the States, are not sufficient to meet the demands and the challenges in its entirety. It is estimated that even with presently established projects, millions of educationally disadvantaged children are in need of help in the basic skills of reading, writing, and math. This amendment will enable the States, that may voluntarily choose to do so, to bring in more projects as needed.

Mr. President, I am also pleased that the committee has decided to accept my amendment which adds to the list of initiatives that may be funded under State improvement plans. My amendment permits State educational agencies to use certain title III funds for: "* * * supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and to motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess."

Mr. President, studies on the effects of reduced class size show that students in small class routinely outperform those in regular and regular-with-aide classes in all types of schools. Small classes also enhance the teacher's ability to identify student learning needs, provide individual attention, develop positive relationships with students and families and teach more material more thoroughly.

Relative to the provision of my amendment on the instruction of chess, current studies speak to the success of such programs in the schools. A 4-year study of school chess players found that chess instills self-confidence and self-worth; dramatically improves the ability to think rationally; and results in higher grades, especially in English and math. I ask unanimous consent that the attached articles from the August 27, 1993, USA Today and the May 17, 1993, Washington Post regarding the success of chess in the schools be included for the RECORD at the end of the text of my statement.

Mr. President, in closing, I would like to commend my colleages on the Labor Committee for their leadership and perseverance in getting us to this point today. The legislation before us represents a great deal of bipartisan effort and consensus that we can, indeed, succeed in fundamental education reform if the connection between school and community is strengthened and the essential partnership with parents, teachers, and students is renewed.

Due in no small part to the distinguished leadership and special efforts of Senator KENNEDY, Senator PELL, Senator KASSEBAUM, Senator JEFFORDS, and others, the legislation provides the framework for meeting the national education goals, while maintaining critically important local flexibility—the ability for school districts and States to try things that work in their community and in their State.

Mr. President, one of the reasons why I joined as an original cosponsor of this legislation is the positive nature of the national education goals, which specify that by the year 2000:

First, all students would arrive at school ready to learn;

Second, that the graduation rate would increase to at least 90 percent;

Third, that students would master challenging content in core subject areas;

Fourth, that our students would be first in the world in math and science;

Fifth, that all adults would be literate and prepared for life-long learning;

Sixth, that our schools would offer children a disciplined and drug-free environment; and

Seventh, that every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

Finally, Mr. President, I hope the enactment of this legislation will help make major improvement in American education and work force training.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Aug. 27, 1993]

CHESS CENTER HELPS KIDS IN THE GAME OF LIFE

(By Tamara Henry)

WASHINGTON.—Fearing a wrong move, 11-year-old LaWanda Wellington slowly slides her black knight across the board while suspiciously eyeing her opponent's white bishop and queen.

"Go ahead and do it," coaches Andrew Agostinelli, an Eastern High School math teacher who helps out at the chess camp in downtown Washington. "You think you can't, but you can."

LaWanda plops the knight on a square. "Yeah. That's it! Isn't it?" reassures Agostinelli. She sighs. She smiles.

The camp is the first project of the U.S. Chess Center, which began last July when director David Mehler received the official go-ahead to operate the largest chess facility outside the former U.S.S.R. In a city that reeks of power and self-important bureaucrats, Mehler's goal is to share his love of chess with the powerless—inner-city children.

Traditionally, chess had not been an inner-city sport but mainly a game for men, the wealthy or intellectuals. Brought to America by Spanish explorers, chess players include Queen Isabella, who financed Christopher Columbus, and Benjamin Franklin.

Now, the movie Searching for Bobby Fischer has sparked even more interest in the game, especially among children. But unlike Fred Waitzkin's story of his son Josh's journey through the national chess championships, Mehler isn't looking for chess geniuses.

"I just enjoy doing this," says the 42-year old former criminal defense lawyer.

"It's the most effective way to get these kids to have a different feeling about themselves," Mehler says. He's been teaching chess for more than 20 years and discovered the benefits of the game while teaching school and earning his law degree in Sacramento.

Studies show young chess players quickly learn self-discipline, the dangers of impulsive behavior, the value of concentration and how to succeed within the limits of the rules.

The U.S. Chess Federation says children make up almost 35,000 of its total paid membership of about 70,000—the highest membership ever in the group's history. Adults pay $200 and student $60. Almost 2,500 USCF-affiliated chess clubs are in schools. About 150,000 youngsters play in organized competition.

About 30 youngsters signed up for the two-week, three-hours-day-camp. But a little over a dozen actually show up each day. The children are transported from blighted neighborhoods by a local community group to a neoclassical office building blocks away from the White House. The building's carpeted basement houses the Chess Center, the U.S. Chess Hall of Fame and Museum and gift shop.

Once downstairs, the youngsters rush to long tables lined with chess sets. Usually they wait for Mehler to discuss the day's new concept or to serve milk. Occasionally, there are field trips.

"Here's a little strategy," says Mehler in his mini-lecture. "I see folks move pawns in front of rooks. That's not as good as moving pawns in front of kings and queens."

He pauses. "The bolder you are, the more successful you'll be. Move pawns into the center of the board."

The children study their chess boards as he talks.

Meanwhile, Agostinelli and LaWanda continue their discussions. A few space down, Mark Smith, 17, helps Jared Estep, 14, improve his strategy. At another table sit two other Wellingtons, 6-year-old William and 7-year-old LaNette, LaWanda's cousin and sister.

"What I like about (the chess camp) is it helps them to get out of the drug environment, gets them off of the streets and helps them to use their brains and think," Smith says.

Smith started playing chess about five years ago and has seen remarkable improvements in his math, thinking and verbal skills: "Instead of writing on paper, I imagine. I calculate in my head."

The plan for the chess center began in 1989 when world champion Garry Kasparov came to the nation's capital to introduce the game as a way to battle drug abuse among children. He helped raise funds for a pilot program that summer.

Mehler's goal is to teach chess to youngsters at the center and in every school in the metropolitan area. He targets minorities, girls and women.

Besides the camp, there are after-school lessons for students in grades four through 12, a Saturday morning program for kindergarten through third-graders, weekend and other special activities for teenagers. Evenings are reserved for adult tournaments, seminars taught by masters, casual games and adult lessons.

"Many of these kids came with the attitude they would never be able to play chess," says Mehler, who remembers LaNette crying when she first tried to properly move a pawn.

"But, of course, she did learn to play chess," Mehler says. "If we can get these kids out of the habit of thinking they can't learn things and instead in the habit of knowing that they can, then there are no limits."

[From the Washington Post, May 17, 1993]

Maneuvering to Win Young Minds: P.G. School Chess Club Teaches Boys Self-Discipline, Self-Esteem

(By Lisa Leff)

Classes have ended for the afternoon at Morningside Elementary School, but in the library two dozen young boys are sitting in silence, smooth chins cupped in hands and wiry shoulders hunched over wooden tables. They are the Master Knights, and twice weekly at 2:15 p.m., this library becomes their clubhouses.

"You know what happens at the tournament if you make too much noise, don't you?" coach Beulah McMeans tells the members of Morningside's boys-only chess team as they ponder their next moves. "You'll get disqualified, won't you?"

To the Master Knights, patience, self-discipline and playing by the rules are part of the game. Now in its second year, the 29-member scholastic chess club was formed to engage the minds of black males from kindergartners to sixth-graders. Like a variety of other programs at the 175 public schools in Prince George's County, the Morningside club is designed to nurture black youths and help them to thrive.

But Morningside, in western Prince George's County near the District line, is the only county school using chess as a vehicle for student success. McMeans, a guidance counselor who made a habit of pulling out a worn chess set when children were referred to her because of behavior problems, sees a simply beauty in it.

The centuries-old board game, correctly or not, generally is thought of as the pastime of "brains," which is just what McMeans wants her players to feel free to be. And the boys seem to get a kick out of "doing something no one else they knew was really doing," she said.

"One of the first rules of chess is after the game, you shake your opponent's hand, win, lose or draw. Second, you learn from your mistakes," McMeans said, "We want that to go right back into the classroom and the community."

A sense of high purpose infuses the team's Tuesday and Thursday meetings. Although uniforms are optional for students at Morningside, Knights must wear blue pants and white shirts and spend their recesses at practice. Team members usually are required to put in an hour of homework before they may pick up their vinyl, tournament-style chess boards after school.

McMeans demands that her players approach chess with the dedication of athletes. They keep thick playbooks filled with rules and the strategies of Bobby Fischer, the only American ever to be world chess champion. She does not let them have sodas and snacks while they practice. "If you really want to play chess, you don't care about cookies or candy," she tells them.

In the era of fast-paced video games and Rollerblades, it might be hard to understand why a group of boys would stay after school to play chess, a game that can be time-consuming and plodding. But the Knights say they appreciate the game's emphasis on tactics, rather than luck. What's more, size matters little in chess; just last Thursday, Richard English, 8, a third-grader, beat Joseph Walker, 10, a fifth-grader, who accepted the defeat with a gentlemanly grin.

"It's like a thinking game," said Deshaun Wells, 11, who is in sixth grade and taught himself chess using a computer program. "When we play, it's like we are seeing who is the smartest or something."

Gregory Bridges, 12, is president of the Master Knights, a position for which he was selected because of his devotion to the club and his skill as a player. His father, Elvin Bridges, one of several parents who sometimes drop by the school for a quick game or two, taught Gregory how to play six years ago. Now, the sixth-grader is teaching his younger brother, DeShawn Brown, 5, after school with the Master Knights.

Chess, Gregory has decided, "keeps everyone down to earth."

"When you see someone who is big and bad on the streets, you hardly see anyone who plays chess. That is how chess influences you," he said. "You have to have patience and a cool head, and that patience carries outside the chess club."

Last month, with financial help from the school system and a local property management firm, the Knights took a four-day road trip to Charlotte, N.C., to participate in the National Scholastic Chess Championships. They were the first public school team from Prince George's to compete in a tournament and one of a few all-black teams among those representing 300 elementary schools.

Much of what they saw made an impression—teams that had chess masters as coaches, teams with their own jackets. One team even rented a $500 hotel suite so it could practice in private. The Knights, most of whom were in championship competition for the first time, suffered a bad case of jitters. Gregory was the only player to win his first game.

But although they did not bring home any trophies, they gave a respectable performance, winning 37 of their 105 games and finishing ahead of several teams with more experience. "It was better than coming in last or not coming anywhere at all," Gregory said.

Amy Schapp, a fifth-grade teacher at Morningside, said the Master Knights have made her a believer in the power of chess. Last September, one of the boys in her class was in danger of getting D's and E's and seemed totally disconnected from school. At McMean's suggestion, he became a Knight. Last marking period, he made the honor roll.

"The chess club is a very positive thing. It gives them something to strive for. They belong to the Master Knights, and I think that is a good feeling for them," Schapp said.

McMeans and her husband taught themselves how to play chess more than 20 years ago while living as an Air Force family in Athens. On club days, she wears an ivory knight on a gold chain around her neck, a gift from her husband. She plans to get the team members T-shirts with the logo "Leaders of Tomorrow," because in chess, moves by knights are L-shaped.

Still, she'll confess there is nothing mystical or sacred about the game. Chess makes the Master Knights smarter because they believe it can. Their team slogan is, "We think, therefore we are."

"Whatever works. If this works for them, we'll play chess," McMeans said. "If this fades, we will find something else."

Mr. LEVIN. Am I correct in my understanding that the wording in the legislation pertaining to the subjects of history, geography, civics, and government would not impede States and local school districts who define those subjects as social studies from continuing that practice and benefiting from the legislation?

Mr. KENNEDY. That is correct. The intent of this legislation is not to exclude States and local school districts that use the subject heading social studies rather than history, geography, civics, and government.

Mr. CAMPBELL. Mr. President, I would like to take this opportunity to express my strong support for Goals 2000.

This country has a justifiable reason to be proud. It is the first modern nation to guarantee all its citizens access to an education. When we look at the progress of our schools, however, we discover what our young people have not learned as opposed to what they have learned. All too often the high school diploma is a certificate of attendance instead of a certificate of knowledge. There is an uneven playing field in education. Expectations of students differ not only between socioeconomic classes, but from State to State, and for college-bound students and the forgotten student group that goes to the work force immediately after high school.

We need a national framework to funnel our efforts and to reach the 35 percent of our kids who are not ready to participate successfully in school.

In response to our current predicament, a bipartisan group including our Nation's Governors and the President developed the six national education goals to be achieved by the year 2000. These goals, along with a newly added seventh goal calling for more parental participation, have provided a framework for Goals 2000. I have been a supporter of this legislation from the beginning.

Goals 2000 will create a partnership between the educational system and local communities by providing a set of voluntary world-class standards. Standards are the linchpin that bring about educational reform, designed to fit the special needs of our communities.

Opponents of Goals 2000 claim this bill is bad for local community control of school because they think it establishes Federal education mandates. As we all know, this just isn't so. This bill creates no mandates, no outcome-based education, no refusals to fund other education programs down the road. It's voluntary, inclusive, and bottom-up.

Let me quickly go through the goals to reiterate what we are talking about here.

Goal 1, all children in America will start school ready to learn.

Goal 2, high school graduation rate will be 90 percent. In my own State of Colorado, we are ranked 26th in the Nation with a 74.5 percent graduation rate. This bill will help us help more kids earn their diploma.

Goal 3, students will leave grades 4, 8, and 12 having demonstrated competency in core subjects. In 1990, only 22 percent of Colorado's fourth graders scored at the proficient or advanced level in reading.

Goal 4, U.S. students will be first in the world in science and math achievement. In Taiwan, 41 percent of eighth graders have advanced scores in math; in Switzerland, 33 percent score at this level. Only 26 percent of Colorado eighth graders earn advanced scores.

Goal 5, every adult American will be literate.

Goal 6, every school in the United States will be free of drugs and violence. Nearly 3 million crimes occur on or near schools every year. We must make our schools a safe environment if we intend to create a learning environment.

Goal 7, the newest goal; every school will promote partnerships that will increase parental involvement and participation. Because we all know it's parents that must raise children, not schools, and not the government.

Last month, I had the honor of hosting Secretary Riley on a tour of Denver's West High School. We were able to see students who are learning at world-class levels, even in a tough part of Denver. I had the pleasure of meeting Mr. Ed Cordova, the principal at this school. With tenacity and determination, he is reaching these kids, even with many of them in local gangs. He has found a way to help these kids aim for high standards as young adults.

You see, the problem isn't so much what to do and how to improve schools. The difficulty is taking what we have learned and putting those ideas into action. We have already learned that reform is best when it is voluntary, inclusive, and bottom-up. When we involve parents, teachers, and the entire community in the process of putting children first like West High School is attempting to do. Goals 2000 allows the States and local school boards to continue in their efforts and encourages them to excel.

What's important to stress here is this: I think most of us agree each State in this country needs to be working in its own unique context toward the common goal educating America's children. I know I trust the people of Colorado to make the right choices for our children at the local level. If people are concerned about Goals 2000, they should be involved with their local community and their decisions about local schools.

The year 2000 is only 6 years away. We have a long way to go to have our children learning at world-class standards. Passing Goals 2000 is the next step forward.

I urge my colleagues in the Senate to give the decisionmaking powers to our local communities and vote in support of the Goals 2000: Educate America Act.

Mr. DANFORTH. Mr. President, as an original cosponsor of the Parents as Teachers Act, I rise to offer my support for Senator BOND'S amendment to include the Parents as Teachers Program as part of Goals 2000. As Governor of Missouri, my colleague developed this fine program in our State, and it works. He should be commended for his continued efforts in promoting this concept.

Parents as Teachers began statewide in 1985 with 13,000 families. The program has experienced steady increases in participation with 119,000 families participating last year and a waiting list of 3,000 families. The success of Parents as Teachers is evidenced by its limited replication in 42 other States.

The strength of the program is that it is community and family based and it assists parents in being actively engaged in the early childhood development and health of their children from birth until the ages of 3 to 4. The premise underlying the program is that parents are a child's first and most important teachers, and the role of the State is to assist the parents in providing the best educational foundation possible. Parents as Teachers represents a wise investment. Remedial education and dealing with the problems of dropouts in high school are very expensive. Helping children be ready for school in the first place is much more cost effective and supporting parents in doing this makes sense.

In recognition that income and education levels do not necessarily determine how much a parent knows about child development, Parents as Teachers is a voluntary program for all parents. Even our most affluent school districts have children who are struggling. Parents as Teachers assists parents in making rational choices for their own family. The professional parent educators do not do things for families, but rather provide them with information and support to feel confident in making good decisions for themselves. There are specific things parents learn through Parents as Teachers about how to lay a solid foundation for school success. All parents deserve support in giving their children the best possible start in life.

In keeping with the objectives of Goals 2000, the Parents as Teachers model is flexible to meet the needs of the community, incorporates community participation, and fosters interagency collaboration. I believe this amendment complements and strengthens the seventh goal added to Goals 2000 with regard to parental participation in the education of their children and recognizes the significant role of parents' involvement. My colleague, Senator BOND, should be commended for his continuing efforts to improve the education of our young children.

Mr. DOMENICI. Mr. President, I am pleased the Senate has turned its attention to this matter. Education is an issue that I think all of us will agree is a vital one for the future of our country, and it is appropriate that with the new year we rededicate ourselves to this topic.

During the past week, Members have worked very hard to get a good bill. While there are some portions of this bill that I disagree with—and which I believe can be, and should be, improved—there are also a number of provisions I endorse. I have been willing to listen hard to both sides and do what needs to be done to craft a good bill, and I appreciate the willingness of my colleagues to do the same.

So let me begin by being very blunt about what we are doing here. I favor reforms to the educational system that will make a significant difference in the delivery of educational services to our students. Period.

I do not want to create just another expensive block grant program which does nothing more than perpetuate the status quo. While I will be one of the first to admit that our system is meeting the needs of students who are performing well, I also believe that we can and should continue to do better.

I do not favor reforms that wrestle control of education away from State and local governments and place it in the hands of the Federal Government. Nor do I want a bill that places a government monitor at every stage of a student's development.

During the past week or so, I have received more phone calls and letters than I can count from parents, teachers, and administrators who have expressed a serious concern that this bill will mean Federal interference in a vital part of their lives and the lives of their children.

I absolutely agree with them that we don't need a government that is constantly looking over the shoulders of teachers and parents. Folks are already intimidated enough by the threat of a big government. I want to give our educators the opportunities they need to do their jobs right, which means doing their jobs effectively, creatively, and efficiently. We cannot assume, even with all our good intentions, that we know better than our teachers, principals, local school boards, and parents about what works in local schools. There is too much evidence to the contrary.

During consideration of the education reform bill in the 102d Congress, the final version of the bill made no meaningful reforms and simply established a large block grant program with a tangle of Federal strings attached.

I believe control of education should remain firmly in the hands of the States, their local governments, and individual communities, each of which has its own unique needs. As I have done before, I will oppose any legislation that tips this balance in favor of the Federal Government.

However, I am pleased to note that numerous provisions of the Goals 2000 bill reflect—at least in ideology—many of the proposals that Senator NUNN and I have recommended in the first report issued by our Strengthening of America Commission.

Senator NUNN and I serve as cochairmen of this Commission, which was formed with the cooperation of the Center for Strategic and International Studies [CSIS]. Our object is to help build a stronger America through changes in tax policy, investing in human resources, and breaking gridlock in Washington.

For example, in our report, we essentially agree with the proponents of Goals 2000 that the time has come to consider developing academic standards. Our CSIS report encourages the Nation to develop educational content and student performance standards in core subjects, very similar to the core subjects listed among the Nation's education goals.

We have recommended that these standards draw upon work being done by the States, subject matter specialists, and other professional organizations, as well as comparing with those standards set by our competitors.

To this end, we have recommended that the Congress establish an entity to coordinate and ensure the quality of this effort and monitor its results. Ideally, this is the role that will be filled by the National Education Standards and Improvement Council [NESIC] in the Goals 2000 legislation.

While we need national standards, local educators must be given flexibility in attaining them. Resources, authority, and responsibility must be returned to the classroom. With this concern in mind, I think we need to be very careful about how we go about implementing many of these reforms, as well as how much authority we invest in NESIC.

This bill places a great deal of weight on setting national and State content and student performance standards. The content standards are to be broad descriptions of knowledge and skills to be acquired in a particular subject area, while student performance standards are the more concrete and explicit definitions of what students should know and be able to achieve.

Setting national standards has always been tricky. We've had a difficult time addressing the issue because no one has ever been quite sure how we go about measuring success in attaining these standards. However, if we are going to strive for excellence in the classroom, I think most would agree that we do need to give our educators some idea of what we consider that standard of excellence to be.

The real challenge will be to ensure that content standards are sufficiently broad enough—and voluntary enough—to leave schools the flexibility and creativity to strive for these standards in an infinite number of ways.

In basketball, for example, we know that the standard of excellence is to get the ball through the hoop. But what kind of offense each team wants to run to reach that goal is left to each team to determine. Our standards must be very carefully set so as not to say, "You may only shoot layups. You may not shoot three-pointers."

This same philosophy should apply to national content and performance standards. I know Senator KASSEBAUM shares this concern and has worked very hard to ensure that this bill does not become overly prescriptive.

I was pleased to read that the committee noted in the bill's report that setting and adopting standards are in and of themselves not enough—that we will also need well-trained teachers and other resources. I also believe we should make it clear that any national standards are not expected to be the ceiling on what our students should know. Our teachers and students should not only strive to meet these standards, but to exceed them.

On the similar topic of education standards, our CSIS report also states that the current mesh of standardized tests does not reflect true academic effort and achievement of our students. As I mentioned earlier, one of the primary concerns about national standards has focused around how we measure student success in meeting those standards.

In the CSIS report, we recommended that high-quality educational content and student performance standards be supported by high-quality student assessments. We believe educators need to move away from the typical multiple-choice format—turn the crank and get the answer—and toward a new type of assessment process.

Again, we recognize that this will be difficult. I hope NESIC will work closely with States to explore new methods of student assessment. It really is an area where much still needs to be done.

I am somewhat less enchanted, however, with opportunity-to-learn [OTL] standards. I believe the rationale behind such standards is certainly well-intentioned—that it may not be fair to ask students to strive for national standards when they were never, for any number of reasons, given a fair opportunity to learn such standards.

However, I do not believe we significantly improve education by imposing mandates on what those in industry might call the beginning of the pipeline.

Instead, we must focus our efforts on providing schools with support and flexibility which will help them meet high standards, rather than dictating to them what resources must be utilized.

For instance, while we may have a good idea what conditions are generally favorable for learning—which types of instruction, for example, what kinds of resources, and how much money—we also know that these factors do not hold true in every situation.

For example, I once brought to the attention of my colleagues the accomplishments of five students in El Paso, TX, who, despite what many would have considered tremendous odds, were bound for the Massachusetts Institute of Technology. Five students from one public school was believed to be the largest class from any one public school to attend MIT.

Yet, looking at the demographics of this school, one would hardly have expected five students with such high academic achievement. A majority of students lived below the poverty line, and a great deal did not speak English upon entering the school their freshman year. Still, through perseverance, hard work, dedicated teachers, and very little Federal interference, this school produced these, and other, outstanding students.

Might this school have done some things differently with OTL standards? You bet. Might the school have produced more quality students? It's hard to say. But my point is, what teachers in El Paso or Albuquerque find works for their students may not necessarily work equally as well for students in Amarillo or Santa Fe. The diversity of our system is what makes it so great.

Therefore, Federal, State, and local governments should ensure that their poor schools have the requisite resources to prepare their students to meet rigorous standards. Frankly, we can do this any number of ways—our CSIS Commission, for example, recommends reforms in the Chapter I Program, and you can be certain that Senator NUNN and I will revisit this issue during the debate on the Elementary and Secondary Education Act—and I believe schools should take the opportunity to address the issue as they see fit. But I certainly don't think we should mandate this standard.

I caution my colleagues that experience has traditionally shown that what begins as voluntary often does not stay that way for long. However, I am satisfied that the language we currently have before adequately protects the rights of State and local education agencies to address this issue voluntarily and to fit each specific situation.

I know Senators KASSEBAUM and JEFFORDS also have the same serious concerns about opportunity-to-learn standards, and I believe it is through their efforts that the OTL language in the bill has been shifted from prescriptive to descriptive. If I thought this bill mandated any of these standards, I would oppose it.

I have also heard a great deal of concern from folks that this bill will force States to implement what people are calling outcome based education [OBE]. As I understand it, the intent of OBE is to focus on academic results and provide greater flexibility to localities. This in itself is good.

However, I understand and appreciate the concerns I am hearing from New Mexicans who fear that outcome-based education will move away from the basics of education and into matters that are best left to the discretion of parents.

As I understand it, this legislation in no way mandates or endorses one system of reform over another. There may be many who oppose outcome-based education, but whether a school wants to use assistance under this legislation to implement OBE as a means of reform, that is entirely their business.

I am also encouraged by the emphasis this legislation places on the importance of job skills standards. This is also an issue stressed in our CSIS report, though in a slightly broader scope than allowed by the parameters of this bill.

Our report points out that the United States has only minimal standards to measure skill competencies. For example, most occupational training certifies only program completion or graduation, which are not necessarily recognized by employers or transferable from job to job and State to State.

The Skills Standards Board authorized under this legislation is charged with endorsing voluntary skill standards systems developed with voluntary partnerships. These skill standards, among other criteria, must allow for regular updating as information becomes available, must be developed after taking into account relevant standards in other countries, and, perhaps most important, they must be portable credentials to facilitate mobility within that skill or among industries.

In the CSIS report, we have stressed the importance of businesses, trade association, educators, and labor working together to develop a system of technical and professional standards for occupational training.

We believe that the technical and professional certificates recognized by employers and postsecondary institutions should be available for the entire range of services and industries and should include rigorous qualifications and standards. If enacted, I urge the National Skills Standards Board to consider the recommendations made in our report.

Finally, I want to thank the members of the committee for their willingness to accommodate me on several amendments I proposed to the bill we currently have before us. For the benefit of my colleagues, I want to review very briefly how my amendments change this bill for the better.

My first amendment lays some ground rules for how the National Goals Panel would conduct its business. Frankly, if we are going to invest as much authority in the Goals Panel to make important decisions as this bill provides, then I think we need to define exactly how the members of the panel make those decisions.

My amendment is very simple: It states that in making final decisions, the Goals Panel shall operate on the principle of consensus. In the event that a vote is required to reach a final decision, a three-quarters vote by members present and voting is required. I think these are reasonable parameters to set for the panel, especially with the importance of its role.

My second amendment refers to the national report card that this legislation asks the Goals Panel to submit annually to the President. In the bill before us, we allow the Secretary to waive statutory requirements in six specific areas—such as chapter 1 and Eisenhower Math and Science, for example—if States believe that regulations within these statutes are impeding their ability to implement education reform.

This is an idea I support, as I hear often from educators who tell me they feel they are being strangled by regulatory redtape and are thus not able to perform their jobs to the fullest of their abilities. Frankly, I think we should allow States to waive other regulations that may be hindering their efforts, not just the six provided in the bill.

However, rather than adding to the bill other statutes and regulations that may be waived, I am simply asking that the Goals Panel, as part of the report card, revisit this issue each year, and identify actions that it believes should be taken to overcome statutory or regulatory impediments to education reform. I have worked with Senator JEFFORDS on a slight modification of this amendment, and I am pleased the bill now reflects the intent of this language by assigning this duty to the Secretary in his report to Congress.

Finally, my third amendment amends the provision relating to the opportunity-to-learn development grant first by adding language allowing NESIC to consider unsolicited proposals when determining whom will receive OTL development grants. This amendment also clarifies that more than one grant is to be awarded under this provision. I have been informed that the committee has always intended for more than one award to be issued, and this amendment makes this intention clear.

Mr. President, I believe we can—and should—make a determined effort to ensure we pass a good bill and a bill which, unlike our efforts in 1992, will return from conference in a recognizable form. I know all of us in this body are committed to doing so.

I want to thank the members of the Education Subcommittee for their efforts on this bill and their willingness to accommodate on my amendments. I am encouraged by the debate we have had so far, and I look forward to enacting meaningful and responsible reform during this Congress.

The PRESIDING OFFICER. Under the previous order the clerk will read S. 1361 for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WALLOP. Mr. President, yes there are problems in education. Federal Government control is not the solution to these problems. We cannot belittle the troubles that plague our children's schools, but a $400 million Federal Band-aid is going to fix nothing and harm everything. Goals 2000 will not fix education but it will complicate it. The most likely result of this new Federal intrusion will be irreparable damage to the entire education community in this country.

Our schools need our help. Our students are facing problems and situations today that none of us ever encountered. But by and large they are more the fault of Government policy. Many public schools are facing dramatic difficulties, and the congressional knee-jerk reaction is: "If only we give more money, everything will be fine." Mr. President, that is simply not true. Money can help a world of woes, but it won't buy quality. Like virtually every other sector in this country which the Federal Government touches, the educational structure is flabby from Federal pork.

This legislation comes as a surprise. All I have been hearing about during my years here in the Senate, in public life before coming to Washington, was that Americans want less Federal intervention in their lives—not more. And here we are talking about giving the Government even more control over the basic education programs of our children.

This bill is yet another step in the Federal Government's takeover of education in general. Sure, the bill's proponents repeat over and over again, "It's voluntary, voluntary, voluntary." I say it is the large Federal camel's nose in history.

The claim that Goals 2000 is voluntary is without merit. Any schools will dance for the piper with more money. Waving a $400 million carrot in front of school noses and promising that the control will stay in school hands is just plain fatuous. It is already mandatory for the States to jump through hoops and dance jigs in order to get Federal funds. There are strict guidelines in the grant programs that must be adhered to, or the money is withheld. Who supposes this will be different?

Once the States submit educational plans and have them approved by the National Education Goals Panel or the National Education Standards Improvement Council or the Secretary of Education or whoever, and receive their stipend, they are hooked. They will be obligated to the Federal Government to do whatever the Government directs them to do. There is absolutely nothing in here that keeps the Government from changing course midstream. Once the schools are dependent on the funds from Goals 2000, they will have no choice but to comply. We do not need the Government "Nanny" directing how we raise and educate our children. Our children and parents need more support and freedom, not mandates.

Mr. President, I urge my colleagues to oppose this legislation on its face. The promise of more money to our schools through this desirous method is repugnant; $400 million split among 50 States, the District of Columbia, and all our territories, let alone how much is actually appropriated after the bill goes to conference, will amount to little help, but the States will be tied to it forever. The "National School Board" will have arrived.

This is coercion, Mr. President, and I will not support it. This is not the solution. Accountability is the solution—accountability to our parents, accountability to our children—not accountability to the National Education Association or the Department of Education.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY. Mr. President, have the yeas and nays on final passage been ordered?

The PRESIDING OFFICER. The Chair would advise the Senator that they have been ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I expect very shortly we will be having the final vote on the Goals 2000. I thought I would just report to the Senate what the administration intends to do in the outyears.

This current year, subject to authorization, Goals 2000 will receive $100 million. After the conference, which I think can be worked out very quickly, we will be able to implement the program. Under the President's budget, which we have now, the President has indicated that Goals 2000 funding would be increased to $700 million in 1995 and $1 billion in 1996, 1997, and 1998. That would be $3.8 billion over 5 years in terms of support for education reform. I do not mean support from the top. Those grants will go primarily to schools and school districts across this country.

I believe that is a very, very significant commitment toward achieving the goals in the legislation and toward real school reform.

When you take the increase in the Head Start Program, which is going to be some $700 million; the increase in the Chapter 1 Program, which is an additional $700 million; the $300 million increase for Chapter 2, which would basically go to training programs for teachers, focusing on teacher education and upgrading teachers' skills—all this is a major, major commitment by the administration to education programs.

So, this is a very important day in the life of the education of this country. I just want, once again, to extend our great appreciation for the strong bipartisan support we had in our committee and here on the floor, and to thank, in particular, Senator JEFFORDS, Senator KASSEBAUM, and our associate, Senator PELL, who is the chairman of the Education Committee who has been a tireless advocate for these kinds of reforms and a number of others over many years.

It is important for our local schools to understand, for parents to understand, for students to understand, for school boards and principals and supervisors to understand, and for those who have responsibility in the States for leading education, as well as the Governors, to understand that this is really a dramatic commitment by the President and the administration and the Congress to put education issues on the front burner of the American agenda.

I think this is extremely important. I agree with those—and I note the Senator from Vermont is on the floor—who believe we have to do even more in terms of investing in our young people than even this commitment. But I do think we are making an extremely important downpayment on what I hope will be an increased commitment of resources to quality education for the young people of this country.

We now look forward to working to make sure that this legislation achieves the objectives which we have advanced in the committee and on the floor during these past days of debate.

I thank the Chair.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from Massachusetts for the incredible work on this bill. As he has stated, we have established a needed framework or at least the groundwork to create the framework for education reform in this country. What we have done today could turn out to be one of the most important days in the history of this country if we fulfill our commitment to follow up with the plans that are laid and follow through with the resources that are necessary to accomplish the goals which we have established.

So I look forward to working with my good friend in my neighboring State of Massachusetts to make sure we do continue on this path towards alleviating an incredible crisis in this Nation in the field of education which is related directly to our ability to compete in the world of the future and to increase the standard of living and to help all of our people have a better life.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. Leaders' time was reserved; the Senator is correct.

SALUTE TO WAYNE ANGELL

Mr. DOLE. Mr. President, as Republican leader, I have had the opportunity to recommend a number of outstanding Americans for appointments in various administrations.

And no doubt about it, one of the recommendations in which I have always taken great pride was to name Wayne Angell to the Federal Reserve Board.

When Wayne Angell leaves the Federal Reserve Board on February 10, he will leave behind an 8-year record as a voice for low inflation, low interest rates, and common sense.

As the Wichita Eagle wrote this week, "For Wayne Angell, self-reliance is preferable to government programs; markets generally regulate themselves better than do governments; and prosperity is more likely to ensue when the impulse to tax is restrained."

I am proud to say that Wayne Angell learned those lessons in Kansas. He was born in Liberal, KS, and received degrees from Ottawa University and Kansas University. Before coming to the Fed, Wayne had been an educator, a banker, a small businessman, a State legislator, and a farmer.

In fact, when he was appointed to the Federal Reserve by President Ronald Reagan in 1985, Governor Angell became the only farmer and the only small banker to serve on this distinguished panel.

Among those who watch the Federal Reserve closely, Wayne has earned a reputation as an inflation hawk who strove to make the dollar as good as gold, and as someone who helped bring both inflation and interest rates to the lowest levels in a generation.

There is little doubt among economists that low interest rates were the primary force pushing the economy forward in 1993.

The millions of Americans who took advantage of these low rates to purchase a first home or refinance their mortgage owe Governor Angell a debt of gratitude.

Mr. President, Wayne D. Angell has done an excellent job at the Federal Reserve. And I know that whatever road Wayne takes in the future, he will continue to make a positive difference in the life of Kansas, and the life of America.

I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1836 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO LISA FRICK

Mr. DOLE. Mr. President, I would like to take a moment to recognize a member of my staff, Lisa Frick, who has recently moved to the private sector. Lisa is a native of Scott City, KS, and the daughter of Jack and Linda Frick. Lisa served ably in my personal office for almost 4 years. In that time, she worked tirelessly to assist Kansans and respond to their concerns. She put in long hours and became well known to the Kansans she spoke with as someone who listened and took their views seriously.

Lisa has joined the Independent Petroleum Producers Association. I know that she will bring the same dedication and good Kansas sense to her new job as she demonstrated in my office, and I wish her the very best of luck.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CONCERNING JENNIFER SCOTT SMITH

Mr. BOREN. Mr. President, I did not want this day to pass without mention of 28-year-old Jennifer Scott Smith, a young Oklahoman whom I had the pleasure of meeting in my office in early August 1993. A 1983 graduate of Norman High School in Norman, OK, Jennifer attended the Air Force Academy for 2 years before entering the University of Oklahoma School of Engineering. She graduated with a degree in mechanical engineering. After working 3 years with Andersen Consulting, she decided to do graduate work at the University of Maryland.

When Jennifer and I met last summer, she spoke openly and bravely about her battle with cancer. I was impressed with her courage and determination to beat the odds. She was bright and witty, and certainly a fine example of the young Oklahoma citizens whom I represent on a daily basis in the Nation's Capitol.

Last Saturday evening, Jennifer Smith lost her battle with cancer. Her young life will be celebrated today in Norman. On behalf of her many friends and acquaintances and the State of Oklahoma, I offer heartfelt sympathy to her mother Jean and her father, Eddie Carol Smith, dean of the graduate school at the University of Oklahoma.

SHIFTING MONEY TO HELP POOR STUDENTS

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues an editorial which appeared in the New York Times last week. The editorial is in regard to the formula for the chapter 1 program, established under the Elementary and Secondary Education Act of 1965 [ESEA]. Chapter 1, which serves over 5½ million children at $6.9 billion, will be reauthorized this year.

There will be many important issues related to that reauthorization, but perhaps none will be more difficult to resolve than changes to the chapter 1 formula. While I wish that our resources were unlimited and that we could serve every chapter 1-eligible child, I am afraid the harsh reality is quite the opposite. We are confronted with severe fiscal restraints, and the unpleasant truth is that funding will not reach the levels I am sure we all believe are necessary.

In that regard, it is crucial, perhaps now more than ever before, that Federal legislation be carefully crafted and better targeted so that programs will reach the neediest of children in the neediest of areas. If chapter 1 is to fulfill its promise during these austere budgetary times, then as the New York Times editorial encourages, dollars must be targeted in greater amounts on fewer students.

Mr. President, I encourage my colleagues to take a moment to read the New York Times editorial and ask unanimous consent that its full text be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 1994]

SHIFTING MONEY TO HELP POOR STUDENTS

The Federal program aimed at improving basic academic skills of low-income children, known as Chapter 1, needs major revision. Over the years, its funds have been spread too thin and fail to help many of the neediest students.

The Clinton Administration has put forth a sensible plan to concentrate more money on the most disadvantaged students. As Congress begins marking up the bill this week, it should follow the Administration's lead—and go even further.

Since 1965 the program has provided remedial instruction in reading, language and math to lower-income students. It currently covers more than five million students in two-thirds of the nation's schools. But in the last year, three separate studies have suggested changes to improve the program's success.

Typically, students are pulled out of regular classes to attend remedial classes for 30 minutes. Too often, they then fall behind in their regular classes. The reports recommended fewer remedial classes and more emphasis in regular classes on critical thinking and analytical skills. They also suggested improvements in teacher training, student evaluations and health and social services for needy students.

The biggest issue before a House education subcommittee this week involves funding. Schools receiving Chapter 1 dollars are spread out in 95 percent of the nation's school districts. The Administration proposes new formulas in the $6 billion program that would shift money from some areas with low concentrations of poor students, including Montana, Nebraska and Maine, to cities like New York, Los Angeles and Detroit with high concentrations of poor children.

Even with the proposed shifts, many schools will still be too short of funds to meet the higher academic standards the Administration suggests. They may need extra money to ensure that students have realistic opportunities to learn.

Many members of Congress may be reluctant to see Federal education dollars transferred from their home districts. But the clearest Federal role in education is to equalize opportunity. Chapter 1 can only fulfill that mission if it is revamped.

CAROLYN C. ROBERTS

Mr. LEAHY. Mr. President, all of Vermont shared a proud moment on January 31, when Carolyn Roberts, president and chief executive officer of Copley Health System in Morrisville, VT, was sworn in as chair of the American Hospital Association's Board of Trustees. I can think of no person more qualified or better prepared to lead hospitals during this year of intense debate about how best to reform our Nation's health care system.

Over the years, Carolyn has shared with me, her ideas on improving the way we deliver health care, particularly in rural areas, and I have come to rely on her expertise to guide me in health care issues. I always have been impressed that Carolyn never loses sight of what health care is all about—taking care of people.

Recently, she testified at a hearing of my Judiciary Subcommittee on Technology and the Law on the information and privacy aspects of President Clinton's Health Security Act. I look forward to working with Carolyn on this and other issues central to the reform debate.

Carolyn is my adviser and my friend. I wish her the very best in the coming year.

Mr. President, I ask unanimous consent that the following description of Carolyn Roberts from the program for her investiture ceremony be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

INVESTITURE PROGRAM

Presiding Officer, Larry L. Mathis, Speaker, House of Delegates.

Call to order, Larry L. Mathis.

Invocation, The Reverend Edward J. Mahoney, Ph.D., St. Michael's College, Winooski, VT.

Concert, University Choral Union and Jon Gailmor, Burlington, VT, directed by James Chapman.

Introduction of Officers of State Hospital Associations, Larry L. Mathis.

Investiture of Chair, Board of Trustees, Michael P. Guerin, AHA Secretary.

Chair's Inaugural Address, Carolyn C. Roberts.

Reception, Honoring Chair, Carolyn C. Roberts, Crystal Ballroom.

Integrity, intelligence, intensity, these characteristics only begin to capture the whirlwind of excitement and vibrant energy that is Carolyn Roberts. A forceful and committed health care leader with a deep devotion to health care needs of communities, she is known and respected for her great enthusiasm, dedication, and outside-the-lines thinking—a combination that makes her the master of accomplishing the nearly impossible.

Her vision of health care reform is strongly patient- and community-centered with a long-held commitment to restructuring the delivery system.

In Copley Hospital, Carolyn has fostered an institution both innovative and warmly comforting, bolstered by her foresight and farreaching strategic thinking. Set in somewhat isolated northcentral Vermont and about 35 miles from neighboring hospitals, 54-bed Copley Hospital under Carolyn's leadership has become a model of collaboration. In addition to forming a rural health consortium in the 1980s, Copley Hospital has also led state-level initiatives on quality, data, and ethics and has received numerous grants to study opportunities to improve care in rural areas. In 1987, Copley Hospital was co-winner of the prestigious Foster G. McGaw Prize for its community services and innovation in rural health care and housing for the elderly. Carolyn's professional experience spans research and management in urban teaching centers, giving her the knowledge and insights to foster collaboration across the continuum.

As one who understands that being a good listener is basic to good leadership, Carolyn radiates caring and a profound sense of valuing each person and each idea. Colleagues respect her openness, acumen, and judgment on difficult issues, as well as her natural leadership skills and sense of humor. Carolyn was named the 1987 Health Care Executive of the Year by the American Academy of Medical Administrators and is also active in numerous other professional organizations. Actively promoting leadership opportunities for women, she is a founding member of Health Alliance and long-term executive committee member of Women's Healthcare Forum.

In leisure time, she golfs, does needlework holds her own in a season-long football pool with husband Ed Connors, and regularly wins their perpetual cribbage competition. Her office at Copley Hospital is crammed with black-and-white spotted Holstein memorabilia, a tribute to Vermont's dairy cows. Son Mark and wife Kaylee are close by in Morrisville, with their two children, Cynthia, 6, and Sam, 5. Daughter Deanna and her husband, Michael Hazeltine, live in Southboro, Massachusetts, with 6-year-old Stephen and 4-year-old Erin. Together, Carolyn and Ed have eleven grandchildren—a full and sometimes hectic family life.

Carolyn is a leader of many accomplishments, in Copley Hospital, Vermont, and in the nation. And maybe one clue to understanding her success can be found in her hopeless addiction to cloud-watching. Carolyn is captured by the swirls, colors, shapes, and textures of clouds. In clouds, as in personal and professional life, Carolyn Roberts finds hidden possibilities and sees broad and deep meanings. And in life and health care, as in clouds, she finds excitement, energy, and vision.

DISABILITY PAYMENTS TO DRUG ADDICTS AND ALCOHOLICS

Mr. COHEN. Mr. President, the President of the United States has just submitted a $1.52 trillion budget proposal to Congress and this week will introduce his drug strategy plan. We will soon start rolling up our sleeves to hammer out the details of major health care reform proposals—and will then turn to the rather large task of reforming our Nation's welfare system.

While there will be many solutions proposed to these problems of crime, drugs, health care, and welfare, I rise today to report to my colleagues on one way that we can make a dent in each of these problems facing our Nation today.

Stop giving drug dealers and drug addicts cash to buy more drugs. Absurd as it must seem to hardworking Americans who see more and more of their paychecks going to taxes, and to severely disabled persons who truly need assistance, we are now paying over a billion dollars a year in disability payments to drug addicts and alcoholics—many of whom are using taxpayer dollars to buy more drugs and alcohol.

For the past several months, my staff on the Senate Special Committee on Aging has been investigating the payment of Social Security disability benefits to drug addicts and alcoholics. As part of this investigation, I asked the GAO to review the adequacy of the Social Security Administration's program for SSI and DI recipients who are drug addicts and alcoholics [DA&A].

FINDINGS

The current policy of allowing addicts and alcoholics to use disability payments to turn around and buy more drugs and alcohol seriously undermines our efforts to combat crime, promote preventive health care, and reform our welfare system. In addition to wasting taxpayer dollars, the current situation hurts the addicts themselves—and only perpetuates drug and alcohol abuse.

We found that:

The word on the street is that SSI gives easy cash for drugs and alcohol.

The director of a homeless shelter in Denver told staff investigators that SSI is, in effect "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for followup or treatment. He maintains that the first day of every month is considered Christmas Day by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.

An expert who works with drug abusers and alcoholics compared the policy of giving addicts cash to "giving someone on disability because of cancer a monthly injection of cancer cells."

A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about 99.5 percent SSI recipients. He said that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming."

In San Francisco, a drug addict used his disability benefits to buy high-grade drugs, diluted these into small doses, and realized huge profits by reselling them on the street.

In our investigation, we heard several allegations that the current disability process has spawned a cottage industry of clinics, attorney representatives, and doctors who help abusers get on the disability rolls.

Another major finding is that lump sum disability benefits of thousands of dollars are being paid to substance abusers who are using these funds to buy drugs and alcohol.

Since it frequently takes a year or longer to be awarded benefits for SSI and DI, lump sums as high as $15,000 to $20,000 can be awarded to substance abusers. For example:

An SSI applicant alleging drug addiction was found disabled and then died of a lethal drug overdose purchased with thousands of dollars of unrestricted retroactive benefits.

An SSI and DI recipient with a history of drug abuse was awarded retroactive benefits of $19,000. He went directly to Las Vegas and proceeded to purchase cocaine, using up all of his money.

We know directly that some recipients are dealing drugs but we still pay them.

The Ninth Circuit Court of Appeals ruled last week that under the current law governing the SSI program, active drug dealing is not enough to deny disability benefits.

So even if you are dealing in drugs that is not enough to stop the flow of taxpayer money going to that individual. I would like to try to explain that one to the American taxpayer.

The protections that are supposed to exist in the program have failed.

Congress required that drug abusers and alcoholics comply with two requirements in order to get disability and SSI benefits:

They must have treatment and have a third party, either a friend, relative, or an institution manage the payments on their behalf.

Both of these protections have failed.

Up until last month, the Social Security Administration had set up programs to monitor and enforce the treatment requirement in only 18 States. In fact, 26 States had never had an agency approved by SSA to monitor treatment.

Fewer than one-third of the approximately 250,000 drug addicts and alcoholics are even required to get treatment or have someone else collect their benefits for them.

Of the $1.4 billion in benefits flowing to drug addicts and alcoholics on the SSI and disability programs, only $320 million of these payments are even covered by these protections. So, over $1.1 billion in payments are exposed to widespread abuse—with no controls in place.

There are widespread problems in the collection of payments by third parties on behalf of the drug and alcohol abusers—in fact, we found cases where the bartender, the local drug dealer, or another addict was appointed as the guardian of the payments.

Mr. President, this simply cannot be allowed to continue, that we are making payments directly to local bartenders, or to other drug addicts to collect the money who then go out and buy more alcohol and more drugs. It is an intolerable situation. Soon I will be introducing legislation that I think we can take corrective action very quickly and very simply to stop the flow of money going to this type of abuse.

Mr. President, I yield the floor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, February 7, the Federal debt stood at $4,517,324,862,004.37, meaning that on a per capita basis, every man, woman and child in America owes $17,326.94 as his or her share of that debt.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

UNITED STATES-JAPAN FRAMEWORK INSURANCE TALKS

Mr. MURKOWSKI. Mr. President, as President Clinton prepares for his summit with Prime Minister Hosokawa later this week, I want to make several points about the framework negotiations on insurance. First and foremost, the United States must not accept an agreement which fails to provide genuine competitive opportunities for American companies in Japan. An agreement for its own sake would be a serious mistake, and unacceptable to this Senator. A bad agreement would be worse than no agreement at all.

It is critical for the administration to follow through on its publicly stated goal of a results-oriented insurance agreement with Japan. The MOF and Japanese insurance companies must understand that our Government's support for the United States insurance industry is real. The Japanese Government and insurance companies must no longer be allowed to discriminate with impunity against United States insurance interests.

Foreign insurance companies currently hold less than 3 percent of Japan's market. In other OECD countries, the foreign share is at least 10 percent, and up to 33 percent. If Japan's insurance deregulation program is to be truly meaningful, foreign firms must be allowed to compete in a fair manner, and the limited progress made to date by foreign firms must not be sacrificed in the name of deregulation. On the contrary, this progress should be fostered, so Japanese consumers, both individual and corporations, can enjoy the benefits that deregulation is intended to generate.

The consequences of these negotiations will reach beyond Japan to elsewhere in Asia. Other Asian governments will take note of the serious support by our Government for industry objectives across the region.

We cannot afford to wait as long as we did on the construction industry issue in Japan. My experience there suggests that real progress can be made on difficult access problems when a serious approach is taken. Reforms will benefit both economies and underscore that Japan is serious about reducing its trade imbalance with America.

Further, Japan has suggested the United States is trying to manage trade. It is disingenuous for Japan, of all countries, to suggest the United States is somehow threatening fundamental market economics. The allegation is a red herring. Rather, the United States is simply trying to establish benchmarks to determine whether an agreement is achieving its objectives, something the Japanese should favor.

READY TO LEARN ACT

Mr. KENNEDY. Mr. President, when E.B. White first saw television in 1938, he said he hoped it would be "a saving radiance in the sky." By including $10 million for the Ready To Learn Act in the fiscal year 1995 budget, President Clinton has taken an important step toward achieving that dream.

The Ready To Learn Act, passed by Congress in 1992, mobilizes the power of television to deal with one of our most pervasive national problems: children entering school who are not ready to learn. The crisis is staggering. According to a study by the Carnegie Foundation for the Advancement of Teaching, 35 percent of the country's children do not enter school ready to learn.

The Ready To Learn Act addresses this problem by promoting the development of educational TV programming to prepare children for the classroom. It also offers training workbooks for teachers and parents, and uses telecommunications technology to bring such programming to isolated or disadvantaged communities throughout the country.

Last month, I visited one of the leading PBS affiliates in the country, WGBH in Boston. Head Start counsellors from 11 cities across the country had come for training on how to use educational TV programming to improve children's academic readiness. Numerous educational programs, such as "Where in the World is Carmen Sandiego," have been developed at WGBH to serve children's educational needs. The Ready To Learn Act will build on such progress, and play a significant role in school reform.

It is appropriate that as the Senate acts today on two major new education initiatives—the Goals 2000 bill and the school-to-work bill—President Clinton's budget demonstrates the administration's high priority on this aspect of education as well. Last year, the Corporation for Public Broadcasting received $7 million in forward funding for fiscal year 1996 for Ready To Learn programming. Now, in his current budget, the President has strengthened and accelerated that commitment.

I commend the President for his action, and I look forward to working with the administration to fulfill the great potential of this legislation.

UNFUNDED MANDATES AND THE AMERICANS WITH DISABILITIES ACT

Mr. METZENBAUM. Mr. President, I rise today to address the issue of unfunded mandates.

This has become a hot topic these days. I have heard many reports about State and local governments complaining about Federal statutes such as the Safe Drinking Water Act and the Clean Air Act. Local officials complain that they do not have the funds in their budgets to comply with the requirements of these laws.

I can understand their frustration. Stretching tight dollars for necessary programs has become the standard operating procedure around here. But, I am also particularly troubled by the comments and complaints about one statute, the Americans With Disabilities Act.

When this legislation was passed 4 years ago, it was hailed as a landmark civil rights bill. It secured fundamental and basic civil rights for the estimated 43 million Americans with physical or mental disabilities. Under the Americans With Disabilities Act [ADA], employer discrimination against persons with disabilities would become a thing of the past.

A person in a wheelchair would have the same access to a public building as any other citizen. A disabled person would no longer face exclusion and segregation; inclusion in mainstream society would no longer remain an elusive dream, but would be an attainable goal. And yet, the Americans who have struggled with disabilities, discrimination, and often the callous disregard of society, now hear the chorus of those on the unfunded mandate bandwagon that the ADA is an unfair burden.

On one news broadcast, a mayor of a large city in my State complained that the citizens of his community may have to do without some services because of the cost of complying with the ADA. Well, some citizens in some communities around the country have gone without services for the past 20 years because they were disabled.

They have been the ones who have gone without access to city hall. They have been the ones who have been passed by when the bus came down the street. They have been the ones who have borne their share of unfair burdens. And now, after they have been empowered under the ADA to gain access to public buildings and gain access to Government services, the local and State governments are starting to balk at implementing the act.

Some officials want Congress to scale back the act. Some officials have even complained that they will implement the act when Congress appropriates funds for it. Well, to be frank, we have been providing funding for many of these communities for the past 20 years.

Under the antidiscrimination provisions of the Rehabilitation Act of 1973, any public or private entity that received public funds had to be accessible to the disabled. So, for 20 years, many of these communities have received funds that could have been used to make services available for the disabled. Some advocates for the disabled community have even suggested that the State and local governments would not face the costs of implementing the ADA, if they had complied with section 504 of the Rehabilitation Act beginning in 1973.

However, we should not lose sight of the principal character and mission of the ADA in talking about how funds are available and how past funds were spent. The Americans With Disabilities Act is a civil rights bill. For many Americans who struggle every day with a disability, the passage of the ADA was a breath of fresh air. It has given hope to those who have been excluded from society.

In his report on reinventing government, Vice President GORE has taken a strong stance on unfunded mandates. While I appreciate his concern and will work with him to accomplish many of the goals in his report, I hope that the ADA will be considered not just another unfunded mandate, but the landmark civil rights legislation that it truly is.

I want to make my position clear on this subject. In the coming months, as unfunded mandates are debated on the floor of the Senate, I will not stand by if basic and fundamental rights for disabled Americans are denigrated in the name of saving a few dollars. Disabled citizens of our Nation have waited too long for rights provided by the ADA to see those rights swept away in the rhetoric against unfunded mandates.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, last week, I delivered my first weekly report to the Senate on the number of homicides by gunshot in New York City. I rise again today to announce that last week, there were 23 such homicides in the city of New York.

Mr. President, we are in the midst of a public health epidemic. These often random killings will continue unless we restrict or heavily tax handgun ammunition. Not ammunition used primarily to hunt or for target practice.

But rounds used by drug dealers, rounds that emergency room doctors must remove from the bleeding bodies of gunshot victims, rounds that injure, rounds that maim, rounds that kill.

Some opponents of ammunition or handgun control assert that ownership of a handgun could very well thwart an attempted burglary, homicide, rape, or assault. This could not be further from the truth.

According to New York Newsday, at 11:45 p.m. on Tuesday, January 25, 1994, Mr. Ray Simms "was shot twice in the side with his own gun after he shot his landlord during a dispute over heat in his building. * * * Simms died later at Harlem Hospital Center." Killed with his own gun, Mr. President. None of us know why Mr. Simms had purchased this gun. But what a tragic irony indeed if he did buy it for protection. According to the October 7, 1993 issue of the New England Journal of Medicine, keeping a firearm in the home is associated with a risk of homicide nearly three times as high. Simms' death, sadly, illustrates this point.

Mr. President, following the President's Day recess, I will again report to the Senate on the number of persons killed in New York City by gunshot. There will probably be 40 or so victims. And we will continue to do nothing as more and more people will die.

We must take action now and ban the most nefarious rounds and tax others. We must act to save lives.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask that the Senate resume consideration of S. 1150.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the immediate consideration of H.R. 1804, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certification; and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 1804 is stricken and the text of S. 1150 is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read the third time.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at 5 p.m. today, the Senate proceed to executive session to vote on the nomination of M. Larry Lawrence to be Ambassador to Switzerland, Executive Calendar Order No. 536; and that, if confirmed, the President be notified of the Senate's action.

I further ask unanimous consent that following the vote on Executive Calendar Order No. 536, the Senate proceed to the en bloc consideration of the following nominations:

K. Terry Dornbush, to be Ambassador to the Kingdom of the Netherlands, Executive Calendar Order No. 531; Thomas L. Siebert, to be Ambassador to Sweden, Executive Calendar Order No. 534; Sidney Williams, to be Ambassador to the Commonwealth of the Bahamas, Executive Calendar Order No. 535; and nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that at that time the nominees be confirmed en bloc; that any statements appear in the RECORD as read; that the motions to reconsider be tabled, en bloc; that the President be notified of the Senate's action; that the Senate return to legislative session, and then vote, without any intervening action or debate, on final passage of H.R. 1804, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent, as if in executive session, that it now be in order to request the yeas and nays on the Lawrence nomination.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, pursuant to the agreement just approved, there will be two rollcall votes beginning at 5 p.m. this evening. There will be no further rollcall votes today after that.

The Senate, tomorrow, providing that consent is obtained—which I hope it will be—will proceed to consideration of the emergency supplemental appropriations bill, which the Senate Appropriations Committee is expected to complete action on shortly.

The votes at 5 p.m. today will be first on the nomination of M. Larry Lawrence to be Ambassador to Switzerland, and then, following consent action not requiring recorded votes on a series of other nominations which I have just stated, the Senate will vote by rollcall in a record vote on final passage of H.R. 1804, which is the Goals 2000 education bill.

So there will be two record votes, not immediately back to back, but the second one will follow closely after the first one at 5 p.m., and there will be no further rollcall votes today after that.

Mr. President, I thank my colleagues for their cooperation and I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

WHITEWATER

Mr. D'AMATO. Mr. President, today is February 8. We can mark off one more day in the Whitewater/Madison County. There are only 20 days remaining until February 28.

While we say we have 20 days remaining, in essence, as it relates to business days that we may be in session, it is a lot less. It is, at the most, 7 days: February 9, 10, and if we are in session, the 11th, because we go out and do not come back until the 22d. So that would then be 5, 6, 7—8 business days. And we have not gotten a response yet as it relates to the status of the statute of limitations which will run out on February 28.

Again, the Senator says the statute of limitations, people do not really understand. What that means is once that date is reached, the 28th, anyone who might have liability as it relates to the failure of this institution, which cost the taxpayers $47 million, will no longer have liability unless two things are achieved: First, a tolling agreement is obtained. That is something that is done regularly in these cases. That is not extraordinary. So what we are asking of the RTC is: Are you undertaking the tolling agreement that you do regularly? And, second, if not: Will you be undertaking, then, a suit against those people who have potential liability, to protect the taxpayers and thereby find additional opportunity to refine the lawsuit and, in essence, toll the statute?

I have to say, the RTC's response to date is one of obfuscation. In the two letters we have sent to them, they have really failed to answer the question directly: Is this the last day? We believe it is, February 28. Second, are you seeking these tolling agreements? If you are not, why are you not and will you be commencing action against those people who might have liability before the statute of limitations runs out?

That is why I and a number of my colleagues, 40 Senators at this time have joined with me in sending a letter today to the interim RTC Chief, and that is Mr. Altman. Thirty-nine of my colleagues have joined me. We have requested a prompt and comprehensive response from the RTC.

Under ordinary circumstances, one might believe that a prompt response would be forthcoming. I am somewhat doubtful. I believe we are getting the old "four-corner stall". This is being viewed as a game. I think we call it stonewalling. That is what is taking place. Indeed, Mr. Altman has an obligation, notwithstanding his tremendous responsibilities as Deputy Secretary of the Treasury, to respond to us because he is the interim Chief, by the way, of the RTC. We do not have a head of the RTC. He is the acting Chief. And that raises some other very interesting and difficult questions.

Can a man who is appointed by another person allow the kind of review necessary and make a recommendation that may impact upon the appointing official? I think it is very, very doubtful if that can be done without there being a tremendous burden placed on that person. One that ethically and morally should not be placed on Mr. Altman. It is wrong. But that is exactly and precisely what we have today.

Mr. MURKOWSKI. I wonder, Mr. President, if the Senator from New York will yield for a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. First, let me compliment him for his efforts in generating the signatures of 40 Senators on the letter to Mr. Altman.

But I wonder if I could inquire of the distinguished ranking member of the Banking Committee specifically whether or not there is an oversight board at the RTC that determines strategies and suggests policies to the Chief Executive Officer; in this case, the acting Chief, Mr. Altman?

Mr. D'AMATO. There is such a board. It is known as the Thrift Depositor Protection Oversight Board.

Mr. MURKOWSKI. Can the Senator give us an idea of who the members of the board are and what the status and authority of the board might be?

Mr. D'AMATO. I can. By statute there are seven members of the board. They consist of the Secretary of the Treasury, Lloyd Bentsen; the Federal Reserve Chairman, Alan Greenspan; the Director of the Office of Thrift Supervision—we now have an acting Director; the Chairman of the FDIC—we have an acting Chairman there; and Chief Executive Officer of the RTC—in this case, that is Mr. Altman, who is the interim CEO.

In addition to those five members, there are two independent members. Neither of these posts are filled. They are presently vacant, the post of the two independent members.

Mr. MURKOWSKI. The Senator from New York has indicated there are two members, the Director of the Office of Thrift Supervision and the CEO of RTC, who have not been confirmed in their posts. And the independent members as well. Two of those have not been appointed.

I wonder if the Senator from New York has any idea as to why these posts have not been filled by permanent appointees?

Mr. D'AMATO. I cannot answer that question. There are four vacancies. I know there have been difficulties with one of them, the filling of one of those posts and nomination for another of these is pending. But why the other two independents have not been filled, I have no reason. I think for the board to be fully functional, to have the kind of review necessary and encompassed by the statute, certainly those posts should be filled.

Mr. MURKOWSKI. I wonder, it is my understanding that this board has broad authority relating to the overall direction the RTC takes. For instance, the board is authorized to review the RTC's overall strategies, policies, and goals for resolution of various cases, and cases that may require the modification of such strategies. This board obviously has some authority in policymaking, to communicate to the Chief Executive Officer of RTC.

Mr. D'AMATO. That is correct. It does have the ability to set that. Indeed, that is its goal, not only to review but set policy.

I note the RTC itself is authorized to take whatever actions it deems appropriate with respect to individual cases and their resolution, without the approval or disapproval of the board.

Mr. MURKOWSKI. So, in other words, the RTC could determine in this case to seek a tolling of the statute of limitations in the Madison case without having to gain the approval of the oversight board? That is within the authority of the Chief Executive Officer, Mr. Altman? Or it appears to be?

Mr. D'AMATO. That is correct. The oversight board sets a general strategy for the RTC, but the RTC operates on a case-by-case basis, without having to seek approval of the board.

Mr. MURKOWSKI. Further, it is my understanding that the oversight board may issue rules and regulations and standards consistent with its responsibilities in setting policies and goals for case resolution.

In Mr. Altman's February 1 letter to the Senator, he indicated that the RTC would pursue all appropriate remedies, using "standard procedures." That would suggest to me it is a standard procedure to seek tolling agreement in civil proceedings seeking a recovery of taxpayer funds. I think in this instance we are talking about something in the area of $47 million, or thereabouts. So would it not be fair to assume that the oversight board has rules that would require seeking tolling agreements in a case such as Madison?

Mr. D'AMATO. I know of no reason why the board could not establish standards pertaining to the RTC's use of tolling agreements, as well as other general litigation policies. But I think what we have here is a policy and a practice which has been followed in all of the matters; in all of these cases where the statute is running, tolling agreements are regularly sought.

Mr. MURKOWSKI. So this would not be an exception? This would be a conventional policy of RTC, to simply extend the tolling agreement or, in the event the RTC cannot obtain the tolling agreements, then the RTC could file appropriate civil claims against all individuals whom the RTC has reasonable cause to believe may be liable to the United States, prior to the date of February 28, thereby tolling the statute and allowing time for refinements to the original complaint?

Mr. D'AMATO. The Senator from Alaska is absolutely correct. That is the frustrating part. Here we are—at one point a half-dozen Senators; at another point a number of Senators and Congressmen—attempting to get from the RTC the answer and the facts.

What, if anything, are you doing to protect the interest of the taxpayers in this case? Are we looking to extend——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business for another 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. D'AMATO. I thank my colleagues and I thank the Chair.

What, if anything, are we doing to see to it, can we have an assurance that the tolling agreements are being sought or that in lieu of that, if they are not able to get them from the various parties that might have liability, this being the case, if it is done regularly, then in that case that litigation would be commenced in order to protect the rights of the taxpayers.

The clock keeps ticking. It took us almost a month to get our second response. It is only because Chairman RIEGLE intervened, and we still have not gotten a satisfactory response. This Senator has now been forced to turn to colleagues, 39 of my colleagues have joined me—40 Senators—and we sent a letter today, which I will ask to be entered into the RECORD and read—although I know my colleague has another question.

Mr. MURKOWSKI. Prior to reading it, because I do not want to interrupt the continuity, the Senator from Alaska believes we should take a closer look at the operations of the oversight board and consider the appropriateness of contacting its members with regard to this case and the potential for tolling the statute of limitations.

Obviously, we do not have the assurance of Mr. Altman that he intends to do it. He, in effect, said he might do it. But it would appear that the board, which has a responsibility of setting policy, could make a recommendation or perhaps direct him to do it.

I am wondering if the Senator from New York is prepared to pursue this as an alternative avenue if, indeed, a positive response is not forthcoming from Mr. Altman relative to his intention to extend tolling on the statute of the limitations in the Madison case?

Mr. D'AMATO. It is my hope that the Banking Committee will have an oversight hearing prior to the February 28 deadline. Chairman RIEGLE has indicated he will hold hearings. I believe they have become almost academic. If we do not toll them prior to the 28th, that will put us into the week of the 22d.

I intend to raise this issue because, indeed, if we have not been satisfied that this case will be handled in the normal course, then I believe that it would be proper and correct for us to see if we could not get a determination from them instructing the RTC and setting down guidelines for them to see to it that they take the appropriate action to keep the statute from running out.

Mr. MURKOWSKI. As the Senator from New York has indicated, we are really up against some time realities here as you pointed out, to try and obtain the Senate Banking Committee's oversight hearings prior to February 28, knowing we have a recess that is going to be starting Friday of this week, which takes all of next week, and that leaves us just roughly 5 to 6 days in the last week of the month remaining.

Of course, the statute continues to go on and we continue to communicate with the chairman of the RTC. I encourage my colleague to consider the merits of directing a communique to the oversight board and perhaps copying the letters, the correspondence that has already been sent to Mr. Altman pleading for an extension of the tolling so that no one can say they were not notified who is in a position of responsibility.

Finally, let me commend my colleague, the Senator from New York and ranking member of the Banking Committee for his commitment to pursue this matter. I think it is his intention today to deliver or have delivered to the RTC the signature of 40 Senators that urge an extension of that tolling. I am sure it is the Senator's intention to put that in the RECORD and perhaps read that letter as well.

So just let me wind this up by indicating that I think what is being initiated here to try and generate action within the timeframe prior to February 28 is in the best interest, certainly of the taxpayers of this country, already seeing some $47 million—no small amount by any means—jeopardized by the action of Madison and the realization that Madison should be treated like any other S&L that has failed and the appropriate action by the RTC oversight board, as well as the chief executive officer, should be followed simply as a matter of standard procedure.

So I commend the Senator and thank him for his diligence in this matter.

Mr. D'AMATO. Let me thank my colleague and, indeed, I believe I will take that suggestion and see to it that a copy of our prior communication to Mr. Altman, as well as today's letter, be sent to the five members who are on the oversight board so that they understand that we will be seeking answers from them and maybe getting a decision from them and maybe they can contact Mr. Altman in regard to this.

Mr. President, I ask unanimous consent that a copy of the letter—I am not going to read it—we sent dated February 8, signed by 40 Senators, to Mr. Altman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS,
Washington, DC, February 8, 1994.

Mr. ROGER ALTMAN,
President Interim and Chief Executive Officer, Resolution Trust Corporation, Washington, DC.

DEAR MR. ALTMAN: The RTC has acknowledged that the statute of limitations for any civil action arising from the failure of Madison Guaranty will run out on February 28. After February 28, the RTC will not be able to recover any more of the $47 million the taxpayers were forced to pay to close Madison.

The RTC took over Madison in 1989. Presumably, the RTC has thorough knowledge of the institution, the reasons for its failures and the individuals and activities that contributed to its demise. The RTC made a criminal referral to the Justice Department perhaps as early as October, 1992 based on its extensive information and investigation.

The RTC's inaction on the civil side is therefore even more disturbing. With the civil statute of limitations about to run out, the RTC must take action immediately. Unless the RTC takes actions, the rights of the American people to justice and financial recovery will be forfeited to a legal technicality.

Your February 1 letter offered assurances "that the Resolution Trust Corporation is conducting a thorough review of the potential civil claims it possesses as a result of the failure of Madison." Moreover, you stated that the RTC "will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to all the statute of limitations."

Beyond this general response, we are seeking specific answers to the following questions:

What is the RTC doing to obtain voluntary agreements to extend the statute of limitations from all potential defendants in the Madison/Whitewater matter beyond February 28, 1994?

In the event the RTC cannot obtain tolling agreements, will the RTC file appropriate civil claims against all individuals whom the RTC has reasonable cause to believe may be liable to the United States prior to February 28, thereby tolling the statute and allowing time for refinements to the original complaint?

Will the RTC provide us with a complete report on the status and scope of its "thorough review" as soon as possible?

Time is of the essence. The RTC has had years to investigate Madison Guaranty; it should have complete knowledge of the situation and adequate legal foundation for any civil suits. It has only a week left to act and it should do so without further delay.

We must respectfully request that you respond fully and promptly to this letter.

Sincerely,

Lauch Faircloth; Alfonse D'Amato; Frank H. Murkowski; Robert F. Bennett; Don Nickles; Trent Lott; Thad Cochran; Strom Thurmond; Hank Brown; Bill Roth; Paul Coverdell; Arlen Specter; ——— ——— Connie Mack; Al Simpson; Nancy Landon Kassebaum; Richard G. Lugar; Judd Gregg; Conrad Burns; Dan Coats; Larry E. Craig; Chuck Grassley; Dirk Kempthorne; Bob Smith; Slade Gorton; John McCain; Jesse Helms; Larry Pressler; Kit Bond; Jim Jeffords; Dave Durenberger; Ted Stevens; Mitch McConnell; Malcolm Wallop; Peter V. Domenici; Orrin Hatch; John Danforth; John Warner; Bob Packwood; Bill Cohen; John H. Chafee.

Mr. D'AMATO. Mr. President, this letter will put several urgent questions to Mr. Altman and the RTC. Let me review them.

One. What is the RTC doing to obtain voluntary agreements to extend the statute of limitations beyond February 28 as it relates to all potential defendants or people who have possible liability in the Madison/Whitewater matter?

Two. If the RTC cannot obtain tolling agreements, will the RTC file an appropriate civil action against those who the RTC has reasonable cause to believe may be liable to the taxpayers prior to the expiration of the statute of limitations?

Three. Will the RTC provide a complete report on the status and the scope of the thorough review described in the February 1 RTC letter to us as soon as possible?

Again, Mr. President, this is the third letter from Members of this body. It seeks answers to some basic questions. These basic questions must and should be answered.

The bottom line will be: Will American taxpayers see that all institutions are treated the same way, irrespective of where they are or who they are? That is the bottom line. As Sgt. Joe Friday said, "All we want are the facts."

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Does the Senator need to ask for a specific amount of time?

The PRESIDING OFFICER. Under a previous order, the Senator is authorized to speak for up to 10 minutes.

Mr. METZENBAUM. I ask unanimous consent that the time be extended to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MADISON GUARANTY

Mr. METZENBAUM. Mr. President, last week I took the floor in response to some statements by the junior Senator from New York. I described my friend's daily speeches as getting "curiouser and curiouser," a description I lifted from a prominent work of literary fiction.

In fact, the Senator's daily speeches, in my opinion, each represent a chapter in a completely new and original work of fiction. I call it "ALFONSE in Wonderland."

Mr. D'AMATO. Mr. President, I make a point of personal privilege. I believe rule 19 has been violated. I would ask for a ruling from the Chair? I did not know we got into this business of describing a Senator's conduct in a manner using Senators' names in a pejorative way—"ALFONSE in Wonderland." I think that has crossed the line. I ask for a ruling.

The PRESIDING OFFICER. The ruling will be the Senators should address each other through the Chair and in the third person.

Mr. METZENBAUM. I certainly have done that.

Mr. D'AMATO. Mr. President, let me ask if it is appropriate—

Mr. METZENBAUM. I have the floor.

Mr. D'AMATO. I ask for a ruling from the Chair, is it appropriate to address somebody and refer to another colleague—

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. D'AMATO. Another colleague as "ALFONSE in Wonderland?" Now is that appropriate?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. I have the floor.

Mr. D'AMATO. I ask for a ruling as it relates to the comments, and I will ask the clerk to read them back to the Chair. Was that not a violation of rule 19?

The PRESIDING OFFICER. The Senator will withhold until we get a ruling.

Mr. D'AMATO. Yes, I would like that.

The PRESIDING OFFICER. The Parliamentarian tells the Chair they need to do some research on this issue. During that time, the Senator from Ohio will continue to control the floor.

Mr. METZENBAUM. I thank the Chair.

Mr. D'AMATO. Thank you.

Mr. METZENBAUM. I might say to the Chair, I made no violation of the rules. I know the rules of the Senate. I just talked about certain speeches being what I think they are, "ALFONSE in Wonderland."

Day after day, the junior Senator, with furrowed brow, tells us of his heartfelt concern for the hapless taxpayer as the statute of limitations runs out in the Madison Guaranty matter.

He hints at dark motives on the part of RTC lawyers; he suggests possible wrongdoing on the part of prominent Arkansans; he alludes to serious improprieties committed by Government officials. He deplores the footdragging and delay that he imagines occurring in this investigation.

Quite an impressive set of concerns for somebody who for over 2 years never gave this suddenly grave matter a moment's notice. Quite a transformation from somebody who voted time and again to shield and protect from prosecution the very people he now describes as such nefarious characters.

Again, the Senator voted to prevent and preclude the Government from filing any civil charges whatsoever against anyone involved in the Madison failure. That is a fact. That is irrefutable. The Senator voted to close the door on this matter as many as three times over the past 2 years.

And the Senator must have known the effect of his actions. After all, the great paper from his home State, the New York Times, carried a front page story all about the Madison situation on March 7, 1992. Was there a flurry of speeches or a blizzard of letters from the Senator from New York at that time? Nothing. Here is the way the Senator from New York reacted to this news. He voted 3 weeks later to allow the statute of limitations in the Madison case to expire.

The Senator from New York voted to shield the directors and officers of Madison from all harm—as well as thousands of other S and L executives too numerous to mention.

Since then, the Senator has stepped through the looking glass, and into a whole new world.

Suddenly, the possible expiration of the statute of limitations became important to him—not across the board; not for all the savings and loans who have ripped off billions upon billions upon billions of dollars from the people of this country, but for one thrift: Madison Guaranty, this thrift with $47 million in losses.

Do not misinterpret me. Do not misunderstand me. It is important to me too because $47 million is a lot of money, and it is taxpayer money unless we can make someone pay it back. But the Senator from New York is interested only in this one thrift to the exclusion of all others. The record shows that. In fact, his record shows he did not give a hoot about this thrift until a couple of weeks ago.

Remember, some 10 weeks ago he voted to shut down any investigation or prosecution in the Madison matter. When I finish I hope he would explain that vote.

Last week I asked the Senator why he was not worried about the statute expiring at the 1,000 other failed thrifts. Why only Madison Guaranty? Is there a political interest in this? Not a concern for the taxpayers, but just a political interest? Why is he not interested in the possible expiration of the statute at thrifts whose statutes expire on the same day as Madison Guaranty, thrifts like the United Savings and Loan Association of Texas?

I remind the junior Senator from New York that United Savings is certainly worth worrying about. Its failure cost the taxpayers not $47 million, but $1.6 billion. That is 35 times more than Madison Guaranty. Its statute of limitations expires on February 28.

I ask the Senator from New York; have you written the Government and asked any—I repeat any— questions about United Savings Association of Texas or about its statute of limitations?

We all know the junior Senator from New York is fond of using props to help make his points during debate on the floor. He brings with him a big calendar showing how many days are left until the Madison statute expires. But if his concern is the taxpayers' money, his big calendar on Madison confuses an important point because the statute on Madison is only one of many which expire at the end of this month.

Let me say to the Senator—and I would like his attention on this—if the Senator wants to extend the statute of limitations on all savings and loans, this Senator will join him, and I think we can pass it unanimously on the floor of the Senate. I am prepared to join him in that effort.

Mr. D'AMATO. Is that a question?

Mr. METZENBAUM. When I get done. Are you prepared to say yes or no?

Mr. D'AMATO. I am prepared to make a response to your question without dilatory tactics, if that is the question. The Senator once before asked if I would move to extend the statute of limitations with respect to this matter alone, and I said I would not. That was not my intent. If the Senator is asking whether or not I would be willing to support legislation that extends to all of the instances retroactively, I would have to say that in good conscience I could not support that. I do not mean to intrude on your time. If you want, at this time or later, I will explain why.

Mr. METZENBAUM. I appreciate the candor of the Senator's response. But I want to say that I am prepared to join with the Senator from New York to extend the statute of limitations so that all of these savings and loans, officers and directors who took off with the taxpayers' dollars, can be held accountable.

Mr. D'AMATO. I would say to my friend and colleague that possibly if we could work out appropriate language to keep those people whose only liability would be not by their conduct or misconduct, but as a result of their mere presence on the board, some of who afterward were being sued, I would consider that. I think that might be—if we could come up with appropriate language. I will ask our staffs to see if we cannot do that.

I do not know if we can get it done in time. But I will certainly look at that.

Mr. METZENBAUM. I am prepared to extend the statute retroactively to make the same law that is operable at the present time, no limitations, no changes, just extend it retroactively. We have the right under the court's decisions to extend the statute retroactively. I am prepared and will tell my staff to present you with a bill before the afternoon is over to extend it retroactively. If you will join with me, I will go to the majority leader, and I would hope you would go to the minority leader, and I think we can pass that piece of legislation—it would be very simple—yet this afternoon.

Mr. D'AMATO. Let me say to my colleague that I entertain your offer in good faith. And I will be happy to look at it. I have a certain reservation which I have stated previously. I would not want the Madison matter to change because I do not believe that it should be treated any differently than any other.

I tell that to my colleague and I hope you believe that.

Mr. METZENBAUM. I understand treated differently—excuse me. I believe the rules require me to address the Chair.

Mr. D'AMATO. I apologize to the Chair.

Mr. METZENBAUM. I will ask through the Chair whether or not you are talking about some variation in extending the statute or were you willing just to extend the statute, the same statute that is presently in operation, and extend it retroactively so it covers all the savings and loans?

Mr. D'AMATO. I have to review that. But it is certainly something that I will review, and I indicate to my colleague I will look at it. I do have certain reservations. I have stated them before. But we will look at them.

Mr. METZENBAUM. I say to my colleague that we will present the Senator from New York with a draft of such legislation within the hour, before 5 o'clock. I would hope that I could have a response by 6 o'clock. It will not be complicated legislation. We know the deal.

Let me talk about taxpayers dollars and what is involved here as compared to other losses that are being suffered by the RTC.

If we were to compare the loss from United Savings of Texas, which cost 35 times the losses of Madison, we would be taking the calendar such as my colleague from New York has on display over there, and that would be United Savings of Texas. Whereas the amount involved with respect to Madison Guaranty—and this is also a calendar—would be about the size of this card.

So what we are talking about is, do we really want to protect the taxpayers' interest or do we just want to make a political deal out of it with respect to Madison Guaranty? Why does not the Senator from New York have 24 calendars, each calendar representing one of the months since 1992 when Madison Guaranty's statute first expired? Why was not my colleague here in March 1992 and again in April 1992 and again in May 1992 and again in June 1992, and so on—for 2 years counting down the times since the statute expired—trying to get the statute revived?

I have spent untold hours trying to get the statute revived, but I have not had support from the Senator from New York. And when the conference committee met on this subject, I did not have support from him at that point.

The Senator was busy trying to stop this Senator from reviving the statute of limitations, not trying to support it. I hope he has had a change of heart, and maybe will come along by 5 o'clock this afternoon.

But the Senator from New York in the past was too busy trying to stop the Senator from Ohio and many others from reviving the statute in Madison Guaranty, and at all the hundreds of other savings and loans in which it expired. That is why—too busy trying to stop us from going after all of those savings and loans crooks who made out like bandits with the taxpayers' money.

I want to say on the floor of the Senate some of the names of those who made off with those millions of dollars, prominent political names in this country, and they should have been brought to justice. But they were not. And I do not hear anything from the Senator from New York about them.

I have to wonder if the Senator from New York is so probing in his questions about Madison— knows what Madison Guaranty has in common with Home Federal Savings and Loan of Arkansas, or Colonial Savings and Loan of Kansas, or Home Savings Bank of Anchorage, AK, or San Antonio Savings Bank of Texas, or the Barber County Savings Bank of Medicine Lodge, KS, or La Hacienda Savings Association of San Antonio, or Topeka Savings of Kansas, or Permian Savings and Loan of Texas, or Suburban Savings and Loan of San Antonio? I could go on. There is a whole list of them.

But we slammed the door down and have not permitted the RTC to go after those officers and directors. Instead, we are talking about one savings and loan because the name of the President of the United States has been associated in some way with it.

I believe the laws ought to be equal in this country. I think the laws ought to treat everybody equally, whether the President of the United States or U.S. Senator or somebody who is working at a relief agency in this country. We should not have special laws for special people.

So I say let us extend the statute of limitations. Let us do the right thing for the taxpayers of this country. We come out here every day of the week bleeding and crying for $1 billion for this program or that program. But we do not have $1 billion for that program or this program, because we have lost so many dozens and dozens of billions of dollars on failed savings and loans. I have not been able to get any support from the Senator from New York when I try to make it possible for our Government to go after them. I would think that the Senator's inquiring mind might want to know, so I will tell him why we have not been able to follow up on these savings and loans. What they have in common is that they are all savings and loans that failed and whose statute of limitations runs at the end of this month. Furthermore, they are all savings and loans that the Senator from New York voted to shield from investigators and prosecutors at the RTC.

Has the junior Senator from New York written the RTC about the February 28 expiration of the statute of limitations at: Home Federal Savings and Loan; Colonial Savings and Loan of Kansas; Home Savings Bank of Anchorage, San Antonio Savings Bank, the Barber County Savings Bank of Medicine Lodge, La Hacienda Savings Association of San Antonio, Topeka Savings, Permian Savings and Loan, and Suburban Savings and Loan of San Antonio? I will bet he has not, and I will bet I know why.

Setting aside for a moment the most laughable arguments the Senator makes—that after a 3-year investigation, the RTC suddenly has no time to investigate this matter, and that the clock is ticking on an investigation he voted himself to shut down 2 years ago—the Senator makes other curious statements.

For instance, the Senator from New York says that the RTC has been unwilling to tell him when the statute of limitations on Madison Guaranty Savings expires. Well, a first-year law student could tell him when the statute expires. Take a look at the statute. It will tell you when. It expires 5 years after the RTC took over the savings and loan. You do not need to be a great lawyer or a jurist. You just have to read English. That is what it says—5 years after Madison Guaranty was taken over it expires. It is very simple, elementary English language. But the Senator from New York—that does not get him any publicity. He would rather write a letter and get 39 other Senators to join him in asking when does the statute expire. I will tell him. He is an able lawyer. He can look at the statute and say: Why did I write this letter? I already know when it expires. All I have to do is find out when they took it over. That is a simple, elementary question, and we know it is 5 years from then. You do not have to ask the RTC to learn. It is written in the United States Code in plain language.

Why is the Senator from New York so much insisting that the RTC tell him when it would run? It indeed strikes me as odd. The Senator from New York has come to the floor for a week to tell the Senate of his frustration because the RTC is not reacting as he thinks it should. The junior Senator from New York tells us that he has been asking the RTC since he first wrote them on January 11 to tell him "when the statute of limitations expires in civil actions against Madison." I say to him very simply, it expires 5 years after the RTC took it over. It is as plain as black and white on paper.

If we want to do something about it, let us go back and extend the statute on all these savings and loans. I want to tell you, I have put so much time and effort into trying to get this statute extended retroactively to take care of these people, to see to it they do not get away with billions of dollars of the taxpayers' money, and I have not had any success, not only from the Senator from New York but any insistence from any other Member on the other side of the aisle.

The Senator from New York has told us repeatedly that the RTC has not been willing to give him an answer to the question as to when it expires. Let me read from this junior Senator's remarks in the Senate last Friday, January 28:

> We have on two previous occasions, January 11 and January 25, requested that the RTC—that is the body responsible for any civil investigation—tell us when the statute of limitations expires on civil actions against Madison, and we have received nothing but shocking delays."

I must admit I was puzzled. Why did the Senator need so desperately to have a response to that question from the RTC?

I read his January 11 letter, and I think I found the answer. He did not need an answer. The junior Senator from New York never asked the RTC to tell him when the statute of limitations expires in that original letter. He never asked them that question. It just was not there. In fact, I do not see it anywhere in the letter. Let me repeat. I do not see anywhere in the January 11 letter of the junior Senator from New York any request that the RTC respond with the date that the statute of limitations runs; although I am frank to say the question was not asked, but even if it had been asked, the answer is obvious: It expires 5 years from the date they took over Madison. In the January 25 letter, in all fairness, he does request that so-called urgent information, but it took him a couple weeks to decide this information was so urgent and important to him. It seems maybe the Senator is making this up as he rolls along, and maybe he is trying to create some issues where there are none because they might have better publicity value.

The Senator from New York attempts to defend his inconsistencies by stating that he has not changed his position, that he is not seeking a further extension of the statute in the Madison case. I would accept that statement if he would also acknowledge that if he had his way, he would not be able to say word one about Madison today. If the Senator from New York had his way, he would not be able to say a word—anything—about the Madison situation today, because he was one of those Senators who voted against the very measure which provided for the extension of the Madison statute to this February 28. I want to repeat that. If the Senator from New York had had his way, we never would have been able to extend the statute even to February 28. He did not have his way, and I am proud to say we prevailed.

Taking it further, he should also thank the President of the United States for saving the Senator from New York from himself, for it was President Clinton's pen which revived this statute when he signed the RTC funding bill on December 17. That bill contained the extension that now would run out on February 28, contained the extension that the Senator from Ohio had put into the bill—without the support and help of my colleague from New York.

The Senator says he does not support an extension of the statute of limitations, that he simply wants action in the matter within the time remaining. He is now saying maybe he will join with me for an extension. I am not too hopeful or too optimistic, but I must say it would please me to no end if we could pass an extension yet this afternoon.

He raises the possibility of a tolling agreement in the Madison case, which would have the effect of extending the statute of limitations in just one case—not in any of the other cases that the RTC has a right to bring—just one case does he want to toll the statute. Is there a political reason? Is that because the Senator from New York knows that the President's name has been mentioned in connection with the Madison case? I do not think that is the way we ought to make laws. I think we ought to make laws that are applicable to Presidents, Governors, Senators, and to all of the people of this country, not just to some people.

I would restate my views of what is going on here if it were not so blatantly obvious. The Senator from New York and others are attempting to thwart a President who is making progress on the issues that got him elected—the economy, the budget deficit, health care, crime, welfare reform, gun control, and the list goes on and on.

I respect the Members from the other side of the aisle who come to this floor to do battle on those issues, and to speak their beliefs and vote their consciences, even when in defiance of the President. But I cannot stand by and abide the shrill cry of a Member who refuses to either stand by or acknowledge his own record on a matter, who has contributed, if not created, the very situation he claims to shockingly deplore, and who willfully ignores the facts that undermine every shred of his argument.

I want to repeat this again. It is 4:20. Before 5 o'clock, the Senator from New York will receive from this Senator a proposed piece of legislation to extend the statute of limitations retroactively with respect to all the failed savings and loans, to make it possible for this Government to proceed not against only the officers and directors of Madison Guaranty, but in favor of recovering the billions of dollars that others have not been sued for when maybe they should have been sued for them. I have criticized the RTC when it has failed to act, and I have no reservations in saying again that when the RTC does not act, they are to be criticized. But the fact is, I want all the officers and directors of failed savings and loans, who are guilty of some conduct that violates the law, who would make it possible to recover the dollars, to be held liable in court and not to have the defense of the statute of limitations.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, I ever heard my votes described, and I have not said anything to this date. They have been mischaracterized by the Senator from Ohio, misrepresented, and in two instances, they were absolutely wrong. This Senator voted on two occasions to extend the statute of limitations. Al Smith said it best: "Let us look at the Record."

On September 8, 1992, I voted in favor of passing the Wirth amendment to extend the statute. That is the record.

On September 25, I voted against tabling that same amendment. They were the only two votes on the Senate floor in 1992 directly on this issue. You can twist and turn, and that is exactly what we have had taking place today. I resent it, and it is wrong. ALFONSE in wonderland? Well, I have to tell you something. I do not go around pretending, and not in a sanctimonious way. I say "pretend." We have the great pretender from Ohio now who can say what my record is, and it is not there, not supported by the actual record. Great pretense. I take exception to it. Let us talk about the one instance in which I voted against, an extension, and that was on May 13, 1993.

We received a letter from Mr. Altman of the RTC. He said, "We want a clean bill. Do not add anything to this bill."

Let me read to you what he said. "The RTC no longer supports extending the statute of limitations." I did not say that. This is Mr. Altman. This was the administration.

Nevertheless—and I will read the RECORD and it is here, in the CONGRESSIONAL RECORD, May 13, 1993. Let us not distort what I said and what my intent and motivations were.

But let me tell you that in the debate that we had on the floor between the Senator from Ohio and myself, I said, "I mean, the letter is very clear. Mr. Altman does not support this. And the letter from the Deputy Secretary of the Treasury was clearly opposed and is not asking for this extension."

But then I went on to say to my colleague from Ohio, the author of the legislation seeking the broad-based extension that you would have many people who were not accused of wrongdoing, but who were merely directors on the board, who would be sued. That is wrong. That is not right. That is not what we are about. We are about wrongdoers, intentional wrongdoing. Get them.

That is what I meant today in my colloquy with the Senator from Ohio. I said, "Mr. Altman does not support this."

I asked the author of this legislation if we could limit it to the egregious instances, to fraud. Let us limit it. Let us go after real wrongdoers.

Now, look, I think that is pretty clear. By the way, the conference adopted my position. The Senate did not, but the conference, as a matter of fact, eventually adopted a provision which I would have supported on this floor but the Senator from Ohio would not. But the House of Representatives held to a position which I could easily support, and which I did support and which I offered, but which was not undertaken because the Senator had the votes and he wanted it his way.

What did the House-Senate conference say? Essentially it adopted my proposal and extended the statute of limitations from 3 to 5 years for fraud and other intentional misconduct.

Now, that was this Senator's proposal. I think it was right. That was my intent. On two other occasions I voted to extend the statute of limitations. And I think that my vote and the RECORD, not the RECORD as interpreted by somebody else, but the RECORD verbatim here, the transcript, supports this Senator's position that, yes, I was willing to go along. And, indeed, the conference did, and I supported the conference as it relates to intentional wrongdoing.

Now, what are we talking about as it relates to Madison? All we are saying to the RTC is, let us know if you really are applying those standard procedures that you wrote about.

I wonder why people are so sensitive to that. If my colleague from Ohio or any other State comes to me as a member of the Banking Committee and says, "Listen, there is a thrift"—and I am not aware of all the thrifts that have been closed or what may or may not be appropriate action being taken by the RTC—"and we would like to ascertain if they are seeking out wrongdoers; we have reason to believe that maybe they are not getting the kind of attention that they should," I would be happy to help anyone in requesting the RTC to give us a status report. But that would be a real status report; to ascertain that the RTC is on the job and carrying out its responsibilities.

So, if there is some question that my friend has as it relates to an institution I have not heard of—United Savings of Texas that lost $1.4 billion—I assure you I am very willing to join him or anyone else in asking: Are there tolling agreements? Are you going after those people who have potential liability? Are we seeking out wrongdoers? Are we seeing to it that we are doing all we can to protect the taxpayers?

That is all I am asking for here.

So, if there is a genuine, bona fide concern that the RTC may or may not be doing what it should be doing in other matters, I would be happy to join with my colleagues, as the ranking member of the Banking Committee, in asking those appropriate questions. That certainly would not be outside of the scope of what I should be doing, and it is not out of the scope even if it makes people uncomfortable to find out and get an answer.

Mr. Altman and the RTC are simply being unresponsive.

Give us what we have asked for—an answer.

So to come down and be attacked on the floor, as I have, to have my record misconstrued, as it has been, is absolutely wrong, and it is not going to keep me quiet.

I say again that the statute of limitations is ticking. We are entitled to some answers. Forty Senators signed a letter saying, tell us what, if anything, you are doing in this case. We have a right to know.

As a matter of fact, as it relates to any other institution, I would join my colleagues if they came and said, "By the way, we have reason to believe that there is potential liability or claim for millions of dollars that should be collected."

Now, not every one of these institutions, by the way, lost their money or went out of business, notwithstanding that they may have lost large sums of money because of intentional wrongdoing, because of greed, because of avarice, because of some corrupt act. Some lost billions because of the market collapse, the real estate market, the oil market. They may not have been run in the most prudent manner, but that does not give us cause to start litigation against everyone in every one of these cases. There may be some cases where the RTC is absolutely correct in saying, "Look, we have no actionable claims."

We should not just be suing because some bank closed, whether it is Whitewater or any other bank. If they find out there was no potential liability there, potential wrongdoing, fine. But tell us. Tell us.

Again, Sergeant Joe Friday said it best: "All I want is the facts, ma'am."

That is all this Senator wants.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I will just take one moment. I guess I need to ask unanimous consent for about 5 minutes.

The PRESIDING OFFICER. The Senator may proceed for up to 10 minutes in morning business.

Mr. METZENBAUM. Mr. President, I want to be clear as to what the record of the Senator from New York in this area is.

Back in March 1992, we had an amendment to extend the statute of limitations. And the Senator from New York voted wrong—March 1992, he voted wrong.

Now, the Senator from New York was up for election in November 1992. And by that time he had been converted. At that time he voted right, to extend the statute of limitations.

Then in September 1992 in a second vote on a question of extending the statute of limitations, the Senator from New York, again prior to the election, voted right.

Then, he was elected and after that, in May 1993, the issue again returned to the floor and, surprise of surprises, this time the Senator voted wrong. He voted and refused to extend the statute of limitations.

So I think maybe I have a chance of getting him to join me. Because in two of those occasions he voted the right way, two he did not. I have a chance of getting him to join me in extending the statute of limitations even at this late date. And as I previously said, I will have a draft of a bill to him very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, we have other colleagues here whom I know are seeking the floor to speak on other matters, health matters, budget issues. But let me simply point out it is quite clear when I voted in March 1992, that was a debate on the RTC funding to strip out all provisions except for simple funding—all provisions. I voted for that amendment because I thought it would be the easiest way to get the bill through.

But to attempt to characterize my vote as a vote against extension of the statute of limitations is simply misleading. Let me refer to the RECORD.

Last year—and we can look at the CONGRESSIONAL RECORD of May 13, 1993—when the RTC funding bill came up again, the Senator from Ohio came to the floor and he announced—and I quote him: that he would offer his amendment to extend the statute of limitations from 3 to 5 years.

He stated at that time that the amendment passed the Senate twice before, and that the managers—and the managers of the bill were Senator RIEGLE and myself—voted for it.

So he really understands and knows when the issue of extension has come up, I have voted for it.

When the Senator proposed his broad-based extension, again—and the RECORD shows it very clearly—I said let us extend it, or attempt to work out language that will extend it for egregious cases. If one reads the RECORD, it is there. It is clear—for fraud, for intentional wrongdoing.

Mr. President, the fact of the matter is that the House and Senate conference adopted exactly that language.

Now my friend talks about extending the statute of limitations further. I would say, to do it for any one, particular institution, would be wrong. Would I consider extending the statute of limitations as it relates to wrongdoing, intentional, et cetera? For all institutions? The answer is yes.

So I would take his offer, if it is done in the manner in which we have previously acted, but not to also place people who, through no fault of their own other than they were on the bank board, to place them in harm's way, when there was not intentional misconduct.

Intentional wrongdoing? Certainly, I could extend the statute of limitations. Fraud? Certainly, I could—I vote to extend the statute of limitations. And, indeed, I may attempt to do so and we will see if my colleagues would like to see that done without singling out anyone to be treated differently.

I certainly do not think the people at Whitewater should be treated any differently than anyone else. Nor should they get special treatment. And that is what we are attempting to ascertain.

I thank my colleagues for their patience, and I yield the floor.

CBO HEALTH REFORM REPORT

Mr. DOLE. Mr. President, I want to take just a moment to talk about the CBO report today from the Congressional Budget Office. I know my colleague from New Mexico has analyzed it very carefully.

I congratulate the CBO Director, Mr. Reischauer, because I think they did put together a very objective and an comprehensive analysis under very difficult circumstances.

Make no mistake about it. The Congressional Budget Office report today confirms what many of us have been saying all over the country for the past several months and a lot of people have suspected, Democrats and Republicans: The Clinton health care plan calls for multi-billion- dollar doses of deficit spending and Government control. And that is a fact, at least a fact according to CBO.

I think what the CBO report really does is say you have to start down this road very carefully. You cannot just say, "Oh, these are the numbers. We have had it checked by all the outside experts. This is it."

I am not certain whether these numbers are accurate, even. Neither is the Senator from New Mexico. And I doubt if Mr. Reischauer would take a pledge that these numbers are totally accurate.

The one thing we have to insist on in the health care debate, as we start voting on health care, is that we get it right, because around this place in a major piece of legislation, if you do not get it right, it may take 20 years to correct it. I think we have to take a look at all the other plans and give them the same scrutiny the Clinton health care plan has received.

I think it was particularly significant that when the President talked about health care last year in a joint session of Congress, he said we ought to take the CBO numbers. He has made the Congressional Budget Office his official budget scorekeeper. In my view, that is one reason their analysis is so important.

We have had a lot of glossing over, a lot of smoke and mirrors in health care: "Oh, it is going to save all kinds of money."

The President also glossed over the fact that the central component of his health care reform financing plan—$1.4 trillion in mandated health care premiums paid by employers to Government-controlled alliances—is essentially a tax on employers. And that is what we have been saying. It is a tax. When the Government, by law, forces you to do something or to pay something, to pay some money, that is a tax. And, of course, the President tried to hide all this by moving it off budget. He would not have to face up to it.

Now, CBO says you have to put the whole plan on budget and that new benefits in the budget plan constitute a massive new $1.4 trillion entitlement program—another entitlement program by a President who said we ought to take a look at entitlement programs before they get out of hand.

The CBO does not call it taxes, but they say the mandated receipts are, "receipts to the Federal Government."

I guess you could have asset sales, that would be a receipt to the Federal Government. But most people think of receipts to the Federal Government as taxes, tax receipts. So we have this new tax. We passed a $262 billion tax increase last year. It just seems to me the final point would be, as the President says in his budget, if we adopt his health care plan we are going to save roughly $60 billion over 6 years. And one day later—we get the budget on Monday, on Tuesday we get the CBO report and they say we are going to add to the deficit, $70 billion. Who knows whether that is right? It could be $700 billion? Who knows? It could be $60, $70, $100-and-something billion, but you take the $60 billion savings and $70 billion increase, that is a swing of $130 billion.

So it seems to me the Congressional Budget Office has done the right thing, the only thing they could do, and they performed a service.

Finally, I would say I am not advocating we do not do anything. This does not mean we ought to preserve the status quo. This does not mean we ought to not do anything in health care. It means we ought to take a look, take a hard look, and have long, long, serious hearings and debate around here before we just buy a pig in a poke, any pig in a poke, whether it is the President's plan or anybody else's plan, Republican or Democrat. We want health care reform. There are very serious problems in America in health care. But we want to make certain when we address this issue that we do it the right way.

Because, again, the bottom line is, if we do not do it the right way, many Americans all over America are going to suffer the consequences. It will take us years to fix it. I guess we just have to look before we leap.

I think today, with the CBO analysis as discussed by the distinguished Senator from New Mexico earlier, it pretty much blends into a piece that appeared in last week's Washington Post. In fact, it was January 30. It happened to be a piece by the Senator from New Mexico [Mr. DOMENICI], "How Can the Administration Leave the Health Care Plan Off the Budget?" I think Mr. Reischauer must have read this piece in the Washington Post. I am happy he read it and I am happy with the report. But as I said before, I am not just talking about the President's plan. All plans ought to have the same scrutiny—every plan. My plan—I do not have a plan—if I had a plan, anybody else's plan.

I thank the Senator from New Mexico and thank my colleague from Ohio for yielding.

I ask unanimous consent to have Senator DOMENICI's op-ed piece printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 1994]

THE BIG BUDGET LIE—HOW CAN THE ADMINISTRATION LEAVE THE HEALTH CARE PLAN OFF THE BUDGET?

(By Pete V. Domenici)

On Feb. 7, President Clinton is scheduled to submit his first real budget. What is in that budget will be, in one important way, less interesting than what is left out: the full budget impact of the president's sweeping proposals for reforming the country's health care system.

How the health care plan is reflected in the federal budget is more than an academic question. The administration's insistence that the plan's mandated premiums and benefits not be displayed as federal taxes and spending is ample testimony to the large political and practical consequences.

Excluding the reforms from the budget will not only obscure the health care debate for the American people, it will also establish a dangerous precedent: the enactment of major new federal programs with no apparent impact on taxes, spending or the debt. Indeed, the decision could determine whether the federal budget continues to be a meaningful document at all.

Governing and budgeting are inextricably linked. A budget determines how much of the private economy will be extracted for funding public purposes, and how those funds will be allocated among many competing objectives. It is not only a policy document, but a historical record book documenting the successes or failures in achieving the hopes and dreams that it embodies. As the president stressed in his State of the Union message, his health reform plan would be a signal change in American social policy. Excluding it from the budget process would be an extraordinary violation of well-established budget principles that have served both Democratic and Republican presidents and congresses over the years.

The first principle is that the budget should be comprehensive, including all federal fiscal activities. This principle, referred to as the unified federal budget, was established and affirmed with President Johnson's Commission on Budget Concepts in 1967.

Even in 1985 and 1989, when the Social Security trust funds and the Postal Service program were moved "off-budget" to avoid their calculation in the Gramm-Rudman sequester process, the federal budget presentation showed their receipts and payments in aggregate budget figures. That accounting practice continues to this day.

By this measure, there can be no question that the Clinton health care plan is a federal program and so should be part of the unified budget.

All the essential ingredients of the president's plan would be established by federal statute. The roles, responsibilities and characteristics of the regional health alliances that administer the program would be determined by the federal government. Universal health coverage would be compelled by the federal government. By federal law, every legal resident of the United States would be required to participate in the program. The program would go into effect in every state even without the state's consent.

A new National Health Board would be created to oversee and regulate the entire system. It would establish requirements for state plans and approve state health plans. It would establish a "national budget for health care spending." The National Health Board would issue federal regulations governing benefits, procedures, reimbursements and cost-sharing requirements for qualified health plans, among other things.

If this isn't a federal spending program, what is?

And yet, the Clinton administration proposes to exclude from the federal budget roughly $1.4 trillion in health care spending over the next five years (as estimated by a recent Lewin-VHI study) that would be subject to federal control. Over $100 billion of this spending would be from firms that do not now insure their workers. When expenditures of this magnitude are excluded, how seriously will anyone take federal budget controls in the future?

The second well-established principle of federal budgeting, again from President Johnson's commission, is that collections arising from the sovereign power of the government, involving regulations or compulsion, should be reported as receipts.

The Clinton health care plan would require the regional health alliances to administer the collection of compulsory social insurance premiums and use those proceeds to finance the purchase of medical care. Employer payments are compulsory; no one can choose not to participate. The employer's payment to the regional alliance is determined by a formula based on the "class of family enrollment" in the firm. A limit would be set on the employer's premium payments not to exceed 7.9 percent of total wages. The alliances would also be given the authority to borrow money from the Treasury, should benefits and receipts not match at certain times. (The image of "private" savings and loan associations with federal guarantees haunts my budgetary memory!) But none of these transactions would be reflected on the federal books, presumably on the argument that the alliances are "not federal entities."

It is true that most employers currently provide health insurance to their employees and, if the plan works as the administration hopes, they will save somewhat less than $1 billion as a group over the next five years. But even if those savings are realized on average, the companies and their employees will lose the control over costs and benefit choices that they now have under current private employer-employee voluntary agreements or independently negotiated business-labor contracts. Except for very large firms, and then with some limitations, responsibility for determining benefits and monitoring costs and quality, would be transferred to the health alliances.

As for employers who do not now provide health insurance to their workers, they would have to make payments of more than $100 billion over the next five years to these "non-federal alliances." Those employers will not be persuaded that these are not new federal payroll taxes—nor should the public be.

The basic tenet underlying the budgetary principles that the administration's health plan would violate is that unless the budget includes all sources of federal revenues and all types of federally controlled spending—and any gap between the two—there is no way of measuring the overall impact of federal activity on the economy. For that reason, when the Social Security and unemployment programs were created in 1935, the mandatory employer and employee "contributions" that financed them were correctly counted as federal receipts. Thus, the budget identifies for all who want to know how much the federal government is extracting from the economy and allocating to those two major social programs.

More recently, Congress bailed out health benefit funds for certain coal miners in part by mandating that coal companies pay premiums to two new privately managed funds. Although the mechanism employed was defined as a private, multi-employer benefit plan, because this is actually a federal program compelled by the government's sovereign power it is included in the federal budget. President Clinton's health care financing mechanism is virtually identical. The fact that employer premiums flow to a regional health alliance and not the U.S. Treasury is no justification for removing them from the federal books.

As a very simple practical matter, imagine what would happen if the Clinton health care plan were "off-budget." Congress could raise the 7.9 percent cap on the employer payroll tax and never show it as a tax increase—in fact, it would be recorded as a spending cut because it would reduce the "on-budget" federal subsidy payments to the alliances. Further, Congress could include new health benefits in the mandated standard insurance plan and those new costs would be excluded from the budget. Private resources extracted for public purposes need to be accounted! If that principle is violated, even for the politically popular objective of reforming the nation's health care system, the costs will not only be measured in dollars but in the ability to govern effectively.

CONGRATULATING DR. REISCHAUER

Mr. DOMENICI. Mr. President, I will not be long. I see other Senators might want to be recognized.

I rise today, I say to the Senate and my fellow Senators, to congratulate a very, very courageous employee of the U.S. Government, the Director of the Congressional Budget Office, Dr. Reischauer. Frankly, he has been under enormous pressure on the issue of whether the President's health care plan created a very large Government operation, a new large Government program, fueled by taxes, spent by an instrumentality of the Government, or not. For that, indeed, was the issue.

The issue is whether saying to the employers of America: You will pay, from payroll of your employees, somewhere between 3.5 and 7.9 percent, depending upon what the regional alliances say you owe. However, you will all get the same coverage. Clearly indicating we are using money from different employers differently: Some to buy theirs, some to pay for part of others, and run all the money through an alliance which is a total creature of the Federal Government, which does not exist today, which will grow up in the sovereign States like mushrooms and all of a sudden these very large instrumentalities of the Government—agencies, bureaucracies—will be running the health care system.

Frankly, that was the issue, although today it is couched in whether or not the planned dates provided for in the President's program on employers to pay a portion of payroll to a regional alliance, whether that was a receipt to the Government or a premium for insurance.

For those who try to play on the word "receipt" and say that receipt is not a tax, let me suggest they look at the budget. We call taxes receipts to the Government. So he was using the exact correct parlance of the budget in saying it is a receipt to the Government, all of it, every penny of it. And that is a very large new federally run program.

That is the conclusion that the CBO came to in reading the President's proposals. That is $1.4 trillion, that will be mandated, much of which is now voluntary—some is paid in different ways, some by different kinds of insurance—but that $1.4 trillion will be under the control of what they choose to call the sovereign Government of the United States.

Frankly, I am only going to quote one paragraph:

> CBO concludes that the plan would establish both a Federal entitlement to health benefits and a system of mandatory payments to finance those benefits and represents an exercise of sovereign power. Therefore CBO believes that the financial transactions of the health alliances should be included in the Federal Government's accounts and the premiums should be shown as Government receipts rather than as offsets to spending.

I repeat what the Republican leader said. I rise to state this because I thought it all along. I argued it. I urged it. I told those representing the White House this is how it ought to be treated, not because I do not want a health care reform program—I do. This just points out there has to be a better way than having the U.S. Government essentially operate a new program of this size through regional alliances which we create but somehow or another we would like to call "not government."

Lastly, again, not by way of saying that I have all the answers, because I think every program should be looked at, everyone's proposals. But essentially I have been saying since the very inception of the President's first budget, that if you do not get health care under control, the deficit goes back through the roof. As a matter of fact, the President has been saying it. In fact, recently he said if you do not get health care costs under control, you cannot get the deficit under control.

I had difficulty understanding that, Mr. President, because I did not understand how getting health care under control, costwise, turning around and spending under four new programs, which are now called entitlements, which I perceive would cost more than we could ever save, I did not understand how we could have deficit reduction.

I still do not, and I am here to tell you I did not when the President released his budget yesterday. I did not when he spoke in Houston yesterday, but what I could say is it cannot be.

But now the CBO says by the year 2000 you will spend more under the new health care program, the new entitlements, the three that are going to be in there, plus the subsidy to take care of the uninsured for universal coverage, you will pay more than you will save if you get Medicare and Medicaid under control and more than the taxes you are going to get from the new add-on to cigarettes.

I am not here saying we cannot put a program together. Not at all. I am merely suggesting we just got out of the frying pan and are getting the deficit under control. The biggest thing we keep finding out is that we do not know how to estimate the cost of health care programs that the Government sponsors and delivers and manages and does the books for—Medicare and Medicaid. I am not sure we know how to keep the four new ones under control that are in the President's budget.

So I was vindicated at least to the extent that CBO says you will not save any money, you will spend $77 billion more, not save $59 billion. So I think there is a $133 billion or $135 billion error in the estimating. I repeat what our Republican leader said, that may be too low.

So I think we ought to walk into this rather than have a new entitlement commission, that our friend standing on the floor is going to cochair, saying how do we get entitlements under control. I do not expect him to respond at this point. He wants to speak on something else, perhaps, but he is saying unless we get some entitlements under control, he is willing to say let us meet and do it.

Now we have CBO saying the new entitlements under the President's suggested health care bill will, of themselves, add $70 billion to the deficit over the next 5 years. I repeat, I think those numbers are all too low. The President's first one, CBO's second one, and I am not all sure we know how to save that money in Medicare and Medicaid which we must save first in order to pay for these programs.

I yield the floor

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. STEVENS. Mr. President, will the Senator yield for 30 seconds?

During my short hospital stay several issues of importance to Alaska came up in relation to the Education 2000 bill. First, I'd like to thank the distinguished managers of the bill, Senator KENNEDY and Senator KASSEBAUM, for offering an amendment on my behalf authorizing Alaska Natives to participate in education reform efforts.

At my request, Senators HARKIN and SPECTER included $200,000 for that purpose in the fiscal year 1994 Labor/Health appropriations bill. However, I was informed earlier this month that the Department of Education would not spend the money because it did not believe it had the authority. This amendment grants that legal authority.

Under the original version of the Education 2000 bill, only Indians from the lower 48 States were eligible for grant moneys under the Indian set-aside. The amendment the managers offered will now treat Alaska Eskimos, Indians, and Aleuts on the same basis as Indians in the lower 48.

Last Thursday Senator HELMS offered an amendment which was later modified to guarantee the right of schoolchildren to pray in school if they so choose—a right protected under the first amendment of the Constitution.

Many of the problems we face in this country—domestic violence, drug abuse, crack babies, random shootings, child abuse—are a result of the decay in the moral fabric of our families and communities.

Not penalizing schools which allow children to pray is a small but important first step in addressing these problems. Letting children pray will help reduce violence in our society more than any gun control or antipoverty program could ever do.

Mr. President, I ask unanimous consent that I be added as a cosponsor to Senator HELMS' amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

GOALS 2000

Mr. KERREY. Mr. President, I would like to respond and will respond to the Republican leader and to the distinguished Senator from New Mexico, but before I do, I will just indicate that I do intend, after a considerable amount of deliberation on the subject, to vote for the Goals 2000 proposal of the President. I have some significant reservations but I spoke to a number of the cosponsors of the legislation and I spoke with Secretary Riley.

Mr. President, I ask unanimous consent to print a letter in the RECORD from the Governor of the State of Nebraska in support of Goals 2000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEBRASKA,
EXECUTIVE SUITE,
Lincoln, NE, January 8, 1994.

Hon. J. ROBERT KERREY,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR BOB: The reservations you shared with me recently concerning S. 1150, the Goals 2000/Educate America Act, prompted me to double-check the substance and trust of this major piece of legislation.

The language clearly states that nothing in the legislation can be interpreted by "any federal official to mandate, direct, or control the curriculum or program of a state, local education agency [school district], or school, or the allocation of State and local resources." It also provides financial support for systemic school reform, a new form of assistance that has been missing from the federal array of narrow and mostly top-down categorical federal education programs. Furthermore, the act provides for waivers from existing federal regulations if such waivers are needed for advancing local reform efforts. Finally, it assigns coordination and oversight responsibilities for national policy to an intergovernmental body dominated by elected state officials (the National Education Goals Panel, which I had the privilege of chairing) and an independent standards certification body (the National Standards and Improvement Council), *not* to the federal executive or legislative bureaucracies.

We Governors are champions of America's unique system of locally-governed public schools. We have worked hard every step of the way to ensure that this legislation provides an energetic and yet appropriate national and federal framework to support state and local education improvement efforts. Given the size and scope of the educational challenge facing the U.S. in this fast-paced and tension-filled global economy, and given the fact that states and schools in Nebraska and across this great nation are already actively engaged in significant reform, it is incumbent on the nation as a whole to join in the process of challenging and assisting all young learners to higher levels of achievement.

In striking new postures for this nation and its federal government, the Educate America act clearly raises questions about the balance between local control and initiative, on the one hand, and federal powers on the other. Governors from both parties have concluded that this legislation, while not perfect, is appropriate and workable. We are committed to overseeing its implementation and will be quick to call for corrective action if such proves necessary. I welcome your support and assistance in establishing this new national thrust and in furthering an effective partnership at all levels to make all young Americans world-class learners.

Sincerely,
E. BENJAMIN NELSON,
Governor.

Mr. KERREY. Mr. President, all the concerns that I had for a heavy-handed approach from the Federal Government have been resolved, I must say. I appreciate very much the Labor Committee's hard work on this, and the administration's hard work on this. I remain concerned about some of the aspects of the legislation but, in general, it seems to me it does provide a very good framework for us to reform education from the ground up.

I make it clear, Mr. President, those who, like myself and others, the distinguished Senator from Massachusetts, have pushed this legislation because it requires we set higher standards, make it clear that we as individuals, as parents in particular, but we as individuals, as citizens, are going to have to work harder. Our standards will not be achieved simply as a consequence of enactment of legislation. After discussing this with the sponsors and with the Secretary and the Governor of the State of Nebraska, I come to the consequence of believing this will indeed give us a framework for doing real grassroots groundwork support and reform of education.

TOP 10 IRRELEVANT ARGUMENTS IN THE HEALTH CARE DEBATE

Mr. KERREY. Mr. President, I would like to respond to some statements made earlier by the distinguished Republican leader and the distinguished senior Senator from New Mexico. They commended the courage of Robert Reischauer, the head of the Congressional Budget Office.

As the health care debate heats up during the next several months, we need to be honest with the American people. I have heard several arguments lately that I believe are misleading and do not contribute to an honest debate on health care. The arguments are irrelevant and do not begin to solve the health care problems facing our country. I have collected these into a top 10 list of irrelevant health care arguments.

1. IS THERE A HEALTH CARE CRISIS?

Whether or not there is a health care crisis is irrelevant. We do not wait until the majority of Americans suffer a crisis to act. If a constituent notifies me of a problem, I act on their behalf. For example, the mayor of hastings informed me of a problem with an overly strict interpretation of an environmental regulation. I did not respond that I could not help him until a majority of cities face the same problem. For the city of Hastings, there is a crisis now. I have heard from many Nebraskans about health care problems. For them, there is a crisis. It does not matter to them whether there is a nationwide crisis. They need help now.

2. I AM FOR/AGAINST MANDATES TO PAY FOR HEALTH CARE

This argument is also irrelevant. We already have mandates in place to pay for health care today. The idea that the American people are reading op-ed pieces either for or against mandates when I have an imposed 3 percent mandate on wages now is an indication of how politicians have been misleading the public. This mandate is called the part A FICA Medicare tax. Individuals and employers each pay 1.45 percent of payroll to finance health care.

3. I AM AGAINST NATIONAL HEALTH INSURANCE

We currently have national health insurance. And there is a payroll tax used to fund it as discussed in No. 2 above. We call it Medicare, but it is national health insurance. You have to be 65 years of age to qualify. Understand, I am not advocating extending Medicare for everyone, but for politicians to stand up and say they are against national health insurance, while supporting Medicare, is a very misleading argument. It makes it difficult for us to reach the correct solution to the health care problem.

4. I AM AGAINST USING BROAD-BASED TAXES FOR HEALTH CARE

Although the authors of virtually all the health reform plans, including President Clinton, have proclaimed their opposition to using broad-based taxes to pay for health care. The fact is we are already using broad-based taxes to pay for health care. We need to tell Americans, fully 30 percent of your income taxes are being used to finance Federal health care spending. Not only are individual income taxes being used, but corporate income tax, payroll taxes, and property taxes finance health care today. By stating that we don't want to use broad-based taxes to pay for health care, we are avoiding a very important question, How are we going to pay the bills?

5. I DO NOT PAY FOR HEALTH CARE TODAY

Many individuals and companies believe that they do not pay for health care today simply because they do not purchase insurance. In reality, as I already discussed, because a great amount of tax dollars are used to pay for health care, everyone is paying for health care today. We need to have an honest discussion on how we should be paying for health care so that everyone understands how much and in what manner they are paying.

6. I AM AGAINST A GOVERNMENT TAKEOVER OF HEALTH CARE

As is made clear by argument No. 4, there is already substantial Government involvement in health care. The Government pays $450 billion out of the $700 billion of non-out-of-pocket health care expenditures in the United States in 1993. The question we should be debating is, What is the proper role for the Government? That is the question we need to address.

7. UNINSURED AMERICANS ARE CAUSING THE HEALTH CARE PROBLEM

We should not be focusing on the problem of the uninsured—the problem is that health care costs have risen to a point where you have to be insured for routine health services. The best example for me is that in 1974 and in 1976 when my children were born, I paid for the costs out-of-pocket. I did not have to be insured to have a baby. It now costs $6,500 for a 2-day normal delivery of a baby in Nebraska. The median family income in Nebraska is $18,000 per year—therefore it is a financial catastrophe to have a baby in Nebraska without health insurance. The problem is that the cost of health care has grown to a point where people of average means live in constant terror that they will have to encounter the health system. It is not just preexisting conditions, it is not just the lack of portability, it is the overall costs of health care have become extreme.

8. REFORMING THE HEALTH CARE SYSTEM WILL CAUSE RATIONING

There is already rationing in today's health care system. The hardest thing we have to deal with in health care is that at some point we ration care. There are very few Americans that can afford the $175,000 that it costs, on average, to receive a bone marrow transplant for breast cancer. I heard earlier this week from clinical researchers and oncologists that rationing already exists when it comes to patients receiving the newest treatments. Both patients and insurers have to face the reality that certain procedures and treatments are very expensive and cannot be given to everyone. What we need to debate is how to set up a system where the resources are allocated in the fairest, most humane way.

9. I SUPPORT A PURE COMPETITIVE HEALTH CARE MARKET

Many today argue that the country's health care problems can be solved solely through the market. However, there have been so many interventions that there is no longer a competitive health care market. For example, there are licensing restrictions that limit the number and types of providers. Patent laws protect new drugs. The tax system subsidizes the purchase of health insurance and many health care industries are tax exempt. Although using the market can help us solve the current health care problems, we need to look more deeply at current practices that hinder competition.

10. ISSUING A HEALTH CARE CARD WILL GUARANTEE HIGH QUALITY CARE FOR EVERYONE

I support simplified eligibility for health care, however, simply issuing a card will not guarantee high quality care. The ability to receive high quality care is tied to ability to generate wealth, both individually and as a country. We all know that individuals who are wealthy do not worry about high quality care because they have the personal resources to pay for it. What is true for the individual is true for the Nation. Our capacity as a nation to afford high quality care, will in the end, depend on our ability to generate additional wealth. We must continue to focus on education and job creation which improve our country's wealth as we work to reform the health care system.

In conclusion, I believe it is time to tell the truth to all Americans. When everyone is operating in an open and honest environment, we will be able to reform our health care system and begin to create a healthier America.

Mr. President, I essentially identify what I consider to be the top 10 irrelevant arguments on the issue of health care. The fact of the matter is that the American people say there is a crisis in health care.

We recently heard—my latest irrelevant argument—is there not a crisis? There is not a crisis for us who have our health care taken care of, but for an increasing number of Americans, indeed a majority of Americans feel like they are on this thin ice where if almost anything happens in their life, they will find themselves medically indigent.

The most courageous individual in the health care debate right now is the President of the United States who has introduced a very specific piece of legislation and has put himself at risk as a consequence and has indicated to all—there is only one indivisible principle that he has, only one principle he says that if it is not included in the legislation, that he is going to veto it, and that is health care legislation must be 100 percent universal. That is to say every single American has to be covered.

I am here to say that we have a lot of work to do to enact a piece of legislation. I think the CBO report is useful, in fact. It does give us an indication of what can be on- and off-budget. I share those who say Mr. Reischauer was courageous in stating his honest opinion of the impact of the President's legislation. But if we are going to get universal coverage, if we are going to enact a piece of legislation, then we are going to have to stop all the irrelevant arguments that I hear over and over and over.

For example, one of the irrelevant arguments is, should we or should we not have a mandate? Mr. President, we already have a mandate in place. Every employer pays a tax of 1.45 percent of their payroll, every employee pays a tax of 1.45 percent of their wages. It is mandated and in place right now. It goes for part A Medicare, and guess what part A Medicare really is? It is national health insurance. The only catch is, you have to be 65 before you are eligible.

So if you walk down on the floor here and say you are against a mandate, if you walk to the floor and say you are against national health insurance, it must inescapably follow that you are against Medicare. That is not what is going on.

I hear people say, "I'm against a big Government takeover of health care." And $450 billion this year will be collected in taxes and used to pay for health care—Government health care, Mr. President. If you are against a big Government takeover of health care, then for gosh sakes, identify what part of the Government you want to stop; where do you want to get Government out?

I think there is an emerging consensus in this body that begins by saying that there is a crisis; that this system is broken and it needs to be fixed. I believe that there is a bipartisan consensus to do just that. The President of the United States has not polarized the debate by indicating that he is unwilling to compromise. Quite the opposite. He has merely said that he wants to be able to go to bed at night, as I do, secure in the knowledge that every single American is covered. We can do that, Mr. President, I believe by focusing on those things that are indeed broken.

I would like to suggest four things we need to fix in a couple of minutes and then I will let the distinguished Senator from Massachusetts jump in. He is looking at his watch. I will try to give him enough time to talk before the vote.

Mr. President, the four things to me are, number one, the insurance system is broken. Indeed, the President needs to be given a great deal of credit for bringing the insurance companies to the table and saying they are willing to fix preexisting conditions, they are willing to end the problem of portability, they are willing to end the skimming going on today in the system, a system that provides an incentive only to insure those who are healthy. We need to fix what is wrong with the insurance system.

Second, our Medicaid system is broken, and I would identify that as the second most important thing we need to do.

Third, if we really want to move from a Government-controlled system, which we have today, to a more market-oriented system where individuals are more in control of making decisions about price and quality, then there are a number of things that we are going to have to change in our tax system.

Fourth, I believe there are a whole series of things that I identify as coming under the heading of accountability. Our system is unaccountable. We have an unaccountable system when we collect money in Washington; we have an unaccountable system when an individual goes into a hospital; we have an unaccountable system when an individual finds themselves not able to get payment for something troubling them; we have a very unaccountable and difficult system.

I came here to say that I appreciate that the Republican leader and the distinguished senior Senator from New Mexico recognize the courage of Mr. Reischauer, but I hope they also recognize the courage of the President of the United States for pushing this issue to a point wherein if we do the work and stop the irrelevant arguments, we have the potential of being able to reform and enact legislation this year that will indeed extend coverage to every single American.

I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes eleven seconds.

HEALTH SECURITY ACT

Mr. KENNEDY. Mr. President, this afternoon, in testimony before the House Ways and Means Committee, the Congressional Budget Office submitted its detailed views on President Clinton's Health Security Act.

CBO is usually a quiet place, but in recent months it has been the quiet at the center of the storm, as all sides in the health care debate have awaited CBO's analysis of President Clinton's Health Security Act.

Now, CBO's verdict is in, and after all the ideological smoke dissipates, it will be clear that CBO's analysis is a solid vote of confidence in the administration's plan. The plan is sound economically. The numbers add up. The CBO analysis concludes that the plan will provide health security for all Americans, and bring health care costs under control. No reputable study has concluded that any of the opponents' plans will reach those goals—not the Cooper plan, and certainly not any of the Republican plans.

There is a health care crisis today because too many families have no insurance and because health care costs are out of control. The President's plan deals effectively with these two basic issues. It guarantees coverage for every American. And it brings health care costs under control. It means that the economy will grow, our living standards will improve, and America will be able to compete more effectively in the international marketplace.

The CBO report specifically confirms that the long-term effect of the President's plan will be to reduce the Federal deficit. While there are differences between the OMB estimates and the CBO estimates, there is broad and welcome agreement by both budget agencies that the President's plan can be paid for by savings in the current system. The differences between the estimates are small, as the CBO analysis itself states. With further refinements in the cost data, the differences will be reduced. Only minor adjustments are needed in the program to assure that there is no increase in the deficit, even in the early years of the program.

For example, one significant difference between the OMB and CBO is the CBO believes employers will be able to manipulate the system to achieve greater savings than they are entitled to. By improving the enforcement mechanisms in the bill, that gamesmanship can be reduced or eliminated.

On the technical issue of budget treatment, CBO has been careful to describe the premium payments as receipts, not taxes. In asserting that these premiums should be part of the Federal budget, I believe that CBO is wrong.

Premiums under the Health Security Act are paid to private insurance companies, not to the Federal Government. Never before has money not paid to the Government and not spent by the Government been included in the budget.

The requirement that individuals and businesses contribute to the cost of private health insurance coverage is no different than the requirement to pay a minimum wage or to purchase auto insurance if you drive a car. None of these transactions are considered to be part of the Federal budget or State budgets. They are regulatory requirements that affect private sector activity, but the government does not collect or spend tax dollars.

As a matter of common sense, whatever the technical scoring of the program, the American people know that the premiums they paid for private insurance yesterday did not become governmental receipts today because of CBO's conclusion. Average citizens know that health insurance premiums under the President's plan are premiums—nothing more, nothing less.

The opponents of the President's plan and the special interest groups that stand to gain from continuation of the status quo will try to shift the debate away from CBO's fundamental conclusion—which is that the President's plan will guarantee universal, comprehensive health insurance coverage and save money at the same time.

The real issue is not the technical question of whether the President's plan or another plan should be included in the Federal Budget.

The real issue is which plan does the job of ending the Nation's health care crisis. By this standard, CBO's analysis is a convincing vote of confidence in President Clinton's plan.

None of the plans advanced by the President's opponents can claim a similar seal of budget approval.

Mr. JEFFORDS. Mr President, passage of the Goals 2000 bill is something to be proud of. In fact, it may turn out to be one of the most important pieces of legislation that we pass in many years. If this bill turns out to be the catalyst that we need to take action to improve America's schools, it may well be the most important bill of the decade.

Goals 2000 establishes goals that will lead to the kind of educational achievement that America needs. It is a sad commentary, however, that it has taken 10 years since the publication of "A Nation at Risk," and 6 years since the education summit to get around to passing this legislation.

Hard work remains. We have much to do to reform our schools to make them responsive to the needs of today and tomorrow. Even more important, we have a great challenge before us to help the children and families who are at risk, to make sure they see education as the way out of the cycle of poverty.

It is sad that we have let the situation go so long before taking action. The effect on our economy of our current school system is significant. Up to $1 trillion is lost in GDP because of our failure to educate our populace.

American business spends approximately $200 billion per year to perform remedial training for its employees. This is training necessary to provide these individuals minimum skills require to perform on the job.

The Department of Education estimates that 30 million adult Americans are functionally illiterate. Another 45 million are marginally illiterate. This creates a significant problem for our economy. "Combating Illiteracy in the Workplace," by Robert Goddard puts the cost of this illiteracy at a staggering $225 billion. This includes lost productivity, unrealized taxes, crime, welfare, health, housing, and other social costs.

We pay for our failed education system every time an individual drops out of high school. Lack of a high school degree costs an individual $440,000 in lifetime earnings. These lost earnings often drive these individuals into welfare, crime, and drugs. Federal expenditures for welfare were $208 billion per year and medical costs of violent crime amounts to $18 billion per year. Illegal drugs cost the economy $238 billion per year as estimated by Brandeis University. These difficult circumstances perpetuate themselves generation after generation.

We need an educated populace to keep pace with international competition. United States technology has led the world for decades, but the lead is being severely challenged. If we expect to maintain an active pace of technology development, we must have world-class scientist and engineers, and we must have a workforce that have the skills to work with leading edge technology.

Unfortunately, on a recent test of 13-year-olds from 11 nations, U.S. students placed last in mathematics, and next to last in science. According to the National Assessment of Educational Progress, fewer than one in four U.S. fourth and eight grade students are able to meet high standards of performance in mathematics or reading.

Unfortunately, as we attempt to reverse these trends, we are losing one of our most effective and significant trainers, the military. With force levels declining from 2.2 million men and women to 1.4 million, the volume of military training will decline significantly. Military training provides a significant contribution to the skills and leadership of our young people. It also provides them with the ability to continue on to higher education. Approximately 150,000 fewer young men and women will get this training each year.

Many of our schools systems should be reformed. Those efforts are underway. But new methods and ideas are not the only solution. Our schools need additional funding.

One need only to look at the state of our laboratories and school buildings to see the need. Other ideas such as longer school years, and a longer school day also can be accomplished as soon as the necessary funds are available.

We need to start today to raise the priority of education in this country and work to find ways to provide funds that will give our school systems a chance to reach the goals in this bill. I am proposing that we increase Federal funding for education by 1 percent of Federal spending, about $15 billion, each year, until we reach 10 percent of the budget. This is approximately the cost of fully funding the education programs we have in current law, and the initiatives such as extending the school year, which are needed if we are serious about obtaining the goals we have set out in this legislation. Only then will we be able to tell whether this is an important bill, or just another empty promise.

I am pledged to make Goals 2000 an important milestone in our history.

EXECUTIVE SESSION

NOMINATION OF M. LARRY LAWRENCE, OF CALIFORNIA TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND

The PRESIDING OFFICER (Mrs. FEINSTEIN). Under the previous order, the hour of 5 o'clock having arrived, the Senate will proceed to executive session to vote on the nomination of M. Larry Lawrence, of California, to become Ambassador to Switzerland. The clerk will report the nomination.

The legislative clerk read the nomination of M. Larry Lawrence, of California, to be Ambassador to Switzerland.

Mr. SIMON. Madam President, I have known Larry Lawrence for many years as a committed and involved member of the community. Larry Lawrence is a highly successful businessman who has been an active donor, sponsor, and fundraiser for a range of good causes. Some have been political, but many have not.

Larry Lawrence's nomination has generated some controversy. I believe that this controversy reflects honest debate about the nature of the job of our bilateral ambassadors. It is true that Larry Lawrence is not an expert on European affairs, and is not fluent in either of Switzerland's two major languages. In my view, however, Larry Lawrence has the character and necessary background—as a successful businessman with some significant international experience—to perform well as United States Ambassador to Switzerland.

Further, I would note that the post of United States Ambassador to Switzerland has been vacant for more than a year. It is time to fill the job and put the controversy behind us.

I will vote in favor of Larry Lawrence's confirmation, and I urge my colleagues to do likewise.

Mr. HATFIELD. Madam President, it is the prerogative of the President to choose his nominees and the responsibility of the Senate to consent to these nominations. I wish to indicate my strong support for the President's nomination of M. Larry Lawrence to be United States Ambassador to Switzerland.

The President's confidence in Mr. Lawrence is well-placed. He has a long history of public service and philanthropy in addition to a successful private sector career. He has been actively interested and involved in foreign affairs matters and served with distinction on the Nobel Prize nominating commission.

Tradition has held that our ambassadorial corps be chosen from both the career Foreign Service and from the Nation at large. It is my belief that Mr. Lawrence will bring a unique and important perspective to this post and I look forward to working with him after confirmation.

Mr. MATHEWS. Madam President, late last year President Clinton nominated Mr. Larry Lawrence to serve as Ambassador to Switzerland. Tonight, the Senate overcame the discreditable impulses that stalled the confirmation process. As a result, the United States will have the services of a superbly qualified ambassadorial appointment.

Larry Lawrence is a man of modest origins whose hard work built a fortune and whose good works earned him wide admiration. He is a living example of boot-strap accomplishment. Character and competence have distinguished him all his life. During World War II he was a merchant marine volunteer who received the Medal of Honor from our Russian allies for his heroic rescue of drowning fellow crewmen after their ship was torpedoed off Murmansk.

He has founded and managed more than 50 businesses in a proud career. His enterprises have encompassed banking, commercial development, travel, and tourism. These industries are central to the Swiss economy. They are industries in which the Swiss have eminent expertise.

Mr. Lawrence's background is perfect preparation for the prime task of the United States Ambassador to Switzerland: nurturing commercial, trade, investment, and business relationships with Switzerland and Swiss companies.

Mr. Lawrence's commitment to public service is as striking as his success in business. His biography is virtually a phone book of committees, organizations, councils, colleges, and advisory boards.

His civic contributions over the past 45 years are inspiring and humbling to those of us who believe we are committed to public service.

They include service to the State of California as vice chairman of tourism development. President Carter appointed him to the Federal Home Loan Bank Board. President Clinton asked Mr. Lawrence to attend his economic summit before taking office and to brief him on the eve of his recent visit to Geneva. He was cochairman of California's finance subcommittee on cost control in State government, chairman of the economic advisory board of San Diego, founding member of the World Affairs Council, and vice chairman of the Nobel Peace Prize nominating committee. The list goes on and on.

Yet, despite his obvious credentials as a businessman and civic servant, Mr. Lawrence was subjected to rebuke and vilification, mainly by the bureaucracy in the State Department who thought one of their own should have been nominated in his place. Testimony at his Senate Foreign Relations hearing set a new low in acrimony. In the weeks afterward, he was criticized publicly by figures in the Foreign Service Association and in FSA publications as "one of the last relics of the 19th century spoils system."

Yes, Mr. Lawrence has been and is active in supporting his chosen political party. I wish every American followed his example and became more active in the American political process. Two Presidents have called on his counsel, as have Governors, Congressmen and women, and State and local officials of both parties. And he always answered when called. If that was a reason to criticize him, I say his critics had a warped regard for the obligations of citizenship.

There are, indeed, career professionals in the Foreign Service who merit consideration as ambassador. In fact, I received an illuminating letter from one regarding Mr. Lawrence.

He said he was, in his words, "taking the unusual step of writing to you because I believe that Mr. Lawrence is well qualified to serve as U.S. Ambassador to Switzerland."

He cited not only Mr. Lawrence's apt and extensive background in business as perfect qualifications, but also Mr. Lawrence's contemplative and reflective personal disposition, which is so highly valued in the Swiss approach to relationships.

He concluded with a comment about Mr. Lawrence's adversaries: "* * * those in AFSA who have attacked Mr. Lawrence have done the State Department, and the United States, a major disservice."

I add that they also made an unconscionable attempt to intrude on the powers and responsibilities of the President, whose duty it is to select the ambassadors who represent us. The Constitution gives to the President and the Senate the sole and exclusive responsibility of passing judgment on persons who will be our ambassadors to other countries.

I find it ludicrous that an entrenched bureaucracy would attempt to interject its judgment over that of the President of the United States, particularly when it is well known that these same people coveted these appointments.

A former Republican-appointed ambassador to both France and Ireland made a telling case about that in his own letter of endorsement. He argued that the tradition of Presidential appointments is older than the Foreign Service itself. He disparaged the age-old objections from Foreign Service officers as "stale" and "blinkered to the reality."

He emphasized that Presidential appointees have infinitely greater access to the White House and the State Department than careerists in the Foreign Service. Foreign government officials whom our ambassadors deal with appreciate this access.

The issue driving the scurrilous and petulant censure of Mr. Lawrence was not his qualifications. His political adversaries were bothered by his advisory relationship with President Clinton—which an ambassador should have with his President, by the way.

What we heard from his foreign service critics was pettier than politics. It was an outburst of insecurity. Mr. Lawrence was simply the highest profile nominee they could find over whom to make their ill-taken point. They've got sour grape stains all over their self-importance.

I thank and commend my colleagues who supported Mr. Lawrence—and they are many in number. They did the right thing for Swiss-American relations and did the right thing by a distinguished American.

At this moment, Mr. Lawrence is working with the State Department, continuing to prepare himself for his post in Bern. He never stayed in this fight to win a bitter but pointless Washington-style confrontation by people who criticized him without knowing him. He put his good name on the line because he wants to be of further service to his country—as he's done all his life.

His is the highest impulse in public service. That's why I stood with Mr. Lawrence and President Clinton. I want to commend the President for nominating this worthy American. And again, I commend my colleagues in the Senate for allowing Mr. Lawrence to assume his duties as an effective advocate for American interests in Switzerland.

Mr. HELMS. Madam President, in just a few minutes, the Senate will be voting on President Clinton's nominee to be ambassador to Switzerland. As some of my colleagues may take note, it is not very often that the entire Senate is assembled to vote on an ambassadorial nomination. Well, it is not very often that the Senate is asked to vote on a nominee that is so obviously qualified only by the amount he has donated to political campaigns.

That, however, is not why I am here today. Before the Senate votes on Mr. Larry Lawrence's nomination, his relationship with the Foreign Relations Committee and with the Internal Revenue Service should be made a matter of public record.

Since Mr. Lawrence submitted his original papers to the committee last fall, he has amended his financial statement portion numerous times in response to allegations.

Mr. Lawrence corresponded with Chairman PELL 3 times in 3 days after it was brought to light in testimony during his confirmation hearing that Mr. Lawrence had not completed, to the fullest extent possible or to the extent required by law, his records of campaign contributions, or his current status of claims with the IRS.

It should be noted that the committee reported Mr. Lawrence's nomination on a 10–10 vote with Senators SARBANES, MOYNIHAN, FEINGOLD, HELMS, LUGAR, KASSEBAUM, PRESSLER, MURKOWSKI, JEFFORDS, and GREGG voting in the negative. It should also be noted that Mr. Lawrence made donations to at least six of the Senators who signed the cloture petition, not to mention at least ten other sitting members of the Senate.

Most importantly—just last Thursday, the committee received, and then distributed a detailed document regarding a tax case in which allegations of tax fraud were raised against Mr. Lawrence. Incidentally, Mr. Lawrence's attorneys did not choose to note this case or the allegation of fraud in his papers because they deemed him to be innocent.

I remind my colleagues that in carrying out its duty to advise and give its consent to a nomination, the Senate is obligated and expected to investigate fully the ethical, financial, moral and professional background of every nominee. The committee has only just compiled what is believed to be all the information Mr. Lawrence can supply; but there has obviously not been enough time to wade through the enormous amount of paperwork submitted.

The distinguished majority leader has rejected suggestions that a vote on this nomination be delayed pending a review of all documents relating to Mr. Lawrence and his various activities. I regret Senator MITCHELL's decision.

Mr. GLENN. Madam President, I rise today to speak on behalf of the nomination of M. Larry Lawrence to be U.S. Ambassador to Switzerland. I have known Larry Lawrence for over a decade. I know him to be an individual of personal integrity and I respect him for his considerable business development and management skills. I also know that Larry has had a life-long interest in foreign policy, as evidenced by his 25 year association with the San Diego World Affairs Council, of which he is a founding member. In addition, these days business experience such as Larry's will be a considerable asset, as U.S. posts abroad are taking a more active role in promoting U.S. commercial interests.

But most importantly, because of his long association with President Clinton, he enjoys the full and complete confidence of the President, a very important plus for any high level appointee. In the absence of any disqualifying factors, I believe the President should have his choice. And given my long acquaintance with Larry Lawrence, I am confident there are no such factors. With every expectation that Larry Lawrence will bring all of his considerable talents and energy to representing our country's interest in Switzerland, I recommend Larry Lawrence's confirmation without reservation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mr. Larry Lawrence, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSON], and the Senator from Illinois [Mrs. MOSELEY-BRAUN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—79

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Warner
Wofford

NAYS—16

Byrd
Craig
Dole
Feingold
Helms
Kassebaum
Kempthorne
Lugar
Metzenbaum
Moynihan
Murkowski
Sarbanes
Smith
Specter
Wallop
Wellstone

NOT VOTING—5

Breaux
Gramm
Hutchison
Johnston
Moseley-Braun

So the nomination was confirmed.

Mr. MATHEWS. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

DEPARTMENT OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will consider the following nominations, en bloc:

Calendar No. 531, K. Terry Dornbush, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Calendar No. 534, Thomas L. Siebert, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Calendar No. 535, Sidney Williams, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of the Bahamas.

Foreign Service nominations beginning Frank Almaguer, and ending James R. Dempsey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 5, 1993.

The nominations were considered, and confirmed, en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

Mr. PELL. Madam President, the Senate has pending before it the following nominations: K. Terry Dornbush to be Ambassador to the Kingdom of the Netherlands; Thomas L. Siebert to be Ambassador to Sweden; Sidney Williams to be Ambassador to the Commonwealth of the Bahamas; and M. Larry Lawrence to be Ambassador to Switzerland.

Mr. Dornbush's nomination was submitted to the Senate on October 14, 1993. The Foreign Relations Committee held a hearing on November 17, and on November 18, by a vote of 14 to 6, favorably reported out the nomination with the recommendation that it be confirmed.

The nomination of Mr. Siebert was received by the Senate on October 14, 1993. A hearing was held by the committee on November 10 and on November 18, by a vote of 12 to 8, the nomination was favorably reported out of committee with the recommendation that it be confirmed.

The nomination of Mr. Williams was sent up to the Senate on October 14, 1993. A hearing was held on November 16 and on November 18, by a vote of 14 to 6, the committee favorably reported out the nomination.

The nomination of Mr. Lawrence was submitted on October 25, 1993. A hearing was held on November 10. On November 18, the committee voted 10 to 10 on a motion to favorably report Mr. Lawrence's nomination to the Senate with the recommendation that it be confirmed. Upon failure of this motion to pass, the committee, by voice vote, agreed to report the nomination to the full Senate without recommendation.

It is important for the Senate to confirm these nominations today.

Each of the four important posts has been vacant for some time. The United States has been without an ambassador to Sweden since August 1992; our last ambassador to The Hague left post more than 1½ years ago; and the Bern and Nassau posts have been vacant since last March. I believe it is detrimental to U.S. foreign policy for us not to have had representation at the ambassadorial level for such a long period of time.

The United States has worked closely with the Bahamian Government on counternarcotics issues—the most important issue in the bilateral relationship—and our countries have enjoyed good relations. However, at this time the U.S. counternarcotics strategy in the Caribbean is uncertain and the nature of cooperation may change. Having a U.S. ambassador in place as that relationship changes will be critical to easing the transition.

In the post-cold-war era, we are working very closely with Sweden on such issues as reform in the Baltic countries, the conflicts in Somalia and in the former Yugoslavia, the Conference on Security and Cooperation in Europe [CSCE], and the Comprehensive Test Ban Treaty. It is in the United States interest to expand our bilateral cooperation in these and other areas, but to do so effectively, we need a strong spokesman for U.S. policy resident in Stockholm. We also should be creating opportunities for enhanced United States exports to Sweden's relatively open economy, and to protect United States economic interests as Sweden concludes an accession agreement with the European Union. Again, the absence of a U.S. ambassador reduces U.S. presence and influence.

It is my understanding that the absence of a United States ambassador is a topic of regular media and public comment in Holland, our NATO ally, and an active member of the European Union. At a time when the Netherlands and the rest of NATO are reassessing their role in Europe, discussing how we should build bridges with the countries of Eastern Europe, and considering how to respond to the crisis in former Yugoslavia, I believe that it is important for us to have an ambassador at The Hague. As President Clinton noted when he welcomed Prime Minister Lubbers to the White House on January 4, our relationship with the Netherlands spans the full range of European and international security issues as well as trade, economic, and commercial issues.

The United States has important economic and political interests at stake in Switzerland. United States exports to Switzerland approach $5 billion annually, and an activist United States ambassador could help us do even better. Switzerland is not a member of the European Union, and according, it, more than some other European countries, looks to the United States for expanded trade and investment ties, which can translate into American jobs. On the political front, Switzerland is reassessing its participation in regional and international affairs—in export control regimes, anticrime and terrorism activities, security cooperation, reform in the former Soviet Union and Eastern Europe, and aid to Middle East peace. A United States ambassador in place will strengthen our diplomatic effort to encourage Switzerland to become an active partner in these and other areas.

I ask unanimous consent that the certificates of competence submitted to the committee with respect to each of these nominees together with appropriate biographical material be printed in the Record. I urge my colleagues in the Senate to vote to confirm these pending nominations.

There being no objection, the material was ordered to be printed in the Record, as follows:

K. Terry Dornbush

BIOGRAPHIC SUMMARY

Name: K. Terry Dornbush.

Position for which considered: Ambassador to The Kingdom of The Netherlands.

Present position: Private Investor.

Legal residence: Georgia.

Office address: Atlanta, Georgia.

Date/place of birth: October 31, 1933; Atlanta, Georgia.

Home address: Atlanta, Georgia.

Marital status: Married.

Name of spouse: Marilyn Pierce Dornbush.

Names of Children: Laura D. Iarocci; Kirk T. Dornbush, Jr.; Claire D. Archer.

Education: B.A., Vanderbilt University, 1951–55; Emory University School of Law, 1955–56, no degree; New York Institute of Finance, 1956–57, Security Analysis.

Language Ability: Currently enrolled at FSI for Dutch Language training; German (Limited).

Military experience: U.S. Army Reserve—436th Civil Affairs; Military Government Company, 1957–65; Active Duty: April—October 1957.

Work experience:

1989—Present: Private Investor, Atlanta, Georgia.

1970—Present: Director, New York Venture Fund, (and subsequently acquired or formed) Retirement Planning Funds of America, Inc., Ventgure Income Plus, Inc. and Venture Muni Plus, Sante Fe, New Mexico and New York, NY.

1971—Present: General partner, Stephens Woods Associates, Atlanta, Georgia.

1979—Present: General Partner, Yulee Limited Partnership, Atlanta, Georgia.

1986–Present: General Partner, Triangle Investment Limited Partnership, Nassau County, Florida.

1983–Present: General Partner, Dorn Associates, Atlanta, Georgia.

1981–Present: General Partner, KTR, Limited, Atlanta, Georgia.

1981–Present: Proprietor, The Dornbush Company, Atlanta, Georgia.

1988–1990: Chairman of the Board, The Dornbush Group, Inc., Atlanta, Georgia.

1988–1990: Director, The Dornbush Group System, Inc., Atlanta, Georgia.

1988–1990: Director, The Dornbush Group International, Inc., Atlanta, Georgia.

1983–1990: Director, Knight Transportation Company, Inc., Atlanta, Georgia.

1976–1990: Director, Southeastern Bonded Warehouses, Inc., Atlanta, Georgia.

1981–1990: Director, WFI Transport, Inc., Atlanta, Georgia.

1988–1990: Vice Chairman of the Board, American Western Corporation, Sioux Falls, South Dakota.

1980–1989: Chairman and Chief Executive Officer, Dixie Bag Company, Atlanta, Georgia.

1978–1986: President, Egmont Investment Company, Atlanta, Georgia.

1981–1987: President, DOAG USA Inc (subsidiary of DOAG Warenhandels, AG, Hamburg, Germany).

1978–1986: Chairman of the Board, Thermo-Materials Corporation, Atlanta, Georgia.

1975–1980: Founder, Director, Chairman of Audit and Finance Committees, First Women's Bank, New York, New York.

1968–1974: Executive Committee, Board of Directors; Consultant; Hickory Furniture Company, Hickory, North Carolina.

1955–1969: Partner, Corporate Finance Department, Courts and Company, Atlanta, Georgia.

Organizational affiliations: Capital City Club; Cathedral of St. Phillip (Episcopal), Atlanta, Georgia; Skin Cancer Foundation Advisory Council; Vanderbilt University Alumni Board of Directors.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Kingdom of the Netherlands.

Candidate: K. Terry Dornbush.

Kirk Terry Dornbush is a private investor and successful businessman in Atlanta, Georgia. His career encompasses more than 35 years of experience in corporate finance, international business, banking, real estate and entrepreneurial endeavors. Since 1970, he has been Director of New York Venture Fund. Mr. Dornbush is a General Partner with the following groups: Stephens Woods Associates, Yulee Limited Partnership, Triangle Investment, Dorn Associates, and KTR, Limited. In addition, since 1981 he has been Proprietor of The Dornbush Company. From 1980 to 1989, Mr. Dornbush was Chairman and Chief Executive Officer of the Dixie Bag Company. In 1975, he founded the First Women's Bank of New York and served as a Director until 1980.

Mr. Dornbush also is active in civic causes. He is on the Skin Cancer Foundation Advisory Council and is member of the Cathedral of St. Phillip. Mr. Dornbush has established fellowships for graduate work in economics at Vanderbilt University and for post-doctoral work in child neuropsychology at Georgia State University. In addition, he is on the Vanderbilt University Alumni Board of Directors.

Mr. Dornbush was born on October 31, 1933 in Atlanta. He graduated from Vanderbilt University in 1955 and attended the Emory University School of Law from 1955 to 1956. From 1956 to 1957, Mr. Dornbush attended the New York Institute of Finance. He is married and has three children.

Mr. Dornbush's extensive and successful business and civic experience make him an excellent candidate for United States Ambassador to the Kingdom of the Netherlands.

Thomas L. Siebert

BIOGRAPHIC SUMMARY

Name: Thomas L. Siebert.

Position for which considered: Ambassador to Sweden.

Present position: Of Counsel, Besozzi, Gavin & Craven, Washington, DC.

Legal residence: Maryland.

Office address: 1901 L Street NW., Suite 200, Washington, DC. 20036.

Date/place of birth: May 2, 1946, Cleveland, Ohio.

Home address: Annaplis, Maryland.

Marital status: Married.

Name of spouse: Deborah Simpson Siebert.

Names of children: (age 14); Lauren Elizabeth Siebert (age 11); Thomas Leland Siebert, II (age 6); Trevor Chapman Siebert (age 1).

Education: A.B., Georgetown University, 1968; J.D., Georgetown University Law School, 1972.

Language: French (moderate speaking/writing abilities).

Military experience: None.

Work experience:

1993—Of Counsel, Besozzi, Gavin, & Craven, Washington, DC.

1987—1993: Of Counsel, Besozzi & Gavin; Washington, DC.

1985—1987: Partner, Hennessey, Stambler & Siebert, P.C., Washington, DC.

1978—1985: Partner, Lovett, Ford, Hennessey, Stambler & Siebert, Washington, DC.

1971—1978: Associate, Pittman, Lovett, Ford, & Hennessey, Washington, DC.

1968–1971: Aide, Office of U.S. Senator Carl Hayden.

1966–1968: Volunteer, Office of U.S. Senator Robert F. Kennedy.

1965–1966: Intern, Office of Congressman Robert E. Sweeney.

Honors/awards: Georgetown University Law School: Law Policy in International Business Law Review (1970–1972).

Organizational/affiliations: Member, Board of Regents, Catholic University, 1989—Present; Member, Board of Visitors, St. John's College, 1989—Present; Member, United States Naval Academy Midshipmen Program, 1989—Present; Member, United States Naval Academy Catholic Church, 1977—Present; Member, St. Mary's Catholic Church, 1977—Present; Member, Maryland Hall for the Creative Arts, 1990—Present; Member, Annapolis Association, 1989—Present; Member: The District of Columbia Bar Association; Bar Association of the District of Columbia, American Bar Association, and the Federal Communications Bar Association.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Sweden.

Candidate: Thomas Leland Siebert.

Thomas Leland Siebert has served Of Counsel in the law firm of Besozzi, Gavin & Craven, and its predecessor, Besozzi, & Gavin, in Washington, D.C., since January 1987. Mr. Siebert was a Partner in another Washington, D.C., law firm for the previous nine years. He worked in the office of U.S. Senator Carl Hayden as an Aide from 1968 to 1971. Mr. Siebert also worked as a volunteer in the office of U.S. Senator Robert F. Kennedy from 1966 to 1968, and in the office of Congressman Robert E. Sweeney as an Intern from 1965 to 1966.

Throughout his career, Mr. Siebert has been involved in many civic activities. He has served on several PTA boards since 1984 and is currently serving on the PTA board of the Key School in Annapolis, Maryland. He is a member of several community associations in Annapolis and Washington, D.C. Mr. Siebert is currently a member of the Maryland Hall for the Creative Arts and the U.S. Naval Academy Midshipmen Program.

Mr. Siebert was born on May 24, 1946, in Cleveland, Ohio. He graduated from Georgetown University Law School in 1972, and speaks and writes French moderately. He is married and has four children.

Mr. Seibert's successful career as an attorney and his extensive involvement in a number of civic activities make him an excellent candidate for United States Ambassador for Sweden.

Sidney Williams

BIOGRAPHIC SUMMARY

Name: Sidney Williams.

Position for which considered: Ambassador to the Commonwealth of the Bahamas.

Present position: Sales Consultant, Mercedes Benz.

Legal residence: California.

Office address: 6353 Sunset Boulevard, Hollywood, California 90028.

Date/place of birth: March 24, 1942, Shreveport, Louisiana.

Home address: Los Angeles, California.

Marital status: Married.

Name of spouse: Maxine Waters.

Name of children: Edward K. Waters and Karen P. Titus (Stepchildren).

Education: B.A., Southern University, 1964; M.S., Pepperdine University, 1973.

Language ability: None.

Military experience: U.S. National Guard, 1964–65 (active duty); U.S. National Guard, 1965–70 (reserve).

Work experience:

1979—Present: Sales Consultant, Mercedes Benz, Hollywood, California.

1983–1993: Speaker/Mentor to Youth Groups on events such as King Holiday, Career Days, Black History Month.

1976–1979: Project Manager, City of Los Angeles Community Redevelopment Agency, Los Angeles, California.

1974–1976: Legislative Aide, Los Angeles City Council, 10th District, Los Angeles, California.

1966–1974: Business Developer, Black Economic Union, Los Angeles, California.

1964–1969: Professional Football Player: Cleveland Browns, Cleveland, Ohio; Washington Redskins, Washington, D.C.; Baltimore Colts, Baltimore, Maryland; Pittsburgh, Pennsylvania.

Organizational affiliations: Member, Board of Directors, Southwest Community College Foundation; Member, Alpha Phi Omega Fraternity; Member, National Association for the Advancement of Colored People (NAACP).

Awards: Member, Cleveland Browns 1965 NFL Championship Team; Member, Athletic Hall of Fame, Southern University; Recipient, 4-Year Athletic Scholarship, Southern University.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Commonwealth of the Bahamas.

Candidate: Sidney Williams.

Sidney Williams is a prominent figure in the publication entitled, "Men of Courage", published by Carnation Company. Mr. Williams' impressive accomplishments and community service earned him recognition in this outstanding journal of high achievers. A leading sales consultant with Mercedes-Benz since 1979, he initiated new sales strategies that earned record profits for his company. From 1976 to 1979, he was project manager for the Community Development Agency of the City of Los Angeles. He pioneered neighborhood revitalization programs that involved resident planning, government low interest rate loans and private sector contractors. His superb negotiating skills resulted in significant home improvements for numerous families and neighborhood revitalization.

Mr. Williams also served as legislative deputy in the Los Angeles City Council from 1974 to 1976. He researched and crafted legislation, organized legislative hearings and assisted in budget preparation.

From 1966 to 1974, Mr. Williams was a business developer for the Black Economic Union where he assisted in the development of business plans for small business owners and capital formation for struggling entrepreneurs.

In addition, Mr. Williams developed strong discipline, strategic thinking and negotiating skills as a professional football player for the Cleveland Browns and the Washington Redskins of the National Football League from 1964 to 1969. Mr. Williams serves on the Board of the Southwest Community College Foundation, and is a past board member of the Kazi House, a drug abuse and rehabilitation center and past board member of the Minority Junior Golf Association.

Mr. Williams has travelled with the L.A. Rams football team to England, Germany, and Japan as special adviser to Rams owner Georgia Fontiere. He has also assisted in the negotiations and the production and operations of the games in those countries.

Mr. Williams was born on March 24, 1942 in Shreveport, Louisiana. He graduated from Southern University in 1964 and received his M.S. from Pepperdine University in 1973. He is married.

Mr. Williams and his family have spent many of their vacations in the Bahamas. He has a deep respect for the Caribbean culture and will make an outstanding representative for the President to the Commonwealth of the Bahamas.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Switzerland.

Candidate: M. Larry Lawrence.

M. Larry Lawrence is a successful businessman and active civic leader in California. Since 1986, he has served as the Chairman and Chief Executive Officer of the Hotel del Coronado Corporation. From 1963 to 1986, Mr. Lawrence was Chairman, President, and Chief Executive Officer of Del Properties Incorporated. Prior to 1963, he was a top executive with a number of different real estate companies.

Throughout his career, Mr. Lawrence has been very active with community groups in San Diego and with other national civic organizations. He is on the National Advisory Board of the Center for National Policy and, since 1972, has been the Chairman for the Israel Bond Campaign. He was a member of the Task Force on Housing for the Urban Coalition and, from 1984 to 1985, Mr. Lawrence was Vice Chair of the Nobel Peace Prize Nominating Commission. He has received a number of honors including the Outstanding Community Leadership Award from San Diego State University and the Gold Medal commemorating the 40th Anniversary of the State of Israel.

Mr. Lawrence was born on August 16, 1926 in Chicago. He attended the University of Arizona from 1945 to 1947. He is married and has four children.

Mr. Lawrence's long involvement in business, civic and public service activities and his close relationship with the President make him an excellent candidate for United States Ambassador to Switzerland.

BIOGRAPHIC SUMMARY

Name: M. Larry Lawrence.

Position for which considered: Ambassador to Switzerland.

Present position: Chairman and Chief Executive Officer; Hotel del Coronado, Coronado, California.

Legal residence: California.

Office address: 1500 Orange Avenue, Coronado, California 92118.

Date/place of birth: August 16, 1926, Chicago, Illinois.

Home address: Coronado, California.

Marital status: Married.

Name of spouse: Shelia Davis Lawrence.

Number of children: Leslie Ann Caspi, Robert Scott Lawrence, Andrea Sue Lawrence, Stephanie Kinnamon Lawrence.

Education: University of Arizona, 1945–47.

Language: None.

Military experience: United States Merchant Marines, 1944–45.

Work experience:

1986–Present: Chairman and Chief Executive Officer, Hotel del Coronado Corporation.

1963–86: Chairman, President and Chief Executive Officer, Del Properties Incorporated.

1960–63: Owner and Chief Executive Officer, M. Larry Lawrence & Associates.

1954–60: Vice President, Tri-W Builders.

1950–54: Vice President, Great American Homes.

1948–50: President, Century Incorporated.

Honors/awards: Rotary, Paul Harris Fellow; Who's Who in America; California; World Jewry; Man of the Year, City of Coronado and County of San Diego; San Diego Citizen of the Year; Recipient, Alumni Achievement Award, University of Arizona; Recipient, Israel 40th Anniversary Gold Medal; Beta Gamma Sigma Honor Society; Outstanding Community Leadership Award, San Diego State University; The Alexis de Tocqueville Society-United Way; Israel Bonds Prime Minister's Club; Recipient, Russian Federation 40th Anniversary of the Victory in the Great Patriotic War Medal; Man of the Year, Saint Vincent de Paul Village.

Memberships/affiliation: National Advisory Board, Center for National Policy; Chairman, Economic Advisory Board of San Diego County, San Diego, California; Charter Member, California State Senate Commission on Efficiency and Cost Control in State Government; Life Member, the Guardians; Charter Life Member, San Diego University History Research Center; Navy League of the United States, 1976–84; Chairman, Israel Bond Campaign, 1972–93; Director, Greater San Diego Sports Association, 1980–84; Director, Vietnam Veterans Leadership Program of San Diego, Inc., 1980–84; Vice Chair, Nobel Peace Prize Nominating Commission, 1984–85; Life Member, President's Club, University of San Diego; John F. Kennedy Library Foundation Board; President's Council, Scripps Clinic and Research Foundation, 1984–93; The American Israel Public Affairs Committee Board, 1980–89; International Center for Development Policy, 1987–88; The Wellness Community Advisory, 1987–89; American Merchant Marine Veterans Association, 1975–93; Executive Committee, The Joan Kroc Hospice Center, 1987–88.

Mr. DODD. Madam President, I rise in support of the nomination of Sidney Williams to be the United States Ambassador to the Commonwealth of the Bahamas and I urge my colleagues to vote in favor of this nomination.

While there is no simple formula for a U.S. ambassador, there are certain qualities we look for in any candidate for such a position. We expect our ambassadors to have an ability to negotiate, an ability to listen and learn, and a solid record of achievement.

It is in this context that we consider Sidney Williams to be our Ambassador to the Bahamas. The Bahamas is perhaps not commonly regarded as our most strategic or our most essential ally in this hemisphere. But our relations with the Bahamas are very important to be sure, especially in the context of the illicit drug trade and the need for the Bahamas' continued cooperation in stemming that evil tide.

Over the course of his career, Mr. Williams has had a wide range of professional experiences, from playing professional football to helping small businesses to working in local government. And there is ample evidence to suggest that he has done them well. This wide range of activities and experiences will no doubt serve him well in his new position should he be confirmed as our Ambassador to the Bahamas.

Since 1979, Mr. Williams has been a leading sales consultant with Mercedes-Benz, helping to formulate and to implement new sales strategies. From 1976 to 1979, he served as the project manager for the Community Development Agency of the city of Los Angeles, pioneering neighborhood revitalization programs. From 1974 to 1976, Mr. Williams served as a legislative deputy in the Los Angeles City Council, where he researched and crafted legislation, organized legislative hearings, and assisted in budget preparation.

From 1966 to 1974, Mr. Williams served as a business developer for the Black Economic Union, where he assisted in the development of business plans for small business owners and capital formation for struggling entrepreneurs. And from 1964 to 1969, Mr. Williams played professional football for a number of teams, including the Cleveland Browns, the Washington Redskins, and the Baltimore Colts.

Last November, I chaired a hearing on Mr. Williams in the Subcommittee on Western Hemisphere Affairs. I have also had the pleasure of meeting and getting to know Mr. Williams throughout the course of the nomination process. On the basis of these and other discussions with the nominee, I am confident that Sidney Williams will do an effective and capable job as our representative in the Bahamas, and I urge my colleagues to vote in favor of this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the legislative session.

GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. The Senate will continue with the consideration of H.R. 1804.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. This statement expresses my views and those of Senator KASSEBAUM on the National Skills Standards Board.

The managers' amendments to the Goals 2000 legislation included modifications to provisions in title V, the National Skills Standards Act. The following is an explanation by the managers of those provisions:

EMPLOYEE REPRESENTATIVES IN VOLUNTARY PARTNERSHIP

The employee representatives who are to be included in the voluntary partnerships are individuals recommended by national labor organizations representing employees in the occupation or industry for which a standard is being developed, and other nonmanagerial employees with significant tenure or experience, where appropriate, given the nature and structure of employment in that occupation or industry. Under this provision, this latter category of nonmanagerial employees may constitute the only employee representatives in the partnership if there are no employees represented by a national labor organization in the industry or occupation for which standards are being developed.

HUMAN RESOURCE PROFESSIONALS

The managers intend that the individuals appointed to the National Skills Standards Board under the category of certified human resource professionals be neutral, qualified experts in their field. The managers understand that there are organizations that certify human resource professionals as having met specific requirements attesting to their expertise and experience in the human resource field.

USE OF THE NATIONAL SKILLS STANDARDS BOARD'S ENDORSEMENT

The legislation prohibits the endorsement or lack of an endorsement of a skill standards system by the National Skills Standards Board to be used in any action or proceeding to establish that such system conforms or does not conform to the requirement of civil rights laws. It is the managers' intent that this title neither diminishes nor expands any of the protections provided under Federal civil rights laws, including the 1991 Civil Rights Act. Since the managers expect the skill standards developed under this title to relate to broad clusters of occupations and not to be designed for a particular job, the managers believe it would be inappropriate for the courts to give weight to the fact that the Board endorsed or did not endorse a standard in determining whether such standard is properly used in a particular case. Therefore, the use of the endorsement or lack of an endorsement, in and of itself, is prohibited. However, the managers intend that this prohibition would not prevent any studies or other information developed by the partnerships or the Board relating to a skill standard from being used in such legal proceedings where such studies or information is relevant to a particular position in question, in accordance with the requirements of current civil rights bill.

APPRENTICESHIP AMENDMENT

The managers intend that the purpose of the amendment is to clarify that in endorsing skill standards the National Board should not only ensure that skill standards meet or exceed the highest applicable standards used in other countries or the highest applicable international standards, but also the highest applicable standards used in the United States, including the apprenticeship standards registered under the National Apprenticeship Act. This clarification ensures that the standards endorsed by the Board are, in fact, the highest standards in the world. The intent of this amendment is to ensure that board-endorsed standards contribute to the development of a high skills, high performance work force in the United States that is second to none, and are not used to undercut or dilute any existing standards.

Under this amendment, where there are existing standards specific to the particular occupation and industry for which proposed standards are being endorsed, it is intended that the proposed standard meet or exceed those existing standards. However, it is important to note, that it is intended that the Board will primarily develop standards for broad clusters of occupations. These standards will be sufficiently general in nature to allow industries and employers to adapt and refine the standards to meet their particular needs. Therefore, for many of these occupational clusters, there may not be any existing standards that are applicable. In other cases, there may only be sections of existing standards that would be applicable.

ADMINISTRATIVE COST LIMIT

The managers' amendments include a provision to facilitate the start up of the National Board by delaying the application of the 20-percent administrative cost limitation until fiscal year 1995. The managers recognize that prior to awarding grants to voluntary partnerships to develop skill standards, the National Board will have to carry out a number of preliminary activities, such as the hiring of staff, arranging for facilities, developing criteria for awarding the grants and endorsing standards, and encouraging the formation of partnerships, that will necessitate a significant proportion of administrative expenditures, for example, conducting meetings and conferences to promote and ensure public participation in many of these activities. These upfront costs require that flexibility be provided to the National Board with respect to cost categories during fiscal year 1994. However, this provision is not intended to encourage the National Board to expand all first year funds on administration and the managers urge the National Board to move as expeditiously as it can in a responsible manner to be in a position to award grants to the partnerships and carry out its additional supportive activities.

Mr. ROBB. Mr. President, I am pleased to join so many of my colleagues today in supporting S. 1150, the Goals 2000 Educate America Act. This bill has been developed in a bipartisan manner by distinguished Senators on both sides of the aisle who care very deeply about the quality of education in our Nation.

And the result of that hard work and cooperation is an eminently reasonable bill that makes the Federal Government a better partner with States and localities in improving public education in this country, while allowing the most important decisions on the direction of educational reform to remain where they should be—right with our States and our communities.

Mr. President, during the time that I was privileged to serve the people of Virginia as Governor, I made education a top priority. By making many tough choices, we were able to put a billion dollars in new money into public education. We raised teacher salaries and toughened standards, created the first year-round Governor's Schools for the Gifted and the Commonwealth's first electronic classroom.

Our students responded, Mr. President, with test results which surpassed the national average in every category for the first time ever.

I recall, as Governor, testifying before congressional committees, and asking, not for more Federal dollars, but for freedom from more Federal mandates.

This bill is not another Federal mandate, Mr. President. Rather, it is a voluntary program which provides flexible incentives to interested States to work to improve their public schools.

Some of my constituents expressed concern to me that, to qualify for the Goals 2000 funding, States must undertake fundamental restructuring. While I believe we need to improve the status quo in many ways. I did not believe that the term fundamental restructuring, which was included in section 306(a) of the committee-passed version of S. 1150, accurately reflected the reasonable State and local flexibility inherent in the plan's approval criteria.

For that reason, I asked the chairman of the Labor Committee, Senator KENNEDY, if he would simply eliminate the words fundamental restructuring in portraying the State improvement plan in that section of the bill. Senator KENNEDY kindly deleted these words in the managers' amendment offered during floor consideration of S. 1150, and I appreciate his willingness to work with us in addressing a concern expressed to me by some Virginians very interested in this legislation.

Mr. President, I am supporting S. 1150 because it gives our States an additional tool in crafting their own State and local reform efforts. With this new funding States can, if they choose, work to establish tough academic standards, create a system of assessments to put real accountability into our schools, and expand efforts to better train teachers and give them the tools they need to teach our kids.

I support all of these important goals.

As a Nation, Mr. President, we can make no better investment in our future than to make an honest investment in our children's education. I urge my colleagues to join me in supporting S. 1150.

Mr. CHAFEE. Mr. President, today the Senate approved the Goals 2000: Educate America Act. Regrettably, I was not here earlier in the day to vote on many of the remaining amendments to Goals 2000. As some of you may know, I was at home in Rhode Island attending the funeral of a young police officer, Steven Shaw, who was slain in the line of duty.

Goals 2000 is a very important step toward achieving the improvements in education that our Nation's children deserve and that we have been discussing for a decade. Since the issuance nearly 10 years ago of the special report, "A Nation at Risk," our focus has been on what is wrong with education. This bill encourages States, local education agencies, and individual schools to look at what is right in education and to use that as a model for improvement and reform.

To help in encouraging this practice, the National Education Standards and Improvement Council will develop national opportunity-to-learn standards, content standards, and student performance standards and assessments. This does not mean that the Federal Government will dictate to schools in Providence and Cranston, or anywhere else in Rhode Island or the Nation, what goes on in the classroom. Rather, the Council will develop guidelines that States receiving grants through this legislation should consider in the development of education reform plans. In other words, the Council is charged with developing standards to stimulate improvement at the local school level. After all, it is the principals, administrators, teachers, and parents who know best about the strengths and weaknesses of their own schools.

This bill takes a bold and positive approach by recognizing that every child has the ability to learn and by taking steps to assure that the tools are available to enable all children to reach their full potential. Setting high standards for teaching and learning and making sure that students have mastered the material presented to them is long overdue.

An effort was made to divert funds authorized in this legislation for a private school choice demonstration program. Supporters of private school choice often suggest that this will encourage competition between public and private schools. Presumably competition should occur on a level playing field, but the playing field between public and private schools is far from level. Private schools can refuse to accept a child with disabilities. They can refuse to accept a child who may pose disciplinary problems. They do not have to take a child whose principal language is one other than English. In the public schools in Providence, there are children from families who speak one of 82 different languages at home! Private schools are able to pick and choose the children they will accept.

We don't need to fund a demonstration program to know what the results of such a program would be. The results would show that the public school children who were sent to the private schools did better than the average public school child. Why would it show that? Because the children selected from the public schools would be the high achievers, the children without disciplinary problems, the children without learning disabilities. They would be the children from homes whose principal language is English. They also would be the children from motivating families with parents who play an active role in their children's education. The students who pose the greatest challenges to our public school system would not be affected because the private schools would reject them. The final result would be that the private schools would skim the high achievers from the public schools, and the public schools would be left with all the challenges.

I am very pleased that the committee included in the bill that was brought to the floor a measure I strongly supported: a seventh goal for increased parental participation. This is a provision that was endorsed by both the national and the Rhode Island PTA. It is clear to me that without parental involvement in education, there will be no real reforms and improvements. This goal calls upon parents to become partners with their children's schools. I believe that parents must play an integral role in the education of their children. Experience has taught us that children whose parents are actively involved in the educational process simply do better in school than children whose parents or families are disengaged.

This bill includes other important amendments related to parental involvement that I cosponsored: the Parents as Teachers Program [PAT] and the Home Instruction Program for Preschool Youngsters [HIPPY]. Both of these programs operate successfully in Rhode Island and across the Nation. Their purpose is to ensure that all children start school on the right foot.

For many of us, having our children's eyes and ears tested is as natural as reading a bedtime story to them. Unfortunately, many new parents are unaware of, or unable to provide, proper health screening for their very young children—just as they are not familiar with the benefit, and pleasure, of reading to their very young children. The PAT program enables eligible parents of newborns to 3-year-olds to receive instruction and assistance in their own homes on the most beneficial ways of encouraging children to reach their full potential. HIPPY offers similar instructional assistance to children ages 3 to 5. The first goals of Goals 2000 is, "All children will begin school ready to learn." These two important programs, with a proven track record of success, will help us to achieve that goal. Many experts agree that the foundation for learning that is laid in early childhood can be the most critical element in an individual's future success.

I want to take a moment to focus on a particularly important challenge that—unfortunately—our schools face today. The role of our schools has changed drastically in the past three decades, and schools have taken on extraordinary new burdens. Today we are seeing youngsters with learning disabilities; youngsters who don't get enough to eat; youngsters born with a drug or fetal alcohol problem; youngsters from totally shattered families. As a society we expect that our schools will take in these children and help make them whole. That is quite a task, and it means that educating these children is that much more difficult. Yet in the face of these increasing challenges, we now have an element that makes our work even more difficult: and that element is guns.

There are 72 million handguns in this country, and their number is increasing at the staggering rate of 2 million per year. The sheer number of these guns is impacting heavily on our schools, for if these guns are in general circulation, there is no doubt that they will end up in our schools as well.

Children of all ages, in every State across the Nation, have access to guns. Just last November, a joint study by Newsweek magazine/Children's Defense Fund found that 31 percent of the youngsters surveyed knew where to go to get a handgun if they wanted one. It should come as no surprise, therefore, that the Centers for Disease Control and Prevention estimates that 4 percent of high school students carry a handgun at least once a month; with 16.7 million high school students, that percentage translates into a whopping 666,000 teens who are toting guns.

If handguns are being carried regularly by children, you can be sure that they are being carried into our Nation's schools. An estimated 270,000 boys have brought a gun to school at least once, and 135,000 boys are believed to bring a gun to school every day! The presence of these guns creates a terrible ripple effect: a child sees another student carrying a handgun, and decides to carry his or her own gun just to be safe. Then that child is seen by another child, and so on, and so on.

When I was Governor in my State, the worst one might hear of at the schools was a fistfight. A gun incident, or shooting, was unheard of. My State is not a major urban area. Yet this year we have seen a dozen gun incidents in our schools. Just recently, a 16-year-old Mt. Pleasant High School student told police that another student had threatened him in a school corridor with a small pistol.

Guns in our schools is not a problem confined solely to New York City or Detroit. It occurs across the country. Just 2 weeks ago, in Columbia, SC, a boy was shot four times at his high school. Last November, in Bellevue, IL, a seventh-grade boy brought a gun to school. In May, in Princeton, WV, a teenage boy walked into his biology class, and, using a gun smuggled into school in his gym bag, took the class hostage. At a high school in Irving, TX, a 17-year-old boy walked up to another student and shot him in the neck; the reason was a fight over a girlfriend. In St. Louis, a teenage girl, upset after her boyfriend broke up with her, shot him in the head and killed him at school last March. One year ago, in Grayson, a 17-year-old brought a small handgun to school and killed a teacher and a janitor. This is a handful—a mere handful—of shootings that occur daily in this country; few States are exempt.

What is the only route for school administrators to take? To ensure the safety of all who are in the school, administrators are forced to divert scarce funds from books to $4,000 metal detectors. Some schools are beginning to resemble armed camps. But more and more school districts are using such equipment: In July of 1992, 25 percent of the 45 largest school districts were using metal detectors; today, 69 percent are using them.

The presence of guns in schools diminishes the work of educators across the country. For how can any child learn in an environment of fear? We stand no chance of improving our educational system unless we first ensure that our heavily-burdened schools are free of guns and the violence that results.

I am pleased, therefore, that Goal Six of the legislation before us reads as follows:

> By the year 2000, every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning.

I successfully offered an amendment to this bill that amends Goal Six to include the word "firearms." Goal Six now will read "every school in the United States will be free of drugs, firearms, and violence." This amendment is just a one-word change. But I believe that it behooves us to be as firm as possible: The presence of guns—highly effective, dangerous, and lethal weapons—in our schools is simply intolerable. We must allow our children to learn in peace. I hope my amendment states the intention of our Government to do so, as clearly as possible.

Another key amendment dealing with guns in our schools was adopted during floor debate, and as a cosponsor of that amendment, I believe it will make a difference in combating school violence. The Safe Schools amendment authorizes Federal grants to school districts to fight violence in their schools. The money may be used for planning strategies to prevent violence, conducting safety reviews, developing violence prevention activities, providing counseling for victims of violence, and even purchasing metal detectors and other security equipment. This is an important step toward ensuring our schools are safe.

In sum, Mr. President, the Goals 2000 legislation is right in line with reform efforts that are underway in Rhode Island and many other States. Passage of this legislation brings us one step closer to forging a new and constructive partnership between every school, school district, State, and the Federal Government. It is through this partnership that our children will receive the world class education they deserve.

Mr. BIDEN. Mr. President, 10 years ago, we were told that America was a Nation at risk. We were told that if a foreign power had imposed such an educational system on the United States, we might very well consider it an act of war.

That report was our wake-up call. Or was it? What has happened since then? There have been more reports and more studies and more stories on how desperate our public education system is. Yet, there has been very little action at the Federal level. Granted, some the doomsaying rhetoric has been overblown. But, every one who has a child in school—and every child in school—knows that we can do better. We can demand more of our parents, our teachers, and especially our students.

We can work to see that all students start school ready to learn; that the high school graduation rate is increased to at least 90 percent; that all students meet the highest standards in English, math, science, civics, history, art, and geography; that American students rank No. 1 in the world in math and science achievement; that we eradicate illiteracy; that all schools are free of violence and drugs; and that all parents are involved in the education of their children.

These, Mr. President, are the national education goals established at the education summit in 1989 by President Bush and the Nation's Governors, led by then-Governor Clinton. Today, those goals are before us in the Goals 2000: Educate America Act. I am pleased to support this legislation. Perhaps we in Congress are finally ready to foster reform of our Nation's public school systems.

Goals 2000 establishes national goals and standards to which every American school and every American student can strive. For if we are to improve our educational system, national costs must be established and the highest standards set. Our young people must be equipped with the skills and knowledge needed to get good jobs and to help American industry compete effectively in the global marketplace. National goals and standards—not imposed on the States, but established as measurements by which all States can gauge their achievement—are essential to the reform effort.

What is also essential—and what is also provided for under this bill—is Federal support for local reform plans. My State of Delaware recently launched a statewide comprehensive educational reform effort. Under the outstanding leadership of State Superintendent Pat Forgione and State Board President Paul Fine, "New Directories for Education in Delaware" is ready to be implemented. The State has committed funding, and each of the 19 school districts have committed their own resources toward ensuring that the public schools in Delaware meet the highest standards. Indeed, the Delaware plan was developed with the national education goals in mind.

But, the money the State and the districts have pledged is simply not enough. The task is just too daunting. The State and the local schools need the Federal Government's help. The local schools of Delaware need Federal financial assistance with few strings attached to allow them to innovate—to adopt school reforms tailored to the needs of the local communities. Experience has proven that decisions on education policies are most responsive and efficient when made by local communities.

And, that's what the Goals 2000 bill does. Reform—fundamental reform—will occur where it should—at the local level. Indeed, 85 percent of the State grants provided under this bill must be passed on to local schools with few strings attached. Each school—whether urban or rural, big or small—will in turn be able to adopt those reforms that will best meet the needs of the students at that school.

Furthermore, with the regulatory flexibility provisions of the legislation—as well as with Senator HATFIELD's flexibility amendment that I supported—States and local schools will have an even greater opportunity to provide a top-quality education as best as they see fit. All the Federal Government is demanding is that States, schools, and students make real and measurable progress toward high educational achievement.

It sounds so simple, so basic, and such a common sense approach to the Federal Government's role in education reform. Yet, the misinformation about this bill abounds. So, let me take just a moment to debunk the myths—and reiterate the facts.

Goals 2000 does not establish a national curriculum. Rather, it establishes national goals outlining where we as a Nation should go and voluntary standards to measure how successful we are in getting there. Goals 2000 is not a one-size-fits-all education reform plan mandated from Washington. Rather, it allows each school to make the reform decisions. And, Goals 2000 does not promote, endorse, encourage, or establish a system of so-called Outcomes Based Education. Rather, this bill seeks to raise the standards of all schools and all students—not dumb them down.

Mr. President, 10 years ago, the Nation was told our public school system was in need of repair. Two years ago, we debated education reform legislation very similar to that before us today—only to have the conference report killed because of a Republican filibuster in the waning days of the 1992 session. Because of these delays, we have lost precious time. Meanwhile, too many of America's children have continued to move through a public school system that desperately needs improvement. Let's not lose any more time—or any more of our children.

Mr. LAUTENBERG. Mr. President, I rise in support of the Goals 2000: Educate America Act. I am a cosponsor of this legislation.

Mr. President, this legislation codifies the existing six education goals that President Bush and the Nation's Governors agreed to in 1990. It also adds a seventh goal calling for increased parental involvement in education. I strongly support the addition of this goal. Children must receive encouragement at home as well as at school.

Mr. President, this legislation also establishes a National Education Goals Panel that will give us a bipartisan reporting on what type of progress we are making towards achieving the seven national education goals. It will also review voluntary national content standards, voluntary student performance standards and voluntary opportunity to learn standards. These voluntary standards will challenge our schools, teachers, students and parents to strive for tangible goals that will ultimately improve our elementary and secondary educational system.

This bill also includes a grant program for State and local school districts to develop innovative, "break and mold" schools. These grants may go to States and school districts for innovative programs like public school choice, public charter schools, magnet schools, curriculum improvement and teacher training. These grants will help stimulate more innovation in our Nation's schools.

Mr. President, we need to begin a national crusade to improve our schools. While the Federal Government only funds about seven percent of all education expenditures, it can help serve as a catalyst to spur educational reform in our Nation's schools. Improving the performance of our schools and students is critical to our Nation's ability to compete with other countries like Germany and Japan. This bill represents a good start in this direction.

Mr. President, this bill is supported by a broad range of organizations including the National Education Association, the PTA, the Business Roundtable, the U.S. Chamber of Commerce, and the College Board.

Mr. President, this bill also includes an amendment I offered entitled Pro-Kids. Pro-Kids will make all schools smokefree along with all other Federally funded children's programs. I am hopeful that the conferees will retain this amendment and prevent our Nation's children from breathing secondhand smoke—a substance that EPA has determined is a group A carcinogen responsible for 3,000 lung cancer deaths per year and thousands of childhood illnesses.

Mr. President, I urge my colleagues to support this legislation.

SCHOOL VIOLENCE PROVISIONS

Mr. DURENBERGER. Mr. President, I rise to comment briefly on what I know is a growing level of concern in this body—and in the Nation as a whole—about violence in schools. In particular, I was pleased to support the amendment offered by Senator DODD incorporating into this legislation, S. 1125, the Safe Schools Act of 1993.

I do so with the understanding that this is an interim measure designed to authorize the Secretary of Education to make grants to school districts for violence prevention programs during the next 2 years. In particular, it will allow the Secretary to use up to $20 million, which has already been appropriated for the current fiscal year, for these purposes.

This interim measure will also give Congress the time it needs to consider the administration's proposal to add violence reduction to the mission of the Drug Free Schools Program which is being reauthorized as part of the Elementary and Secondary Education Act. That reauthorization will take place later this year.

Mr. President, I supported Senator DODD's amendment because I believe all levels of government must respond to the growing incidence of weapons possession and violence in our Nation's schools.

A recent national survey found that nearly 20 percent of 8th, 10th, and 12th graders had been threatened with a weapon at school and nearly 10 percent had been injured. One out of every five high school students regularly carries some type of weapon. And many of these weapons are carried to school.

Mr. President, it is clear from this and other studies that disputes among young people that traditionally had been settled with words are now being settled with fists. And disputes that traditionally were settled with fists have now become knife or gun fights that too often end in life-threatening injuries or even death.

Overall, nearly 3 million thefts and violent crimes occur on or near school campuses every year, totaling almost 16,000 incidents every school day. And 12 percent of violent crimes in schools involve weapons; with nearly 500,000 teens being victimized annually by a violent crime occurring at or near school.

Minnesota—despite its peaceful tradition and strong record in education—is no exception to this national trend.

Statistics on weapons-related incidents are too infrequently kept by schools and districts who fear negative publicity and even increased fear among parents and students. But to its credit the St. Paul School District did recently complete a survey to help document the level of gun and other weapons offenses in its schools.

That survey found that, in the 1992–93 school year, the St. Paul schools had 58 dangerous weapons violations, including 36 that involved knives, 8 with pellet or BB guns, 9 with handguns, and 5 others. Students ages 12 to 17 were involved in these incidents, which resulted in police notification, suspension, and/or expulsions.

There is no question that the growing level of crime and violence in schools is a detriment to both teaching and learning. Both students and teachers report an increased preoccupation with personal safety concerns that get in the way of their studies and work.

That is one reason that President Bush and the Nation's Governors included drug and violence prevention as one of the national education goals, goals that are being placed in law in the legislation we are now about to approve.

We simply cannot expect students to learn—or teachers to teach—if they come to school every day in fear of their personal safety.

Having made that point, I want to caution all of us not to count on this amendment—and the limited Federal funding it will authorize—to solve all the problems related to guns and violence in our Nation's schools. Typically, we are using a single, poorly funded categorical program—aimed at schools—to address a complex, community-level problem.

The use of guns and other violent behavior by young people most often reflects deeper problems, including problems at home. For example, a recent survey by Minnesota's Johnson Institute found that junior and senior high school students who experience alcohol and other drug use problems are:

Twice as likely to instigate physical fights and have trouble concentrating;

Three times as likely to be truant from school; and

Four times more likely to commit vandalism.

These and other youth survey results help make the case for the administration's proposal to combine violence and drug/alcohol prevention programs as we reauthorize the Elementary and Secondary Education Act later this year.

Another survey of Minnesota young people found strong links between students behavior and their own home environments. The most recent Minnesota student survey, done by the Minnesota Department of Education, found strong correlation between abusive behavior at home and alcohol and other drug abuse. The survey is conducted of Minnesota adolescents in grades 6, 9, and 12.

These and other surveys document the need to approach growing violence and other behavior issues involving young people on a community-wide basis, not just focusing on schools.

Typically, however, when society spots new issues or problems involving its younger citizens, it adds responsibility for dealing with those problems to already overburdened teachers and others in schools.

I believe it is time for the larger community to take more responsibility for these issues—beginning with parents, but also involving local governments, nonprofit agencies, employers, and others. Without that kind of combined effort, we will not have either the resources or the capabilities to deal with violence and other behavior problems facing young people in a truly effective manner.

One good example of how that can be done is the use that Minnesota is making of the Governor's discretionary grant it receives under the Drug Free Schools Program.

For the past several years, Minnesota has made both planning and implementation grants to several dozen colocation projects which combine access to a number of different community services in or near schools.

I have visited with individuals involved in a number of these projects and have found them to include broad community support and involvement. And, although it is too early to see definitive results, there are indications that this kind of pooling and colocating of resources can both spread scarce resources further and improve access to needed services by both young people and their families.

I am pleased, Mr. President, that the amendment offered by Senator DODD requires collaboration among a variety of education, social services, and law enforcement agencies in each community. And, as we make this Federal contribution to solving a much larger community need permanent, I would hope we will learn from the experiences of States like Minnesota that are promoting broad community support and responsibility.

One of the lessons learned from States like Minnesota is that the solution to problems of violence and disruption in schools must be designed by each school and each local community to fit its unique circumstances.

In some cases, those problems may require tough solutions that involve law enforcement agencies and tools like metal detectors and other measures designed to remove weapons and individuals from schools who can only be regarded as violence-prone criminals.

In other cases, preventive measures are more appropriate. And beginning such measures at a young age—in elementary, middle, and junior high schools—can be a very good place to start.

One example of this type of approach to preventing violence is a Peer Mediation Program which is being used successfully in a number of schools in Minnesota, including Lyndale Elementary and Anthony Junior High Schools in Minneapolis. In all, some 45 schools in Minneapolis are currently developing peer mediation programs as part of the Minneapolis School District's efforts to make conflict resolution and peacemaking an integral part of teaching and learning.

Because of the exciting potential that peer mediation programs hold, Mr. President, I would ask that a recent article in the Southwest (Minneapolis) Journal describing its effects at Lyndale and Anthony Schools be printed in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I want to pay special tribute to our distinguished colleague from Connecticut for his leadership in addressing the growing concerns that Americans have about violence and disruption in our schools.

The Goals 2000 proposal is a better bill because of his insistence that we include his safe schools amendment. And I look forward to working closely with him, with other Members of this body, and with my constituents in Minnesota as we enact this and other related legislation in the coming year.

I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLVE IT YOURSELF: STUDENTS SHOW HOW TO MAKE SCHOOL A SAFER PLACE

(By Mark Anderson)

A distressing change that's taken place in both city and suburban schools the last several years has been the apparent increase in violence.

School leaders, politicians, parents, and students are all searching now for changes that can ensure again that school will be a safe place for children and for learning.

An important step toward providing that assurance, according to the Minneapolis schools, is achieved in a strategy they've been implementing in the district the last several years.

Their idea: Let the students handle it.

Forty-five schools in the district are in the midst of developing peer mediation programs, one part of a district-wide curriculum to make conflict resolution and peacemaking an integral part of learning for students and teachers.

Lyndale School, at 34th and Grand Avenue, celebrated the second year of its peer mediation project last month, with an assembly honoring its 56 mediators.

Students heard Mayor Sharon Sayles Belton, District Court Judge Isabel Gomez, and Superintendent Peter Hutchinson all praise their efforts that day, and they also received new mediator uniforms: purple jackets emblazoned with the program logo, HELP—Here Everyone Learns Peacemaking.

At Lyndale, two mediator partners are assigned each period to monitor the playground, lunchroom, and hallways. They're trained to intervene when a scuffle or argument develops, pull the belligerents to a designated mediation spot and sort out the dispute.

"What we have them do is talk about what they're mad about," according to mediator James Capehart, a fifth-grader. "They may not even know what that is. Most of the time it works."

James and his colleagues learned their mediation skills in 10 weekly classes where they talk about what causes conflicts and strategies for defusing them. They get hands-on training through role-playing, which students say turns out to be a lot like the real thing.

Still, performing that first actual mediation with a couple of angry students wasn't easy.

"I didn't know if I could remember all the steps, and the first time I did it, it felt really weird," says Mahaulo Andersen. "But when I got started, it went OK."

Candace Murphy, another fifth-grade mediator, explained the ground rules that the disputants must accept in order to do a mediation. "They have to agree to try to solve the problem, not to interrupt or call each other names, and to tell the truth." The mediators also agree that their meeting will be confidential and they won't spread any tales later.

Marlys Svobodony, coordinator of the Lyndale project, says that the mediation and other peacemaking activities are important not only because they teach valuable skills for resolving conflicts, but also because they're improving the school environment. The youngsters have often succeeded at resolving disputes that adults couldn't, she said.

"It's so important to kids that they're listened to and their side is understood. Other kids are better at that kind of listening than adults often are. When they go through the mediation process they take time to make sure everyone is heard."

It's not uncommon for a busy adult to handle the dispute "by simply telling the kids to stay away from each other," a tactic that may stop the fight but doesn't end the anger and misunderstanding, according to Svobodony.

Cheryl Pittman, an Anthony Junior High teacher who has conducted peace-making activities—including peer mediation—for three years, says it's very important to help junior high aged kids resolve conflicts. Her students, who are entering adolescence and a demanding new social environment in junior high, face bewildering problems that often lead to anger and frustration.

"But junior high kids don't want to get into fights," she said. "They want to work things out and save face, but they often don't have the skills to get it done."

Pittman admitted to a little skepticism when mediation was introduced. "I thought it might be a goody-goody thing, attracting only the best-behaved, straight-A students."

But she was surprised by how many students want to get involved.

"And it was really 'peers' joining in, and that's important. We have kids who are streetwise and who could gain the respect of a wide range of students."

Results are hard to measure, but at both schools there's a lot of anecdotal evidence that says mediation and the other peacemaking efforts work. Pittman and Svobodony say they've gotten calls from family members reporting that children are now "mediating" at home with siblings and that students feel better about going to school. And, at both Lyndale and Anthony, mediations are frequent and detentions for student fights have dropped.

Although the fundamental reason for teaching peacemaking is probably to teach valuable life skills, Lyndale Assistant Principal Donna Amann cited another very practical reason for educators to embrace the approach.

"About 50 percent of teacher time is spent dealing with conflicts. If we can teach kids to solve their own conflicts, we have a lot more time to get down to the business of good teaching."

OPPOSITION TO THE MACK AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to briefly state my reasons for opposing the amendment by the distinguished Senator from Florida to change the funding formula for the planning and school improvement grants authorized by this legislation.

I oppose this amendment, Mr. President, because I believe it upsets a very delicate balance now in the Goals 2000 legislation between the role of national and State governments and local schools and communities in promoting and supporting education reform.

The junior Senator from Florida is correct when he points out that education improvement in this country will depend on thousands of individual communities acting on their own to tailor school reforms to meet their unique local needs. That's one reason, Mr. President, that I so strongly oppose the kind of uniform, top-down approach to school improvement represented by so-called opportunity-to-learn standards.

Under virtually all State constitutions, however, State governments play an essential role in financing and policy setting for elementary and secondary education. No significant reforms in local schools will take place without the leadership, authority, and, ultimately, deference of State governments.

So, it is essential, Mr. President, that the role of State governments be recognized in this bill. It's appropriate that States be the conduit of funds for local school improvement initiatives. And, it's especially appropriate that States be able to reserve a small portion of the funds they receive to help design and implement the kind of policy changes that—under the distribution of authority we now have—only States are in a position to initiate.

To adopt this amendment, Mr. President, would be to ignore that reality and to do serious damage to the essential role that States must play in encouraging and supporting education reform.

I yield the floor.

THE COATS-LIEBERMAN AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to support the amendment offered by my distinguished colleagues from Indiana and Connecticut which authorizes a limited demonstration of ways of expanding school choices for parents of low-income children—including the option of choosing a nonpublic school.

As my colleagues know, my own State of Minnesota has taken the lead nationally in expanding the right of parents to choose which school their children will attend. Minnesota has also been at the forefront of efforts nationally to expand the number and diversity of schools that parents may choose from.

Along the way, Minnesotans are redefining what we mean by public education.

In Minnesota, for example, public education now includes charter schools—schools that are started and run by parents and teachers under a contract with a local education agency or the State board of education. Several of these schools are designed to serve students with special needs, including students who have not succeeded in a traditional school environment.

In Minnesota, public education also includes a program called post-secondary options under which high school juniors and seniors may take college courses at public expense at either a public or private college or technical institute.

In Minnesota, public education also includes a number of schools run by nonprofit organizations under contract with the Minneapolis, St. Paul and other school districts. These contract schools also include several institutions that serve at-risk students, students with special needs, or others for whom traditional public schools may not be the ideal setting.

Although these contract schools must be nonsectarian, Mr. President, there are also special circumstances under which public schools may contract with a sectarian nonpublic school to educate an at-risk high school junior or senior.

My point here, Mr. President, is that, even in a State which is known for its leadership on public school choice, we are using a number of different ways of delivering what is a new and broader understanding of public education.

Increasingly, that definition focuses on results—on accountability for what students actually learn. And, we're also defining public education by assurances that all students will be admitted—regardless of race, religion, academic ability, income, or other personal characteristics.

Quite frankly, Mr. President, I don't know what role traditionally defined nonpublic schools should be playing in this new world of public education. I'm not even sure that a lot of nonpublic schools will want to be subject to the kind of accountability that will inevitably go with receiving public funds.

But, I do know that the amendment Senators COATS and LIEBERMAN have placed before us offers a reasonable and nonthreatening opportunity to help answer these questions.

This amendment authorizes a demonstration that requires the full participation and support of the local school district. Only low-income students and their families would be allowed to participate. Civil rights protections are included, as are assurances that local desegregation plans would not be disrupted.

This Senator believes that sounds like a very reasonable and sensible proposal that this body ought to be willing to adopt.

I intend to support this amendment, Mr. President. And, I urge my colleagues to support it, as well.

I yield the floor.

OPPOSING THE HELMS AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by our distinguished colleague from North Carolina which prohibits the use of Federal funds for programs which distribute condoms in schools without parental consent.

I want to make it clear, Mr. President, that I also intend to support an amendment by our distinguished colleague from Massachusetts which encourages parental participation in school-based programs which distribute condoms or other family planning information.

My reasons for these votes, Mr President, reflect both my views on the proper Federal Government role in deciding what goes on in local schools and the experience that my own State has had in dealing with these highly emotional and controversial issues.

There are some exceptions, Mr. President, regarding fundamental human rights. But, in general, I do not believe we at the national level should be telling local school boards and communities how to run their schools.

We should encourage the establishment of high standards—and that's exactly what we're doing in this bill. And, we should set up ways of holding schools accountable for meeting those standards.

But, in general, Mr. President, I believe the best thing we're doing in this bill is making it easier to "get out of the way"—to replace cumbersome and unneeded Federal mandates with new ways of holding schools accountable for what students actually learn.

The amendment offered by the Senator from North Carolina takes just the opposite approach, Mr. President. I believe it is inconsistent with the general direction now being taken in this bill—away from telling local school boards and communities what they can and cannot—and must and must not—do.

I also oppose this amendment, Mr. President, because our own experience in Minnesota suggests that it is unnecessary.

In the Minneapolis public schools, for example, a very well-developed system of school-based clinics has been established with strong input from parents and others in the local community.

And, one essential component of that program is the option that each parent has each year to limit access to services offered in those school-based clinics for their own sons and daughters.

Minneapolis public schools parents actually have three options each year—to place no restrictions on access by their son or daughter to school-based health services, to prohibit access entirely, or to limit access to services other than family planning services.

That system was developed by a broadly representative group of parents, church leaders, teachers, health professionals, and others. It has worked well. And, more than anything else, Mr. President, it demonstrates that each community is best left to address this issue on their own.

I yield the floor.

Mr. HATCH. Mr. President, I know I am not alone in believing that we need to help our schools prepare our young people to lead productive and satisfying lives.

I feel strongly, as I am sure we all do, that nothing is more important than securing a future in which our children will be able to compete and succeed in a global economy, in which they will be able to cope with everyday life, and in which they will be able to appreciate those things that make life rich and rewarding.

I am sure that everyone here has read the alarming statistics about the performance of American students in international comparisons, particularly in core subjects such as science and math. And, I was very disturbed to discover that, among eight industrialized countries, the United States is the only one where people over 55 do better at geography than recent high school graduates.

There are encouraging signs, however. I, for one, do not have to look far.

Utah has always made education a top priority. Despite demographics that make school financing a tremendous challenge, The State of Utah has a highly successful educational system and a successful collaboration with our local school districts.

Utah ranks third in the Nation in State government expenditures for education per $1,000 of personal income.

For every $1,000 of personal income, Utah spends $73.87 on education; average is $42.87.

Utah ranks first in expenditures for higher education.

Utah has the highest literacy rate in the United States.

Some 85.1 percent of Utahns age 25 or older have a high school diploma—second in the Nation.

Utah students score above the national average on SAT and ACT tests.

These are just a few of Utah's achievements in education. I am proud of my State. Utahns have long taken the view that a quality education is essential for our State and our Nation's future. That is why Utahns tax themselves so heavily to support our education system.

It is also why in 1987 the Utah State Board of Education appointed the Strategic Planning Commission. Comprised of Republicans and Democrats, from both the private and public sector, this commission examined all aspects of Utah education and published its report in 1988. Our distinguished colleague and my good friend, Senator BENNETT, then a corporate leader in Utah, served as the chairman of this commission. I am sure he would be pleased to elaborate on the strength of this effort and the validity of its results.

The action plan developed by the strategic planning commission has provided the framework for Utah's initiatives in education since then.

Most recently, education has been at the forefront of Utah's centennial celebration as well. Utah's program for "Centennial Schools," awards additional funds directly to schools for innovative programming.

Mr. President, Utah is not stuck in the mud when it comes to education reform. My State has adopted changes in its system when such changes, in the judgment of the people of my State and their leaders, have appeared warranted or desirable. Utahns do not cling tenaciously to particular education policies or practices when they do not work.

Mr. President, Utah is not unique in this regard. As of 1990, 34 States had undertaken some kind of comprehensive school assessment and developed some kind of improvement plan.

And, according to information I have received from the Education Commission of the States, every one of these States has chosen to address its educational needs in a different way.

We must be careful, Mr. President, that we do not demand change for its own sake.

No one—certainly not a Federal institution such as the Department of Education or the National Education Standards and Improvement Council or the National Education Goals Panel—has the same direct stake in the success of local schools as do the parents and children who depend on local schools.

No one—certainly not a Federal institution—can deliver educational programs with the same sensitivity and accommodation to local needs as the schools' own teachers and principals. It is foolish to think that we here can legislate quality education through this bill.

In suggesting standards, assessments, or delivery standards, we cannot clone those teachers—who we can all name—who make the biggest difference in education.

We cannot create excellence in school leadership by legislative or executive fiat. Who could even describe in legislative language how thousands of talented elementary and secondary school principals have successfully motivated faculty and students? And, one principal's method at one high school in Salt Lake City, may not work at all in a high school in Vermont, Mississippi, Indiana, or anywhere else.

Mr. President, change should not be directed or supervised by the Federal Government. Change should be initiated, developed, and implemented by State and local citizens and their elected or appointed officials.

This bill, Mr. President, is an attempt to engineer change from the Federal level—otherwise why would Utah and 33 other States that already have education plans have to seek Federal waivers for them.

Utah, at both the State and local levels, is committed to the best education possible for Utah children. I have no doubt that the people of my State will continue to enact specific reforms that they believe will be effective and that will reflect the values, resources, and demographics of the communities they serve.

What we need, Mr. President, is more money. And, I must say, Mr. President, that Goals 2000 is sort of like dangling a thick, juicy steak in front of a hungry man. Goals 2000 contains the authorization for a $400 million grant to States and, therefore, the prospect that States will receive additional financial help if they follow the prescribed outline for a State educational reform plan. I am sorry that so many States will be compelled by the need for additional resources that they will sacrifice more of their prerogatives in education.

What we need is more flexibility and fewer mandates. But, the planning process described in Goals 2000 does not promote flexibility. There is no way, in my view, that 50 State plans, developed under the same statute, evaluated under the same criteria, and approved by the same individual can avoid a trend toward the national homogenization of education policy.

I hope my colleagues recognize the Pavlovian effect here: Federal financial help if a State does it right—according to the criteria set up under Goals 2000. No funds if a State does it wrong, or merely chooses to do it its own way.

Mr. President, I also believe there could be unintended adverse implications for independent school improvement initiatives. Even in the absence of Federal incentives, many organizations and schools have initiated a wide variety of projects to help students learn. Of course, there are thousands of these; but, I would like to mention one that is particularly apropos inasmuch as this is Black History Month.

The organization Black Americans of Achievement has developed a board game that simultaneously engages students and informs them of the diverse and significant achievements of black Americans. Students learn in a setting that is challenging, yet enjoyable; academically important, yet engrossing; informative, yet creative.

In addition, the Burger King Corp. has participated in the promotion of the game and is sponsoring a national contest to reward kids who have excelled in learning about African-American history. This game, which is now in use in over 1,000 schools nationwide, serves as an excellent example of private and public sectors working together. It serves as a reminder that not every good idea comes from the Federal Government.

I agree that there is nothing explicit in this legislation that would prevent such initiatives from taking place. However, the top-down approach in the Goals 2000 legislation may have the unintended effect of stifling this type of endeavor. That, Mr. President, would be sad indeed.

There are other reasons for taking a second look at this bill, Mr. President.

First, this bill will create a bigger Federal education bureaucracy.

The bill codifies the National Education Goals Panel. Now, Mr. President, I do not have an objection to the National Education Goals. The goals are, I believe, useful for advancing the debate on education within States and within communities. But, I question how useful it is to codify the National Goals Panel and to give it an authorization of $3 million the first year and such sums as necessary for the next 4 years.

The bill establishes a new entity called the National Education Standards Improvement Council [NESIC].

This organization has been charged with certifying the standards developed by the discipline-specific national education associations, such as the National Council of Teachers of Mathematics. It will forge these sets of academic standards into a set of national standards for curriculum content and student performance. It will also certify national opportunity-to-learn standards and assessments.

NESIC is authorized at $3 million in the first year and such sums for the next 4 years.

I suppose this would be cheap at twice the price if one agreed that this was an important function of the Federal Government and essential to parents and children. Personally, I just see it as another Federal entity putting hurdles in the way of educational progress where it really counts—at State, local, and classroom levels.

The bill also establishes a National Skills Standards Board. We haven't focused much on the National Skills Standards Board. This is largely because the same arguments can be made about it as are being made about the other provisions of the bill.

I will just note that in some respects, I believe the long-term effects of the Skills Board could be more detrimental than the effects of NESIC. Why? Because occupational standards and credentialing at the Federal level—even implied credentialing—will keep many people out of the labor market. Setting up occupational certifications is merely going to set the bottom rung of the employment ladder a little higher and some people will not be able to climb up.

I know some businesses have endorsed this concept. I can appreciate their point of view—it is logical. But, then, these businesses are on the employment end—not the unemployment end.

The National Skills Standards Board is authorized at $15 million in the first year and such sums for the next 4 years.

Second, the bill robs classrooms of vital assistance.

Mr. President, these three activities alone are authorized for $21 million in the first year. That just about equals the cut President Clinton recommended in chapter 2. I remind my colleagues that chapter 2 is a flexible block grant program that targets assistance to classrooms.

The money allocated under this bill is for the development of educational plans. It's for process, not pencils. It's for bureaucrats, not books.

Let me say that another way. We are taking money out of classrooms and concentrating it here in Washington, DC.

The President has recommended $175 million in cuts in chapter 2 and impact aid. I cannot in good conscience justify these cuts as necessary budget cutting measures to adversely affected local school districts in Utah. President Clinton and this Congress are on the verge of a simple reallocation of these funds into Goals 2000. During this debate, we must not forget that this planning bill rides in here on the backs of programs that have an immediate impact on our children.

I do not doubt that the bill's proponents sincerely believe that this is a good thing to do, but I sincerely believe that it is not in the best interests of children in Utah, particularly since Utah is already operating under its own cogent education plan.

Third, the bill creates a system of stealth standards.

Mr. President, as I indicated earlier, I support the national goals. I have always supported national goals. I believe the goals contribute a great deal to the debate and help focus the efforts of all the components of our educational systems at all levels. But, there is a great chasm between national goals and federally mandated standards.

This bill is disingenuous in stating the so-called voluntary standards are in fact truly voluntary. According to the bill's proponents and apologists, a State is not compelled to have State-developed standards certified by the National Education Standards Improvement Council.

But, States are compelled to submit a plan. The plan must include various components, including provisions addressing opportunity-to-learn standards, which has become the new term for delivery standards. The plan must be approved before any money goes out the door.

It is the Federal level of government—the Secretary, along with peer reviewers—that will decide if a State's plan is up to snuff, and standards comparable in rigor to the national model standards will surely be a de facto requirement if not a de jure one.

I respectfully suggest to my colleagues that these aren't voluntary standards, Mr. President, these are stealth standards, clouding the issue, and flying under the radar screen.

Mr. President, one of my constituents, Mrs. Cherilynn Gulbrandsen of Provo, UT, took the time to send me her comprehensive analysis of Goals 2000. She recognized, as I am sure other citizens have as well, that these newly sanctioned Federal entities will inevitably involve some element of partisan politics. She wrote:

> Appointees [to NESIC] are sure to be partisan, slanting the curriculum toward the political ends of the party in power. * * *

She cited the spate of politically correct curricula being discussed in many educational circles.

Mr. President, I believe many Americans have this concern. I believe many Americans are concerned not just with what Goals 2000 actually states, but what they believe it will lead to. Whether their concerns prove to be unfounded is not the point.

What Members of this body ought to focus on is the fact that our constituents are, in fact, concerned. And, education, as much as any public policy area, demands community support and consensus building. As long as people feel they have lost control of education—control of such a critical, life-forming part of their children's lives—we will never achieve that kind of support.

Fourth, the bill will provide the underpinning for more litigation.

Mr. President, last summer several education hearings on finance and equity were held during which some witnesses made it clear that the reallocation of Federal education resources was high on their agenda.

Attorney Jonathan Wilson, who served on the National Council on Education Standards and Testing, has explained that one way to achieve such a reallocation is through litigation. He succinctly explained why the opportunity-to-learn standards are not truly voluntary:

> You can say that it's voluntary, but it won't be. I'm a lawyer—all I need from you to get me into court that I don't have now is [school delivery] standards. Because I have got state law that constitutionally says that you have got to provide an adequate education, and the thing that keeps me from going to court is I don't have a measure for what that is. You give it to me, and I'll get things required—not voluntary. * * * [Minutes of Implementation Task Force, NCEST, October 30, 1991]

I do not believe anyone in this body really wants education policy to be made by the courts.

I do not believe anyone in this body really wants to burden States and local school districts with achieving opportunity-to-learn standards. I find it ironic that while the rest of this bill is so results oriented, the opportunity-to-learn standards are the epitome of input measures.

In conclusion, Mr. President, I know that many Members of the House and Senate may vote for this bill because it is an education bill. There is some fear that if they oppose this bill that they will be vulnerable to political attacks by those who will say that opposition to Goals 2000 is somehow synonymous with opposition to education.

Mr. President, nothing could be further from the truth. This bill does not deal directly with anything that affects the daily classroom existence of students and teachers and parents.

To be against this bill is not to be against education or education reform. To be against this bill is to be against widening the gulf between scarce Federal resources and the schools and teachers this money ought to be going to.

To be against this bill is merely to be against the method that President Clinton has chosen for improving American education. To be against this bill is only to be against centralization of educational decisionmaking and the homogenization of educational programming through national standards.

Mr. President, we have incredibly committed people working in and for our schools, battling poverty, malnutrition, crime, and drugs in their attempts to educate and engage young people. We ought to be putting the $422 million authorized in this bill into Chapter 2, job training, vocational education, drug education, library services, or any other effort that will more directly and more immediately assist those individuals. To be against this bill is merely to be against spending more money on Federal institutions and less money in classrooms.

Mr. President, we ought to trust our State and local school boards and school administrators, our State legislatures and Governors, our teachers and principals, and, most of all, our citizens. I hope we do not pass Goals 2000 because, despite its best intentions, and despite the best efforts of my colleagues to mitigate the many concerns that have been raised, this bill represents a fundamental distrust of the way in which State and local people make and carry out education policy.

I, for one, Mr. President, trust Utahns to do what is right for Utah schools and Utah children. These students—who include my grandchildren—represent Utah's future. As their senator, I want to support Utahns engaged in all the aspects of the education enterprise. I do not want to see their own Federal Government second-guess their needs, priorities, or action plans.

CLOSING STATEMENT

Mr. DURENBERGER. Mr. President, before we complete action on this legislation, I would like to briefly discuss several important improvements that have been made in this bill since it was first introduced.

I would also like to call attention to several school-to-work programs now underway in Minnesota which have helped me personally understand the importance of this legislation to the future economic security of this Nation.

And, finally, I must comment briefly on the need to continue to draw on the experience and expertise of States like Minnesota—as this legislation is implemented and as we seize other opportunities to reform and improve education and job training programs later this year.

The interest and enthusiasm for this legislation in my home State, Mr. President, was a major factor in my decision to become its lead Republican cosponsor. I have learned a great deal from the Minnesotans who have advised me on this legislation over the past year. And, I believe those who will implement this bill from the national level would be wise to continue to listen to those at the State and local level who have a great deal to teach us all.

IMPORTANCE OF LISTENING TO EMPLOYERS

One of the things I have learned from Minnesotans, Mr. President, is that any School-to-Work Opportunities Program must include extensive involvement by employers. That lesson was brought home to me in the results of a survey conducted recently by the Minnesota Business Partnership, which has been among the employer groups that has been most supportive of youth apprenticeships and other ways of better preparing young people for work.

In a recent Partnership survey of over 300 Minnesota businesses, nearly two-thirds of those surveyed said that a typical high school education is no longer good enough for today's business standards. The survey also found that:

Job applicants who have only a high school diploma are eligible for only half the positions being offered.

Even fewer jobs are available to those young people who do not have high school diplomas.

More than half the employers in the Twin Cities believe today's job applicants lack adequate basic skills such as reading, writing, and math.

Employers in nearly 90 percent of Minnesota manufacturing firms and 80 percent of nonmanufacturing firms agree that technical qualifications are more important now than they were 10 years ago.

Two-thirds of Minnesota employers believe today's workers need a strong background in technology in order to succeed in today's business environment.

More than 90 percent of Minnesota employers in both manufacturing and nonmanufacturing companies said they would like graduates to be certified as meeting a minimum set of standards, and that they would be more likely to hire applicants who had been certified.

A BROAD DEFINITION OF SCHOOL-TO-WORK OPPORTUNITIES

Mr. President, another important lesson I've learned from the educators, employers, labor officials, and State government officials who have advised me on this issue is that we must include a broad range of activities in our definition of school-to-work opportunities supported and encouraged by this legislation.

Ideally, school-to-work programs represent a fundamentally different approach to teaching and learning that links the school and community. Such programs must therefore be considered an integral part of K-12 education reform. And, although youth apprenticeships and other more formal manifestations of school-to-work programs begin in the latter years of high school, less formal ways of exploring careers and learning workplace skills should begin much earlier—in elementary, middle, and junior high schools.

To help meet that goal, this legislation now adds language I suggested which includes career exploration and counseling beginning prior to the 11th grade as a required component of school-based programs. Ideally, these programs will begin in elementary schools and be integrated into the school curriculum.

Examples of such components of school-based programs include job shadowing, mentoring, internships, service learning, use of outside speakers and career forums, field trips to local employment sites, and student entrepreneurship programs such as student-run community businesses and junior achievement.

Because of my strong interest in the National and Community Service Trust Act, Mr. President, I'm especially hopeful that the service learning opportunities funded under that legislation will be viewed as an important opportunity to explore possible future occupations at young ages.

And, I'm hopeful that there will be close collaboration between those running community and service learning programs and those designing local school-to-work programs funded by this legislation.

Mr. President, establishing links with after-school, weekend, and summer work opportunities also represents an important opportunity to expand the reach of school-to-work programs to the millions of today's young people who have part-time jobs.

In Minnesota, for example, 69 percent of high school juniors and seniors are employed part time, working an average of 22 hours per week. Yet, there is virtually no linkage between the potential for learning job and life skills through these jobs and the formal school curriculum.

To begin bridging that gap, this legislation now includes language I suggested that authorizes establishment of links between part-time employment and the school curriculum as an allowable activity for local partnerships using State subgrants. Examples of such activities include career counseling, student peer group discussions, mentoring and student-teacher-employer seminars.

IMPORTANCE OF SHARING INFORMATION AMONG STATES AND COMMUNITIES

Mr. President, because of the large number of States that are now implementing a variety of school-to-work program models, it will be important that successful programs be identified and information on them broadly disseminated. In addition, there are research, evaluation, and other opportunities for States to work together to design and promote replication of successful school-to-work programs.

While this legislation envisions the Departments of Education and Labor providing national leadership and coordination, it intends that a major portion of this capacity building be done on a decentralized basis. This would include using existing research, evaluation, technical assistance, training, and communication capabilities that are available through nonprofit organizations, intergovernmental organizations, academic institutions, and other resources located around the country.

To take advantage of these opportunities, several sections of the bill authorize the Secretaries of Labor and Education to use demonstration grants, contracts, or other means to fund research, demonstration and other projects, evaluation program programs and training and technical assistance.

Under language I suggested, special authority is also now granted the Secretaries to establish a clearinghouse and capacity building network to collect and disseminate information on a variety of aspects to school-to-work programs including innovative curriculum, research and evaluation, and skill certificates, standards and related assessment methodologies.

EXAMPLES OF SCHOOL-TO-WORK OPPORTUNITY PROGRAMS IN MINNESOTA

Mr. President, during the January recess, I had the opportunity to meet personally with individuals who are involved in four different school-to-work programs in my own State.

The first of those programs is an ongoing program coordinated by the Minnesota Teamsters Service Bureau called the workplace literacy project.

This program is actually a partnership between the Teamsters Service Bureau and the Northeast Metro Technical College, several different unions and a number of employers in the trucking, hospital, and telecommunications industries. It has received funding from the U.S. Department of Education.

The trucking project was completed earlier this year and was of assistance to drivers in obtaining their commercial drivers license which is now a requirement of Federal law for all drivers in the trucking industry. Under this project, 275 employees received training, including some nondrivers working for the same employers who received training in calculator math and basic computer schools.

The hospital project has involved between 400 and 500 employees in four Twin Cities area hospitals. Job classifications receiving training have included nursing assistants, orderlies, dietary technicians and aids, food service, housekeeping, central stores and hospital facilities maintenance. In addition to Teamsters, this project has also included extensive involvement of members and leadership from the Service Employees Union. The hospitals involved include North Memorial, University of Minnesota, Abbot-Northwestern, and Riverside Medical Center.

The telecommunications project is now being launched and is expected to provide training for 275 to 325 telecommunications workers in Locals 7200, 7212, 7250, and 7290 of the Communications Workers of America. AT&T is the cooperating employer.

In all three of these projects, the goals are to design and offer skills-related minicourses that will help employees upgrade basic job skills and adapt to changing circumstances in the workplace.

In the hospital project, for example, many employees are learning skills that will allow them to assume broader responsibilities or more into more demanding positions. In a number of cases, these employees are positioning themselves to adapt to cost-saving strategies their hospitals now have underway.

Mr. President, the second Minnesota school-to-work project I met with during January is the Skills for Tomorrow High School. This exciting project, headed by former Minneapolis Alderman Tony Scallon, will open this spring using Minnesota's charter schools law. The school—to be initially housed at Minneapolis Technical College—will employ youth apprenticeships as a central part of its curriculum.

The Skills for Tomorrow High School is backed by a broad coalition including the Minnesota Business Partnership, Teamsters Service Bureau, Rockford and other Twin Cities area school districts, University of Minnesota College of Education, and Minneapolis Technical College.

Students at Skills for Tomorrow High School will use a variety of means to help prepare themselves for work. In addition to completing a traditional high school degree, they will have the chance to explore careers and job training opportunities through postsecondary programs and youth apprenticeships at participating businesses.

Mr. President, during the recent January recess, I also had the opportunity to meet with the steering committees of two youth apprenticeship projects that are now developing programs that will help prepare young people for careers in health professions.

The first of these projects is in the Minneapolis-St. Paul area and involves a partnership that includes several area hospitals, Johnson High School in St. Paul and Roosevelt High School in Minneapolis, unions representing hospital employees, State government officials, and others.

And, the second includes hospital representatives, educators, labor officials, and others in the Duluth-Cloquet area.

The Duluth-Cloquet project is unique in its emphasis on improving skills to address unemployment or low paying employment on the nearby Fond du Lac Indian Reservation.

Currently almost 60 percent of Cloquet Public School students and 95 percent of Fond du Lac Ojibwe School students do not pursue education beyond high school.

To begin to address the need for additional education that prepares these students for good paying jobs, a youth apprenticeship program is now being designed that focuses on several different occupational areas including health care.

In what is called the health care cluster, occupational areas will include licensed practical nurse/associate degree registered nurse, therapist assistant—occupational and physical, dental hygienist, operating room technician, radiologic technologist, pharmacy technician, and respiratory care technician.

The entry level wages for occupations including in the Duluth-Cloquet program range from $8 to $15 per hour. The selected occupations also offer significant opportunities for advancement.

Mr. President, all four of these school-to-work projects in Minnesota are just the kind of initiatives this legislation is designed to support and encourage. I personally intend to continue to monitor these projects as they go forward. And, I'm hopeful that they and many others in Minnesota and other States will help address the serious need we have in this country for skilled workers in jobs that assure those workers and their families economic security and a bright future.

THE NEED TO CONTINUE TO LISTEN AND LEARN AS WE MOVE FORWARD

Finally, Mr. President, let me close with a few comments on the need to view this legislation in a larger context.

Later this year, we will have the opportunity to consider legislation reauthorizing the Elementary and Second Education Act, as well as a major Clinton administration initiative on job training and retraining.

I hope we will not lose sight of the general framework for these initiatives established in the bill we are now about to enact.

My own view is that youth apprenticeships and other school-to-work opportunity programs must be considered an essential component of education reform. I also believe we must be willing to provide stronger links—and eliminate current barriers—between programs that have heretofore been considered the exclusive province of education or job training or the responsibility of private employers.

My own preference would be to take down these barriers and give much greater discretion to State and local officials to mix funding sources, level off eligibility requirements, and make whatever other changes are need to address the differing needs and priorities of each State and local community.

As these various initiatives go forward, I hope we will also continue to listen to and learn from the kind of hands-on experts in the field that have meant so much to my own education on this subject.

One such individual is Dale Jorgenson who is the youth apprenticeship coordinator for Minnesota Technology, Inc., and one of the driving forces behind school-to-work opportunities programs in Minnesota.

Dale makes some very important observations in a letter he sent me recently, including the need to make sure we remove barriers that might exist to participating in a youth apprenticeship program for individuals on various forms of public assistance.

In his letter, Dale also points out the difficulty that many smaller employers have in participating in youth apprenticeship programs and the need to consider what financial incentives for employers might be required.

That's an issue that our colleague, Senator GORTON, attempted to deal with in his amendment to this legislation, Mr. President. And, it's an issue we're going to continue to face as the opportunity represented by youth apprenticeships rubs up against hard, cold economic realities.

Mr. President, because a number of important issues and concerns are raised by Mr. Jorgenson's letter, I would ask that it be printed in the RECORD at the conclusion of my remarks.

Let me conclude, Mr. President, by again thanking Senator SIMON, Senator KENNEDY, Senator HATFIELD, and all those who contributed to making this legislation the framework for a new and better way to help prepare all Americans for the future.

We have a good start in this legislation—and in the programs it will support in Minnesota and all across the country. But, to realize its full potential, Mr. President, we have much more yet to do.

I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS TECHNOLOGY,
St. Cloud, MN, January 31, 1994.
Senator DAVE DURENBERGER,
Minneapolis, MN.

DEAR SENATOR DURENBERGER: I want to thank you in return for the interest that you've shown in the Cloquet/Duluth and St. Paul/Minneapolis programs. I know that you received some good information from the two groups. Just as important to me, however, was the boost you gave the groups by recognizing them as part of your Minneapolis connection in the school-to-work transition design. They feel very good about the opportunity you gave them to meet with you, and I know they've already sent you some additional comments on the subject. I hope that all of it is helpful to you for the upcoming debate in the Senate.

I wanted to add several comments of my own. As I mentioned at the meeting in Duluth, I have concerns regarding some of the broader issues. One of them is with adult learners that for one reason or another are living on public assistance. I hope they have access to any and all programs that are developed and that they will not lose any of their benefits as a result of being compensated while in an apprenticeship program. Another area of concern is high poverty areas that may receive some opportunity grants for training programs. While training is certainly important, the larger issue may be economic development for those areas. Training individuals without having local opportunities could drain the area of its human assets, which in the long run could further depress the area. Finally, in my development of programs at the local level the biggest challenge by far has been getting businesses interested and involved. In the long term I think they will come to understand that it is imperative that they actively support school-to-work programs. In the short term, however, I sense that some incentive may be needed to get them involved. This could be targeted job tax credits or other types of assistance. I also would like to see the many national business organizations brought together to discuss the issues with other organizations, such as the Chamber of Commerce, to identify possible strategies and advantages for development of programs at the local level.

I am convinced that business needs to be in the drivers seat on school-to-work transition programs. They are the customer for the product (the student) and must push education and others to break out of their traditional molds. I read somewhere a quote that said, "Companies must leverage an investment in training into a competitive advantage. In our new economy, people must be treated as assets to be developed in order to add value, not as costs to be reduced." I believe this, and support your efforts to develop a school-to-work transition program for the United States.

Sincerely,

DALE J. JORGENSON,
Youth Apprenticeship Coordinator.

Mr. DOMENICI. Mr. President, we voted earlier today on final passage of S. 1361, the School-to-Work Act. I voted against this bill, and I want to explain my concerns.

I agree that we need to do a better job meeting the needs of our students who are not college bound. Fifty percent of our young people do not go on to college, yet our public resources are devoted almost exclusively to those who do. In the meantime, 70 percent of the jobs in the United States do not require a college education.

I, too, think we need to improve the school-to-work transition, particularly in those areas where skills require constant modification and updating as technology becomes available. However, I am not convinced that this bill is the way to do it.

I believe we should focus our efforts more on consolidating the innumerable existing programs into one coherent system, rather than implementing yet another new program. Many of my colleagues have argued that this is not a new program and that consolidation of existing programs is one of this bill's objectives. However, it seems to me indicative of the Congress' need to create a new program first, then assess later. I fear this will become another standalone program alongside our other job training programs that need consolidating themselves. We are, in effect, supplementing, rather than supplanting what needs fixing. I see very little in this legislation to satisfy me otherwise.

We spend more than $24 billion each year on 154 employment and training programs. Let's look at providing some real incentives for consolidating existing programs before we create program No. 155.

Mr. SMITH. Mr. President, I rise today to express my opposition to the pending legislation, the so-called Goals 2000 educational reform bill.

I applaud the effort on behalf of our children that this bill represents. However, as a school board member and chairman for 6 years, I feel that this particular piece of legislation takes the wrong approach to the reform that our schools desperately need.

During the Charlottesville Conference that served as the seed of the Goals 2000 legislation, our Nation's Governors agreed that a key to improving our schools was local flexibility and control. It is my fervent belief that little will result from this pale shadow of the original goals concept apart from a new, rigid Federal education bureaucracy that will stifle innovative reform efforts at the grassroots level.

Supporters of this bill claim that this is not so—compliance with the provisions of the bill is strictly voluntary. In fact, the word "Voluntary" is used in the Goals 2000 legislation no less than 75 times, as if merely repeating the word so often would make it so. However, as many have already pointed out, there is little about this bill that is truly voluntary.

Goals 2000 would set up new bureaucracies in the form of the national educational goals panel and the National Education Standard and Improvement Council [NESIC], which would be charged with developing national content and performance standards. States would have to conform to these standards in order to qualify for a share of the $400 million in grants authorized by Goals 2000.

This is coercion; States looking for additional funding streams for their educational systems will find it next to impossible to resist the political pressure to apply for these funds, and therefore submit themselves to the dictates of the NESIC. It is difficult to fault States for seeking to recover some of the tax dollars they send to Washington.

It is additionally clear that after these standards are in place, further attempts will be made to link all Federal funding to State compliance. When the Senate takes up the Reauthorization of the Elementary and Secondary Education Act, my colleagues will notice that we are already sliding down the slippery slope toward mandatory compliance with Federal standards. On page 18 of the "Improving America's Schools Act of 1993," the ESEA reauthorization bill, States are required to submit a plan that either first "is integrated with the State's plan—under title III of the Goals 2000: Educate America Act" or second, is integrated with other State plans under ESEA. The sequence here is important; I believe it heralds future attempts to require States to comply with national standards as a condition for receiving any Federal education funds.

In effect, then, what we are doing in the name of the noble goal of creating better educational opportunities for our children, is laying the groundwork for a national school board that will use the power of the purse to dictate standards to our schools. This is not right, and is exactly what opponents of the creation of the Department of Education were afraid of.

In conclusion, I believe that this piece of legislation will help carry us toward a future where local school systems surrender their authority to a powerful Federal educational bureaucracy, where decisions regarding curriculum, teacher training, and school spending are made in Washington. This will draw us away, I'm afraid, from our goal of making our schools work.

I urge my colleagues to vote against this dangerous and shortsighted legislation.

Mr. CHAFEE. Mr. President, I would like to take a moment to discuss my grave concerns with the Helms amendment adopted by the Senate last week.

The essence of the Helms amendment is as follows:

> No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency:
>
> Which has a policy of denying, or
>
> Which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis * * *.

This amendment at first glance may sound quite reasonable: It seems to say that no school may prevent a child from engaging in constitutionally protected prayer in school; and any school that does so will lose its funding. For those of us who believe strongly that the right to exercise one's own religious beliefs, free from interference, is one of the single most important guarantees of our Federal Constitution, this amendment may appear reasonable, and indeed, attractive.

But upon closer inspection, this amendment is fraught with danger, and I believe my colleagues need to query whether this amendment achieves its purported goal.

First point: The key to this amendment lies in three words: "constitutionally protected prayer." If schools are to comply with the amendment's direction, obviously they must understand exactly what constitutes "constitutionally protected prayer." Yet this is a question that the courts have wrestled with for decades. The first amendment simply says "Congress shall make no law respecting an establishment of religion"—but it does not define what kind of school prayer crosses that line. This area of constitutional law is far from settled; debate rages on today.

This issue is particularly close to home for Rhode Islanders. Our State was founded by Roger Williams in 1636 as a result of a desire for freedom from Government sponsorship of religion. Moreover, the last time the Supreme Court addressed a school prayer case was in Lee versus Weisman, a 1992 decision involving the Nathan Bishop Middle School in Providence, RI. From this case we in Rhode Island have learned first-hand just how unsettled this area of constitutional law is.

The Lee versus Weisman case involved whether or not a clergyman's benediction at Nathan Bishop's graduation ceremony violated the first amendment. The case was filed in June 1989. In January 1990, the district court judge ruled that the benediction violated the Constitution. In July 1990, a divided first Circuit Court of Appeals upheld the district court decision by a 2 to 1 vote. The school board appealed to the Supreme Court, and in June 1992, the Court handed down a final decision. That final decision was by a 5 to 4 vote.

Thus, after 4 years of litigation and three court rulings, at last a final determination was made on Nathan Bishop's benediction: In this particular case, the benediction was found to violate the Constitution.

After all this, did this decision clear up the many uncertainties about prayers in our schools? By no means. Just 6 months after the Lee decision, a Fifth Circuit Court ruling that seemed to directly contradict the Lee ruling was nonetheless reinstated. Other cases continue to be brought, as public schools across the Nation adopt—or don't adopt—some form of prayer and are challenged.

The quandry this continuing unresolved question has created for school administrators is perhaps best exemplified by the following example:

About 1 year after the Supreme Court's Lee decision, a group called the American Center for Law and Justice sent a bulletin to 15,000 public school superintendents nationwide. The bulletin stated that—

> School officials must understand—that the Lee decision in no way diminished the well-established free speech rights of students, including the right to religious speech,

and went on to warn that students have a right to include a benediction in their graduation ceremonies.

Three weeks later, the American Civil Liberties Union sent their own letter to the same 15,000 superintendents strongly countering the assertions made in the American Center for Law and Justice letter, and noting that the ACLU "will be monitoring developments in this area."

What is the school superintendent who receives these mailings to do? According to one legal organization, school prayer is quite constitutional; according to another, it is not. Such mixed signals—and warnings—are a burdensome distraction for school officials, on top of their many other concerns.

Is a student-led prayer permissible? What about a prayer or blessing offered by a clergyman? Can a nonsectarian prayer be read at a graduation ceremony? How about read over the school loudspeaker, at the start of the school day? What about after-school voluntary prayer activities? Each superintendent has to wrestle with these questions.

Moreover, all this is doubly complicated for Rhode Island officials. In our State, the ethnic makeup of our population is rich and varied. For example, 15,500 of our residents were born in Asia; 6,800 were born in South America; and 6,500 were born in Africa. This diverse makeup invariably means that the religious beliefs of our populace—including its children—range widely. It therefore is difficult to ensure that any one single prayer can fit the many religions of our population.

My point is this: This area of constitutional law is muddy, to say the least. The term "constitutionally protected prayer" may sound quite clear. But how exactly is a school to provide for such prayer if legal scholars and the courts—let alone the beleaguered school—superintendent—cannot agree themselves on when a religious verse crosses the line into unconstitutionality?

As an official of the Association of American School Administrators told me:

> We're certain this amendment muddies the waters, and the waters already were muddy. The prayer cases of last year were very confusing and from our perspective this will make it worse.

Second point: Although for the above reasons, schools would find it difficult if not impossible to comply with the Helms amendment, the amendment itself offers a very, very compelling reason to somehow achieve the impossible: Loss of Federal education funds.

Of all the tools the Federal Government has at its disposal to encourage States to follow Federal wishes, the loss of Federal funds is perhaps the most powerful. It is no trivial matter; often millions of dollars are involved. Thus, I believe this type of threat—for that's what it is—should be used sparingly, only in those cases where the Federal Government has an extraordinary interest in the public welfare.

For that reason I view the amendment as an example of the worst kind of Federal mandate that Washington hands out. The amendment States clearly that any school not complying with its terms will lose its Federal education grant. Because the education moneys are enormous, the schools would have no choice but to do what Washington demands.

Certainly, Rhode Island would have to bow down to Washington's wishes. Our State's schools receive nearly $60 million in Federal education moneys—every cent of which would be at risk should this amendment become law. The amendment would mean no more Federal money for 36 programs like Chapter One, Even Start, Drug-Free Schools, Special Education, Vocation Education, and Literacy. Moreover, it could threaten our guaranteed student loans, and any education contracts or discretionary grants that we now receive.

In sum, the Helms amendment asks States to do the impossible, or else risk losing millions of crucial education dollars.

If the amendment is enacted into law, schools from Westerly to Providence to Woonsocket will have no choice but to try to steer a course through the jumble of court rulings in an effort to comply. Given the religious diversity of our State, this inevitably will mean a string of lawsuits alleging that a school is violating the Constitution—exactly what happened to Nathan Bishop.

Do you know what the Nathan Bishop case cost the city of Providence—and therefore the taxpayers? Providence paid a staggering $110,000 in legal costs—and at the end of the day, after years of legal battles, they lost. The lawsuits that would arise from the Helms amendment will cost the already financially struggling schools dearly and make lawyers rich; $110,000 of taxpayers' money spent on lawyers is $110,000 less spent on books and instruction.

I believe this amendment is born of the fact that many people want very much to allow religious values into public schools—but that in many cases, the courts' interpretations of the Constitution make that impossible or uncertain. But no matter how strongly one feels, it is foolhardy to vent frustration at the Supreme Court—or for that matter the Constitution—by placing our schools on the horns of a terrible dilemma.

We must and should ensure that all Americans—be they adult or child—are able to freely exercise their religious beliefs without interference. As the history of this Nation shows, religion is and always will be a key element of American life.

But this amendment will not enhance the role that religion plays in children's lives. Instead it will add confusion to an already confusing and convoluted situation, and in the process wreak havoc with our States' efforts to educate our children.

Mr. DURENBERGER. Mr. President, as we conclude this debate on the Goals 2000 proposal, I want to commend the bill's managers for accommodating a number of improvements that I and others have suggested, while still sticking to the underlying objectives of this legislation.

I also want to point out several important provisions in this bill which need to be strongly supported in conference if this legislation is to retain the kind of broad bipartisan support that it will need to become law.

There has been a great deal of discussion during this debate, Mr. President, about the need to reform the education system—a system that is showing serious signs of distress, signs that include:

Low test scores compared to our international competitors;

Rising levels of violence that threaten both students and teachers;

Severe financial pressures that are closing schools, forcing layoffs, cutting valuable programs, and raising average class sizes; and

Teacher strikes and high rates of turnover in top administrative positions, especially in our Nation's largest urban school systems.

As we try to address these problems, Mr. President, we must remember that every local school system is different. And, we must not forget that most of the responsibility for organizing and funding schools lies at the State and local level.

That means uniform national solutions won't solve these problems, as much as we in the Congress or administration might want to help.

I'm also not convinced that more money will do the job—at least not within the current system.

We're already spending something like $200,000 per classroom in New York City's Public Schools.

That should be enough. But, too much of it is going to central administration bureaucrats, to one of the Nation's largest police departments, to one of the Nation's largest food service companies, to assistant superintendents and deputy curriculum directors and all the rest.

The same is true here in Washington, DC, where a task force headed by Alice Rivlen a couple of years ago found that a third of the employees of the D.C. school system work—not in neighborhood schools—but in the central administration downtown.

Every school system in this country doesn't face the same challenges we see in New York or Washington. But, too many are part of a system that desperately needs real reform.

EXPECTATIONS FOR REFORM AT CROSSROADS

Mr. President, I have placed a high personal priority over the last 5 years on using my position on the Senate Labor Committee to help define a positive and effective Federal Government role in support of State-based education reform.

Following the 1992 election, I looked forward to accelerating that effort with both a President and Secretary of Education who were among the first, and best, of the 1980's crop of education Governors.

It's within that context that I have followed closely the introduction and evolution of President Clinton's Goals 2000 initiative. I, and many others, have suggested a number of changes in the President's proposal. And, because of those changes, this is a different and better bill.

As this dialog has gone forward, Mr. President, it's also been clear that we don't yet have consensus in the Congress on what role the Federal Government should play in support of State-based education reform.

In part, my concern reflects the experience we had in conference 2 years ago, as we attempted to reconcile differences over the Neighborhood Schools Improvement Act—S. 2. I do not want to see the President's Goals 2000 proposal succumb to the same fate—lacking strong bipartisan support and lacking a significant affirmative constituency outside the Washington Beltway.

Without such support—especially from Senate Republicans and from Governors in both parties—we could easily repeat our previous experience with S. 2. And, although I don't welcome the thought of another legislative stalemate, I agree with those who argue that "no bill is better than a bad bill."

SENATE BILL SHOWS DEFERENCE TO STATE AND LOCAL INITIATIVES

Fortunately, Mr. President, the legislation now before us includes a number of features that support and show deference to State and local education reform initiatives.

For example, one very positive feature in Goals 2000 is the provision allowing States to use State-level improvement funds to support public school choice initiatives, including information and referral programs; and to support the establishment of innovative new public schools, including magnet schools and charter schools.

Under language I suggested, local school districts may now also use a portion of their grant funds to support innovative new public schools.

A second positive feature of this legislation, Mr. President, is the discretion it gives the Secretary of Education to waive planning requirements for States that have already done comprehensive and systemic improvement plans.

It's my expectation, Mr. President, that the Secretary will use this authority broadly to offer States maximum flexibility in meeting the planning requirements of the bill—both in the incorporation of previous planning and in the use of existing State structures that have prepared those plans. We should not second guess the methods used by States to achieve the results articulated in the legislation.

Mr. President, a third positive feature included in this bill is its national leadership section that directs the Secretary of Education to disseminate information on outstanding examples of local and State-based education reform through a variety of means such as publications, electronic and telecommunication media, and conferences.

It's my hope that Secretary Riley and his successors will use this authority in much the same way it was used by his predecessor, Lamar Alexander. Through use of the bully pulpit, a Secretary of Education, especially one who is a former Governor, can do a great deal to highlight outstanding examples of reform and to urge their replication or adaptation elsewhere.

WAIVERS FROM FEDERAL RULES AND REGULATIONS

Mr. President, I'm especially pleased that this legislation now includes several significant opportunities for States and local school districts to get out from under the burdens of Federal rules and mandates.

Under an amendment that Senator HATFIELD and I authored, up to six States will be able to seek broad authority to waive both Federal and State mandates—rules and regulations that now stand in the way of doing what teachers, principals, and parents now must be done to improve their schools.

Minnesota is leading the rest of the country in replacing accountability for schools that's now based on inputs—like how many hours students have to be in the classroom and how many days have to be in the school year—with standards that reward schools based on what students actually learn. For that reason, I'm very hopeful that Minnesota will be one of the six States chosen to participate in the demonstration Senator HATFIELD and I authored.

Mr. President, I want to emphasize the fact that this legislation places certain fundamental protections off-limits from this waiver authority and also requires that those seeking waivers demonstrate that the underlying objectives of the regulations being waived will not be jeopardized.

To monitor whether that commitment is maintained, we will need a more localized, manageable, and effective alternative accountability mechanism for schools and districts that receive waivers. Ideally, that alternative accountability mechanism will be local and results oriented.

One such alternative is now embodied in the laws of States that have authorized charter schools. Although these laws vary, they generally allow public schools to operate free of most rules and regulations in exchange for a multiyear, results oriented performance contact with a State or local education agency or some other public body.

This arrangement keeps accountability with an entity that can provide effective oversight. It keeps the number of deregulated schools that need to be monitored by each oversight agency relatively low. And, it shifts the focus of accountability from input-oriented rules and regulations to contractually agreed to results.

Clearly, the waiver provisions contained in the Goals 2000 proposal will take some time to fully implement. And, I would hope that, as these provisions are implemented, alternative accountability mechanism—including an oversight role for State or local education agencies, a clear focus on results, and the use of contracts or other formal agreements between deregulated schools and the State or local education agency—will be given a fair test.

I also hope that the more general subject of the role of Federal waivers in education reform, including how those waivers are granted and administered, will be given additional consideration in this year's reauthorization of the Elementary and Secondary Education Act.

OPPORTUNITY-TO-LEARN STANDARDS COULD COUNTER DIRECTION OF REFORM

Finally, Mr. President, let me comment briefly on the provisions in this proposal that authorize so-called opportunity-to-learn standards.

As Senator KENNEDY knows, I have been among the most strident critics of these standards. I have not been alone. And, I know that the administration, the Nation's Governors, and many others have worked hard to reach agreement on several important changes to clarify the role that opportunity-to-learn-standards will play in meeting the objectives of this bill.

I strongly support retaining those changes, Mr. President. And, I am pleased that the Senate did not agree to the amendment offered and withdrawn during this debate by my distinguished colleagues from Illinois and Minnesota. That amendment would have required States to adopt and implement opportunity-to-learn-standards.

The way in which opportunity-to-learn-standards have now been limited by this bill are very important to me, Mr. President, and to many of my colleagues, as well as to Governors, State and local education officials, and school reform leaders all around the country.

I strongly believe we must retain these provisions in conference. And, I will vigorously oppose any efforts to change the limitations the bill now placed on opportunity-to-learn standards as we reach a compromise on these and other differences with the House.

In approaching the conference, Mr. President, I have identified five important limitations I believe must be drawn around these standards:

First, compliance with opportunity-to-learn-standards must be strictly voluntary. And, there must be no link between achieving such standards and eligibility for Federal education improvement funds or funds authorized by chapter 1 or other Federal programs.

Second, compliance with a uniform and mandatory list of opportunity-to-learn-standards must not be considered a prerequisite to being held accountable for tough, results-oriented academic standards.

Third, meeting opportunity-to-learn-standards must be viewed as only one of a number of alternative strategies available to State and local education agencies and to schools in achieving academic standards.

Fourth, we must accept the reality that all schools and communities are unique. Therefore, we must recognize that some opportunity-to-learn-standards may contribute to achieving performance standards in some schools or communities and other opportunity-to-learn-standards may make that contribution in others.

And, finally, States and local districts and schools must be able to decide which opportunity-to-learn-standards may contribute to achieving academic standards in their unique circumstances.

I believe these limitations are consistent with the legislation now before us, Mr. President. But, during the upcoming conference committee deliberations with the House, I intend to make sure that those limitations are not violated.

To repeat what I said earlier, we are now at a critical crossroads in designing a proper and effective Federal role in support of State-based education reform.

This Senator would like very much to be able to support a conference committee agreement that achieves that objective.

But, this Senator will not hesitate to oppose, with any and all means available, a conference committee report that runs counter to that objective and that does more harm than it does good.

PROPOSAL, AS MODIFIED, DESERVES SENATE APPROVAL

Having noted the various improvements that have now been made, Mr. President, I am prepared to vote to approve S. 1150.

I'm pleased with the authority it gives States and local school districts to increase parent choices and help start innovative new public schools.

I strongly support the authority this legislation grants the Secretary to grant waivers to States, districts, and schools that are stifled by input-oriented rules and regulations and are now willing to be held accountable for what students actually learn.

And, I believe the changes that have now been made in the provisions dealing with opportunity-to-learn-standards need not stand in the way of the important reforms now taking place in education all over America.

At the same time, Mr. President, I've noted those issues that might cause me to oppose a conference committee agreement on this legislation.

I also believe we must realize the limitations of this legislation and the reality that achieving the goals it would make law will require the leadership of States and the dedicated efforts of teachers, parents, students in every community in this Nation.

Real reform in education will not result just from changes in Federal law or Federal programs. But, the legislation we are now considering could help establish a framework within which that real reform can, and must, now take place.

Mr. KENNEDY. Mr. President, we are on the threshold of an important moment for education reform in this Nation. When we pass this bill today, with strong bipartisan support, we will be changing the way the Federal Government supports the revitalization of local schools in every school district in America.

We will also have ended congressional gridlock on education reform, for not only have we passed Goals 2000, education reform legislation, the first such legislation that has successfully made its way through Congress since the national goals were set in 1989, but today we will also act on the Safe Schools Act, and the Office of Educational Research and Improvement legislation, a bill that has been waiting passage for 3 years. This morning we passed the School-to-Work Act.

In passing Goals 2000, we will have successfully responded to the challenge of Eileen Shakespeare, a dedicated teacher at the Fenway School in Boston, who told me last month:

> If I could ask you to take a single message back to Washington, it would be this: Please have a sense of urgency about what we are doing here with students, and help us.

This bill responds to that plea. It is a major step toward meeting the urgent needs of hundreds of thousands of innovative teachers and students and school administrators in every community in America.

We are sending a new and different partnership to support innovative and creative educators in classrooms across the country.

Goals 2000 will establish new standards informing schools about what every student should know in core subjects like English, history, mathematics, and science.

It provides new leadership and a new blueprint for school reform by moving Federal, State, and local governments in the same direction on education.

It increases flexibility for States and school districts by waiving regulations that impede reform.

It emphasizes the importance of quality teaching.

It supports expanded involvement of parents and communities in local school reform.

It assures accountability by emphasizing results and the importance of assessing school and student progress.

It keeps education decisionmaking where it belongs—at the local level—with parents, teachers, and local educators.

It will bring lasting improvements to the quality of the work force by promoting the development of occupational standards intended to ensure that workers are the best trained in the world.

Above all, it promotes bottom-up school reform by supporting activities at the local school level. If the Pentagon can conduct a bottom-up review to get its house in order, so can education.

I commend my colleague from Vermont, Senator JEFFORDS, for his impressive leadership on this essential bill. He has worked skillfully and tirelessly in this bipartisan effort. I thank also Senators MITCHELL, PELL, and KASSEBAUM, without whom this bill certainly would not have moved so smoothly through the Senate.

This has been a long and deliberate process. In 3 days, we have adopted 50 amendments, 46 by voice vote. We have rejected only one. I think we have made this a better bill, but have left its essence intact: a framework for high academic standards, locally developed and implemented with our support.

And so I commend all of my colleagues for taking this needed step toward education reform. We owe no less to the Nation's children, their teachers, and their schools.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN], would vote "aye."

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. GRAMM] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 25, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—71

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wellstone
Wofford

NAYS—25

Bennett
Brown
Burns
Coats
Coverdell
Craig
D'Amato
Dole
Faircloth
Grassley
Gregg
Hatch
Helms
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Smith
Wallop
Warner

NOT VOTING—4

Gramm
Hutchison
Johnston
Moseley-Braun

So the bill (H.R. 1804), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses on H.R. 1804. The Chair is authorized to appoint conferees.

The Presiding Officer (Mrs. FEINSTEIN) appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER.

The PRESIDING OFFICER. Under the previous order, S. 1150 is indefinitely postponed.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3759

Mr. MITCHELL. Madam President, I ask unanimous consent that on Wednesday, February 9 at 10 a.m., the Senate proceed to the consideration of H.R. 3759, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items numbered 614, 615, 616, 617, and 618.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

J. Davitt McAteer, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

James A. Joseph, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term of 5 years. (New position.)

Shirley Sachi Sagawa, of Virginia, to be a Managing Director of the Corporation for National and Community Service. (New position.)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Stuart E. Weisberg, of Maryland, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 1999.

ACTION AGENCY

James A. Scheibel, of Minnesota, to be Director of the ACTION Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REPORT OF PROPOSED RESCISSIONS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of April 11, 1986, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Foreign Relations, to the Committee on Finance, to the Committee on Labor and Human Resources, and to the Committee on Environment and Public Works.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $1.6 billion, three revised rescission proposals, and 27 new proposed rescissions of budget authority. The total of the rescission proposals included in this special message is $1.6 billion. When combined with rescissions that went to the Congress on November 1, 1993, there are $3.2 billion in rescissions pending before the Congress.

The details of the revised deferral, which affects International Security Assistance, are contained in the attached report. The proposed rescissions affect International Security Assistance Programs; the Departments of Agriculture, Defense, Energy, Housing and Urban Development, State, Transportation, and the Treasury; the General Services Administration; the National Aeronautics and Space Administration; the Board for International Broadcasting; the National Science Foundation; and the Nuclear Regulatory Commission.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 7, 1994.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-164 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-165 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-166 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-167 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-168 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2096. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-169 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2097. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-170 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2098. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-171 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2099. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-172 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2100. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-173 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2101. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-180 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2102. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-181 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2103. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-182 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2104. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2105. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2106. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report concerning records management activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC-2107. A communication from the Attorney General, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2108. A communication from the Secretary of the Mississippi River Commission (Corps of Engineers), Department of the Army, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2109. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Analysis of the District of Columbia Water and Sewer Utility Administration's Fiscal Year 1992 (Revised) Financial Plan"; to the Committee on Governmental Affairs.

EC-2110. A communication from the Chairman of the Advisory Commission Intergovernmental Relations, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC-2111. A communication from the Postmaster General, transmitting, pursuant to law, the annual report for fiscal year 1993 and the comprehensive statement on postal operations; to the Committee on Governmental Affairs.

EC-2112. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2113. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2114. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2115. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2116. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the report of the actuarial valuation for the Comptroller General's retirement system for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2117. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2118. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2119. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2120. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2121. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2122. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2123. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General for the period April 1, 1993 through September 30, 1993; to the Committee on Governmental Affairs.

EC–2124. A communication from the Manager (Benefits Communications), Ninth Farm Credit District Trust Committee, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Governmental Affairs.

EC–2125. A communication from the Comptroller General of the United States transmitting, pursuant to law, notice of the reports and testimony for December 1993; to the Committee on Governmental Affairs.

EC–2126. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2127. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2128. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2129. A communication from the Acting Secretary of the American Battle Monument Commission, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978; to the Committee on Governmental Affairs.

EC–2130. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of a bid protest during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2131. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–2132. A communication from the Acting Administrator of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report under the Chief Financial Officers Act for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2133. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2134. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2135. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2136. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a compilation of General Accounting Office reports and testimony issued during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2137. A communication from the Chairman of the Arctic Research Commission, transmitting, pursuant to law, a report entitled "Arctic Research and the United States"; to the Committee on Governmental Affairs.

EC–2138. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report and notice of expansion of denial of Federal Benefits Project Clearinghouse; to the Committee on Governmental Affairs.

EC–2139. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2140. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2141. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2142. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–2143. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2144. A communication from the Acting Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2145. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2146. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3759. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

S. 1608. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on November 1, 1993, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

S. 1832. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on February 7, 1994, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL (for himself and Mr. JEFFORDS) (by request):

S. 1835. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE:

S. 1836. A bill for the relief of John Mitchell; to the Committee on Armed Services.

By Mr. RIEGLE (for himself and Mr. MACK):

S. 1837. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (for himself and Mr. JEFFORDS) (by request):

S. 1835. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL EDUCATION STATISTICS ACT OF 1994

• Mr. PELL. Mr. President, on behalf of the Clinton administration, I am pleased to introduce the National Education Statistics Act of 1994. The bill is a reauthorization of authority for the National Center for Education Statistics [NCES] and the National Assessment of Educational Progress [NAEP], which provide meaningful information on the educational achievement and progress of American students.

For more than 25 years, I have called for both tough, challenging standards and high quality assessments in general education. To my mind, they are the keys to effective and widespread reform. The Goals 2000 legislation moves clearly in the direction of establishing voluntary national content and performance standards for all students. The National Education Statistics Act follows suit in reauthorizing administration of NAEP or the national test as it has been called. The bill calls for greater flexibility in implementation of NAEP and strengthens the Advisory Council on Education Statistics. To my mind, the bill's overall thrust moves in the right direction.

I am concerned, however, that the linkage between NAEP and any national content or performance standards be clear and strong. To my mind, it is important that we report NAEP results in a way that relates them directly to valid and reliable performance standards. This, in turn, will aid States and localities in making the difficult but necessary decisions required of them in building a system of education whose hallmark is excellence. It is my hope that specifically in this area we may be able to strengthen the legislation submitted by the administration.

Mr. President, if we cannot ascertain where we are in education, it will be very difficult to agree where we should be going. In that regard, the Clinton administration's National Education Statistics Act merits strong support and enactment.•

• Mr. JEFFORDS. Mr. President, on behalf of the Clinton administration, I join my colleague, Senator PELL, to introduce the National Education Statistics Act of 1994. This bill provides for the reauthorization of the National Center for Education Statistics [NCES] and the National Assessment of Educational Progress [NAEP].

As is usually the case, legislation authorizing information collection and statistical reporting does not make the headlines. NCES and its congressionally mandated NAEP project may be one of the best-kept secrets in American education. For the past 25 years, NAEP assessments have provided one of the only measures we have of how, or if, student achievement has changed. With the demand for high standards and the need for improved student learning NAEP's role becomes even more important. Furthermore, the increased attention to student academic outcomes have led to increased attention to, and demands for, improvement in NAEP assessments, scoring methods, and survey needs.

State and local educators are designing standards for what our children must know and be able to do to be ready for the next century. We, in turn, must have a mechanism to measure how students are faring so that we can then assist them in meeting the demands of the future. This reauthorization provides Congress the opportunity to reevaluate NAEP and NCES and ensure that both programs continue to provide reliable data necessary to gauge the education achievement of this Nation.•

By Mr. DOLE:

S. 1836. A bill for the relief of John Mitchell; to the Committee on Armed Services.

MEDAL OF HONOR FOR JOHN W. MITCHELL

Mr. DOLE. Mr. President, I rise today to introduce a bill which will correct a mistake of the past. This mistake involves the wrongful denial of our Nation's highest military honor to a distinguished American—John W. Mitchell.

In 1943, the United States Navy was intercepting the encrypted messages of the Japanese Armed Forces. Unbeknownst to the Japanese, the United States had broken the enemy code. On April 16, 1943, a message was intercepted that indicated Adm. Isoroku Yamamoto, chief of the Japanese combined fleet, would be visiting Japanese troops on several of the Solomon Islands on April 18, 1943. Admiral Yamamoto was Japan's foremost naval strategist and the architect of the surprise attack on Pearl Harbor. At 6 a.m., December 7, 1941, over 300 Japanese aircraft left the flight decks of their aircraft carriers bound for Pearl Harbor. Although the attack took less than 2 hours, the cost to the United States was great. In all, the fleet at Pearl Harbor lost 18 warships, including the battleships *Arizona*, *West Virginia*, and *California*. Over 4,200 Americans were either dead, wounded, or missing.

Upon learning of Admiral Yamamoto's plans to visit the Solomons, Admiral Nimitz ordered Adm. Marc Mitscher, commander air, Solomon Islands, to intercept Yamamoto's plane. Maj. John W. Mitchell, commander of the 339th fighter squadron, volunteered for the mission. On the morning of April 18, 1943, Major Mitchell led 18 P–38's from Guadalcanal Island on what would later be called the "longest fighter intercept in history." Flying over 494 miles, only 50 feet off the water, they intercepted Yamamoto's plane and its escorts over Bougainvillea Island, precisely as Major Mitchell had planned. Major Mitchell's unit downed Yamamoto's plane as well as that of his chief of staff and three Zero fighters. All but one of Mitchell's squadron returned to Guadalcanal.

Admiral Mitscher recommended that Major Mitchell and four other pilots receive the Congressional Medal of Honor, our Nation's highest military honor. However, this recommendation was denied. At the time, awarding the Congressional Medal of Honor to pilots for shooting down two bombers and three fighters might reveal that the United States knew Admiral Yamamoto was aboard one of the planes and alert the Japanese to the fact that their code had been broken.

John W. Mitchell has served this country with honor and distinction. During service in World War II and the Korean war, he flew over 240 combat missions with 16 confirmed aerial kills. He was the first fighter ace in the 13th Air Force and his decorations include the Air Medal with 9 Oak Leaf Clusters, the Distinguished Flying Cross with 2 Oak Leaf Clusters, the Distinguished Service Cross, the Bronze Star, the Navy Cross, and the Legion of Merit. However, the full extent of his dedication, service, and bravery exhibited on April 18, 1943, has never been recognized.

Mr. President, it is fitting that as we commemorate the 50th anniversary of World War II, we honor Colonel Mitchell. He has waited over 50 years to receive the proper recognition from his country. I ask my distinguished colleagues to support this bill and to bestow this honor upon John W. Mitchell.

By Mr. RIEGLE (for himself and Mr. MACK):

S. 1837. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games; to the Committee on Finance.

SUSPENSION OF TARIFFS FOR WORLD CUP PARTICIPANTS

Mr. RIEGLE. Mr. President, I introduce legislation to suspend the duty on the personal effects of participants and others associated with the 1994 World Cup soccer games. This summer, the United States will host the World Cup for the first time ever, a very special privilege for the United States. The World Cup, the largest single sporting event in the world, will include 52 games played in nine cities: Detroit, New York, Washington, Orlando, Boston, Dallas, Chicago, San Francisco, and Los Angeles. These games will have huge positive economic impacts in those cities and the surrounding areas.

Duty-free privileges are an important aspect of hosting an international sporting event. Granting these privileges to World Cup participants will give us the opportunity to reciprocate the hospitality that has been afforded our athletes in sporting events hosted by other countries.

There is considerable precedence for duty-free legislation for international sporting events held in the United States. Duty-free entry privileges were authorized for the 1993 World University Games in Buffalo, the 1990 Goodwill Games in Indianapolis, and the 1984 Summer Olympics in Los Angeles.

The revenue loss caused by the suspension of these tariffs will be negligible, while the positive effects of continuing the policy of encouraging international sports competitions is great.

I hope my colleagues will join me in supporting the World Cup games and welcoming the athletes from all over the world to our country.

ADDITIONAL COSPONSORS

S. 12

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 1142

At the request of Mr. HARKIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1142, a bill to improve counseling services for elementary school children.

S. 1329

At the request of Mr. WALLOP, his name was withdrawn as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1805

At the request of Mr. WARNER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 150

At the request of Mr. SARBANES, the names of the Senator from California [Mrs. BOXER], the Senator from Idaho [Mr. CRAIG], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Tennessee [Mr. MATHEWS], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate April 1994, as "Civil War History Month."

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. BURNS, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of the Congress that any Federal Government mandated health care reform should be on-budget.

AMENDMENT NO. 1382

At the request of Mr. STEVENS, his name was added as a cosponsor of Amendment No. 1382 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1388

At the request of Mr. HATCH, his name was added as a cosponsor of Amendment No. 1388 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1394

At the request of Mr. BUMPERS, his name was added as a cosponsor of Amendment No. 1394 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1404

At the request of Mr. BURNS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Amendment No. 1404 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1410

At the request of Mr. KENNEDY, his name was added as a cosponsor of Amendment No. 1410 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1411

At the request of Mr. KENNEDY, his name was added as a cosponsor of Amendment No. 1411 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENTS SUBMITTED

SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1933

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1434

Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to the bill (S. 1361) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes; as follows:

At the appropriate place insert:

SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term.".

MISCELLANEOUS TARIFF ACT OF 1993

WOFFORD AMENDMENT NO. 1435

(Ordered referred to the Committee on Finance.)

Mr. WOFFORD submitted an amendment intended to be proposed by him to the bill (S. 1711) to suspend temporarily the duty on certain chemicals; as follows:

On page 2, strike line 11 through the end of the page.

On page 8, strike line 7 through the matter ending before page 9, line 1.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, February 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act; and S. 1066, to restore Federal services to the Pokagon Band of Potawatomi Indians.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 8, 1994, at 8:30 a.m. in SR-332 on the nomination of Frederick G. Slabach, of Mississippi, to be an Assistant Secretary of Congressional Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 8, 1994, at 2:30 p.m., in open session to receive testimony on the Defense authorization request for fiscal year 1995 and the future years' defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 8, at 2 p.m. to conduct a hearing on the International Monetary Fund-World Bank policies toward Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 8, 1994, to receive testimony from Freta Joy Dicus, Margaret Hornbeck Greene, William J. Rainer, Kneeland C. Youngblood, and Frank G. Zarb, nominees to be members of the Board of Directors of the United States Enrichment Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 11:00 a.m. to hear testimony from USTR Mickey Kantor on the subject of the GATT; and further that the committee be permitted to be met immediately following the conclusion of Ambassador Kantor's testimony to hear and consider the nomination of Mary Ellen Withrow to be Treasurer of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 8, at 11:30 a.m. to hold a nomination hearing on Strobe Talbott, to be Deputy Secretary of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, February 8, at 11 a.m., for a nomination hearing on: Edward J. Gleiman, to be member, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 8, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SARAJEVO: OLYMPIC CITY UNDER SIEGE

• Mr. DECONCINI. Mr. President, exactly 10 years ago the eyes of the world were focused on Sarajevo as that city hosted the XIV Winter Olympic Games. Ten years later and after nearly 2 years of shelling, Sarajevo and its Olympic facilities lay in shambles. The city's stadium has been turned into a cemetery, the final resting place for some of the over 10,000 Sarajevans killed since the outbreak of fighting in and around the Bosnian capital.

This past weekend we witnessed yet another attack on innocent civilians in Sarajevo, this one claiming 68 lives and resulting in hundreds of injuries. Again we have heard cries of righteous indignation over this despicable event.

But no amount of hand-wringing is going to bring an end to aggression and genocide in Bosnia and Herzegovina spawned by Serb ultranationalism. Resolute action is required. The difficult options will not get any easier if we allow more time to pass. Will we look back a year from now and bemoan the fact that we did not act earlier?

Over the past 12 months the administration has engaged in endless equivocation, talking tough then backing down at the first hint of resistance. Officials have repeatedly bemoaned the fact that the West missed repeated opportunities to engage early and effectively in ways that might have prevented the conflict from deepening. As one who has consistently advocated the use of selective NATO airstrikes and the lifting of the arms embargo, I couldn't agree more.

How long will we allow the carnage to go on? As NATO fighters fly overhead, the calculated war of Serb aggression and genocide is played out with deadly consequences on the ground. There is only one way to stop the aggressor—and that is by force. It is time for those NATO jets to deliver a clear and long overdue message: we will not allow aggression and genocide to continue any longer. The time for equivocation is over. As witnesses to genocide, we have a moral obligation to intervene. It is time to back up our threats with actions in defense of Sarajevo, an Olympic city under siege.•

TRIBUTE TO WARNER L. JONES—KENTUCKY AND THE NATION LOSE A GIANT OF THE HORSE RACING INDUSTRY

• Mr. MCCONNELL. Mr. President, as my colleagues know, the thoroughbred industry is vital to my home State of Kentucky. Unfortunately, this past weekend that industry lost one of its pioneers, my dear friend Warner L. Jones.

Warner led what can only be called a full, exciting, and wonderful life. The world famous Churchill Downs race track in Louisville, KY, was founded on his great-grandmother's land and owes much of its current success to his leadership. He served as a director of the track for over 50 years, and was chairman during the historic track's revival in the 1980's. Warner did not take his commitment to Churchill Downs lightly. In 1969, when the track was in danger of being taken over, he borrowed almost $300,000 in order to buy more stock and help fend off the bid.

Under Warner and track president Tom Meeker's able guidance, Churchill Downs underwent a $25 million renovation as well as doubling its revenue. It was also during this time that in 1988 the track hosted for the first time the prestigious Breeders Cup event. It later hosted this exciting day in racing in 1991 and will again in November of this year.

Mr. President, Warner had since 1935 been one of the most influential breeders in America. From his picturesque Hermitage Farm in Goshen, KY, in Oldham County, he bred and housed some of the world's most influential thoroughbreds in the world. He was the only breeder to have ever bred winners in the Kentucky Derby, Kentucky Oaks, and a Breeders Cup race. In 1985, Warner sold one of his yearlings at the annual Keeneland sales for a world record $13.1 million.

Warner was also active on the legislative end of the business as well, Mr. President. He was one of the creators of the American Horse Council, a national association that represents the industry in Congress. As cousin to our former colleague Marlow Cook of Kentucky, it should come as no surprise that Warner was always diligent and effective in lobbying his industry's many vital interests. In fact, James J. Hickey, Jr., the current president of the American Horse Council, called Warner "one of the most important people in the horse industry in this century."

While this is indeed high praise, it in no way tells the entire story of this great American. Warner Jones was a man whose moral compass was always focused in exactly the right direction. An ardent believer in strong family values, he was a man of unparalleled character, integrity, and charm.

In his native Oldham County, Warner donated some of his property as well as thousands of dollars to the Oldham County Youth Football League. In spite of what some saw as a gruff exterior, Warner was a friend to all and had a particular soft spot for children. In fact, one of his friends said that Warner often carried with him a thank-you letter written to him by some of the kids he had helped get involved with the football league.

Mr. President, a loss like the one the Commonwealth of Kentucky and the horse industry has just suffered is not easily forgotten. I ask my colleagues to join me in remembering and honoring the significant contributions made during his productive lifetime. Having recently lost my mother, I understand the grief that his family is suffering and, therefore, would like to also extend my deepest sympathies and understanding to his wonderful wife Harriet as she goes through this trying time.

Mr. President, I would like to ask that an article from the February 8, 1994, Lexington Herald Leader be inserted into the RECORD at this point.

[From the Lexington (KY) Herald Leader, Feb. 8, 1994]

DEATH OF HORSEMAN JONES ENDS SPECIAL ERA

(By Billy Reed)

LOUSIVILLE.—Before Kenneland's world-famous summer yearling sale, you could usually hear Warner L. Jones Jr. moaning and fretting in that raspy voice of his over what cruel fate might have in store for him.

"My whole business, my success or failure for a whole year," Jones once said, "is decided in three hours on one night of the year at Kenneland. I don't know of any other business where you have that kind of pressure."

Yes, but he thrived on it. At the end of a sale, ol' Warner usually was smiling as he headed back to Hermitage Farm, his five hundred-acre spread just off U.S. 42 in Oldham County, about 20 minutes from downtown Louisville.

In July of 1964, Jones sold a yearling colt for $150,000, a world record that looked laughable in the summer of 1985, when he sold a Nijinsky-My Charmer colt for $13.1 million, the current world record and one that's likely to stand forever.

"I knew he was a helluva colt," salesman Jones said. "He was one of a kind, like a precious stone or jewel."

So, too, was Jones, who died Sunday night at the age of 78 after a long bout with cancer. Earthy more than polished, Jones was as shrewd a horseman as ever came down the pike.

His death ends the era that began in the 1940s, when smart, hard-nosed, persuasive horsemen such as Jones, A.B. "Bull" Hancock Jr. of Claiborne Farm and Leslie Combs II came to dominate the breeding world.

They were alchemists with an almost preternatural ability to produce excellent horses, and they loved the challenges of trying to beat the market, the races and, of course, each other.

"It's a fad, like women's hats or something," Jones once said. "You try to guess which stallions will be popular three years away. If I guess right, I'm a genius. If not, I've lost money."

Of all the big-time Kentucky breeders, only Jones didn't live within a 25-mile radius of Lexington, and one reason was his lifelong love affair with Churchill Downs, the home of the Kentucky Derby.

His great-great-great grandmother was a Churchill, and Col. M. Lewis Clark, the track president when it opened and held the first Derby in 1875, was an uncle three generations removed.

A Churchill director since 1941, the year Whirlaway won the Derby, Jones was especially proud that he was the first horseman to breed and sell winners of both the Derby (Dark Star in 1953) and Kentucky Oaks (Nancy Jr. in 1967).

After succeeding John W. Galbreath as Churchill's chairman of the board in 1984, Jones replaced track president Lynn Stone with Tom Meeker, opening the way for the track to undertake the most aggressive remodeling and marketing program in its history.

Of all the changes made at Churchill, Jones' baby was the construction of the turf course in the track's infield, which enabled Churchill to attract the Breeders' Cup and diversify its racing cards.

Typically feisty and combative throughout the campaign to get the turf course done, Jones became exacerbated with critics who accused him of not caring about the infield's beauty.

"It's nothing but grass we're talking about," Jones growled, "They're not going to set up Coca-Cola signs and Falls City beer signs in there. There's nothing prettier to look at than green grass and pretty girls."

That was vintage Jones.

Although he always had a wink and a smile for a female he found attractive, Jones seemed most at home in the company of men, where he could argue and joke and tell stories without having to worry about his salty language.

Yet he also gave up drinking years ago and became such a confirmed teetotaler that Churchill employees always were careful about how much they drank around him, for fear of becoming the objects of a stern Jones scowl and a stern Jones lecture.

He hated to lose a game of golf or cards almost as much as he hated to get the short end of a horse deal, but he also could laugh at himself.

For example, he liked to tell about a summer at Saratoga in the 1940s, when he still was getting established and Combs outmaneuvered him to syndicate a stallion that both wanted.

It was a funny story, made more so by the gravel in Jones' voice. Such a voice. When he called, you knew who it was before he identified himself.

And then you listened closely because when it came to the horse business, Warner L. Jones always had something important to say, which is just one of the reasons he'll be so terribly missed.•

DR. NEIL P. HYCHE, DISTINGUISHED ALABAMAN, RETIRES

• Mr. SHELBY. Mr. President, in January 1994, upon his retirement as superintendent of education of Tuscaloosa County schools, the Alabama Education Association lost a distinguished and dedicated servant, Dr. Neil Hyche.

Dr. Hyche was born in Northport, AL, in 1931. As a member of the U.S. Army, he spent 2 years stationed in Europe serving his country from 1954–56. He earned a bachelor's degree in secondary education from the University of Alabama in 1959, a master's degree in elementary education in 1963, and his educational doctorate from the university in 1972. He has been an esteemed member of the university and Tuscaloosa communities throughout his life, and through his commitment to education has enriched the community as a whole.

Dr. Hyche distinguished himself through his unwavering commitment to the betterment of the educational system. As a teacher he left an everlasting impression on the many students who dwelled in his classroom. After his teaching career, he devoted many years to school administration, including 5 years as a principal in the Tuscaloosa County schools. Since 1986, he has served as superintendent over Tuscaloosa County, where he showed outstanding leadership and was awarded the 1993 District Superintendent of the Year Award.

As an administrator in the Tuscaloosa schools, Dr. Hyche was known for his sense of fairness and for commitment to his students, his faculty, and to the community. He participated in many developmental activities, thereby further increasing his capabilities as an administrator. A few of these activities include: National Association of School Boards, American Association of School Boards, American Association of School Administrators, and the Technology and Learning Conference. Right up to his retirement date, Dr. Hyche constantly strived to reach his maximum potential.

Finally, Dr. Hyche's life exhibits an intense commitment not only to his career, but also to the betterment of his community. He serves in many area leadership positions, and has gained recognition in several. He received the 1989 Conservationist of the Year Award from Woodmen of the World, the Honorary State Farmer Award from the Future Farmers of America in 1988, and he was elected to the board of directors for the American Red Cross and the department of human resources.

Dr. Hyche is truly among the most engaging persons one could ever hope to encounter, and the Tuscaloosa school system will suffer a great loss after his retirement. However, the mark he has made on Tuscaloosa's schools will remain his legacy forever.•

WELFARE REFORM

• Mr. CRAIG. Mr. President, I want to add my voice to the calls for welfare reform. There are numerous problems in the system, one of which is outlined in a letter I received recently from the Governor of Idaho, Cecil Andrus, to Secretary of Health and Human Services, Donna Shalala.

In Idaho, June Reid recently experienced the absurdity of our welfare system to the tune of $3,341. June is a hard-working single mother struggling to make ends meet, while providing her children with a loving home. Mr. President, she does this on her own—without Government help and without child support. June was being forced to pay $3,341 in public assistance money her ex-husband had accepted to support one of their children. The State was being forced to collect this money because Reid would not go on welfare herself. Mr. President, let this be clear, had she accepted public assistance, the State would not have had to recover the money.

This is a perfect example of how the one-size-fits-all approach of the Federal Government just does not work. We need welfare reform and we need it now.

This situation was luckily resolved by the decisive action of the Governor of Idaho, Cecil Andrus. I applaud Governor Andrus for his commonsense approach to this problem created by the absurdity of Federal regulations. While I commend the Governor, I must also commend June Reid for her strength and values.

As the issue of welfare reform evolves, I hope that my colleagues in the Senate will look at this situation and prevent the creation of a web of regulations. One solution will soon be introduced by my colleague, Senator KASSEBAUM. The proposal would simply relieve States of their portion of Medicaid funding. In return, States would have responsibility for the basic welfare program, Aid to Families With Dependent Children. The savings States would experience from Medicaid would be spent on AFDC without Federal strings, regulations, in a manner they feel is in the best interest of the citizens of that State. There would no longer be a one-size-fits-all program that does not fit anyone, and certainly not rural States like Idaho.

Mr. President, I hope that my colleagues will review this situation carefully, and see the common sense and logic behind the proposal soon to be presented by Senator KASSEBAUM.

I ask that the letter and news article attached be inserted into the CONGRESSIONAL RECORD following my statement.

The material follows:

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Boise, ID, January 28, 1994.

Hon. DONNA SHALALA,
Secretary of the Department of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR MADAM SECRETARY: I write to bring to your attention a federal regulation which absurdly and relentlessly works against the working poor who are struggling to keep themselves and their families independent of public assistance.

A situation was recently brought to my attention regarding Ms. June Reid, a single mother who lives in Post Falls, Idaho, with her two children. Ms. Reid's income is $720 per month (she has been unsuccessful in her attempts to obtain child support), she does not receive public assistance, and she arranges her work so that she is home with her children when they are not in school.

Several years ago, Ms. Reid's daughter lived for 15 months with Ms. Reid's ex-husband. During that time, her ex-husband—unbeknownst to Ms. Reid—applied for and received public assistance for their daughter. When their daughter returned to live with Ms. Reid, the state of Idaho, acting in accordance with federal regulation, requested repayment from Ms. Reid for the public assistance provided to her daughter while her daughter was in the care of her ex-husband.

Now, it is obvious that Ms. Reid's income makes repayment of the resulting $3,341 debt virtually impossible. Equally undeniable is Ms. Reid's determination to support herself and her children without public assistance.

These realities collided when the state of Idaho, while following federal regulation, stood in the ridiculous position of intercepting Ms. Reid's tax refunds and forcing her through years of court battles, asking her to repay a debt she financially could not repay, when the state would have forgiven the debt if Ms. Reid would have accepted public assistance (for which she is eligible).

Lawyers will tell us the state is on solid ground in pursuing repayment from Ms. Reid. Morally, we could not be more wrong.

I agree with you and the President that we must make self-sufficiency more appealing than public assistance. To this end, I submit the following recommended change:

42 U.S.C. §654 State plan for child and spousal support:

"(4) provide that such State will undertake—

"(B) in the case of any child with respect to whom such assignment is effective, including an assignment with respect to a child on whose behalf of State agency is making foster care maintenance payments under part E of this subchapter, to secure support for such child from his parent (or from any other person legally liable for such support), and from such parent for his spouse (or former spouse) receiving aid to families with dependent children or medical assistance under a State plan approved under subchapter XIX of this chapter (but only if a support obligation has been established with respect to such spouse, obligation has been established with respect to the child is being enforced under the plan), utilizing any reciprocal arrangements adopted with other States (unless the agency administering the plan of the State under part A or E of this subchapter determines in accordance with the standards prescribed by the Secretary pursuant to section 602(a)(26)(B) of this title that it is against the best interests of the child to do so), except that when such arrangements and other means have proven ineffective, the State may utilize the Federal courts to obtain or enforce court orders for support, *provided, however*, that the State shall not undertake to secure support for such child, spouse, or former spouse from a person who would be or is eligible for or is receiving aid to families with dependent children benefits under Title A of the Social Security Act (42 U.S.C. §601 et seq.) for the period during which such person would be or is eligible or is receiving such benefits and to secure support from such person would not be in the fiscal interest of the state or would not be in the best interest of the child(ren) for whom such person owes support;".

Certainly, this is but one way to redress the bureaucratic red tape that keeps well-meaning individuals and families stuck in a system of welfare dependence. It is a constructive step toward welfare reform in general, and one which provides a corrective measure toward this specific example.

In the meantime, I have returned to Ms. Reid the tax refund money intercepted by the state, and I have ordered the Idaho Department of Health cease in its attempts to collect the remainder of the original debt.

With best regards.

Sincerely,

CECIL D. ANDRUS,
Governor.

WOMAN WINS IN WELFARE FIASCO

(By Cynthia Taggart)

COEUR D'ALENE.—On Gov. Cecil Andrus' order Thursday, the state stopped hounding a Post Falls woman to repay $3,341 in public assistance money her ex-husband had accepted to support their daughter.

The governor also ordered the state Department of Health and Welfare to repay June Reid $1,735 it had applied to the debt last year when it withheld her state and federal income tax refunds.

"I'm speechless, I'm amazed," Reid said Thursday after her attorney, Norm Gissel, told her the governor's office had called him with the news. "This made it all worth it. It's not just getting the money back. That's a bonus. It's getting attention to that law that's great."

The law required Reid to repay the money because she never went on welfare herself. Had she also accepted public assistance, she wouldn't have had to pay.

After Andrus read news accounts of Reid's battle with the state agency, he began asking questions, said Scott Peyron, the governor's spokesman.

"When he was satisfied he knew the facts, he insisted that the department make it right," Peyron said. "The Department of Health and Welfare is beginning to work now on legislation that can be a state-level remedy."

The state sued Reid to recover public assistance money her former husband had accepted while he cared for their daughter. Although eligible, Reid never had applied for public assistance, maintaining that she wanted to protect her family from the welfare stigma.

The child lived with her father for a year and a half before returning to Reid for three years. Reid also supports her son.

Under state law, people who take public assistance to support their minor children do not repay the money. Because Reid was not on public assistance but was the child's mother, the state expected her to repay the money her ex-husband accepted to care for the girl.

When she argued that she had no money and another child to support, Reid was told the only way to stop the growing debt was to join the public assistance program.

Gissel fought the case for Reid in court, but lost three times. Each time, judges agreed Health and Welfare was following State law. Gissel finally decided the law needs to be changed.

On Thursday, Andrus agreed and said the law also needs changing on the federal level. The state stands to lose public assistance money if it doesn't follow the federal requirement to seek repayment whenever possible.

"Nonsense comes in many forms, and this is the latest example of it from the federal government," the governor said in a written statement. "I salute June Reid for her determination to remain at work and not accept public assistance even in the face of this trying and unfair situation."

Andrus promised to introduce legislation at the National Governors Association meeting next week to urge Congress to change a law that requires "states to beat down the doors of people like Ms. Reid who are trying hard to do the right thing.●

ORDERS FOR WEDNESDAY, FEBRUARY 9, 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Wednesday, February 9; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102–380, on behalf of the majority leader, and with the concurrence of the Speaker of the House of Representatives, appoints Paul O. Reimer, of California, as a member of the Defense Environmental Response Task Force.

RECESS UNTIL WEDNESDAY, FEBRUARY 9, 1994 AT 10 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:50 p.m., recessed until Wednesday, February 9, 1994, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1994:

DEPARTMENT OF STATE

M. LARRY LAWRENCE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

K. TERRY DORNBUSH, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

THOMAS L. SIEBERT, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

SIDNEY WILLIAMS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

DEPARTMENT OF LABOR

J. DAVITT MCATEER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JAMES A. JOSEPH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 5 YEARS.

SHIRLEY SACHI SAGAWA, OF VIRGINIA, TO BE A MANAGING DIRECTOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 1999.

ACTION AGENCY

JAMES A. SCHEIBEL, OF MINNESOTA, TO BE DIRECTOR OF THE ACTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING FRANK ALMAGUER, AND ENDING JAMES R. DEMPSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 5, 1993.

HOUSE OF REPRESENTATIVES—*Tuesday, February 8, 1994*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from Whom comes every good gift, be with all people who seek to understand their lives, their hopes, and their faith. May the vision that You have given—of a world where the nations live in harmony, where peoples of all backgrounds understand and respect each other, where peace and trust permeate our relations—may this world be our vision and may we dedicate ourselves and our abilities to work to that end. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 1, rule I, the Chair will postpone the vote until later in the day.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wyoming [Mr. THOMAS] please come forward and lead the House in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1789. An act to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

APPOINTMENT AS ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCE ON TRADE

The SPEAKER. Pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211) and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 103d Congress: Mr. ROSTENKOWSKI of Illinois; Mr. GIBBONS of Florida; Mr. MATSUI of California; Mr. ARCHER of Texas; and Mr. CRANE of Illinois.

IT'S TIME FOR ACTION IN BOSNIA

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, how many innocent people have to die in Bosnia before the world does something about it?

How many innocent children have to be slaughtered before we respond?

Are 200,000 dead Bosnians enough? Are 16,000 slaughtered children enough?

That's how many have died in less than 2 years.

The body count from Saturday's savage assault in Sarajevo stands at 68 and counting.

Bodies were so mangled that one morgue had to spread arms, legs, and feet out on the floor to piece people together.

How can we let this happen?

How can civilized nations sit silent and watch this happen?

Ethnic cleansing is genocide.

And we cannot be silent partners to genocide any longer.

We have waited too long for action.

Too long to lift the arms embargo on Bosnia.

We must use allied air strikes to defend Bosnia now.

Of course there are risks to taking action.

But how many more will die if we do not act?

There can be no more excuses.

If NATO can't respond to this, then what is NATO worth?

And if we cannot respond to this, then the blood of Bosnia isn't just on the hands of the Serbs.

It's on all of us.

BIPARTISAN EFFORT NEEDED ON HEALTH CARE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, 7 minutes ago the Congressional Budget Office's analysis of the Clinton health plan was made available, and it is a very revealing document. Remember that the President came here in his very first speech last year and praised the Congressional Budget Office for its accuracy. What it says is that the health plan is a Government activity, that the money paid for the health insurance under the Government plan should count as Government receipts, and that it is substantially underscored and would add at least $133 billion to the deficit over the next 5 or 6 years.

Mr. Speaker, what this Congressional Budget Office document says is that the Clinton plan is a big Government, big bureaucracy, big tax plan, that will lead to a bigger deficit. I think it indicates why those of us in the House who want to pass a common sense bill should work together at a practical level and put together a bipartisan bill, but recognize that with this analysis, the Clinton plan is indeed dead on arrival and it is time now to turn to a bipartisan effort to write a health bill.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to say to all our guests in the gallery that we appreciate their attendance here and we value the opportunity they have to observe the House, but the rules of the House prohibit any demonstration by applause or any other form of approval or disapproval. We ask our guests, please, to comply with this rule.

TRIBUTE TO RABBI ROBERT SCHUR

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, 37 years ago, when I was 15 years old, I received a phone call that changed my life. Rabbi Robert Schur, spiritual leader of Temple Beth-El in Fort Worth, TX, called and persuaded me to attend a conclave sponsored by the youth movement of reform Judaism.

I attended that conclave in August of 1957 and two things occurred. I was elected to my first office of any kind as a regional officer of the Texas Federation of Temple Youth, an event that whetted my appetite for politics. Second, I started down a path of spiritual exploration that provided me many of the values relating to social justice and civil rights that I brought to my current job as a Member of Congress.

Last Thursday, Rabbi Schur died in Fort Worth after a lengthy battle with Alzheimer's disease. He is mourned not just by the Fort Worth Jewish community which he served in an active capacity continuously from 1957 to 1984 but by the civic and religious structure of the entire city. People from all faiths and walks of life attended his funeral last Sunday in the Temple Beth-El sanctuary.

Bob Schur was remembered as a community leader who stood with Martin Luther King, Jr. for civil rights in Ft. Worth at a time when members of his own congregation would have preferred silence.

I was a member of his first confirmation class and he performed the wedding ceremony for my wife Valerie and me. He was a friend and an inspiration. He changed my life. He will be deeply missed by all who knew him.

DEALING WITH THE HEALTH CARE PLAN

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, despite recent setbacks the President has forged ahead with impassioned promotional speeches in support of his Government-run health care proposal. But the truth is this bureaucratic nightmare is long on promises and short on realistic solutions.

We cannot afford to do nothing. It is time to consider other plans and to take a different approach. Alternatives that offer real reform without new taxes and without 325,000 new health care bureaucrats.

It is time to stop talking about global budgets, job-killing payroll taxes along with untried radical reform and begin implementing reasonable changes that will assure portability so individuals can be secure with changing jobs, eliminate restrictions on preexisting conditions, and institute real cost containment so health care can be affordable.

There are a number of alternatives, Mr. Speaker. We can preserve individual choice and world-class quality while dealing with the root cause of the problem. The plans and process to do that are out there today. Better yet, they can be passed this year.

WHAT IS NOT IN THE PRESIDENT'S BUDGET

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, everybody is talking about what is in the President's budget. I am more concerned about what is out and not in the President's budget: namely, $1.4 trillion in new health care spending, which will be treated off-budget.

What is next, Members? Will the national debt be taken off-budget? Think about it. Will the deficits be considered off-budget? Will they really go away?

Let me say this: any health care spending plan today that is left out of the budget will be health care spending out of control tomorrow.

We cannot fool the American people. The American people are going to foot the entire bill for health care, and we need it. Let us tell them the whole truth.

THE TED WILLIAMS RETROSPECTIVE MUSEUM AND LIBRARY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to recognize the dedication of the Ted Williams Retrospective Museum and Library in Citrus Springs, FL.

It is my privilege to stand before the House to congratulate my long-time friend and constituent, Ted Williams, on this, his latest in a long list of achievements. Ted, always a consummate baseball player, began to attain climacteric accomplishments early in his career. In fact, he still holds the record for the highest batting average for a season, a feat he accomplished in 1941 when he hit 406. And in 1942, Ted hit the first of his two triple crowns—a feat that no other player has since repeated.

But, Ted is more than just a baseball player. He is also a patriotic American. He left the game of baseball in 1943 to serve his country in World War II as a Marine Corp fighter pilot. He returned to baseball in 1946, a year in which he won the MVP award.

It seems as if Ted Williams has done it all. He rates as one of the greatest baseball players in the history of the game. He is a patriot, a star, and an upstanding member of our community. He is an American legend, a hero to many of us. Thus, it should come as no surprise to note that he is the first living athlete to have a museum built for him. No one deserves it more.

FISCAL YEAR 1995 BUDGET

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, the fiscal year 1995 budget that President Clinton sent to the Congress yesterday reflects the tough fiscal choices that the Congress made last year. The President has slated over 100 programs for complete elimination, and I think the Congress has an obligation to match or exceed that level of budget discipline.

I was particularly pleased to see the revenue increase and spending reductions credited to the deficit reduction trust fund. As one of the coauthors of the trust fund during the budget deliberations last summer, I viewed it as vital to ensuring that budget savings went to deficit reduction—not new spending.

The fiscal year 1995 budget shows what this means: The deficit was reduced by $46.7 billion in fiscal year 1994 and will go down another $82.7 billion in fiscal year 1995. There will be a cumulative total of $504.8 billion in deficit reduction by fiscal year 1998.

My constituents have demanded real spending cuts and deficit reduction, and it is finally happening.

IN APPRECIATION OF THE CBO

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, as we speak—the Congressional Budget Office is testifying before the Ways and Means Committee that the President's health care proposal should be included in his budget. That is a conclusion many of us reached months ago.

The CBO states that the financial transactions of the health alliances should be included in the Federal Government's accounts, and the premium payments should be shown as Governmental receipts.

Why did the President leave health care out of his budget? Because they increase his budget by 25 percent and amount to the largest tax hike in history.

The President's program is financed by huge premium payments—a.k.a. taxes—placed on the shoulders of each and every employer in this Nation. That is more of the same old tired Government taxing and spending—and needs to be included in the budget.

So today as administration officials scurry across Capitol Hill lobbying for favorable treatment of their budget, the real truth is coming out before the Ways and Means Committee—thank you CBO.

A CALL FOR CORRECT LABELING OF MILK

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, on February 4, BST, a bovine growth hormone produced by the Monsanto chemical company through genetic engineering, was allowed on the market by the FDA. On that very same day some of the largest dairy retailers and grocery store chains in America, including Ben and Jerry's in Vermont, announced that they would not handle or sell milk or dairy products which came from cows which had been injected with BST.

Mr. Speaker, poll after poll has shown that the American people did not want their milk supply to be treated with BST. And furthermore, they want to know exactly what they are buying in the grocery store. In Vermont, a recent poll showed that 94 percent of the people said that "products containing milk from hormone-treated cows should be labeled."

Mr. Speaker, I am deeply concerned about the FDA's interim guidance statement on labeling. Once again in this process, the wording they recommend protects the interests of Monsanto and not consumers or dairy farmers. The people want to know the answer to one simple question when they read the label: Was this milk produced with a genetically engineering growth hormone, or was it not? They don't want to read more FDA propaganda for Monsanto.

Mr. Speaker, the FDA must allow dairy processors to label milk simply and clearly, and let the consumer decide.

□ 1420

SIGNIFICANT REGRESSION IN CHINA'S HUMAN RIGHTS

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the judgment call on conferring MFN on China for another year hinges on significant progress in human rights.

It is becoming increasingly clear that in category after category the Chinese Government is not only not making progress, but is actually getting worse—bringing further shame and dishonor to the Government.

An accurate portrayal of religious freedom and human rights protections in population control in China today would be significant regression.

Effective this past Sunday, for example, are two new Draconian decrees cracking down on religious expression in China.

Order No. 145, for example, bans underground house churches which number in the several thousand. The right to assemble, pray, and worship God—even in your own home—carries severe punishments. The big crackdown has begun. Moreover, foreigners are strictly prohibited from making contact with believers and catchall policy statements such as "No one may use places of worship for activities to destroy national unity, ethnic unity and social stability, to damage public health or undermine the national education system," criminalize just about anything that a believer says or does. These cruel policies are likely to lead to thousands of new arrests, tortures, and mistreatment.

Mr. Speaker, in like manner, the Chinese Government continues to aggressively victimize women who bear children outside of the Government's repressive one child per couple policy. Forced abortion, forced sterilization, and discrimination against the handicapped via cruel eugenics policies are also on the rise.

In a sworn affidavit dated October 29, 1993, Dr. John Aird, former Chief of the China Branch at the U.S. Census Bureau, stated that "coercion in the Chinese family planning program has in the past 2 years reached its second extreme peak, approaching or perhaps exceeding the level of 1983."

China is not making progress in these and other areas, Mr. Speaker, but sadly—is making significant regression in observance of internationally recognized human rights.

TRAINING PROGRAMS SHOULD REMAIN IN REGIONS HARD HIT BY UNEMPLOYMENT

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, in the current budget there is a recommendation to eliminate certain programs for the training of the unemployed. Programs which offer training for only 6 months have finally been declared unworkable by the Secretary of Labor.

For many years we have been saying to the Secretary of Labor and everybody else concerned that programs which offer only 6 months of training did not work. We wanted a minimum of 1 year for training programs. Now they have discovered it does not work, but instead of replacing the unworkable programs in communities like mine, where there is high unemployment, the unemployment rate is three times the national average for adults. Instead of replacing the unworkable programs with programs that do work by offering 1-year training, they are moving the programs out and taking them to places where defense workers are being laid off.

Mr. Speaker, I am all in favor of training and retraining workers who have been laid off in defense plants, but do not take the money away from the high unemployment area.

There are programs in the allied health professions which guarantee a job after completing them, if you do it for 1 year or 2 years. These programs already exist in Downstate Medical Center, located in my district. We can guarantee a job to every person who goes through a 1-year training for certain jobs and 2-years training for other jobs. Unemployment in my district can be resolved to some degree by just funding the program in the area, in this program that already exists.

Mr. Speaker, it will be unjust and unproductive to move funds out of poor areas to provide for training in defense conversion. We can take the money out of the defense budget, provide more money for training for everybody, and not rob Peter to pay Paul.

DISASTER RELIEF OFFSETS DON'T OFFSET

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, Pro Tempore Barnum once said, "There's a sucker born every minute." Well, last Thursday could have filled a couple of his circus tents with suckers.

This entire House was suckered into believing that it was partially offsetting the disaster relief bill with some $2½ billion in rescissions by adopting the Fazio amendment. But, in point of fact, it was not. It simply freed-up another $2½ billion for additional spending under the fiscal 1994 discretionary spending cap.

How could this happen when Mr. FAZIO assured the Rules Committee, and this House, that he was partially offsetting the disaster relief expenditures? I would like to think it was a simple drafting error. But nowhere in his amendment is there one word about offsets. And, by remaining silent, the amendment will be scored as freeing up the 2½ plus billion dollars for new spending.

Mr. Speaker, I hope this technical drafting error will be corrected in the other body—or in conference. But, just in case it is not, I am today introducing a concurrent resolution directing the Clerk to correct the enrollment of H.R. 3759 to ensure that the offset is truly counted as an offset.

PROMISES, PROMISES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, Americans want more health security—but they are not willing to trade their freedom to get it. The President's promise of "health care that can never be taken away" looks warm and fuzzy—so does a porcupine. Ask the thousands of veterans in my district who—while promised health care for life after serving their country—now must drive 150 miles for the nearest VA hospital if space is available.

The only outpatient clinic available to 150,000 of them was designed for 40,000 cases a year. It is now overwhelmed with requirements for 60,000 cases a year.

Ask the millions of Americans on Medicare and Medicaid who are beneficiaries, who cannot find a participating physician to serve them. Let us face it, Government-run health care systems have a poor track record, and they are driving the American taxpayer into the poorhouse.

Most people are not fooled by impossible promises and plastic gimmicks. As the debate heats up, most Americans will not be bullied by the bully pulpit. After all, polls show more people are happy with their health care then they are with the Clinton administration. Of course, both could be improved, and there are choices, because this is America.

STOP HAITI SANCTIONS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, this past weekend, nationalist zealots murdered 68 innocent civilians in Bosnia. The world and many in this Congress expressed outrage.

Tragically, the sanctions imposed on Haiti by this administration are killing innocent Haitian babies. In the 2 days during that same weekend in Bosnia, more than 70 infants died in Haiti, and no one spoke out.

In fact, more than 1,000 Haitian infants now die each month because of the United States' economic sanctions imposed on Haiti. And no one seems to care.

What seems even worse, this week the United States will ask the United Nations to impose even tougher economic sanctions on Haiti.

Despite evidence that the ruling military thugs and criminals are unaffected by these sanctions, we plan to step up our baby-killing policy.

How much more suffering can we impose on the oppressed Haitian people? Haiti is becoming an even greater hell on earth than Bosnia, under our charge and in our backyard.

This week we may not be able to stop the killing in Bosnia, but we can end the infant deaths in Haiti.

I urge my colleagues to join me in sending a letter to President Clinton urging him to end United States sanctions, restore democracy in Haiti, and demand United Nations action now to end this disgrace in the Western Hemisphere.

CUBA EMBRACING CAPITALISM WHILE AMERICA MOVES TOWARD BIGGER GOVERNMENT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, on February 3, the New York Times ran a headline that said: "On the Street, Cubans Fondly Embrace Capitalism."

The story said life in Cuba is being transformed by a "frantic search for dollars."

The story went on to say this:

> Although Cuba's Communist leadership has often sought to rein in the changes, repeatedly reminding the people that it has not chosen capitalism as a solution to the country's grave economic problems, almost everywhere one looks these days private enterprise is filling voids left by an exhausted government.

Just 5 months ago, the Cuban government allowed people to begin setting up new small businesses.

The Times reported that the response was "so enthusiastic that it caused serious absentee problems in state jobs and clogged downtown streets with petty merchants."

Amazing. Cuba is beginning to embrace capitalism while we in the United States head away from it toward more and more government.

For those who believe that government can solve all of our problems, I say look at Cuba.

Why can we not see that big government only makes our problems worse. When will we realize that the Federal Government has directly or indirectly, brought about most of the very problems that we are now trying so desperately to correct.

HEALTH CARE: THE CURRENT CRISIS VERSUS THE CLINTON CRISIS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Democrats would like to debate the health care issue on whether or not there is a crisis.

The only problem is, that is not what the debate is about.

The Republican plan retains the quality and choice of the health care Americans have now and takes out the Government bureaucracy that drives up the cost.

But the Democrats will not let a Republican plan be debated, so the debate before America is the Clinton plan.

And if you think there is a health care crisis now, wait until Uncle Sam clips into a surgical smock. I say, You ain't seen nothing yet. If you think there is a crisis now, wait until you have waited in line for your health care. If you think there is a crisis now, wait until you try to change the choice the Government gives you. If you think there is a crisis now, wait until you see where the people who can't balance the Federal budget try to balance the health care budget. If you think there is a crisis in health care, then compare it to the coming Clinton crisis, and, believe me, you ain't seen nothing yet.

PRESIDENT'S BUDGET PROPOSAL FOR DEFENSE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, today I rise to express concern about the President's budget proposals for defense. For example, in the Clinton defense budget, spending is slightly increased. This gives a thinly veiled appearance of increased defense spending, but in reality our military readiness and force structure is gutted because the actual dollar outlays are substantially cut.

This is not only unwise but is potentially dangerous. Although the cold war has been won, the world today is not less dangerous. From North Korea to Iraq to the Balkans there are threats to world security and our vital national interests. The future of reforms in Russia is uncertain, and a nationalistic relapse would threaten the security of an area which includes the second, third, and fourth largest nuclear powers in the world.

In spite of the potential for the need of a strong and prepared military, this President responds by cutting the U.S. defense budget in order to increase domestic and social spending. Mr. Speaker, we must maintain an adequate military, and this budget does not accomplish this.

UNWISE PROGRAM ELIMINATIONS IN PRESIDENT'S BUDGET

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, when the President released his budget yesterday to the Congress and to the American people, the administration touted the fact that there was a proposal to eliminate approximately 100 programs that the administration felt were no longer necessary, totaling approximately 3¼ billion dollars' worth of spending.

One of these programs was a program of the Department of Justice, and even though this was only one program, the spending on this one program at $358 million a year makes up more than 10 percent of this entire cut. Now what was this program that the administration proposes to eliminate from the Department of Justice? This is the main program that provides grants to aid State and local law enforcement agencies for the arrest and prosecution of dangerous criminals.

Mr. Speaker, only a week or so before this in this Chamber, the President of the United States said that fighting crime was a major objective of his administration this year, and that included helping State and local law enforcement agencies, because as we all know, it is they who bear the great brunt of this fight.

It seems to me that this proposal in the budget release yesterday to eliminate the main grant and aid program to State and local law enforcement agencies contradicts the stated goal of the administration to help fight crime.

Mr. Speaker, I am drafting a letter to the President of the United States to urge him to reconsider this proposed termination of a program that is so vital to accomplishing the goals of this administration, and I urge all Members to join me in signing it.

CONGRESS SHOULD CLEAN UP ITS OWN HOUSE

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, this body will investigate anyone but ourselves when it comes to scandals and impropriety.

Got suspicious activity in foreign banks? We will have hearings. Something up with Iran-Contra? We will have hearings. Got a Senator accused of sexual harassment? They will have hearings.

But when Members of this House are implicated for embezzling through the House Post Office? We will defer to the Justice Department. Maybe they will bury it for us.

It is a national embarrassment.

A sworn confession from the former House Postmaster, Robert Rota, says he helped several Members of this body to embezzle taxpayer money from the House Post Office. He pleaded guilty to being a conspirator with Congressmen.

That is far stronger evidence than is usually used to spark a congressional investigation. But no investigation this time, because it hits too close to home.

It is past time to face this issue. The House Ethics Committee must get to the bottom of this.

Millions of Americans are disgusted with Congress, and this is a big reason why. We must clean up our own house.

SOCIAL SECURITY PAYMENTS TO DRUG ADDICTS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] who is currently in the chair, for all he is doing for the American veteran.

Mr. Speaker, last year more than a quarter of a million drug addicts in America received $1.5 billion in cash payments from the Social Security fund.

□ 1440

Much of this money was for addiction treatment, but instead, these cash payments went to satisfy the addicts' drug habits.

Hundreds of millions of dollars taken from senior citizens are flowing directly to addicts who are buying heroin, cocaine, and other drugs on the street. These addicts are taking the Social Security System and the American taxpayer for a ride.

I am asking you here in Congress to help me right this wrong. It is time to stop this waste, fraud, and abuse in our Social Security System.

In my opinion, Social Security should be used for Social Security purposes only. We cannot allow cash to be taken from the Social Security System and given directly to addicts. Our senior citizens and the American people, plus just plain common sense, demands that we take and make this change.

As the chairman of the Social Security task force, I ask all the Members of Congress to join me in that endeavor.

HEALTH CARE: CAPITALISM VERSUS SOCIALISM

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, Winston Churchill once observed that "the inherent vice of capitalism is the unequal sharing of blessings * * * while the inherent virtue of socialism is the equal sharing of miseries." As Congress begins in earnest to consider proposals for health care reform, we would do well to remember Mr. Churchill's words.

During this debate, let us not forget that our country is blessed with the finest health care system in the world.

And in our quest to make the blessings of high quality health care available to more Americans, let us be careful not to lower the quality of health care for all Americans.

GENOCIDE IN BOSNIA

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, for 2 years now the genocide in Bosnia has continued. The whole world has watched dumbstruck as CNN, Headline News, ABC, CBS, and NBC have brought the bloody pictures to us of more than 200,000 people who have been slaughtered by Serbian Socialists simply because of their religion; more than 2 million refugees because of their religion who have now been scattered all over Europe; hospitals in Sarajevo bursting with civilians bombarded in food lines and water lines; extended families from babes in arms to 80-year-olds lined up and slaughtered because of their religion; children slaughtered in Sarajevo playing soccer.

Mr. Speaker, the appeasement of Belgrade by the United Nations, the European Community, and NATO has failed. It has utterly failed.

There is no need to urgently investigate who the bombardiers are. Mr. Perry, Mr. Lake, Mr. Shalikashvili know, everyone in the United Nations, the EC, and NATO knows every incident of deliberate bombardment of Sarajevo civilians has been Serbian bombardment.

There is no honor whatsoever in treating the aggressors and the victims as if they were identical. The killing in Bosnia will end when the Serbs realize they will not be allowed to continue it.

Mr. President, it is time to do what is right; stop the genocide in Bosnia.

WAR OF THE WORDS

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, I ask my colleagues to think back to a broadcast which alarmed millions about a crisis that affected the entire Nation's security. Many believed it and were pushed to panic.

If my colleagues think I am talking about Orson Welles' famous radio broadcast, "War of the Worlds"—where America was being destroyed by an alien invasion, then they are right.

If my colleagues thought I was talking about any of President Clinton's speeches on health care, where America's health care system can only be saved by being destroyed, then they are right again.

On one hand we have Orson Welles and on the other we have something Orwellian, not Wellesian. On one hand we have the "War of the Worlds" and on the other we have the "War of the Words."

Unlike Orson Welles, who only gave his performance once, President Clinton has given his over and over to the American people.

In the Clinton administration, words mean whatever they want them to mean and they do whatever they want to be done. In the case of health care they want more big government, more big spending, and more of your money.

For a year they did nothing about health care, nothing about crime, nothing about campaign reform, and nothing about welfare.

But not for a second have they ceased to talk about them. Stay tuned tomorrow, America—for another episode of rhetoric without reform.

INTRODUCTION OF LEGISLATION PROHIBITING FEMALE GENITAL MUTILATION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I have a bill in that would make it illegal to deal in female genital mutilation in this country.

I know many people think that this is not an issue. But in today's newspaper, once again, we see it as an issue in a woman who was about to be deported with her two young daughters.

It is very, very frightening: If they go back home, both of the children will be genitally mutilated. That had happened to her, and that is the culture, and that is what she will be returning to. This appears to be some kind of a domestic dispute between herself and her husband.

He refused to file a paper, and thought this would be a nice way, I guess, that he could get her out of here.

But I think it tells the real horror of what has gone on in so many countries, and this country did not pay much attention to it. But this year, thank goodness, we did include that under human rights violations, and I hope we can pass the bill to make this illegal. I hope we can move to do everything we can in the world leadership community to put this awful barbaric practice to an end that kills so many young women every year needlessly.

THE MISSING PRIORITIES IN THE BUDGET

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, when the President outlines the priorities for the country, you would think that his administration might follow them in the budget, and yet that did not happen. When you look at the administration's budget, it somehow missed the President's call for health care reform. In fact, the President's budget does not cover the costs of his Health Care Reform Program.

With the President talking so much about welfare reform, you would think it would be reflected in the budget. The budget does not cover the President's Welfare Reform Program.

With the President endorsing the Crime Program now before the Senate, you would think his budget would have included money to carry out the Crime Program. It does not.

You would think that with the President talking so much about Government reorganization and the cutting of 252,000 employees, you would think that that would be reflected in the budget. It was not.

The President's budget does not match what the President has been saying. That will be a problem for us as we deal with these matters before the Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken later today, following the Journal vote. The votes will not occur earlier than 4 p.m.

CONCURRING IN SENATE AMENDMENT TO H.R. 2339, TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1994, WITH AN AMENDMENT

Mr. OWENS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 351) to take from the Speaker's table the bill (H.R. 2339) to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read as follows:

H. RES. 351

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Findings, purposes, and policy.
Sec. 4. Definitions.

TITLE I—GRANTS TO STATES

Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Progress criteria and reports.
Sec. 105. Administrative provisions.
Sec. 106. Authorization of appropriations.
Sec. 107. Repeals.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

Sec. 201. National classification system.
Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Individuals with Disabilities Education Act.
Sec. 402. Rehabilitation Act of 1973.
Sec. 403. Administrative requirements under the Head Start Act.
Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.).

SEC. 3. FINDINGS, PURPOSES, AND POLICY.

(a) SECTION HEADING.—Section 2 (29 U.S.C. 2201) is amended by striking the heading and inserting the following:

"SEC. 2. FINDINGS, PURPOSES, AND POLICY.".

(b) FINDINGS.—Section 2(a) (29 U.S.C. 2201(a)) is amended to read as follows:

"(a) FINDINGS.—The Congress finds as follows:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

"(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier.

"(3) For some individuals with disabilities, assistive technology devices and assistive technology services are necessary to enable the individuals—

"(A) to have greater control over their lives;

"(B) to participate in, and contribute more fully to, activities in their home, school, and work environments, and in their communities;

"(C) to interact to a greater extent with individuals who do not have disabilities; and

"(D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

"(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, that significantly benefit individuals with disabilities of all ages. Such devices can be used to increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

"(5) Most States have technology-related assistance programs carried out under this Act. In spite of the efforts made by such programs, there remains a need to support systems change and advocacy activities in order to assist States to develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance for individuals with disabilities of all ages.

"(6) Notwithstanding the efforts of such State technology-related assistance programs, there is still a lack of—

"(A) resources to pay for assistive technology devices and assistive technology services;

"(B) trained personnel to assist individuals with disabilities to use such devices and services;

"(C) information among individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related service personnel, technology experts (including engineers), employers, and other appropriate individuals about the availability and potential of technology for individuals with disabilities;

"(D) aggressive outreach to underrepresented populations and rural populations;

"(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly with respect to children;

"(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

"(G) capacity in such programs to provide the necessary technology-related assistance.

"(7) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

"(8) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

"(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.".

(c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is amended to read as follows:

"(b) PURPOSES.—The purposes of this Act are as follows:

"(1) To provide financial assistance to the States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

"(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

"(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the planning, development, implementation, and evaluation of such a program;

"(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish purposes described in this paragraph to the same extent as other populations;

"(E) increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this title, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

"(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

"(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

"(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

"(I) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

"(i) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(ii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(iii) educators and related services personnel;

"(iv) technology experts (including engineers);

"(v) employers; and

"(vi) other appropriate individuals;

"(J) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages; and

"(K) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

"(2) To identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment.

"(3) To enhance the ability of the Federal Government to provide States with—

"(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

"(B) funding for demonstration projects.".

(d) POLICY.—Section 2 (29 U.S.C. 2201) is amended by adding at the end the following:

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be consumer-responsive and shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals;

"(3) inclusion, integration, and full participation of such individuals;

"(4) support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systems advocacy and community involvement.".

SEC. 4. DEFINITIONS.

Section 3 (29 U.S.C. 2202) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2), (3), (7), (8), (10), (11), (13), and (14), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ADVOCACY SERVICES.—The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services—

"(A) provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services; and

"(B) provided through—

"(i) individual case management for individuals with disabilities;

"(ii) representation of individuals with disabilities (other than representation within the definition of protection and advocacy services);

"(iii) training of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully conduct advocacy for themselves; or

"(iv) dissemination of information.";

(3) in paragraph (3)(E) (as redesignated by paragraph (1)), by striking "family" and all that follows and inserting "the family members, guardians, advocates, or authorized representatives of such an individual; and";

(4) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

"(4) Comprehensive Statewide Program of Technology-Related Assistance.—The term 'comprehensive statewide program of technology-related assistance' means a statewide program of technology-related assistance developed and implemented by a State under title I that—

"(A) addresses the needs of all individuals with disabilities, including members of underrepresented populations and members of rural populations;

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

"(C) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

"(5) Consumer-Responsive.—The term 'consumer-responsive' means, with respect to an entity, program, or activity, that the entity, program, or activity—

"(A) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(B) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services; and

"(ii) the planning, development, implementation, and evaluation of the comprehensive statewide program of technology-related assistance.

"(6) Disability.—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.";

(5) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

"(7) Individual with a Disability; Individuals with Disabilities.—

"(A) Individual with a Disability.—The term 'individual with a disability' means any individual—

"(i) who has a disability; and

"(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(B) Individuals with Disabilities.—The term 'individuals with disabilities' means more than one individual with a disability.";

(6) in paragraph (8) (as redesignated by paragraph (1))—

(A) by striking "section 435(b)" and inserting "section 1201(a)"; and

(B) by striking "1965" and inserting "1965 (20 U.S.C. 1141(a))";

(7) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) Protection and Advocacy Services.—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.";

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) by striking "several States" and inserting "several States of the United States";

(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(C) by striking "the Trust Territory of the Pacific Islands" and inserting "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(9) by inserting after such paragraph (11) the following:

"(12) Systems Change and Advocacy Activities.—The term 'systems change and advocacy activities' means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services on a permanent basis, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the work force.";

(10) in paragraph (13) (as redesignated by paragraph (1))—

(A) by striking "functions performed and activities carried out under section 101" and inserting "assistance provided through systems change and advocacy activities"; and

(B) by inserting "any of subparagraphs (A) through (K) of" before "section 2(b)(1)"; and

(11) by amending paragraph (14) (as redesignated by paragraph (1)) to read as follows:

"(14) Underrepresented Population.—The term 'underrepresented population' includes a population such as minorities, the poor, and persons with limited-English proficiency.".

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) Grants to States.—Section 101(a) (29 U.S.C. 2211(a)) is amended—

(1) by inserting after "provisions of this title" the following: "to support systems change and advocacy activities designed"; and

(2) by striking "to develop and implement" and inserting "in developing and implementing".

(b) Activities.—Section 101 (29 U.S.C. 2211) is amended by striking subsections (b) and (c) and inserting the following:

"(b) Activities.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

"(1) Model Systems and Alternative State-Financed Systems.—The State may support activities to increase access to, and funding for, assistive technology, including—

"(A) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

"(ii) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

"(I) a loan system for assistive technology devices;

"(II) an income-contingent loan fund;

"(III) a low-interest loan fund;

"(IV) a revolving loan fund;

"(V) a loan insurance program; or

"(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

"(B) the demonstration of assistive technology devices, including—

"(i) the provision of a location or locations within the State where—

"(I) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(II) education, rehabilitation, health care, and other service providers;

"(III) individuals who work for Federal, State, or local government entities; and

"(IV) employers,

can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications;

"(ii) the provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

"(iii) the demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(C) the establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

"(2) Interagency Coordination.—The State may support activities—

"(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

"(B) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

"(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

"(3) Outreach.—The State may carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services. Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

"(4) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

"(5) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

"(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

"(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

"(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

"(ii) a description of the devices and services provided;

"(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

"(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

"(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

"(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

"(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

"(i) individuals who are not individuals with disabilities;

"(ii) individuals who are elderly; or

"(iii) individuals with particular disabilities; and

"(H) information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

"(i) the purchase, lease, or other acquisition of assistive technology devices; or

"(ii) the use of assistive technology services.

"(6) PUBLIC AWARENESS PROGRAM.—

"(A) IN GENERAL.—The State may—

"(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(III) educators and related services personnel;

"(IV) technology experts (including engineers);

"(V) employers; and

"(VI) other appropriate individuals and entities; or

"(ii) establish and support such a program if no such program exists.

"(B) CONTENTS.—Such a public awareness program may include—

"(i) the development and dissemination of information relating to—

"(I) the nature of assistive technology devices and assistive technology services;

"(II) the appropriateness, cost, and availability of, and access to, assistive technology devices and assistive technology services; and

"(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

"(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

"(iii) the development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

"(7) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

"(A) that—

"(i) are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

"(ii) may include—

"(I) training in the use of assistive technology devices and assistive technology services;

"(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

"(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under any law other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

"(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

"(B) that—

"(i) enhance the assistive technology skills and competencies of—

"(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(II) educators and related services personnel;

"(III) technology experts (including engineers);

"(IV) employers; and

"(V) other appropriate personnel; and

"(ii) include taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

"(8) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

"(9) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—

"(A) IN GENERAL.—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

"(B) ACCESS.—Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(1))), and community rehabilitation programs (as defined in section 7(25) of such Act (29 U.S.C. 706(25))).

"(C) SYSTEM.—In developing, operating, or expanding a system described in subparagraph (A), the State may—

"(i) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information that can be used in telephone-based information systems, and such other media as technological innovation may make appropriate;

"(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

"(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

"(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

"(D) LINKAGES.—The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

"(10) INTERSTATE ACTIVITIES.—

"(A) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

"(B) ELECTRONIC COMMUNICATION.—The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

"(11) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

"(A) the development, demonstration, and dissemination of assistive technology devices; and

"(B) the ongoing provision of information about new products to assist individuals with disabilities.

"(12) ADVOCACY SERVICES.—The State may provide advocacy services.

"(13) OTHER ACTIVITIES.—The State may utilize amounts made available through grants made under section 102 or 103 for any systems change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

"(c) NONSUPPLANTATION.—In carrying out systems change and advocacy activities under this title, the State shall ensure that the activities supplement, and not supplant, similar activities that have been carried out pursuant to other Federal or State law.".

SEC. 102. DEVELOPMENT GRANTS.

Section 102 (29 U.S.C. 2212) is amended—

(1) in subsection (a)—

(A) by striking "3-year grants" and inserting "3-year grants to support systems change and advocacy activities described in section 101(b) (including activities described in subsection (e)(7))"; and

(B) by striking "to develop and implement statewide programs" and inserting "in developing and implementing consumer-responsive comprehensive statewide programs";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated in paragraph (3))—

(A) in paragraph (3)(C), by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program"; and

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "(A)" and inserting "(A) STATE.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(B) TERRITORY.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau (until the Compact of Free Association takes effect)";

(5) in paragraph (2) of subsection (c) (as redesignated in paragraph (3)) by striking "statewide programs" and inserting "consumer-responsive comprehensive statewide programs";

(6) by inserting after such subsection (c) the following:

"(d) DESIGNATION OF THE LEAD AGENCY.—

"(1) DESIGNATION.—The Governor of any State that desires to receive a grant under this section shall designate the office, agency, entity, or individual (referred to in this Act as the 'lead agency') responsible for—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant;

"(C)(i) coordinating efforts related to, and supervising the preparation of, the application;

"(ii) coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

"(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

"(2) QUALIFICATIONS.—In designating the lead agency, the Governor may designate—

"(A) a commission appointed by the Governor;

"(B) a public-private partnership or consortium;

"(C) a university-affiliated program;

"(D) a public agency;

"(E) a council established under Federal or State law; or

"(F) another appropriate office, agency, entity, or individual.

"(3) ABILITIES OF LEAD AGENCY.—The State shall provide, in accordance with subsection (e)(1), evidence that the lead agency has the ability—

"(A) to respond to assistive technology needs across disabilities and ages;

"(B) to promote the availability throughout the State of assistive technology devices and assistive technology services;

"(C) to promote and implement systems change and advocacy activities;

"(D) to promote and develop public-private partnerships;

"(E) to exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(F) to promote consumer confidence, responsiveness, and advocacy; and

"(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.";

(7) in subsection (e)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) DESIGNATION OF THE LEAD AGENCY.—Information identifying the lead agency designated by the Governor under subsection (d)(1), and the evidence described in subsection (d)(3).

"(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

"(3) INVOLVEMENT.—

"(A) CONSUMER INVOLVEMENT.—A description of procedures that provide for—

"(i)(I) the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

"(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

"(ii) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

"(i) the involvement, in the designation of the lead agency under subsection (d), and in the development of the application, of—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) other appropriate individuals who are not employed by a State agency; and

"(III) organizations, providers, and interested parties, in the private sector; and

"(ii) the continuing role of the individuals and entities described in clause (i) in the program.";

(B) in paragraph (4), by striking "underserved groups" and inserting "underrepresented populations or rural populations";

(C) in paragraphs (4) and (5), by striking "statewide program" each place the term appears and inserting "consumer-responsive comprehensive statewide program";

(D) by striking paragraphs (6), (7), and (17);

(E) by redesignating paragraphs (8) and (9) as paragraphs (17) and (18), respectively, and transferring such paragraphs to the end of the subsection;

(F) by inserting after paragraph (5) the following:

"(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program with respect to—

"(A) the goals and objectives of the State for the program;

"(B) the systems change and advocacy activities that the State plans to carry out under the program; and

"(C) the expected outcomes of the State for the program, consistent with the purposes described in section 2(b)(1).

"(7) PRIORITY ACTIVITIES.—

"(A) IN GENERAL.—An assurance that the State will use funds made available under this section or section 103 to accomplish the purposes described in section 2(b)(1) and the goals, objectives, and outcomes described in paragraph (6), and to carry out the systems change and advocacy activities described in paragraph (6)(B), in a manner that is consumer-responsive.

"(B) PARTICULAR ACTIVITIES.—An assurance that the State, in carrying out such systems change and advocacy activities, shall carry out activities regarding—

"(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

"(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for underrepresented populations and rural populations;

"(iii) coordination of activities among State agencies, in order to facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services;

"(iv) the development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of such individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

"(v) the provision of outreach to underrepresented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

"(vi) the development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children,

unless the State demonstrates through the progress reports required under section 104 that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in section 2(b)(1).

"(8) ASSESSMENT.—An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

"(A) the extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (6), have been achieved; and

"(B) the areas of need that require attention in the next year.

"(9) DATA COLLECTION.—A description of—

"(A) the data collection system used for compiling information on the program, consistent with such requirements as the Secretary may establish for such systems, and, when a national classification system is developed pursuant to section 201, consistent with such classification system; and

"(B) procedures that will be used to conduct evaluations of the program.";

(G) in paragraphs (11)(B)(i) and (12)(B) by striking "individual with disabilities" and inserting "individual with a disability";

(H) in paragraph (16)(A), by striking "the families or representatives of individuals with disabilities" and inserting "their family members, guardians, advocates, or authorized representatives"; and

(I) by adding at the end the following:

"(19) AUTHORITY TO USE FUNDS.—An assurance that the lead agency will have the authority to use funds made available through a grant made under this section or section 103 to comply with the requirements of this section or section 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

"(20) PROTECTION AND ADVOCACY SERVICES.—Either—

"(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order to make a grant to, or enter into a contract with, an entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

"(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order for the Secretary to make a grant to or enter into a contract with such a system to support protection and advocacy services.

"(21) TRAINING ACTIVITIES.—An assurance that the State—

"(A) will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

"(B) will document such training.

"(22) LIMIT ON INDIRECT COSTS.—An assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

"(23) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under this section or section 103 with the activities carried out by other councils within the State, including—

"(A) any council or commission specified in the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36));

"(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d);

"(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(D) the State Interagency Coordinating Council established under section 682 of the Individuals with Disabilities Education Act (20 U.S.C. 1482);

"(E) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

"(F) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x-3); and

"(G) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

"(24) COORDINATION WITH OTHER SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

"(25) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require."; and

(8) by adding at the end the following:

"(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

"(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through an entity that—

"(A) is capable of performing the functions that would otherwise be performed under subsection (e)(20) by the system described in subsection (e)(20); and

"(B) is not a system described in such subsection,

shall be considered to meet the requirements of such subsection. Such entity shall receive funding to provide such protection and advocacy services in accordance with paragraph (4), and shall comply with the same requirements of this title (other than the requirements of such subsection) as a system that receives funding under such subsection.

"(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

"(A) PREPARATION.—A system that receives funds under subsection (e)(20) to carry out the protection and advocacy services described in subsection (e)(20)(A) in a State, or an entity described in paragraph (1) that carries out such services in the State, shall prepare reports that contain such information as the Secretary may require, including the following:

"(i) A description of the activities carried out by the system or entity with such funds.

"(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

"(I) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding for assistive technology devices and assistive technology services.

"(II) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

"(III) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act.

"(IV) Coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

"(B) SUBMISSION.—The system or entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

"(C) UPDATES.—The system or entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

"(3) CONSULTATION WITH STATE PROGRAMS.—Before making a grant or entering into a contract under subsection (e)(20)(B) to support the protection and advocacy services described in subsection (e)(20)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

"(4) CALCULATION OF EXPENDITURES.—

"(A) IN GENERAL.—For each fiscal year, for each State receiving a grant under this section or section 103, the Secretary shall specify a minimum amount that the State shall use to provide protection and advocacy services.

"(B) INITIAL YEARS OF GRANT.—Except as provided in subparagraph (C) or (D)—

"(i) the Secretary shall calculate such minimum amount for a State based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State; and

"(ii) such minimum amount shall be not less than $40,000 and not more than $100,000.

"(C) FOURTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fourth year (if any) of the grant period that shall equal 75 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(D) FIFTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fifth year (if any) of the grant period that shall equal 50 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(E) PROHIBITION.—After the fifth year (if any) of the grant period, no Federal funds may be made available under this title by the State to a system described in subsection (e)(20) or an entity described in paragraph (1).".

SEC. 103. EXTENSION GRANTS.

Section 103 (29 U.S.C. 2213) is amended to read as follows:

"SEC. 103. EXTENSION GRANTS.

"(a) EXTENSION GRANTS.—

"(1) INITIAL EXTENSION GRANT.—The Secretary may award an initial extension grant, for a period of 2 years, to any State that meets the standards specified in subsection (b)(1).

"(2) SECOND EXTENSION GRANT.—The Secretary may award a second extension grant, for a period of not more than 5 years, to any State that meets the standards specified in subsection (b)(2).

"(b) STANDARDS.—

"(1) INITIAL EXTENSION GRANT.—In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

"(A) provide the evidence described in section 102(d)(3); and

"(B) demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

"(2) SECOND EXTENSION GRANT.—

"(A) RESPONSIBILITIES OF DESIGNATED LEAD AGENCY.—In order for a State to receive a second extension grant under this section, the designated lead agency shall—

"(i) provide the evidence and make the demonstration described in paragraph (1);

"(ii) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities; and

"(iii) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

"(B) DETERMINATION OF COMPLIANCE.—In making any award to a State for a second extension grant, the Secretary shall (except as provided in section 105(a)(2)(A)(iii)) make such award contingent on a determination, based on the onsite visit required under section 105(a)(2)(A)(ii), that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance. If the Secretary determines that the State is not making such progress, the Secretary may take an action described in section 105(b)(2), in accordance with the applicable procedures described in section 105.

"(c) AMOUNTS OF GRANTS.—

"(1) INITIAL EXTENSION GRANTS.—

"(A) IN GENERAL.—

"(i) STATES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not less than $500,000 and not greater than $1,500,000 to each State (other than a State described in clause (ii)) that receives an initial extension grant under subsection (a)(1).

"(ii) TERRITORIES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not greater than $150,000 to any of the following States that receives an initial extension grant under subsection (a)(1):

"(I) The United States Virgin Islands.

"(II) Guam.

"(III) American Samoa.

"(IV) The Commonwealth of the Northern Mariana Islands.

"(V) The Republic of Palau (until the Compact of Free Association takes effect).

"(B) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in clause (i) or (ii) of subparagraph (A) with respect to a State on the basis of—

"(i) amounts available for making grants pursuant to subsection (a)(1);

"(ii) the population of the State;

"(iii) the types of assistance to be provided in the State; and

"(iv) the amount of resources committed by the State and available to the State from other sources.

"(C) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out subsection (a)(1) shall first be made available to States that received assistance under this section during the fiscal year preceding the fiscal year concerned.

"(D) INCREASES.—In providing any increases in initial extension grants under subsection (a)(1) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to—

"(i) the States (other than the States described in subparagraph (A)(ii)) that have the largest populations, based on the most recent census data; and

"(ii) the States (other than the States described in subparagraph (A)(ii)) that are sparsely populated, with a wide geographic spread,

where such characteristics have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance.

"(2) SECOND EXTENSION GRANTS.—

"(A) AMOUNTS AND PRIORITY.—The amounts of, and the priority of applicants for, the second extension grants awarded under subsection (a)(2) shall be determined by the Secretary, except that—

"(i) the amount paid to a State for the fourth year (if any) of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;

"(ii) the amount paid to a State for the fifth year (if any) of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and

"(iii) after the fifth year of the grant period, no Federal funds may be made available to the State under this title.

"(B) INCREASES.—In providing any increases in second extension grants under subsection (a)(2) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to States described in paragraph (1)(D).

"(d) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application to the Secretary that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

"(1) INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

"(2) NEEDS; PROBLEMS; STRATEGIES; OUTREACH.—

"(A) NEEDS.—A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

"(B) PROBLEMS.—A description of any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

"(C) STRATEGIES.—A description of the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of such a program.

"(D) OUTREACH ACTIVITIES.—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

"(3) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of—

"(A) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 1012(e)(7)) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

"(i) a description of systems change and advocacy activities that were undertaken to produce change on a permanent basis for individuals with disabilities of all ages;

"(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations as in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

"(iii) an evaluation of the impact and results of the activities described in clauses (i) and (ii);

"(B) the relationship of such systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(C) the progress made toward the development and implementation of such a program.

"(4) PUBLIC INVOLVEMENT.—

"(A) REPORT.—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

"(B) OTHER STATE ACTIONS.—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related services providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

"(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

"(ii) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 102(e)(7)) carried out by the State under the development grant or the initial extension grant;

"(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(iv) the ability of the lead agency to carry out the activities described in section 102(d)(3).

"(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

"(A) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(B) public service providers and private service providers;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) employers; and

"(F) other appropriate individuals and entities.

"(6) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State, or any recipient of funds made available to the State under section 102 or this section, will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(e) PUBLIC HEARING.—

"(1) INITIAL EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

"(2) SECOND EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1).".

SEC. 104. PROGRESS CRITERIA AND REPORTS.

Section 104 (29 U.S.C. 2214) is amended to read as follows:

"SEC. 104. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with section 2(b)(1).

"(b) REPORTS.—Each State that receives a grant under section 102 or 103 to carry out such a program shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(e), and that documents the following:

"(1) The progress the State has made, as determined in the State's annual assessment described in section 102(e)(8) (consistent with the guidelines established by the Secretary under subsection (a)), in achieving the State's goals, objectives, and outcomes as identified in the State's application as described in section 102(e)(6), and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

"(2) The systems change and advocacy activities carried out by the State including—

"(A) an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

"(B) a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

"(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

"(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (1) through (3), including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

"(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

"(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

"(7) Efforts to train personnel as well as consumers.

"(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

"(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in section 102(f)(2)(A)(ii).".

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—Section 105(a) (29 U.S.C. 2215(a)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", consistent with the guidelines established under section 104(a)";

(2) by striking paragraph (2) and inserting the following:

"(2) ONSITE VISITS.—

"(A) VISITS.—

"(i) DEVELOPMENT GRANT PROGRAM.—The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program.

"(ii) EXTENSION GRANT PROGRAM.—Except as provided in clause (iii), the Secretary shall conduct an additional onsite visit to any State that applies for a second extension grant under section 103(a)(2) and whose initial onsite visit occurred prior to the date of the enactment of the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994. The Secretary shall conduct any such visit to the State not later than 12 months after the date on which the Secretary awards the second extension grant.

"(iii) DETERMINATION.—The Secretary shall not be required to conduct a visit described in clause (ii) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) TEAM.—Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

"(i) shall not be lead agency personnel;

"(ii) shall be from States other than the State being monitored; and

"(iii) shall include an individual with a disability, or a family member, a guardian, an advocate, or an authorized representative of such an individual.

"(C) COMPENSATION.—

"(i) OFFICERS OR EMPLOYEES.—Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

"(ii) OTHER MEMBERS.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(D) REPORT.—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities and their family members, guardians, advocates, and authorized representatives, public service providers and private service providers, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2)."; and

(5) in paragraph (4) (as redesignated in paragraph (3)) by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program".

(b) CORRECTIVE ACTION PLAN.—Section 105(b) (29 U.S.C. 2215(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "PENALTIES" and inserting "CORRECTIVE ACTIONS";

(B) in the matter preceding subparagraph (A), by striking "penalties" and inserting "corrective actions";

(C) by striking "or" at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(E) by adding at the end the following:

"(D) required redesignation of the lead agency, in accordance with subsection (c)."; and

(2) in paragraph (3), by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

(c) REDESIGNATION.—Section 105 (29 U.S.C. 2215) is amended—

(1) by striking subsection (c); and

(2) by adding at the end the following:

"(c) REDESIGNATION OF LEAD AGENCY.—

"(1) MONITORING PANEL.—

"(A) APPOINTMENT.—Once a State becomes subject to a corrective action plan pursuant to subsection (b), the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

"(i) The head of the lead agency designated by the Governor.

"(ii) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

"(iii) 2 consumers who are users of assistive technology devices and assistive technology services and who are not—

"(I) members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

"(II) employees of the State lead agency.

"(iv) 2 service providers with knowledge and expertise in assistive technology devices and assistive technology services.

"(B) MEMBERSHIP AND CHAIRPERSON.—The monitoring panel shall be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

"(C) INFORMATION.—The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

"(D) MEETINGS.—The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

"(E) PERIOD.—The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

"(F) FUNDING.—The panel shall be funded by a portion of the funds received by the State under this title, as directed by the Secretary.

"(2) FAILURE TO APPOINT MONITORING PANEL.—A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the termination of funding for the State under this title.

"(3) DETERMINATION.—

"(A) PANEL.—Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in section 2(b)(1) and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this title.

"(B) GOOD CAUSE.—In this paragraph, the term 'good cause' includes—

"(i) lack of progress with employment of qualified staff;

"(ii) lack of consumer-responsive activities;

"(iii) lack of resource allocation to systems change and advocacy activities;

"(iv) lack of progress with meeting the assurances in section 102(e); or

"(v) inadequate fiscal management.

"(C) RECOMMENDATION AND ACTION.—If a monitoring panel makes such a determination, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under this title. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and an opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any such redesignation in accordance with the requirements that apply to designations under section 102(d).

"(d) CHANGE OF PROTECTION AND ADVOCACY SERVICES PROVIDER.—

"(1) DETERMINATION.—The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services required by section 102(e)(20) (referred to in this subsection as the 'first entity') has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

"(2) NOTICE AND OPPORTUNITY TO BE HEARD.—On making such a determination, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

"(A) the Governor has given the first entity 30 days notice of the intention to enter into such contract, including specification of the good cause, and an opportunity to respond to the assertion that good cause has been shown;

"(B) individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

"(C) the first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

"(3) REDESIGNATION.—

"(A) IN GENERAL.—When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

"(B) TIMING.—The Governor shall not issue such request until the first entity has been given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary in accordance with paragraph (2)(C), the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

"(C) PROCEDURE.—Such competition shall be open to entities with the same expertise and ability to provide legal services as a system referred to in section 102(e)(20). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) CONTENTS.—Such report shall include information on—

"(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

"(B) the demonstration activities carried out through the Federal initiatives to—

"(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

"(ii) establish additional options for obtaining such funding;

"(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

"(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities and their family members, guardians, advocates, or authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals, about technology-related assistance;

"(E) the education and training activities carried out through Federal initiatives to promote awareness of available funding in public programs;

"(F) the research activities carried out through the Federal initiatives to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

"(G) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

"(H) the activities carried out through the Federal initiatives that are targeted to reach underrepresented populations and rural populations; and

"(I) the consumer involvement activities in the programs carried out under this Act.

"(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. When a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall report such information in a manner consistent with such national classification system.

"(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

"(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

"(A) the response of the Interagency Disability Coordinating Council to—

"(i) the findings of the National Council on Disability resulting from the study entitled 'Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities', carried out in accordance with section 201 of this Act, as in effect on the day before the date of the enactment of this subsection; and

"(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

"(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(1) with respect to the Federal Government.

"(2) COMMENTS.—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

"(g) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 106 (29 U.S.C. 2216) is amended to read as follows:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) RESERVATIONS.—

"(1) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve at least 2 percent or $1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies.

"(B) TECHNICAL ASSISTANCE TO STATES.—In providing such information and technical assistance to States, the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, shall provide a clearinghouse for activities that have been developed and implemented through programs funded under this title, and shall provide information and technical assistance that—

"(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

"(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

"(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

"(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance;

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(vi) provide technical assistance and training to the entities carrying out activities funded pursuant to this title, to establish or participate in electronic communication activities with other States; and

"(vii) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

"(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide information and technical assistance to individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

"(i) disseminate information about, and foster awareness and understanding of, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals with disabilities of all ages;

"(ii) identify, collect, and disseminate information, and provide technical assistance, on effective systems change and advocacy activities;

"(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; and

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

"(D) COORDINATION.—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

"(E) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

"(ii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities.

"(iii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEMS CHANGE AND ADVOCACY ACTIVITIES, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.—For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

"(I) assistive technology systems change and advocacy activities;

"(II) public funding options; and

"(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

"(iv) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

"(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).".

SEC. 107. REPEALS.

Section 107 (20 U.S.C. 2217) is repealed.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing part A and inserting the following:

"Subtitle A—National Classification System

"SEC. 201. CLASSIFICATION SYSTEM.

"(a) SYSTEM DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—In fiscal year 1995, the Secretary shall initiate a system development project, based on a plan developed in consultation and coordination with other appropriate Federal and State agencies, to develop a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

"(2) PROJECT PLAN.—

"(A) REPRESENTATIVES.—In developing a plan for the system development project, the Secretary shall consult with, and coordinate activities with—

"(i) representatives of Federal agencies, including agencies that are headed by members of the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c); and

"(ii) as determined by the Secretary, representatives of State agencies and other appropriate organizations that have responsibility for or are involved in the development and modification of assistive technology devices, the provision of assistive technology devices and assistive technology services, or the dissemination of information about assistive technology devices and assistive technology services, including recipients of grants or contracts for the provision of technical assistance to State assistive technology projects under section 106(b), assistive technology reimbursement specialists, representatives of the State assistive technology projects, and representatives of organizations involved in information and referral activities.

"(B) ISSUES.—The Secretary shall conduct such consultation, and such coordination of activities, with respect to the following:

"(i) The costs and benefits, on an agency-by-agency basis, of obtaining uniform data through a national classification system for assistive technology devices and assistive technology services across public programs and information and referral networks.

"(ii) The types of data that should be collected, including data regarding funding, across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iii) A methodology for developing a single taxonomy and nomenclature for both assistive technology devices and assistive technology services across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iv) The process for developing an appropriate data collection instrument or instruments.

"(v) A methodology for collecting data across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(vi) The use of a national classification system by the Internal Revenue Service and State finance agencies to determine whether devices and services are assistive technology devices or assistive technology services for the purpose of determining whether a deduction or credit is allowable under the Internal Revenue Code of 1986 or State tax law.

"(3) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.

"(b) SINGLE TAXONOMY.—In conducting the system development project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

"(c) DATA COLLECTION INSTRUMENT.—In conducting the system development project, the Secretary shall develop a data collection instrument to—

"(1) collect data regarding funding for assistive technology devices and assistive technology services; and

"(2) collect such data from public programs, including, at a minimum—

"(A) programs carried out under title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

"(B) programs carried out under part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

"(C) programs carried out under title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

"(D) programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(E) programs carried out under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

"(d) CONSULTATION.—The Secretary shall conduct the system development project in consultation with the Federal agencies that were consulted in developing the project plan.

"(e) REPORT TO THE PRESIDENT AND THE CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.—Not later than July 1, 1997, the Secretary shall prepare and submit to the President and the appropriate committees of Congress a report containing—

"(1) the results of the system development project; and

"(2) the recommendations of the Secretary concerning implementation of a national classification system, including uniform data collection.

"(f) RESERVATION.—From the amounts appropriated under subtitle C for fiscal year 1995, the Secretary shall reserve up to $200,000 to carry out this subtitle.".

SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing parts B, C, and D and inserting the following:

"Subtitle B—Training and Demonstration Projects

"SEC. 211. TRAINING.

"(a) TECHNOLOGY TRAINING.—

"(1) GENERAL AUTHORITY.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, appropriate public or private agencies and organizations, including institutions of higher education and community-based organizations, for the purposes of—

"(A) conducting training sessions;

"(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance, to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and

"(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.

"(2) ELIGIBLE ACTIVITIES.—Activities conducted under grants, contracts, or cooperative agreements described in paragraph (1) may address the training needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

"(3) USES OF FUNDS.—An agency or organization that receives a grant or enters into a contract or cooperative agreement under paragraph (1) may use amounts made available through the grant, contract, or agreement to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or cooperative agreement under paragraph (1), an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(5) PRIORITIES.—

"(A) IN GENERAL.—Beginning in fiscal year 1994, the Secretary shall—

"(i) establish priorities for activities carried out with assistance under this subsection;

"(ii) publish such priorities in the Federal Register for the purpose of receiving public comment; and

"(iii) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes announcements for assistance provided under this subsection.

"(B) EXPLANATION OF DETERMINATION OF PRIORITIES.—Concurrent with the publications required by subparagraph (A), the Secretary shall publish in the Federal Register an explanation of the manner in which the priorities were determined.

"(b) TECHNOLOGY CAREERS.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary shall make grants to assist public or private agencies and organizations, including institutions of higher education, to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and assistive technology services.

"(B) FIELDS.—The specific fields described in subparagraph (A) may include—

"(i) engineering;

"(ii) industrial technology;

"(iii) computer science;

"(iv) communication disorders;

"(v) special education and related services;

"(vi) rehabilitation; and

"(vii) social work.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to the interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

"(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

"(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—In exercising the authority granted in subsections (a) and (b), the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

"SEC. 212. TECHNOLOGY TRANSFER.

"The Secretary shall enter into an agreement with an organization whose primary function is to promote technology transfer from, and cooperation among, Federal laboratories (as defined in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6))), under which funds shall be provided to promote technology transfer that will spur the development of assistive technology devices.

"SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public agencies, private entities, or institutions of higher education for the purpose of developing and establishing recycling projects.

"(b) PROJECT ACTIVITIES.—Such recycling projects may include—

"(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

"(2) a system for storing and caring for such devices;

"(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers, and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

"(4) a system that makes such devices available to consumers and the entities listed in paragraph (3), and provides for tracking each device throughout the useful life of the device.

"(c) MULTIPLE PROVIDERS.—

"(1) IN GENERAL.—With respect to activities funded under this section, an agency, entity, or institution may utilize a single service provider or may establish a system of service providers.

"(2) ASSURANCES.—If an agency, entity, or institution uses multiple providers, the agency, entity, or institution shall assure that—

"(A) all consumers within a State will receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

"(B) all activities of the providers will be coordinated and monitored by the agency, entity, or institution.

"(d) OTHER LAWS.—Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(e) EXISTING PROGRAMS.—Public agencies, private entities, or institutions of higher education that have established recycling programs prior to receiving assistance under this section may use funds made available under this section to extend and strengthen such programs through grants, contracts, or agreements under this section.

"SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

"The Secretary may make grants to individuals with disabilities to enable the individuals to establish or operate commercial or other enterprises that develop or market assistive technology devices or assistive technology services.

"SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.

"The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of products of universal design. In awarding such grants, the Secretary shall give preference to enterprises that are owned or operated by individuals with disabilities.

"SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.

"Persons and entities that carry out activities pursuant to this subtitle shall—

"(1) be held to the same consumer-responsive standards as the persons and entities carrying out programs under title I;

"(2) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

"(3) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

"(4) coordinate their efforts with the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities in any State in which the activities are carried out.

"Subtitle C—Authorization of Appropriations

"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Act (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"TITLE III—ALTERNATIVE FINANCING MECHANISMS

"SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

"(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, alternative financing mechanisms (referred to individually in this title as an 'alternative financing mechanism') to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and assistive technology services.

"(b) MECHANISMS.—The alternative financing mechanisms may include—

"(1) a low-interest loan fund;

"(2) a revolving fund;

"(3) a loan insurance program;

"(4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

"(5) other alternative financing mechanisms that meet the requirements of this Act and are approved by the Secretary.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under title I.

"SEC. 302. APPLICATIONS AND PROCEDURES.

"(a) ELIGIBILITY.—States that receive or have received grants under section 102 or 103 shall be eligible to compete for grants under section 301.

"(b) REQUIREMENTS.—The Secretary shall make grants under section 301 under such conditions as the Secretary shall, by regulation, determine, except that—

"(1) a State may receive only 1 grant under section 301 and may only receive such a grant for 1 year under this title;

"(2) a State that desires to receive a grant under section 301 shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, containing—

"(A) an assurance that the State will provide at least 50 percent of the cost described in section 301(a), as set forth in section 304, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

"(B) an assurance that an alternative financing mechanism will continue on a permanent basis; and

"(C) a description of the degree to which the alternative financing mechanisms to be funded under section 301 will expand and emphasize consumer choice and control;

"(3) a State that receives a grant under section 301—

"(A) shall enter into a contract, with a community-based organization (or a consortia of such organizations) that has individuals with disabilities involved at all organizational levels, for the administration of the alternative financing mechanisms that are supported under section 301; and

"(B) shall require that such community-based organization enter into a contract, for the purpose of expanding opportunities under section 301 and facilitating the administration of the alternative financing mechanisms, with—

"(i) commercial lending institutions or organizations; or

"(ii) State financing agencies; and

"(4) a contract between a State that receives a grant under section 301 and a community-based organization described in paragraph (3)—

"(A) shall include a provision regarding the administration of the Federal and the non-Federal shares in a manner consistent with the provisions of this title; and

"(B) shall include any provision required by the Secretary dealing with oversight and evaluation as may be necessary to protect the financial interests of the United States.

"SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.

"A State that receives a grant under section 301, together with any community-based organization that enters into a contract with the State to administer an alternative financing mechanism that is supported under section 301, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

"(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific device or service to be provided.

"(2) A policy and procedure to assure that access to the alternative financing mechanism shall be given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or assistive technology service requested and shall be made available to applicants of all income levels.

"(3) A procedure to assure consumer-controlled oversight.

"SEC. 304. FINANCIAL REQUIREMENTS.

"(a) FEDERAL SHARE.—The Federal share of the costs described in section 301(a) shall be not more than 50 percent.

"(b) REQUIREMENTS.—A State that desires to receive a grant under section 301 shall include in the application submitted under section 302 assurances that the State will meet the following requirements regarding funds supporting an alternative funding mechanism assisted under section 301:

"(1) The State shall make available the funds necessary to provide the non-Federal share of the costs described in section 301(a), in cash, from State, local, or private sources.

"(2) Funds that support an alternative financing mechanism assisted under section 301—

"(A) shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide public funding options; and

"(B) may only be distributed through the entity carrying out the alternative financing mechanism as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

"(3) All funds that support an alternative financing mechanism assisted under section 301, including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

"(4) Funds comprised of the principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism assisted under section 301. Any interest or investment income that accrues on such funds after such funds have been placed under the control of the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

"SEC. 305. AMOUNT OF GRANTS.

"(a) AMOUNT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant under section 301 shall be for an amount that is not more than $500,000.

"(2) INCREASES.—Such a grant may be increased by any additional funds made available under subsection (b).

"(b) EXCESS FUNDS.—If funds appropriated under section 308 for a fiscal year exceed the amount necessary to fund the activities described in acceptable applications submitted under section 302 for such year, the Secretary shall make such excess amount available, on a competitive basis, to States receiving grants under section 301 for such year. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 302. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than the amount of any additional funds paid to the State by the Secretary under this subsection.

"(c) INSUFFICIENT FUNDS.—If funds appropriated under section 308 for a fiscal year are not sufficient to fund each of the activities described in the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under section 301, may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

"SEC. 306. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, and the information and technical assistance shall include—

"(1) assisting States in the preparation of applications for grants under section 301;

"(2) assisting States that receive such grants in developing and implementing alternative financing mechanisms; and

"(3) providing any other information and technical assistance to assist States in accomplishing the objectives of this title.

"(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 301.

"SEC. 307. ANNUAL REPORT.

"(a) IN GENERAL.—Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported under section 301 during the year is making significant progress in achieving the objectives of this title.

"(b) CONTENTS.—The report shall include information on—

"(1) the number of applications for grants under section 301 that were received by the Secretary;

"(2) the number of grants made and the amounts of such grants;

"(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

"(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or consortia of such organizations) with which each State has entered into a contract; and

"(5) the amount of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service received, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or a rural population).

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) AVAILABILITY IN SUCCEEDING FISCAL YEAR.—Amounts appropriated under subsection (a) shall remain available for obligation for the fiscal year immediately following the fiscal year for which such amounts were appropriated.

"(c) RESERVATION.—Of the amounts appropriated under subsection (a), the Secretary shall reserve $250,000 for the purpose of providing information and technical assistance to States under section 306.".

TITLE IV—AMENDMENTS TO OTHER ACTS

SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)(1)) is amended—

(1) by striking ", and" at the end of subparagraph (D) and inserting a comma;

(2) by striking the period at the end of subparagraph (E) and inserting ", and"; and

(3) by adding at the end the following:

"(F) training in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3)))."

SEC. 402. REHABILITATION ACT OF 1973.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.—Section 202(b)(8) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by striking "characteristics of individuals with disabilities" and inserting "characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations,".

(b) TRAINING.—Section 302(b)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by section 302(b) of Public Law 102–569 (106 Stat. 4412), is amended—

(1) by striking "; and" at the end of clause (ii) and inserting a semicolon;

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3)))."

SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE HEAD START ACT.

Section 644(f) of the Head Start Act (42 U.S.C. 9839(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or to request approval of the purchase (after December 31, 1986) of facilities," after "to purchase facilities"; and

(B) by adding at the end the following: "The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or that was previously purchased" before the semicolon;

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (i); and

(ii) in clause (ii)—

(I) by inserting ", or would have prevented," after "will prevent"; and

(II) by striking "and" at the end;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and".

SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTIVE TECHNOLOGY DEVICE.—Section 7(23) of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as added by section 102(n) of Public Law 102–569 (106 Stat. 4350), is amended—

(1) by striking "3(1)" and inserting "3(2)"; and

(2) by striking "2202(1)" and inserting "2202(2)".

(b) ASSISTIVE TECHNOLOGY SERVICE.—Section 7(24) of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as added by section 102(n) of Public Law 102–569 (106 Stat. 4350), is amended—

(1) by striking "3(2)" and inserting "3(3)"; and

(2) by striking "2202(2)" and inserting "2202(3)".

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) COMPLIANCE.—Each State receiving a grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall comply with the amendments made by this Act—

(1) as soon as practicable after the date of the enactment of this Act, consistent with the effective and efficient administration of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; but

(2) not later than—

(A) the next date on which the State receives an award through a grant under section 102 or 103 of such Act; or

(B) October 1, 1994,

whichever is sooner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the technology-related assistance for the Individuals With Disabilities Act Amendments of 1994. The Subcommittee on Select Education and Civil Rights understands the urgency and importance of this legislation to the disability community and has moved to incorporate many of their recommendations in this reauthorization.

This bill is the culmination of a bipartisan effort. Moreover, the House and Senate have reconciled the differences in their respective bills, resulting in the strong piece of legislation which I present to the House today.

The State programs of technology-related assistance have come a long way since their inception in 1988. At that time, many individuals with disabilities were not aware of the existence of specific assistive technology devices tailored to their specific needs. Today, however, they can dial a 1–800 number in their State and actually get a voice at the other end of the line—a voice of someone who is a specialist in locating funding sources to pay for assistive technology. Additionally, individuals with disabilities can visit their State program at various sites, where they can try out devices and receive training in their use. The development and implementation of these programs have undoubtedly improved the ability of individuals with disabilities to live independently and pursue meaningful careers.

This bill provides a 5-year reauthorization for title I, which will sunset in 10 years after one more reauthorization. Congress never intended for this program to become a permanent Federal grant program. Instead, we envisioned a program which would eventually take on a life of its own after an adequate amount of Federal seed money. When Federal funding is terminated, all 50 States will have had the benefit of 10 years of Federal support. Based on the progress of those States which are 5 years into their 10-year Federal cycle, 10 years should be ample time for the States to line up alternative sources of public and private funding for the future.

Title I includes clearer standards of accountability for the States to ensure that the bill's goals are accomplished within the period of Federal funding. Some of the changes to be made in title I include the following:

First, the requirement that States perform six specific systems change and advocacy activities, including outreach to underrepresented populations and rural populations.

Second, the requirement that States provide a specific amount of title I funds to a protection and advocacy agency, so that individuals with disabilities have access to legal representation when they are denied access to assistive technology to which they are entitled under law. It is imperative that these grants or contracts be in place no later than 60 days after the enactment of this legislation.

Third, the requirement that State lead agencies and protection and advocacy agencies be redesignated for good cause.

Title II also is reauthorized for 5 years. The new title II requires the Secretary of Education to develop a national classification system for assistive technology devices and services. It also includes grants for personnel training, technology transfer, recycling demonstration projects, business opportunities for individuals with disabilities, and the development of products of universal design.

Title III is a new but vital addition to current law. Across the Nation, there is a lack of capacity to deliver assistive technology devices and services to consumers. The experience of several States in establishing low-interest loan programs has demonstrated the effectiveness of alternative financing mechanisms in enabling individuals with disabilities to secure assistive technology in an expeditious manner. Therefore, title III introduces a program of one-time, Federal grants to States for establishing alternative financing mechanisms.

I urge my colleagues to pass this legislation to enable individuals with disabilities to continue their drive toward full inclusion and integration in the economic, political, social, cultural, and educational mainstream of our society.

□ 1450

Mr. Speaker, I wish to thank the gentleman from Michigan [Mr. FORD], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from North Carolina [Mr. BALLENGER], and other members of my subcommittee in the House, as well as the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Iowa [Mr. HARKIN], and the Senator from Minnesota [Mr. DURENBERGER] for their support in this bipartisan effort.

Mr. Speaker, I submit the following documents for insertion into the RECORD.

U.S. SENATE, COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, February 7, 1994.

Hon. MAJOR OWENS and
Hon. CASS BALLENGER,
Subcommittee on Select Education and Civil Rights, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. OWENS AND MR. BALLENGER: We are in receipt of your February 4, 1994 letters seeking a clarification of congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five-year reauthorization for the Technology-Related Assistance for Individuals with Disabilities Act.

We fully concur with your understanding of the policy in the bill regarding the above referenced provisions.

Sincerely,
DAVID DURENBERGER,
Ranking, Subcommittee on Disability Policy.
TOM HARKIN,
Chair, Subcommittee on Disability Policy.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 4, 1994.

Hon. TOM HARKIN,
Chairman, Subcommittee on Disability Policy, Senate Labor and Human Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to clarify Congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five-year reauthorization for the Technology Related Assistance Act for Individuals with Disabilities.

It is our intent that States receiving grants under Title 1 of the Technology-Related Assistance Act for Individuals with Disabilities will receive grants under this title for not more than a total of 10 years. Included in that 10 years are: one three-year development grant, one 2-year extension of that development grant if the State demonstrates to the Secretary of Education that they have made significant progress in developing and implementing a consumer-responsive, comprehensive, statewide program of technology-related assistance, and one 5 year second extension grant based on the above requirement. In year four and five, a phase-out of the second extension grant will occur with a State receiving 75% of their grant award in year four and 50% of their grant award in year five. After the fifth and final year of the second extension grant, no State will receive any Federal funds under Title I of this Act.

While we understand your concerns that the length of the authorization for this Act should be five years for purposes of oversight, it is our intent that no State should receive Federal assistance under Title I of this Act, the State grant program, for more than ten years. As you may recall, in 1988 when this program was created, and original Congressional intent was to provide Federal seed money to States to help them develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance. We do not believe that the Congress intended for this program to become a permanent Federal grant program and it is for that reason that we strongly support this sunset provision.

We hope that this is your understanding of the sunset and five-year reauthorization provisions of H.R. 2339 so that we can ensure this policy is clearly explained during the House and Senate floor debate when this bill is considered. We appreciate your consideration of this issue and look forward to hearing your views.

Sincerely,
MAJOR OWENS,
Member of Congress.
CASS BALLENGER,
Member of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

I rise to support H.R. 2339, the Technology Related Assistance for Individuals with Disabilities Act Amendments of 1994. This bill represents a bipartisan agreement worked out between the House and the Senate. I want to commend the gentleman from New York, [Mr. OWENS] the gentleman from Iowa Senator HARKIN, the gentleman from Minnesota, Senator DURENBERGER, and all the staff for all the hard work and consistent efforts they did in order to work out the differences between the two bodies so that we can all support this bill today. The House passed this bill last August and the bill today reflects many of the policies made in the original House bill.

H.R. 2339 makes several changes in the current law to strengthen activities States are doing in order to make assistive technology devices and services available to individuals with disabilities. Assistive technology does make a difference in the lives of individuals with disabilities by providing them the opportunity to live independent and productive lives, and this legislation will continue to help make such assistive technology more accessible and available to them. With the issue of health care reform on the horizon for Congress to consider, States must have a delivery system in place for individuals with disabilities to access assistive technology and devices. H.R. 2339 makes such a delivery system possible.

I am particularly pleased that this bill has a sunset provision repealing this program in fiscal year 2002. This will allow all States to participate in this program for no more than a total of 10 years with a phase out of Federal dollars in years 9 and 10. When Congress enacted this act in 1988, it was intended to provide Federal seed money to States to develop and implement a statewide system to eliminate barriers and make assistive technology accessible and available. The goal being that once that was accomplished, this Federal program would no longer be needed. While H.R. 2339 does have a 5 year authorization at the request of the other body for purposes of oversight, it is our intent that no State receive Federal assistance under title I of this act for more than 10 years. This policy is defined in a letter to Senator HARKIN and Senator DURENBURGER from Chairman OWENS and myself. I would like to include in the RECORD at the end of this debate both letters. I am glad the policy to end a Federal program once it accomplishes its intended goals was retained in this legislation.

I also support the new provision creating a one-time Federal matching grant to States to develop alternative financing systems so that individuals with disabilities can access financial assistance in order to purchase assistive technology devices. This Federal investment will be no more than $500,000 per State and will be matched dollar-for-dollar by the State. The State will have the authority to decide what type of alternative financing system to develop, such as a low interest loan or a revolving loan program, and will be required to have commercial lending institutions or State financing agencies jointly administer the program with a community-based organization. The Federal dollars will only provide seed money to help assist States develop their own alternative financing system, and such a system must be the payor of last resort. I believe this provision is essential if we expect individuals with disabilities to purchase assistive technology in order to become more independent.

I support this legislation and believe it will truly change the lives of individuals with disabilities. I urge my colleagues to support the passage of H.R. 2339.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 2339, the Technology Related Assistance for Individuals with Disabilities Act Amendments of 1994. This legislation was enacted in 1988, as a Republican initiative, to improve occupational and educational opportunities for individuals with disabilities through assistive technology devices and services. The intent of the original act was to provide Federal seed money to States to assist them in developing and implementing statewide programs that increase access to, and availability of, assistive technology devices and services.

H.R. 2339 is a compromise between the House and the Senate but reflects many of the policies addressed by the original House bill. During the reauthorization process, it came to our attention that States still need time to change their current systems in order to make assistive technology accessible and available to individuals with disabilities. H.R. 2339 authorizes a second 5 year extension grant to States who have demonstrated significant progress in developing and implementing these statewide programs. However, once a State has participated in this program for a total of 10 years, Federal assistance under this program will terminate. I support this sunset provision, and believe it sends a message to States to remove barriers to assistive technology throughout the State.

I also support the new provision which will encourage States to develop alternative financing mechanisms, such as a low interest loan program, to enable individuals with disabilities to purchase assistive technology devices. This one-time Federal matching grant will be for no more than $500,000 per State. One of the biggest criticisms we have heard has been the lack of financial assistance available to individuals with disabilities to purchase assistive technology. If States decide to create alternative financing mechanisms, such financial assistance will be available as the payor of last resort once all other public assistance has been denied. I believe these financing systems will be the legacy of the Technology-Related Assistance Act for individuals with disabilities by providing access to much-needed financial assistance necessary to purchase assistive technology.

I support H.R. 2339 because I have seen the benefits that assistive technology has made in the lives of individuals with disabilities. Assistive technology can be the difference in whether an individual has the opportunity to be independent or is confined to a life of dependency on others. This legislation can make that difference and I urge my colleagues to support it.

Mr. OWENS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2339, and I am pleased that this bill will pass the House today without controversy, as it should. With the Chairman's permission, I would like to highlight an important section of this bill which has a direct impact on my district in Salt Lake City.

In a wise move, Congress recently changed the Federal regulations for the Head Start Program to enable local Head Start centers to use Federal funds to purchase their facilities. In light of the low interest rates and rapidly rising rents in many communities, including Salt Lake City, this was a cost-effective and farsighted change in regulations.

A Head Start center in my district had already saved taxpayers $100,000 by purchasing a building before the law was changed. Instead of being praised for good work, they were being sued by HHS for making the change too soon. Unfortunately, the Head Start Program in Utah has had to suffer through a prolonged and expensive court battle as a result of their inadvertent mistake.

No more. Last year Senator ORRIN HATCH and I joined forces to solve this problem. The bill before us today will suspend the legal proceedings against the Salt Lake Head Start center and allow them to purchase their facility. It is an example of how Congress can help strengthen our communities and improve the lives of our children, while saving taxpayer dollars at the same time. It is a living example of reinventing Government.

My deepest thanks to Chairman OWENS for his cooperation and vision in this matter, and to Chairman MARTINEZ, whose subcommittee has jurisdiction on this issue. Together, we made Government work.

□ 1500

Mr. BALLENGER. Mr. Speaker, I know of no Republican Members who want to speak on House Resolution 351, and, therefore, I yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and agree to the resolution, House Resolution 351.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on House Resolution 351, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

IRISH-AMERICAN HERITAGE MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 119) to designate the month of March 1994 as "Irish-American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I would like to acknowledge the good work of my friend and colleague, the gentleman from New York [Mr. MANTON], who is the chief cosponsor of the resolution designating the month of March 1994 as Irish-American Heritage Month, and, further reserving the right to object, I yield to the gentleman from New York.

Mr. MANTON. Mr. Speaker, I rise today in support of House Joint Resolution 246, a resolution I introduced to proclaim the month of March 1994 as "Irish-American Heritage Month."

I am pleased that 218 of my colleagues have joined me in sponsoring this important resolution. I would also like to thank Chairman CLAY for bringing this resolution to the floor.

House Joint Resolution 246 celebrates the heritage of over 40 million Americans of Irish descent. Irish-American Heritage Month is designed to honor all Irish-Americans and complement the hundreds of parades and activities sponsored around the United States every March in honor of St. Patrick's Day.

Mr. Speaker, Irish-Americans have played an important role in U.S. history. Four signers of the Declaration of Independence were Irish born. Commodore John Barry of County Wexford, Ireland, served in the Continental Navy and is widely regarded as the Father of the American Navy. President William Jefferson Clinton is the 19th American President of Irish ancestry. More than 200 Irish-Americans have been awarded the Congressional Medal of Honor. Mary Kennedy O'Sullivan, the first woman organizer of the American Federation of Labor, was of Irish origin. Nine of the generals who served in the Continental Army during the American Revolution were Irish born. Irish-Americans have contributed greatly to the enrichment of all aspects of life in the United States.

The idea for an Irish-American Heritage Month was first conceived by the late John W. O'Beirne, chairman of the American Foundation for Irish Heritage. The passage of this resolution will serve as a tribute to his hard work and dedication to increase the awareness of Irish-American heritage.

Again, I would like to thank my friend, Mr. CLAY, for bringing House Joint Resolution 246 to the floor today. I urge my colleagues to join me in supporting this important resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from New York [Mr. MANTON] for his background on Irish-American Heritage Month and for his eloquent remarks, and, Mr. Speaker, further reserving the right to object, I yield to my good friend and colleague, the gentleman from New York [Mr. FISH,], who is also an original cosponsor of House Joint Resolution 246.

Mr. FISH. Mr. Speaker, I thank my colleague, and, Mr. Speaker, I think this is a most appropriate action for the Congress of the United States to take. This resolution gives a compelling case of the contributions of Irish-Americans to the United States throughout our history, from the very beginning up to date, and, Mr. Speaker, for me it has meaning because of the fact that in my congressional district Tara Circle will soon be a substantial embodiment of a location where we can celebrate the heritage, the culture and the identity of Irish-Americans and their great contributions to this country.

Mr. Speaker, I congratulate my colleagues for bringing this measure before us today.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from New York [Mr. FISH] for his supportive remarks and for being an original cosponsor of this measure.

Mr. Speaker, further reserving the right to object, I am once again pleased and honored to join in as an original cosponsor of this resolution Senate Joint Resolution 119 to honor Irish American Heritage Month for this year 1994. I commend my colleagues, the gentlemen from New York, Mr. MANTON and Mr. FISH for their leadership and support for this resolution.

Millions of Americans trace their ancestral roots to the Emerald Isle, and are immensely proud of this rich heritage. It is indeed fitting that today we in the Congress once again seek a month to honor that very proud Irish-American heritage.

The contributions of Irish-Americans and that proud heritage, was widely observed by many Americans recently when the Nation paid public tribute to the life and career of former House Speaker Thomas P. "Tip" O'Neill on his death. Speaker O'Neill had made many contributions to American life. He was particularly proud of his Irish heritage, as are so many others in America today. Speaker Thomas O'Neill was part of a long line of those of Irish heritage who contributed much to America, particularly our political history. He shall always for example, be remembered in our political folklore for his description of all politics as being local.

It is little noted, but at one time our President of the United States, the Speaker of the House, and the Senate majority leader were all of Irish heritage. During the John F. Kennedy era, the Irish in America held the three highest elected offices in the land. In the modern era, former President Ronald Reagan also proudly pointed to his Irish heritage and ancestral family links to Ballyporeen Ireland.

Not only have the Irish made significant contributions to American politics, but in sports, commerce, our armed services, the arts, and literature, among others, the Irish have contributed to our great Nation's history and culture. A month honoring that heritage is a fitting tribute to the many contributions of those of Irish heritage. Those such as Thomas P. "Tip" O'Neill and Ronald Reagan, and so many others of Irish background have already, and surely will contribute much to America's well being in the future, as well.

Accordingly, I am pleased to rise in support of this important measure, and I urge all my colleagues to join in support of this important resolution.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 119

Whereas the first Irish emigrants arrived in America as early as 1621;

Whereas 9 of the generals who served in the Continental Army during the American Revolution were Irish born;

Whereas Commodore John Barry of County Wexford, Ireland, served brilliantly in the Continental Navy and is widely regarded as the father of the American Navy;

Whereas James Smith, George Taylor, Matthew Thornton, and Charles Thomson, 4 of the individuals who signed the Declaration of Independence, were Irish born and 9 other signers were of Irish ancestry;

Whereas the contributions of the Irish to America's victory in the American Revolution led Lord Mountjoy to exclaim in the British Parliament that "America was lost by the Irish emigrants";

Whereas beginning at the time of the potato blight and famine in Ireland in 1845, over 700,000 Irish immigrants came to the United States during the 1840's, 900,000 during the 1850's, and over 300,000 in each decade through 1910;

Whereas Irish Americans participated heavily in the industrial and economic development of America during the nineteenth century, building our cities and canals and the railroads that expanded the Nation to the West;

Whereas even today, it is said that under every railroad tie an Irishman is buried;

Whereas the Irish contributed greatly to the development of the labor movement in the United States, including the establishment of the American Miners Association in 1861;

Whereas nearly 150,000 natives of Ireland served in the Union forces during the Civil War;

Whereas more than 500 members of the Irish Brigade were killed while fighting for the Union in the Battle of Antietam on September 17, 1862, a date that has been called the bloodiest day in American history;

Whereas the Irish Brigade fought courageously in several other Civil War battles including Fredericksburg, Chancellorsville, Yorktown, Fair Oaks, Gaines Mill, Allen's Farm, Savage Station, White Oak Bridge, Glendale, Malvern Hill, Gettysburg, and Bristow Station;

Whereas in 1892, Annie Moore from County Cork, Ireland, at age 15 became the first immigrant to pass through Ellis Island;

Whereas Irish Americans have made numerous contributions to the arts and to sports, as exemplified by the achievements of F. Scott Fitzgerald, Eugene O'Neill, Helen Hayes, Georgia O'Keefe, John L. Sullivan, and Connie Mack;

Whereas the first woman to serve as the organizer of the American Federation of Labor was Mary Kennedy O'Sullivan;

Whereas at the beginning of the twentieth century, many of the school teachers in America's largest cities were Irish American women;

Whereas President John F. Kennedy was the first American President to visit Ireland during his term in office;

Whereas Irish Americans, including Kathryn Sullivan, the first American woman to walk in space, and Christa Corrigan McAuliffe, America's first school teacher in space who perished on the Challenger mission, have bravely served as America's pioneers in space;

Whereas more than 200 Irish Americans have been awarded the Congressional Medal of Honor;

Whereas President William Jefferson Clinton is the nineteenth American President of Irish ancestry;

Whereas 37 United States governors and mayors designated March 1993 as "Irish-American Heritage Month"; and

Whereas 44 million Americans are of Irish ancestry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1994 is designated as "Irish-American Heritage Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 51

Ms. SCHENK. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 51.

The SPEAKER pro tempore. Without objection, the gentlewoman's remarks will appear in the RECORD.

There was no objection.

PRESIDENT'S HEALTH CARE PLAN NOT DOWN FOR THE COUNT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, inside the beltway the special interests and the Republicans are saying the health care bill is in trouble. They are saying this, despite the fact that the first inning has not even started, and we have not even had one vote on the plan.

Mr. Speaker, those that count President Clinton out early should remember what happened with the budget reconciliation bill and with NAFTA. Outside the beltway the American people want health care reform, and they want the President's plan.

The truth of the matter is that the President's plan makes sense, and it is the only one on the table that provides guaranteed private insurance that can never be taken away.

Mr. Speaker, inside the beltway everybody is crowing about how the health care plan is in trouble. But when the American people see who is doing what, they will side with the President's plan. And once again, like NAFTA, like the budget reconciliation bill, the President's plan will win.

Mr. Speaker, the president is leading this Nation and leading the fight for health care reform. He has driven this process and the American people know that the health care system is broken and needs to be fixed.

Some will claim that there is no health care crisis. Others will try to paint the President's plan as overly bureaucratic and as a new budget expenditure.

The truth of the matter is that the President's plan makes sense and is the only plan that provides guaranteed private insurance that can never be taken away. The current debate surrounding the CBO's accounting decisions amounts to arguments between inside-the-beltway policy wonks that should not affect the outcome of health reform.

The President's plan rejects a Government-run, Government-financed system in favor of a system that is rooted in the private sector and builds on the employer system to guarantee every American private comprehensive health insurance.

Mr. Speaker, the campaign of misinformation will, unfortunately, continue but, in the end, the American people will see the President's plan for what it is, an attempt to guarantee good health care for all Americans.

LET'S STOP DISABILITY INSURANCE FRAUD

(Mr. SMITH of Michigan asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, Supplemental Security Income was designed to help the disabled who can no longer work and sustain their incomes. Unfortunately, some people have found that a court interpretation of a 1972 law allows them to take billions of dollars from U.S. taxpayers by having their children classified as disabled because they are slow learners or have behavioral problems. Several constituents brought this unfair situation to my attention. Over the last several months, I drafted a bill to stop this fraud by eliminating extra disability benefits for those under 16 years old, saving taxpayers $3.6 billion per year. Parents of these children would still be eligible for medical care through Medicaid, AFDC and other low income assistance programs, but they couldn't claim disability benefits of an additional $400 per child per month. I plan to introduce legislation this week and invite cosponsors.

The problem of disability abuse has come increasingly into the public spotlight, including this article in last Friday's Washington Post by Bob Woodward and Benjamin Weiser, that I will include as an extension of my remarks.

My bill will protect the integrity of S.S.I. and save billions of dollars for hard working taxpayers.

The article referred to follows:

[From the Washington Post, Feb. 4, 1994]

COSTS SOAR FOR CHILDREN'S DISABILITY PROGRAM: HOW 26 WORDS COST THE TAXPAYERS BILLIONS IN NEW ENTITLEMENT PAYMENTS

(By Bob Woodward and Benjamin Weiser)

Nora Cooke Porter, a pediatrician and lawyer, works on the front lines of the nation's entitlement system. She can barely contain her frustration as she flips through some of the thousands of applications for a federal aid program for disabled poor children that have passed through her Harrisburg, Pa., office over the last two years.

The files show, she says, that children who curse teachers, fight with classmates, perform poorly in school or display characteristics of routine rebellion are often diagnosed with behavioral disorders and therefore qualify for the program's cash benefits, which average $400 a month. Under a broad new federal standard prompted by a 1990 Supreme Court ruling, behavior that isn't "age appropriate" is considered a disability.

Porter feels her hands are tied by the new rules. She has tried to block benefits to children who, in her medical opinion, are not suffering from any disability. Her superiors have overruled her, and she has written detailed rebuttals. Last month, she was suspended without pay for her repeated protests, and she believes her job as a disability-review physician is in jeopardy.

Months before her suspension, she agreed to be interviewed because she believes that the children's disability program is an example of an entitlement system gone haywire. She hopes that her decision to speak out will draw attention from congressional or federal investigators.

The age-appropriate standard is only the most recent flaw in the program, according to Porter and others. They trace the programs' problems to its origin: a vague, little-debated 26-word clause that was hastily inserted in a mammoth welfare bill passed in 1972.

Porter's criticisms are echoed by many others who work in the program. They say they sympathize with the children, many of whom are living in desperate poverty. But, they argue, the program does little to help them with their real troubles, especially since the majority of children who now qualify have mental disorders rather than physical ones.

How to provide for the country's neediest—the old, the young, the poor, the sick, the disabled, the disadvantaged—without bankrupting the Treasury has become one of the central governing questions of our time.

Earlier this week, The Washington Post published a series of articles on the rising cost of Medicaid, the health insurance program that is the government's largest entitlement for the poor. This article examines the little-known children's disability program, another entitlement for the poor, which is experiencing the same skyrocketing costs as Medicaid.

Last year, the children's disability program cost $3.6 billion. It was serving 770,000 at the end of December, a number that none of its sponsors imagined possible when it was enacted 20 years ago, they say. Because disability recipients automatically qualify for Medicaid, the program's rapid expansion also has led to hundreds of millions of dollars in additional costs for that entitlement program.

Children's disability is a component of a larger entitlement program called Supplemental Security Income, or SSI, which provides benefits to poor people who are elderly, disabled or blind. By law, entitlement programs guarantee government benefits to anyone who meets the qualifications set out in legislation or in regulations. Federal spending levels are mandatory, meaning they cannot be altered unless the law is changed.

WHAT CAN HAPPEN

The history of the children's disability program illustrates what can happen when a law is enacted without much debate or study and then becomes subject to interpretation by regulators, advocates and the Supreme Court.

The new age-appropriate standard that Porter criticizes was written by federal regulators after the Supreme Court ruled that the law required the government to use a broader definition of disability in determining eligibility.

Since the court ruling, the number of children receiving benefits has more than doubled. The decision also led to lump-sum back payments for some 150,000 children who had been denied benefits under the old rules. These back payments—which averaged $15,000, with some as high as $75,000—have cost the government $2 billion since 1991, plus at least $287 million more in administration.

In a survey of state disability determination directors conducted last summer, more than half cited "inappropriate use of SSI funding" as the most common concern in their states. Parents or guardians are not required to use the money for therapeutic or medical aid. They can spend the cash payment as they please, as long as it benefits the child in some way. That rule has been interpreted to allow the purchase of a television set, a video game or a car.

"I really have to grapple with the idea that I'm allowing that parent to use the money any way they want to, fairly certain, given the history, that the child is not going to benefit," said a psychologist in the Washington disability determination office. "And that happens to us . . . eight times a day."

The lump-sum payments revealed what both supporters and critics of the program see as the absurdity of federal spending rules. Families receiving the back payments were required to spend the money within six months so that their sudden wealth would not make them ineligible for the income-based program.

Last summer, a group of disability experts and officials met in Washington to discuss the mission of the children's disability program. According to a confidential memo about the July 19 meeting, a congressional staff director "questioned exactly what we were trying to accomplish by giving disabled children benefits."

The response: "From a social policy perspective," the memo said, "it was interesting that no one really had a good answer"—not the policy experts, nor the people who run the program, nor even the people who oversee the legislation.

A CONSOLATION PRIZE

The children's disability program began in 1972 as a kind of consolation prize.

The Senate had just killed the Nixon administration's proposal for a guaranteed minimum income for poor Americans. As a compromise, Congress established SSI to provide aid for the "deserving poor": the elderly, blind and disabled. Initially, no money was set aside for children.

Thomas C. Joe, a senior federal welfare official, inserted the 26-word clause that expanded SSI to cover children. It appeared in parenthesis, as follows: "(or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)."

Joe, 58, now head of a Washington social policy think tank, said that expanding the program to cover disabled children was part of his "incremental strategy" to assist as many poor people as possible. It was a welfare program disguised as disability assistance.

There was no consideration of the financial or policy consequences or of other ways to aid disabled children, according to participants in drafting the original legislation. Nor was there any public hearing that even mentioned Joe's 26-word clause.

Joe acknowledged with some humor that he tucked the provision into the 697-page bill in order to sneak it through. "I was afraid that too many people were going to discover this and it would be a big controversy," he said. "This is a good example of democracy not at work," he added.

The Senate Finance Committee chairman at the time, Russell B. Long (D-La.), made a run at killing the provision. "Disabled children's needs for food, clothing and shelter are usually no greater than the needs of nondisabled children," his staff wrote in a Sept. 26, 1972, committee report. It said disabled children needed health care and rehabilitative services, not money, and noted that Medicaid already covered poor children's health costs in 48 states.

During the closed-door, marathon weekend House-Senate conference in October 1972 to reconcile different versions of the bill, hundreds of other welfare, Medicaid and Medicare issues were being resolved, and SSI received little attention.

"It wasn't thought of as a big deal," said Frank Crowley, a now retired senior staffer who worked on the bill. "It was one of these annoying little details."

The 67-page report from the conference made no mention of how the issue was settled. J. William Kelley, a House Ways and Means Committee staffer at the time, has a copy of the only existing conference paper about Senate amendment No. 564, which called for dropping Joe's provision. The single sheet reads: "CONFIDENTIAL. Summary: The House bill authorizes payment to children under age 18. The Senate bill does not." The line under "Cost" was left blank.

When the conference report was presented to the House on Oct. 17, 1972, Rep. Phillip Burton (D-Calif.) rose to praise the new program. "Thanks to Tom Joe, this is now a reality," he said.

WHAT IS DISABILITY?

Joe's amendment became law without anyone addressing the obvious question: How do you define disability for a child?

Previously, disability assistance had been premised on the disabled person's inability to work. The purpose was to make up for lost income. The bill creating SSI defined a disabled adult as someone "unable to engage in any substantial gainful activity."

But children don't work, at least until they become teenagers. "It is ludicrous on its face to apply the same standard to children," said Joseph Humphreys, a former congressional staffer who worked on the 1972 bill. Humphreys called the 26 words "a punt by Congress" that left regulators to decide what to do.

The meaning of Joe's 26 words—especially the phrase "comparable severity"—has been controversial ever since. Even today, Joe said, he doesn't know exactly what the phrase was supposed to mean.

In writing regulations, the Social Security Administration, which runs SSI, said an adult was eligible if his or her disability appeared on a predetermined list of physical and mental impairments. If it didn't, the adult could still qualify by having a personal evaluation that determined that he or she was unable to work.

The regulations treated children differently. They had to manifest one of the listed impairments, such as acute leukemia, chronic epilepsy or serious mental retardation. Because children generally don't hold jobs, individual evaluations were not considered necessary.

In the early 1980s, the Reagan administration moved to slash the number of people on federal assistance programs, including SSI. One of the thousands of people affected was Brian Zebley, a 5-year-old retarded boy. His family filed a lawsuit, charging that the government was illegally denying benefits to Brian and other children.

As the case wound its way through the federal courts, it attracted a vigorous and passionate advocate—Jonathan Stein, a legal services lawyer in Philadelphia. The legal counterpart to Joe, Stein saw the courts as a way to extend benefits to the poor. He and a colleague, Richard Weishaupf, took Zebley's case all the way to the Supreme Court.

Stein spotted the logical flaw in the administration's way of determining eligibility: The "comparable severity" test could not be applied to children unless the methods of assessing disability in adults and children were themselves comparable. Children deserved the same kind of individual assessments that adults were receiving, Stein argued.

A Supreme Court case often carries the expectation that large constitutional, moral or social issues will be addressed. The Zebley case, however, was framed narrowly: Had the government properly interpreted the law? In 1990, in Sullivan v. Zebley, the Supreme Court ruled 7-2 in Zebley's favor and ordered the Social Security Administration to give children the same individual analysis as adults.

To implement the high court's ruling, the agency asked a panel of experts to settle the question: What is the work of a child?

The panel's answer, in the form of new regulations, is the primary cause of Nora Porter's complaints. The new rules defined a child as disabled if his impairments "substantially reduce" his ability to "grow, develop or mature physically, mentally or emotionally and thus to engage in age-appropriate activities of daily living." These activities ranged from learning, communicating and performing in school to interacting appropriately with peers and family members.

Social Security officials said the panel was seeking a common-sense way of comparing children and adults. In Porter's view, they failed. "Age appropriate is a fictitious standard," she said. "It applies to the perfect child, and any deviation from that allows someone to apply for and likely be declared disabled."

James Perrin, a Harvard Medical School pediatrician who helped develop the regulations, said Porter's criticism was unrealistic and out of touch. He said physicians need some standard to assess a child's behavior. "None of us can think about children without raising the question of age-appropriate behavior," he said. "There's no way of approaching children and adolescents without thinking about that."

VICTORY PROVIDES LEVERAGE

Stein's legal victory gave him enormous leverage over the children's disability program. According to federal and state officials, he became the program's de facto supervisor.

Stein regularly threatened to seek contempt-of-court citations when he felt the Social Security Administration wasn't implementing the rules fast enough. He also provided the news media with information on how the agency's foot-dragging was costing hundreds of thousands of disabled children money that the Supreme Court said they deserved.

One of Stein's most significant accomplishments was getting Social Security to review roughly 450,000 cases, dating to 1980, in which children had been denied benefits. This led to the 150,000 lump-sum back payments.

But not even Stein could do anything about the government's requirement that the recipients spend the money within six months to remain eligible for the program. Stein unsuccessfully tried to create an exception for back payment recipients, calling the rule "Kafkaesque."

The rules legitimized and even encouraged shopping sprees. In a case that both federal officials and program advocates said was fairly typical, Beverly Smith of Greenville, Ky., received a back payment in 1992 of $13,000 for her 11-year-old son, who is hyperactive and was deemed disabled under the new rules. Smith, who earns about $8,000 a year sweeping up in a local bank, said she was shocked to receive so much money at once.

She used the money to buy a car, a washer and dryer, a refrigerator, a stove, a television, a $2,500 computer and three jogging suits for her son, she said in a recent interview. She also repaired her bathroom, leaky roof and collapsed hallway floor.

The computer, she said, has helped her son to sit still for long periods of time for the first time in his life. The stove had to be fitted with protective glass doors because her son once started a fire in the kitchen.

Smith now receives a regular monthly SSI check from the government for $446, in addition to Medicaid benefits.

In other cases disability money—both the back payments and the monthly checks—has been spent on everything from medical expenses not covered by Medicaid to family vacations. In some cases, families have tried to avoid the spending sprees by establishing trust funds for children, but such arrangements are legally complex and prohibitively expensive.

The Social Security Administration does require an accounting from the person who is entrusted with the child's check. But the agency does not have the resources to scrutinize spending on a large scale. A guardian is suspended only if an egregious misuse of the money is called to the agency's attention.

"When you get into programs like this," said Louis D. Enoff, a 30-year veteran of the Social Security Administration and its acting director until July 1993, "if you write something that's very, very tight, then you have great difficulty. . . . You're going to have to follow up with a tremendous administrative detail to follow it through. What are we going to do? Follow every penny and ask for check stubs? And go see the evidence?"

Enoff said he wasn't sure a purchase such as a car should be allowed. "Yeah, they may buy a new car, but it's not a Mercedes or something," he said. "That's probably benefiting the kid as much as anything, because he needs treatment and he gets better treatment. . . . If the child has to go to the hospital once a week, there're taking a cab now. So you pay for the car pretty quickly." He added, "I mean, I would not buy a car, maybe, if it was me."

Social Security officials said the evidence of abuse is small. "I believe that most people are honest people. . . . who really care about their kids," said Barry Eigen, a senior Social Security official. They're not trying to beat somebody out of something. They need this."

FRACTURED ADMINISTRATION

Administration of the child disability program is divided among state and federal offices in a vast, fractured system where hardly anyone is responsible for seeing the big picture.

First, applicants visit federal Social Security offices, where financial eligibility for the program is determined. Then, the applications are sent to separate state offices, such as the one where Porter works in Harrisburg. The state offices determine medical eligibility. Finally, the cases return to the Social Security offices, which make the monthly payments and oversee the spending of the money.

Doctors and examiners in the state offices make their judgments on the basis of applications and medical assessments. They almost never meet the children they are evaluating or the parents who are spending the money. "Our work begins in the mailroom when we receive a file and ends in the mailroom when we send it back with an allowance or disallowance," said Myrtie Adkins, the Maryland office director.

Meanwhile, the Social Security officials who see the applicants have no input on the disability determination. "We don't question the decision," said Ruby Burrell, head of the Camp Springs, Md., Social Security office. "We don't even question if they are really disabled. It would be improper to do that. . . . You meet the criteria, you get the benefits."

Many recipients come from troubled families, where parents or guardians may have their own addictions or pathologies.

Karen Bolewicki, a senior examiner in Maryland for eight years, said "at least one-third" of her cases involve families in which a parent is a drug or alcohol abuser. And Maryanne Bongiovani, a psychologist in Maryland for five years with a PhD, said a quarter of the 4,000 children's cases she has reviewed involve sexual abuse by a family member.

Kenneth R. Carroll, a psychologist with a PhD and a former colleague of Porter's in Pennsylvania, said these troubled family situations made him uncomfortable approving certain applications. "Many of the problems these children manifest are largely traceable to parental neglect or abuse," said Carroll. "Behavioral and emotional problems or conduct disorders that are directly attributable to inadequate parenting are being called disabilities, and the parents are receiving a cash award for having achieved the problem."

But Leslie Ellwood, a pediatrician with Virginia's office of disability determination, said just because a disability stems from poor parenting doesn't mean the children do not deserve assistance. "You don't want to visit the sins of the parents on the child," Ellwood said.

To address all these complicated questions, the government has now written some 40,000 words to interpret Tom Joe's original 26-word phrase. "We're doing a lot here based on one little statement," said Louis Enoff. "And is this really what was meant?"

CLINTON TOLD SOME REAL WHOPPERS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. INHOFE. Mr. Speaker, I was coming up from Tulsa, OK, on the plane last night and saw an article from USA Today called "Clinton Told Some Real Whoppers." There is not time in 1 minute to go over them, but it is really incredible.

He said that 58 million Americans go without health insurance and it is really 38 million Americans, and two-thirds of those are between jobs.

He indicated "Our economic program has helped produce the lowest core inflation rate and the lowest interest rates in 20 years." False again. The interest rates have been tumbling for the last 9 years. His budget did not even go into effect until October 1, and interest rates have been going up since them.

"For 20 years wages of working people have been stagnant or declining." Wrong again, Mr. President. The average disposable after-tax income of Americans has risen 39 percent in the last 20 years.

It is incredible how the President can say false things with such conviction. I include this article for the RECORD so that others can enjoy it too.

The article referred to follows:

[From USA Today, Feb. 7, 1994]

CLINTON TOLD SOME REAL WHOPPERS!—THE PRESIDENT'S STATE OF THE UNION SPEECH BENT THE TRUTH ON A NUMBER OF ECONOMIC AND HEALTH-CARE ISSUES. HERE'S HOW.

Jimmy Carter once promised the American people, "I will never lie to you." Bill Clinton has made no such vow, and it's a good thing. The exuberant chief from Arkansas has many talents, but sticking to facts is not one of them. His well-received State of the Union address teemed with whoppers, particularly on the crucial issues of the economy and health care.

The first substantive lines of the speech set the tone. "For 20 years," he declared, "the wages of working people have been stagnant or declining. For the 12 years of trickle-down economics, we built a false prosperity on a hollow base as our national debt quadrupled."

Both sentences took liberties with the record. Americans haven't gone broke. The average disposable (after-tax) income of Americans has risen 39% since 1972, and median family income has grown more than 12%—after accounting for inflation.

The "false prosperity" of the 1980s included the largest peacetime economic expansion in U.S. history, which created more than 18 million jobs. Unemployment tumbled to 5.3% in 1989, far lower than anything the president predicts during his helmsmanship. Personal and family income for blacks and Hispanics reached all-time highs in 1987, the heart of the Reagan recovery.

Clinton used his opening salvo to prepare the ground for a before-and-after comparison and proclaim the superiority of Clintonomics over Reaganomics.

"This Congress," he boasted, "produced a budget that cut the deficit by half a trillion dollars, cut spending and raised income taxes on only the wealthiest Americans."

Yet according to the budget submitted last year by the administration, Congress expected to reduce the annual federal deficit over five years from $322 billion to about $214 billion—with the figure zooming above $400 billion shortly thereafter. In other words, the red ink would recede only temporarily—and only if you don't count the hundreds by the Clinton health-care plan, which the president wants to put "off budget."

As for spending "cuts," the original Clinton plan sought to increase federal outlays over five years by a cumulative total of $1.3 trillion, while piling an additional $1.1 trillion onto the debt.

The tax hikes targeted for the "super-rich" will affect people earning as little as $22,000 a year. The administration avoided admitting this by using a little trick. It counted as personal income anything one could sell in an emergency: home, insurance policies, savings, pensions, investments and so on.

Later in the speech, Clinton crowed that "experts predicted that next year's deficit would be $300 billion. But because we acted, those same people now say the deficit's going to be under $180 billion, 40% lower than was previously predicted."

This passage includes a crucial fallacy. Clinton didn't have anything to do with last year's budget, George Bush's last, in which the deficit shrank from a projected $322 billion to $235 billion.

If Congress had passed Clinton's "stimulus" package, things would have been different. Taxpayers would have had to support at least $8 billion in fresh spending during 1993 and $109 billion through 1997.

Next: "Our economic program has helped produce the lowest core inflation rate and the lowest interest rates in 20 years." Sorry: Interest rates have been tumbling for nine years. Alan Greenspan gets credit for that. And all the bragging about last year overlooks one telling fact. The Clinton budget didn't even take effect until Oct. 1. Since then, interest rates have crept upward.

And: "We have proved we can bring the deficit down without choking off recovery, without punishing the seniors or the middle class, and without putting our national security at risk." Actually, "we" didn't prove anything in 1993, except that "we" could inherit a rebounding economy. Still, the sentence does describe nicely the Reagan recovery of 1982–87.

Finally, the president asserted that 58 million Americans go without health insurance at some time during the year. Figures published by the Employment Benefits Research Institute place the number of uninsured at 38 million and show that nearly three-quarters of these people go without coverage for eight months or less.

Every commander in chief shades the truth, of course, especially in set-piece orations like the State of the Union. But while most presidential prevarications involve simple overstatements, Clinton demands great, huge, Texas-sized fibs.

Now the public will get to judge his performance. Today, Clinton stands on the threshold of his presidency. His first budget kicked in four months ago. His tax policies have begun to bite. Of all his buoyant predictions, only one stands above question: "The buck stops here."

TRANSFER OF SPECIAL ORDER TIME

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS] be permitted to take the 60-minute special order previously granted to the gentleman from Georgia [Mr. GINGRICH] for today, February 8, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RESPONSIBILITY IS BEGINNING TO WORK

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, responsibility can be hard to find around this town. In the process of trying to get reelected, we sometimes see Presidents acting in ways that are not in the most responsible and best long-term interests of our country. The growth of the enormous budget deficit is a prime example of blatant irresponsibility in the Capitol.

I am delighted, therefore, to now reap the benefits and results of an act of genuine and committed responsibility—a shrinking deficit. Last year, many of us voted in support of President Clinton's deficit reduction bill. This legislation was a firm and responsible effort to reverse the skyrocketing tract that the Federal deficit had been on for the past decade. If this effort had not been made, the deficit would now be $126 billion higher with even bigger projections predicted for the years ahead.

Fortunately, the budget deficit fell significantly last year and is expected to fall for the third year in a row in 1995. A 3-year decline is remarkable considering that it hasn't occurred since President Truman was in the White House. Mr. Speaker, if you take a look around, you can seek the sights and sounds of something new—responsibility is beginning to work and it sure looks good.

MAKEUP OF FEDERAL RESERVE NOT REPRESENTATIVE OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, for the past 2 years all of us have been hoping and working and worrying about how to restore economic growth. Meanwhile over at the Federal Reserve, they've been worrying about inflation. Now that there is the pale sunshine of possible healthy growth and we see a few tender shoots of consumer confidence, the Fed is determined to transform it into winter again—burying our hopes under the mudslide of higher interest rates. To the Fed, the possibility of prosperity is a threat.

The Federal Reserve believes that if the United States actually starts moving forward, the result will be that nasty old devil of inflation. So their policy is to let us all know that zero prosperity with low inflation and plenty of fear and hardship, is much to be preferred to modest and healthy growth. So they follow a monetary policy that in effect, buries optimism under a mudslide. We will live through it, but we will all know who runs the show—and that is the Fed.

But what is the Fed? It is, to be sure, our independent central bank, whose mission has always been to smooth out bumps in the economy that used to be called panics.

The Fed was conceived by bankers and has always been dominated by people with the same narrow vision. Since its founding in 1913 the Fed has had 87 governors and 110 presidents at the 12 Federal Reserve Banks. Among all of these 197 extraordinarily powerful individuals there have been just two governors of color. Of the 110 Federal Reserve Bank presidents, there has been one woman and no—zero, none, nada, zilch—minority appointments. Among the 87 Governors of the Fed there have been 3 women and 2 persons of color—that is all.

You have to wonder: Is only one type of human being suited to carry out the work of a Federal Reserve Bank? Is there only one type capable of being a Fed Governor? Surely there is a truly independent academic or a business man or woman out there who is competent to think about, analyze the economy and steer its direction. Surely there is somewhere in the United States a home builder or labor leader—maybe even an academic—who is perfectly fit to serve on the Federal Reserve Board. There may even be a female, Hispanic, Asian-American or African-American fit to serve—in fact, there surely is.

One of the real problems of the Federal Reserve is that its thinking is narrow, insular, and very often wrong. It cares only about its own power as an institution because it does not have to have the approval of anybody except itself. The Fed is not hurt by an infirm or failing economy; its mistakes are borne by the rest of us.

The Fed's narrow vision, its incestuous, inbred governance, makes it prone to arrogance and error. The place needs airing out. There is a vacancy on the Board of Governors today; what kind of person the President selects to fill it is of more than passing importance.

Today there is an opportunity to throw open at least one window of the Fed, by selecting someone other than the typical banker or banker's academic—by selecting someone who is in fact a competent observer of the economy, and who also looks a little more like the rest of us. As it is today, the Supreme Court, conservative as it is, has more women and minorities on it than the Fed has had in all its history. Presidents, even Republican Presidents, long ago recognized that diversity is good for the Supreme Court. The Fed today is a bastion of segregation; it is time that this changed. The President has the opportunity to make such a change, and I have urged him to do so in a letter I sent him today.

I urge President Clinton to consider appointing someone who represents America as we know it today. It is imperative that any candidate be a free thinker who is willing to stand up for what he or she believes so as not to get swallowed up by the Fed's "old boys network" with its traditional disdain for public accountability and its cult of secrecy.

I include for the RECORD the following items:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, February 3, 1994.
Hon. WILLIAM JEFFERSON CLINTON,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: With the recent announcement of the resignation of Vice Chairman Mullins from the Federal Reserve Board, I want to express my great concern that the current composition of the Federal Reserve does not remotely reflect the diverse nature of the United States. Your commitment to a Federal Government that "looks like America" must include the Federal Reserve, as the decisions and actions of these officials undoubtedly affect every American citizen.

The Banking Committee staff recently released a study on the status of Equal Employment Opportunity (EEO) and women and minority representation at the Federal Reserve Board and Reserve Banks. The report clearly demonstrates the lack of diversity at the highest levels of the Federal Reserve, a condition that unfortunately, also exists at the other Federal banking regulatory agencies.

I am also concerned that efforts to find competent individuals with unique perspectives and backgrounds essential to the development of monetary policy for a diverse country will be jeopardized by limiting potential candidates to only certain professions. I sincerely hope that you will seize this opportunity to depart from the practices of the past and appoint candidates that reflect both this nation's diversity and your commitment to move the entire nation forward.

Thank you for your consideration. With best wishes, I am

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC.

WASHINGTON, DC., February 8, 1994.—Chairman Henry B. Gonzalez of the Committee on Banking, Finance and Urban Affairs today urged President Clinton to "seize the opportunity" to replace departing Federal Reserve Governors Wayne Angell and David W. Mullins "with candidates that reflect this nation's diversity, something which you clearly feel strongly about as evidenced by your own diverse Administration."

In a letter sent to President Clinton today, Chairman Gonzalez said, "I want to express my great concern that the current composition of the Federal Reserve does not remotely reflect the diverse nature of the United States."

"Since the Federal Reserve's establishment in 1913 there have been 87 members of the Federal Reserve Board. Only three have been women and two persons of color," Chairman Gonzalez said. "By any objective measure, this is totally unacceptable and impossible to justify. I have no doubt that the President agrees."

"If Presidents had only treated the FED as they have the Supreme Court, the FED today would at least be more representative of the country. Conservative as it is, the Supreme Court has more women and minorities on it than the FED has had in all its history. Presidents, even Republican ones, long ago recognized that diversity is good for the Supreme Court," he said.

"The statistics show otherwise, however. There is currently only one woman Federal Reserve Governor and no non-white, nonmale president at any of the 12 Federal Reserve Banks. Indeed, there has only been one woman and no minority Bank president among the 110 Federal Reserve Bank presidents since 1913. This pattern of discrimination is disturbing to say the least," said Chairman Gonzalez.

"I urge the Administration to cast a wider net when it considers candidates for Federal Reserve Governor. If yet another white male is appointed, it could be years before he vacates that spot. In the meantime women and minorities are left to wait on the sidelines," he said.

"I am concerned that efforts to find competent individuals with unique perspectives and backgrounds essential to the development of monetary policy for a diverse country will be jeopardized by limiting potential candidates to only certain professions," Chairman Gonzalez wrote to the President.

"The sad truth is the Federal Reserve is an old boy's club whose members are either bankers or friends of bankers. I believe the FED's monetary policy decisions are made more out of concern for its banking constituency than for the average American. While some in the banking industry salivate over the thought of achieving 'zero inflation,' for the working man or woman this could mean an increase in unemployment. I find the FED's lack of sensitivity and compassion disturbing," said Chairman Gonzalez.

"Numerous sectors of our society never get their voices heard at the FED. This is why I am urging the President to consider appointing future Federal Reserve Governors from the ranks of labor, small business, agriculture, consumer and community groups. A different perspective at the FED is long overdue," Chairman Gonzalez said. "Remember, it was the bankers at the FED who in the early 1930s so tightened the money supply that it helped make the Great Depression a reality. Apparently, no one at the FED cared that the man on the street was asking, 'Brother can you spare a dime?'"

"The country has changed tremendously since the Federal Reserve was established in 1913 when depression and unemployment were not major considerations in setting monetary policy. Today the country's economic recovery is nascent at best and unemployment continues to rise. Whomever the President appoints as a Federal Reserve Governor must be cognizant of the impact his or her decisions can have on the average American. To do any less would be irresponsible and possibly damaging," Mr. Gonzalez said.

"Because price indices, which measure inflation, are so inaccurate, we need individuals who will not panic when the inflation rate is 2 percent or less, as it was for 1993. By immediately shifting to slower money growth, this panic attack can cause the money supply to again, stagnate. We need individuals who have an objective of long-term economic growth," Chairman Gonzalez said.

"I urge President Clinton to consider appointing someone who represents America as we know it today. It is imperative that any candidate be a free thinker who is willing to stand up for what he or she believes so as not to get swallowed up by the FED's 'old boys network' with its traditional disdain for public accountability and cult of secrecy."

[From the U.S. News & World Report,
February 14, 1994]

GREENSPAN GOOFS AGAIN

(By Mortimer B. Zuckerman)

Federal Reserve Chairman Alan Greenspan is at it again. He played a key role in prolonging the recession on the '90s by obstinately refusing to recognize that the slide had begun and interest rates needed to come down. When the Fed did belatedly reduce rates it was too little, too late. Rates never fell to the level they did in the 1973–76 recession when nominal short-term interest rates were actually lower than inflation.

Now, just as the economy is beginning to recover, Greenspan declares that he will hike short-term rates to restrain growth. Never mind that there is high unemployment and slack in the economy. Yet again the economic realities are subservient to the inflation neuroses of the Fed. Of course, inflation must be fought—when we have it. But when the Fed tilts at phantom inflation, subpar growth or recession continues, wasting billions of dollars in idle material and human resources.

Greenspan grudgingly recognizes that we are indeed not experiencing inflation. He rests his case on what he calls "inflationary expectations." The theory is that the squeeze must begin soon or it will have to be harsher later on. He believes that "real" short-term interest rates are abnormally low. To calculate "real" short-term rates, he proposes to subtract from nominal rates not real inflation but this curiously subjective notion of "inflationary expectations." Since Fed fund rates are at 3 percent and the stated inflation is 2.7 percent, we can only assume that he judges "inflationary expectations" to be higher than real inflation rates, thereby justifying higher short-term rates, his weapon of choice to slow down the economy.

Greenspan's ghost has little substance. First, most acknowledge that the government's measure of inflation, the consumer price index (CPI), overstates price increases. It does not adjust fully or price hikes that reflect improvements in quality. Nor does it adjust for consumers' changed priorities. Goods and services in the CPI basket are weighted using decade-old household spending patterns. For example, some of today's most widely used items, lime home computers, have fallen dramatically in price, but this is not reflected in the CPI. The CPI's fixed weighting also ignores the fact that consumers often buy private-label and discount goods when big-name brands become too expensive. Even the Fed acknowledges that the CPI may be up considerably less than the published 2.7 percent rate.

Does the 5.9 percent GDP growth for the last quarter of 1993 change the outlook for inflation? Hardly. Capacity utilization has not approached the "flash point" that has signaled inflationary pressures in the past. Unit labor costs, the dominant long-term influence on prices, actually dropped about 2 percent last year because of higher productivity, and this trend will continue because of downsizing and efficient new technologies that enable fewer employees to produce more. Commodity prices have barely moved up. Indeed, the price of oil has been dropping in recent months and will remain low through much of 1994.

There is no sign of a tightening labor market that would presage higher wages. Unemployment has been underestimated by government numbers. The just revised unemployment rate, which stood at 6.7 percent in January, assumes a suspiciously large improvement in part-time work and self-employed personnel—a euphemism for recently fired white-collar workers who are scrambling for consultancies. So total employment remains soft.

Finally, recent growth simultants, like home building and consumer durables, could falter with higher interest rates. The fourth-quarter surge, moreover, was powered by the special inventory buildup in vehicles and the recovery from Midwest floods—one-time happenings. Besides, the deflationary impact of the spending cuts and tax cuts enacted last year has not yet taken its toll.

The Fed would have been better off sitting on its twitching hands. After four years of subpar performance, the economy—and the American people—deserve a break. The president and Congress did their part through dramatic reductions in the budget deficit. Now, it's time for the Fed to do its part by keeping interest rates low.

TO PRESERVE VA'S FLEXIBILITY IN MEETING ITS MEDICAL WORK FORCE NEEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I am introducing a bill, H.R. 3808, that would provide VA flexibility in meeting the workforce needs of its health care system. The bill would also give the Secretary the necessary flexibility to meet his responsibilities in providing medical care under national health care reform.

Mr. Speaker, the Administration's Health Security Act, H.R. 3600, reflects a serious, meaningful effort to address the needs of our Nation's veterans. The act would require that VA health care facilities establish and operate health plans as part of national health care reform, and that VA health plans would be enrollment options for veterans.

H.R. 3600 would have the effect of reforming VA's health care eligibility by entitling its core beneficiaries to the comprehensive benefits provided all Americans under the act. Those core VA beneficiaries—primarily lower-income and service-connected veterans—who enroll with a VA plan would receive needed services without cost-sharing obligations. Under current law, most of these veterans are not now eligible for routine ambulatory care. Entitling enrollees to a benefits package that generously covers preventive and primary care is among the many aspects of the act which will require substantial changes in the VA health care system. VA must change its delivery capacity, organizational structure, accounting and other systems, and even its culture, to operate effectively within a framework of managed competition.

It had been my belief that VA medical facilities could compete under the framework proposed by the act. I am deeply concerned, however, that the veterans' provisions of the Health Security Act, and the hopes veterans have invested in it, are jeopardized by deep employee reductions proposed for the Veterans Health Administration as part of the administration's Federal workforce reduction. As imposed on the VA health care system, these are arbitrary reductions. By their nature, they rob the VA health care system of the very flexibility it will need to make health reform work. It is ironic and troubling that while the President's Health Security Act would specifically vest VA managers with broad flexible authority to hire needed health care personnel, his Office of Management and Budget would render that provision useless by subjecting the Veterans Health Administration to a reduction of more than 20,000 employees over a 5-year period.

Rather than empowering VA facility directors with tools to make VA a cost-effective participant in health care reform, as proposed under the act, the administration—by imposing its workforce reduction policy on this Federal health care system—would require VA medical facilities to make staffing cuts that bear no relation to the operational requirement of providing care to entitled enrollees. Compelling VA's hospitals, clinics, and nursing homes to downsize before they can assess the needs of the patients who will enroll and seek care in those facilities under national health care reform weakens that system's ability to compete, and ultimately disserves our veterans.

Even if the Congress fails to enact health care reform legislation, imposing these employment reductions on the VA health care system is bad public policy. Years of tight budgets have trimmed the VA health care system of whatever administrative fat may have existed in the past. Employment reductions of the magnitude proposed cannot be sustained without eliminating thousands of nurses, doctors, and other essential hands-on-care personnel. Since such critical functions cannot be eliminated, VA will be forced to meet these workforce needs through contracting—often a far more costly avenue.

Because of these deep concerns, I have developed legislation to give VA flexibility to meet its workforce needs. In place of OMB's workforce reduction directive, the bill would free VA to meet those workforce needs as most appropriate and cost-effective—whether through employment or contracting. To give VA the flexibility I think is needed, my bill would establish two key policies. First, it would provide that during the period October 1994 through 1999, no reduction may be made in the number of employees in the Veterans Health Administration other than as specifically required by law or by the availability of funds. Second, it would ease limitations in current law on contracting out activities currently being performed by employees at VA health care facilities. It should be clear that the bill does not dictate the manner in which VA should meet its workforce needs. To the contrary, in the spirit of reinventing government it aims to free VA to carry out its critical health mission through whatever mix of employee and contractor workforce best meets its needs.

Mr. Speaker, I would hasten to reassure my colleagues, with respect to concerns about the potential impact of a provision that removes limits on contracting-out, that the bill provides protections for employees not now provided for under existing law. It would require that in any such contract-out situation the VA must require the contractor to give priority in hiring to any displaced VA employee, and provide such displaced employees with all possible assistance in obtaining Federal employment or entrance into job training and retraining programs.

I believe it is essential that VA not be forced to make substantial reductions in health-care staff at a time when we are about to consider an administration proposal designed to allow VA to compete with other providers under health reform. I will seek to have this legislation reported to the House as soon as possible.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 16 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1602

AFTER RECESS

The recess having expired at 4 o'clock and 2 minutes p.m., the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of approving the Speaker's approval of the Journal.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KOPETSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 235, nays 147, not voting 51, as follows:

[Roll No. 14]

YEAS—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meek
Menendez
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Woolsey
Wyden
Wynn

NAYS—147

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Bonilla
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Penny
Petri
Porter
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Saxton
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—51

Bateman
Bilirakis
Boehner
Boucher
Brown (CA)
Bunning
Burton
de la Garza
DeFazio
Dornan
Fields (LA)
Fields (TX)
Ford (TN)
Gallegly
Gejdenson
Gibbons
Gutierrez
Hamburg
Hastings
Hayes
Hobson
Hunter
Jefferson
Kaptur
Kingston
Laughlin
Meehan
Mfume
Molinari
Neal (NC)
Parker
Payne (NJ)
Pelosi
Portman
Price (NC)
Pryce (OH)
Ridge
Ros-Lehtinen
Roukema
Schaefer
Sharp
Slattery
Smith (OR)
Talent
Thompson
Torricelli
Valentine
Washington
Williams
Wise
Yates

☐ 1630

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, due to the weather I was unavoidably detained in my congressional district in Maryland today, Tuesday, February 8, 1994, and missed rollcall vote No. 14, on approving the Journal of the previous day's proceedings. Had I been here I would have voted "yea."

ORDER OF BUSINESS

Mr. MOAKLEY. Madam Speaker, I ask unanimous consent to transpose my name in the Special Order Calendar with the gentleman from Michigan [Mr. BONIOR]. I do this with the concurrence of my colleague, the gentleman from Michigan.

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRIBUTE TO THE LATE HONORABLE THOMAS P. "TIP" O'NEILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 60 minutes.

Mr. MOAKLEY. Madam Speaker, I have taken out this special order today in honor of the memory of my dear friend, former Speaker Tip O'Neill.

Madam Speaker, I wanted to take this opportunity to give my colleagues in the House a chance to pay their respect to the memory of this great man who so loved this institution. Tip O'Neill was a special breed of public servant. Nothing made this clearer than the thousands of people who waited in line in freezing temperatures for several hours to say goodbye to this man of the people.

Many say that we will never see the likes of Tip O'Neill; that he was the last of his kind. I hope that this is not true. We need now, more than ever, the compassion, the caring, and the dedication that was part of him throughout his entire political career.

As I have said before, we will all miss him, but we are richer for having known him.

Madam Speaker, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Madam Speaker, I welcome this opportunity to say a few words in memoriam of Speaker Tip O'Neill. Some Members here are aware, others may not be, that I was the last person to be sworn in as a Member of this House of Representatives by Speaker O'Neill before he retired.

I was under a rather trying circumstance in 1986, when I won a special election and was not nominated in the primary. As a result, I came to the Congress in late September 1986, not knowing whether I would arrive here in time from Hawaii even to be sworn in before the Congress went into recess and adjourned.

I stood in this well just before this podium on that day in 1986, an historic session, sanctions on South Africa, a tax bill that had been discussed and discussed again and again all throughout the year.

It turned out that the Congress went on for almost a month. In other words, Madam Speaker, I enjoyed, at that time, one of the shortest tenures in the history of the Congress, scarcely 3 weeks.

The Speaker had been here for more than 3 decades.

And as the last person to be sworn in before he retired, we developed a special relationship. He literally took me under his arm. Obviously, I am a lot shorter than he was, although almost as broad. And we sat in these chairs.

He was down on the floor quite a bit. And he said, "Pal, let me explain what is going on here."

And I felt that right away, that I was his pal, that he was looking out for me.

He said:

> Neil, whether you have served here as long as I have or for as short a time as you will be serving here, we don't know whether you will be coming back, and I hope that you will.

He said:

> You are a Member of the House of Representatives. No matter what your length of service, the free men and women of your district have chosen you to represent them and to uphold and defend the Constitution of the United States.

And he said:

> Don't ever forget that every Member, every man and woman who has come here, over all the 200 years of our Republic, have come to represent freedom and that this House, this House is the people's house. You can only come to this floor and be sworn in, if you are elected by your constituents. You can't be named to it. You can't be assigned to it. You must come by election. This is the people's house.

I was never more proud, I was never more aware, never more cognizant, Madam Speaker, of my responsibilities and obligations as a citizen of the United States than when I was sworn in by Speaker O'Neill. So I also had the high honor and privilege, on the last day of the Congress, to be sitting in the chair, Madam Speaker, that you are sitting in. That is to say, the chair that was there at the time, because one of the things that we did in honor of the Speaker, when he retired, was give him that chair.

So not only was I the last person to be sworn in, but I had the honor of being the last person to occupy that chair before it was given to Speaker O'Neill in honor of his long years of service.

So we had a picture taken, just before I left. I asked the Speaker if he would make this sign with me in that picture. And he said, "What is that?"

I said, "Well, out in Hawaii they will know what it means." I said, "This means everything is okay. Everything is easy. Everything has been done. You are in good hands. We are all pals. We are together."

He said, "Are you sure? Am I doing it right?"

I said, "You are doing it just fine."

He put a big grin on, and he gave what is called the shaka sign. You probably have seen it on television various times from people from Hawaii. They are always doing it.

That is the signal back to everybody in Hawaii that everything is okay.

He said, "Are you sure this is right?"

I said, "They will understand what it is back in Hawaii, Mr. Speaker."

And he said, "You are learning, kid. All politics is local."

That was the Speaker. Yes, all politics is local, just like his last book. I did not have the opportunity to have him sign it. I brought it with me from Hawaii in the hopes that he would. And of course, he passed on before he had the opportunity. But just as the Speaker taught us all politics is local, I also know that in politics, all love and affection is personal. And if there is any person who ever exemplified love and affection in politics, it is Speaker Tip O'Neill.

"Mr. Speaker, wherever you are, we are remembering your lessons and you have our love and affection."

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Hawaii for his words for Speaker O'Neill.

I now introduce a dear friend of many years of the Speaker, the chairman, the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Madam Speaker, I rise today to pay tribute to my long-time friend and very outstanding former colleague, Thomas P. "Tip" O'Neill.

Tip and I served together for many years in the House Democratic whip organization and I supported him for majority leader and Speaker. I always enjoyed his friendship and I miss him very much. As you know, Tip had thousands of friends, but he always made you feel like you were a close friend and very important to him.

Tip O'Neill was a true man of the people. He loved people and people loved him. He was particularly close to those he represented in his district in Massachusetts. My wife Lou and I once went to a restaurant in Boston that Tip had recommended. When I told the waiter that Tip O'Neill had sent us, the manager came out to meet us. They showered us with attention because we were Tip's friends. They just couldn't do enough for us. I'll never forget that.

Tip O'Neill was a master at sizing people up and understanding what they were capable of. I think this insight contributed a great deal to his success in politics. He was equally at home with heads of state and with the man on the street. He did a great job when it came to dealing with dignitaries and he rubbed shoulders with the most important people in the world. But, to Tip, the most important people in the world—besides his family members—were average Americans. He really cared about them.

One of my young constituents who uses crutches to walk tells a story about meeting Tip O'Neill one day at the U.S. Capitol. Tip came up behind my friend and asked him if he needed any help getting up the steps. He didn't just walk on past as many people would have done. He walked down the hall with my constituent and they talked about some of the topics of the day. This chance encounter made a lasting impression on that young man from my district. He realized that Tip O'Neill saw him as a person.

We all have so many stories about Tip O'Neill—telling them all would take many hours and fill many volumes. He was simply larger than life and we loved him for it.

Suffice it to say that Thomas P. "Tip" O'Neill did an outstanding job representing his district and an outstanding job representing our Nation.

He was a great ambassador and above all, a great American. Our lives are better for having known him.

□ 1640

Mr. MOAKLEY. Madam Chairman, I yield to the gentleman from Texas, HENRY GONZALEZ, from the Committee on Banking, Finance, and Urban Affairs.

Mr. GONZALEZ. Madam Speaker, the great State of Massachusetts has produced a vast number of great and distinguished public servants—great leaders who have served this country well from its colonial founding, through revolution, civil war, insurrection, world war—through every crisis, this country has found among its leaders the sons and daughters of Massachusetts. Speaker O'Neill was just such a leader.

Thomas P. O'Neill was a politician in the finest sense—a devoted, dedicated, honest, and humble public servant, courageous, decent, and self-effacing, gregarious, possessed of a fine wit, and above all, one who never forgot from whence he came nor whom he was elected to serve—the ordinary people who elected him, depended on him, and who loved him.

Tip O'Neill lived by a credo that was something like this: The moral test of any government is how it treats the most vulnerable; the children, the elderly, and the poor. He never lost sight of that. In his great struggles in the House, he worked first to create the programs and policies that aimed to alleviate distress and cure social ills and redress injustice. Then he worked to preserve those programs against the reactionary and socially disastrous policies of the Reagan era. But no matter how bitter the contest nor how difficult the fight, Tip O'Neill always conducted himself with decency and honor. He had respect for the institution he served, and for the people he served—a respect that grew from the sure knowledge that his constituents came first, and whatever he did reflected on them and served them well or ill. Tip never forgot his district, never failed to serve it well and with honor and integrity.

Tip came from a city of great public servants, a city that more than any other in America can lay claim to historic leadership—the city of Harvard, of MIT, and of great medical institutions. It is the city of Faneuil Hall, of Old North Church, the home of Hancock and Adams, of Revere and many, many others. He came from a city whose public servants include another great Speaker, McCormack, and familiar, distinguished names like Fitzgerald and Kennedy and Boland and Moakley—and many, many others. There never was a finer politician, in the most honorable sense of the word, nor a more accomplished one, than Tip O'Neill.

I doubt that anyone, save Tip himself, could tell us how many were his achievements—but I suspect that to him, it was just as important to be sure that Mrs. O'Leary got a decent place to live in, or Mr. Kerry got a job, or that an unfortunate kid got a break and stayed in school—as it was to win the biggest vote on the toughest issue. He was from the people, he knew and respected them, loved them and served them, always, every day, in every way that he could. Public service to him was real, and it was just that, service.

He was also a servant of the House. Every Member knew that the Speaker's door was open, that he cared about them and for them. He listened, and even if he couldn't help, you knew that he'd done his best. Tip had no enemies, only friends.

This House has been blessed with many great Members—none finer, none more loved, and none more missed than Tip O'Neill. There he is, in some celestial game with his pals, with a big cigar and hearty laugh and some fine old story, and looking down on us, reminding us how privileged we are to serve here. Tip, if half of us do half as well as you, the country need never fear.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Texas for his remarks.

Madam Speaker, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding me this time, so we might reflect for a few moments about Tip O'Neill. I would imagine that outside of Tip's immediate family, his passing brought no one more grief than the gentleman from Massachusetts [Mr. MOAKLEY], because of his personal closeness to Tip O'Neill over the years. This has to be a moment of mixed emotions for you, gladness at seeing and hearing us celebrate Tip's life, but also sadness at realizing he is gone.

Madam Speaker, I have had the privilege of serving in the third district of Kentucky for the past 24 years, and during a large part of that time I served with Tip O'Neill, both as our whip and as our majority leader, and then as our Speaker. I had a chance to observe Tip when he was really among us and then when he was our leader.

At no time, Madam Speaker, did Tip ever show anything other than true interest in our well-being as Members. He never failed to show pleasantries to us, and to be cheerful and to be optimistic, and to be a person with the ability to weave humor into any kind of a relationship, and to weave humor in any sort of situation.

Many times, from where I am standing in the well and from where the gentlewoman from Texas, [Ms. EDDIE BERNICE JOHNSON] is presiding, I have observed Tip many times, with that wonderful ability to disarm people and to charm them, and to, as we say back home in Kentucky, pour oil on troubled waters and calm everybody down. I observed that many times, and particularly, Madam Speaker, I observed that when Tip came to Louisville to help me in one of my reelection efforts.

Down on Main Street, which is the older part of our town, which has been beautifully restored, like Faneuil Hall and the beautiful part of your home town in Boston, Tip came to a place we called Stairways, which is a renewed building, and to say the absolute least, all my friends showed up and Tip was the star of stars. Tip, just by his very persona, and by what he said and how he said it, and by that charm and by that wit and by those Irish stories, Tip just put everyone at ease and made everybody very happy, and obviously helped me in my reelection effort.

I guess that was the closest that I have really seen Tip away from this area, away from the House, his wonderful home. If I ever saw Tip reflecting what he so often said, that "all politics is local," and he is going to be revered for many things, but not the least of which is the way he could create phraseology that illustrated things.

He always would say, "All politics is local." What we mean by that is that everything we do here has a relationship to the people. Everything we do relates to people, not in a global sense, but in a very particular sense. I saw Tip working that beat, and certainly all politics is local. I have always tried to remember that and make sure that people who were of a mind to send me here, and whom I am honored to represent, achieve and have the fullness of my service.

I remember having served on the initial panel of intelligence under Eddie Boland, who, along with Tip, were great friends, of course, and roommates until Tip became Speaker and Millie came down from Boston.

In that setting, or course, we always heard the great stories about what was in that refrigerator in that apartment, and it was not a lot of gourmet food, let me put it that way. For those two people, whenever I see Jack Lemon, I guess it is, and those actors, I always think of the odd couple. I think of Eddie Boland and Tip O'Neill.

□ 1650

And then once, Mr. Speaker, I was at Notre Dame, my alma mater, for believe it or not, a Boston College game, one of the times when the Irish beat the Eagles. They did not do it, of course, in 1993, which cost the Irish the national championship. But I remember vividly being there, and coming out of Notre Dame Stadium at twilight at the end of an autumn afternoon. The Irish were behind and came back at half time to defeat the Eagles in a very tight game. When I came back I could see this big, long limousine kind of come pulling up with darkened windows like you see in Beverly Hills or in New York City, and zoom, down goes those windows, and out comes one Irish face and one Italian face. And it was Tip O'Neill and Sil Conte. And of course, we all remember our late departed friend from another part of Massachusetts, Sil Conte. And we were talking and having so much fun, and I could just see how Tip enjoyed life. Even though the Eagles had lost, Tip was having a great time. And there he was, and he offered to give me a ride downtown, which I did not need because I had the car there. And it was really wonderful to see those two fellows who were such great friends, different sides of the political spectrum, different sides of the aisle, different parts of Massachusetts, different vintage, different nationality, but they had a commonality about them which is that they both did recognize what we do here, which is to make laws for people and to try to serve the people.

So, Mr. Speaker, I have many, many fond memories of Tip. I have the highest reverence for him as a person, and he will be very widely mourned not just by us, his colleagues, but by this country and by the world, because he was a rare human being and a rare parliamentarian.

I appreciate the gentleman giving me a chance to share my reflections, and I would take this opportunity to extend to Millie and to the family my condolences and my expressions of regret at the passage of this great man from our midst, and to wish them well. And also to say Tip, who as an earlier speaker said, is watching over us right now, Tip, you said it right. All politics is local.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER] the chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I thank the distinguished chairman of the Rules Committee, dean of the Massachusetts delegation, and one of Massachusetts' finest sons for yielding.

Massachusetts is a State that I have known well over the years. I went to school there as a 6-year-old and 7-year-old. I lived there during most of my summers while I was young, and I owned a house there until 1989. So I feel that I am very much a part of Massachusetts.

Mr. Speaker, I rise today to join so many of my colleagues, led by members of the Massachusetts delegation and its dean, in paying tribute to one of the finest Members to ever serve in the people's House, our former Speaker, our friend, our counselor, our adviser, our political leader, Thomas P. Tip O'Neill.

I first ran for Congress in 1981 in a special election. It was the first election contest since Ronald Reagan was sworn in as President, and many were looking to that race to see if the Reagan revolution was a reality. The national media were clamoring over every word that was uttered on both sides, and the hierarchy from within the Democratic Party as well as the Republican Party came out to Prince Georges County. Obviously, members of the Democratic Party came to campaign for me.

Tip joined me at one of these events, and to that degree I qualified with probably many hundreds of Members over the years who asked Tip O'Neill to come to their districts, who asked Tip O'Neill to shed a little of that Irish magic on the heather in their fields, who asked Tip to come and say to the constituents who knew that Tip cared for them, each and every one, to say that BILL HUGHES, or STENY HOYER, or JOE MOAKLEY cared as well. And we knew that if he did that it would have an effect, because the people perceived him correctly to be honest, sincere, and committed to their interests.

My soon-to-be constituents were starry-eyed, very frankly, that the Speaker of the House of Representatives would leave his very important duty and come out and talk to them, and he did, just like he was one of them. And in fact, of course, his secret was that he was very much one of them. And because the voters are very smart people, they knew that, they felt it, and they accorded him the credibility that that status merited.

During that brief 90-day campaign of which I speak Tip told me, like so many of us here, the story of his neighbor from his first campaign, Mrs. O'Brien. And all of us remember that when he said that he had delivered papers to Mrs. O'Brien, he had cut Mrs. O'Brien's yard, he had been to her house for milk and cookies, he had known her all of his life, and when it came to the time that it was the close of the election he went to Mrs. O'Brien and he said, "Mrs. O'Brien, I thank you for your vote." And she said, "Tip," as I recall the story, "I didn't vote for you." "How could you not do that, Mrs. O'Brien? You have known me all your life. You know who I am." And she replied, "Tip, it's nice to be asked."

Of course I think every one of us have heard that story, and it is one of those simple but very cogent vignettes that Tip O'Neill told all of us and the Nation in projecting that all politics is local, his famous phrase. And of course, that is true, because ultimately the genius of this system is that districts of about 600,000 select one of us to come here and to represent their views and to make sure that the local perspective is written large in Washington through their representatives. And Tip knew that I think better than any of us, and he taught us well.

I think every person who ever worked with Speaker O'Neill has a favorite story to tell of how Tip touched them personally, taught them a lesson, or influenced the way they thought about the political process. None of us, however, I think will ever be as funny, be as warm, or capture as well the essence of Tip O'Neill as did our friend and colleague, JOE MOAKLEY, in his moving eulogy of his friend Tip at the funeral in Massachusetts.

Mr. Speaker, Speaker O'Neill had the unique ability to be a leader among men. No matter where he was, who he met, or what he said, he always remained himself, and spoke words of wisdom to be remembered by future generations. In the final chapter of his book, "Man of the House," Tip writes of what he believed. He said:

> I believe that every family deserves the opportunity to earn an income, own a home, educate their children, and afford medical care. That is the American dream, and it's still worth fighting for.

If Tip were here today he would be fighting shoulder to shoulder with the President for health care for everybody that is always there.

☐ 1700

Today all of us in this Chamber and throughout the country still fight to make this dream a reality.

As Tip looks down upon us, and it is interesting how many of us have used that phrase, Tip looking down upon us, I think we are all very cognizant that Tip is watching and Tip knows all, because we have had that experience through our careers in relationship with him, we begin once again to debate the reality versus the rhetoric of making the American dream real for all our people.

In honor of Tip's legacy, let us get on with making his American dream for all his fellow citizens come true.

Mr. MOAKLEY. I thank the gentleman from Maryland for his wonderful statement about Speaker O'Neill.

Now, Tip used to tell a lot of jokes and a lot of them were on himself.

Tip was the greatest known golfer, but he was by far not the greatest golfer. In fact, when you are Speaker, they say you do not need a putter, because as soon as you get on the green, it is a gimme.

But he tells the story about the time he was golfing with Lee Trevino, and they came to a water hole that was a par 3 hole. The Speaker reached in his bag and got an old, cut-up ball and put it down and started to hit it, and Lee says, "Mr. Speaker," he says, "already in your mind you have hit that ball in that water. That is why you took out the worst ball in your bag." He says, "Put that ball back and take out the best ball you have got in your bag." He does, and he takes out a brandnew ball. He says, "Now, before you hit it, just take one practice swing." So he takes a practice swing. He says, "Fine, Mr. Speaker," he says, "Take one more practice swing." He takes one more practice swing. Lee says, "Tip, put the ball back and get the other ball."

But this is a story that Tip would tell on himself, and most people would like to tell everybody what great golfers they are, but Tip loved golf. It kept him young. It kept him going. It gave him a chance to get some exercise, meet his friends, and talk with a lot of people. He just would get out to play golf anytime he could, and I am glad that he was able to right up to the end participate in the sport that he loved so well.

I yield to the gentleman from Texas [Mr. PICKLE], a dear friend of the Speaker.

Mr. PICKLE. Madam Speaker, Tip O'Neill was one of the warmest, best liked Speakers that we have ever had. He was a real people person. Warm, friendly, kind, and understanding, Tip showed great compassion and dedication to public service. He liked to admit that he was a politician and "proud of it!" Every Member of Congress who ever served with him respected him, including Republicans. He was their target, but they knew he would fight fair, and they respected and loved him for it. When I was first elected to Congress, Tip O'Neill's office was directly across the hall from mine, and we have been close friends since 1963. Here are some of my recollections.

First, he made time for everyone and anyone—no matter who they were or what their station. I remember the time he came over to autograph the old pump organ that stands in the corner of my office. He did not just rush in, sign the organ and rush out. He stayed to swap stories and tell jokes with my staff. Here was the Speaker of the House using his valuable time. But he did not quit there, he then posed for pictures with the staff, which were later returned hand signed in gold ink for each of them. They were star struck but I told them that was just Tip.

Second, I remember the time I had some folks up from the district. One of the constituents was a minister here to lead the Congress in the opening prayer. After the opening of Congress, the Speaker invited them into his office to visit and to show them the historical items he had on display there. Later when we all returned to my office, I asked how they had enjoyed meeting the Speaker of the House. The wife responded gleefully that he was just like a big Teddy Bear and that he had given her a big hug when they left. She also told me she had taken something from his office as a keepsake to always remember him by. I could not imagine what she might have taken from his office, and asked if I could have a look at the item. Sheepishly, she opened her purse and unwrapped a kleenex to reveal the chewed up stub of the Speaker's cigar. She admitted having taken if off the fireplace mantel where he put it down while telling them stories about the history of his office. She said "Now people back home will believe me when I tell them I hugged Speaker Tip O'Neill." I do not know if the Speaker ever realized what happened to his cigar, but I am certain it is still safely put away as a keepsake; and it has made some good stories for the wife of a minister back in central Texas.

Third, when Tip O'Neill visited the LBJ School of Public Affairs in the seventies we held a reception for him in the great library hall. At the end of the ceremony, we played "The Eyes of Texas" for him. As we all raised our Hook 'Em Horns sign, Tip did his best to form his big, fat fingers into a Hook 'Em figure, and he finally did, but with great difficulty. I have that picture of Speaker O'Neill and UT President Lorene Rogers on my office wall—it is great.

That evening, the chancellor of the University of Texas, Hans Mark, held a reception for Speaker O'Neill at the Bauer House, the official residence of the University of Texas' chancellor. Members of the faculty, regents, and outstanding UT alumni all over the State were invited. I asked Lawrence Olsen, my former press secretary, to drive Speaker O'Neill to the Bauer House in time for the reception line and the party. When Lawrence reached the hotel, Tip was still in his boxer shorts watching a Boston Red Sox game. Lawrence happened to be a Red Sox supporter, and they began to talk about the Red Sox. That must have gone on for an hour because the Speaker was late to the Bauer House by nearly an hour. I fussed at Lawrence because of the delay. He sheepishly said, "Well, Tip wanted to talk about baseball!" The Speaker knew his Boston Red Sox and he knew his baseball like an expert. At that time, he would rather talk about baseball than stand in a receiving line.

Fourth, when I served as chairman of the Social Security Subcommittee, working on a bill to revamp Social Security, I was constantly refereeing partisan politics concerning the volatile Social Security Program. Democratic leaders were not only looking for ways to make the program solvent, but they also wanted to put President Reagan on the defensive. Speaker O'Neill was prevailed upon by his friend, the great Claude Pepper, and other Social Security leaders to maintain the same age for retirement that the oldline Democrats wanted to keep. Naturally, Speaker O'Neill called a leadership meeting with the Democrat where Tip asked probing questions about the program and how we should proceed. Actually, he was simply learning facts to formulate his own policy. He plowed through the same questions my committee had discussed over and over, and on which we had already adopted a policy. I felt like I was climbing up the same hill again! At the end of the meeting, Tip asked if I thought this meeting was helpful, and I told him the meeting reminded me of LBJ. When a member of LBJ's staff had made a big mistake and had fouled up a program, LBJ would say to them, "I want you to take the rest of the afternoon off and enjoy yourself. You have helped me as much today as I can stand." Tip laughed and broke up the meeting, and later he told me that it was a good meeting. But we all learned how to proceed and did the right thing. That was Tip O'Neill's way to reach a consensus and to produce good legislation. He was a master of working with people.

Fifth, when Boston College played at the university, a few years back, I tempted Speaker O'Neill to visit the Manchaca Fire Department's dedication of a new fire truck. As we climbed atop the fire truck in the presence of Governor Ann Richards—then county commissioner—former Mayor Carole McClellan, Judge Mary Pearl Williams, and Cathy Bonner, Tip kept waving at the crowd, but as he dismounted from the truck, he leaned over to me and asked, "Geez Jake, where did you get all these good looking babes?" Tip reminded me of our beautiful city and beautiful women for many years.

Sixth, to comply with a possible television broadcast request, Tip agreed to participate in the rendition of "Apple Blossom Time" in honor of his wife Millie. He admitted that he used to sing "Apple Blossom Time" to Millie during their courting years—and Tip was not bad. It was a sweet, nostalgic performance.

Last, at the general gatherings in Washington, Tip would tell certain stories over and over again. There was one about "I was a stranger and Ye Took Me In." There was another about Robert Redford who mistook Tip for a famous man and another about "You are looking for Murphy the Spy." We Members would sigh deeply that we were going to hear those same stories again. Tip always reminded us that we may have heard that story, but the crowd had not. He had learned to tell a good story and was good at it—the best we ever had in office. Politicians learn how to tell the good story—and we all use them over and over. We used to threaten Tip by advocating a banquet where Tip had to come and listen to his own stories.

Tip O'Neill was an excellent legislator, but he also was a genuine, warm, congenial friend.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Texas very much.

Continuing along with what the gentleman from Texas [Mr. PICKLE] was saying about the stories that Tip told, and that Henry Ford story was a classic, Tip bumped into Danny Thomas one day, and he says, "Danny," he says, "I've got some great jokes, but I've been telling them so long," he says, "everybody that I meet has heard them." So Danny says, "Let me hear them."

□ 1710

So he heard them. He says, "They are pretty good, Tip; just change your audiences more often."

Sinatra, you know, does not change the songs he sings; he sings the same songs. But evidently you cannot do the same with jokes.

Madam Speaker, at this time I would like to yield to the gentlewoman from Connecticut, Ms. DELAURO, for a few words on Tip O'Neill.

Ms. DELAURO. I thank the gentleman for yielding to me.

Madam Speaker, one of the few regrets that I have in my life is that I never served in the Congress with Speaker Tip O'Neill. When I was first elected in 1990, he was 4 years into retirement. But, while he may have retired, he was never retiring. And, those of us who had the pleasure of knowing him will always remember his zest for life, his love of friends, and his unfailing humor.

When I first ran for Congress, Tip O'Neill came and campaigned for me. It was then that I discovered that though he was gone from politics, politics was not gone from him. And, he had valuable lessons to teach an eager pupil, like myself. But, each lesson started and ended with his now-famous one-line motto: All politics is local. He lived by those words and that is what made him the quintessential politician.

He came up to campaign for me for my second campaign. At that time he said to me, "Darlin', I am not going to do very many of these, but I am going to come up to New Haven for you. But I want you not to be taking me to too many places because, you know, I am getting old." Well, it was a wonderful, wonderful visit that we had in that campaign. Those campaigns and his visits, I will never forget.

His accomplishments may be well known by most of us but they are still astounding in their breadth: He held elective office for 50 years; 16 years in the Massachusetts Legislature and 34 years in the House; 10 of those years as the Speaker of the House. A young man from modest means who reached the pinnacle of political power in the greatest Nation on Earth—Tip O'Neill embodied the American Dream.

But, he embodied much more than that. He was a true lunch-pail Democrat. Never did the working man or woman have a better friend than when he served in Washington. His style was one that many have tried to replicate. But, few have succeeded. You see it came naturally to him. His Irish charm and yen for storytelling never failed to draw a crowd. Whether he was regaling us with stories of oldtime Boston ward politics or of his beloved Red Sox, how Tip O'Neill could spin a yarn.

There was another side to Tip O'Neill. He was a man of real principle. He wasn't afraid to vote his conscience even when it meant taking some heat from the people back home. He made the tough votes and through his decades of service earned the respect of the people of his district, his State, and his country. That respect was evident on the weekend in January when Tip O'Neill was laid to rest. Roughly 11,000 people braved subzero temperatures and 2 feet of snow to pay their last respects.

I was unable to be in Boston that weekend, as I was out of the country. But, if I had been the 11,001st admirer to say my final goodbye to Tip O'Neill I would have said this: "Thanks, my friend. You served your country with distinction. You were a wonderful husband, father, grandfather and friend. And, you have brightened our world with the glowing example of your life."

I thank the gentleman for yielding.

Mr. MOAKLEY. I thank the gentlewoman from Connecticut very much for her remarks.

Madam Speaker, at this time I yield to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Speaker, first of all let me just thank the distinguished gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules, for taking out this special order to honor our great friend, Tip O'Neill. We are indebted to him for that.

Madam Speaker, I rise today to pay tribute to one of the true giants in American history, the late Speaker of the House, Tip O'Neill.

There is no one who I admired more throughout my political career than I did Tip O'Neill. He embodied everything that was good about politics and public service. Tip had a sense of right and wrong, and an understanding of politics, like no one I have ever known in my life.

I was very fortunate to have gotten to know Tip O'Neill during my first term in office, when he was serving as majority leader.

It was my privilege to vote for him as Speaker, and I think he was probably one of the greatest, greatest Speakers of this country.

His years in Government gave him the perspective and the political instincts which enabled him to see way beyond what most others saw occurring in the political arena. That is what made him so effective as a leader.

As a person, he was one of a kind, as some of my colleagues have said. On the outside he was big, and by stature he was gruff, and he was at times intimidating by stature, but on the inside he was a sweetheart of a guy. He took a personal interest in everyone's problems, from his constituents back home to his colleagues in the House and to those who came up to him in the corridors as he tried to move from office to office, from the office to the floor.

Tip made you feel very special as he talked to you. It was this enormous ability to focus on what somebody was saying that made him, I think, so great as a human being. He had a generosity that was second to none, and that, too, endeared him to all.

I will never forget the years that he came into southern New Jersey to campaign for me. I suspect that you could probably get 600 or 700 Members of Congress to come to the well and talk about their special visit with Tip in their district, and you wonder how he had time to help govern this Nation, but he found the time.

Tip knew that I represented a largely Republican district and that most of my supporters were business people and others who were generally more conservative than he was. As a result, he was always unsure what to say. I always told him the same: "Tip, just be yourself."

Invariably, it would take Tip all of 5 minutes before he had the audience eating out of his hand. He would start by pleading guilty to being a liberal and a big spender. Then once the audience got over that shock, he would explain to them what he meant: that he believed in spending more money on education, health care, senior citizens, cancer research, wastewater treatment facilities, and so many other programs that left us with something after we spent the money. And on and on he would go.

He would refer to some of the programs that we did not receive during the 1980's, and he would say, "You know, you could probably walk around your district and see many of the projects that I supported as a big spender that helped put people back to work and made everybody's life a little better."

After his speech, you could see them line up to shake his hand and tell him how much they admired him.

That is the Tip O'Neill I knew, a man who was generous, witty, true to his beliefs, and blessed with the natural instincts and attributes of a great leader.

There will never be another Tip O'Neill. His loss was a great one for our country, but his legacy will live on. And if I ever write a book on my retirement—and I intend to leave at the end of this Congress—there will be a special place in that book for Tip O'Neill.

I might say to my colleague from Massachusetts that just right before his death I saw Tip downstairs, coming out of the House physician's office. He was not well, and it was obvious. But the first thing he said to me was, "How are the Sullivans?" Of course, the Sullivans are from Boston, and Barry Sullivan is my son-in-law, as you know. And we have three beautiful grandchildren. Tip said, "How are the grandchildren, in particular?" That is the Tip he was, because he cared about everyone he knew.

His legacy will live on, and as he looks down on us, I know he has to be very pleased with the things they were taking up in this Chamber in this session of Congress—health care, all kinds of welfare reform and pension initiatives—because that is the Tip O'Neill who moved so many great things through this institution because he cared.

I want to express my gratitude to his wife, Millie, for sharing him with all of us for so many years and to wish her and her lovely family my heartfelt sympathy and the best of everything in the years ahead.

I once again thank the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman very much.

□ 1720

Madam Speaker, at this time I yield to the gentleman from New York [Mr. GILMAN] who was a companion of Speaker O'Neill, I know, on many trips when they were officially invited to participate in government events overseas.

Mr. GILMAN. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding to me and for arranging this special order so that we could pay tribute to a wonderful man. Madam Speaker, it is with a certain amount of remorse that I join my colleagues in paying tribute to one of the legislative giants of our century, indeed tribute to one of the greatest legislative leaders in the history of our Republic.

The passing of Thomas "Tip" O'Neill last month left a void which will not soon be filled. Tip was always so full of life, so determined, and so energetic, that most of us assumed he would always be with us.

I had the privilege of serving in the House with Tip O'Neill during the last 14 years of his career. For the last 10 of those years, he was our Speaker. Despite the fact that he and I sat on opposite sides of the aisle, he never hesitated to offer sage advice, or a friendly handshake.

Some congressional observers have labeled Tip O'Neill the last of the old time politicians and, at the same time, the first of the new brand of political leaders. While his colorful style and strong convictions made him an effective congressional leader and a household word, his charisma and obvious charm and sincerity made him a hero for the television generation.

Tip was a man of the people who never forgot his roots. His father always admonished him to remember from "whence he came" and he always did. He always remembered his blue-collar background and his working class antecedents. Tip never forgot that these were the Americans to whom he owed his first allegiance.

Tip had politics in his blood when he first sought elective office at an early age. Losing his first race for the State legislature, he was surprised to learn that a long-time family friend and neighbor neglected to vote for him. When Tip asked why, he was told that he never had asked his friends for their votes—and that everyone likes to be asked. He never forgot that lesson, and he never tired of sharing that wise lesson with all of us.

Tip O'Neill had a framed adage on the wall of his office stating that "the main responsibilities of government were to three groups of people: "those at the dawn of life: our children; "those at the twilight of life: our senior citizens; and "those in the shadows of life: the ill, the needy, and the handicapped."

Even those of us who may have disagreed with Tip O'Neill philosophically on some issues could not dispute the soundness of his basic philosophy, just as no one could dispute that Tip was a man of rare integrity and intelligence.

In May 1983, I had the sad duty of informing the House of the passing of our former colleague, one of my predecessors, Mrs. Katherine St. George, who had represented my congressional district from 1946 until 1964. Much to my surprise, at the end of my remarks, Speaker O'Neill left the Speaker's chair and moved to the well of the House, where he delivered an impromptu moving tribute to the late Congresswoman Katherine St. George which was valued by her family all the more due to the obvious sincerity and spontaneity of this generous gesture.

The people of North Cambridge, MA—the people Tip O'Neill loved so deeply and so sincerely—first elected Tip to the State legislature in 1934, starting his 50-year career of public service. He remained in that body until 1952 becoming, in the process, the first Democratic Speaker of the House in Massachusetts' history. When his home congressional district became vacant in 1952, due to the U.S. Senatorial candidacy of the incumbent, John F. Kennedy, Tip O'Neill was easily elected to the House seat, and was easily re-elected every election until his voluntary retirement in 1986.

The love and esteem with which Tip was held by his constituency and by his family was shared by his colleagues on both sides of the aisle. Those of us who had the honor of serving with him will never forget him, will never forget his bear hugs, his warmth, his humor, and his sage advice.

To his widow, Millie, to his children, his grandchildren, and his many many friends and admirers, we offer our deepest condolences. To the Nation as a whole, Tip O'Neill has left his mark—and a tremendous legacy.

Mr. MOAKLEY. Madam Speaker, I yield to the gentleman from Ohio [Mr. REGULA], a friend of the Speaker and one of his favorite Republicans.

Mr. REGULA. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding to me and for taking this special order.

Madam Speaker, the second great commandment is to love your neighbor as yourself. Tip O'Neill lived this commandment each day as he built a distinguished career of serving people and caring deeply for individuals from every walk of life. We have all heard his famous remark, that all politics is local. I think he really meant that all politics is personal and involves caring for and loving his fellow man.

Madam Speaker, each of us can recount story after story of Tip's humor, his warmth in reaching out to people and his goodness as a human being.

Tip's remarks on leaving the Congress deserve to be repeated tonight. They are a legacy of respect for this institution that we might all reflect on as we serve. I would like to share a few of these comments by quoting from his speech, and Tip said, and this was in the CONGRESSIONAL RECORD on October 17 of 1986:

> If you go to any country, any country in Europe, the majority sits on one side and the minority sits on the other side and they do not speak to each other, and they are amazed that my Millie and Corinner will be sitting there, chatting so friendly, or Bob and I will be sitting there, friendly; or that the Democrats are talking to the Republicans. They just do not understand it.
>
> That is the way a democracy should be. There should be no rancor or hatred for anybody. It is the love of ideas: my ideas are different from yours and your ideas are different from mine, but we respect each other for it, and that is what makes a democracy great.

Madam Speaker, those were wonderful words from our former Speaker, and he closed by saying:

> Let me say this to you after 50 years in public life—this is the greatest country in the history of the world, we are the leaders of the world, this is the greatest legislative body in the world. We will always be great as long as we recognize the rights of one another across the aisle, as long as we respect each other for our thoughts, ideas, philosophies and as long as we respect those who disagree. This Nation is great. Why is it great? Because we are the voice of the American people and we respond to their will.
>
> I leave with no rancor in my heart for anybody. I leave with tremendous love and affection for this great body. I will always be a man of the House of Representatives but always, first, I am an American and so proud of this body.
>
> Thank you. I love you all.

Madam Speaker, those are the words of Tip. They are beautiful, and they are words that we should all live by and respect as we serve in this body.

We all know that Tip could be partisan with the best, and, as his son, Kip, said at his funeral, "Tip might hate the Republican sin, but it did not stop him from loving the sinner," and certainly that was the essence of our great friend, Tip O'Neill.

Mary and I will forever cherish the friendship we shared with Tip and Millie.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Ohio [Mr. REGULA] very much.

I yield now to the gentleman from Illinois [Mr. DURBIN], chairman of one of the appropriations committees.

□ 1730

Mr. DURBIN. Madam Speaker, I thank the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for yielding. I appreciate his calling this special order to pay tribute to a mutual friend.

Madam Speaker, I can recall very well when I returned to Washington to attend Tip's funeral, we flew up from Washington to Boston, that I found on my desk from Christmas a book of Tip's latest stories that had been inscribed, "Merry Christmas, old pal, Tip O'Neill." I thought what irony. I am leaving to go to his funeral and seeing this book for the first time.

It is interesting to me that if you wanted to get a caricature of Tip O'Neill, you find one every day in the comic pages. There is one comic, I cannot recall which one, that has a caricature that looks just like him, a big, overweight fellow, with a white mane. I guess for a lot of people in America, they look at that caricature and say that that is what is wrong with politicians. They are big, out of touch, and just are what we thought they would be.

But that caricature does not tell the story of Tip O'Neill for those of us who knew him. The real question was not how a politician fills a suit, but what fills his heart. And when it came to Tip O'Neill, it was very clear that what filled his heart was his family, his love for the common person, and his love for this House of Representatives.

As one looks back on that event we attended, the funeral in Boston, in North Cambridge, I have to salute you, Mr. MOAKLEY, for the fine remarks you made that day. But it was a great Irish funeral. Half the time we were laughing, and half the time we were crying, remembering with touching sincerity all of the comments being made by his family and friends, and laughing, too, about what a great man he was.

I suppose fate has dealt me some cards that I can never really account for. But to have been sworn into this institution in January 1983 by Tip O'Neill is an accident of history that I am just so happy that I was able to be a part of. It really set a tone, because you go through life as a politician and you meet thousands and thousands of other politicians. Few of them stand out. And Tip O'Neill was one of them. Hubert Humphrey was another. They had something in common. They really loved what they were doing. They really loved serving the people in public life. They took the grief that came along with it for a chance to do something good and leave a legacy.

When I heard the Speaker's son get up and give that beautiful, beautiful eulogy at that funeral, I understood that Tip O'Neill had balanced his life just right. He had a loving family who had participated with him throughout public service, and people clamoring to get inside that church to be with him in the final moment to pay tribute. I guess it tells it all.

Madam Speaker, I will tell one quick story to close. Again, as the gentleman from New Jersey [Mr. HUGHES] said earlier, we can all tell this story.

The day Tip O'Neill came to my congressional district, it was 4 or 5 years ago, he had just gone through a serious cancer surgery. He was weak, and told me as such. But he said, "I am coming out to help you." This was long after he left as Speaker.

We brought him into town at about 2 in the afternoon for a 4:30 fundraiser. I said, "Mr. Speaker, what would you like to do for these 2½ hours? Would you like to take a nap or something?"

"No, no, no," he says. "I would just like to sit here in the hotel room and talk to you."

I said, "What can I get you?"

He said, "Some ice water and some cigars."

So we got him his cigars, and we got him a pitcher of ice water, and he sat there for 2½ hours, regaling us with all his stories. And my staff came and went, just loving every moment of it.

So at 4:30 we went down for the fundraiser. And he said, "Now, Dick, I have got to tell you, I am getting tired and weak, and I don't know how much longer I can go on. So," he says, "I may not be able to last. But, believe me, we are going to take care of you."

So we sat him down at the table there, and people came by, and he signed his book and he shook hands. And I looked up, and every major Republican in my hometown had showed up, because they all loved Tip O'Neill.

At about 6 o'clock I said to him, "Mr. Speaker, now we are going to take you upstairs. But all I am going to do is introduce you, the briefest introduction you have ever had. You give the briefest statement you have ever made to this group of 400 or 500 people, and that is all they want."

He said fine. So I thought to myself, he looks OK, I think we are going to make it.

I got up, and I gave a 45-second introduction to a man you could have spoken 45 minutes about.

He got up, and I bet you know the end of the story, JOE. He went on for about 30 minutes, because here is Tip O'Neill, recovering from surgery, getting up in front of a crowd of perfect strangers, telling his story, a story that came from the heart. And he had everybody in that room, he just had them all. They watched him, and loved him, and applauded. And he left. And my family and I just thank fate, thank God, and thank Tip O'Neill for his sacrifice for coming forward.

I would just close by saying this. I hope that we just do not sit here and honor the man. I hope we remember what he was all about, not being afraid to say I am going to stand up for the little guy; not being afraid to say I am going to fight for a program that can make his or her life better; not apologizing for Government, not apologizing for Congress, saying that we are people, men and women, working hard for the right reasons.

Tip O'Neill is looking down on us now, as I am sure he is always out of the corner of his eye watching this House of Representatives from up in heaven. And I just want to tell you, a lot of us younger people and those who have been in this institution for a while, are going to do our best to carry on in his memory.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Illinois.

I would like to now recognize the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman, the distinguished chairman of the Committee on Rules, from Massachusetts, and thank him for this special order this evening. It is with very deep gratitude and respect that I rise with my colleagues to offer sympathy to the family of our great speaker, Thomas P. O'Neill, and to his wonderful family, and to say to them, thank you. We keep you all in our prayers, and we keep him in our prayers.

I am one of the women Members of Congress that the Speaker welcomed upon my first and somewhat unexpected election in the year of 1982. His ingratiating manner, even in those days, and practical counsel to that young woman of 36 years then, will never be forgotten. Learning from him was learning from a legend. And for me, it will always be a honor.

My service in Congress now spans about a dozen years, and I had the pleasure of serving with Speaker O'Neill for about half that time. His joviality and hard-nosed political advice became part of my early service in this Congress. And I have to say he helped me personally progress through the painful greening that faces any new Member, standing up to the bashes that come your way now and then, the partisan rankling, the rather ugly side sometimes of what should be a rather lofty enterprise. He was the type of Speaker who took the time to shepherd the new members, including the women.

I can still recall my first encounter with the Speaker, a giant of a man, with the largest hands I think I have ever shaken in my life, in his private office just off this House floor.

I was a candidate for office then, and I was so overwhelmed that he took the time to schedule me into his day. I had traveled here from Ohio to pay a courtesy call on him, and I patiently waited rather nervously as his secretary ushered me into his outer office and then into his main office.

He was sitting on the corner of a rather huge wooden desk in a beautiful room with a sparkling crystal chandelier. And I cleared my throat and said, "Mr. Speaker, my name is MARCY KAPTUR, and I am running for Congress in Ohio's Ninth District." I looked at him, and with a twinkle in his eye and outstretched arms he held out to me, he beamed and warmly said to me, "Come on over here, honey," and chortled, as only he could. And I knew that this was a friend.

I hope that the people I know, that the people of Massachusetts and our country know, that his leadership and personal support to all of our Members helped us maintain heart and voice for the ordinary people of our country. His photo still hangs in my office, as it always will. The many lessons, large and small, he taught me and others, will follow us through our political lives: To love the people of our land, and in turn to love politics as the people's business; to retain good humor under great pressure; to keep yourself available to the Members of Congress as you assume leadership responsibilities. I can still remember him setting right here in the front row. He was always there for the Members.

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To personally contact those constituents who write you the most negative letters, you might learn something and you do. To go back into the kitchens at banquets and shake hands with the people who prepared the meals at social events and to always say thank you. And not to view your job as chiefly one to thwart the other party's initiatives, but rather to move the country forward. And importantly, to respect the institution of this House, the Congress, and uphold our Constitution no matter what the personal cost.

I learned those lessons from Speaker Thomas P. O'Neill. He spoke of his wife Millie so often in meetings. We all thought we knew her and were related to her. And with his departure, a certain joy left this Congress.

I feel so fortunate to have served concurrently with one of the greatest Speakers of all times. May his family and he be blessed and consoled, knowing that what they did and the people of Massachusetts did for others bettered our Nation and world.

I thank the gentleman.

Mr. MOAKLEY. Madam Speaker, I thank the gentlewoman for her fine statement.

Mr. NATCHER. Madam Speaker, during my tenure as a Member of Congress, I have had the honor and the privilege of serving with seven Speakers and nine Presidents. Thomas P. "Tip" O'Neill was always my friend, and he not only established the all-time record by serving 10 consecutive years as Speaker of the House, but he loved and respected the most powerful legislative body in the world.

During his tenure, he established a record that his people can be proud of and one that will always be remembered by those who served with him. Words are inadequate to fully appraise Tip O'Neill's tremendous capacity for loyalty and love of his country. In every position he held, either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

He left his mark on Congress, not necessarily through legislation which he succeeded in having enacted, but instead through his character itself.

It was a distinct honor and privilege to serve with my friend, Thomas P. "Tip" O'Neill, Jr. in the Congress of the United States and to his lovely wife and family, I extend my deepest sympathy in their bereavement.

Mr. MCDADE. Madam Speaker, I thank and commend the gentleman from Massachusetts [Mr. MOAKLEY] for providing this special order in memory of our departed colleague, Tip O'Neill.

Tip was a giant of American politics who will be revered and remembered for decades to come. Whether you agreed or disagreed with Tip, you had to admire his commitment to bettering the lives of average Americans, particularly the elderly and the poor.

Despite our party differences, I counted Tip as one of my dearest friends. Tip could be a tremendous opponent, but those disagreements were never personal and were put aside completely on the golf course or during the times we traveled together. Tip was a true joy to be around. He was a great storyteller, and really enjoyed the camaraderie of his colleagues. He loved the institution of Congress, and was proud of the positive role Government could play in improving the lives of people.

Tip and I were friends for more than 30 years and to me he embodied what is great about our political system. He never lost his love for his fellow man and he treated everybody he met the same, regardless of his station in life. You got his ear, his attention, and his respect.

Tip never forgot the wise advice of his father: "Do the best you can for your neighbor. Never forget from where you come. And see if you can improve the lot of your fellow man." Tip never abandoned that simple credo in his public services or his dealings with people.

Tip O'Neill's death takes from us one of our great public figures, and our Nation has suffered a great loss. He came to know many people and make many friendships in northeastern Pennsylvania, and he was a friend to our region.

I was delighted when Tip spoke 5 years ago to a large community gathering in Scranton. He gave a wonderful speech, and he and his lovely wife were awarded honorary degrees from the University of Scranton. He was gracious and winning in his experience with the people of the Scranton area, and I know that they share my affection for this great American.

My thoughts and prayers go to Tip's wife, Millie, and their five children.

Mr. STOKES. Madam Speaker, I want to express my appreciation to our colleague, the distinguished gentleman from Massachusetts, Congressman JOSEPH MOAKLEY, for reserving this time to honor former House Speaker, Thomas P. "Tip" O'Neill. I join JOE in expressing my deep sense of loss over the passing of this great leader. With his demise, this institution and, indeed, the Nation, has lost a good friend and champion.

Madam Speaker, all of us who attended Tip's funeral were pleased with the great tribute paid to him by Chairman MOAKLEY. His tribute captured Tip, his life, his stories, and his philosophy in such a real and humane way that for a few moments we could visually see Tip as he was. The humorous stories injected by Chairman MOAKLEY helped us to remember Tip, not sadly, but as the jovial, convivial politician that he was—a friend to everybody.

His son, Thomas P. III, also did a marvelous job under what had to be difficult circumstances in depicting Tip as we all knew him. The combination of the tributes paid to Tip by him and Chairman MOAKLEY made Tip's funeral one that he would have enjoyed because they captured the essence of his greatness by depicting a man totally in touch with the common man.

Madam Speaker, for many of us gathered in the Chamber this evening, Tip O'Neill was more than Speaker of the House. He touched many of our lives in a profound way and helped to mold our careers in the Congress. Tip O'Neill was a personal and dear friend to me. I will always remember the special interest he took in my career.

It was Speaker O'Neill who selected me to undertake several tough committee assignments, including the chairmanship of the House Select Committee on Assassinations, the chairmanship of the House Ethics Committee, and an appointment to the House Intelligence Committee, which I later chaired.

Madam Speaker, Tip O'Neill was a committed public servant. He held elective office for 50 years, including 16 years in the Massachusetts Legislature and 34 years in the House. When he retired as Speaker of the House in 1986, he had held the post for a longer continuous period than any other.

During the 1980's and Reagan administration, it was Tip O'Neill who led our party and was the most powerful voice in defense of the average citizen. He not only held the Democratic Party together, but actually strengthened its base during this period. Tip O'Neill was a liberal, he was a man of his word, and he was never afraid to fight for what he believed in.

Tip O'Neill's service in the Congress is a testament to a man who felt that politics was an honorable calling, and viewed elective office as a way to bring about improvements in the average citizen's life. His Massachusetts constituency will remember him as a dedicated politican and a friend who never forgot his roots.

Madam Speaker, Tip O'Neill was more than a politician or a Speaker of the House. He was like a father to many of us. He nurtured us, and through his stories for which he was famous, he inculcated us with his philosophy of service to one's constituents and thereby, one's country. He loved his wife, Millie, politics, Congress, and his country.

When he retired as Speaker of the House, Tip O'Neill was asked how he wanted his career to be remembered. He replied that he was someone who "came to Washington with a certain set of ideas and he stayed with them all the way."

Time will accord Speaker Tip O'Neill his rightful place in history as one of our greatest Speakers. His integrity, dignity, and lovable personality has been permanently etched in the memory of all of us who knew him. I will personally miss his favorite greeting whenever we met which was, "LOUIE, ol' pal." Not only was he my pal, but he was the Nation's champion for the common man.

Madam Speaker, I join my friend, JOE MOAKLEY, in expressing our condolences to Millie, the children—Thomas P. III, Christopher, Michael Tolan, Susan, and Rosemary—and other members of the O'Neill family. The loss of Speaker Tip O'Neill affected us all. We take comfort in knowing that his memory will never be forgotten.

Mr. CRANE. Madam Speaker, the House of Representatives will never know another Thomas P. "Tip" O'Neill.

Tip O'Neill gave 34 years of his life to this institution which he came to love. And his service included an unequaled 10 consecutive years as Speaker.

And while he rose to what some contend is the second most powerful position in our Government, he never forgot his Boston roots. He professionally linked the connection between Washington and Boston by noting, "All politics is local."

Tip O'Neill was a dedicated Democrat. He believed his party had the answers to the Nation's needs and ills. And while we disagreed with him many, many times, we never doubted the sincerity with which he held his beliefs in the party of his choice.

Tip O'Neill was a fighter, and yet, he was a kind person. He fought for his beliefs with every ounce of his beefy figure, even as he embraced a needy friend or stranger with every ounce of his huge heart.

Tip O'Neill brought his heart to this body, and he takes ours with him to eternity.

Mr. YATES. Madam Speaker, today we mourn the death of a great Speaker of this

House. Everyone who believes in representative government and the democratic process is indebted to Tip O'Neill and I am honored to have been his friend and colleague for more than 40 years.

Tip was, of course, a vastly talented and gifted legislator but the quality that lifted him to greatness was the basic, thoroughgoing humanity of the man. From his first day in public life to the last, Tip O'Neill believed that the fundamental purpose of government was to meet the needs of people who cannot help themselves. The press in recent years has tended to call the O'Neill approach to government old fashioned liberalism but I can tell you that Tip O'Neill stood for principled, humane government and for policies that made sense for this country, and he was right. His battle for these ideas is his splendid legacy and I am very proud to have served here with him.

I remember well his opposition to the Vietnam war. He and I were among the earliest opponents of that tragedy and Tip took his stand when President Johnson and the war were quite popular in his district. He was never more right than on that issue and the people of Cambridge continued to support him. His leadership of the House and the Democratic Party during the Reagan years when the Senate was Republican and the forces of untempered capitalism were in full bloom will, I predict, be remembered by historians as a remarkable example of courageous and effective action by a Speaker.

Probably no one since FDR enjoyed the political process more that Tip O'Neill. He was a marvelous blend of humor, kindness, forcefulness, thoughtful action, and an altogether delightful human being. I mourn his loss and extend my heartfelt condolences to Millie and the O'Neill family.

Mr. COYNE. Madam Speaker, I want to pay tribute to the memory of Thomas P. "Tip" O'Neill, a man who will long be ranked among the greatest Speakers of the U.S. House of Representatives.

I will always recall with pleasure the fact that Speaker O'Neill administered the oath of office for Members of the House when I began my service in the House in 1980. Speaker O'Neill represented to me the very model of what a Congressman should be. He was a man who knew his district in Boston not simply as blocs of voters but as friends and neighbors. His famous line—"All politics is local"—reminded many of the simple truth that the views and priorities of local voters should always be kept first in the minds of Members of Congress. He taught me the importance of never forgetting the fact that I may serve in Washington but my home will always be with friends and neighbors in Pittsburgh.

Speaker O'Neill was a partisan Democrat in the finest sense of the term. He believed intensely in the idea that principles do matter and that elected officials and political parties must at times struggle aggressively to defend and promote the principles on which they campaign. Tip O'Neill was also a man who understood the fact that political differences did not and should not lead automatically to personal conflict. He was a man who could argue all day with a political opponent about an issue without questioning that individual's integrity or character.

Tip O'Neill came to symbolize for millions of Americans the office of the Speaker of the House. This was especially true during the 1980's when Speaker O'Neill led the Democratic Party and the House majority in opposition to many of the Reagan administration's policies. Working men and women and urban communities like Pittsburgh owe Speaker O'Neill a great debt of gratitude for his efforts to defend their interests from the worst effects of the Reagan administration's domestic policies.

Speaker O'Neill was a man of the people, as was appropriate for the people's chamber. He had the demeanor of the regular guy next door at a time when the news media and political pundits celebrated a telegenic appearance and the Madison Avenue approach to politics. Still, Tip O'Neill conveyed his message to the vast majority of Americans with a conviction, and simple eloquence that produced results.

Speaker O'Neill has earned his place in the history of the United States. His charm, personal conviction, and political skills will long be remembered fondly here in the U.S. House. Tip O'Neill set an example of what is best in a public servant and the most appropriate tribute we can pay him is to aspire to those high standards.

Mr. FORD of Michigan. Madam Speaker, I rise today to join my colleagues in paying tribute to our friend, former colleague and Speaker, Thomas P. "Tip" O'Neill, who passed away on Janury 5, 1994.

It has been said that Tip was born to partisan politics. His father was a Cambridge, MA, city councilman who picketed Harvard University for hiring nonunion construction workers. As a boy, Tip mowed the lawns of Harvard Yard for pocket change, never dreaming that years later, on the 350th anniversary celebration of the university, he would deliver the keynote address as its honored speaker.

Tip was a graduate of St. John's High School and of his beloved Boston College. He worked as an insurance executive before entering politics. At the age of 23 he was elected to the Massachusetts Legislature, and became its youngest speaker at the age of 37. He took John F. Kennedy's seat in the U.S. House of Representatives in 1952, and was quickly taken under the wing of Representative John McCormack of Boston, later Speaker himself.

Tip rose through the House leadership ranks rapidly. He was majority whip in the 92d Congress, majority leader in the 93d and 94th Congresses and Speaker until his retirement at the end of the 99th Congress, setting a record for the longest continuous service as Speaker of the House. In doing so, Tip raised the stature of the office of the Speaker and the entire House of Representatives.

Tip was simply a great Member of Congress. He saw it as his responsibility to represent the people of the Eighth District of Massachusetts by sticking to the ideals for which they elected him. These principles found him in agreement with Presidents as well as up against them. When Tip agreed with the administration, it was because their stance conformed with his deeply held principles and values. When he disagreed with the President it was with the grace and courage of a true statesman. Few will forget that Tip was one of the first in the Democratic leadership to break with Lyndon Johnson over the Vietnam war—a courageous move in light of the mood of the day, and of his constituents back home. Whether or not one agreed with Tip on a particular issue, and as partisan as he could be, he was always honest and fair to his colleagues.

When Republicans took the White House and the Senate in 1980, Tip suddenly found himself as the Nation's No. 1 Democrat, and often lonely defender against the Reagan administration's assault on liberalism and big government. Some in that administration tried to paint Tip as a figure straight from central casting—the portly, cigar-chomping big city machine pol standing in the way of an enormously popular President bent on changing business as usual.

Tip was initially shaken when some Democrats joined President Reagan in slashing social programs and passing massive Pentagon buildup and trickle down economic plans. But he fought back with the tenacity of a prizefighter, using both old and new political techniques to forge a formidable opposition.

Madam Speaker, the newspaper stories I have read over these past weeks have called Tip's passing the end of an era. In a sense, that epitaph is true, and it is a shame. Unlike today, where style too often supplants political substance, and the latest polls, deeply held convictions, Tip was constant in his beliefs. He was, above all, a liberal and a politician, unashamed by either of those terms, who viewed politics as a way to ensure that those in our society who were most in need and most overlooked—the poor, the elderly, the disenfranchised, the mentally and physically disabled—were not forgotten. Despite the international recognition to which he rose, Tip simply never forgot the people who sent him here, and why.

Tip O'Neill was in many ways, larger than life. Much has, and will be said about him, and his distinguished record of accomplishment. I recall often the good fortune I had to work closely with Tip to include in the reauthorization of the Higher Education Amendments of 1980 an authorization for the establishment of the Thomas P. O'Neill Library at Boston College. I later attended the dedication of that facility with Tip and his family, and still remember how happy he was at seeing that wonderful asset added to the university.

Madam Speaker, Tip O'Neill embodied a dedication to public service and a caring for others that helped make America great. He leaves behind a legacy of commitment and dedication to others that will endure for years to come. The people of this Nation, and the little guy everywhere lost a champion with the passing of Tip O'Neill.

The many kindnesses extended to me by Tip over the years are far too numerous for me to recount for this record. But every single one of them came from his heart. I will remember and appreciate them for the rest of my life.

I join my colleagues in this much-deserved tribute to Tip, and in extending my most heartfelt condolences to his wife, Millie, and the entire O'Neill family.

Mr. ORTIZ. Madam Speaker, I rise today to join my colleagues in this special tribute to our friend—and our former Speaker—Tip O'Neill. I admired him very much for his passion and his unparalleled dedication to his home and his district. The natural result of that passion and dedication was the oft-quoted philosophy of Speaker O'Neill, "All politics is local."

I worked with Speaker O'Neill very briefly, but like everyone else who happened to be in the Speaker's company, I felt the comfort he constantly radiated. No matter who was in his presence, he was a master at making people feel comfortable. That is an admirable trait, one that is indispensable in a public servant.

I remember the first meeting I had with Speaker O'Neill. I was going to ask to be put on the Select Committee on Narcotics Abuse and Control. Since I was a brandnew Member and he was the Speaker, I was a little bit nervous. When he asked me why I wanted to sit on that committee, I told him about having been a law enforcement officer with an ongoing interest in the narcotics trade in the United States.

At that point, his interest in my committee assignment became apparent. He told me that it was important to the institution of Congress that the concerns of law enforcement be represented on this important committee. I was pleased and proud when he told me right then that he would support my membership on that select committee.

While the select committee was disbanded due to fiscal considerations early in this Congress, my service on the Narcotics Committee was very important to me. I still stay abreast of issues that relate to narcotics and possible solutions to the problems we face on that front today. I know that Speaker O'Neill would be pleased by that.

Mr. BRYANT. Madam Speaker, I would first like to thank Chairman MOAKLEY for reserving this time so that we may honor Speaker O'Neill's memory.

When I was elected to serve in the 98th Congress in 1982, I found I was privileged to serve under Speaker O'Neill for 4 years. I thereby benefited from his advice and counsel in that time. Like so many of us, I have countless memories of Tip's humanity and leadership. Remember the way he would pull us aside during legislative battles, put his arm around us, and in the most eloquent fashion tell us what was right. Aside from his leadership and guidance. I know it is Tip's friendship that I will miss the most.

I will always remember Tip as being generous, family true to his beliefs and blessed with a natural ability to lead. Tip was a great husband and father, a great speaker and leader, but more important, a great friend. He will be forever missed by us all.

Mr. HALL of Ohio. Madam Speaker, it is with great sadness but deep fondness that I recall the memory of our former colleague and Speaker, Thomas P. "Tip" a friend.

Tip loved public service and he loved the House. He truly believed in the people he served. Several times he came to my district of Dayton, OH and he was always a hit—not just because he was the powerful Speaker of the House, but because he poured out friendship and warmth.

He presided over the House at a time of great change in the direction of our Federal Government. As the Nation's top Democrat, he exercised judgment and compassion in steering Congress in new directions. He never forgot that our purpose was to serve all Americans and that the weak, the poor, and the needy must be remembered.

At the end of my first term in the House, Tip appointed me to a coveted spot on the Rules Committee. I was impressed that he put his faith in me when I was so new to this institution. I hope that in the years that followed I have lived up to his trust and his ideals of service.

Mr. STUDDS. Madam Speaker, I rise today to honor a great American, a great leader and a great friend, former Speaker Thomas P. O'Neill. Tip was famous for his phrase, "all politics is local," but his impact was much more than local. His work on behalf of the Commonwealth of Massachusetts is legendary, but as one of the most distinguished Speakers of this century, his contributions to the country loom just as large.

He restored honor to politics. To him, the phrase "public servant," meant just that: serving the public. He never forgot where he came from, or that he was in politics to help people who needed it.

And the people did not forget him. There has been an incredible outpouring of genuine affection for Tip since his death last month. Everyone, it seems, has a story about Tip, of how he touched them.

People in my own congressional district are no exception. In December, just before his death, he helped arrange for food, clothing, and toys to be given to a food pantry in the town of Harwich on his adopted home of Cape Cod so needy families could have a nicer Christmas. After he died, his family asked that memorial contributions be sent to the pantry. In a little more than 2 weeks, more than $11,000 was donated to the pantry in his memory. The checks came from all over the country: from his beloved hometown of North Cambridge, from here in Washington, and from Wyoming, Wisconsin, Virginia, and every place in between.

Tip, we salute you. You were indeed a gentleman, a true "man of the House." We'll miss you, but we'll never forget you.

Mr. KLECZKA. Madam Speaker, I would like to take a few moments to pay my respects to the late Thomas P. "Tip" O'Neill.

As a Member of the House who had the honor of being sworn in by Speaker O'Neill, I have always had a special fondness and respect for him, and it was with great sadness that I made the trip up to Boston a few weeks ago to say goodbye.

Over the past few weeks, many kind words have been spoken and written about Tip. It is no secret what his strengths and weaknesses were, but the real secret may be the secret of his success. In an era of sound-bitten, telegenic politics, Tip O'Neill rose to power with his big frame, his gray hair, and his cigar in full view. He was not an eloquent orator, but you knew where he stood on the issues; and that was frequently ahead of the pack and not behind focus groups and public opinion polls.

His politics were motivated by his deep concern for the people, and how the policies of this country would affect them. In spite of his power and fame, he never forgot his roots, never forgot who and what got him here. The secret of his success was that Tip O'Neill never stopped being himself, never stopped being real, and that is the lesson for us all.

I end my remarks not with a classic Tip story, but with a note to the current Members of the House Tip loved so dearly. This is an institution capable of great things, and we did more in the last session than I think Tip thought was imaginable. Let us continue in that same vein of serving the interests of the people above all else.

Tip would expect no more, and we should honor his legacy by accomplishing no less.

Mr. QUILLEN. Madam Speaker, my colleagues and I rise today to express our sadness at the passing of our beloved former colleague, and my dear friend, Tip O'Neill. Although Speaker O'Neill has left us, he lives on through his cherished memory and through his contributions to public life, particularly this institution that he loved so well.

I first got to know Tip when I was appointed to the Rules Committee in 1965. At that time, the legendary Judge Howard Smith was still the chairman of the committee, which Tip had been a member of since the Democrats regained control of the House 10 years earlier. The Rules Committee has always been the most partisan committee in the House, and Tip freely admitted that the only reason he was there was because he could be counted on to toe the party line.

However, in those days, the committee met around a long oval table, so that junior members like Tip and myself sat facing one another, instead of on opposite ends of the room. This both promoted collegiality and created fast friendships that would last for decades. I always knew that Tip O'Neill was a man of his word whose heart was as big as his expansive personality.

Thomas P. O'Neill, Jr., was born on December 9, 1912, in North Cambridge, MA, where he would live all his life. From an early age, it was obvious that politics was his true calling, and he was elected to the Massachusetts State Legislature, called the Great and General Court, at 24, to begin an unbroken 50-year career in elective office. He rose to become the speaker of the legislature at 36, and he replaced John F. Kennedy in the U.S. House of Representatives at 40.

Using his Rules Committee position to get to know other Members of the House, and was appointed majority whip in 1971. The next year, upon Hale Boggs's tragic death, he became majority leader. In 1977, he was sworn in as the Speaker of the House, a position which he was to hold for 10 years and to which he would strengthen and bring new prestige and respect.

Tip O'Neill was possibly the best storyteller that this body has ever produced, and many of his best stories were contained in his excellent book, "Man of the House." When Tip left us last month, the House of Representatives lost a man who was the keeper of this body's institutional memory, and we are left with stories of him.

To me, Tip O'Neill was a symbol of a bygone period in the House, when comity and personal friendships were more important than constant partisanship. I miss this time very much, just as I will always miss Tip's leadership, his generosity, and his friendship. My heartfelt condolences go out to his dear wife

Millie and the rest of his extensive and loving family.

Mr. DE LA GARZA. Madam Speaker, "Keep your speeches short and the audience will remember what you had to say."

Madam Speaker, that was among the rules of politics of one of your great predecessors, the late former Speaker Tip O'Neill. In rising to remember him today, perhaps the highest honor anyone can do him is to follow that dictum—although the desire to talk at length about such a well-liked and influential man can, indeed, be great.

In his 34 years of serving in the House, Speaker O'Neill became perhaps its most enduring figure since the death in 1961 of former Speaker Sam Rayburn, of my home State of Texas. "A Man of the House," as Speaker O'Neill liked to call himself, he never forgot where he came from or why he was here, and he endeared himself to colleagues on both sides of the aisle.

His legacy will surely endure.

Mr. MANTON. Madam Speaker, I rise to pay tribute to the late Speaker, the Honorable Thomas P. Tip O'Neill, Jr. "Tip" O'Neill was a great and admirable man who had the personality and character that made him a magnificent leader—someone we will never forget. He taught this body and this Nation during his 50 years of public service.

One of the many lessons he taught us is that, "All politics is local." Tip never forgot where he came from—he never forgot his roots and the people who elected him to office every 2 years. He taught us that, "The art of politics is compromise." Whether it's the President trying to get a bill passed, or the Speaker settling a fight between two committee chairmen, the essential ingredient of politics is compromise. He taught us that political compromise is not compromising your morals or principles, but deferring your idea so a majority can be reached. He taught us that compromise means appealing to one's conscience, patriotism, and, above all, loyalty.

Tip O'Neill was the first American Speaker to visit Ireland. During the past 20 years, he was a constant voice for peace and reconciliation in Northern Ireland. As an Irish-American myself, I will not forget his work toward peace in that great land.

Although I was only able to serve under Tip's leadership for 2 years, he left an indelible mark that I will carry for the rest of my life. He was caring, compassionate, and so decent—a man who did so much for so many. Tip O'Neill personified the American Politic; he was definitely the "Man of the House," but he was also a man of the world, a leader that will never be forgotten.

To his devoted wife, Millie, to his children and grandchildren, words could never express our deep sense of loss. We will miss Tip terribly, but we must remember how enriched we have all become, because we know him, the Honorable Thomas P. "Tip" O'Neill, Jr.

Ms. ESHOO. Madam Speaker, although I did not have the privilege to serve in the House of Representatives with Speaker "Tip" O'Neill, I reserve a special place in my heart for the memory of this great man and extraordinary leader.

Speaker O'Neill had a deep and clear understanding of what it meant to be a Representative.

He loved this institution and made it a better place.

More important, he loved America and did everything in his power to make it a better place for all of us.

Throughout his tenure as a Member of Congress and as the Speaker, he held true to the belief that every American should have the opportunity to get an education, buy a home, and have a decent job.

He was compassionate and caring, yet fully understood the reality of politics, which includes vigorous give and take.

Having come to the House from a long tenure in local government myself, his famous quote, "All politics is local," endeared him to me even more.

What made him such a great public servant is the humble understanding that no matter how high you rise in public office, the true test of your achievements still lies in what you have accomplished at home for the people we are privileged to represent.

I believe "Tip" O'Neill was a great man because he was a good man. He genuinely enjoyed people. While he had many political battles, on the day he left the House he had no enemies. He was what the Irish call "A fine spring rain of a man."

Madam Speaker, I know when "Tip" O'Neill passed from us the angels greeted him in his high place in heaven.

I want to thank my colleague from Massachusetts, Mr. MOAKLEY, for arranging this time for his dear friend, Speaker O'Neill, and recognize all he has done to remember him these past weeks.

Mrs. MORELLA. Madam Speaker, in an era of the antipolitician, Thomas P. "Tip" O'Neill was a politician, and he was proud of it. During his more than three decades in the House, and especially during his 10 years as Speaker, Tip loved to press the flesh with his 434 colleagues here, but he enjoyed even more the interaction with the little people back home in the polyglot Eighth District of Massachusetts. Tip believed that Government had an important role to play in helping those little people—the dispossessed, the unlucky, those with few advantages in life.

Tip put this philosophy into practice on a personal level by lending a helping hand to the needy back in Boston. Legislatively, even in the eighties, when it was sometimes not popular to support expansive social programs, Tip persisted. For a time, he paid a price, becoming the target of national television ads portraying him as a bloated political relic. But long before he retired in 1987, he had won over even his ideological opponents who, if they did not agree with him, at least admired him for his honesty in sticking to his guns.

Tip was well known for his motto, "all politics is local," and he was a master of grassroots politics. But he never shied away from domestic and international issues, from Vietnam to Watergate to Central America. He was a driving force behind congressional reform legislation in the 1980's.

Tip's legacy—from Somerville to Seattle—is not just that he had the longest unbroken tenure ever as Speaker of the House. It is that of a politician of the old school who succeeded during a new political era. It is that of a powerful, change-oriented leader who retired as a revered figure—both in this Chamber and around the Nation.

Tip and I shared the same roots for he represented my home district in Massachusetts and I represented him in his home away from home in Maryland. To the many moving tributes we heard at his funeral service, I add my admiration and prayers. I extend my condolences to Millie and the family. Tip will be missed, but he will live on in love.

Mr. BLILEY. Madam Speaker, I rise today to recognize a great American—a man who was a respected colleague and true friend of mine. The recent passing of former Speaker Tip O'Neill has left a void not only in my professional life, but in my personal life as well.

Some may wonder just exactly what two white-haired guys from completely opposite sides of the political aisle could possibly have in common? How could a Southern conservative and a Yankee liberal forge such a long-lasting friendship?

Well, my fellow Members, I guess I'm living proof that opposites do attract. But moreover, this fine gentleman from Massachusetts and I shared a common respect and trust for this institution and most importantly, for the people we represent.

On many occasions, the Speaker and I may have found little common ground on which to agree. But, we both respected the process—the true spirit of debate—and we put our faith in the American people.

I will miss this decent and honorable man—a man who would fight for what he believed was right, but also a companion who knew a good Virginia cigar when he saw one.

In closing, Tip, I just want to say "thanks." Thanks for your tireless efforts and your loyal commitment to this House, this Government, and this Nation—your hard work certainly did not go unnoticed.

Mr. SENSENBRENNER. Madam Speaker, I join my fellow colleagues today in paying tribute to a former colleague who was not simply a Member of this institution, but he was an institution himself. Of course, I am speaking of the tragic passing away of former Speaker of the House Thomas P. "Tip" O'Neill, which is a tremendous loss to all of us.

When I first was elected to the House of Representatives and arrived here as a freshman, I learned very quickly who was in charge of this place. Tip exercised firm control over the House, but he always brought dignity to this institution. He held this place together with the authority of a stern father, but balanced that with the respect of a student of history.

Tip had the remarkable ability of fulfilling his responsibilities in Washington, while still remaining in touch with the voters he represented. He taught us all a great deal about remembering that we are here as public servants and what we do here should always reflect that.

I realize I am not alone in expressing condolences to the family, but I do wish to join the others in expressing my deepest sympathy. The memories Tip left will live on as a example to all those who have the privilege of serving in the people's house—a job Tip cherished.

Mr. GOODLING. Madam Speaker, Thomas P. "Tip" O'Neill was a man of many accomplishments. It is with sadness and respect that

I pay tribute to such a distinguished man and colleague. He will always be recognized as a great citizen who served his country in a distinctive manner for many years. For 50 years he held an elected office, 34 of those years being in the U.S. House of Representatives. He will be remembered as one of the most outstanding people to ever serve in the history of American Government.

The mark of a great leader is one who is able to communicate to his constituents exactly which direction they are headed. Mr. O'Neill was able to do this effectively. He always knew which direction he was headed and where he stood and so did we.

Full of self-confidence and charm, he was well-liked and respected by everyone. Mr. O'Neill liked to say that "politics is an honorable calling." This philosophy of his would lead him to become a memorable Speaker of the House for 10 years.

He was committed to serving his constituents and considered for the phrase, "all politics is local." Even though he was at the very height of political power and easily interacted with other successful world leaders, he remained close to his roots, never forgetting where he came from.

He was a great listener and a risk taker who proved both of these characteristics to be an asset to his personality. Most importantly, Tip was a man of his word. When he gave you his word, it was golden.

He leaves behind his beloved wife Mildred Ann (Miller); two daughters, Rosemary and Susan; and three sons, Thomas III, Christopher, and Michael. The family, his colleagues, and the Nation is deeply saddened by the loss of this great man. He will be missed but more than that he will be remembered fondly.

Mrs. LOWEY. Mr. Speaker, today I join my colleagues in fond remembrance of the late, great Speaker of the House, Tip O'Neill.

During the course of an extraordinary career, spanning a period of dramatic change in the Congress and the Nation, Speaker O'Neill stood out as a tireless and unyielding champion of the average American.

He led efforts to extend the promise of opportunity and equality to millions of citizens. He disolayed courage and conviction in calling for an end to the Vietnam war. Through the legal tests of Watergate, Speaker O'Neill was a model of judgment and integrity. And through the moral tests of the 1980's, Speaker O'Neill preserved a faith in our basic goodness, our shared ability to shape a better world based on the most noble human instincts.

Speaker O'Neill did all this, towered over our politics and Government, and yet remained to the end a humble man, friendly and approachable, always prepared with a bit of quite wisdom, wrapped in a story.

I remember sitting next to him at the new member's orientation at Harvard shortly after being elected to the Congress. What an inspiration. There were so many rules and procedures to master, and here was this man who, from it all, had made the hopes of our democracy real. He truly understood—and never forgot—what was important to those he was elected to serve.

Later, when he visited my district, he shined at every stop with the enthusiasm and love of people that endeared him to so many in this body and around the country. At the time, he was in serious pain, but it did not slow him down. He won the hearts of everyone with whom he came in contact, just as those of us who knew him would expect.

Speaker O'Neill leaves us not only a body of law and policy for which generations will be grateful, but also a personal example of grace and compassion that must forever be our guide as public servants and Americans.

May each of us in this Chamber measure up to his standard. And may his spirit lead us to a still brighter future.

Mr. MONTGOMERY. Mr. Speaker, I want to join my colleagues in paying tribute to our former Speaker and friend, Tip O'Neill. Some might think it a little unusual that he and I would get along so well since I am from the rural South and Tip was from Boston. But the fact is that I do not think I had a better friend in Congress than Tip O'Neill.

He was always there when I needed help, whether it was a problem on the Veterans' Affairs Committee or some other issue. Tip was right there to offer help in any way he could.

And he asked me for help, too. Any time Tip had a problem with a veteran's case from his district in Massachusetts, he came to me and most of the time we were able to work it out.

I remember back after the general election in 1992, Speaker FOLEY, Beverly Byron, and I were having lunch in the Speaker's Dining Room with President Bush. All of a sudden the doors came swinging open and in walked Tip. He told Mr. Bush that he had seen his car outside and wanted to stop in to say hello. Tip said, "You ran a bad campaign, Mr. President." Mr. Bush responded that he did run a good fourth quarter. Tip shot back by saying, "Yes, but it takes four quarters to win!" They were good friends and Mr. Bush even offered Tip the ambassadorship to Ireland a few years back, but Tip turned it down.

It always gave me a good feeling to see Tip on television in recent years in commercials and in guest appearances on the network shows. He was such a good sport and I know he enjoyed it.

A poll was taken recently in the South that showed Tip O'Neill was one of the most popular and best liked political figures in the country. I am glad the public came to see him as so many of us who worked with Tip saw him. He was a warm and kind person and I was proud to call him my friend.

Mr. KING. Madam Speaker, I rise today to salute the memory of one of the true giants of this body, Speaker of the House the Honorable Thomas P. "Tip" O'Neill, Jr.

Tip O'Neill first came to Congress during the administration of Franklin Delano Roosevelt and retired as Speaker of the House during Ronald Reagan's second term. He served the people of Massachusetts and the United States during 50 of the most turbulent, tragic, exciting, and glorious years in American history. He served under—or as he would quickly point out—with nine Presidents.

As a fellow Irish-American, I am proud of Tip O'Neill's outstanding achievements. For me, Tip O'Neill personified the very heart of Irish-America, embodying through his life the story of the Irish in America, and the great success we have been fortunate to attain.

Tip O'Neill often played nemesis to an American hero whom I hold in the highest esteem: President Ronald Reagan. Although there were any number of issues on which Speaker O'Neill and I would have been at odds over, there is no one in politics or government who does not admire him for his years of dedicated public service. I am proud to serve in a body that remains very much touched by Tip O'Neill's legacy.

His oft-repeated admonition that "all politics is local," is one of the central truths of our democratic system. Tip O'Neill never forgot where he came from, never failed to do his utmost to help the people of his home district, and never forgot who sent him to Congress. Most importantly, from everyone whom I have spoken to who knew Tip O'Neill, it is clear that he never took himself seriously—his job, yes, but not himself. That's a rare trait in Congress today. For these reasons I was proud to add my name as a cosponsor of House Resolution 329, which will designate 1994 as a year to honor the memory of Thomas P. "Tip" O'Neill, Jr. His dedication to faithfully representing his constituents and to remaining true to his principles, are qualities to which I strive to live up to.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to pay tribute to one of the greatest men ever to have served in this body. That man was former Speaker of the House Thomas P. "Tip" O'Neill. Mr. O'Neill will be missed by all of us, by his family, his friends, his former colleagues, and by the American people who came to know and love him.

It was not my fortune to serve in this House under the leadership of Tip O'Neill; he left the Congress the year I was elected. I was fortunate, however, to meet with Speaker O'Neill shortly after I won my primary runoff in September 1986 and on subsequent occasions after he retired. That meeting, shortly after I embarked on my campaign to Congress, made an impression that will stay with me all my life.

Tip O'Neill was a very proud man. He was proud of his Irish ancestry and he was proud of being a man of the people. Tip never forgot who he was or where he came from. He never forget why he came to Congress and the people he came to represent. As a result, Tip had the affection and respect of his constituents and his colleagues.

Tip O'Neill wasn't ashamed to be an old fashioned liberal. He believed that the business of government was the business of looking after people, especially those who were down and out, those who couldn't look after themselves. He was unabashed in his efforts to fight for these people. During the early 1980's when there were those in Washington who wanted to forget the poor, the downtrodden, and the dispossessed, it was Speaker O'Neill who fought to protect them. It was Tip O'Neill, the man of the people, the "man of the house," as his first book was aptly titled, who stood up for the rights of working men and woman throughout this country.

I will miss Tip O'Neill. He was a man of courage and compassion, a man of extraordinary character. He will remain forever as an inspiration of what public service is all about. Tip O'Neill may be gone, but his legacy will live on forever in the hearts and minds of the American people.

GENERAL LEAVE

Mr. MOAKLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on my special order.

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CRIME IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, this past week in one short 2-hour period the message of violence among the young struck home in New York's 26th Congressional District. As we deliberate here today it will strike in countless other districts across the Nation.

I represent the city of Newburgh—a city of only 27,000 people. Two hours of violence this past Sunday morning left two young people dead and three injured and countless others traumatized. One young woman shot and killed her lover—a young man suspected of beating her. A 15-year-old boy was shot and killed in a dispute over a girl. And 2 West Point cadets were stabbed, another beaten and yet another 17-year-old recruit was beaten as well after being chased by a mob of 50 others. And yet another man was hit when a stray gunshot ripped through his hand as he walked down the street with his wife.

How much more of this do we need to witness before we are prepared to ask what is wrong with our society? And what are we prepared to do about it?

Violence by and against our children is pervading our Nation, particularly in places once considered safe—our schools—our homes. Almost one out of eight youths in America is assaulted, robbed, or raped each year—and this is nationwide. We all know this number is much higher in some neighborhoods. Neighborhoods where hope and opportunity have died. We have seen an increase of 47 percent among juveniles charged with violent crime in just the past 10 years. More than ever we need to work together as a community to address this violence against and among our children.

It is time for us to take a hard look at the causes of crime. It's not just caused by the accessibility of weapons or the glamorization of violence in video games or the abuse children suffer at home or gangs or illegal drugs though each of these contributes to and exacerbates the picture. At the root—this violence is fed by hopelessness—by unemployment—by poverty—by babies having babies. It may be a good idea to have 100,000 cops on the beat, but let's not fool ourselves into believing that this will solve the problem of violence. We need to pull ourselves together as a nation and begin to attack the hopelessness and the sense of desperation felt by too many of our people.

A FURTHER TRIBUTE TO THE LATE HONORABLE THOMAS P. "TIP" O'NEILL

(Mr. PENNY asked and was given permission to address the House for 1 minute.)

Mr. PENNY. Madam Speaker, I rise this evening to join in tribute to our departed friend and former colleague, Tip O'Neill of Massachusetts.

I came to Congress in 1982, as a freshman Member, and remember fondly my first meeting with Speaker O'Neill.

I shared with him a story about his visit to Minnesota during the campaign season in 1982. We had a brief encounter at that time, not one that I think made much of an impact on the Speaker. But I told him who I was and that I was campaigning against a Republican incumbent.

I mentioned the name of the incumbent and said, "You know who he is, don't you?"

And the Speaker said, "Well, yes, I know the name, but frankly, I don't know much about him."

So on my first day in office in 1983, I wanted to make sure that I got to know the new Speaker so that when asked by reporters or constituents in years hence, he would say, "Yes, I know your Congressman."

I cannot say that our political agenda was always in sync. Tip was true to his district; I was true to mine. Dramatic differences between his district in Boston, MA, and my district in rural southern Minnesota. But we did share a common belief that public service is an important calling. We did share a common view that in politics, process does matter and that there ought to be fair treatment for opposing points of view.

I delight in acknowledging that during Speaker O'Neill's tenure, better than 70 percent of the legislation brought to the floor was brought to the floor under fair and open rules. And I think it improves the tenor of our legislative process to conduct ourselves in that fashion.

I will always remember his style of leadership with great fondness, and I treasure the fact that in early December I had an opportunity to join him briefly for breakfast here in the Capitol building. I will always feel blessed that I had that one last opportunity to be and to speak with Tip O'Neill, a great American. We will not soon forget his example of leadership.

ORDER OF BUSINESS

Mr. SANDERS. Madam Speaker, this evening we had scheduled a formal debate between the Conservative Opportunity Society and the Progressive Caucus on the issue of defense spending. Unfortunately, one of the Members is at this moment engaged in an important markup in his committee and is unable to attend. We are going to have to postpone that debate. We are all sorry for that.

Madam Speaker, I ask unanimous consent to yield my time to the gentleman from Arizona [Mr. KYL], the conservative gentleman who was going to participate in that debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

DEFENSE SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

Mr. KYL. Madam Speaker, I also express my disappointment that we were not able to have the debate this evening, but for all of those who have been expecting it, we would ask that they consult us for the time when we can reschedule, and I appreciate the gentleman's willingness to moderate the debate this evening.

We thought we would take a few minutes, the gentleman from Pennsylvania [Mr. WELDON] and I, and discuss the issue since we are both here and we are ready to at least lay some of the groundwork for that debate, when it occurs, and particularly to talk about this important issue as the President has now laid his budget before us. We can begin to analyze it both for its general purpose and how it may affect the debate.

So we would like to take a few minutes here this evening. I would like to begin by yielding to my colleague, a member of the Armed Services Committee, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Madam Speaker, I thank my colleague for yielding to me.

I, too, am disappointed that we could not engage in the Oxford-style debate that was to take place tonight between two Members of the Republican Party against two Members of the Democratic Party on the issue of further cuts in defense spending, which was going to be the position of those in the majority.

I would like to say at the outset that even though there were two Republicans against two Democrats on this issue, my position would have been at the outset that there are many, many Democrats, including most on the Armed Services Committee, who are, in fact, in agreement with the position that we would have taken that further defense cuts would not be in the best interest of America, our national security, and freedom-loving people around the world.

□ 1750

This would not have been, in my opinion, a Democrat versus Republican debate. It would have been a debate between those who are the majority in the Congress who feel that we are at the point where we cannot cut defense spending any further.

I would like to start out, Madam Speaker, by just highlighting where we are today, because unfortunately, the perception out there across America is that somehow we have dramatically increased the amount of Federal tax dollars that are sent to Washington being spent on the military. Nothing could be further from the truth. I have a chart here that I would like to refer to, which I would be happy to share with any of my colleagues, or perhaps anyone nationally, who would like to see it, that shows defense outlays as a percentage of our Gross National Product.

Most industrialized nations compare their defense spending or other areas of spending as a percentage of their gross national product, or a percentage of their total Federal outlays. That is what we are going to do here.

In the 1960's, following the Korean war, America was at relative peace. We all had thought at that point in time there would be no major war, things were stabilizing, and we could revert back to a peacetime economy and a peacetime scenario. During John Kennedy's tenure in the early and mid-1960's, we were spending 9.1 percent of our Gross National Product on the military, and roughly 51 cents of every Federal dollar that was sent to Washington was spent to support our national military and our national defense.

If we look at where we are today, as we have seen defense spending decline, this year's defense budget will see us spend roughly 3 percent of our Gross National Product on the military, and about 17 cents of every dollar on the military. So whichever mechanism we use to compare defense spending, it has actually been cut dramatically. In fact, the only area of Federal spending receiving such massive cuts is in fact our defense budget.

It was kind of ironic when President Clinton stood in this very room just several weeks ago and slammed his fist on the table and said "no more defense cuts." I would like to believe our President, but if we look at what he requested for this next fiscal year, and the following 2 years, it is actually less money in each of those years than what we are spending today. In my book, and in most of our books, that is a cut, so we continue to see requests to decrease military spending.

In fact, if we look at the President's 5-year budget plan, which many of us opposed because of this condition, $128 billion of cuts over 5 years would be in the defense area, many of them unspecified. One of our biggest problems this year is going to be to deliver on the second year of the 5-year defense cuts that President Clinton used to base his budget numbers on. In fact, there are many, including former Secretary Aspin, in his bottom-up review, who have already said we need to increase spending just to be able to keep up with our military needs this year.

What is most troubling about the defense numbers is not so much that we should pull a number out of the air, because that is not the way we should decide the level of defense spending. In fact, many of us on the Committee on Armed Services are outraged because that is how the President evidently arrived at the $128 billion number.

I say that using two quotes, one from Senator SAM NUNN, who, when the original budget numbers were given last year, said that these budget cuts were pulled out of the air. They were not based on some analysis of the threat to America's existence and our facilities around the world, they were simply pulled out of the air by a pencil-pushing budget director over at the White House.

In fact, just today we had a briefing, a closed intelligence briefing, for the Committee on Foreign Affairs by Dr. Joseph Nye, chairman of the National Intelligence Council, and each of the various subheads who were responsible for gathering all of the intelligence on which we can base the threat to America and our security around the world.

Under a direct question from me, Dr. Nye responded that not even he had been consulted by President Clinton nor the people who made that decision as to what our budget level should be for the next 5 years.

What troubled me the most is that we are making these decisions on our budget numbers from this year through the next 5 years largely based on numbers pulled out of the air, not on a threat assessment, not on the reality of the world conditions, not on the potential conflict that could come about from the former Soviet republics, not on the situation in the Middle East, not on the potential for North Korea using its nuclear technology, not on the situation involving Pakistan and India, and other nations in that part of the world, but simply we are basing this on a number pulled out of the air to fit with the President's 5-year budget plan. That really is scary, and it has many of us concerned.

Not only is defense being cut, as proposed by President Clinton, by $128 billion, but the people of America have to understand that Congress is also having its way in cutting defense even further. The defense appropriations and authorization bills that we have passed in the last session of Congress were loaded down with programs that have nothing to do with national security. Funding a $40 million hospital in Denver, CO, was one of the items that many of us tried to question but could not get a separate vote on, or funding special grants to colleges that have nothing to do with defense. All were stuck in the defense bill.

In fact, it was Senator JOHN MCCAIN who publicly has said that in last year's defense appropriation bill, there were $4 billion of unauthorized appropriations, items that found their way in, in many cases having nothing to do with our national security.

When we talk about the defense cuts we are making, we have to add in that a major or a substantial portion of the defense appropriation does not take into consideration the fact that other programs are put in there by Members of Congress that have nothing to do with our strategic interest or our national security.

On top of that, the President has requested approximately $20 billion over 5 years for what he calls defense conversion, and in fact, when one looks at that conversion number, they find out that many of those conversion items have been targeted or earmarked for certain districts or for certain companies or for certain Members, and are not based upon a real concerted effort to find and develop dual use technologies and new emerging technologies from work that we have done in the military.

Madam Speaker, the position that I would have taken if the debate were in fact held tonight is that we must base our defense numbers on the threat that is there and evident to the people of America around the world, and it must be based on scientific evidence that we then discuss and analyze, and systems that are needed to maintain our national security.

It should not be based on some artificial number pulled in by some budget pencil-pusher down at the other end of Pennsylvania Avenue.

Second, if we are looking at ways that we can improve our defense spending, we in this Congress have got to stop using the defense budget and the defense spending process as a cash cow, where we can add in all these other programs that have nothing to do with our national security.

Madam Speaker, I think we must also remember if there is one thing we could attribute to the downfall of communism in the Soviet Union, it is the work and effort of Ronald Reagan, followed by George Bush, in building up a strong military.

It was just recently, as a matter of fact, it was last March that Aleksandr Bessmertnykh, in a conference held here in Washington, said that SDI and the military posture of this country under Ronald Reagan were the reasons why the Soviet system eventually had to back off, and why Gorbachev had to back off, because they could not continue to go up against America on security issues.

No nation has ever been threatened because it was too strong. Our concern is that as we move through the remaining years of the Clinton administration, that we have to be careful that we not short change our military and end up with a hollow force structure, as we did in the 1970's, which just invites despots and leaders around the world to take on our allies and attempt to involve our allies in conflicts that could lead to a world escalation or a world war.

The threat is still there, the danger is still there. One classified briefing that was held several weeks ago, one of my colleagues said that at this point in time there were over 60 hostile actions taking place today between countries and between people and ethnic groups, any one of which could involve America, so this notion that somehow things are all rosy and we have no more concern for national security is just totally untrue.

Before I yield back to my friend and colleague, the gentleman from Arizona, JOHN KYL, I know he is going to talk about the need for nuclear deterrents and for ballistic missile systems to deal with the threat they pose, which I have not even talked about, which are also major concerns of the American people.

We have to understand that as the debate unfolds on the President's budget, this year and in the out-years, we have to deal on facts and reality, not on perceptions. What the President did in this room, in the State of the Union, in pounding his fist, was nothing but a perception that he is not going to let defense be cut any more. That is just not what is happening. It is not borne out by the facts and it is not borne out by the budget numbers contained in the document that I sent up here yesterday.

I urge the American people and our colleagues to be vigilant as this process unfolds.

□ 1800

Mr. KYL. Madam Speaker, I would ask my colleague if he would just take another minute to explain the other chart that is on the easel behind the one that he has talked about, the color chart which I think graphically demonstrates another point, and that is the comparison between defense spending and the domestic spending that has increased over the years, and I yield to my colleague for that purpose.

Mr. WELDON. I thank my colleague for again yielding. I am happy to explain this very vivid chart which I think describes what is again a misconception. The people of America have again been to some extent hoodwinked into thinking that all of our Federal dollars have gone for the military and we have cut domestic discretionary spending and mandatory spending dramatically. Nothing could be further from the truth.

If you look at this chart which provides cumulative real changes from fiscal year 1990 through fiscal year 1999 you see almost a 40-percent increase in mandatory spending programs, the entitlement programs, you see a 12-percent increase in domestic discretionary spending, and yet you see a 35-percent decrease in defense outlays, an actual decrease. The only area of the budget that we have cut in the last several years and are proposing to cut in the future are in fact national security and defense.

This President, even in cutting his Federal workers, and he counts that heavily, what he does not tell the American people is the bulk of those workers are going to be Pentagon workers, they are going to be the people who work for the military, the young people who committed their lives and their careers to defending this country. What he also does not tell the American people is, looking at two studies done, one by the Office of Technology Assessment and the other done by the Congressional Budget Office, using the numbers that they had available for the original Clinton 5-year cuts in defense, the estimates of job losses in America over the next 5 years will range between 1.2 and 2.8 million workers who will lose their jobs. These are both uniformed personnel at the Pentagon and people who work for defense contractors and the defense industrial base. There are only 5.5 million Americans who work in the defense industry right now today, and what we are talking about is seeing up to one-half of those people, one out of every two workers get a pink slip. And the problem is we have no place to put them. We have no jobs that can take their skills and their knowledge and reemploy them, and that is what is so outrageous, that we are doing this in a vacuum. Not that we should keep the defense budget high just to employ people, but there has to be some thought process given to where these people are going to go to work. That has not happened and it does not exist today, and all across America tens of thousands of husbands and wives are losing their jobs and do not know what to do because of the drastic downsizing that is currently occurring with our military, while at the same time, by the way, we are increasing dramatically domestic spending.

Mr. KYL. Madam Speaker, I appreciate the eloquent statement by my colleague from Pennsylvania, KURT WELDON, who serves on the Armed Services Committee, and who, as he indicated, participated in a hearing just this morning, an intelligence hearing describing the threat that is posed to us around the world and from the intelligence point of view the kinds of things we are going to have to do to meet that threat.

To just play for a moment on one of the last points made by my colleague, and these are statistics that I borrowed, by the way, from the former Secretary of Defense, Dick Cheney, who points out the fact that it takes 9 years to build a modern aircraft carrier from authorization to deployment. It takes about 25 years to train an officer capable of commanding a modern armor division in combat, and it takes 13 years before a new Navy aircraft can be deployed. So Madam Speaker, it obviously is the case that you cannot draw down a force and rebuild it overnight. And my colleague from Pennsylvania, in pointing out the number of people both in the civilian jobs and in the military who are being given the pink slip, as he put it, or are going to be out of this process, our military industrial base will be gravely undermined, and yet because of the severe time periods here that it takes to rebuild the forces, we would not be able to respond quickly to a crisis, but rather would have to take a long time, 9 years, for example, to build a modern aircraft carrier, and in the case of training an officer, 25 years. So we are talking about a very serious proposition when we talk about a rapid build-down, quite an oxymoron that, build-down, but a very serious proposition when we consider the time constraints and then rebuilding that force back up.

So to restate some of the statistics that demonstrate the fact that we are actually significantly cutting defense spending now, whether measured as a percent of gross domestic product or as a percent of the Federal budget, here are the quick numbers again: Defense spending has dropped since 1985 from 27 percent of the Federal budget to less than 17 percent, which by the way, Madam Speaker, is the lowest share of the Federal budget since before Pearl Harbor. Defense spending has dropped to just 3.9 percent of the gross domestic product versus 11.9 percent at the time of the Korean war, 9.1 percent during the Vietnam war, and 6.3 percent during the height of the Reagan buildup. And finally, since 1950, as my colleague pointed out, entitlement programs have grown from 18 percent of the Federal budget to over 50 percent, and have become the largest single sector of U.S. Government spending, while defense, of course, has gone from about 50 percent down to less than 17 percent.

So the first point that I think we would have made had this debate occurred this evening is that we have already cut defense spending significantly. And as the President said, whatever else you might think about his plans for cuts over the next 5 years, as he said from that podium a couple of weeks ago, we cannot cut defense spending any further.

Now why is that so? We are not talking about abstract numbers here or, as my colleague pointed out, just to keep people employed. We are talking about the need for a strong defense in order to maintain world peace.

Madam Speaker, we talk a lot about our crime problem, and one of the things we want to do about that is to put more cops on the beat. And as a matter of fact, the President proposed spending a lot of money to put more cops on the beat. Why do we do that? Why do we want to have more cops on the beat? To deter crime. The more cops you have on the beat, the less crime you are going to have committed on the streets, and the same thing is true internationally. As long as the United States maintains a strong overwhelming presence, and we can back up our foreign policy decisions whatever they may be, other people in the world are not going to mess with us. They understand what happens with people who argue militarily with the United States of America.

But as soon as our defense begins to deteriorate, as it did during the 1970's, as soon as others believe that they can get away with trouble around the world, then you see these hot spots that my colleague pointed out begin to crop up. And nations test our will, and when they find that will wanting, and when they find us unable to meet threats all over the globe, then is when you see trouble begin.

I suspect that was one of the things that was going through the mind of Saddam Hussein. Who could have predicted that he would be the aggressor against Kuwait, but very quickly that threat developed, I think, because among other things, he did not think we would respond. I think he was the most surprised person in the world when he saw the resolve of President George Bush and eventually the Members of this body, Madam Speaker, who agreed to support the President when he said we are going to stop that aggression, we are going to kick Saddam out of Kuwait and take away his capability to threaten his neighbors in the future.

But we were able to do that. Why? Because, the United States, as shown on an earlier chart, during the first part of the 1990's built up our forces to the best, the strongest, the most capable military force the world has ever known. It was not only strong from a personnel point of view and from the point of view that we had the best trained people, but also because they were the best equipped with the most technically advanced weapons ever. And what was one of the results of that, in addition to the fact that we were able to repulse an aggressor, kick him out of where he had gone and ensure that he could not threaten his neighbors for a long time to come? One of the results of that kind of capability was that this was all accomplished with the lowest rate of casualties of any comparable military conflict in the history of the world.

That is something that we tend to forget, Madam Speaker. One reason that we want to put money into defense, to train people well and to have the right kind of equipment is because we know that then when we send our young people into harm's way they will do our will at minimum risk to themselves, and to every mother and father, to every one of us who vote to put them in harm's way, nothing could be more important than making sure that they can do their job with the least risk of harm to themselves.

When we play this game of marginal benefits, of trying to see how close to the line we can get before somebody attacks us, we not only invite that kind of trouble around the world, but we also guarantee when we do have to respond that young men and women, Americans in uniform, will die needlessly, and there will be needless casualties. We have history to back us up in this respect. Dick Cheney used to talk about World War II when we had such a dramatic falling off of the military budget and the end strength, and we ended up in Korea with a lot of lives lost unnecessarily because we had not learned the lessons of the past. So there are important lessons here to be learned historically.

Let us talk a little bit about the threats before we wind up this evening. We heard testimony today, as I said, about threats around the world. It is interesting that Jane's Defense Weekly reports there are a total of 73 flashpoints worldwide today, some not presenting significant threats to world peace, but certainly some that do.

□ 1810

If you just look about where some of these things are, where some of these conflicts are, you can see that there are potential flashpoints that could very easily involve not just the United States but literally the world.

One that tends to be forgotten about even though it is very much in the news today is the Balkan crisis, that which spawned World War I. We tend to think of the trouble in Bosnia today as demanding a response because of the shelling of Sarajevo. What we tend to forget about is the fact that you have a very tense situation on the border between Serbia and Macedonia, that if there should be a conflict there or in Kosovo, in the Kosovo region, you could easily involve countries like Greece and Turkey which are building up at a fairly significant rate, Madam Speaker, and before long you could bring in a lot of other countries in the world into a very bad situation.

Mr. WELDON. Madam Speaker, if the gentleman will yield, I just think it is appropriate at this point as the gentleman is talking about the Balkans and the potential conflict there that here we have an administration that is downsizing the military dramatically, and we were going to have a discussion about further downsizing further even beyond what President Clinton is asking for which I think would be outrageous, but the same administration is in fact deploying our troops to more of the hot spots around the world, whether it be Macedonia or surrounding Haiti or the promise of 25,000 troops into the Balkans or whether it is the troops that we have over in Somalia that we withdrew and then put back in again because we were embarrassed because we had taken them out too quickly; we have troops literally in more places today than at any point in time in recent years and at a time when we are cutting back the military.

What does this mean? When I was in Somalia 1 year ago almost to this very day in Mogadishu with the appropriators, we talked to some young marines at a base camp in Baidoa, and they said, "You know, Congressman, our biggest concern is that for three of the last four holiday seasons we have been deployed. We go from one operation to another. We have no time to regroup. We have no time to go see our families. We have no time to get ourselves together. We are constantly being deployed from training exercise to mission to commitment."

What we have to understand in this body and what this administration has to understand is that it is not just saying cut defense, because you are talking about a direct impact on people's lives, young men and young women, and what really kind of scares me, and it ties in with the gentleman's point about the potential involved in the Balkans, is we cannot keep doing both things. Some Members of this body have done that, they have voted for us to stay in Somalia longer than we should be, and we should have been out of there 6 months ago, and they want us to deploy troops to Haiti, but they do not want to pay for adequate support for our military to provide those services. Those two things just cannot continue.

Mr. KYL. The gentleman makes a very valid point.

We have an all-volunteer service. We rely upon people to join the service. When they find that they are going to be deployed over and over again without that period of R&R, it certainly diminishes their incentive to continue to serve and for others to decide to serve.

To just expand on the point that the gentleman made, the United States has used military force more than 240 times since 1945, and well over 80 percent of those uses of force had nothing to do with the U.S.S.R. or any Warsaw Pact country. So, Madam Speaker, although the cold war is over, we found historically, and certainly today, that much of the conflict around the world or the potential flashpoints do not involve anything approximating the cold war, but the kind of ethnic violence and other kinds of long-simmering disputes that could well swell into a more significant kind of crisis.

One of the comments that was made today in the hearings that the gentleman referred to by Dr. Joseph Nye, who is chairman of the National Intelligence Council, is this, that the problems that come along as surprises are quite considerable. That is a direct quotation from his testimony. His point being that you never know for sure where the next conflict is going to be.

I think that it is interesting that well over 90 percent of American uses of force between 1945 and 1993, and let me repeat that, between 1945 and 1993, well over 90 percent of the American uses of force were not included on the scenarios used for planning U.S. Forces the year before, and well over 90 percent involved less than 3 months of strategic warning. That is a very interesting statistic.

In fact, the uses of force for which the United States strategic planners did not shape force plans or have strategic warning included Korea, the Berlin Wall, the Cuban missile crisis, Vietnam, Grenada, Panama, as well as the gulf war, Somalia, and Bosnia. So history shows us in very graphic terms that you cannot always predict where the next conflict will be.

I mentioned the Baltics. How about the Korean Peninsula? Here you have a tinderbox situation that could easily erupt into a major conflagration, and, of course, as my colleague pointed out earlier, if we had a better strategic defense system, a ballistic missile defense, we would not have near the crisis there that we do, but because we do not have the kind of missile defense system deployed which could obviate the threat from North Korean missiles, we are faced with a very serious potential threat.

We have China, which is rearming itself at an alarming rate, and an economy growing also at an alarming rate, I should not say alarming, but at a most impressive rate. The combined factors could certainly suggest that in 10 years or so you could have a potential threat there if the leadership in China should change.

The same thing is true about the leadership of Russia. Today we do not feel threatened by Russia, but certainly missiles, 27,000 warheads of nuclear material, pose a very serious threat should the leadership of those countries be changed and should they be redirected at the United States or our allies.

This is not even to mention the Middle East with Iraq and Iran, certainly Iraq wanting to cause more trouble, and Iran causing terrorism problems around the globe and on and on and on.

Madam Speaker, the point is this, that we know there are dangerous situations, that the world is still a dangerous place. We know the most serious conflicts that have arisen we did not have adequate warning of. We know just as sure as we are standing here that there is going to be conflict in the world. We know that before the end of this century we are going to need to deploy our forces in some way in harm's way, and yet we have folks in this country who would continue to denude the military of the manpower, the technology, the ability to meet these kinds of threats. I will simply allude to, and not quote from, a report done in July of 1993 by my colleague from Arizona, a member of the Senate Armed Services Committee, Senator JOHN MCCAIN, the title of which is "Going Hollow, the Warnings of Our Chiefs of Staff." It is replete of page after page after page of examples of our military forces now facing a hollow-force situation because of the inability to fund and afford repairs, equipment replacements, the kinds of things necessary for training and readiness, aircraft parts, shipbuilding, maintenance, on and on and on. That is the kind of hollow force that was created during the 1970's which occasioned the need for the kind of buildup done at the beginning of the 1980's.

Madam Speaker, I think without going into a lot of detail, the points that we have established here tonight, and we certainly want to debate when we have the opportunity next time are that we have already cut defense significantly, that compared with other spending, defense has become a very small part of our budget, that there are still many threats in the world, the world remains a dangerous place, and that, as a matter of fact, we cannot predict where the next conflict will arise. We know we have to be prepared for it.

We know that when we are strong we are able to deter aggression. We are able to dissuade people from engaging in bad conduct around the world.

As I said, we have more cops on the beat in order to deter crime. We do the same thing with a strong military force, so it becomes dangerous to marginalize that force and invite risk, and it also creates a much larger threat that there will be casualties once we have to engage our military forces.

Defense is a lot like insurance, I guess I would say. It is interesting to me that in this very body people are debating day after day the need for universal health insurance to insure against unknown and even unlikely problems with our own personal health, but we understand the need for that kind of insurance, and yet at the same time they are not willing to recognize the fact that we also need to have insurance against unknown and even unlikely threats against our interests around the world, that that insurance is our defense.

We do not know exactly where we will need it, when we will need it, or what we will need. But we do understand just as sure as we are here we will need to have that kind of force at some point. We dare not reduce our ability to the point that we invite aggression or create unnecessary casualties with the people that we send in harm's way.

That is why we strongly stand for the proposition, as President Clinton said from this Chamber a couple weeks ago, we cannot cut defense further.

I look forward to the debate with our colleagues about this proposition when we can reschedule it and look forward to the debate over the authorization and appropriations bill on defense when those matters come before this body as well.

Madam Speaker, that concludes my remarks.

□ 1820

OUR GOVERNMENT SHOULD BE RUN ON A MORE BUSINESSLIKE BASIS

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 60 minutes.

Mr. MCINNIS. Madam Speaker, it has been very interesting here in the last couple of days to see all the publicity and so on about the administration's budget proposal. I thought this evening would be a good time to visit with you a little bit about something that I think is very important in regard to that.

First let me tell a little story: This fellow was at school one day, and the schoolteacher came up to this young fellow, and she says, "I want to know how good your math is. If I gave you $2, and your father gave you $4, how much money would you have?" The child looked at the teacher and said, "Well, I would have $2." The teacher says, "You don't know your math very well." The young student looked up at the teacher and said, "You don't know my father very well."

This leads into what I wanted to talk about tonight, and that is how well do we know the Government? How well can we depend on our Government not to come up with a budget, with programs, but to come up with efficient and effective business operations, to manage the Government, to manage your taxpayer dollars?

Let us talk about the difference between Government programs and the private marketplace. We all know from basic economics 101 that in private business you are in business to make a profit. You are in business to provide a product, and you hope that the demand for your product exceeds the supply, so that you could make the maximum amount of profit.

But if it is vice versa, if the supply exceeds the demand, you have to run your business in such a way that you can continue to operate your business, but you need to run your business, you need to tighten down, make cuts, you need to have a fine-tuned operation in order to be able to survive the kind of scenario where the supply exceeds the demand.

In the Government side of it, the Government does not need to do that. The Government does not need to make a profit. Now, granted, the Government in some programs where it was never intended that the Government make a profit, nonetheless in those programs where the Government was never intended to make a profit, those programs need to be run in an efficient, businesslike operation.

Now, Government was never intended, nor should it, compete with the private marketplace. When you talk about a product that you can make a profit on, the Government has never been very successful in doing that.

Take a look, for example, at the U.S. postal operation. Compare that to the United Parcel Service or to the Federal Express or some of these other agencies in the private sector. Take a look at the difference in the business operations, take a look at the difference in who needs a profit and who does not need a profit.

Well, tonight let us explore a little Government business operations because I think, as the President talks about his budget, as Congress begins to look at the President's budget, that we need to say and ask of every agency, "What kind of business operation do you have? Do you have the kind of operation where the dollars that we put into your agency, that we take, by the way, from the taxpayers of this country, the dollars that we take from the taxpayers and transfer through the bureaucracy to your agency, are we getting the most bang for our buck?"

In most cases, I certainly think all of you and certainly our constituents would probably say "no."

You know, if we were able to run our Government's business operations in an efficient manner, in a manner comparable to businesses that have to operate for a profit, I do not think we would have a deficit. I think the waste that we would have been able to save over these years because we ran an efficient business operation would have us out of the problem that we face today with our deficit. That deficit, which is accumulating at the rate of about $37 million an hour—$37 million an hour of the taxpayers' money—we are spending that number more than we are bringing in. Is that an efficient business operation? Of course, it is not.

Let us look at other programs, let us look at entitlement programs. The entitlement programs, a lot of those are good programs. A lot of those had good intent when they were first proposed, when they first materialized. But do you know how much more good we could do for the poor people who need those entitlements, how much more we could give to them if we simply had efficient business operations? And we do not. It would be interesting if you could, however—and by the way, I do not think you can, through the complexity of the Federal budget—but if you could track a dollar from a taxpayer, transferred through the different Government bureaucracies, off to Washington, DC, transferred back through the Government bureaucracies back to your home State, for example, and see how much of that dollar originated in your State, went to Washington and came back through the entitlement program maze, how much of that dollar really goes to the needy person or to the person who is designed to receive that entitlement?

Take a look at our entitlement programs. Any of you who question my logic—and, well, it is not my logic, but it is basic logic found in business courses, even high school business courses—but if any of you have any question about the efficiency of the entitlement programs, for example, go stand in the grocery stores for an hour and a half and see how confident you feel about the delivery of food stamps in this country, how confident you feel in the business operations of the distribution of food stamps.

Take a look at other programs. I saw an interesting statistic today: $109 million in new Federal loans to students who had already defaulted on their old loans.

Now, how many banks out there, through their business operations, continue to loan that kind of money to customers who have already previously defaulted on prior loans? It does not happen. Or, if it does happen, the bank does not stay in business for a very long period of time.

Let us take a look at some other things. Let us look at the events of the last 2 weeks, if you want to talk about business operations. I have a good example here, the earthquake in Los Angeles, CA. There is not a person on this floor, there is not a person in this country, who is not willing to go out to somebody who really needs help, somebody who really deserves. There is nobody I know that would deny it to them. But how many of you out there are aware, for example, of the kind of problems that we are having in the business operation of the distribution of the earthquake relief money?

We had to close down food stamp lines because they were just handing them out, just handing them out. Nobody asked for qualifications.

I have right here a document from the Immigration Service, and the essence of the document is that the INS, the Los Angeles district office of the INS, states that the agency will not, will not play any role in identifying the immigration status of anyone applying for assistance. Here is a Federal agency charged with business operations and charged with the responsibility of helping other agents determine whether or not the individuals who come to these other agencies and ask for benefits or ask for eligibility, they are to help them determine whether or not they are eligible.

For the earthquake, what they have decided to do was to turn their head the other way, "Come one, come all. It doesn't matter whether you are qualified."

How many businesses out there in the private marketplace, through their business operations, could take that kind of philosophy?

Do you know why it is easy for the Government to take that philosophy? Because it is not our dollars, it is your dollars, the taxpayer dollars. It is a lot easier to spend somebody else's money, a lot easier to turn your face the other way on eligibility requirements when it is not money coming directly out of your pocket, it is coming directly out of the taxpayers' pockets. That is where our problem on business operations takes place.

Mr. President, we can make this budget work if we spend some good time, some real good time on looking at the business operations of governmental agencies.

You know, I could go through lots and lots of examples. Let me tell you how I think particular programs lose their business operation aspect point of view and are kind of overshadowed by emotions and other issues. Take, for example, the great war on poverty. Some of you can remember when President Johnson, with good intent, not with ill intent—and by the way, I think a lot of these programs are not bad programs necessarily, they are just ill-administered. Most of these programs start with good intent.

But look at the program in 1964, the great war on poverty, the war on welfare, we are going to eliminate poverty. When that first—let me say it this way: Since 1960 we have spent on an annual basis seven times, our spending has gone up seven times, and, you know what, we have just about the same level of people in poverty.

□ 1830

How can that occur? What would any other business—how could they operate like that? If a business, for example, if a business is making $10 products at a cost of $10, and then the cost the next year, and then several years, they are still making $10 products at a cost of $70, somebody in that business operation, in that private business, is going to say, "What's going on here? We can't survive. What's happening to our cost of the product? What are the costs of goods sold? Why that expense? Why is it triple?"

Well, I can give my colleagues an example in the Government. Our costs have gone up sevenfold. The number of people in poverty remains relatively the same—not exactly the same, but relatively the same. But take a look at what we do.

I say to my colleagues, "First of all, when you start a program in the Federal Government, you get a lot of special interests, and you got a lot of emotional special interests."

Let me tell you, "If you stand up to the earthquake in California and say, 'Wait a minute, I want to question the business operation of how we are going to contribute the relief funds for the earthquake victims,' not questioning the intent of the people who really need help, but questioning the business operations and the distribution, the first thing that happens is that the parties opposing you will say, 'How—the guy is without heart. He doesn't care about the people that need help in California. He's ruthless. How could he dare stand up and question earthquake relief for people in California or back in the floods? How could it possibly happen?'"

Madam Speaker, that is because the interests back here in Washington, DC, are so immense that many times to the political structure and to the bureaucratic structure they force those of us who are responsible for the business management of this Government, they force us to put business operations aside and let emotions and other factors, politics, drive the results.

It would be OK, I guess, if the results were positive results, but the results are $37 million an hour, every hour of the day, that we go in the hole. It does not work out.

As my colleagues know, in a lot of these programs, if we decided, "Let's don't go through the distribution problem, let's don't go out and hand out benefits like this; let's just give everybody who is eligible, let's just give them some tax relief," we would save lots of money if we just gave the tax relief instead of trying to set up the bureaucratic nightmare of business operations and distribution in these funds.

Then we got, not just special interests, but we also have, and I do not know what to call it, programs that are expanded. For example, the Small Business Administration expanded to include other programs that no one in this country ever had any intent for that program to cover.

Let us look at the Small Business Administration. The Small Business Administration has the purpose of going out for, as it sounds, small business, encouraging small business and making available to small business capital in the hopes that the backbone of our country, in regard to the business field, which is small business, has access to capital and that the mom and pop operation has an opportunity to expand, has an opportunity to employ people. That is the theory of it.

Well, take a look at the Small Business Administration budget. Take a look last year at the amount of money that the Small Business Administration was supposed to, under the intent of the concept of the small business agency, was supposed to use for small business loans and instead got an item put in our budget to use to plant trees.

Now, Madam Speaker, planting trees is not a bad idea. A lot of us understand that planting trees is a good idea. But should the Small Business Administration be spending tens of billions of our dollars, of the taxpayers' dollars, to plant trees?

I ask, "Do you know what? That each dollar that was spent for planting trees, do you know what that would leverage on the street as far as small business loans?"

The ratio on minority loans, where our leverage is the highest, is 1 to 20 for every dollar that the Small Business Administration was using to plant a tree. They could leverage that for $20 worth of loans on the streets for small businesses of America.

And I ask my colleagues, "Is that an efficient business operation? Is that what a business in the private marketplace, which hopes to survive, is that something, a practice, that they would do?" Of course it is not. It cannot be.

Madam Speaker, I say to my colleagues, "You can't operate like that—well, unless you're the Government; let me take that back, and unless you've got what seems like an endless resource of revenue coming in."

I say to my colleagues, "You know, if you have an automobile dealership, your source of revenue depends on a couple of things: No. 1, what you have to pay for your product; No. 2, what you're able to sell your product for; No. 3, what are your overhead costs, what does it cost you between the time you get the car, and the time you sell the car, and service the car down the road. You have to look at each of those very carefully because the money that you are spending usually is your own, and, if it is not directly out of your pocketbook, you have got property that you own leverage with the bank, and it will eventually come directly out of your pocketbook. So, your business operation, just by the consequences of the result if you don't succeed, are pretty efficient, your business operations. They have to be or you're not going to be in business."

However, Madam Speaker, the Government pulls its money from the taxpayer, and, if things do not go right for the Government operation, they just pull more money from the taxpayer. And, if things do not continue to go right, they just pull more money from the taxpayer, and the minute that the taxpayer stands up to complain, then the special interests that are impacted or receive benefits from the money that we are taking from the taxpayer and distributing out onto the street, then those groups who have—who, by the way, have use of that money and those resources to come back here and capitalize, lobbyists in the Nation's Capital, rise and have a public outcry. How could Congress dare increase the business—I mean make the business operations more effective?

Of course they do not use those words. They say, "How could Congress dare cut this program? How could Congress dare ask us whether or not entitlement dollars are really going to the people that need entitlement dollars? How could Congress dare question the bureaucracy, and the tree planting, and the Small Business Administration?"

Well, Madam Speaker, let me say I think there are some solutions that we can put into place to help the U.S. Congress and to help the Government, the guardian of the taxpayer dollars in this country. I think there are some things that we can put into place that will help us at the Government level make sure that the operations that we have, the taxpayer dollars that we use, are used effectively and in the same type of operation that private business would conduct.

Let us go over a couple of them. First of all, what about privatizing collections? "It is amazing," I say to my colleagues, "if you owned a business, and let's go back to the car dealership. You have got a car dealership in Glenwood Springs, CO, and the owner of the car dealership is a fellow named Kohler, and Kohler sells these cars, and Kohler, when he brings in, he has an accounts receivable, an accounts receivable, meaning money that is owed to the dealership. Somebody comes in, buys a car, does not have the cash to pay for it. So, Kohler says, 'All right; you owe me. You owe me $10,000.'"

Well, as my colleagues know, what happens is Kohler has to make sure that he collects on that $10,000, and every month, probably every week, he gets a printout that says, "Here's how much money is owed to you, but it's not in the cash register. You're not able to use it. It is owed out there."

Kohler has got to make sure he has got good credit risks, and he has got to make sure he can collect on the money.

The Federal Government operates much the same way.

I say, "Your income tax, for example; everyone in this room pays tax. Everyone across the country is supposed to pay taxes although we have millions, and millions, and millions and millions of taxpayers who have not paid their taxes, who the Federal Government knows where they live. They know what they do, but they have not gone after him to pay the taxes which, of course, increases the burden on all the rest of the taxpayers."

In other words, Madam Speaker, the Government is absolutely lousy, lousy, in collecting the debts owed to the Government.

Now do not feel sorry for the people that are not paying their debts because those people that are not paying their debts are putting an additional burden on those who are.

Now, granted, if we have somebody out there who, because of a disability is not able to pay their debts, we have got plenty of programs through Government agencies to help them out.

So, we need to privatize collections, Madam Speaker.

□ 1840

Let us talk a little more. What are some other solutions? Sure, I can get up here and criticize Government business operations. But what are some other solutions?

First, we talked about collections. Let's talk about management of personnel. One of my local communities, Grand Junction, CO, they took a look and they compared the pay of Government employees with the pay of private employees. That is a step in the right direction. You have to make sure that your Government employees are being treated much the same as your private market employees. You have got to have a hand on personnel.

I would challenge any of you to show me a Government agency that has terminated, not retired, early retirement, not transferred out, but terminated more than a handful of employees. It doesn't happen with Government.

Now, take a look at any town in this Nation and any number of businesses, and most of those towns, you are going to find businesses that have to terminate people. One, maybe because the people aren't performing. Two, maybe the car that they are selling is not bringing in what the car costs them. They can't continue to operate. Or in the transaction between buying the car and selling the car, the overhead costs are out of line. But the Government doesn't do that. The Government needs to improve its management of personnel.

Let's take a look at what charities do. Remember the big fraud of the charities back in the early eighties? And everybody was saying, gosh, you know, we give $1 to so and so charity, and that so and so charity uses about 98 cents for administration, and 2 cents of it goes to the person who the charity said it was going to go to, the whole dollar was going to go to.

People started across this country to get very upset. The Federal Government is no exception. Take a look at what happens to the dollar the Federal Government takes from you the taxpayer and what percentage of that goes for administration, for bureaucracies, for unnecessary paperwork, before it goes to where it was supposed to go or before it was targeted to go.

What we did with the charities, somehow we exempted ourselves, but what we did with the charities was say, "Hey, you need to start, if you wanted to be successful as a charity, you have to start telling people what percentage of the dollar that they give to you, that they donate to you, what percentage of that goes to administration costs, and what percentage goes to the recipient."

I was privileged. I got to hear a discussion at a rotary club recently from United Way of Pueblo, CO. The first thing they say is here is the percentage. I think it was, I don't know, 5 percent, maybe 8 percent, here is the percentage that stays for administration. So 92 cents out of every dollar that you give to us goes to the recipient you intended, and 91.5 cents stays local. They have to go out there, and one of the first statements in their presentation, is how your dollar is being effectively used.

But that is not what you hear from the United States Government or probably for the most part from most governmental agencies. They don't stand up to you on April 15 and say all right, we are going to take a dollar from you in taxes, and here is what percentage of that dollar goes to the entitlement programs, for example, and by the time it gets to the person on the street that needs that entitlement, here is the percentage of the dollar that they get.

Try and find that some time in that Federal budget. So I think that we need to demand that when the Government takes a dollar from the taxpayer, the taxpayer has every right to know exactly what percentage of that dollar goes to the program that the Government has promised.

Let's talk about what other businesses do. Performance audits. Not just financial audits, but performance audits.

Now, we have performance audits in the Government, but not to the extent that well-run businesses have them. And it is interesting. A lot of the performance audits, even financial audits, have two different reports, one report for an agency or for the bureaucratic, and another report for public disclosure. And then a lot of these performance audits give the agency the opportunity to refuse to follow the recommendations.

Take a look at the Grace Commission. That is not a performance audit by a government agency on a government agency. That was an independent, bipartisan group of people who had to operate business at a profit, who knew something about business operations and effectiveness of business operations.

In their performance audit, they made 2,500, that is a guess, recommendations. That is pretty close, 2,500. And the Federal Government followed less than, what, 500 of them? What is the explanation for the other 1,500? Why didn't you follow that performance audit? We have every right to demand that the U.S. Government have performance audits on its operations.

Let's talk about some other basic things. Let's talk about budgets. When Kohler's Automobile Shop, or pick another example, Carol's Gift Shop down in Colorado, when Carol's Gift Shop at the end of the year closes its books and prepares for the next year, they have to do two things. One, when they close their books, they have to be accurate. And they have to be complete. Because the Government, Uncle Sam, has something called the IRS, that comes in and makes sure Carol's books are complete and are accurate.

Carol has to do something else. She has to budget for the next year, that is, if she is going to stay in business very long. You have got to anticipate. You have got to budget.

Well, when she makes a budget, when she puts together a budget, she includes everything in the budget. She includes her income, and she includes her projected expenses.

What would happen to Carol's budget if all she did was include the income, but only put on the budget half of the expenses? In other words, well, I am going to have $10 in income, and I am going to have $10 in expenses, but I am just going to put on my budget $5 in expenses.

Who does she fool? She fools herself. She needs to put the accurate expenses on there. She may feel better that she shows $10 in income and only $5 in expenses, although in reality she has $10. She can look at that and say I feel great. I am going to have a $5 profit next year. But as next year comes, she will have fooled herself.

What does that have to do with the Federal Government? I will tell you what it has to do with the Federal Government. The Federal Government has something called off-budget. I heard a newscast last night. Social Security, part of the expenditures, part of the additional expense of the budget is because of the Social Security.

Folks, the Social Security is one of those items they can leave off-budget. What do I mean off-budget? There are two different budgets for the American people.

One budget is the budget where you think you know where your taxpayer dollars are being spent. That is one budget. The other budget is really kind of nonexistent out there. It is items like Social Security, the trust fund. We all know about the transfer of trust funds to help the operating costs and so on.

So what people say, this is the true deficit. When we look at our income statement, that is what we are losing,

$37 million an hour. But they are not even including the items they have got off the budget. You can't get away with it as a taxpayer. Your constituents can't get away with it as taxpayers. And the Federal Government should not either.

Thank goodness today, thank goodness today, the Congressional Budget Office told the President of this country, hey, your health care reform package must be on budget. Can you imagine that the President, the administration, their recommended health care plan was going to be off-budget?

Now, whether you like the plan or not is irrelevant at this point. What is relevant at this point is that every taxpayer in this country has an absolute right to know what any particular governmental expenditure or agency is going to cost him. And they have that right of disclosure. And any attempt to keep a number off budget denies that very fundamental right to you the taxpayer.

So we have to push and pressure our elected officials to keep budget items on budget, that when the Government gives you an expenditure, an income and expense statement, that all of the income is on there and all of the expenses are on there, so that we can judge, we can judge at that point in time, hey, this health care plan may be a good idea. We look at the budget, just like Carol at the gift store. She looks at the budget and says, hey, I can afford to spend that kind of money, because I am bringing in this kind of income.

□ 1850

"This is the right priority."

We need to do the same thing. We need to also look at that budget and say, hey, something is not adding up here. We are spending $37 million more an hour. Most of you out there figure your budgets on how much more you may spend per month bringing in or spending it. We have to calculate it by the hour. We spend $37 million an hour more than we have.

Somebody has to look at that income statement, income and expense statement, and say, the expenses do not equal the income.

And that brings me to my next suggestion. How interesting it is that your elected officials stand in front of the American public and say, we are good at bringing down the deficit. We are reducing the deficit. We are reducing the growth rate of the deficit. Boy, do not ask me to sign on to that balanced-budget amendment.

Let us talk about the two things. Let us talk about the deficit.

First of all, the statements that the deficit is slowing down are in fact true. Remember that these statements do not calculate the transfer from trust funds like Social Security for general operating costs. But overall, the growth of the deficit is reducing. But is that because of the newfound discipline of this body or a newfound discipline there at the White House or over in the Senate chambers? No. It is not because we have a newfound discipline back here in Washington, DC. It is primarily due and directly correlated to the fact that the interest rate is low. And because the interest rate is low, our carrying cost for our own debt has been dramatically reduced. That is your biggest contributor to why that deficit is not growing at the same rate.

What would help us reduce that $37 million an hour that goes out or money that goes out more than money that we bring in? What would help? It is called a balanced-budget amendment.

Folks, every citizen in this country, if they are a law-abiding and responsible citizen, they are expected by their peers, they are expected by their banks, they are even expected by their Government to keep their own balanced budget. Their family is expected to operate with a balanced budget. If you do not, our society declares you bankrupt, and you have to go to court and go through bankruptcy. Or if you write a check on an account that you do not have enough money to cover the check, you could commit a criminal violation.

You are expected to keep a balanced budget; that is, you cannot spend more money than you bring in. You cannot spend more than you bring in. That is what a balanced budget means. That is pretty simple.

Does the Federal Government live by its own standards that it requires of you? Absolutely not. Do most State governments live by that standard? Yes. Do most local governments live by that standard? Yes.

Do most county governments live by that standard? Yes. Does the Federal Government? No. Why not? What is wrong, Government? What about an effective business operation? What about your responsibility to the taxpayer? What about your responsibility for those people who need entitlements? Do they not deserve the most, the biggest bang that the Government can get for its buck?

You can help out a lot more people if you run an effective business operation. Koller can sell a lot more cars if he runs an effective and efficient car dealership. Go out in your own areas, to my colleagues here, go to your own hometown, go to any business and say to that business, how long will you be in business if you operate your business without a balanced budget? "Probably the first month," and they laugh at you. They say, "Come on, get serious."

You want to know why a lot of people have doubt about what goes on in Washington, DC? Not because my colleagues here come here with ill intent. They do not. There are a lot of hard-working, well-intended people out here. The problem, I think, the fundamental problem is not the few cases where we have had abuse by an elected official. The fundamental problem out there is people do not trust you with something that is very important in their lives. And what is that something? It is money. They know how they have to manage money, and they do not trust us with their money. Because they see we do not even follow the basic management philosophies that we require them to follow on their own management of money. We need to have a balanced-budget amendment.

Let us talk about another solution. What else can we do to assist effective business operations of the Government?

We need to go out there and reward the people that are doing a good job. We have a lot of Federal agencies, believe it or not, we have a lot of them out there that are doing a good job. We have got a lot of Federal employees who work very hard to do a good job.

And frankly, they do not get a lot of recognition.

We can always name the bad ones. We can find plenty of agencies that do not have good operations, business operations. But there are a lot out there that do operate effectively.

What do we do? If we have an agency that operates effectively and works within their budget, we go into their budget with any money they have left, and we take the money that is left from the agency that is well managed. We take the surplus money from that agency and give it to the agency which has not been managed properly, which is run in the hole, which needs the money to break even—break even is almost a dream to the Federal Government—which needs the money to help supplement their losses.

It does not make sense. It is like going to an auto dealership on Main Street and saying, "The money you make in profit I am going to give to your competitor right down the street, who has a lousy business operation. We are going to give them this money to help him get through, instead of closing it down, instead of demanding on that other dealership that they run their operations as efficiently as Koller has to run his."

We are just going to take Koller's profits and give it to the other business. That is what the Government does with its agencies. It goes to an agency that runs it well, takes their money and gives the money to an agency that does not. No wonder you get a statistic, a statistic like this.

In the last 2 months, I am not exact on this, but I am very close, in the last 2 months, agencies spend 40 percent of their money. The last 2 months of a fiscal year, they spend 40 percent of their money. What drives that kind of statistic? Because they know if they end the year with a surplus, they get penalized.

Ask Federal employees what their activity, their purchasing activity is like in the last couple months of a fiscal year. Ask them to be straight with you, if they have not witnessed in the Government the kinds of words, "Hurry up, we have to go out and spend this money, we only have 2 months left to spend it. If we do not spend it this year, we will get our budget cut next year. We have to be able to show that we need the money or we will not get money next year."

You cannot do that in business. You are not going to be in business very long, if it happens, and neither should the Federal Government.

Let me conclude with saying what I think. There are lots of other recommendations we could talk about, line-item veto, balanced budget, term limitations.

One of the other things that I think we should visit a little about is do not be afraid, to my colleagues here, to the American taxpayers, do not be afraid to demand of your Federal agencies accountability on their business operations. Do not forget about it.

How many people in the country remember about a very popular program, remember the audit we got 13 weeks ago on NASA. What did NASA audit reveal?

It revealed billions of dollars in cash over the years that they cannot account for. Somebody ought to be remembering that. Somebody ought to be demanding it, despite the popularity of the program, somebody ought to be demanding accountability. Somebody ought to be demanding, and some of you are, somebody ought to be demanding accountability of those billions of dollars that we are sending to California for the earthquake victims, not denying the benefits to the people that need it but saying that the business operation will allow more of those benefits to go to the people that need it, No. 1, and 2, demanding that the people that are not entitled to it or the fraud that takes place on the way down or the Federal agencies that are turning their head the other way have to change their ways.

It is amazing, up here and in my short tenure in Washington, DC, how major some of these problems can be and how quickly they are forgotten.

Take a look. Just turn on C-SPAN, turn on any channel you want, and see how often the word "deficit" is talked about. This week a lot, because we just brought up the budget. But a year ago, 6 months ago, the deficit was the big crisis in this country. It did not go away, folks.

In my opinion, we have not had a whole lot of improvement on it. But now crime has moved to the forefront, now welfare reform has moved to the forefront.

What about the deficit? What about business operations of the Government?

To my colleagues, every one of our constituents, every taxpayer in this country has every right, has the fundamental right to demand of us efficient business operations of the Federal Government.

REPORT ON H.R. 811, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–419) on the resolution (H. Res. 352) providing for consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE NEED FOR WELFARE REFORM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 60 minutes.

Mr. TORKILDSEN. Madam Speaker, tonight and over the next few weeks, I will take the floor during special orders to talk about a subject that is often emotional and always controversial. All the same, it is in desperate need of action.

I am talking about the welfare system in the United States today.

We have allowed a program designed to assist those in need to become a monster that too often turns into a long-term addiction. Instead of helping families stay together through tough times, the welfare system encourages families to split apart.

Instead of encouraging single parents to work to find jobs skills, the American welfare system penalizes those who wish to work, and discourages work from any parent who wishes to keep health insurance while taking even an entry level job.

Reform is not enough; we need to completely overhaul the welfare system.

Madam Speaker, a newspaper that circulates in my district—the Pulitzer Prize-winning Eagle-Tribune of Lawrence, MA and reporters Brad Goldstein and John Gill, and editors Alan White and Dan Warner—conducted a year-long investigation of the welfare system as it affects the Merrimac Valley area of northeastern Massachusetts. The abuses documented and the problems identified could happen anywhere in our country.

I will read the series during future special orders to draw attention to this massive problem. Today I want to focus on an overview to problems in our welfare system, and to specifically mention one problem which the Federal Government can quickly correct. The fact that prisoners in jail for misdemeanors can still collect supplemental security, or SSI, benefits.

Current law prevents felons from collecting SSI benefits, but not those convicted of misdemeanors. This means that convicts serving up to 1 year in most States, and up to 2½ years in some States, can still collect SSI benefits.

I have introduced H.R. 3251, with 14 current cosponsors, to end this abuse. No prisoner convicted of a crime and serving time should be defrauding the taxpayers by collecting SSI while in prison.

We must change the welfare system as we know it. I hope this series will begin to outline some of the many problems in the current welfare system, lead to quick action to prohibit SSI benefits for prisoners, and begin debate on a major overhaul of the entire welfare system.

The first article I would like to read is entitled:

[From the Lawrence (MA) Eagle-Tribune]

WHEN WELFARE IS A WAY OF LIFE

(By Brad Goldstein)

A chasm of age and experience separates the worlds of Donna Wrenn and Rosemary Ortiz.

Mrs. Wrenn, 45, is a high school graduate, divorced and a grandmother. She is of German, Scottish and English extraction. She lives on Prospect Hill in Lawrence.

Ms. Ortiz, 26, is Puerto Rican, a high school dropout who went back for her high school equivalency diploma and a single mother of four. She lives in South Lawrence.

Despite their differences, a common thread runs through their lives.

Mrs. Wrenn and Ms. Ortiz have spent nearly 20 years each on Aid to Families With Dependent Children, or AFDC.

Mrs. Wrenn said she started collecting welfare when her marriage turned sour and her options ran out.

Ms. Ortiz was a child when her parents went to the welfare system for help. Today she is a welfare mother herself.

Now the two women, for different reasons, are trapped in the welfare system. They say they would like different lives but they have no incentive to break free.

These women are part of the silent majority of welfare recipients in the Lawrence area. They have seen a system of temporary aid become a permanent way of life for them and, in some cases, for their children.

Once every six months to a year, they go to the local welfare office and speak to a social worker who inquires about the children's education, their father's whereabouts and the possibility of job training.

The only other contact comes when they receive a welfare check in the mail every two weeks.

Names of welfare recipients are kept confidential but both Mrs. Wrenn and Ms. Ortiz were willing to talk publicly about their lives.

Ms. Ortiz said it didn't matter to her because people know she is on welfare when they see her at the welfare office.

Mrs. Wrenn's monthly budget consists of her $538 check from AFDC, which includes child support payments, $181 in food stamps, $1,245 in state-funded foster care stipends for her three grandchildren and a $500 monthly Section 8 rental subsidy.

That is $2,514 a month, or $30,168 a year tax-free, the equivalent of a private-sector job paying $45,434 in taxable income. She also has free health insurance through Medicaid, including dental coverage, for herself and five children.

"It's hard running a household with the income I receive," Mrs. Wrenn said. "My welfare check is only enough for two of my kids. . . . I believe that's why people (on welfare) are working under the table and not reporting it."

Ms. Ortiz receives $686 a month in AFDC benefits, $268 a month in food stamps, $200 in child support payments, a $339 Social Security check—for one of two asthmatic children—and a $650 monthly Section 8 rental subsidy.

The total is $25,716 a year, tax-free, equivalent to taxable pay of $38,730 a year.

For Mrs. Wrenn, the prospect of work is a nightmare. She said her health, age and family needs all prevent her from entering the job market. She has not been employed since December 1980.

Ms. Ortiz, on the other hand, flatly refuses to work unless the state provides her with day-care and health benefits. She has held a job for only two weeks during the nine years since she had her first child and joined the welfare rolls. She quit that job when her son became sick.

Statistics made public by the welfare department show these Lawrence women are typical in many ways.

Nearly 43 percent of AFDC recipients in the Lawrence area have never held a job.

Department of Public Welfare statistics also show that one in four AFDC recipients in Greater Lawrence has collected welfare for more than five years, 7 percent above the statewide average.

State Welfare commissioner Joseph V. Gallant and Mary-Claire Kennedy, director of the Lawrence welfare office, say the main problem with the welfare system is it fosters long-term dependency.

"Years ago, people were much more reluctant to go to the welfare office. Not any more. One reason for that change is there is a growing welfare mentality. A good number of people are generational," Mr. Gallant said.

MISFORTUNES LED TO WELFARE

Mrs. Wrenn said a series of personal misfortunes first put her on welfare in the 1970s. Her ex-husband, who died last year, was an alcoholic who refused to work, she said.

She took a job as a stitcher in a Lawrence shoe factory and received extra income from the welfare department. When her ex-husband threatened to kill her, Mr. Wrenn said, she left him.

"It was a terrible relationship," she said. "I basically got married to get out of the house. I stayed with him for 14 years because I felt I had nowhere else to go."

A short-lived relationship with a friend of her husband led to two other children. She made an attempt to return to work in 1980, but said she quit after suffering seizures and back problems.

"I'm scared to go back into the work system at my age," she said. "I find it easier for people to stay on welfare once you're on because you get more benefits."

Mrs. Wrenn said she sympathizes with irate taxpayers who have supported her for years.

"They're working and we're not. They're working to pay for people," she said. "I did the same thing. Some people do need the help."

Without a job, there is no question Mrs. Wrenn needs the help.

She raises five children, ages 2 to 12 years old, in a third-floor apartment at the crest of Prospect Hill. She has lived there for 14 years. Three of those children are her grandchildren.

She took custody of them last year after her eldest daughter, who was also on welfare, was convicted of prostitution then disappeared from a court-ordered drug clinic.

Mrs. Wrenn said she had learned her eldest daughter was using the children's welfare benefits to buy drugs. Her daughter is now serving a jail term at Framingham state prison, she said.

Two-year-old Alicia, who calls her grandmother "Mommy," has not seen her mother for any extended period of time since shortly after she was born.

Mrs. Wrenn has not given much thought to the idea of welfare dependency. But she said she hopes her other children and grandchildren do not end up on welfare.

She blames drugs for causing her eldest daughter to turn to welfare. "At that time I felt it was the only thing she could do," Mrs. Wrenn said. "I couldn't keep her in the house."

"BORED WITH SCHOOL SO I LEFT"

Unlike Mrs. Wrenn, Rosemary Ortiz spent the first 10 years of her life in a family supported by welfare benefits. The youngest of six children, Ms. Ortiz said her father left home when she was an infant. She has not seen him since.

Her mother still lives in Lawrence and went back to work after her children were old enough to take care of themselves.

Ms. Ortiz was a senior at Greater Lawrence Technical School in 1984 when she became pregnant, dropped out and began receiving AFDC and Food Stamps.

"I was bored with school so I left," she said.

The father was a married man who promised to leave his wife.

"He even bought me an engagement ring," she said. "I was naive."

When the father of her first child left, Ms. Ortiz became involved with his friend. She had three children by the second man in the past nine years. He has agreed to pay $50 a week in child support.

Ms. Ortiz went back to school during the evening and recently obtained a high school equivalency degree which, along with her children's baptismal certificates, she displays on her walls.

Her three-bedroom apartment is also decorated with large color photographs of her children, Head Start diplomas and other records of their achievements.

A television tuned into Sesame Street keeps her youngest children—ages 2 and 3—busy enough for her to finish one of the many loads of laundry she does in a day.

"If they were to cut my AFDC benefits off, I will survive," Ms. Ortiz said. "I read English. I speak two languages. I've worked before. I am not afraid to go to work."

But she doesn't work, she said, because she fears losing health care benefits and food stamps for herself and her four children.

"It doesn't pay to work," Ms. Ortiz said.

Both Mrs. Wrenn and Ms. Ortiz said Gov. William F. Weld and President Bill Clinton should aggressively pursue welfare fraud before attacking their benefits, or setting a two-year limit on receiving public assistance.

"There are people out there who need it and yet there are others who don't and are on it," Mrs. Wrenn said. "They're the ones who are ruining the welfare system."

Ms. Ortiz agreed.

"Many years ago, there was no way to cheat welfare. Now it's a piece of cake," she said. "The system is hard on people who need it and easy on people who don't."

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That article demonstrates what two single parents are trying to do, trying to get off the welfare system, but finding that it does not have the incentives, it does not reward work. It makes it more difficult to take a job in the private sector and much easier to continue to stay on welfare.

The second article I would like to read tonight deals with a very, very different part of the welfare system. It deals with individuals who are in prison, convicted of crimes, and yet are still receiving benefits. It is entitled "State Looks Other Way as Convicts Get Welfare: Prison Convicts Get Welfare Behind Bars."

Heroin and welfare.

For a while, they were Ivan Lebron's bread and butter.

Mr. Lebron sold heroin on the streets of Lawrence, contributing his bit to the decline of a city.

He was arrested three times on heroin charges before he was sent away to jail.

But he went back to work selling heroin after he got out, police say.

For part of the time he was a heroin dealer, he had the support of the Massachusetts Department of Public Welfare. He got a monthly check, plus food vouchers, full insurance benefits and a cover for his activities. He was supposed to be disabled.

John Clough also had taxpayer support for his life of crime.

By his own admission, he was on welfare because he was too addled by drugs and alcohol to hold a job.

But he was fit enough to break into houses and attack and rob an 83-year-old man.

Mr. Clough continued to collect his welfare benefits even while behind bars, which is against the law.

Mr. Clough remains locked up. Mr. Lebron is on the run from another heroin charge. Benefits have ended for both. But there are others like them, perhaps hundreds.

An Eagle-Tribune investigation found:

Almost 300 criminals who did time in the county jail in 1991 and 1992 were already collecting some form of public assistance out of the Lawrence welfare office when arrested. These included drug dealers, burglars, armed robbers, drunk drivers and child molesters.

More than 50 of the convicts on the Lawrence welfare rolls continued to receive benefits in jail. More than 30 actually served full terms with no changes in their benefits.

State welfare officials have ignored a 3-year-old study recommending computer matches to catch prisoners on welfare.

The state provides benefits to people who claim disabilities resulting from drug or alcohol abuse but it does not require them to get help for their addiction.

The investigation included a computerized examination of thousands of criminal records and other public documents, as well as interviews with law enforcement officials and criminals.

Lawrence officials have publicly claimed for years that drug dealers and users and other criminals have taken advantage of lax rules to get themselves on the welfare rolls.

With no need to work and plenty of time on their hands, they have wreaked havoc on the city.

Mayor Kevin Sullivan at one point ordered police to confiscate welfare identification cards whenever they came across them during a drug raid. Dozens were seized before a court ordered the city to stop because the practice was unconstitutional.

Nothing has been done to stop the welfare department from subsidizing drug dealers.

Welfare officials do not check criminal records before or after putting someone on welfare.

Mr. Sullivan, now an official in the state Transportation Department, said he started seizing welfare cards because drug dealers were ruining the city and "we were paying them to do it. We were subsidizing a drug culture."

"These were mostly young males who were alleging they were disabled. . . . The government was paying them to stand on street corners and deal drugs."

Essex County Sheriff Charles Reardon said he and his staff also believe welfare helps fuel the underground economy of criminals.

Criminals are already on welfare when they arrive in jail and many continue to collect even behind bars, he has found.

For four years, he has attempted to have state welfare officials address the issue. They have done nothing.

ON HEROIN, ON WELFARE

Ivan Lebron and John Clough are examples of what Mr. Sullivan and Sheriff Reardon are talking about.

Mr. Lebron, 32, a former resident of Oxford Street in Lawrence, was arrested on heroin dealing charges on May 16, 1990. He was arrested twice more for heroin while awaiting trial.

His fourth arrest, on June 25, 1991, was for assaulting a police officer. This time he was sent away for a year to the Essex County jail in Middleton.

Mr. Lebron joined the welfare rolls in March 1991, in between heroin arrests. A doctor's note saying he was disabled entitled him to $339 a month in General Relief benefits, plus food stamps.

Mr. Lebron's benefits stopped two weeks after he went to jail, as they were supposed to.

A month later, he was moved to the minimum-security Correctional Alternatives Center in Lawrence.

Despite his claim of being too disabled to work when he signed up for General Relief, Mr. Lebron enrolled in a work-release program at the CAC.

Records show Mr. Lebron worked at the Ogden Martin trash plant in Haverhill from October to December 1991. His job: shoveling trash into the incinerator. He made $6 an hour and worked from 6:30 a.m. to 3:30 p.m., five days a week.

He had $1,106 in his prison bank account when he was released on Dec. 5, 1991.

In January 1992, he was sent back to jail for a month on a parole violation.

He went back on General Relief in April 1992.

While collecting, he was arrested for trespassing at a public housing project where he had been known to sell drugs.

His welfare benefits stopped in September 1992 when his eligibility ran out.

Three months later, State Police arrested Mr. Lebron and two other men and charged them with running a major heroin ring out of the Merrimack Courts housing project.

Police said addicts would page Mr. Lebron on his beeper, punch in the number of bags of heroin they wanted and Mr. Lebron would meet them at the housing project.

Police with drug-sniffing dogs found five bags of heroin on Mr. Lebron, 45 bags inside a TV in the apartment where he was staying and 180 bags in the heating system of his partners' car.

Despite his record, Mr. Lebron was allowed to post bail and walk away. He did not look back.

DISABILITY NOT AN OBSTACLE

John Clough has done time for a string of crimes, including several burglaries, robbery and assault and battery.

Mr. Clough, 35, formerly of Haverhill Street, Lawrence, started collecting General Relief in October 1990. He switched to Supplemental Security Income, or SSI, the following July.

While on welfare he was arrested twice for breaking into houses. Police say he also robbed an 83-year-old Lawrence man a few blocks from the welfare office.

According to the police report, Mr. Clough and an accomplice confronted the old man and demanded money. They knocked him down when he showed an empty wallet.

Mr. Clough snatched a bag containing some personal papers and bolted. He was arrested three blocks away and jailed.

He was later sentenced to four years in Walpole state prison. The charge of robbing the old man was filed. Mr. Clough has since been transferred to the medium security prison in Shirley.

SSI benefits are supposed to stop while the recipient is in jail. But Mr. Clough's continued until at least September 1992, a full year after he had been locked up.

In a phone interview from prison, Mr. Clough said his checks were sent to his home and cashed by the mother of his child. "Without the money, she would have been out on the street," he said.

Mr. Clough said he was on SSI for a disability. "I'm chemically disimpaired," he said. "I use drugs and alcohol. I can't read or write, too."

Welfare officials confirm people who are disabled as the result of drug or alcohol abuse can collect benefits. And there is no requirement that an addict or alcoholic get treatment or job training to continue to receive benefits.

"There are still a substantial number of EAEDC recipients who are addicts of one form or another," said Mary Claire Kennedy, director of the Lawrence welfare office.

Emergency Aid for Elderly, Disabled and Children, or EAEDC, is the program that replaced General Relief when GR was eliminated because of suspected abuse by drug addicts and criminals.

Meanwhile, Mr. Clough has filed a $100,000 lawsuit against Lawrence police from jail. He claims officers entered his home without a warrant, beat him and denied him medical attention. He acted as his own lawyer, court records show.

EX-CONVICTS CAN COLLECT

Until recently, Massachusetts convicts were automatically entitled to collect General Relief welfare for 60 days after being released from jail.

Deborah Weinstein, executive director of the Massachusetts Human Services Coalition, said that may have been unpopular but it reduced crime.

"If you remember the old gangster movies they'd hand them $50 and a new suit when they left prison. I guess we've progressed to giving $600 to ex-cons," Ms. Weinstein said.

She said convenience store owners who might be targets of holdups "are thankful these people have some source of income when they come out. Using this to tide them over is a good investment."

But The Eagle-Tribune found many criminals do not use welfare just to tide them over after being released. They are on welfare before going to jail, and they can continue to collect indefinitely by claiming a medical disability.

One welfare fraud investigator told The Eagle-Tribune disability certificates are easy to forge and never checked by welfare workers because there are so many.

A computer match of jail and welfare records by The Eagle-Tribune found 305 prisoners who spent time in the Essex County House of Corrections between 1991 and 1992 had also received some form of welfare benefits through the Lawrence office during those two years. Of the 305, 296 were on welfare before they were incarcerated.

Cross-checking found at least 54 inmates whose welfare cases remained open even after they were jailed.

In 17 cases, as in Mr. Lebron's, their benefits stopped after they were locked up. But 37 other inmates, including Mr. Clough, served their entire sentences without losing benefits.

Those estimates are on the conservative side as they account only for inmates who received benefits through the Lawrence welfare office, one of 48 across the state.

The sheriff's department has seized public assistance checks sent to inmates collecting out of the Salem, Newburyport, Haverhill and Lynn welfare offices.

The Eagle-Tribune also found at least two felons who received welfare while in state prisons. One served a year without losing benefits.

CHECKS IN THE JAIL'S MAIL

The Eagle-Tribune first reported that prisoners were illegally collecting public assistance in 1989, after Sheriff Reardon confiscated a handful of welfare checks found during routine searches of prisoners' mail for contraband.

One burglar on General Relief told a reporter that "scamming" the state was common among his friends.

Two years ago, Gov. William F. Weld cut off illegal aliens, ex-convicts and drug addicts from the General Relief rolls.

The state replaced the program with EAEDC. The Weld administration also required all participants to undergo an outside medical examination.

Thousands of recipients were knocked off the welfare rolls and spending on the program was cut in half from more than $200 million to less than $100 million.

But Merrimack Valley Legal Services filed suit and won a ruling that the new medical standards were "inherently unfair, unjust and inequitable."

As a result, thousands of welfare recipients will be reinstated.

After The Eagle-Tribune exposé four years ago, state officials maintained only a "very small" number of prisoners were collecting welfare. Then-welfare commissioner Charles Atkins publicly said the state would start performing computer matches of welfare and jail records to root out those who were.

Sheriff Reardon, who continues to confiscate welfare checks sent to the jail, said the matches were never done.

"I have never heard from them nor has any of my staff heard from them," he said.

Computer matches were also recommended by a legislative committee that studied the issue of convicts collecting welfare after The Eagle-Tribune story.

As part of the 1989 study, state auditors performed a sample match of welfare rolls against Essex County jail rosters.

Social Security numbers of 364 inmates were checked. Forty-nine, or 13 percent, were found to be on the master file at the welfare department, indicating they were on welfare at some point.

The study said 10, or about 3 percent, were fraudulently receiving benefits behind bars. They were removed from the welfare rolls. The study recommended continued computer matches that would act as a deterrent and save as much as $1 million each year.

The current welfare commissioner, Joseph V. Gallant, said his department looked into conducting computer matches with prisons and jails but dropped the idea because there is not central registry of inmates. He also said he believed the cross-checks would find only a handful of inmates on welfare.

"You have to weigh what it costs to do the matches to get one or two people," Mr. Gallant said.

"They know how many we caught," Sheriff Reardon said. "It's far greater than two or three."

Based on the number of welfare checks confiscated at the jail, he estimates close to 30 percent of the entire jail population is on some form of welfare.

"They get enough from the public as it is from the jails. And to have them collecting welfare on top of that is too much," the sheriff said.

Sheriff Reardon said most inmates know the rules barring them from collecting welfare while doing time.

"They know once they come to the jail the check will be taken away from them," Sheriff Reardon said. "So they send it to a post office box, another address. Of course, they aren't going to turn themselves in."

Madam Speaker, to recap, the articles I've read tonight outline how welfare has sadly become a way of life for many, both those who want to get off the system, as well as those who callously abuse it. Also, they point out how, despite the law, some felons have still collected SSI benefits.

Tomorrow, I will outline how those convicted of misdemeanors still collect SSI, how fraud often goes unpunished, and how many have cheated the system and the taxpayers.

SOCIAL SECURITY DISABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 60 minutes.

Mr. BACHUS of Alabama. Madam Speaker, there is a cancer eating away at our Nation's Social Security trust funds. The cancer is rapidly growing out of control, and unless this Congress acts, it threatens the future financial security and livelihoods of not only our senior citizens but each and every one of us.

The cancer I am referring to is the impending insolvency of the Social Security disability insurance trust fund. This fund has been depleted, and some experts predict it will be completely insolvent by mid-1995. My preliminary findings lead me to conclude that the impending insolvency will occur even earlier. Because disability claims are increasing at a faster rate than anyone predicted, I believe the Social Security disability trust fund will be bankrupt by the end of this year—1994.

The question you may be asking is why have not we heard anything about this? Last year, when some in Congress realized that the disability trust fund was in trouble, the Social Security Administration and others proposed what some considered the easy solution: simply take money out of Social Security's old-age and survivors trust fund [OASI]. I say that taking money out of this trust fund and away from our senior citizens and every working American is no solution. Certainly an unacceptable solution.

We cannot condone or allow a raid on the Social Security old-age and survivors trust fund and, at the same time, expect to keep that fund solvent for our children or even our own generation.

Millions of senior citizens, my parents among them, depend on their monthly Social Security checks. They paid into the fund while they were working, and they have a right to expect that what they contributed will be returned to them in their retirement years.

In the early 1980's, the American public was told that the Social Security trust funds were fixed. During the debate over the Social Security Amendment of 1983, Ways and Means Chairman, DAN ROSTENKOWSKI told this body, and I quote, "Those expecting to receive benefits in the next century would be assured that the system is solvent." But since Mr. ROSTENKOWSKI made that promise on March 9, 1983, rapidly expanding disability insurance payments have been threatening the future of our senior citizens.

Yet, according to the 1993 report of the board of trustees of the Social Security trust funds, the disability trust fund will be completely bankrupt by the end of 1995 unless immediate action is taken to correct the situation.

The 1993 trustees' report shows that the fund will have used its entire accumulated balance and will be $1.6 billion short of the amount required to pay benefits by the end of 1995. In other words, by late August 1995—or if my prediction is correct, before the end of this year—the disability trust fund will be unable to send out benefit checks unless some action is taken to provide additional funds.

This is a problem of enormous proportions. According to the actuaries, $105 billion will be required to resolve this problem for just the next 8 years. This is more than has been spent on the savings and loan bailout.

Even more disturbing is the fact that the actuaries who prepared this report used intermediate level estimates to project this outcome. If they had used worst case estimates—which, unfortunately, have proven to be more accurate in the past, the numbers would have been even worse.

In my research, I found many startling things. First, once people go on the disability rolls, they may be reexamined, but almost invariably, they remain there until they reach retirement age. That means that they will never return to work, even if rehabilitation and medical recovery later makes working possible.

According to Dr. Carolyn Weaver, the Director of the Social Security and pension project at the American Enterprise Institute, the proportion of new beneficiaries under 40 years of age jumped from 18 percent to 28 percent, between 1980 and 1990—over a 50-percent increase.

Dr. Weaver also reports that the proportion of people awarded benefits based on mental disorders increased from 11 percent to 22 percent between 1980 and 1990 alone. Among workers under 35, the proportion rose from 32 percent to 46 percent—almost half. And furthermore, these people are likely to stay on the rolls longer than those in any other major diagnosis group.

We also have a serious problem with the growing number of disability claims and the way we process them. Throwing more money at the problem is not going to make it go away.

Last year, the Ways and Means Committee heard testimony from the Acting Commissioner of the Social Security Administration on the severity of the problem and its implications for the future. The response of Social Security, the Ways and Means Committee, and this House was to propose taking money out of the old-age and survivors fund to bail out the disability fund. The Senate later stripped this provision. The problem, unresolved, continues to worsen.

The Clinton administration and the current Commissioner of the Social Security Administration seem to be on the same course this year. Yesterday's budget, again calls for diverting funds from the retirement fund to the disability fund. This may be the easiest solution, but it is really nothing more than a stop gap solution, consisting of a raid on the retirement funds of every working American.

Shifting funds from the old-age and survivors fund to the disability fund has been done before. But, this time, the problem is much worse than it has been in the past. We are talking about $105 billion over the next 8 years. This is a massive amount of money, and the magnitude of this problem poses a significant threat to the Social Security trust fund and our senior citizens.

If we continue on this course, we are going to bankrupt the fund that insures the financial security of our seniors in their retirement years. That is wrong.

Shifting funds from one fund to the other is not an acceptable solution. It does nothing to address the real problem which is a disability claims process that is out of control.

Madam Speaker, I first became aware of this problem through casework in my district. Last January, my office began receiving numerous complaints about the length of time required to resolve Social Security disability claims on appeal, so I decided to investigate the situation.

I discovered that the average wait, from the time a disability claim is filed until benefits are awarded, is 18 months. One of the factors contributing to this problem is the dramatic increase of disability claims.

The preliminary solution offered by HHS to relieve the backlog in my congressional district was to hire additional employees. I was pleased at first, but when I realized that the same thing was happening across the country, I became concerned that there might not be enough money available to pay for the rapid influx of new claims. As a result, I began to study the Social Security disability trust fund and its financial security.

I am convinced that more personnel and more money are not the answer to this problem. We need a complete reevaluation of the criteria used to determine whether a person is truly disabled, and we need a clearly defined method of reexamination that will allow us to remove people who are no longer disabled from the rolls and get them back to work.

Right now, the system is not working. We need to change the procedures and redefine the role and mission of our disability system.

The Americans With Disabilities Act [ADA] was passed with the promise of eliminating barriers and creating employment opportunities for the disabled. It also had a very high price tag. We ought to be able to use the Americans With Disabilities Act to place more disabled workers in real jobs. Additionally, we ought to be able to take advantage of medical advances and rehabilitation in order to increase the opportunities for disabled citizens to reenter the work force and at the same time, reduce the number of disability insurance payments.

Madam Speaker, I am calling on the President, and I call on my colleagues today, to consider this problem carefully. We must act now.

The reality of this situation is that the disability insurance fund is going to run out of money and soon. My question is why can not we address this problem now and avoid the crisis atmosphere of a last-ditch effort to bail out the program later?

Last week, we approved emergency supplemental appropriations for earthquake assistance. This natural disaster happened suddenly and without warning. But I would ask my colleagues today: Must we wait for the ground to move from under the Social Security disability trust fund before we act?

Madam Speaker, I urge my colleagues to join me in cosponsoring this resolution which would require the Department of Health and Human Services to thoroughly examine and confront this threat and report back to Congress with honest solutions, so that we can act in an orderly and timely manner.

My bill states that neither taking money from the Federal old-age and survivors insurance trust fund nor taking money from the general fund of the Treasury, thereby adding to the deficit is an acceptable solution.

Madam Speaker and my colleagues, it is time for action. It is time to be honest and deal fairly with the American people. We cannot continue to play with the numbers and expect this problem to go away.

[Excerpt from 1995 Budget]

DEPARTMENT OF HEALTH AND HUMAN SERVICES, SOCIAL SECURITY

FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND

[Status of Funds in thousands of dollars]

	1993	1994	1995
Social Security tax rate reallocation	0	(11,942,000)	(16,114,000)

FEDERAL DISABILITY INSURANCE TRUST FUND

[Status of Funds in thousands of dollars]

	1993 actual	1994 est.	1995 est.
Social Security tax reallocation	0	11,942,000	16,114,000

□ 1940

THE HOUSE POST OFFICE SCANDAL

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 60 minutes.

Mr. ISTOOK. Madam Speaker, it is never a pleasant task to have to address this Chamber, and those others that are listening in, on something of the gravest import that involves the integrity and the dignity of this body, however a situation has arisen that is very tempting for Members of Congress to attempt to sweep under the rug, to disregard and hope that it will go away. But unfortunately it will not.

What I am speaking about is, of course, the scandal that has arisen through the House post office, something that for a long time had been rumored—a couple of years ago Members, many Members, thought that the rumors were untrue because of a task force investigation that seemed to issue a clean bill of health, and then there was a shock wave that came across this particular body last summer, 6 months ago, when the former Postmaster of the U.S. House of Representatives post office pleaded guilty in a sudden appearance in Federal court to three counts of conspiring with Members of Congress to embezzle tens of thousands of dollars of taxpayers' money from the House post office, and that guilty plea by Robert V. Rota is now over 6 months old, and there are all sorts of rumors, of course, which circulate about what is or is not being done by the U.S. Department of Justice in pursuing potential criminal action against Members of this House.

But, Madam Speaker, the sad truth is we cannot pass the buck nor expect anyone else to handle our problems for us. The U.S. Constitution under article I, section 5, specifies that the House has the obligation to police the disorderly behavior of its Members, and certainly it is hard to get more disorderly than being engaged in a scheme to embezzle tens of thousands of dollars from the taxpayers through the use of the official offices of the House. That particular scheme, it turns out from what has been revealed in the court papers, was not something that happened just of one moment. It was something that evidently continued for a series of years and escalated to the point which it did, and I would like to cover in this presentation some of the facts that are important to people to know and also talk about what we need to do about this.

My colleagues, we have an ethics committee. Technically it is called the Committee on Official Standards of Conduct. It is charged with the responsibility to enforce the rules and standards of behavior of this body. But, despite the revelations through official court documents, through testimony in open court and through filings here in the U.S. District Court for the District of Columbia, the House ethics committee has not taken up the challenge, nor opened an official inquiry, into what happened in the post office. There was a privileged resolution, which is pending in this body, which I and over 30 other Members of this House intend to call up soon under the rules of this House which directs the ethics committee to pursue the independent investigation to cooperate, as necessary, of course, with the Justice Department and to enforce the rules of conduct of this House.

□ 1950

Let me share with you what occurred. And this is not just me talking, this is from the testimony, a factual offer made on behalf of the U.S. Government, filed with the U.S. District Court for the District of Columbia, in the case of United States of America versus Robert V. Rota. These are public records available to the public from the courthouse.

The scheme that Mr. Rota confessed to was enabling Members of Congress to embezzle taxpayers' money through the post office, through a series of maneuvers that included accumulating cash within the post office, rather than making daily deposits or frequent deposits of cash that came into the post office as part of its official business. That money was set aside and kept in special places. Then when a Member would come in, and he would have a voucher, or he would send somebody with a voucher, a voucher drawn against his official House account, drawn against public moneys of the U.S. Government, and supposedly for the purchase of stamps for his official duties, instead of getting stamps, he would get cash. And he would pocket the cash.

Vouchers in thousands of dollars. At other times, stamps themselves, having previously been purchased with public moneys, would be brought back to the post office, and they would be exchanged for cash and Members of Congress could then pocket that cash.

And then the third way that money was diverted from the public was that they would bring in a campaign check. Now, this campaign check was supposedly for just campaign purposes. Certainly many campaigns have to buy postage. But instead of bringing in the campaign check, purchasing postage and then using those stamps to further the conduct of a campaign and mailing to constituents, it would be cashed and the Member would get back cash, and thus would divert money not only from the taxpayers, but from his own or her own contributors.

This conduct evidently continued for a series of years, as laid out in the court papers as part of Mr. Rota's confession.

That was 6 months ago, Madam Speaker. And since that time, everybody has been waiting. Is the Justice Department going to pursue things? is the Justice Department going to pursue things? Is the House concerned about the integrity of this body? Is the House concerned about the shadows cast upon each and every one of us. Because the court papers don't say which Members were involved. They don't say how many Members were involved. They say there were several Members. They mention a congressman A, and a congressman B. But we don't know if it rises up to a congressman C, D, E, F, G, how far does it go? And we will never know, Madam Speaker, unless we pursue these allegations as we are charged by the U.S. Constitution to do.

Let the Justice Department pursue criminal investigations as they will. We have an obligation to pursue these matters, to ferret out wrongdoing within our own midst. And our ethics committee, which itself spends millions of dollars of taxpayers' money to enforce standards of official conduct, needs to be actively involved in the pursuit of this mismanagement and outright embezzlement of taxpayers' money.

That is the purpose of the pending resolution that has been filed in the form of Resolution 238. It may be refiled under a different number. But in the very near future, we intend to call that resolution up in this House for consideration by this body.

I would be happy to yield to the gentleman from Indiana.

Mr. BUYER. I appreciate your having this special order tonight. I think it is extremely important. I had some thoughts here that when you mentioned you have got this privileged resolution, you are trying to press this forward, and I have heard other Members and rumblings of others saying, but there is a criminal investigation, let's let the Department of Justice take care of things and not start some ethics investigation.

Well, there is a big difference between the criminal process, the criminal code, and ethics. I think that is extremely important.

We have got the United States Code here on crimes and criminal procedure, title 18, section 1 through section 6002. It is the Federal Code. So we have the Department of Justice and all those prosecutors out there. I have prosecuted under the Federal code for 3 years. I understand criminal process and criminal procedure.

This is the House Ethics Manual. It is different. It sets the code of conduct of Members.

Now, there are two different sets here. Ethics manuals are supposed to be more stringent than the criminal standard and try to hold to the highest code possible.

James Madison said, in the framing of this country, in the beginning of our ethics manual here, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

You see, they struggled with this issue of ethics in a government where you have people governing other people. So they struggled with that issue and came with the firm belief that a public office is in fact the public trust. And right now, all across America, we talk about the budget deficit, there is a trust deficit between the American people and this Congress.

I come here as a new Member and say why? Why is there such a trust deficit?

Mr. ISTOOK, all you have to do is look at this particular case as example of why there is a trust deficit between the American people and this body.

I am not here to make allegations of anyone. I know that there are tremendous impressions of impropriety. I also know that in order to have someone convicted of a conspiracy, he cannot conspire in and of himself. The conspiracy must be with others. That is very, very important.

So there is a huge difference between the ethics and criminal procedure. I disagree with those that say let's let the Department of Justice take care of things, because I am learning about this town. When you have one party in control, the Democratic Party controls the House, the Senate, and the executive branch, the checks and balances on the system are lacking right now. There truly isn't the independence of the Judiciary.

I could cite case after case, and I am very, very concerned. So having a simple code of ethics, and sure, this is a big thick book, but it can be very simple. For the 4 years as a cadet at the Citadel, the code was very simple. A cadet does not lie, he does not cheat, he does not tolerate those who do. Now, that was a code when I was a cadet as a young man. But you know, it is part of my character. The code is very simple.

Now I am faced with the toleration aspect. And I have to come forward, Mr. ISTOOK, and I join you with this. I think it is extremely important. Today, right now, America is almost giving in to situational ethics. They say is character really important? Character really doesn't matter. Don't let the character of man or woman matter. See what they do. Is he working on the agenda? Let's not look into character. Is he making things happen? Let's not worry about character.

Excuse me. When it is the public office, it matters. From the township trustee advisory board to the President of the United States, public office matters, and trust matters, and character matters. It is extremely important.

So I get upset, Mr. ISTOOK, when I hear people talking about the character doesn't matter. I think that we need to move forward on the House Ethics Committee. I join you as original cosponsor of your House resolution. I think you are on the right track. I salute your courage. It is very bold to take on this institution. But it takes men of character such as yourself to step forward and do what you are doing. Especially in the face of whatever retributions the system of this House, of which we are both well aware of, can kind of boomerang and come back.

But I salute you, and I think other Members will come and join what you are doing.

Let me close. When I think about character, Mr. ISTOOK, if I can relate a story with you. I can think about the character of this country, the American character and why it is so unique and why the American character has made us such a unique society among the world. I think back of an incident that occurred during the gulf war.

I came out of an interrogation tent at the enemy prisoner of war tent to see a brigadier general of the Iraqi Army sitting on the desert floor with his legs crossed, his elbows on his knees, his face in his hand. He was weeping and crying. He was dejected and defeated.

You see, his character is that under a tribal system and a totalitarian government where loyalty to the totalitarian regime is ultimate. That is his character. You see, when he became defeated and dejected, his system failed him and he failed himself, for he lacked the character.

Nobody, nobody, has to tell anyone, from an American private to an American general, how to act. It amazed me when I walked out there to see that.

□ 2000

And I walked up to that gentleman. I kicked the bottom of his boot and, through an interpreter, I asked him to stand at attention. And then I asked him if he were a general. And he said, "Yes, I am."

So, I said, "Then act like one and be a man."

You see, his character is so much different. We have SAM JOHNSON here. We have others. We have SAM JOHNSON. I almost weep when I shake the hand of SAM JOHNSON, with his cripple hands and what he went through in Vietnam for 7 years. SAM JOHNSON's character is completely different from the character of someone from another system, another type of government under a totalitarian system. So, character matters. Character matters today.

So, when we want to talk about, let us bridge the trust deficit, let us unite the American people and give them faith that Members of Congress, that Members of the Senate, whether it is the President, whether it is the county commissioner, exercise trust, that they will make decisions that are in the best interest of the American people. And we have to police ourselves and prove to them that we mean it, and that is the first step at restoring the trust and confidence.

Mr. ISTOOK. Madam Speaker, I thank the gentleman for his remarks about character and the necessity for pursuing this matter.

And you asked the question, why is it not being pursued. We have an obligation. It does not matter if anyone else is doing something, the buck stops with us to enforce the rules of this House, to enforce the highest standards of ethical behavior by Members of this House. And I think the burden is upon those who do not wish to pursue it to come forth and present their arguments.

I think we should probably discuss what those arguments are, because we have heard them. We know what they are. We know what fallacies are in those particular arguments.

The American people look at what is happening over in the other body, the Senate. We are not supposed to say "the Senate" on the floor.

Mr. WALKER. Madam Speaker, if the gentleman will continue to yield, we changed the rule on that now.

Mr. ISTOOK. Over in the Senate, they are making front-page headlines, because of what? An ethics investigation into a Senator. And what is it that the Senator is supposed to have done that makes front-page headlines? It is a question of where has he been putting his hands. Has he been putting them on ladies in unwelcomed fashion?

And here in the House, we have Members who have been putting their hands in the till. We have embezzlement. They are concerned with sexual harassment. That is fine. That is well and good. But we should be concerned about embezzlement, the charges that have been raised against Members of this House. And if somebody is putting their hands in the public till, are we or are we not concerned about doing something about it?

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). The Chair would advise the gentleman, it is not in order to cast reflections on the Senate or its Members, individually or collectively.

Mr. ISTOOK. Madam Speaker, I am not. I am speaking of the allegations rather than the proven conduct. I am speaking merely of the allegations, which are being probed by the Senate in their official body.

The SPEAKER pro tempore. The gentleman should not refer to an ongoing investigation in the Senate.

Mr. ISTOOK. I do not know of any rule that prohibits me from mentioning an ongoing investigation in the Senate. If there is one, I hope the Chair will cite it to me.

The SPEAKER pro tempore. Rule XIV.

Mr. ISTOOK. And it reads?

The SPEAKER pro tempore. It reads:

> Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

Mr. ISTOOK. Madam Speaker, I believe that is perfectly in accord with what I did. The Senate has public records, for example, the issuance of subpoenas, of records to enforce a Senate investigation.

Mr. WALKER. Madam Speaker, if the gentleman will continue to yield, the gentleman is absolutely correct.

The SPEAKER pro tempore. To characterize the Senate or its Members is not in accordance with the rules.

Mr. ISTOOK. Madam Speaker, I would have to challenge the ruling of the Chair, if the Chair thinks I have improperly characterized the Senate. I have merely mentioned the fact that in the U.S. Senate there is an investigation which is front-page news and certainly should not be suppressed in this body, which is front-page news, looking into allegations of alleged sexual harassment by a Member of the Senate. Yet we have, in this House, allegations of embezzlement of tens of thousands of dollars. And certainly, this is an extremely serious charge that needs to be pursued in this House.

I would not want to think that anyone in this House would want to suppress the mere mention of the fact that the Senate investigates sexual allegation charges.

The SPEAKER pro tempore. Ethics in general is acceptable. Specific allegations and specific references to the conduct of a Senator are not acceptable.

Mr. ISTOOK. Madam Speaker, I believe I am speaking in context with the rule and in accordance with the rule. The gentleman from Pennsylvania asked me to yield for a question.

I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. The gentleman, I think, referred to the proceedings of the Senate. In the rule just cited by the gentlewoman in the Chair, she said that it was entirely appropriate for the House to refer to proceedings of the Senate. The gentleman, as I listened to him, was referring to proceedings of the Senate.

The matter under discussion by the gentleman was, in fact, the subject of Senate debate. It is a part of the CONGRESSIONAL RECORD. There was extensive debate in the Senate recently. So it seems to me that this is a matter which involves the proceedings of the Senate.

The gentleman would be out of order, if he characterized those proceedings in a particular way.

The SPEAKER pro tempore. Debate was not being repeated in accordance with the rule. Senate action and a Senator's conduct were being characterized.

Mr. WALKER. The gentleman referred only, as I understood him, to a general reference to the fact that these proceedings did, in fact, take place in the U.S. Senate. He did not mention a particular Senator. He mentioned what was done under the proceedings of the Senate.

The SPEAKER pro tempore. The reference was to a specific allegation.

Mr. ISTOOK. Which has been, Madam Speaker, which has been the subject of a vote by the full Senate, which has been the subject of submitting a request for further information through a subpoena to a United States district court. That is totally in accord with the rules.

Madam Speaker, I think we are digressing here from the main issue. If the Chair wishes to make a point of order of some fashion, I would certainly contest it. Otherwise, I would like to continue with our proceeding.

Mr. WALKER. Madam Speaker, if the gentleman will continue to yield, this is an indication of exactly what we run into all the time, when we try to bring up these issues and discuss them in context.

The rules of the House are immediately applied whenever you want to discuss some of these issues on the floor. We get very, very narrow interpretations of the rules in an effort to discuss these matters.

However, when it comes to the rules of the House with regard to ethics violations, all of a sudden the Democratic leadership of the House is willing to set aside the rules or at least try to ignore them insofar as the membership will allow them to ignore them, and then line up a majority of votes on the Democratic side of the aisle to knock down any attempt to enforce the rules of the House.

The gentleman, with his resolution, is attempting to enforce the ethics rules of the House of Representatives. He is attempting to get an entirely appropriate investigation done by the Ethics Committee on a matter where Members of the House have been accused of embezzlement and where there has actually been a charge of conspiracy and embezzlement that has resulted in a guilty plea by an officer of the House.

Thus far, the officer of the House has not been investigated by the Ethics Committee, nor have any of the charges that the officer of the House made against Members of the House been investigated. That is regarded as entirely proper in this body, that we would ignore that matter, but we have got to be real technical when it comes to whether or not the gentleman was referring to proceedings or characterizing proceedings. We have got to get real technical, when it comes to those kinds of things.

I would suggest that this is the madness under which we now operate in the House of Representatives, that we simply will not take our duties seriously enough, if those duties in any way appear to impact adversely on the majority party in the House of Representatives.

□ 2010

I would suggest that this is a perfect example of why the gentleman, in his dogged pursuing of this matter, has been absolutely correct. The gentleman has been patient beyond belief. It must be months now since he introduced this resolution. He has talked all the time about what is needed here. He has been assured that at the proper time all of these things will be taken care of.

Meantime, we have had an investigation in this matter done by the Committee on House Administration that has been buried, and a resolution trying to make public those records on the floor was turned down, guess what, by the majority party voting almost unanimously as a party. I think there were a few Democratic votes who voted to make those records public, but very few. Then when we have attempted to move to the Committee on Standards of Official Conduct, that is something that the gentleman has been told, "Well, not now."

Well, it appears as though now has come. I want to congratulate the gentleman for being courageous enough to bring this matter before the House and to give us an opportunity, hopefully in the near future, to find out whether or not the House is going to get concerned about its rules when it involves real ethical questions.

Mr. ISTOOK. Madam Speaker, I appreciate the comments of the gentleman from Pennsylvania [Mr. WALKER].

Reclaiming my time, Madam Speaker, I think it is important to note when people say we should not do it because the Justice Department is investigating it, certainly we have had many contemporaneous investigations where the House was pursuing allegations of ethical misconduct simultaneously with something going on in the Justice Department. A good example, a recent example, was certainly the House bank scandal.

We had the investigations regarding the Keating Five. We had an inquiry into allegations of improper use of book proceeds by a Member of this House. We have had a number of occasions when we have understood that we and the Justice Department each have separate duties. We can cooperate with one another without interfering with one another. We certainly should seek to do so, because we cannot evade our constitutional responsibility.

There is also, Madam Speaker, a lingering question with many people as to whether the Justice Department actually will pursue things, presuming that the evidence is indeed there in their hands, to the point of an indictment.

Certainly, Madam Speaker, those who have followed what the Justice Department has done on this are aware that the original grand jury pursuing those matters was dissolved. It ran out of time. It had a statutory time limit and it came to a point where it could not be extended further.

A second grand jury had to be empaneled last fall, which means a new learning curve and certain delays. The investigation is also on its third U.S. attorney because of the change of administrations and replacement of U.S. attorneys under that. It is now a different U.S. attorney that is charged with that responsibility. Certainly people who are familiar with different investigations, whether at a State level or a Federal level, know that it is very easy to give the appearance of activity and yet nothing results from it.

We also know that in an investigation with as many political ramifications as this one, that no indictment would be issued without the approval at the very highest levels of the Justice Department. So no matter what might be the desire of an individual U.S. attorney or his staff or investigators to pursue a matter, unless that receives clearance from those at the highest level of the Justice Department, nothing happens.

This is the same Justice Department which, within the last couple of weeks, declines to prosecute, despite an extremely strong and sharp recommendation from the inspector general within the Department of Justice, saying that two State Department employees who had the political pull, if you will, of having been involved with the Clinton and Gore campaign, that they should not be prosecuted, despite what seems to be the indisputable evidence that they made an effort to go in, go through closed files from Bush administration personnel, take information about that out of those files that they thought would be damaging, and give that information to members of the press. For the sole purpose of trying to embarrass members of the prior administration, they would break the law which made those records confidential.

However, the Justice Department, realizing the political problems of that, declines to prosecute. Now, if we have a sensitive investigation regarding a Member of Congress, would the Members not think that a Member of Congress would have more political pull and thus less chance of actually being prosecuted because that decision would have to come down from the highest levels of the Justice Department?

We cannot rely on the Justice Department or anyone else to do our job for us. It is our constitutional responsibility. We cannot pass the buck.

It is very telling, too, Madam Speaker, that when we did have a House task force a couple of years ago which did not pursue these allegations at the time, because frankly, the information was concealed from them at the time by Mr. Rota, but when they issued a report about what had happened, they were not satisfied with allegations that they should not be interfering with the Justice Department in looking into the House post office.

In fact, and this was the majority report from that task force, they wrote that the task force was hampered by the Department of Justice's intermeddling and interference with their legislative mandate, and they said there was heavy-handed legal maneuvering and thinly veiled threats by the Department of Justice to thwart the House inquiry.

They knew that the House had the obligation to pursue these matters whether the Justice Department was pursuing them or not, and the Justice Department should not be used to thwart the House in the exercise of its constitutional duty to inquire into the conduct of its own Members.

Now we hear, "Oh, we mustn't interfere." Then it was the Justice Department interfering, when they thought Members of Congress would not be implicated. But when Members of Congress became implicated, suddenly the attitude is, "Oh, hands off. Let's let the Justice Department do it, and maybe if we are lucky they will bury it and it won't come to light."

Mr. BUYER. Will the gentleman yield, Madam Speaker.

Mr. ISTOOK. I yield to the gentleman from Indiana.

Mr. BUYER. Part of the frustration that we are dealing with here is trying to deal with the Department of Justice. I understand that your resolution is not telling the Department of Justice to do your job. That is a frustration that we deal with in this body in scandal after scandal that has occurred, even with the Presidency and members of his Cabinet.

I know the gentleman's resolution does not address that. What his resolution is addressing is the responsibilities of this body with the ethics. So if we cannot get Justice to do their job with criminal procedure, and they just throw the book aside, then it is our ultimate responsibility to step forward and say, "This is the House ethics manual. It is a code. Honor is more than a word, it is a way of life, and it is important for this body to hold that close."

It is a scandal. It is a scandal. Let us not call it something that it is not. It is a scandal. It is a scandal of that side of the House. Members of the post office were appointed by the Democrat Party under a system of patronage. Why has that not been investigated? Where is it?

I would say to the gentleman from Pennsylvania [Mr. WALKER], I remember he introduced a privileged resolution for sunshine, to bring public disclosure, and this body pounced on him: "What are you doing, Mr. WALKER? We don't want the public to know. We don't want anybody to know about the scandals of this House." It was defeated 200 to 207.

Six months have gone by since the gentleman brought his resolution up. I would ask the gentleman from Pennsylvania [Mr. WALKER], are there any plans that he has to resurrect his privileged resolution?

Mr. WALKER. Will the gentleman yield?

Mr. ISTOOK. I yield briefly to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, one of the things that concerns me is, we have a problem that goes far beyond sunshine at this point, because the corrective surgery that was performed in the House to take care of the bank scandal and the post office scandal and some of these things was, we put a professional House administrator in place that was given certain powers to take over a lot of the institutions of the Congress, in order to get rid of the patronage system, and guess what, the House administrator up and quit the other day.

As nearly as we can determine, one of the reasons he quit is because some of the things that the House said were to be assigned to him in order to end patronage were not granted to him. They were kept in the bowels of the power brokers of the Congress.

☐ 2020

They did not want to give up that power. They did not want the patronage system to be eliminated.

The Speaker, when he talked about this grand new reform package that we were having in the House, indicated we were going to end patronage and go to professional employees. If we had only done that. But the fact is the Democrat patronage operation continues to operate. As we stand here they are still filtering people into the House system, and so the Democrats have abandoned all pretense of reform. And the real resolution that we need now, in addition to some sunshine, is some corrective work on the reform that was passed supposedly to take care of these matters. And we ought to force the House Administration Committee and others to give up the power that they have refused to give up at the present time.

Do my colleagues know what the official word is as to why the House information systems were not turned over to the administrator as required by the resolution? The official explanation for that was it was a resolution passed in the last Congress and is not binding on this Congress. Well, if that is the case, the new Postmaster, the new administrator, the new inspector general, none of those things is binding on us because they are all a part of the same resolution. And this is appalling. We are seeing the disintegration of proper behavior in the House of Representatives, and yet the Democrats hope that it will all be ignored.

Mr. ISTOOK. Madam Speaker, we have another Member here who has been very patiently awaiting an opportunity to share some of his thoughts on this very important and significant matter. That is the gentleman from Michigan [Mr. HOEKSTRA]. Madam Speaker, I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Madam Speaker, I think it is time to bring some focus back to the issue. Reflecting back on this now I am saying we have heard that the time has come to now deal with this issue. I think we are long past the time to deal with this issue. We should have dealt with it 6 months ago. The gentleman and I talked about bringing it and pushing it forward 6 months ago. We talked to many of our colleagues. They encouraged us to wait until the Justice Department finished their probe, and in reality we should have moved forward then, because what has happened over the last 6 months has hurt the reputation of a number of Members of Congress, and has hurt the reputation of the House itself.

If we go back and we take a look at the resolution which the gentleman authored, it is very simple. And I would quote from it that all we are doing is "calling on the Committee on Standards of Official Conduct to conduct an investigation into activities at the House post office to determine whether House rules were broken or whether public funds were embezzled by Members." We are asking for an investigation to clear up a very specific charge.

Reading on again, why did we think that this was necessary 6 months ago and why do we think it is even more important that we focus on this issue now? "Whereas former House Postmaster Robert V. Rota has pleaded guilty in the United States District Court for the District of Columbia to charges of conspiracy to embezzle funds of the United States in violation of section 371 of title 18 United States Code * * *"

Going on, "Whereas court documents in this case contained allegations that several Members, officers or employees of the House were co-conspirators with Mr. Rota * * *"

Going on again, "Whereas complete and accurate testimony by Mr. Rota were not provided to any previous inquiry by this House."

There are very specific charges that have been made, that have been proven in court that this House has not dealt with. The end result again is what the gentleman has stated: "Whereas the safety, dignity and the integrity of the House and of public confidence in the House require that these allegations receive full inquiry by the House itself."

I came from the private sector. I worked for a company that was one of the 100 most admired companies in this country. We valued our reputation. If there were allegations of doing something wrong, improper behavior, we needed to improve our customer service, we went after those issues, and we went after them immediately, and we dealt with them. That is how we maintained and enhanced the reputation of that company.

It was amazing to me, and I am disappointed we did not push harder 6 months ago because, you know, the House in different polls has an approval rating of integrity. Now on a good day of 29 percent of the American people believing we are doing a good job, and on a bad day we are in the high teens. And this is one of the reasons. They have read these allegations. They have seen employees of the House indicted, pleading guilty. That has been a part of the public record. In town meetings they consistently ask me, "Well, what are you doing to help clear up these final allegations to restore confidence in the House, to clear the names of those people that have perhaps been implicated or to get to the bottom of the issue?" And it is kind of like well, we have a resolution and it is ready, but we are waiting for an approval to go ahead, which we have now found out has not come, probably never would. And the only way that we are going to do it is to push it forward ourselves.

That is why it is a very straightforward question we are going to be asking this House: Are we going to participate in the process, take ownership for our reputation, our integrity, or are we going to abdicate that responsibility and give it to somebody else? And as soon as we abdicate it and give it to somebody else, we are going to lose it. We need to be tackling this issue from inside the House. We should have done it the first time any allegations were made. If we had done that, this issue would have been settled a long time ago. People would have had a greater degree of confidence in what we do here. And most importantly, they would have had a higher degree of respect not only for how we deal with ethical issues, but how we deal with the tough issues that are facing this country today.

They feel that we are out of touch. They feel that we are not capable of making the tough choices, the tough decisions as regards ethics. If we cannot deal with ethical issues within the House, how can they expect us to deal with the other issues that we are facing within this country?

Common sense. They look at it and they say well, with these allegations, how can you just be sitting on your hands and not doing anything? They do not see us as having common sense. They do not see us listening to our constituents who are constantly bringing up these ethical issues that we are not doing anything about. And they ask their own question: "I wonder now if I did something like that with a government program, I wonder what would happen to me? You know, do I think it would kind of just go away in 6 or 8 months later?" No, they know that it would not, that the Justice Department, that the long reach of the Federal Government and the judicial system would reach out and grab them. And they are wondering why does it not happen in the House itself.

I think the bottom line is they are asking for results and not excuses.

Mr. ISTOOK. I thank the gentleman. Reclaiming my time, I think the gentleman is exactly correct.

This is a question of privilege among other things. It is a question of privilege. Are we to be treated differently and to have some sort of immunity from prosecution for an act such as embezzlement because we are elected officials, because we are in Washington, DC, because we are the focus of power in this country and somehow we have acquired an immunity? Of course we have not. And that is what the public is so mad about, that we are not treated like regular people. We do not try to be treated like regular people. We do not act like regular people.

The gentleman mentioned his corporation and the company he worked for and the reputation he had attained. Is there any company, any company anywhere in the United States of America that if there were allegations like this of embezzlement by a company official so they would say, "Well, we can't do anything about it, we will turn it over to the prosecutors and maybe they will do something"? But meantime, the guy is still on our payroll, he can still pilfer from the till if he is so inclined to do so, and nothing has changed. That would be totally unacceptable in any business in this country, and it is totally unacceptable for this House to bury its head in the sand rather than get to the bottom of this.

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Mr. HOEKSTRA. If the gentleman will yield further, yes, I think the real statement here, I think, is we are talking about, I think, what the problem we are facing is that we are stating almost as a fact the allegations are true; and all we are seeking for is that the House be given the opportunity, not the opportunity, that the House do their responsibility and get to the bottom of the allegations so that we can either prove that the allegations are true or discover that they are false.

I think that the American people, by watching us and seeing that over a period of 6 months we have not done anything, they are assuming that we as an institution have something that we do not want to take a look at and that we hope will go away and something that will be embarrassing to the House; and that we need to get to the bottom of it, and we need to get to the bottom of it now.

Mr. ISTOOK. Reclaiming my time, the gentleman correctly states that the resolution does not pass judgment upon any Member. It does not say allegations are true.

Certainly each of us are going to have varying degrees of personal opinion, and let us take this scenario that we have, if someone is going to go into Federal court and accuse a Member of the U.S. Congress of being part of a conspiracy with him for embezzlement, if his hands were clean and this had not occurred, then you anticipate what would have happened is he would have tried to plea bargain where he does not have to plead guilty to something, and he gets immunity from prosecution. In this case, the gentleman pleaded guilty, he was found guilty on three counts of conspiracy of embezzlement. I am not asking any Member to join me in my opinion of the truth of the allegations. I am asking Members to join me in getting to the bottom of it.

The ethics committee has not prejudged what has occurred or not occurred and they should not prejudge.

But, by golly, they had better get to the bottom of it.

Mr. WALKER. If the gentleman will yield, I think the gentleman from Michigan has performed a real service here by going back and reiterating what is in this resolution, and if I understand it, if we can simplify it, I mean, the bottom line is here the resolution requires the ethics committee to investigate the House post office to determine whether House rules were broken and whether public funds were embezzled by Members of Congress. I mean, that is the bottom line.

Mr. ISTOOK. Reclaiming my time if I can add a very important point, I say to the gentleman from Pennsylvania [Mr. WALKER], it also says that the report from the ethics committee on this matter should be issued and should be issued to the public and, of course, we know that the ethics committee has the authority in a proper case to recommend to this body that a Member be censured or even expelled, and that is also, of course, an important thing to know about the significance of this resolution.

Mr. WALKER. I think that is useful.

But, you know, really what we are doing with this resolution if it would pass would be to ask as a House for our ethics committee to investigate these charges.

Now, that being the case, then I assume that you are intending at this point to bring this to the floor for a vote. Is that correct?

Mr. ISTOOK. That is correct, I say to the gentleman from Pennsylvania, and I might specify, of course, the House rule under which this is intended to be brought up states a privileged resolution can be offered by any Member upon the grant of 2 days' prior notice to this House and under the rule, and I believe the rule number is rule LI, the Speaker is then to schedule that for a vote, and I believe that the time is imminent that that needs to be done and will be done. I certainly hope that Members of this body when they are in their districts, for example, for town hall meetings, and there will be hundreds, maybe even thousands of those conducted in the next week and a half, and I certainly hope they will hear from their constituencies, their constituents, sharing with them the strength and depth of their feelings that we need to restore integrity and get to the bottom of these allegations.

Mr. WALKER. If I could just follow up for a moment, I just want to clarify a point: If this resolution is brought to a vote, those who vote "yes" will be voting to investigate and to report. I suspect that there are going to be a lot of "no" votes on the resolution. I wonder if the gentleman would care to speculate what a "no" vote on such a resolution might mean.

Mr. ISTOOK. I think it is obvious that a "no" vote means "Do not investigate, do not report, do not do anything."

Mr. WALKER. And so this is a matter that a "no" vote really means that you are willing to allow this matter to be buried, never to come before the House, and that you are willing to accept the fact that a guilty plea with regard to embezzlement and potential involvement of Members of Congress is something that the House is willing to ignore. I mean, to say that you vote "no" is to ignore the public pleading and suggest that the House has no further action to take.

Mr. ISTOOK. Unfortunately, I would have to agree.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. WALKER, I think what a "no" vote means is that those Members are unwilling to take the accountability and responsibility for the integrity and the honor of the House and that they are willing to let some outside agency bear that responsibility. Again, an abdication of their role as a Member of this House is how I would interpret a "no" vote.

Mr. WALKER. That is pretty good.

Mr. ISTOOK. I yield to the gentleman from Indiana.

Mr. BUYER. I think you are right. If a "yes" vote, I say to the gentleman from Oklahoma [Mr. ISTOOK], on your resolution is for dignity and the integrity of this body, if that is what a "yes" vote means, then if a Republican or a Democrat votes "no," it is the opposite, and if that is what a "no" vote is going to mean, then it is going to mean, "Let us just cover it up, let us make it go away, let us not talk about ethics, because, you know, we have got some other big issues we want to talk about; let us not let any scandals sideline health care, welfare reform, crime," whether it is the President or whether it is this body, the kind of let-it-go-away situational ethics stuff. I think that a "no" vote or anybody that votes "no" on this resolution has a lot of explaining to do when that Congressman or Congresswoman goes back to their district and has to tell their constituents, "I voted to cover up the scandals in Washington."

Holy smokes, how are you going to explain that one? That is pretty tough.

I think that is what you are referring to when the American people put the heat on this body, that is what is important, and maybe what is occurring right now is we have the Democrat Party has been in control of this body for 40 years. I am 35 years old. They have been in control of this body for 40 years, longer than any other democratic nation in this world.

This body has become an undemocratic institution. We need to reign in, reign in character and integrity and dignity. That is a "yes" vote. A "no" vote is for more of the same in politics in Washington. It is wrong.

I am hopeful the American people turn on the heat, put on the pressure on any Republican or Democrat that votes for business as usual here in this body. It is wrong.

Mr. ISTOOK. Reclaiming my time, gentlemen, I think that we are about out of our allotted time on this.

I certainly hope, as you mentioned I say to the gentleman from Indiana [Mr. BUYER], that the American people will let their Member of Congress know of their feeling on this. I certainly hope the vote that is taken in this body will not fall along partisan lines, because integrity is not a partisan issue, character is not a partisan issue, honesty is not a partisan issue, and I would certainly hope that the good men and the good women on both sides of the aisle will join together and see the importance and significance of the resolution.

But I would like to close though by reading an important quote from a former President of this Nation, one that is not heard from frequently, and that is President James Garfield. And President Garfield wrote, and, of course, that was several decades ago:

> Now more than ever before the people are responsible for the character of their Congress. If that body be ignorant, reckless, and corrupt, it is because the people tolerate ignorance, recklessness, and corruption. If it be intelligent, brave, and pure, it is because the people demand these high qualities to represent them in the national legislature. If the next centennial does not find us a great nation, it will be because those who represent the enterprise, the culture, and the morality of the nation do not aid in controlling the political forces.

I would certainly agree with the statement of President Garfield, and I believe that the American people are committed not to tolerate ignorance, not to tolerate recklessness, not to tolerate corruption, and certainly not to tolerate the kind of behavior that has been alleged against Members of this body. I believe the American people want us to pursue it internally.

Let the Justice Department do what it will, but we need to pursue it. We need to pass the resolution instructing the ethics committee to take this action, to make this investigation and let the chips fall where they may.

I thank you gentlemen for assisting this evening. Madam Speaker, I thank you for your patience with us.

□ 2040

COMMUNICATION FROM HON. EARL POMEROY, MEMBER OF CONGRESS

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas) laid before the House the following communication from Hon. EARL POMEROY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 1994.

Hon. THOMAS FOLEY,
Speaker of the House, Washington, DC.

DEAR THOMAS: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena to give a witness deposition. The subpoena was issued by the District Court of North Dakota, South Central Judicial District in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

EARL POMEROY,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. MICHEL) for today and Wednesday, February 9, on account of the snowstorm in New Jersey today and to attend a funeral on February 9.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today, on account of illness.

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BYRNE) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, on February 10.

Mr. HINCHEY, for 10 minutes, on February 28.

(The following Members (at the request of Mr. BALLENGER) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 60 minutes, today.

Mr. BACHUS of Alabama, for 60 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BALLENGER) and to include extraneous matters:)

Mr. SMITH of Michigan.

Mr. BOEHLERT in two instances.

Mr. WALSH in two instances.

Mr. BURTON of Indiana.

Mr. LEWIS of California in two instances.

Mr. FIELDS of Texas.

Mrs. MORELLA.

Mr. BALLENGER.

(The following Members (at the request of Ms. BYRNE) and to include extraneous matters:)

Mr. FORD of Michigan.

Mr. CONYERS.

Mr. HOYER.

Mrs. MALONEY in four instances.

Mr. TRAFICANT.

Mr. DIXON.

Mr. BERMAN.

Mr. PENNY.

Mr. BROOKS.

Mr. STARK.

Mr. MARKEY.

Mr. SCOTT.

Mr. FRANK of Massachusetts.

(The following Members (at the request of Mr. ISTOOK) and to include extraneous matters:)

Mr. MAZZOLI in two instances.

Mr. TORRICELLI.

Mrs. COLLINS of Illinois.

Mr. MOAKLEY.

Mr. KILDEE.

Mr. CLYBURN.

Mr. HANSEN.

Mr. LANTOS.

Mr. CHAPMAN.

Mr. HAMILTON.

Mr. SMITH of Michigan.

Mr. MFUME.

Mr. KYL.

Mr. SMITH of Iowa.

Mr. ROTH.

ADJOURNMENT

Mr. ISTOOK. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, February 9, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2550. A communication from the President of the United States, transmitting his request for fiscal year 1994 supplemental appropriations for the Departments of Housing and Urban Development and Transportation and Funds Appropriated to the President, in addition a fiscal year 1995 budget amendment for the Office of Administration within the Executive Office of the President, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-207); to the Committee on Appropriations and ordered to be printed.

2551. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Commission's 1991 annual report on progress in implementing requirements concerning the Nation's worst hazardous waste sites, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2552. A communication from the President of the United States, transmitting notification of the resignation of Richard J. Hankinson from the position of Inspector General of the U.S. Department of Justice; to the Committee on Government Operations.

2553. A communication from the President of the United States, transmitting a report entitled "Progress Toward Regional Nonproliferation in South Asia," pursuant to 22 U.S.C. 2376(c); jointly, to the Committees on Appropriations and Foreign Affairs.

2554. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending December 31, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

2555. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "The Aviation Investment Act of 1994"; jointly, to the Committees on Public Works and Transportation, Science, Space, and Technology, and Ways and Means.

2556. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, Science, Space, and Technology, the Judiciary, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 352. Resolution providing for the consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes (Rept. 103-419). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself and Mr. TORKILDSEN):

H.R. 3807. A bill to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY:

H.R. 3808. A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs has the necessary authority and flexibility to provide staffing levels for the Veterans Health Administration of the Department of Veterans Affairs as necessary to meet the responsibility of the United States to provide health care services to eligible veterans and to permit implementation of national health care reform by the Department; to the Committee on Veterans' Affairs.

By Mr. BROOKS:

H.R. 3809. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Mr. CHAPMAN (for himself, Mr. FROST, Mr. BAESLER, Mr. BARLOW, Mr. BOUCHER, Mr. BEREUTER, Ms. LAMBERT, Mr. WILSON, and Mr. SARPALIUS):

H.R. 3810. A bill to amend the Federal Water Pollution Control Act to provide additional assistance to rural and disadvantaged communities under the State water pollution control revolving loan fund program, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BERMAN (for himself, Mr. MCKEON, Mr. BEILENSON, Mr. GALLEGLY, Mr. WAXMAN, Mr. MOORHEAD, Mr. MATSUI, and Mr. DIXON):

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to allow the casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Ways and Means.

By Mr. FIELDS of Texas (for himself and Mr. LAUGHLIN):

H.R. 3812. A bill to require immediate action to remove sunken or grounded vessels that obstruct navigable waterways; to the Committee on Public Works and Transportation.

By Mr. GEJDENSON (for himself, Mr. STUDDS, Ms. FURSE, Ms. CANTWELL, Mr. ROTH, and Mr. MEYERS of Kansas):

H.R. 3813. A bill to amend the Export Enhancement Act of 1988 to promote further United States exports of environmental technologies, goods, and services; to the Committee on Foreign Affairs.

By Mr. GEKAS (for himself, Mr. THOMAS of California, and Mr. ROTH):

H.R. 3814. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself and Mrs. BENTLEY):

H.R. 3815. A bill to authorize the Secretary of Transportation to convey a vessel in the National Defense Reserve Fleet to a nonprofit organization; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY:

H.R. 3816. A bill to provide grants to the States to allow States to employ additional prosecutors; to the Committee on the Judiciary.

By Mr. MANTON (for himself, Mr. STUDDS, and Mr. YOUNG of Alaska):

H.R. 3817. A bill to amend the Fishermen's Protective Act; to the Committee on Merchant Marine and Fisheries.

By Mr. PENNY:

H.R. 3818. A bill to establish a Middle East Development Initiative to provide development assistance to countries in the Middle East region for the purpose of promoting the peace process in that region; to the Committee on Foreign Affairs.

By Mr. POMEROY (for himself, Mr. WILLIAMS, and Mr. PETERSON of Minnesota):

H.R. 3819. A bill to terminate the North American Free Trade Agreement as it applies to Canada and the United States-Canada Free-Trade Agreement and to impose additional duties on grain imported from Canada, until the United States and Canada renegotiate the provisions of the agreements regarding the importation of Canadian grain; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. PICKLE, and Mr. MONTGOMERY):

H.R. 3820. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BACHUS of Alabama (for himself, and Mr. EWING):

H. J. Res. 319. Joint resolution directing the Secretary of Health and Human Services to propose to the Congress, not later than May 18, 1994, possible solutions to the impending deficit in the Federal Disability Insurance Trust Fund; to the Committee on Ways and Means.

By Mr. BLUTE:

H.J. Res. 320. Joint resolution designating April 11, 1994, as "Persian Gulf War Veteran Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana:

H. Con. Res. 203. Concurrent resolution expressing the sense of the Congress that information regarding the conviction of child-related sex offenses should be available to employers, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. SOLOMON:

H. Con. Res. 204. Concurrent resolution to correct the enrollment of H.R. 3759; jointly, to the Committees on House Administration and Appropriations.

By Mr. OWENS:

H. Res. 351. Resolution to agree to the Senate amendment to the bill (H.R. 2339) with an amendment; considered and agreed to.

By Mr. CONYERS:

H. Res. 353. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the 2d session of the 103d Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 101: Mr. RIDGE.

H.R. 253: Mr. JEFFERSON.

H.R. 302: Mr. SHUSTER, Mr. WILSON, Mr. BREWSTER, Ms. DELAURO, Mr. KLEIN, Mr. HALL of Ohio, and Mr. LEVY.

H.R. 326: Mr. WAXMAN, Mr. KLECZKA, Mr. SWIFT, and Mr. HALL of Ohio.

H.R. 393: Mrs. KENNELLY.

H.R. 417: Mr. FIELDS of Louisiana.

H.R. 441: Mr. KILDEE.

H.R. 543: Mr. HORN.

H.R. 702: Mr. SWETT and Mr. SCHAEFER.

H.R. 799: Mr. SUNDQUIST.

H.R. 846: Mr. MCCOLLUM, Mr. LEVY, Mr. FARR, Ms. MARGOLIES-MEZVINSKY, Mr. FRANKS of Connecticut, Mr. GREENWOOD, Ms. PELOSI, Mr. PALLONE, Mr. ZELIFF, and Mr. SANGMEISTER.

H.R. 911: Mr. HALL of Texas.

H.R. 972: Mr. ACKERMAN.

H.R. 1015: Mrs. MORELLA.

H.R. 1055: Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. RANGEL, and Mr. SCHIFF.

H.R. 1088: Mr. TAYLOR of North Carolina.

H.R. 1392: Mr. BARTLETT of Maryland.

H.R. 1407: Mr. FISH.

H.R. 1414: Mr. SOLOMON.

H.R. 1421: Mr. LIPINSKI.

H.R. 1474: Mr. STENHOLM.

H.R. 1500: Mr. STUDDS, Mr. MORAN, and Mrs. MORELLA.

H.R. 1529: Mr. PORTMAN.

H.R. 1532: Mr. BAKER of Louisiana, Mr. BLUTE, Mr. LANCASTER, Mr. BROWN of California, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. GORDON, and Mr. RICHARDSON.

H.R. 1555: Mr. SHAYS and Mrs. MALONEY.

H.R. 1563: Mrs. BYRNE.

H.R. 1600: Mr. BATEMAN, Mr. BACHUS of Alabama, Mr. ENGEL, Mr. BROWN of Ohio, and Mr. MCINNIS.

H.R. 1605: Mr. FRANKS of New Jersey and Mr. ARMEY.

H.R. 1606: Mr. ARMEY.

H.R. 1607: Mr. BARTLETT of Maryland, Mr. KILDEE, and Mr. HOYER.

H.R. 1620: Mr. GOSS.

H.R. 1621: Mr. BARTLETT of Maryland, Mr. KILDEE, Mrs. MALONEY, Mr. MCINNIS, and Mr. WHEAT.

H.R. 1673: Ms. SLAUGHTER, Mr. KILDEE, and Mrs. MALONEY.

H.R. 1747: Mr. BARCA of Wisconsin.

H.R. 1785: Mr. PAXON and Mr. ALLARD.

H.R. 1843: Mr. MCCANDLESS.

H.R. 1887: Mr. GOODLATTE and Mr. DUNCAN.

H.R. 1961: Ms. SCHENK.

H.R. 2022: Mr. LEWIS of Georgia.

H.R. 2221: Mr. BACHUS of Alabama and Mr. PARKER.

H.R. 2241: Mr. SHAYS.

H.R. 2286: Mr. DIXON and Mr. JOHNSON of Georgia.

H.R. 2396: Mr. PARKER and Mrs. MALONEY.

H.R. 2447: Mr. GENE GREEN of Texas, Mr. STARK, Mr. HAMBURG, Mrs. JOHNSON of Connecticut, and Ms. WOOLSEY.

H.R. 2464: Mrs. SCHROEDER.

H.R. 2623: Mr. ROGERS, Mr. ZIMMER, Mr. SUNDQUIST, Mr. CHAPMAN, Mr. TAYLOR of North Carolina, Mr. HYDE, Mr. EVANS, Mr. VALENTINE, Mr. KIM, and Mr. PETERSON of Minnesota.

H.R. 2749: Mr. TRAFICANT.

H.R. 2759: Mr. COX, Mr. KOPETSKI, Ms. SCHENK, Mrs. FOWLER, Mr. GINGRICH, Mr. SWETT, and Ms. CANTWELL.

H.R. 2918: Mr. GILCHREST and Mr. SHAYS.

H.R. 2957: Mr. MCCRERY, Mr. BISHOP, and Mrs. LLOYD.

H.R. 3007: Mr. MENENDEZ.

H.R. 3017: Mrs. VUCANOVICH and Mr. FORD of Michigan.

H.R. 3021: Mr. TORRICELLI.

H.R. 3030: Mr. BACHUS of Alabama and Mr. HUTCHINSON.

H.R. 3031: Mr. BACHUS of Alabama, Mr. GOSS, Mr. UPTON, Mr. HUTCHINSON, Mr. GRAMS, and Mr. INHOFE.

H.R. 3080: Mr. RIDGE.

H.R. 3100: Mr. DELLUMS, Ms. PELOSI, Mr. SCOTT, Mr. HINCHEY, and Mr. HAMBURG.

H.R. 3109: Mr. HUGHES and Mr. ZIMMER.

H.R. 3128: Mr. FINGERHUT and Mr. NADLER.

H.R. 3173: Mr. CRAMER.

H.R. 3234: Mr. FLAKE, Mr. ROMERO-BARCELO, and Mr. SERRANO.

H.R. 3246: Mr. ORTON and Mr. STUPAK.

H.R. 3320: Mr. DUNCAN, Mr. PARKER, Mr. PACKARD, and Mr. YOUNG of Alaska.

H.R. 3328: Mr. HANCOCK, Mr. CONYERS, Mr. FINGERHUT, Mr. STEARNS, and Ms. SHEPHERD.

H.R. 3370: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3392: Mr. KREIDLER and Mr. KNOLLENBERG.

H.R. 3424: Mr. HALL of Texas, Mr. MONTGOMERY, Mr. BILBRAY, Mrs. VUCANOVICH, and Mr. FINGERHUT.

H.R. 3490: Mr. NEAL of North Carolina.

H.R. 3513: Mr. BROWN of Ohio, Mr. COSTELLO, Mr. DORNAN, and Ms. DANNER.

H.R. 3527: Mr. STUDDS, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. ABERCROMBIE, and Mr. RANGEL.

H.R. 3542: Mr. ABERCROMBIE.

H.R. 3546: Mr. VALENTINE and Mr. MANZULLO.

H.R. 3573: Mr. SPRATT.

H.R. 3633: Mr. BALLENGER, Mr. BAKER of California, Mr. CAMP, Mr. HOBSON, Mr. INGLIS of South Carolina, Mr. STUMP, Mr. ZELIFF, Mr. BOEHNER, Mr. SMITH of Michigan, Mr. DORNAN, and Mr. BARTON of Texas.

H.R. 3645: Mr. LIGHTFOOT.

H.R. 3706: Mr. COLEMAN, Mr. HINCHEY, Mr. RAVENEL, and Mr. SERRANO.

H.R. 3727: Mr. GORDON.

H.R. 3757: Mr. PENNY, Mr. SABO, Mr. WHEAT, Mr. FROST, and Mr. COMBEST.

H.R. 3785: Mr. GLICKMAN.

H.R. 3789: Mr. DORNAN.

H.R. 3790: Mr. MCDADE, Mr. MCCLOSKEY, and Ms. DANNER.

H.R. 3799: Mr. BERMAN.

H.R. 3802: Mr. COPPERSMITH and Mr. DUNCAN.

H.J. Res. 122: Mr. HOYER.

H.J. Res. 276: Mr. DOOLITTLE, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. MCCOLLUM, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Mrs. MINK, Mr. SERRANO, Mr. NATCHER, Mr. BORSKI, Mr. MURPHY, Mr. MURTHA, Mr. TOWNS, and Mr. FRANKS of Connecticut.

H.J. Res. 291: Ms. SNOWE, Mr. UNDERWOOD, Mr. EVANS, Mr. HUGHES, Mr. CLEMENT, Mr. BOEHLERT, Mr. QUILLEN, Mr. MARTINEZ, Mr. ROTH, Mr. EMERSON, Mr. FROST, Mr. NEAL of North Carolina, Mr. BATEMAN, Mr. BOUCHER, Mr. JEFFERSON, Mr. ROMERO-BARCELO, and Mr. BAESLER.

H. Con. Res. 3: Mr. MCCOLLUM, Mr. DORNAN, Mr. STEARNS, Mr. HUTCHINSON, Mr. OBERSTAR, and Mr. STUPAK.

H. Con. Res. 122: Mr. FIELDS of Texas, Mr. DIAZ-BALART, and Mr. PORTER.

H. Con. Res. 147: Mr. HOEKSTRA, Mr. BACHUS of Alabama, and Mr. POSHARD.

H. Con. Res. 166: Mr. SENSENBRENNER.

H. Res. 238: Mr. ARMEY, Mr. BLILEY, Mr. GINGRICH, Mr. HOKE, Mr. KNOLLENBERG, Mr. LINDER, Mr. MCKEON, Mr. WALKER, Mr. SMITH of New Jersey, and Mr. ROHRABACHER.

H. Res. 330: Mr. LINDER.

H. Res. 343: Mr. QUINN, Mr. MCCURDY, Mr. MACHTLEY, Mrs. MALONEY, Mr. BEILENSON, Mr. RAMSTAD, Mr. JOHNSON of Georgia, Ms. MARGOLIES-MEZVINSKY, Mr. FRANK of Massachusetts, Mr. BORSKI, Ms. HARMAN, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. ROHRABACHER, and Mr. MCDADE.

EXTENSIONS OF REMARKS

A TRIBUTE TO VETERANS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MORELLA. Mr. Speaker, it is always appropriate for us to reflect upon, and be grateful for, the freedoms preserved by our brave fighting men and women. We accept these freedoms as second nature, but it is appropriate to remind ourselves that they must be protected and nurtured.

Through the decades, our military has defended not only our freedom, but also freedom for people throughout the world.

A tribute to veterans was eloquently presented last Veterans Day by the State commander of the Maryland Veterans of Foreign Wars, Joseph W. Nassar. Following is the text of his speech as a reminder of our precious freedom and the dedication of our veterans.

Seventy-five years ago at the eleventh hour of the eleventh day of the eleventh month, World War I came to an end. The armistice was signed at 11:00 a.m. on November 11, 1918.

Five million Americans served in that war; 117,000 were killed, 204,000 wounded.

Three years later on November 11, 1921, an unknown soldier from World War I was buried in Arlington National Cemetery. Other nations paid the same tribute to their war dead and the day became known as Armistice Day, and would have remained Armistice Day forever had not World War II come along and then Korea.

Those who served in those wars and the survivors of those who died wanted a day on which their service could be remembered and their loved ones honored.

In 1954, President Eisenhower proclaimed November 11th as Veterans Day, and asked that on this day all Americans rededicate themselves to the cause of peace.

Today, at this observance, all of us share in that rededication, and we share too in a rededication to America and what this country stands for, and to an appreciation of what our veterans have done in protecting our American way of life.

The VFW theme for this year is "Commitment to Service." We are committed to serving the needs of our fellow veterans and the needs of our country.

One area in which we are very committed is that of foreign affairs. As our name implies, all of our members have served overseas in wartime. We know what happens when diplomacy fails and governments send armies onto the field of battle.

In this century, American military forces have been on the field of battle 45 times. It's easy to recall the big ones, WWI, WWII, Korea and Vietnam, but what about the North Russia Campaign, 1918–1919; After WWI was over. And the expedition to Siberia 1918–1920.

How about the North Atlantic Naval War of 1941—took place months before Pearl Harbor.

The list is long and painful to read because each location brings to mind the fact that Americans served there and Americans died there: The Chinese Civil War 1945–1947; Lebanon 1958; Belgian Congo 1960; Bay of Pigs 1961; Dominican Republic, Panama, Iran, Libya, Honduras, El Salvador—the list is long and in each case those who served were there to promote the national interests of the United States and to further the ideals of peace and freedom.

But as we meet here to honor the millions of Americans who have served our country, we cannot help but think of those American military forces now deployed on very questionable missions.

Less than a year ago, the Bush administration sent American forces to Somalia to assist in distributing food and medical care to the starving and sick. It was a noble mission and we were proud of our country and its ability to respond to a major international crisis. That mission, operation Restore Hope. Ended in May of this year. Yet our troops remain in Somalia. Why?

On October 3rd, 18 American Servicemen were killed in Somalia. killed by the same people they had been sent to feed and heal. And the bodies of some dragged through the streets.

Instead of realizing that we were no longer welcome there and that it was time to bring the troops home, the Clinton administration sent in more troops. Why?

The VFW response came out in a news release on October 5th. VFW national Commander-in-chief George R. Cramer said, "Americans are united in horror at the photographs of our servicemen being defiled by the Somalis they went to save. This action must teach us a lesson to stay out of places where our national interest is not at risk. The original mission of feeding the starving Somalis has long been over and our troops should have returned home long ago."

That's the VFW position. Even before the outrage of October 3rd, we had called for an end to the operation in a resolution adopted at our national convention in August. We have 2.2 million members in the VFW—they represent a cross section of America, and the opinion of that group is, bring the troops home.

Even while our government tries to find a purpose for the troops it is sending to Somalia other American forces are at sea off the coast of Haiti. They tried to land once but were asked to go away. Now they wait offshore while our government tries to come up with another idea on what to do with Haiti.

The answer to that question was given to us in 1934: Nothing. We first went to Haiti in 1915 to do some "nation building." Nineteen years later we came home. Other than building some roads and schools and clinics, and drilling a few fresh-water wells, we accomplished nothing. Haiti was the same the day we left as it had been the day we arrived. And if we land troops there tomorrow and leave them there for another 19 years, nothing will have changed.

Bring the troops home.

We've covered a lot of commitments this century. Anyone who would question that has only to look at the history of this turbulent and war-torn century.

Though punctuated with gunfire, this is a new era of world peace unlike any seen before. Despite the dangers and outrages, the misery of many and the burdens still to bear, this is also an era of great promise. Let's meet the challenge of peace.

If we are going to feed the hungry and heal the sick, let's take care of our own first. If we're going to take part in "nation building," let's do it here in America first. If we're going to take a stand against violence, terrorism and crime in the streets, let's do it today, right here in America. Our citizens deserve nothing less.

If we're going to bring to life the spirit of our own Declaration of Independence—"We hold these truths to be self-evident that all men are created equal, with certain unalienable rights * * * life, liberty and the pursuit of happiness," and the promise of our own Constitution: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves * * *" then we are going to have to devote our time, energy and commitment to doing them here at home, in America.

We cannot continue to pursue foreign policies which have no merit or virtue and which put American men and women in harm's way for purposes which do not serve any national policy.

I thank all of you for taking part in this very special observance of Veterans Day. I take pride in being a veteran and I take pride in all of the veterans we honor today. And I take great pride in those active duty military forces we have, at home and abroad, serving our nation.

TRIBUTE TO THE 75TH ANNIVERSARY OF B'NAI B'RITH WOMEN, PARADISE CHAPTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the B'nai B'rith Women of San Bernardino, CA. The Paradise Chapter of B'nai B'rith Women will celebrate the 75th anniversary of its founding in 1919 on February 23 with a birthday party at Temple Emanu El in San Bernardino.

The Paradise Chapter of B'nai B'rith is the second oldest among over 1,600 chapters in the United States committed to fostering human understanding and providing essential services to the community and throughout the United States. Appropriately, the chapter's motto is "Pledged to Serve."

The contributions of the Paradise Chapter to our local community is extremely well known.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Over the years, B'nai B'rith has served Norco Naval Hospital, Banning Hospital, San Bernardino County Hospital, and has received special recognition for its part in Operation Sendoff at Norton Air Force Base. Presently, this wonderful organization is involved in ongoing projects at March Air Force Base regional hospital and the Loma Linda veterans hospital.

The community service programs of B'nai B'rith Women span many generations, from prenatal care to assistance for older adults. In addition, the chapter works in partnership with the National Foundation of the March of Dimes on Operation Stork, designed to reduce birth defects and infant mortality.

Additionally, B'nai B'rith Women works in conjunction with the Anti-Defamation League of B'nai B'rith in promoting human relations through sponsoring interfaith seminars and introducing its Dolls for Democracy program, sharing the stories of great humanitarians of various creeds and religions to thousands of children in hundreds of public and parochial schools.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to this most deserving organization. Throughout its 75 years, the Paradise Chapter of B'nai B'rith Women has demonstrated a tremendous commitment to the betterment of mankind and has touched the lives of many people in our community. It is only fitting that the House recognize the B'nai B'rith Women today.

UKRAINIAN NATIONAL ASSOCIATION CELEBRATES 100TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place later this month. On February 22, 1994, the Ukrainian National Association [UNA], a fraternal insurance organization which was founded in Shamokin, PA, will mark its 100th anniversary. Its creation was sparked by the founding in 1893 of Svoboda, the first Ukrainian newspaper printed in the United States. Svoboda began publishing on September 15, 1893, and is now the oldest Ukrainian newspaper in the world.

Svoboda's founder and editor, Rev. Gregory Hrushka, had clearly seen the need for a financial organization in the growing Ukrainian immigrant community, and it was his visionary leadership which made this idea a reality. Upon the establishment of the Ukrainian National Association, Svoboda became its official organ. It still is today.

UNA began with just 13 branches in 1894, but has steadily expanded to its present 370 branches in the United States and Canada. It is the largest Ukrainian-American fraternal insurance organization, with over 66,000 members and over $100 million in assets. UNA now has branches in 27 States in the United States and 7 provinces in Canada.

In addition to providing for the life insurance needs of tens of thousands of Ukrainian Americans by offering low-cost insurance protection, UNA provides its members with a wide range of social, educational, cultural, and charitable benefits. UNA has contributed immeasurably to preserving the traditions and customs of Ukrainians in the United States, and consequently to enriching American culture.

Along with Svoboda, UNA has also published the Ukrainian Weekly, an English language newspaper, for over 60 years and a monthly children's magazine entitled "Veselka" which means "Rainbow." UNA has an ongoing commitment to promoting literature which deals with Ukrainian subjects.

UNA works even more directly with the Ukrainian-American community, providing over $120,000 in scholarships to its members each year, and operating a retirement home for senior citizens. UNA is also a major patron of the Ukrainian community's cultural and religious activities. Over the 100 years since UNA's establishment, countless Ukrainian churches and community centers owe their existence to UNA's generous low-interest mortgage loans.

In June 1964, President Dwight D. Eisenhower dedicated a monument in Washington, DC to Taras Shevchenko, the national poet of Ukraine. This was a major project initiated by UNA. The Ukrainian Congress Committee of America [UCCA] and the Ukrainian American Coordinating Council [UACC] were both established by UNA to better coordinate the work of the many financial, social, youth, and political organizations in the Ukrainian-American community. Their establishment is just another example of UNA's visionary leadership in its community.

And while UNA was established to assist Ukrainians living in the United States and Canada, it has never lost sight of the struggles and aspirations of Ukrainians in Ukraine. Throughout its history, UNA has assisted the cause of a free and independent Ukraine by bringing to the attention of the American people and government the events taking place in Ukraine. UNA has always risen to meet the challenges which the people of Ukraine have faced, from assisting the many refugees created by World War II, to providing assistance to the victims of natural disasters.

Now that Ukraine has at long last achieved its independence, that commitment has taken on new meaning. In 1990, UNA established a fund to provide humanitarian, educational, and technical assistance to Ukraine. This fund has been a tremendous success, and UNA is continuing to work with the United States Government and numerous private voluntary organizations to promote the establishment of democratic and free-market institutions in Ukraine. This assistance took on a new dimension with the creation, in 1992, of the Ukrainian National Foundation which will further coordinate humanitarian and development programs.

Because the Ukrainian National Association has been assisting the Ukrainian-American community and the people of Ukraine for a century, and because it has become the keystone of the Ukrainian-American community through its extensive membership network, newspapers, foundations, and offices in both Ukraine and here in the United States, I would like my colleagues to join me in congratulating UNA on its 100th anniversary and wishing it another 100 years of good fortune and service to the Ukrainian-American community, Ukraine, and the United States.

TRIBUTE TO PAUL A. DODD

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. WALSH. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a skilled and talented public servant, Paul A. Dodd, the New York State director of the Soil Conservation Service, on the occasion of his recent retirement.

I have worked with Paul and found his professional expertise to be as vast as his dedication. As I said in a statement at his retirement party last month, my envy over his retirement is exceeded only by my admiration of his career.

Future SCS directors will have a big job in trying to duplicate his performance—whether in service to taxpayers or mentoring of coworkers.

It is significant that, just as he retires, we in central New York are set to benefit from his 35 years of watershed management experience—from the Bush Creek watershed in West Virginia in the 1960's to the New York City watershed just a few years ago.

Our recent project is a watershed protection pilot program, which will use Federal funding to educate property owners about how to help protect Skaneateles, Otisco, and Owasco Lakes.

One way we can judge our work in public service is to observe the impact. As many of those Paul has taught go on to great careers of their own, he can be extremely proud. No doubt the SCS will see the results for years to come.

CAPITAL FLIGHT FROM RUSSIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. HAMILTON. Mr. Speaker, in November I wrote Ambassador Strobe Talbott seeking information on the magnitude of capital flight from Russia.

The response which I received in late January states that capital flight was $14 billion in 1991, in the range of $9 to $12 billion in 1992, and would be close to the 1992 level in 1993.

Given rising concern over the direction and nature of Russian reform and over the most effective use of United States assistance, I am inserting in the RECORD the full text of the response to my inquiry:

U.S. DEPARTMENT OF STATE,
Washington, DC, January 26, 1994.
Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am responding to your letter of November 30 regarding Russian capital flight and debt as they relate to our assistance program. I regret the delay in this response.

Capital flight in 1992 has been estimated at $9-12 billion, somewhat less than the $14 billion estimated for 1991, because of the sharp fall in exports and the reduced opportunity for capital flight. The volume of capital flight in 1993 will probably be close to 1992 levels. Government efforts to control capital flight include elevating the Federal Export Currency Control Service to the ministerial level and the transfer of former security service personnel to its staff as of 28 September 1993. Legally held hard currency accounts—different from "capital flight"—include funds held overseas for buying imports; Russia probably has $15 to 25 billion in declared accounts. The bulk of Russian capital flight is the result of barter deals, misreported or underreported exports. Enterprises use capital flight as a means of protecting themselves from inflation or the high taxes on hard currency export earnings. Before July 1992, 50 percent of these earnings had to be sold at an unfavorable rate to the Central Bank. The introduction of the Unified Exchange Rate helped reduce that incentive for capital flight.

The high inflation which Russia has been experiencing has encouraged hard-currency earners not to convert their assets in rubles, in order to maintain their value. the most important measures which the Russian government is undertaking to respond to the problem of capital flight are those directed at economic stabilization and combating inflation. It would be reasonable to expect that, as the Russian government makes progress in this effort, hard-currency assets held outside of Russia by enterprises and individuals will return and be reinvested in Russia. This was also the case—dramatically so—for many Latin American nations as their own structural reforms took hold.

Technical assistance to Russian government entities is generally provided through advisors, either short-term or resident, seminars, training courses and professional visits to the United States to observe counterpart agencies. No direct transfers of funds have been made to the Russian government nor have these funds been used to prop up Russian government corporations. It is in our interest, however, to support the Russian transition to a democratic government, and U.S. assistance is provided to government agencies to help them perform more efficiently, to assist in reorganizing their mandates and reexamining priorities, and to help them be more responsive to the public they serve.

Western governments rescheduled over $15 billion in payments due from Russia in 1993 on the debt of the former Soviet Union, for which Russia has assumed managerial responsibility. The U.S. share of $1.1 billion in the 1993 rescheduling included over $1 billion in payments due CCC for grain credits extended during 1991 as well as the $75 million first annual payment toward the former Soviet Union's WWII-era Lend Lease debt. For its part, Russia agreed to pay $2 billion to these creditors, the bulk of Russia's obligations due in 1993. The Russian government is current on its payments to the USG under this rescheduling.

Western government creditors hold approximately 50 percent of Russia's $82 billion debt. While Russia's economic potential is such that it should be able to repay this external debt over the medium term, a short-run bunching of payments is likely to require a further rescheduling in 1994, and perhaps 1995 as well. Approximately $10 billion falls due to Western governments in 1994, of which over $1.7 billion is due to the U.S. alone. Overall official debt to the USG is $3.7 billion, and Russian debt to U.S. commercial financial institutions is estimated to be $110 million.

I hope that this has been helpful. Please do not hesitate to contact me again on this or any other matter of interest to you.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

IN HONOR OF GEORGE NEVILLE SMITH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. SMITH of Michigan. Mr. Speaker, I react to the President's budget proposal with renewed vigor, because of a special incident that happened last week. Our son Brad and his wife Diane gave birth to our fourth grandchild. George Neville Smith, born February 2, 1994, in Houston, TX, is going to have a tough time paying back all of this money we are borrowing.

Spending under the Clinton budget increases to $1.52 trillion in fiscal year 1995, an increase of $34 billion over fiscal year 1994. When George is 5 years old, spending will be $1.8 trillion, or $346 billion higher.

In the previous 5 years before George Neville Smith was born, the national debt increased $1.4 trillion—going from $3.2 trillion to $4.6 trillion. This budget drives us into debt even faster, reaching $6.3 trillion of debt by fiscal year 1999. This budget continues the trend that was started last year of deficit spending, billions more in debt, and a bigger, more intrusive Government.

My wife Bonnie and I join our other grandchildren, Nicholas, Emily, and Clair as well as George's other grandparents, Neville and Jennifer Monteith from Orillia, ON, in welcoming George to this world.

I would conclude by asking all parents and grandparents that are Members of Congress to work with me to minimize the extent to which we mortgage our children's future by making their generation pay for our undisciplined deficit spending.

THE CONGRESSIONAL HUMAN RIGHTS CAUCUS HAS NO RELATIONSHIP WITH THE CONGRESSIONAL HUMAN RIGHTS FOUNDATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. LANTOS. Mr. Speaker, various stories have appeared in Roll Call and other sources in the press discussing links between legislative service organizations [LSO's]—which are official organizations established by a group of Members of the Congress and which are funded only by official funds—and outside, nonpublic, nonprofit foundations. Some of these press accounts have incorrectly linked the Congressional Human Rights Caucus with the Congressional Human Rights Foundation.

Mr. Speaker, I wish to set the record straight with my colleagues. There is absolutely no connection between the two organizations. Some years ago, I served on the board of the Congressional Human Rights Foundation along with our colleague, Congressman JOHN PORTER, the Republican cochairman of the Congressional Human Rights Caucus. Both of us resigned from the board some years ago. There has never been any link between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation.

In order to make clear the fact that there is no relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, Congressman JOHN PORTER, the Republican cochairman of the Caucus, and I sent a letter to Mr. David Phillips, the president of the Congressional Human Rights Foundation, as well as to Mr. Don Bonker and Mr. John Buchanan, the cochairmen of the foundation board. We have sent copies of our letter to Congressman CHARLIE ROSE, the chairman of the Committee on House Administration, and to Congressman WILLIAM THOMAS, the ranking Republican member of the Committee on House Administration. Copies of that letter were also sent to each member of the Committee on House Administration.

Mr. Speaker, for the information of our colleagues, I ask that the full text of this letter be placed in the RECORD.

HOUSE OF REPRESENTATIVES,
CONGRESSIONAL HUMAN RIGHTS CAUCUS,
Washington, DC, January 31, 1994.
Mr. DAVID PHILLIPS,
President, Congressional Human Rights Foundation, Washington, DC.

DEAR DAVID: We are writing with regard to a story that appeared in the Capitol Hill newspaper *Roll Call* which discusses, among other things, ties between Legislative Service Organizations (LSOs) and outside, nonprofit foundations. A copy of this story is enclosed for your information. The *Roll Call* report incorrectly links the Congressional Human Rights Caucus with the Congressional Human Rights Foundation as a foundation affiliated with a House LSO.

The first purpose of this letter is to set the record straight with regard to the relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation—there is absolutely no connection between the two organizations. The two of us served on the board of the Congressional Human Rights Foundation at one point after it was organized in the late 1980s, but both of us resigned from the Foundation leadership some years ago. Even during the time when we were involved in the leadership of both organizations, there was no link between the two organizations. Activities were kept separate.

To our knowledge, there has never been any benefit to the Congressional Human Rights Caucus that has been provided by the Congressional Human Rights Foundation. On some occasions in the past, briefings sponsored by the Congressional Human Rights Caucus for Members of Congress and congressional staff have included human rights victims or human rights activists who have been assisted by the Congressional Human Rights Foundation and other non-profit organizations such as Amnesty International and Human Rights Watch. To our knowledge, bringing such individuals to the attention of the Congressional Human Rights Caucus has been the extent of cooperation between the two organizations. Furthermore, it is our understanding that human rights victims and activists who have been assisted by the Congressional Human Rights Foundation have appeared at briefings sponsored by a number of other LSOs and other organizations on Capitol Hill.

Furthermore, the Board of Directors of the Congressional Human Rights Foundation does not include any current Members of Congress. While the Congressional Human Rights Foundation has an honorary "Congressional Advisory Board," the two of us do not serve on that board. Some Members of Congress who serve on this advisory board may also be members of the Congressional Human Rights Caucus, but they do not represent the Caucus in that capacity and they do not serve because of their membership in the Caucus.

We expect that if there are any inquiries from *Roll Call* or other representatives of the press or from any other source regarding a relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, that officials and employees of the Foundation will make clear and explicit the fact that no relationship exists between the two organizations. For many years, it has been our policy as Co-Chairmen of the Congressional Human Rights Caucus to make certain that no confusion exists with regard to a relationship between these two organizations.

The second purpose of this letter is to ask that the Congressional Human Rights Foundation change its name to avoid confusion and misidentification with the Congressional Human Rights Caucus. The Caucus is an official organization of the Congress. According to the new regulations for LSOs adopted by the Committee on House Administration of the House of Representatives, every effort must be taken to prevent any organization or person from using the name of the LSO in connection with activities in which the LSO is not involved. For this reason it would be appropriate for the Congressional Human Rights Foundation should change its name to prevent poorly informed individuals from attributing a link between the two organizations, when clearly no such link exists.

Because of the misinformation that has been circulating about a relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, we are sending an identical letter to Don Bonker and John Buchanan, who serve as Co-Chairmen of the Congressional Human Rights Foundation, and to the Members of the Board of the Congressional Human Rights Foundation making this request that the name of the Foundation be changed.

Because of misinformation regarding the relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, we are also sending copies of these letters to Congressman Charlie Rose, Chairman, and to Congressman William M. Thomas, Ranking Republican Member of the Committee on House Administration of the House of Representatives.

Sincerely,

TOM LANTOS,
Co-Chairman.
JOHN EDWARD PORTER,
Co-Chairman.

RURAL COMMUNITY WASTEWATER TREATMENT AFFORDABILITY ACT OF 1994

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. CHAPMAN. Mr. Speaker, today I am pleased to be introducing the Rural Community Wastewater Treatment Affordability Act of 1994. This legislation, which was drafted with the assistance of the National Rural Water Association and the Rural Community Assistance Program, is designed to ensure that rural and disadvantaged communities have greater access to the Clean Water Act's State Revolving Fund [SRF] Program.

EPA has estimated that 75 percent of the communities in violation of the Clean Water Act's sewage treatment requirements are rural and that the estimated cost of addressing these sewage treatment needs exceeds $13 billion. While the purpose of the SRF Program is to assist localities in their efforts to modernize existing treatment works and construct new ones through a low-interest loan program, it has fallen far short of this goal in rural communities. One of the largest obstacles for rural systems is that they can rarely finance 100 percent loans, even at low interest rates, because they have limited revenue generating capabilities and cannot achieve economies of scale.

It has become clear to me and many of my colleagues who represent rural and disadvantaged communities that the Federal Government must take a more active role in assisting these communities with their wastewater treatment infrastructure needs.

Mr. Speaker, my bill will make SRF loans more affordable to small systems by allowing negative interest loan financing, extending the loan repayment period from 20 to 40 years and requiring that 1 to 2 percent of each State's SRF allocation be used to make grants to communities for planning and predevelopment costs. In addition, the bill allows nonprofit corporations to be eligible for SRF funding, as they currently are under the Rural Development Administration's water and sewer program, and authorizes $15 million for rural water organizations technical assistance programs.

As reauthorization of the Clean Water Act has emerged as a priority for Congress this year, I look forward to working closely with my colleagues on the Public Works Committee to ensure that rural and disadvantaged communities are not left behind.

TRIBUTE TO IRMI BLUM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my dear friend, Irmi Blum of San Bernardino, CA. Irmi was recently honored by the Arrowhead Chapter of Hadassah for her commitment and countless hours of community service on behalf of so many people in southern California.

The story of Irmi and her late husband, Hugo, is among the most touching and inspiring I know. Escaping Nazi Germany and fleeing to London in the early 1940's, together they came to California in the late 1940's. They opened a jewelry store in San Bernardino in 1948 which they ran successfully until their retirement. To say the least, their lives are a testimony to faith and hope. Over the years they never wavered in the face of adversity and together they embraced the American Dream.

Over the years, Irmi has been involved in a myriad of community activities and has been outspoken in her concerns over community and national matters. Though working full time with Hugo, Irmi made time to contribute her talents and energy to a number of civic organizations. She has served on numerous boards including Hadassah, Congregation Emanu El Sisterhood, the San Bernardino Community Concert Association, and was the first woman elected to serve as president of the California Jewelers Association. In addition, she was instrumental in establishing the San Bernardino Chapter of the City of Hope and the San Bernardino Herzilya Sister City Committee, serving each as its first president. She has also been a member of the San Bernardino Downtown Association and the San Bernardino Redevelopment Agency.

Mr. Speaker, I ask that you join me, our colleagues, Irmi's daughter, Sonia, and our many friends in San Bernardino in wishing Irmi our congratulations for this deserved recognition. In her many years of devoted service, Irmi Blum has touched the lives of many people in our community and it is only fitting that the House recognize her today.

GEORGE ALEXIOU RECOGNIZED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a New Yorker who has given so much to our great city, the Borough of Queens, and the community of Astoria.

On February 12, the Greek-American Home-Owners Association of Astoria, NY, is recognizing George Alexiou for his vigilant dedication to the welfare and advancement of this organization and the improvement of the greater Astoria community.

George was a past president of the Greek-American Home-Owners. During his highly successful tenure, the organization significantly expanded the services which it provides to the Astoria community. Countless residents have Mr. Alexiou to thank for the work which he has done on their behalf.

George also exemplifies the American dream. He came to this country from Greece and successfully entered into business. He is a devoted husband of Elpida, and a doting father to Melina. Showing his appreciation for his adopted country and the true American spirit, George has used his good fortune to help others in his community.

Because of his tremendous achievements on behalf of others, I hope my colleagues will join me and the Greek-American Home-Owners Association in honoring Mr. Alexiou on this auspicious occasion.

TRIBUTE TO COL. WILLIAM A. FORKHAMER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. WALSH. Mr. Speaker, I rise today to honor Col. William A. Forkhamer who is retiring after 40 years with the 174th fighter wing of the New York Air National Guard. Colonel Forkhamer was most recently the director of logistics for the 174th, known as the "Boys from Syracuse."

Colonel Forkhamer has received numerous awards and citations. His advancement over the years reflects the responsibility he has taken on—and the confidence that has been placed in him by his superiors.

Colonel Forkhamer received a direct commission in the Air National Guard as a 2d Lieutenant in November 1963. He was recalled to active duty for the *Pueblo* crisis in May 1968 as an aerospace munitions officer. While assigned to the 140th tactical fighter wing at Cannon AFB, NM, he was assigned as maintenance control officer. Upon release from active duty, he was assigned as organizational maintenance officer until September 1975, at which time he was assigned as the group logistic plans officer until his promotion to commander of the 174th consolidated aircraft maintenance squadron in October 1976. When the 174th tactical group was converted to the 174th tactical fighter wing on July 1, 1979, Colonel Forkhamer was appointed deputy commander for maintenance and held this position until being appointed director of logistics.

In 1982, under his leadership, the squadron received the USAF Maintenance Effectiveness Award, symbolic of the best maintenance squadron in the USAF worldwide.

Colonel Forkhamer has served his country well. I salute him and wish him all the best in a retirement he richly deserves.

BLACK HISTORY TELECONFERENCE TRIBUTE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. CLYBURN. Mr. Speaker, for the past 7 years during the month of February, the South Carolina Educational Network has held a teleconference to showcase the courage, accomplishments, and progress of African-Americans who have contributed to the well being of this Nation and the world. This year's Black History Teleconference titled, "The Struggle Continues: Empowering Afro-American Organizations: Present and Future" features eight high school students from South Carolina who interview eight nationally prominent African-Americans. Under the guidance of its creator, Dr. Marianna Davis of Keenan High School in Columbia, the teleconference has proven to be of tremendous benefit to the students, panelists, and viewers.

It is in the spirit of Dr. Davis' zeal and focus on a brighter future for our youth that I acknowledge this year's high school participants: Allison S. Feaster of Chester High School; Mary Emma Fulwood of Dillon High School; Sean Gallman of Dutch Fork High School in Irmo; Victor Gardner of Blue Ridge High School in Greer; Caren C. Kelly of Westside High in Anderson; Macella Scott of Kingstree Senior High; Terrance Smalls of Holly Hill-Roberts High School; and Scipia Williams of James Island High in Charleston. They, and others like them, are our future. For it will be through their achievements that others will see hope and a brighter tomorrow.

Mr. Speaker, I commend Mr. Henry Cauthen, president of the South Carolina Educational Television Network, SCETV staff, Dr. Davis, the students, and panelists of "The Struggle Continues," for their dedication to quality education and broadcasting.

THE WATERWAYS OBSTRUCTION REMOVAL ACT OF 1994

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today a bill that responds to a critical problem that exists in Texas ports and in waterways throughout this Nation.

Emergency closure of the Port of Houston to commercial traffic because of obstructions by sunken or grounded vessels in the Houston Ship Channel has resulted in over $200 million in losses during recent years. It is time to take action to keep our Nation's ports and waterways open to trade and prevent even greater financial losses from occurring in the future.

Section 2 of my bill addresses this problem by requiring immediate action by the owner or operator of a sunken or grounded vessel to remove or destroy a vessel that is obstructing a navigable waterway. Within 24 hours after a port or other navigable waterway is closed because of a sunken or grounded vessel by order of the Secretary of Transportation, the owner of the vessel must begin removal of the vessel or, if appropriate, secure the vessel to allow commercial traffic to resume. The owner or operator of the vessel must consult with the Secretary of the Army and gain the Secretary's approval before the owner or operator begins removal of the vessel or secures the vessel. Before approving a plan of removal, the Secretary must determine that the owner or operator is using the most expeditious method available under the circumstances to remove the vessel.

Under this section, if the owner or operator fails to begin removal of the sunken or grounded vessel, or to secure the vessel pending removal, within 24 hours of the closure of the port or other navigable waterway, the Secretary of the Army may impose a civil penalty of up to $25,000 per day for each day during which the owner or operator fails to begin removal of the vessel. In addition, if the owner or operator fails to begin removal of or to secure the vessel within 24 hours, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of section 20 of the Act of March 3, 1899, 33 U.S.C. 415. Subsection (b) of this section amends section 20 of the Act of March 3, 1899, to allow the Secretary to recover from the owner or operator of the vessel the actual costs, including administrative costs, of any removal action taken under this section.

Compliance with the requirement to begin removal of the vessel within 24 hours will vary under the circumstances of each case. In some cases, it will be reasonable for the Secretary of the Army to determine that actual physical removal of the vessel must begin within 24 hours of the closing of the port. In other cases, it may be impossible to actually begin removal of a vessel in 24 hours because a specialized piece of equipment is not available. The Secretary of the Army must determine whether the owner or operator has satisfied the requirement to begin removal, based on the facts of each particular situation. The costs of a particular method of removal are not a factor in deciding whether or not an owner or operator has satisfied the requirement to begin removal. What must be determined by the Secretary under this bill is whether or not the owner or operator is doing everything feasible to remove the vessel, using the method that will allow commercial traffic to resume as quickly as possible. In all cases, the vessel must be secured pending removal of the vessel if securing the vessel allows commercial traffic to resume while removal actions continue to take place.

Mr. Speaker, I look forward to early action on this important piece of legislation, and I want to thank my distinguished colleague from Texas, GREG LAUGHLIN, for joining with me in this effort.

CONGRESSMAN KILDEE HONORS DR. JEROME AND SHERRY KASLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Dr. Jerome Kasle, and his wife Sherry, for their continual efforts to improve the education of Jewish children in my hometown of Flint, MI.

Mr. Speaker, I have known the Kasle family for many, many years. They have been true community activists and have worked to improve the quality of life for the people in the Flint area. On December 12, 1993, the Chabad House of Flint honored Dr. Jerry and Sherry Kasle for their efforts to enhance and expand Jewish education in the Flint Jewish Community. I also want to congratulate Jerry on his 50th birthday, and their 25th wedding anniversary. Mazel Tov to the both of you.

Mr. Speaker, a few years ago, Rabbi Yisroel Weingarten, a Lubavitch Rabbi, came to the Flint community and established the Chabad House. Rabbi Weingarten and his wife have greatly enriched the lives of many people in the Flint Jewish Community. Dr. and Mrs. Kasle have been dedicated supporters of Rabbi Weingarten, the Chabad House and all of their programs. And because of their efforts, the Chabad House has blossomed. Together, they began a unique partnership to establish the Chabad House Flint Torah Academy. This program, already in its third year, allows Jewish children to attend school in the morning, and study Jewish culture, art, music, dance, history, language, and writing, at the Flint Torah Academy each afternoon.

Dr. and Mrs. Kasle recognize the importance of education and maintaining the continuity of Judaism in one's life. The Kasles believe that in order for Judaism to prosper, Jewish education and culture must be taught to the children. It is their commitment to these Jewish principles that has enabled the Flint Torah Academy to flourish.

Even before the arrival of Chabad House, the Kasles have been long time supporters of the Flint Jewish Community and the State of Israel. The Kasles were one of the first anchor families in the resettlement of Russian Jews in Flint. Dr. Kasle also sees many Russian Jews on a pro bono basis at his eye clinic. Jerry and Sherry have also been loving parents to their six children.

Mr. Speaker, it is with much joy and respect, that I pay tribute to these two exceptional people. They have certainly made a difference in many lives, both in Flint and in Israel, and we are all deeply grateful to them.

TRIBUTE TO STAFF OF EMERGENCY MANAGEMENT INSTITUTE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. BURTON of Indiana. Mr. Speaker, I recently received a letter from a constituent of mine who had attended a training program at the Emergency Management Institute in Emmitsburg, MD. Sam Williams, director of the Johnson County, IN, Office of Emergency Management, had high praise for the Institute's staff and programs. He was so impressed that he took the time to ask his Congressman and Senators to commend the Institute for the fine work they do.

The Emergency Management Institute is the training arm of the Federal Emergency Management Agency. With a staff of 30 people, the Institute trains local emergency management officials from around the country to prepare for spills of hazardous materials, earthquakes, tornadoes, floods, and other natural disasters. Those local officials in turn return to their home States to train their colleagues.

This training is critically important. By enhancing the ability of local governments to prepare themselves for the unthinkable, the Emergency Management Institute has, I am sure, quietly saved many lives. I would like to commend Joseph Bills, the Institute's program coordinator, and the Institute's entire staff for their fine work.

I submit Mr. Williams' letter for the RECORD.

JOHNSON COUNTY OFFICE
OF EMERGENCY MANAGEMENT,
Franklin, IN.

Hon. DAN BURTON,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN BURTON. I recently had the opportunity to attend the Mass Fatality Incident Course held at the Emergency Management Institute in Emmitsburg, Maryland.

The program coordinator, Mr. Joseph K. Bills, should be commended for his tireless energy and the quality of materials introduced.

While we do not like to think of incidents of this nature, through training of this type, we can feel confident we will be able to handle any situation should the need arise. We can also minimize the suffering of those who have a loss.

Sincerely,

SAMUEL J. WILLIAMS,
Director.

JULIA PAPPAS RECOGNIZED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the special recognition being bestowed upon Julia Pappas this Saturday, February 12, by the Greek-American Home-Owners Association of Astoria, NY.

As one of the leading groups which seek to strengthen the residential and business communities in Astoria, the Greek-American Home-Owners Association serves the entire community in so many ways.

Julia Pappas exemplifies the members of this organization. That's why I am pleased to say that her loyalty and dedication to the organization and her exemplary leadership as president of Community School Board 30 are being justly recognized. As the founder and past president of the Federation Parents Club, Queens, as a member of community board I, and as chairperson of the parks committee, Julia has constantly strived to promote community unity and the development of innovative and effective programs.

Because of her tremendous achievements on behalf of the entire community of Astoria, NY, I hope my colleagues will join me and the Greek-American Home-Owners Association in honoring Ms. Pappas on this auspicious occasion.

A COMMUNITY PULLS TOGETHER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. MAZZOLI. Mr. Speaker, today, I would like to call attention to a very special group of people who live and work in my hometown of Louisville and Jefferson County, KY.

A couple of weeks ago the Louisville area, along with most of the eastern half of the Nation, fell under the grip of a furious winter storm. With 16 inches of snow on the ground in Louisville and with temperatures dipping to −22 degrees, venturing out into that nearly lethal weather was the last thing on most minds. Most, that is, except for Michelle Schmitt and her family.

Michelle Schmitt is a bright and enthusiastic 3-year-old who is like almost any other toddler her age with one major exception: she has had liver problems since birth and has been on a waiting list for 2 years for a liver transplant. And, that long-awaited call that a liver was available came, not when the weather was benign but when it was brutish, and not from a transplant center near Louisville but from one hundreds and hundreds of miles distant in Omaha, NE.

There appeared to be no way for Michelle and her family to make it out of their house much less to make the trek to Louisville's Standiford Field for the trip to Omaha. But, when the word of Michelle's plight went out on WHAS Radio 840, a concerned group of people got together with imagination, courage and selflessness and devised a plan to get Michelle to her plane and then to the hospital for the operation.

The accompanying Courier-Journal articles describe the ordeal—and that's really what it was—surrounding Michelle's evacuation. I will not recount the details, as awe-inspiring as they are, but I need to cite some of the people whose heroic efforts helped Michelle.

Joe and Teresa Amshoff came up with the idea of using a parking lot as a helipad and led a shovel brigade of 200 volunteers who cleared the parking lot of Southeast Christian Church. The church's pastor and associate pastor, Rev. Bob Russell and Rev. Dave Stone, and Southeast Christian's congregation also pitched in with the effort to clear the parking lot so the helicopter could land. Hank Wagner and David Fleming of Jewish Hospital made the medical helicopter service, Skycare, available. Skycare's communications director, Kimberly Phelps, worked to get flight nurse, Rick Nickoson and paramedic, Joe Vetter scheduled for the flight. Volunteer pilots Jason Smith and Jeff Bowlan of Pattco, Inc. flew the mercy mission to Omaha. Many others worked hard to clear the runway at Louisville's Standiford Field so Michelle and her family could leave Louisville for Omaha.

I am immensely proud to represent such a dedicated and giving group of individuals. The work everyone put forth to give a little girl a chance for a full life was a labor of love and was evidence, once again, of the devotion and true charity of the people of Louisville and Jefferson County. The episode is a prime example of how noble and caring people are when called upon.

One last note—Michelle is doing well and our thoughts and prayers are with her for a successful and speedy recovery.

Mr. Speaker, I ask permission to include at this point the Courier Journal articles referred to in my statement:

[From the Courier Journal, Jan. 18, 1994]

FROZEN CITY WARMED TO A SICK LITTLE GIRL'S PLIGHT

(By Beverly Bartlett and Laurel Shackelford)

People from all over Kentucky came together yesterday in a breathtaking battle against time and nature for a Louisville girl, who just may win.

Since 3-year-old Michelle Schmitt was a year old, she has been on a waiting list for a liver transplant. Yesterday, at 9 a.m., as a record snowfall paralyzed Louisville, her grandmother got the call the whole family had been waiting for. By sundown, a liver would be waiting for her.

In Omaha, Neb.

But there was no way for Michelle to get to the airport. No way for pilots to get there. No way for planes to take off, with the airport closed. No way for emergency medical workers to get out of their driveways.

To have the best chance of success, hospital workers in Nebraska wanted Michelle in Omaha by 6 p.m.—7 p.m. at the latest. The race was on.

Michelle is one of 251 children waiting for a liver transplant. More than 100 U.S. hospitals do liver transplants, but only about 50 perform them for children. Not one is in Kentucky. Kosair Children's Hospital expects to start performing such surgeries this summer.

But that did Michelle no good yesterday. She was born with biliary atresia, the same condition her older sister, Ashley, had. Ashley received a liver transplant in 1991, at the age of 3. She is now reportedly doing well.

But Michelle was still in desperate need. She weighed just 22 pounds, an average weight for a 1-year-old.

(Michelle and Ashley's mother. Theresa, died in August 1992, after overwhelming reumonia progressed to Adult Respiratory Distress Syndrome. As a complication, doctors also suspected an uncommon vascular disorder called Wegener's granulomatosis.)

Friends had come to the Schmitt's aid, raising money all over the county—from donations, raffles and charity auctions. But yesterday the community came to the child's aid in other ways.

Jewish's air ambulance service, SKYCARE, agreed to fly Michelle to Standiford Field, after an employee heard the family's plea for help on a radio station.

She was supposed to be picked up there by a Lear jet, which would take her to Omaha, where a liver was being flown in from an undisclosed location.

David Fleming, a Jewish Hospital vice president, said SKYCARE's communications director, Kimberly Phelps, worked frantically to put together a medical team for the trip. Rick Nickoson, the flight nurse, drove a four-wheel-drive vehicle to pick up paramedic Joe Vetter.

Two volunteer pilots, Jason Smith and Jeff Bowman, of Pattco Inc., waited at Standiford Field.

But first Michelle had to get there—and for hour after agonizing hour, that looked iffy.

Members of Southeast Christian Church have been leading the fight for money to pay for her transplants, and yesterday the church came to the rescue again.

The brilliant idea to transform a church parking lot into a helicopter landing pad came from Teresa Amshoff who spent the day "stuck here in the house, listening to the story" about Michelle on WHAS.

She heard about the plan to *drive* her from Hikes Point to Clark County airport, "and I knew it would take them two hours to get to Clark County. As I was staring out the window it came to me: Bring the helicopter to Southeast Christian Church," right behind her house.

Amshoff called the station, and after some huddling, rescuers decided to go for it.

"They asked if I could get people to shovel. I said, 'No problem.' I ran door to door on Glen Meade Road screaming for help. I told everyone we needed them with their shovels. Everyone was tired from shoveling their driveways off, but no one turned me down."

Soon a team of six snow shovelers turned into a crowd of hundreds with a big will—and big shovels.

Her husband, Joe, went ahead and walked off a 100-foot area for a landing site, and everybody dug in.

"People just started pulling in," said Dave Stone, the church's associate preaching minister. "It looked like a four-wheel-drive convention."

While some arrived in four-wheel-drives, people who lived in the neighborhood flocked in on foot, carrying snow shovels.

The family pulled up in a four-wheel-drive vehicle. Michelle was carried to the helicopter on a stretcher. Her father, Ed, was shivering. Bob Russell, the church minister, asked if he was cold.

"No," he said. "I'm just really nervous."

Hospital officials in Nebraska weren't; they were confident that Michelle would reach Omaha by nightfall, the optimum time for her liver transplant.

[From the Courier Journal, Jan. 19, 1994]

GIRL, 3, "DOING REAL WELL" AFTER LIVER TRANSPLANT

(By Patrick Howington)

Hours after undergoing a liver transplant that was made possible by snow-shoveling volunteers, a 3-year-old Jefferson County girl was making an impressive recovery yesterday in an Omaha hospital.

Michelle Schmitt's condition was upgraded from critical to serious-but-stable yesterday afternoon. Doctors at the University of Nebraska Medical Center were "really happy and amazed at how she's bouncing back," said Edward Schmitt, Michelle's father.

"She's doing real well right now. They've already pulled the respirator from her and she's sitting up," Schmitt said. "She wants her bottle, she wants chocolate, she wants Coke * * *. It's amazing."

Michelle had been waiting two years for a donor liver, but when the call finally came Monday the timing couldn't have been worse. Louisville roads and airports were virtually shut down by record snow.

The flight to Omaha wouldn't have been possible if 200 neighbors and volunteers hadn't shoveled a clearing at Southeast Christian Church, where the Schmitts are members, so a helicopter could land and take Michelle to a waiting private jet. Without a quick departure, the donor liver in Omaha would no longer have been useable.

"I want to thank everybody from the bottom of my heart," Edward Schmitt said. "I feel like they saved her life."

Michelle arrived at the Nebraska hospital about 6:45 p.m. CST Monday, hospital spokeswoman Mary Zgoda aid. She was on the operating table by 9 p.m. The surgery ended at 4 a.m. yesterday.

Michelle and her family flew to Omaha on a corporate jet donated by Paco Aire of Jefferson County.

The jet had been lined up months ago by Sharon Stevens, a hairdresser who has been raising money for the Schmitts for two years. Stevens said a non-profit group she set up for that purpose, Hair Angels—its members initially were all hair-dressers—has raised about $50,000 for the family.

But Stevens said that is "a drop in the bucket" compared with the family's medical bills. She said care just for Michelle's older sister Ashley, who received a liver transplant in 1991, has totaled $700,000. Insurance covers 80 percent of medical bills, she said.

Money raised by Hair Angels has gone toward medication (Michelle's costs up to $1,000 a month), insurance premiums and flights to Omaha, where Ashley also received her transplant and follow-up care.

Now the group is trying to raise money to cover the Schmitts' housing in Omaha, where Michelle may be for up to three months.

Donations for Michelle's medical expenses can be sent to Hair Angels, 239 Chenoweth Lane, Louisville, KY 40207. Contributions are tax-deductible.

SOLIDARITY—SARAJEVO

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. HOYER. Mr. Speaker, the eyes of the world will be focused on Lillehammer, Norway, from February 12–27, as that city hosts the 1994 Winter Olympic Games. Exactly 10 years ago today athletes gathered in Sarajevo for 12 days of competition as that city hosted the XIV Winter Olympic Games. Hundreds of folk dancers greeted the athletes in a profusion of color during the opening ceremonies in Kosevo Stadium. The sounds of "When the

Saints Come Marching In" and "The Yellow Rose of Texas" could be heard during the course of the festivities presided over by Juan Antonio Samaranch, president of the International Olympic Committee.

An estimated 8,000 Americans were among the 40,000 visitors who converged on Sarajevo for the games. Actor Kirk Douglas, singer John Denver, and Princess Ann of Britain could be spotted in the crowds. A fresh snowfall transformed the city into a winter wonderland. Vucko, the mascot wolf of the winter games could be seen just about everywhere. Guests crowded Sarajevo's shops, restaurants, and cafes to escape the cold and enjoy the warm hospitality.

A thousand troops were deployed in the hills around Sarajevo to keep competition tracks clear of snow. Flushed with excitement athletes looked forward to testing their skills on the slopes and on the ice. Skating star Scott Hamilton was there as was downhill skier Bill Johnson, giant slalom skier Debbie Armstrong, figure skater Rosalynn Summers, the brother and sister pair, Peter and Kitty Carruthers, along with the Mahre brothers, Phil and Steve. Soviet athletes paused to mourn the death of President Yuri Andropov as the crimson hammer and sickle Soviet flag was flown at half staff in the Olympic Village.

As the Olympic flame was extinguished during the closing ceremonies of the XIV Winter Olympic Games, IOC president Samaranch concluded, "Do videnja, Sarajevo"—"Until we meet again, Sarajevo."

Ten years later and after nearly 2 years of shelling, Sarajevo is almost destroyed by hate and power mongers. The city's stadium has been turned into a cemetery, the final resting place for some of the over 10,000 Sarajevans killed since the outbreak of fighting in and around the Bosnian capital.

The siege of Sarajevo continues unabated with some of the heaviest shelling having recently been recorded. Serb heavy weapons surround the city from the very hills where athletes tested their skills in Olympic competition. This once pristine alpine community, known for its distinctive multicultural society, has been reduced to rubble. There is no running water. There is no natural gas to provide heat against severe winter weather conditions. Medical supplies are scarce. Food supplies are dwindling. People are starving and children are being murdered as they attempt to play amidst a dying city.

Despite death and destruction, the people of Sarajevo have remained remarkably resilient. The Olympic creed says, in part, that "the essential thing is not to have conquered but to have fought well." The people of Sarajevo have displayed tremendous courage throughout their struggle for survival. Unfortunately, the West has yet to do so.

When the Olympic flame, a symbol of continuity, is ignited this Saturday in Lillehammer its glow will be dimmed by the harsh reality surrounding the strangulation of Sarajevo and the aggression and genocide waged against the people of Bosnia and Herzegovina.

Mr. Speaker, the people of Sarajevo are fighting for their very survival as well as the survival of their city. I urge my colleagues to join me in expressing solidarity with the people of Sarajevo and calling upon the international community to stop the strangulation of Sarajevo before there is no one left but the aggressors.

TRIBUTE TO ROBERT CHAIS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to Robert Chais, a constituent of mine and a founder of one of the foremost emergency medical services facilities in the Nation.

Mr. Chais founded the Bergen County Emergency Medical Services [EMS] Training Center in Paramus, NJ. This center has become nationally respected as one of the finest EMS training facilities in America.

Under Bob Chais' direction, the Bergen County EMS Center has trained thousands of New Jersey volunteer ambulance, rescue, and firefighting personnel. These volunteers have been responsible for saving countless thousands of people throughout New Jersey.

The standards set by Mr. Chais have influenced similar training centers across the country and thus resulted in the countless numbers of Americans surviving accidents and medical emergencies.

Mr. Chais served the center for more than 15 years, for he did not seek nor receive any compensation. In fact, Mr. Chais passed away while teaching a class on Wednesday evening, January 27, 1994, at the age of 54.

It is rare that one man performs so much work to have such a positive effect on the lives of so many. His death is a great loss to the State of New Jersey. It is in service to the citizens of New Jersey that Mr. Chais will be fondly remembered.

TRIBUTE TO DR. J. SCOTT RUTAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to learn that the American Group Psychotherapy Association will recognize Dr. J. Scott Rutan as a Distinguished Life Fellow on February 18.

Dr. Rutan has had an extraordinarily productive career, and he is widely known for his scholarship, his practice of group psychotherapy, and his teaching. He is a clinical associate professor of psychology in the Department of Psychiatry at Harvard Medical School, and director of the Center for the Group Psychotherapy at Massachusetts General Hospital. In every capacity that he has occupied, Scott Rutan has performed extraordinarily well, serving as a model of a responsible and caring professional.

It is entirely appropriate that the American Group Psychotherapy Association is recognizing Scott Rutan's career, and I am proud to join them in doing so.

GEORGE ALEXIOU RECOGNIZED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a New Yorker who has given so much to our great city, the borough of Queens, and the community of Astoria.

On February 12, the Greek-American Home-Owners Association of Astoria, NY, is recognizing George Alexiou for his vigilant dedication to the welfare and advancement of this organization and the improvement of the greater Astoria community.

George was a past president of the Greek-American Home-Owners. During his highly successful tenure, the organization significantly expanded the services which it provides to the Astoria community. Countless residents have Mr. Alexiou to thank for the work which he has done on their behalf.

George also exemplifies the American Dream. He came to this country from Greece and successfully entered into business. He is a devoted husband of Elpida, and a doting father to Melina. Showing his appreciation for his adopted country and the true American spirit, George has used his good fortune to help others in his community.

Because of his tremendous achievements on behalf of others, I hope my colleagues will join me and the Greek-American Home-Owners Association in honoring Mr. Alexiou on this auspicious occasion.

TRIBUTE TO PAUL ANDREWS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. MARKEY. Mr. Speaker, I rise today before my colleagues in the House of Representatives to pay tribute to Paul Andrews, school superintendent of Woburn, MA, who will retire at the end of this year capping 26 years of public service.

Paul Andrews is a results-oriented administrator who has served his community tirelessly for over a quarter of a century. Mr. Andrews is a leading educator who brings pragmatic insights and solutions to meet public policy objectives. He developed a fully coordinated central office staff into one of the finest school managerial teams in the Commonwealth. He also raised almost $500,000 for students of Woburn Public Schools through the writing and development of Federal and State grants.

Mr. Andrews has been on the forefront writing and preparing publications for State distribution. His writings focus on the difficult topic of drug abuse. In his progressive role, Paul has suggested approaches in drug education and outlined drug policies for school administrators. Paul has also been involved with the State department of education as a project director for the office of health and human services as well as the bureau of student Services. Mr. Andrews served on a wide variety of State boards such as the Massachusetts Comprehensive Health Planning Agency, and the Massachusetts Committee on Children and Youth.

Like most dedicated public servants, Mr. Andrews is highly active in his local community. He is vice chairman of the Mystic Valley Mental Health Board and the chairman of the Industrial Development Commission. He has been a Red Cross disaster chairman, as well as an executive secretary of the Woburn Fire/Police Building Commission. The Woburn Jaycees recognized his civic service, honoring him as a "Man of the Year."

Mr. Speaker, I ask that you join me, our colleagues, Paul's wife Janet, their three children, Paul, Jr., Kevin, and Marcia, and their many friends in wishing Paul the very best in his retirement. In his many years of committed service, Paul Andrews has touched the lives of many people in our community and it is only fitting that the House of Representatives recognize him today.

PMA CHOOSES NEWSPAPER ADS OVER R&D

HON. FORTNEY PETE STARK

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 8, 1994

Mr. STARK. Mr. Speaker, practically every week the Pharmaceutical Manufacturers Association [PMA] reminds us of its existence through absurd ads on the federal page of The Washington Post. In 1993, the PMA ran 50 advertisements in the Post—each ad telling the reader that we don't need health care reform because the PMA has it under control.

The problem, Mr. Speaker, is that the PMA's version of health care reform is an advertising blitz! Lots of gloss, lots of pretty charts—and billions of wasted health care dollars!

A recent PMA newspaper ad campaign tells us that pharmaceutical research and development has slowed to its lowest point in 22 years. The PMA has never been afraid to predict gloom and doom for its member companies—companies that represent the most profitable industry in America. The PMA is constantly using scare tactics on Americans, many of whom are dependent on prescription drugs for their health.

What the ad doesn't tell you, Mr. Speaker, is that in 1993, the PMA wasted $1.5 million on ads in just five newspapers—The Washington Post, The New York Times, The Wall Street Journal, USA Today, and the LA Times. According to the PMA's way of calculating the real investment value of R&D, this $1.5 million in cash outlays has a real investment value of $16 million in R&D.

The PMA complains that we face lower levels of R&D spending, but somehow they always find a way to spend billions in advertising. Not drug research—ads.

Americans don't need more PMA ads, Mr. Speaker. They need affordable prescription drugs. The PMA should stop wasting its money on ads and start to become part of the solution to the health care crisis.

A SALUTE TO GEN. HAL WATSON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 8, 1994

Mr. MOAKLEY. Mr. Speaker, last month I was saddened to learn of the passing of Gen. Hal Watson, a decorated World War II veteran, an American pioneer in air technical intelligence, and founder of the Woodrow Wilson Foundation. During World War II, General Watson was the first American to fly Germany's revolutionary jet engine fighter, ME-262. His contributions to the war effort were significant and earned him the Legion of Merit, the Distinguished Flying Cross and other international awards.

General Watson's wartime heroism was replaced by his generous peacetime philanthropy. He founded the Woodrow Wilson Foundation to aid in the rebuilding of the Woodrow Wilson Rehabilitation Center for the rehabilitation of the handicapped. The student activities building there is named in his honor.

They say that pilots never die; they soar on to greater heights. This accomplished soldier, respected public servant, and good-humored gentleman will be sorely missed by his lovely wife, Ruth Clark, his family, and those of us who hold him in such great respect.

HEALTH REFORM MUST MEET THE NEEDS OF UNDERSERVED COMMUNITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 8, 1994

Mr. CONYERS. Mr. Speaker, as Congress begins the deliberative process on health care reform, I cannot express strongly enough the critical importance for consensus legislation to include measures that will meet the needs of America's medically underserved communities and populations. If Congress is sincerely interested in making health reform work for all Americans, it must invest in community-based health services for at-risk communities. If the primary and preventive health care needs of these populations are not met in health reform, our goal of cost containment will not be realized: these are exactly the people who end up on emergency room doorsteps in my home of Detroit and across the country under our current health system.

Underserved communities desperately need health reform to deliver three things to them: First, the presence of a medical home that offers high-quality care regardless of their health or social status or their ability to pay for services; second, adequate numbers of highly trained, culturally competent health professionals to staff these facilities; and third, the assurance that their medical home will not be driven out of business due to excessive financial risk or inadequate reimbursement, simply because they care for those who are sickest and hardest to serve.

As one of the principal authors of H.R. 1200, the American Health Security Act, I worked hard to see that access for the medically underserved was given special attention. H.R. 1200 doubles available funding for community, migrant and homeless health centers, and affords these essential providers certain payment and contracting safeguards to ensure their financial viability. Further, it calls for a significant expansion of the National Health Service Corps to ensure that our medical education establishment is producing the kinds of doctors our health system desperately needs—primary care physicians—and that they are trained and practice in the areas that need them most.

I am heartened that health reform proposals from all sides of the political spectrum recognize that access must be expanded in underserved communities. Many of the proposals introduced in Congress, including the President's, make great strides toward reforming and improving the health care delivery system in areas that need it the most. For instance, the Chafee-Thomas bill includes over $5 billion in funding for community health centers; the Michel bill includes $1.5 billion for health centers, thanks in large part to the strong support of our colleague NANCY JOHNSON.

But none go nearly far enough in meeting the needs of the communities many of us in the Black and Hispanic Caucuses, and others, represent. As health reform legislation is developed we must work to ensure that the needs of these communities are met—not just because it is the right thing to do, but because it is what we must do to achieve cost containment and health reform that works for all Americans. It will be among the best investments health reform makes.

Mr. Speaker, I ask to submit for the RECORD a story that ran in the February 2 edition of the Washington Post, which details the holes that remain in America's health safety net. As my colleagues will note, the story describes the great work that community health centers across the country are doing to care for those Americans who have fallen through the cracks of our health system. I urge my colleagues to join me and other Members of the Black and Hispanic Caucuses in working for the expansion and preservation of this exemplary program in health reform.

Thank you.

[From the Washington Post, Feb. 2, 1994]

EXPANDED MEDICAL SAFETY NET STILL HAS HOLES

(By Dan Morgan)

It's only a short cab ride from Rockville's Community Clinic to some of the best that American medicine has to offer: the state-of-the-art research labs of the National Institutes of Health in Bethesda, the distinguished specialists of wealthy Montgomery County, the teaching hospitals in the District of Columbia.

But when one of the Rockville health facility's poor, uninsured patients needs more than the primary care provided by its staff of low-paid nurses and moonlighting doctors, the distance can be vast. So vast that Diane Cella Brusick, the clinic's associate executive director, sometimes can't find a doctor to send such patients to.

"God forbid they need an operation," she said. "I get on the phone and beg the local radiology groups. I beg the surgeons. It's a lot of networking." A stress test that could identify suspected coronary problems costs at least $300. Occupational therapy is also expensive, and it strains the clinic's limited funds.

Such daily experiences of the nonprofit Community Clinic Inc. demonstrate the big holes that still exist in America's medical safety net after a decade of important but incremental improvements in Medicaid, the federal-state health care program for the poor and elderly.

Between 1984 and 1990, Rep. Henry A. Waxman (D-Calif.) and allies from both parties in the House and Senate pushed through provisions that expanded benefits and increased the number of people eligible for Medicaid. Millions more working poor people, mainly pregnant mothers and young children, began receiving its benefits.

For this and other reasons explored in this series of articles, Medicaid costs have exploded since 1989. Despite the growing numbers of Medicaid patients, the Medicaid system was left basically unchanged. Until recently, for example, few states attempted to steer patients away from costly emergency rooms by raising Medicaid fees to physicians, assigning patients to clinics, or requiring patients to make copayments.

One result is that Medicaid expenditures for children on welfare rose 17 percent a year between 1988 and 1991.

But despite the growth in both cost and numbers in the program, half of all those who are poor, as defined by the federal government, still are not covered by Medicaid. About two-thirds of those Americans who are uninsured—as many as 24 million people—are either poor or near-poor.

"I think Henry Waxman did an enormous service for poor people, but the fact that too many still fall between the cracks shows that the Medicaid system is not working," says Rep. Ron Wyden (D-Ore.), a member of Waxman's Energy and Commerce subcommittee on health and outspoken advocate of a recent Medicaid reform in Oregon that some have described as health care rationing.

President Clinton's health reform plan would guarantee a standard package of benefits to each American regardless of his or her health record or ability to pay and would do away with large parts of Medicaid. The purpose is not only to control the costs of the huge government entitlement program and relieve pressure on the federal budget deficit but also to eliminate the stark inequities in the U.S. health care system.

These inequities are all too obvious at Community Clinic. The clientele at the clinic's facilities in a remodeled Victorian house in Rockville, and at branches in Silver Spring, Germantown and Hyattsville, include the jobless, the homeless, AIDS sufferers, the chronically mentally ill, immigrants and refugees.

"FORGET FATHERS"

More than half of the 7,000 mostly poor patients who use Community Clinic's facilities do not qualify or have not applied for Medicaid. The clinic will provide care for a family of four with an income of $26,800 a year or less, well above the Medicaid cutoff. Medicaid generally does not accept able-bodied adults, except impoverished pregnant women. "Forget fathers," said one clinic worker.

Community Clinic has doctors and nurses to provide the uninsured with primary care. But difficulties arise when uninsured patients have more complicated problems requiring the services of a specialist—a problem that comes up "20 times a week," Brusick said.

In those cases, she said, the clinic relies on a network of physicians, organized by the Catholic Archdiocese of Washington, who provide charity care for the homeless, as well as occasional help from the specialists at NIH, Howard University and Johns Hopkins Hospital.

Clinic workers boast about last summer's coup: getting a local brain surgeon to administer a magnetic resonance imaging scan to a woman with a suspected brain tumor. He charged the clinic for the cost of the dye instead of asking a fee that can run as high as $1,700. The diagnosis, an inoperable brain tumor, ruled out the need for further tests.

But the system doesn't always function smoothly. Carl E. Snyder, an unemployed drywall installer, was referred by the Rockville clinic to a dermatologist last year after a doctor diagnosed psoriatic arthritis accompanied by joint and skin diseases. Snyder, a 53-year-old Silver Spring resident with a Hemingwayesque beard streaked with red and gray, said that he had worked since he was 14 but couldn't in 1993. Last spring and summer he had so little strength in his wrists and thumbs that his wife had to unscrew the tops on the medicine bottles he keeps in his second-floor bedroom.

A private dermatologist declined to take him on as an uninsured patient, Snyder said, asking him: "What am I supposed to do?"

And although "markedly disabled," according to a report on his case written by a clinic physician, Snyder couldn't qualify for Medicaid, which is available to adult males only if they are permanently disabled. The Montgomery County Department of Social Services advised him last May 1 that his disease was not sufficiently disabling to allow him to get the benefits.

Medicare, the other big government health care program, also provides disability benefits for persons who have paid Social Security taxes. But the Social Security Administration turned Snyder down for these benefits on July 2. Regional Administrator Larry G. Massanari, citing an earlier medical report, wrote: "Although you may experience discomfort, the evidence shows you are still able to move about and to use your arms, hands, and legs in a satisfactory manner * * * you can use your arms and hands for basic grasping and handling. Although you say you have a skin condition, medical evidence shows that this is not disabling."

For much of the spring and summer, Snyder made do with painkilling medicines and applications of olive oil on the red blotches on his arms. Finally, a clinic physician wrote him a prescription for methotrexate, a drug that requires regular blood testing to monitor possible liver damage. Snyder bought the pills with his own money, he said, but in October he stopped having the blood tests. He said he couldn't pay the bill for the tests himself, and didn't want to run up a larger bill with Community Clinic, which had paid for some of the tests. "I don't want the humiliation of waiting to be told they [the laboratory] won't do it because I owe money," he said.

In late November, the clinic staff was urging him to apply for a new state program, the Disability Assistance Loan Program, which provides medical help for those who are temporarily incapacitated. Finally last month, Snyder received word that he had qualified as disabled under the federal Supplemental Security Income program, making him eligible for Medicaid.

"I'm still not sure the system's going to work," he said yesterday.

Shifts in the Maryland Medicaid program last year may have increased pressures on facilities that treat the uninsured, such as Community Clinic.

In 1992 and 1993, about 220,000 Maryland Medicaid patients were enrolled in a new managed care system called Maryland Access to Care. MAC assigns these Medicaid clients to a primary care physician, health maintenance organization or clinic, among them Community Clinic. The goal is to save money by having routine illnesses treated by a doctor or clinic, rather than in a hospital emergency room.

But to increase Medicaid payments enough to attract primary care physicians into the program, the state made economies elsewhere. Early this year, about 27,000 uninsured people, mostly adults, were cut from a state-financed medical assistance program and thrown on the mercy of charity clinics and hospital emergency rooms.

The jury is still out on whether MAC will save money for the state.

A DEGREE OF SECURITY

However imperfect Medicaid may be for those who qualify, it provides a degree of security the uninsured can only dream of.

And while the uninsured may increase the budgetary problems of an institution like Community Clinic, its difficulties have been somewhat assuaged since 1989, when Medicaid began increasing federal payments to such "federally qualified" clinics.

According to Community Clinic director J. Mark Langlais, Medicaid will cover about a third of its 1993-94 budget of $1.6 million, supplementing funds from Maryland, Montgomery County, the communities of Rockville and Gaithersburg, the federal McKinney program for the homeless, and fees paid by patients.

Last year, Langlais said, Medicaid funds provided a financial cushion that enabled his facilities to see an additional 1,000 children in families with no health insurance. (Medicaid currently covers few non-disabled children over age 10.)

The waiting room of the clinic in Silver Spring conveniently adjoins the local office of the Maryland Department of Social Services, where families apply for Medicaid. One day last summer a woman who had just returned to the Washington area from Florida applied for Medicaid at the Social Services window, then crossed the waiting room to seek treatment for her 16-month-old son. A "touch of scarlet fever" was diagnosed in the child.

The women's husband, an aircraft mechanic who had been laid off from his job in Florida, was still looking for work in this area and she was making $200 a week as a receptionist. "We usually do for ourselves, but with two kids you need medical assistance," she said. Medicaid, she added, would cover care for the children until her husband found stable employment and private insurance.

Under the Clinton plan, the part of the Medicaid program that pays the routine doctor, hospital and pharmacy bills of the poor would be eliminated, although Medicaid's long-term care of the elderly and disabled would continue with few changes.

By "mainstreaming" Medicaid recipients into the same kind of private health plans and health maintenance organizations used by the rest of the population, the proposal would largely eliminate distinctions between insured and uninsured, Medicaid and non-Medicaid patients.

In the Clinton plan, premiums of the poor and the near-poor for the basic package of benefits would be subsidized, and health plans would have to accept their share of these patients. Children in low-income families would be entitled to extra medical and social services beyond those in the standard package.

In theory, this would do away with the stigma that Medicaid coverage still has for many as a "poor person's program" that many physicians have shied from. The fees that hospitals and physicians would get for treating the poor would be the same as those for treating others, which is not the case today. Although the rates that state Medicaid programs pay physicians for treating Medicaid patients are supposed to be sufficient to ensure that covered services are available, it hasn't always worked that way.

The late Rep. Ted Weiss (D-N.Y.) told a House subcommittee in 1990 that 85 percent of physicians in his state did not participate in Medicaid. Health care advocates cite red tape and low reimbursement rates as the main reasons why doctors have been unwilling to see patients who hold Medicaid cards. A recent survey of Medicaid enrollees by the Kaiser Family Foundation found that one in five Medicaid enrollees had been turned away by a doctor.

PATIENTS' TRANSITION

Many of Community Clinic's patients would fit easily into a new health care system in which everyone would be enrolled in a health plan on more or less equal terms, Langlais said.

But for others, he cautioned, the transition might not be so easy. "The question is whether the Clinton plan will really take care of a lot of the people we see. Some are socially unacceptable in a doctor's office. Some are manipulative. Some have been burned by the system. A doctor's office doesn't necessarily take into account social, cultural and language needs."

Patients served by the clinic in Rockville include some who are chronically mentally ill and difficult to work with—such as the woman who hurled epithets at the office staff one recent day while she was waiting to be seen by a clinic doctor.

The clinic doesn't ask to see immigration papers of those who show up, but the staff is aware that many patients are illegal immigrants—a group that would not be eligible for the national benefits package in the Clinton plan.

Langlais said he also worries that health maintenance organizations and health plans will still find ways to discourage utilization by low-income families with many medical and social problems.

Several Community Clinic patients covered by medicaid switched earlier this year to an HMO that handles Medicaid patients. Now they want to switch back to Community Clinic, according to administrator Michael J. Mercurio of the Silver Spring facility. Mercurio recalled a situation in which the HMO wasn't able to set up an appointment for a child with fever for two days. The mother brought the child to Community Clinic. But the HMO refused to authorize treatment. So the mother paid Community Clinic a small out-of-pocket fee for seeing the child.

The future of clinics such as Langlais's under the new system is uncertain. "We have the expertise to handle this population, making sure there's follow-up, that people get to their doctor, that we get back the results of tests. But will the health alliances incorporate us in the mix? I don't know."

There is also the larger question of whether health reform automatically will translate into better care for the poor. In theory it should.

But the General Accounting Office reported in 1991 that there was "little evidence that Medicaid coverage alone can improve the rates of early prenatal care utilization." It cited a study in Tennessee that found "no concomitant improvements in the use of early prenatal care, birth weight, or neonatal outcomes" following the expansion of Medicaid coverage in the 1980s.

According to Lois Moore, president and chief executive officer of the Harris County hospital district in Houston, 30 percent of the women whose babies are delivered at the hospitals she runs have had no prenatal care—even though most have Medicaid or would be eligible for it.

Daniel H. Hawkins Jr., research director at the National Association of Community Health Centers, said that outreach services and health facilities where the poor need them did not keep pace with the expansion of Medicaid eligibility in the 1980s.

"We brought them [new Medicaid enrollees] into the system without changing that system. We got them past the financial barrier; now we've got to tackle the more complicated problem: How can we provide care without the financing eating us for lunch?"

INTRODUCTION OF THE MIDDLE EAST PEACE AND DEVELOPMENT ACT OF 1994

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. PENNY. Mr. Speaker, I rise today to introduce legislation which would require the President of the United States to direct the establishment of a Middle East Development Initiative [MEDI] to provide development assistance to the people of the Middle East for the purpose of promoting the peace process in that region.

This legislation authorizes $260 million per year for the next 3 years for the MEDI. This bill includes a pay-as-you-go provision to pay for the MEDI—a provision reducing United States foreign assistance by 5 percent, from the fiscal year 1994 levels, for the countries of Israel and Egypt.

Under this initiative, development assistance will be available to those countries which are engaged in bilateral or multilateral discussions or negotiations which promote the peace process in the Middle East region. Development assistance will also be made available to organizations or communities in the West Bank and Gaza which are engaged in the peace process.

In fiscal year 1994, the United States is providing a total of $36.5 million in development assistance to the Middle East region. However, the United States provides a total of $3.1 billion in military assistance to the region, plus an additional $2.03 billion in economic assistance—much of which is used for military spending.

Clearly, the United States will need to increase its commitment to economic and political development in the Middle East as the peace process continues in the next several months. Every country in the Middle East, including Israel and Egypt, will be eligible for funds from this initiative so long as they are engaged in the peace process. This legislation simply transfers foreign assistance funds from two Middle East accounts to another Middle East account in order to provide necessary development assistance funds to people in the region.

I ask Members to cosponsor the Middle East Peace and Development Act of 1994.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

AFFIDAVIT—STATE OF NEW YORK, COUNTY OF RICHMOND

Hector Rodriguez, being duly sworn deposes and says:

1. My true and correct name is Hector Rodriquez and I am a resident of the State of New Jersey.

2. On January 24, 1992, I executed a seven page affidavit outlining undercover work I performed on behalf of former Immigration Officer Joseph Occhipinti. On October 18, 1991, Officer Occhipinti was unjustly convicted for civil rights violations based upon perjurious testimony by several Dominican merchants, who were portrayed as law abiding. My investigation clearly showed that the majority of the complainants are criminals, continually involved in various crimes, such as drugs, loan sharking, gambling activity, among others.

3. I have conducted additional undercover work since my last affidavit which is described below.

SUPERSTAR RESTAURANT

A. On January 25, 1992, I did undercover work at the "Superstar Restaurant" located at 1049 St. Nicholas Avenue, New York, New York. I wanted to know if drug trafficking activity was taking place at the restaurant because at Officer Occhipinti's trial, employees from Superstar testified that the restaurant was not a known drug location. My investigation has clearly proven that testimony to be false since the Superstar Restaurant is frequented and used by many drug bosses from the San Francisco De Macoris Drug Cartel. Additionally, its employees participate in many of its drug activities in public view. The basis of this belief are as follows:

B. On January 25, 1992 one of my relatives and I went to the Superstar Restaurant and overheard a conversation between a known drug boss from San Francisco DeMacoris called "Rafi". Participating in the drug conversation was the day manager of Superstar called Pasqual. I also heard him being called "Jose." The conversation was drug related and was tape recorded by myself.

C. On January 25, 1992, my relative and I returned to the Superstar Restaurant. We met a known drug boss from San Francisco De Macoris. I will not identify this drug boss at this time for security reasons. I told the drug boss and Jose we were interested in buying a kilo of cocaine and had a price quote of $22.00 per gram. The drug boss said he could sell a kilogram of cocaine for $21,500 per kilo. Present during the conversation was "Jose", the night manager from the Superstar Restaurant. I told the drug boss I would talk to my people about the deal. He gave me his beeper number and told me to call him on January 26, 1992. In the restaurant there were other drug deals taking place. In fact, I saw a couple of its customers snorting the cocaine right in the restaurant. This conversation was tape recorded. (Exhibit "A")

D. On January 28, 1992, about 8:00 P.M., I returned to Superstar Restaurant and met with Jose the manager and the drug boss. I was given the sample package of cocaine from the drug boss, who confirmed that he had ready for sale one kilogram of cocaine for $21,500. I immediately turned over the cocaine sample to Inside Edition, who turned the cocaine over to the police as evidence. The conversation was monitored and videoed by Inside Edition.

E. It is apparent to me that Superstar Restaurant is a known drug location, where drug deals are made on a daily basis. Also, its employees are active participants in its drug dealing activities. Therefore, if these four witnesses testified to the contrary, they perjured themselves.

CRUCEY GROCERY

A. On January 28, 1992, I went to the Crucey Grocery and was introduced to Altagracia Crucey. Inside the Bodega were Freddy and Guandole, who is discussed in my first affidavit. We began to talk about the planned drug sale in the presence of Altagracia Crucey. I explained that I had gotten a cheaper price for cocaine from another source, however, I wanted to compare their quality. Guandole told me they were going to open up a new kilo package of cocaine and would give me a sample. I agreed. Guandole also wrote down his beeper telephone number, which was held as evidence. The conversation was monitored and videoed by Inside Edition. (Exhibit "B").

UNIVERSE TRAVEL AGENCY

A. On February 10, 1992, I went to the Universe Travel Agency at 102–04 Roosevelt Avenue, Corona, New York and spoke to the owner, Pedro Castillo-Reyes regarding the illegal transfer of drug money to the Dominican Republic. Mr. Castillo-Reyes is believed to be one of the Federation members who set up Officer Occhipinti. I explained to Mr. Castillo that I was a drug dealer from upper Manhattan and was interested in illegal transferring every 9 days, $20,000 in drug money to Santo Domingo. At first, he wanted to know who recommended him and also wanted to see my identification. Once I showed him my identification he explained to me he had to be very cautious because "Federal Agents" were investigating him and things were hot. Mr. Castillo-Reyes said "OK" and promised me that after his first delivery of my drug money, he would introduce me to some of his sources, which he inferred were drug related. Mr. Castillo-Reyes said he would charge me $200.00 to transfer the money. (Exhibit "C")

LIBERATO SUPERMARKET

A. On February 7, 1992, I began my investigation of Jose Liberato who owns two large supermarkets in upper Manhattan. Mr. Liberato is a well known merchant in the Dominican community because he does daily advertising on Spanish T.V. and newspapers. Mr. Liberato was one of the leading witnesses against Officer Occhipinti and is related to Rhadames Liberato and Enrique Checo, who I previously investigated. In order to get background information on Mr. Liberato, I spoke to a major supplier of untaxed Dominican rum, who admitted previously supplying Mr. Liberato with untaxed rum. The source agreed to introduce me to Mr. Liberato. My source confirmed that Jose Liberato owns about eight Bodegas in the community, many of which are registered in the names of other people. The source confirmed the allegations that Mr. Liberato is a major drug boss and loan shark. My source confirms Jose Liberato sells cocaine in large quantities (multi kilo weight). My investigation is still ongoing.

SEA CREST TRADING COMPANY

A. On February 8, 1992, I went to the Associated Supermarket at 2262 Jerome Avenue, Bronx in order to meet with Ricardo Knipping, the owner. Mr. Knipping was the first Bodega owner to make a complaint against Officer Occhipinti as well as testify against him in the Grand Jury. The purpose of my investigation was to verify Mr. Knipping's involvement in loan sharking through a company called "Sea-Crest Trading Company." When I met Ricardo, I made up a story that I was a successful drug dealer, who had saved up $100,000 in cash and was interested in buying a supermarket in New Jersey. I asked Ricardo if he knew anyone who could lend me the balance of $150,000, in order to buy the Bodega. I explained to Ricardo that I couldn't go to a bank since I could not legally prove how I got the $100,000 deposit. In response, Ricardo explained that he is a member of a "federation" who helps Bodega owners borrow money without there being a legal registration of the money. Ricardo told me the interest rate would be 24½ annually. Ricardo told me that in the event Sea Crest Trading did not approve of the Bodega I wanted to buy they could set me up in one of their own supermarkets. During the conversation I also mentioned to Ricardo that I had about $20,000 in stolen food stamps which I intended to launder through the Bodega I wanted to buy. He sounded very interested in it and began asking me a lot of questions. He cautioned me to be very careful since I could lose my license if caught. We concluded our conversation by Ricardo giving me, in his own handwriting, the name of "Pedro Dominguez", telephone 994–6110, who is with Sea Crest Trading Company. Ricardo told me to call next week to make up an appointment, where we all would get together to discuss the loan. The conversation was tape recorded. (Exhibit "D")

B. On February 10, 1992, I went to the Sea Crest Trading Company at 4748 Bronx Boulevard, Bronx, New York and met with Pedro Dominguez. Apparently, Mr. Knipping had already spoke with Pedro because he knew about my case and my interest in borrowing money. I again explained to Pedro the fact I was a drug dealer with $100,000 in drug money interested in investing in a Bodega in Perth Amboy, New Jersey. I told him things were hot in the street, for example, last week I had lost $30,000 on a kilo of cocaine, which I had to throw away in order to avoid being arrested. During our conversation, Pedro removed his coat and took out two guns which he placed in a desk drawer. He called in his partner, an American man, who spoke english with an italian accent. Mr. Dominguez, acted as a translator explained to the owner my situation. The owner told me that he didn't want to lend me the money for a Bodega in Perth Amboy, New Jersey because he had no accounts there. However, he told me there were several Bodegas he could get for me in Newark for the same price. We agreed that we would meet tomorrow at which time he would show me the Bodegas in Newark. Mr. Dominguez gave me his business card which read "Pan American Enterprises." Inside Sea Crest were about 10 employees. I was told that there was a Bodega owner, called Rafael Taveras from upper Manhattan in the lobby who was making his loan payment. There was technical difficulty in tape recording, however, a portion of the conversation was mentioned. (Exhibit "E")

C. On February 11, 1992, I called Pedro Dominguez and canceled the appointment telling him that I had to return to the Dominican Republic because a relative was sick.

UPTOWN TRAVEL SERVICE/REMESAS QUISQUEYANA

A. On February 7, 1992, I went to the Uptown Travel Agency at 3750 Broadway, New York, New York and met with Reymundo Tejeda, the owner. I explained to Reymundo the fact I was a drug dealer interested in sending 20,000 in drug money to the Dominican Republic. He referred me to go to Remesa Quisqueyana and wrote down on a piece of paper the name and address. Reymundo said he could handle that quantity out of his travel agency. Uptown Travel is an agent for Remesas Quisqueyana. The conversation was tape recorded. (Exhibit "F")

B. On February 7, 1992, I went to the Remesas Quisqueyana at 3499 Broadway, New York, New York and spoke to one of it's bosses, "Corporan". I showed him the note Reymundo had given me and told him about my interest in wiring the drug money. Corporan told me he would wire the drug money down in four separate transactions in order to avoid notifying the government. Corporan told me that the charge was $70.00 and that he was able to illegally transfer up to one million dollars recorded. (Exhibit "G")

4. I am willing to assist law enforcement authorities in any further investigation of these violators.

HECTOR RODRIGUEZ.

IN HONOR OF MARTHA GRIFFITHS ON THE 30TH ANNIVERSARY OF HER SPEECH FOR THE INCLUSION OF WOMEN IN THE CIVIL RIGHTS ACT OF 1964

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to a person I greatly admire. During her 20 years in the House, Martha Griffiths dedicated her efforts to fighting for equality for women in all aspects of American life—most notably in the workplace.

Martha Griffiths represented the 17th Congressional District of Michigan from 1955 to 1975. Paving the way for women in positions of power, she became the first woman member of the House Ways and Means Committee. Perhaps her greatest accomplishment in Congress came after her persuasive argument for the inclusion of women in the landmark 1964 Civil Rights Act. Battling an overwhelmingly male Congress, Martha's speech convinced her colleagues that true equality in the workplace could not be achieved by side-stepping the issue of gender discrimination. During floor debate, she reasoned that, "a white woman, when she asks for * * * [a] job is turned away, has no recourse, and nobody on earth has to explain for it." Thanks to Martha's determination, the act passed with the amendment creating the foundation for an equal playing field for women.

Martha was not one to compromise on issues of importance. Regarded as the mother of the Federal Equal Rights Amendment—Martha successfully guided this legislation through the House in the 91st Congress. Even though the battle for the Equal Rights Amendment did not end with its adoption, the fight had an empowering affect on many women's lives. ERA galvanized the women's movement—unifying women of diverse backgrounds based on the shared conviction that their rights should no longer be denied on the basis of their sex. Martha's strong leadership on ERA is remembered for its contribution to the movement as a whole as well as the key role she played in gaining its passage in Congress.

I hope that young people who aspire to public office today will look to Martha Griffiths' career as a model for their lives. Her contribution to the Civil Rights Act of 1964 demonstrates the difference one person can make in the lives of over half of the population. In addition, an important lesson can be learned from Martha's work on ERA. In my view, her work for this cause demonstrated that it is better to fight for one's beliefs, even if the goal is not achieved, than to never have attempted to bring about positive change. A battle fought today—win or lose—will undoubtedly pave the road for the success of future reformers. Her recent induction into the National Women's Hall of Fame in Seneca Falls, NY, is a fitting tribute to her work. I am proud to know and to have worked with Martha. She has truly made her mark on the history of this Nation.

INTRODUCTION OF DISASTER TAX RELIEF LEGISLATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. BERMAN. Mr. Speaker, I am today introducing legislation that would permit beleaguered disaster victims to deduct 100 percent of their casualty losses when calculating their Federal personal income taxes.

After seeing the destruction caused by the Northridge earthquake and talking with hundreds of its victims, I realized that present tax law is clearly inadequate in disasters of this magnitude. The tax code acknowledges that it is appropriate to deduct uninsured property losses, but the deduction doesn't kick in until losses exceed 10 percent of adjusted gross income.

The bill I am introducing would particularly help middle-class taxpayers who suffer substantial damage, but who earn too much to qualify for Federal grants and now face tens of thousands of dollars in repair bills.

When a household is not otherwise compensated for damage, they should at least be able to deduct it from their income taxes and keep more of their own money to get back on their feet.

This legislation would apply only in cases of federally declared disasters. If an emergency is great enough to cause the President to declare a disaster and determine that assistance from the Federal Government is warranted, then stricken taxpayers surely deserve this break on their Federal income taxes.

Every dollar these taxpayers have to send to Washington is a dollar not spent in their devastated local communities. They could spend that money putting contractors and builders to work—or they could use it in local stores to buy items to replace damaged possessions.

It's both good economic policy and good sense to put every possible dollar to work to help ravaged areas like Los Angeles rebound from disaster. I will be working very hard to pass this important tax relief legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF 10-PERCENT FLOOR FOR DISASTER LOSSES.

(a) GENERAL RULE.—Subparagraph (A) of section 165(h)(2) of the Internal Revenue Code of 1986 (relating to net casualty loss allowed only to the extent it exceeds 10 percent of adjusted gross income) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) the amount of the personal casualty gains for the taxable year,

"(ii) the amount of the federally declared disaster losses for the taxable year (or, if lesser, the net casualty loss), plus

"(iii) the portion of the net casualty loss which is not deductible under clause (ii) but only to the extent such portion exceeds 10 percent of the adjusted gross income of the individual."

"For purposes of the preceding sentence the term 'net casualty loss' means the excess of personal casualty losses for the taxable year over personal casualty gains."

(b) FEDERALLY DECLARED DISASTER LOSS DEFINED.—Paragraph (3) of section 165(h) of such Code is amended by adding at the end of the following new subparagraph:

(C) FEDERALLY DECLARED DISASTER LOSS.—The term 'federally declared disaster loss' means any personal casualty loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act."

(c) CLERICAL AMENDMENTS.—The heading for paragraph (2) of section 165(h) of such Code is amended by striking "NET CASUALTY LOSS" and inserting "NET NONDISASTER CASUALTY LOSS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to losses attributable to disasters occurring on or after January 17, 1994, including for purposes of determining the portion of such losses allowable in taxable years ending before such date pursuant to an election under section 165(i) of the Internal Revenue Code of 1986.

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 8, UNITED STATES CODE, ALIENS AND NATIONALITY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. BROOKS. Mr. Speaker, today I am introducing a bill to revise and codify without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the Office to prepare and submit to the Committee on the Judiciary of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a copy of the draft committee report, containing reviser's notes and tables, to accompany the bill should contact Edward F. Willett, Jr., Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC 20515–6711.

Persons wishing to comment on the bill should submit those comments to the committee no later than April 15, 1994.

TRIBUTE TO ERVIN "BUTCH" CONRADT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. ROTH. Mr. Speaker, I rise today before my colleagues in the House of Representatives to pay tribute to Ervin "Butch" Conradt, an outstanding Wisconsinite and a very good friend. After more than 40 years of exceptional civil service at the town, county, and State level, Butch Conradt continues to find new and positive ways to influence his community.

At the age of 77, Mr. Conradt will likely be elected the next mayor of Seymour, WI. His newest commitment to community service, follows 18 distinguished years in the Wisconsin State Assembly and, most recently, a prominent position as Wisconsin State Commissioner of Transportation.

Born October 14, 1916, in the town of Bovina, WI, Butch Conradt's remarkable career began on a 120-acre farm bought in 1943 for $8,500. After serving as justice of the peace and town supervision for 4 years, Mr. Conradt was elected Bovina town chairman in 1951. He was later re-elected to the post and served as chairman for an additional 29 years. Furthermore, in 1951, he gained a seat on the Outagamie County Board.

In 1964, at the age of 47, Mr. Conradt was elected to fill the Outagamie County Assembly seat in the Wisconsin State Assembly. A man of clear conviction, Assemblyman Conradt often took the floor to speak, and when he did—the assembly listened. The speech Butch Conradt gave on assembly bill 222 was the greatest speech ever given on the Wisconsin State Assembly Floor. In voting against the bill to increase the Wisconsin State sales tax, Mr. Conradt's 20-minute speech brought a round of applause from the assembly floor and the gallery. People from throughout the State capitol building came to listen.

Never a man to shy away from the chance to stand up and make a difference, Assemblyman Conradt served on scores of legislative committees: most notably, the committees on agriculture and nutrition; excise and fees; highways; and the legislative council highway committee, for which he was vice-chairman from 1967–1971.

For Butch Conradt, community service was not just a 9 to 5 job. Butch was a respected member of the Shiocton Lions Club, the Outagamie County Farm Bureau, the unit chairman for the Outagamie Towns Association, as well as the State director for the Wisconsin Towns Association for a 10-year period.

In 1990, Gov. Tommy Thompson appointed the tireless Butch Conradt to the position of commissioner of transportation, which he served until the dissolution of the office on January 1, 1994. While Wisconsin has lost a great commissioner, the town of Seymour will, undoubtedly, gain an exceptional civic leader.

In the words of Butch Conradt, "If you are respondent to the people and don't give them a lot of hogwash, you can serve as long as you like. Honesty—that's the name of the game."

His exemplary record and many years of accomplishments have earned Butch Conradt a reputation for determination, integrity and hard work.

Mr. Speaker, it is an honor and a pleasure for me to pay tribute to Ervin "Butch" Conradt. He is a man of moral character committed to the betterment of his community and a lifetime of tireless service. On behalf of the U.S. Congress and the people of northeast Wisconsin, I wish Butch and his family our fondest wishes and deepest gratitude.

TRIBUTE TO MRS. ROSE MATSUI OCHI

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to Mrs. Rose Matsui Ochi on the occasion of her recent retirement from the office of the mayor in Los Angeles. In recognition of her many years of outstanding and distinguished service to the citizens of Los Angeles, Rose was feted at an appreciation dinner in Los Angeles on December 15, 1993. Rose is a remarkable woman who has surmounted innumerable obstacles to become a leader in efforts to advance the cause of social justice and ensure expanded opportunities for the citizens of Los Angeles. It is a personal pleasure to share with my colleagues just a few of her many accomplishments.

Born in Los Angeles on December 15, 1938, Rose is the daughter of Mr. Roy Matsui and Mrs. Grace Matsui, immigrants from Japan. During World War II, Rose spent her formative years with her family in a detention camp for Japanese Americans in Arkansas. Once released from the camp, her family was subjected to the further indignities of deportation proceedings. Eventually, the Matsui family was allowed to stay in the United States, and resumed life in East Los Angeles.

After graduating from high school with honors, Rose attended the Los Angeles Community College, where she received an associate arts degree. She was awarded her bachelor of science degree from the University of California [UCLA] and her master of arts degree from California State University. Fulfilling a childhood dream, Rose became a teacher in East Los Angeles, where she observed first hand the lack of educational opportunities facing her students. Feeling the need to more effectively influence the quality of education, Rose enrolled in the Loyola School of Law to secure the tools necessary to accomplish that goal. She received her juris doctor in June 1972, and passed the California bar in December of that year.

Accepted as a Reginald Heber Smith Fellow upon her graduation from Loyola, Rose worked as a staff attorney for the University of Southern California's Western Center on Law and Poverty. During her tenure with this center, Rose served as co-counsel in the Serrano versus Priest case, which challenged California's state system of school finance.

In 1974, Rose joined Mayor Tom Bradley's administration, and within a year, was promoted to the director of the criminal justice planning office and executive assistant to the mayor. In this capacity, Rose coordinated the administration of justice policy and advised the mayor on criminal justice, drug and legal issues. Rose was instrumental in developing policies and programs that made the Los Angeles city government more responsive to women's and civil rights issues. She drafted the charter to establish the status of women's commissions, created a domestic violence prosecution unit and shelter facilities, implemented hate violence policies, and initiated anti-gang and anti-drug programs. She also served as an advisor to the Los Angeles Police Department, a member of the mayor's task force on gang violence, a participant of the central city association criminal prevention advisory board, and the crime policy speaker for the southern California advisory committee.

Rose is an active member of numerous national and community organizations, including the United Way, Los Angeles 2000 Partnership Ethnic Diversity Task Force, Center for Human Rights and Constitutional Law, the Ethnic Coalition, the Japanese-American Citizens League, and the Immigration and Refugee Policy Forum. She has been a member of the Los Angeles County Bar Association since 1972, and was the first Asian American to serve on its board of trustees.

In addition, Rose is the recipient of the U.S. Department of Justice Distinguished Public Service Award and Certificate of Appreciation, as well as the Los Angeles City Council Domestic Violence Contribution Award. Her works have been recognized by the Los Angeles Unified School District, the Constitutional Rights Foundation, the National Women's Political Caucus, the Human Relations Commission and the Los Angeles Youth Advisory Council. Rose was also appointed to a Presidential Commission on Immigration during President Jimmy Carter's tenure.

In light of Rose's extensive knowledge, experience, and proficiency in criminal justice matters, she has testified before congressional hearings on narcotics, government efficiency and juvenile justice. She also was chosen as a panelist for the national governor's gang conference legislative strategy, and a representative for the law enforcement community leaders' summit. In recognition of her distinguished accomplishments, Rose has been nominated by President Clinton to be the Associate Director, Bureau of State and Local Affairs in the office of the National Drug Central Policy.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in saluting Mrs. Rose Matsui Ochi on her many years of dedicated service to the citizens of Los Angeles. Rose has been an inspiration to those of us who have known and worked with her. I am pleased to join her family, friends, and colleagues in recognizing her service, commitment, and outstanding leadership.

HAROLD E. HUGHES ADDRESSES THE PROBLEM OF SUBSTANCE ABUSE

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. SMITH of Iowa. Mr. Speaker, all Americans either have or should have become acutely aware of the major problems associated with the use of, dependency on, and abuse in the use of substances. These problems not only affect our economic and physical health both as individuals and collectively, but also are reflected in a large way in Government expenditures.

A former Governor of Iowa and former Senator from Iowa, Harold E. Hughes, is a recognized expert and leader concerning this subject.

On last Friday, he appeared before the Ways and Means Subcommittee which is holding hearings on proposed legislation dealing with this and other health care subjects. So that those who have access to the CONGRESSIONAL RECORD either directly or in the Nation's libraries may have an opportunity to read this testimony, I am having it printed in the CONGRESSIONAL RECORD.

TESTIMONY OF FORMER SENATOR HAROLD E. HUGHES, FOUNDER AND CHAIRMAN OF SOCIETY OF AMERICANS FOR RECOVERY, BEFORE U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON HEALTH, HON. PETE STARK, CHAIRMAN, FEBRUARY 4, 1994

Mr. Chairman, I am grateful and honored to appear here today on behalf of the millions of Americans who suffer from addiction disease; on behalf of all Americans, who as taxpayers pay an extraordinary percentage of our income to support untreated addictions; and specifically on behalf of the seven to ten million Americans who today have moved beyond their personal addiction histories and enjoy new life in what we know as recovery.

I am a qualified representative of each of these communities. Many of you are familiar with my story, much of which is public record. I have experienced life at both ends of the spectrum: I was incarcerated in six states for behavior connected with my addiction, and I served six years as Iowa's United States Senator across the Hill here. Next week, I commemorate 40 years of abstinence from my drug of choice, which is alcohol.

We consider here today an opportunity of profound impact on all who suffer from chemical dependency, and all Americans who are touched by the grief, the terror, and the cost of these diseases. We have the opportunity to take the third and most important step in history toward conquering a plague—and demolishing a pernicious myth—that has deformed mankind since the beginning of civilization.

If we as a nation take this step, I will have lived to experience each of these historic steps.

The fist major step was the founding of Alcoholics Anonymous in 1935. The ability of one alcoholic to be in service to another, thereby penetrating the wall of isolation, fear, and denial associated with the alcoholic obsession, generated a new hope for alcoholics and their families.

Alcoholics Anonymous has been called the greatest spiritual movement of the 20th Century. But equally important, the success of this movement has impacted psychology, sociology, and medicine, in broadly promoting the understanding of addiction as a primary, chronic disease, not a bad habit.

In 1970, I was happy and proud to be a channel for our nation to acknowledge for the first time the disease nature of addiction. The Hughes Act established a federal role for attention to alcohol and drug dependency. It also fostered development of treatment and prevention disciplines in the private sector. This was the second great step forward for America and its attitudes toward addiction disease.

The advent of national health care reform offers a unique and timely opportunity for America to make the third and most important step: To face addiction disease as a major public health threat and provide this nation with an appropriate public health response.

The nature, scale, and consequences of untreated addiction in our society can no longer be held at bay by programs driven by social conscience or the politics of "doing good." Instead, we must face hard economic and social realities:

There will be no reductions in our soaring cost of health care until we attend to the nearly $300 billion annual cost we as a society tolerate for the consequences of untreated addiction.[1]

Let me share with you a little of the economics of addiction disease.

While most Americans have ambivalent attitudes—at best—and erroneous or incomplete knowledge of addiction disease, the facts speak bluntly: Untreated addiction disease in America today is a major health disaster. We are the earthquake in the health care scenario.

There are approximately 18 million alcoholics and 6 million drug addicts in the United States today.[2]

Alcohol and drugs are the number-one cause of illness, injury, and death in the United States[3]. Alcohol is a factor in approximately half of all homicides, suicides, and motor vehicle fatalities.[4] Deaths from alcohol-related causes took an average of 28 years from each victim's life.[5] Alcohol abuse and dependence is the most common chronic illness between the ages of 18 and 44; drug abuse and dependence is the second.[6]

From 25 to 40 percent of patients in general hospital beds are being treated for complications of alcoholism. Seventy-five percent of trauma victims test positive for drug use.[7]

The majority of people in our jails and prisons today are drug abusers or addicts. The link between drugs and crime is especially clear: more than 80 percent of all incarcerated people under the age of 35 are illicit drug users,[8] and 61 percent of all federal prisoners are drug offenders.[9] Incarceration alone costs us over $7 billion. All together, alcohol and drug abuse and addiction cost us $43 billion in legal and indirect costs other than health care (see table 1).[10]

Fetal alcohol syndrome affects nearly 2 in every 1,000 American births and as many as 25% of all Native American births. The direct cost of treating these baby victims is about $75 million. Between 350,000 and 625,000 infants are drug-exposed each year. Indirect costs for those infants, including lost worker productivity, will reach $1.4 billion by 1997.[11]

Twenty percent of all AIDS cases in the United States today and 20 percent of the costs to care for those people (about $13 billion in 1991), are the result of intravenous drug use. And that proportion is growing.[12]

These numbers reflect only glimpses of the drain on our society that addiction in America perpetrates. A rational, comprehensive national treatment program is our key to a stable economy, the reduction of health care costs, the return of large segments of our labor force to productivity (and the related decrease in the welfare rolls), the control of crime in our communities, and the elimination of runaway violence.

Footnotes at the end of article.

This is not a job for America to face after we have solved the really big problems of health care, economic growth, and crime. It is a job that must be faced in order to reach our goals of universal health care, sustained economic growth, and safety in our homes, schools, and streets.

As a society, however, we balk at facing these facts. Why this reticence? Why this denial? Why do we Americans prefer to tolerate unbelievable costs, unspeakable behavior, and unconscionable human waste to support the most addicted society on the face of the earth?

To shed some light on these questions, consider the politics surrounding addiction disease.

While alcoholic beverages pre-date recorded history, the invention of distillation in the 14th century made possible increased concentrations of alcohol—from 14 percent to more than 50 percent. The introduction of spirits such as gin, whiskey, and scotch soon caused much higher levels of abuse and alcoholism and the social problems that go along with them.

The stigma often associated with alcoholism was firmly enshrined in 1609 with the first attempt to legislate moderation in drinking. The English Parliament passed in that year an "Act To Repress the Odious and Loathsome Sin of Drunkenness."

TABLE 1.—LEGAL AND INDIRECT COSTS (OTHER THAN HEALTH CARE) DUE TO ALCOHOL AND OTHER DRUG PROBLEMS

[Dollars in millions]

Type of cost	Type of substance abuse	
	Alcohol	Other drugs
Criminal justice system:		
Police protection	$1,338	$5,810
Legal and adjudication	274	1,108
State and Federal prisons	884	2,130
Local jails	1,238	460
Total CJS	3,734	9,508
Drug traffic control:		
Prevention	....	175
Law enforcement	....	1,380
Total drug traffic control	....	1,555
Other legal costs:		
Private legal defense	342	1,381
Property destruction	175	759
Total other legal costs	517	2,140
Other direct costs:		
Motor vehicle accidents	2,584	....
Fire destruction	457	....
Social welfare administration	88	6
Total other direct costs	3,129	6
Indirect costs:		
Victims of crime	465	842
Incarceration	2,701	4,434
Crime careers	....	13,976
Total indirect costs	3,166	19,252
Grand total	10,546	32,461

Source: Rice et al., 1990.

Dr. Benjamin Rush, a signer of the Declaration of Independence and a noted American physician, made a significant medical breakthrough in 1785, though it was not recognized as such at the time. His study led him to the then-radical conclusion that once an "appetite" for spirits had become fixed, the drinker was helpless. He suggested total abstinence as a remedy.

His findings, however, were ignored by the young nation, who continued either to ignore alcoholism or to "treat" it with righteous indignation and punitive measures, while continuing to be puzzled at the lack of results.

The seeds of our current crisis, however, stem from Dr. Rush's experience. Truth will not be denied, although the trail is often treacherous and misleading. The "cure" of abstinence is such a truth.

In 1919, we as a nation adopted the cure of abstinence—not just for those afflicted with alcoholism, but for everyone. The political disaster of this experience does not need to be documented here. But let me rescue two "truths" from this history which in their proper contexts are absolutely necessary in the public policy debate of today.

The first truth is that abstinence is the current best solution for those individuals who suffer from addiction disease. While severe abuse of chemicals can result in addiction, most addiction is traceable to a biogenetic predisposition. Suffering is triggered by consumption of an addictive drug. But the condition is in place, and inherited.

The second truth is that all citizens must participate in solutions to addiction—not by participating in abstinence, but in refusing to tolerate the high costs, unsocial behavior, and archaic ignorance associated with alcoholism and other drug addictions.

The political reality and the factual reality are not in line with each other. But I believe that they are closer than most people think. And, I believe that action by this Congress, based on clear, compelling, and accurate information, can create a lasting solution and hope for our nation.

I believe Americans have assimilated many of the key facts relating to addiction disease. There is great understanding of the simple fact that while millions can safely drink alcohol, approximately ten percent of our population lose any ability to control use of chemical mood changers.

I believe there is a greater climate for the reduction of the stigma associated with addiction, together with an acceptance of intervention techniques and less tolerance for antisocial behaviors resulting from abusive and/or addictive use.

I believe average Americans are beginning to understand wellness. More and more citizens know someone who is recovering from addiction. Just as each practicing alcoholic or addict affects an average of five other individuals, a person living in recovery also affects others in a positive way—demonstrating that wellness is achievable as well as desirable.

I believe American voters are tired of the politics of denial. They will respond to the reality of helping themselves by helping those in addiction.

The President's initiative presents the Congress with a unique opportunity to recraft health care as we know it. This recrafting will be successful to the degree that we are willing to look beyond myths and half-truths to seek solid facts.

One of the most important myths to expose is that treatment for addiction disease is an expensive and ineffective "add-on" to health care that will send taxpayer's costs sky-high. In fact, "cherry picking" by insurers and providers—the selective offloading of people who have pre-existing conditions or who simply change jobs—has obscured the reality that treatment for alcoholism and other drug addiction has been enormously successful and cost-effective. The truth is that once providers are faced with the ultimate costs of untreated diseases of any kind, prevention and early treatment will become immensely popular. This will certainly be true of addiction disease.

Virtually all the literature consistently demonstrates that total health care costs for untreated addicts are significantly higher than for non-addicts, and those costs "ramp up" at an extreme rate as the addict's untreated disease grows more severe. But health care costs and costs to society (for example, legal problems and problems on the job) also decline significantly following treatment of alcoholism, both for the chemically dependent person and for his or her family.

The average cost of alcoholism treatment can be recovered within three years after treatment is initiated, in medical utilization savings for the addict alone. And by four or five years after treatment, health care costs for the treated addict and family fall to lower than the average, and stay there. In other words, the initial costs of treatment are more than offset by the savings in health services not used.

Our opportunity is to look at these facts now and to build a public health response to addiction as we have historically done for polio, heart disease, tuberculosis, and AIDS.

This is not a feel-good or social benefit issue. At this time, and in this climate, we ask for a hard-nosed, resource-based decision making.

What this means is that the benefits package for addiction disease cannot be the minimum level of care for today's symptoms and behaviors. We must have a benefits package that takes into account the life-long implications of untreated addiction, the expensive deaths most of these lives entail, and the proven savings in general health care utilization that occur with high-impact, life-changing strategies for prevention, intervention, and treatment.

The President's plan, though imaginative and clearly intent on broad and thorough coverage, fails to get over the barrier of fallacious actuarial considerations. The results are penny wise, but pound foolish. The most conservative studies indicate that for every $1 spent for the direct treatment of addiction, society saves nearly $10 in health care costs, crime, accidents, and job performance.[13]

A government that short-changes substance abuse treatment and prevention is not serious about reducing health care costs.

A government that short-changes substance abuse treatment and prevention is not serious about reducing crime.

A government that short-changes substance abuse treatment and prevention loses our best shot at significant and long-term economic growth.

To meet the opportunity I present today, Congress must pass health care reform which recognizes the relationship between addiction treatment and the prevention of later heart disease, liver collapse, accidents, crime, and a host of other tragic and costly outcomes. I offer you today some benchmark provisions that make that distinction. Without these provisions, we fail to connect care with ultimate savings. Without these provisions, we muddle along with band-aid cures but not substantial inroads into the 80 percent of our population who generate the costs but will not voluntarily look for a new way of life.

Here are the specific recommendations to strengthen the substance abuse benefit in the Health Security Act S. 1757/H.R. 3600:

1. Separate the substance abuse benefit from the mental health benefit. These are separate health issues and their treatment—and the cost of that treatment—is distinctly different. Pitting these disciplines against each other for use of benefit provisions is not in the interest of the patient.

2. Establish standard requirements for treatment, removing stipulations that currently leave plan managers free to determine eligibility. Establish standard eligibility criteria according to current standard diagnosis and functional impairment criteria.

3. Legislate a minimum benefit for substance abuse treatment that is guaranteed to be available to those who meet eligibility criteria. We recommend such a minimum to be consistent with most current health insurance and managed care health plans, i.e., 10 hours' assessment and intervention services; Detoxification as indicated by acute intoxication and/or withdrawal potential; 30 days' residential or inpatient rehabilitation (45 for adolescents); 130 hours outpatient treatment and/or aftercare. If the scope of a national health care plan is to include prevention and long-term care traditionally funded through public sector block grants, we recommend that all limits on benefits be eliminated.

4. Treatment should be reimbursed on the level of care (i.e., inpatient, acute care, residential, outpatient) rather than on the setting.

5. Maintain funding for the Substance Abuse Block Grant and other federal programs and require states to maintain their investment in alcohol and other drug treatment. Public and private systems can be successfully integrated only when (1) universal coverage is achieved and (2) quality and outcomes data—not just costs—drive managed care decisions.

6. Eliminate cost sharing for alcohol and other drug treatment services or establish a sliding fee scale for the cost sharing requirement. Make any and all cost-sharing, co-pay, and deductible issues comparable to other diseases. Discriminatory practices to limit access under the argument that savings are achieved cannot be permitted.

7. Use the same utilization review and pretreatment authorization procedures for all services and replace the arbitrary substance abuse standards to be decided by each health plan with standard criteria, such as the Patient Placement Criteria for psychoactive Substance Abuse Disorders published by the American Society of Addiction Medicine. Without standard criteria, no comparison or study can be valid.

8. Specify uniform standards for assessment, patient satisfaction, and treatment outcome studies.

9. Require all substance abuse treatment and case management decisions, including precertification screening and utilization review, to be made by professionals who are licensed or certified in alcohol and other drug treatment.

10. Designate community-based alcohol and other drug programs as essential providers.

11. Allow for treatment outside the local health alliance at Centers of Excellence to ensure competition on the basis of quality and cost.

These are not expensive provisions. The actuarial information being used to suggest cutting addiction disease benefits is based on the potential of all current alcoholics and drug addicts using these benefits this year. We should be so lucky. Sadly, less than 1 percent of those eligible for treatment through insurance or Medicaid actually seek medical help.[14] If that number rose to even 30 percent, the positive financial impact on America would be tremendous.

So don't be put off by these misleading projections.

Act instead for a stigma-free, recovery-oriented society.

The actions we propose will save billions of dollars. It will make genuine health care cost containment achievable in this century.

It will also save lives. Millions of lives.

And it will recover our nation's collective ability to discover and seek the best in our people. We can move beyond survival. We can contemplate renewal. Of individuals. Of communities. Of nations. Of civilizations.

It is not too much to ask that we do the things which make good business sense and at the same time ensure the greatness of our country.

FOOTNOTES

[1] James W. Langenbucher, Barbara S. McCrady, John Brick, and Richard Esterly. "Socioeconomic Evaluations of Addictions Treatment." Piscataway, NJ: Center of Alcohol Studies, Rutgers University 1993. Prepared at the request of the President's Commission on Model State Drug Laws.

[2] Center on Addiction and Substance Abuse (CASA) and the Brown University Center for Alcohol and Addiction Studies (CAAS). Recommendations on Substance Abuse Coverage and Health Care Reform. New York: Center on Addiction and Substance Abuse at Columbia University, 1993.

[3] Langenbucher, et al., 1993.

[4] American Medical Association. Factors Contributing to the Health Care Cost Problem. Chicago, IL. American Medical Association, 1993.

[5] Langenbucher, et al., 1993.

[6] Judy Ann Bigby, William Butynski, et al. Statement to the President's Task Force on National Health Care Reform; Alcohol, Nicotine, and Other Drug Problems. April 2, 1993.

[7] AMA, 1993.

[8] Bureau of Justice Statistics. "Survey of Youth in Custody." NCJ-113365 1987; and "1989 Survey of Jail Inmates," and "1986 Survey of State Prison Inmates," unpublished analyses.

[9] U.S. Bureau of Prisons. "Special Analysis." February 1, 1994.

[10] Dorothy P. Rice, Sander Kelman, Leonard S. Miller, and Sarah Dunmeyer. The Economic Costs of Alcohol Abuse and Mental Illness: 1985. Washington, DC: U.S. Government Printing Office, 1990.

[11] Langenbucher, et al., 1993.

[12] Ibid.

[13] Ibid.

[14] Ibid.

HOUSE OF REPRESENTATIVES—*Wednesday, February 9, 1994*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 111:2–7;10:

Great are the works of the Lord, studied by all who have pleasure in them.

Full of honor and majesty is His work, and His righteousness endures forever.

He has caused His wonderful works to be remembered; the Lord is gracious and merciful. He provides food for those who fear Him; He is ever mindful of his covenant.

He has shown His people the power of His works, in giving them the heritage of the nations.

The works of His hands are faithful and just; and His precepts are trustworthy.

The fear of the Lord is the beginning of wisdom; a good understanding have all those who practice it.

His praise endures forever: Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DERRICK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device.

The SPEAKER [during the vote]. Apparently the display panels have not yet come on. The Chair is advised that the votes are being recorded by computer and the display panel will be on momentarily.

The Chair announces to the Members that he is advised that the machinery is working. Members' votes are being recorded by the computer, but the display panel is not moving. Members should, if they desire to do so, verify their votes by reinserting their cards for that purpose.

The vote was continued to be taken by electronic device, and there were—yeas 246, nays 151, not voting 36, as follows:

[Roll No. 15]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Houghton
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Wilson
Wise
Woolsey
Wyden
Yates

NAYS—151

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
McCandless
McCrery
McDade
McHugh
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Ros-Lehtinen
Roth
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—36

Bacchus (FL)
Barcia
Becerra
Bilirakis
Blackwell
Brown (CA)
Burton
Carr
Conyers
de la Garza
Dellums
Dornan
Ford (MI)
Ford (TN)
Frank (MA)
Gibbons
Hastings
Hoagland
Hoyer
Huffington
Laughlin
Lloyd
McMillan
Neal (NC)
Pelosi
Portman
Rangel
Rohrabacher
Roukema
Sabo
Smith (IA)
Unsoeld
Washington
Wheat
Williams
Wynn

☐ 1230

So the Journal was approved.

The result of the vote was announced as above recorded.

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PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, when a vote, Roll No. 15, on the approval of the Journal of Tuesday, February 8, 1994, was taken, I was not present because of a flight delay due to icy conditions in Cincinnati. Had I been present, I would have voted "Nay."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAROCCO). The Chair recognizes the gentlewoman from Michigan [Miss COLLINS] to lead the House in the Pledge of Allegiance.

Miss COLLINS of Michigan led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that it will entertain 15 1-minute speeches on each side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3527

Mr. HEFNER. Mr. Speaker, on January 25, 1994, my name was added by mistake to H.R. 3537, the Assault Weapons ban introduced by Congressman SCHUMER. This was a clerical error, and I hereby ask unanimous consent that my name be removed immediately.

I do not support the proposed weapons ban and I would never cosponsor a bill of this nature.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE HEALTH CARE CRISIS HAS NOT VANISHED FOR AFRICAN AMERICANS

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, in recent weeks, the health care public debate has centered around whether there is a health care crisis in America. I am astounded that anyone has to ask the question.

For African-Americans, the crisis is clear: African-American infant mortality rates are double those in white communities; African-American children have higher levels of untreated dental disease; African-Americans live 5 to 7 fewer years than whites; African-Americans have a 25 percent higher incidence of cancer; and while African-Americans are 12 percent of the population, only 3 percent of physicians are African-Americans.

These disturbing statistics tell us that something is not working, that access to good health care is problematic, at best.

I welcome the health care debate in these Halls. It is long past time to dismantle a health care system based on health needs, but on demand generated by the pure luck of having insurance.

I invite those who say there is no crisis to come with me to my district where you will learn that, yes, indeed, there is a crisis.

THE GAP BETWEEN THE WORDS AND THE DEEDS OF THE CLINTON ADMINISTRATION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, once again there is a huge gap between the words of the Clinton administration and the deeds of the Clinton administration.

President Clinton comes to this floor and talks about fighting crime. The Clinton budget in the largest single program it proposes to kill is killing the Burn Memorial Fund which grants aid to local police to fight drugs and violent crime. The Clinton budget stops at $86 million in drug interdiction against the southern border. The Clinton administration budget has 25 percent more for lawyers in the Legal Services Corporation, but less to stop the flow of drugs.

It is very disappointing that at a time when 65 Americans are being murdered every day, at a time when 979 convicted felons are being released early every day, at a time when 14 percent of convicted rapists serve zero days in jail and 28 percent of convicted aggravated assault felons serve zero days in jail to see such inaction, such cutting of anticrime money, and to see a budget that falls so short of what we need to fight crime in America.

THE MISINFORMATION CAMPAIGN ON THE BUDGET

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last year Congress approved a budget opponents claimed would ruin the Nation. They waged a campaign of misinformation aimed at the middle class. They said it would drive the economy into failure.

However, 1 year later we find a substantially reduced deficit, a leaner Government, a growing economy and a stable middle class.

The President's new budget, submitted this week, proposes more spending cuts and an even leaner Government. The new budget proposes to eliminate over 100 programs, thus saving billions of dollars.

Last year reason defeated fearful rhetoric. Unfortunately, this year I expect to hear the same old wails of opposition as we take up the new budget. But the American public has caught on to that tactic.

I am confident that reason will once again prevail, as we continue to lead our Nation into this new era.

CLINTON CARE DOES NOT ADD UP

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, what do the Congressional Budget Office; benefit consultants: Lewin-VHI, and Hewitt Associates; the JEC/GOP staff; Econometric Publications of New Jersey; and Goldman, Sachs all have in common?

The answer is simple.

They all have released studies showing that the Clinton health care plan does not add up.

Indeed, they all predict huge deficits.

In fact, in order to help promote the Clinton plan, Robert Reischauer, CBO's Director, is on record for saying that "at some point, the American people are going to have to edge up to the precipice, close their eyes, cross their fingers and jump."

Mr. Speaker, I do not know about you, but my constituents are not willing to jump.

In the end, if the administration is successful in forcing their health care plan on us, there are only three ways they can make up the projected funding shortfall: Allow huge deficits, enact draconian tax increases, or ration the availability of health care.

All three choices are unacceptable.

Let us table the Clinton plan and start discussing responsible health care reform.

THE REAL HIDDEN COST

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, yes, we should be worried about a hidden cost as we debate health care reform. But it is not the one that some are talking about today. It is not an esoteric question about whether something is off or on budget. It is something much more fundamental.

The hidden cost we should be most worried about is how our current health care system leads to all of us paying more than we need to.

There is a hidden cost to all of us whenever somebody without health insurance neglects an illness until it is acute. Whenever a disease that could have been treated with a $50 doctor visit and a $20 prescription becomes a week-long hospital stay. Whenever somebody who does not have a regular doctor gets treated in an emergency room instead of in a doctor's office. Whenever somebody without insurance cannot pay his or her hospital bill.

Because that cost is paid by the rest of us. That is one of the reasons an aspirin in a hospital costs more than a movie ticket.

There is a hidden cost when we spend over $100 billion each year to process 15,000 different types of insurance forms and to deal with the other requirements of an insurance system that is far too complex and too bureaucratic. Because every time any of us pays an insurance premium or a health care bill we're paying for that hidden $100 billion.

There is a hidden cost added to the sticker price of every American car to buy health insurance for auto industry retirees.

There is an insidious cost to our entire economy whenever somebody with a preexisting condition stays in a dead-end job to keep health insurance, instead of moving to a more productive and rewarding job.

Yes, there is a hidden cost to health care—the enormous waste in the current system. That's why we've got to simplify, streamline, and reform. I urge my colleagues to stop the bickering and naysaying and jostling for partisan advantage. This is the year to work with our President to straighten out our health care mess. The American people are running out of patience—and they are running out of money, because they're paying for a health care system that produces miraculous results often, but at excessive cost almost always.

□ 1240

CLINTON-LITE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. The national media has now crowned the Cooper health care plan as the real moderate alternative to the President's health reform plan.

Indeed, Mr. COOPER, in order to signify the similarities of his plan to the Clinton plan, has begun to call it Clinton-lite.

Unfortunately, Clinton-lite is still too high in Government regulations, employer-mandates, and higher taxes.

It may be a third less bureaucracy than the regular Clinton plan, but it is still too dangerous for the American consumer.

The best way to avoid the Government-run monstrosity called the Clinton plan is to embrace the Michel plan.

The Michel plan cuts cost, increases access, provides choice, and promotes responsibility, all without the bureaucratic fat of either the Clinton or the Cooper plans.

Cut the fat. Support the Michel plan.

THE PRESIDENT'S POLICIES ARE WORKING

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Clinton's budget shows that he kept his word. He is making deep and painful spending cuts. These cuts stretch over all programs including in my State of New Mexico. But we must support his efforts to reduce the deficit.

Because of the President's policies, the deficit is shrinking. Projections show the 1995 budget deficit to be $176.1 billion. As a percentage of GNP, that is the lowest the deficit has been since 1979, a year before the 12 years of Reagan-Bush record deficit spending.

President Clinton makes real cuts. More than 300 programs are cut below the 1994 enacted levels and 115 programs are terminated.

Most important, the President's policies are working. In the first year of his presidency, nearly 2 million jobs were created. Interest rates are low and more than 5 million homeowners are saving hundreds of dollars a month by refinancing.

Mr. Speaker, President Clinton is doing what the American people elected him to do. It is time for the opposition to cease their partisan bellyaching and work with the President to serve the county.

ANCHORS AWEIGH

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, there are some very troubling aspects to the Clinton health care plan.

It appears to me, for example, that it will obliterate the private practice of medicine in this country. By setting price controls and prohibiting private health care transactions, the old-fashioned family doctor is in danger of disappearing from the American landscape.

In fact, doctors joke about the creation of offshore practices, of hospital ships anchored outside the 3-mile limit where people can freely buy the health care they need but cannot get under the Clinton proposal.

I believe we should sink the Clinton health care plan before it swamps our own individual health care choices. We do not need Government-run health care, Mr. Speaker. What we do need is to make private-run health care portable, affordable, and available for all Americans.

THE PRESIDENT'S BUDGET

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, last year Congress fulfilled its promise to the American people to end gridlock and reduce the deficit. Today, no one can dispute the results—our deficit is now $126 billion below original projections—1993 was a landmark year that ushered in a new era of fiscal responsibility.

Once a majority of the Congress and this President worked together, we changed our direction from recession to recovery, from empty promises to economic growth.

Congress has now caught onto something the American people have known all along: There is no substitute for honest numbers and tough choices.

On Monday the President presented a budget that keeps us on track for additional deficit reduction next year. The President has outlined a plan that will continue the trend of economic expansion, job creation, and financial security.

Mr. Speaker, this will not be easy.

The American people want fiscal integrity now. We must go forward with the President and not slip back into the policies of the past.

TIME TO BE CANDID ABOUT HEALTH CARE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, on the issue of health care reform, it is clear that we are going to do something this year. It is clear this House is going to act to make health care more affordable and more available.

But there are more than just two plans. The Cooper and Clinton plans are very, very similar, both requiring a massive turnover to the Government of portions of our health care delivery.

Fortunately, the gentleman from Tennessee [Mr. COOPER] is at least candid about what his plan will do. He has even said that it will end the private practice, fee-for-service health care system.

In December, Mrs. Clinton said there are no limits to what you can pay your private practitioner in the fee-for-service, and that simply is not true. On page 236 of the Clinton bill, it says not only are there limits to what you can pay them, it says you cannot pay them.

They will be paid by the Government monopoly. They will be paid what the Government monopoly chooses to pay them.

Mr. Speaker, it is time to be candid about what we are doing to the American people on health care.

DEADLY GAMES IN SARAJEVO

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, 9 years ago the eyes of the world were on Sarajevo, celebrating the human spirit at its very best—young people from all over the world competing in sports. Today, the eyes of the world are again on Sarajevo, but not in celebration of the winter Olympics. Today, they play only very deadly games in Sarajevo. But they are not games. They are atrocities. Thousands of innocent men, women and children have died. They die of starvation, sniper fire, in random artillery attacks and of horrible torture. Last week's mortar attack on a crowded market which killed 68 people and injured hundred others, is just the latest and most widely publicized atrocity. Sadly, many more innocent people die every day—but their cries are never heard.

Some of my colleagues have taken to the floor to compare this tragedy to the movie "Schindler's List." It is time, my colleagues, that we put the people of Bosnia on America's list.

FROM LITTLE ROCK TO JAILHOUSE ROCK

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, today we find out the nominees for the Academy Awards in Hollywood. I thought I would take the liberty of presenting the Academy Awards for the longest-running comedy in Washington—Whitewatergate.

Best Actress in a full-scale cover-up: Hillary Clinton, who remembered to deduct every pair of Bill's used underwear, but somehow forgot to declare a $69,000 tax loss.

Best Incompetent Director: Bernard Nussbaum, who orchestrated the most bungled cover-up since Watergate.

Best Supporting Cast: the Rose Law Firm, the best-connected law firm since Bendini, Lambert and Lock in The Firm.

Best Supporting Actor in a crime story: Arkansas Banker James McDougal, who has been walking on both sides of the law for years.

Best Special Effects: the Rose Law Firm shredder. Like the Energizer Bunny, it just keeps on shredding, and shredding, and shredding.

Best Set Design and Prop: Bill Clinton's El Camino, the one with the astroturf. The actresses in those scenes remain unidentified.

Best Song: Jailhouse Rock, for James McDougal, with Bill Clinton on saxophone.

Best Film Adaptation: Bill and Hillary Clinton, for their winning reprisal of a slightly revised Woody Allen favorite: Lose the Money and Run.

Best Actor in a full-scale cover-up: Bill Clinton, who has insisted for months he knew nothing about a land deal that lost him $69,000.

HEALTH CARE REFORM

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, 2 weeks ago there was a tremendous breakthrough in the health care reform debate: President Clinton endorsed the Nickles/Stearn consumer choice plan.

An endorsement of the Nickles-Stearns plan, you say. When? Where? Why? Well, let me use the President's own words taken from his State of the Union Address:

> The American people provide those of us in government service with terrific health care benefits at reasonable costs. We have health care that's always there. I think we need to give every hardworking, taxpaying American the same health care security they have already given to us.

It is true, Federal employees have a health care system that puts them in charge, not huge Government bureaucracies. And, most importantly, this system is the model for the Nickles-Stearns consumer choice plan.

I wonder what changed the President's thinking. Maybe he realized there is no health care crisis, that targeted reform is what we need. Maybe he realized that rather than riding in on his "White Horse" to save the day he should keep it tied up in the White House stable.

Mr. President, take a close look at the Nickles-Stearns consumer choice plan. It is health care reform that puts consumers in charge, not the Government. And most importantly, it is the plan that you and I already have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAROCCO). Members are reminded to direct their remarks to the Chair and not to the President.

PLEASE SUPPORT DISCHARGE PETITION NO. 12

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Constitution says a mass murderer is innocent until proven guilty. The IRS says a taxpayer is guilty, guilty, and must prove their innocence.

□ 1250

Unbelievable, Congress. In fact, Congress should be ashamed of themselves.

Mr. Speaker, today, I have submitted discharge petition No. 12 that basically says this: When the IRS points the accusatory finger at the American taxpayer, the IRS in any proceeding has the burden of proof.

Members, if the Constitution is good enough for mass murderers, dammit, the Constitution should still be applied to the IRS and the taxpayers of this country.

Discharge petition No. 12. I want your support.

CLINTON LITE IS A FIRST COUSIN OF CLINTON HEALTH REFORM PLAN

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, now that the national media has crowned the Cooper health care plan as an alternative to the President's health reform plan, some have started calling it "Clinton lite."

By calling it Clinton lite, they are pointing out the similarities between the plans. The Cooper plan is really a first cousin of Clinton and takes us down the path of Government controlled health care. It might take longer to get there with Clinton lite but the final result is the same—lots of Government regulations, mandates, and higher taxes.

It may be a third less bureaucracy than the regular Clinton plan, but it still threatens the health and well-being of American consumers.

The best way to avoid the Government-run monstrosity called the Clinton plan is to embrace a real alternative, not a slimmed down version of Government interference.

The real alternative is the Michel plan to cut costs, increase access, provide choice, and promote responsibility, all without the bureaucratic fat of either the Clinton or the Cooper plans.

Mr. COOPER should look for a relationship with the Michel plan in order to obtain real health care reform.

FELON GUN PREVENTION ACT

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise today, with a bipartisan group of cosponsors, to introduce the Felon Gun Prevention Act to close an obscene loophole in the Federal Code.

Most Americans know that convicted felons lose certain rights including the right to vote, sit on juries, and own firearms. But most Americans are unaware of a dangerous loophole that lets felons appeal to the Bureau of Alcohol, Tobacco, and Firearms [BATF] to get back their gun rights.

Between 1985 and 1990, over 2,300 felons were granted firearm relief. Among those who got their gun rights back through this appeal were individuals convicted of illegally transporting firearms, dealing drugs, manslaughter, assault, robbery, and rape.

The outrageousness of this loophole is compounded by the fact that taxpayers must pay the entire bill for the research the BATF must do before granting relief. In 1991 alone, this program consumed over $4 million of the BATF's budget and more than 40 full-time employees.

It is time to close this loophole for good. I urge the House to pass the Felon Gun Prevention Act when the crime bill is considered after the recess.

ROSE FIRM SHREDS WHITEWATER RECORDS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today the Washington Times headline reads "Rose Firm Shreds Whitewater Records." Employee says paper details Clinton involvement.

The bottom line is: What was the wrongdoing associated with the failed savings and loan that funded Whitewater and which ultimately cost the American taxpayer over $60 million?

The administration is not cooperating; answers have not been forthcoming. From today's headlines, it looks as if documents with those answers have been destroyed.

The time is about to run out on our ability to determine possible civil wrongdoing. As you can see from the calendar, it runs out on the 28th of February. The other body of Congress has been made aware, and I urge my colleagues in this body, the House, to act quickly; time is running out.

THE PRESIDENT IS ON THE RIGHT TRACK IN BOSNIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I start today with two premises. One is that President Clinton does not need me to defend him. He is eminently capable of doing that himself.

The second premise is that editorial cartoons, by their very nature, are meant to cut to the quick. They are not meant to be subtle or nuances. But having said that, I rise today to offer a few words in defense of Mr. Clinton concerning today's Herblock cartoon in the Washington Post.

The cartoon first states Mr. Clinton's quotes concerning Bosnia, which are to the general effect that until the people stop killing one another, bad things will continue to happen over there. But if you trace the history of that area, that is true because conflict goes back to that between the Ottoman Turks and the Austro-Hungarian Empire 500 years ago.

Then Herblock continues by putting words into the mouths of former Presidents by using their quotes and paraphrasing them, President Jefferson, the two Roosevelts, and President Kennedy. The effect of all this, Mr. Speaker, is to make President Clinton appear to be weak and vacillating and even timorous as Bosnia.

Now, I disagree with President Clinton with regard to the handling of Somalia, but I agree with him that we need to be cautious and circumspect before being drawn into a battle in Bosnia.

So I think the President is on the right track.

HEALTH CARE DELIVERY VEHICLE NEEDS GOOD TUNEUP—NOT MR. CLINTON'S PLAN

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I ask my colleagues, "Have you ever taken your car in for a simple repair and come out with a bill for hundreds—or thousands—of dollars and your car runs worse than before?"

Well, I am afraid that is what will happen when Bill's health care repair clinic gets through with us.

Yes, our health care delivery vehicle is in need of a good tune-up to make it more efficient.

But, by the time Bill Clinton and his policy wonks get through with their overhaul, I am afraid our health care system will not resemble the Cadillac that we started with.

I fear that we will get back something which has all of the efficiency of a Winnebago and the quality of Yugo.

And I fear that Bill's bill will come to billions and billions of dollars that we do not have.

Mr. Speaker, I think Congress needs to read the fine print before we give our health care vehicle to Mr. Clinton's crew.

THE NEW WORLD ORDER IN INTERNATIONAL AFFAIRS: EVERYBODY PAYS THEIR FAIR SHARE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the world is holding its breath as we all hope and pray that the new cease-fire in Bosnia will hold. I think one of the reasons we finally got the cease-fire is because the administration has been absolutely right in insisting that international organizations that we contribute so much to and that we pay so much to must reinvent themselves and they too must find their spines and stand firm against the horrors we have been seeing.

I think for too long they have felt we would always do it and they could pile on and take their bows. We must find a way in this New World Order that everybody pays their own fair share and does their part. This has been incredibly painful, but I think NATO is finally coming together, setting a deadline on the bombings, and speaking with one voice rather than many, and appearing to all to be willing to back that up with something other than words, has brought this cease-fire to the front, and I think it will dissipate if NATO dissipates.

So, let us hope we are starting to see these international organizations finally come to terms.

PRESIDENT'S DRUG STRATEGY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today the President released his long-awaited national strategy on drug control, which emphasizes treating and rehabilitating hardcore drug abusers while cutting back on broadscale overseas interdiction.

Sadly, this policy is a signal to drug traffickers to expand their shipments to the United States.

If the Colombian drug cartels were listed on the New York Stock Exchange, Wall Street would issue a buy signal for them after reading the President's new strategy.

It stands to reason that if interdiction is allowed to lag, more drugs will come into the country and this will create more users. Because today's user becomes tomorrow's abuser, the very treatment programs on which the administration wants to focus eventually will be swamped.

Mr. Speaker, many of us in the Congress have been in the front lines of our drug war for a long time and we have come to know what is essential. We don't need to reinvent the wheel.

We have to fight the drug war on five major battlefields—simultaneously reducing demand and supply through eradication and interdiction, enforcement, education, and treatment. We must go beyond the users and the abusers, and stop the pushers and producers to be effective in the battle against drugs and crime.

□ 1300

CONFRONTING THE CAMPAIGN OF DISINFORMATION ON HEALTH CARE REFORM

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, those who are opposed to the health care reform effort that is now ongoing are conducting a campaign of disinformation. The special interests who would maintain the status quo are unwilling to openly confront the facts of health care reform and why it is absolutely essential that this Congress enact a reform that goes to the critical issue of providing universal health care for everyone. Nightly we see on television all of the ads that are being paid for by special interests trying to defuse the argument and take it away from the essential elements of the President's proposal.

Mr. Speaker, we ought to be debating only those matters in the Congress that actually provide universal health care. Most of the proposals that are on the front pages of the newspaper do not provide universal health care.

The one other bill besides the President's bill is the single payer bill. It has nearly 100 cosponsors in the House of Representatives. I urge this body to give serious consideration to the single payer bill. The House Committee on Education and Labor finished hearings on that matter this week. I urge that the other committees do the same.

VETERANS OVERLOOKED IN BUDGET

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, after reading about veterans in the budget, I am left with the question: What priority do veterans have?

If the President's explanation is any clue, veterans are a low priority, his only mention being a $500 million increase for medical care. More ink—and space—is given to the $3 billion to be allotted to the VA if his health bill passes. The implication is clear: Veterans are being held hostage to the health bill.

The budget is flawed for other reasons—the construction budget drops $245 million. But the earmarked projects should raise some eyebrows—research wings to hospitals will be built in West Virginia and Oregon. At the same time research medicine is being cut by $41 million, and 800 research employees will be let go.

Why build the facilities if there are no employees and no money for research? The construction budget could be better used to upgrade current facilities, hospitals, or cemeteries.

This is an OMB document driven by dollars rather than an obligation to veterans—color it green, and not red, white, and blue.

HAWAII'S HEALTH CARE SYSTEM PROVIDES THE WAY TO GO

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, on October 25 an editorial entitled "Not So Easy as One, Two, Three," appeared in the Washington Post. It was prepared by the gentleman from Tennessee [Mr. COOPER] about his views on how best to cover the 7 million Americans who do not have health insurance. Unfortunately the gentleman from Tennessee [Mr. COOPER] was very critical of a national employer mandate to achieve universal coverage and referred to Hawaii's system of employer mandate which covers nearly all residents of Hawaii. He made this reference, as follows:

> Hawaii has had employer mandate for 20 years and still has not achieved 100 percent coverage.

Mr. Speaker, I attempted to talk to the gentleman from Tennessee [Mr. COOPER] about his statement and to establish a perspective on this issue, and I was unable to do so. So, I will take advantage of the 1-minute segments that are given to us, and special orders, to dissect Congressman COOPER's health care plan and point out the advantages of the Hawaii health plan, and I can assure the Congress, and assure those who are listening in, that the Hawaii health care system provides the way to go, provides a good example with 20 years of experience instead of 20 minutes of consideration as seems to be the case with the Cooper bill, all theory, no experience.

Rest assured, Mr. Speaker, that I will explicate this issue to everyone's satisfaction in the days and weeks to come.

THE PRESIDENT'S ALLIES SAY HIS HEALTH CARE PLAN WILL INCREASE THE DEFICIT

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, yesterday the President received a major blow to his health care plan. The Congressional Budget Office told him and the American people that taxes are taxes, and spending is spending.

It does not matter how hard the President tries to hide the truth, he cannot.

Mr. Speaker, this is not the loyal opposition telling Mr. Clinton he is wrong. It is the CBO, an arm of the Democratic leadership.

It is the President's own allies who are telling him he is not telling the people the truth.

It is the President's own allies who are telling him that his health care plan is not going to decrease the deficit, it is going to increase the deficit by $70 billion. The President's numbers are off by $133 billion.

In going back, as my colleagues know, to 1965 when we introduced Medicare, at that time we projected that in 1990 it could cost $106 billion. In retrospect when we look back to 1990, we missed that mark by over $100 billion.

Mr. Speaker, it is time to call a spade a spade. It is time for the President to admit that his big Government-run health care plan is the largest tax-and-spend entitlement program in the history of America.

Mr. Speaker, I say to my colleagues, "The truth hurts, especially when it comes from your friends."

THE AMERICAN PEOPLE NEED A HEALTH INSURANCE GUARANTEE

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, as we begin to review competing health care plans, we have to keep in mind that our goal should be to assure that every American has good health care coverage at an affordable price. We should not be satisfied with anything less than that. We should not be satisfied with a promise of mere access. We should not be satisfied with a plan that merely allows people with modest incomes the opportunity to buy private coverage they cannot afford. And it seems to me that that is all that the Cooper plan offers.

Its focus is not on the needs of individual American families, families who need health insurance or better coverage. Its goal is protecting the structure of today's health care industry. That structure has not served us well. We need to have the courage to try something that will work.

I say to my colleagues, ask your constituents what Government programs they depend on the most. If they are like mine, they will tell you "Social Security and Medicare." Social Security and Medicare do not offer access. They provide guaranteed coverage. Social Security and Medicare do not rely on networks of private insurers. They rely on mandates. And they work. Let us give the American people an equally solid guarantee of health insurance for themselves and their families.

CRISIS POLICY: JUMP INTO AN ABYSS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the bad news comments on the Clinton health plan just keep rolling in—even from friendly Democrats. Last week a prominent Democrat member of the New York delegation equated adopting the Clinton health plan to "jumping into an abyss of the unknown."

He realized most Americans are generally satisfied with their health care—they are just afraid they might lose it. And they're right.

Under the Clinton plan, Americans could be directed to give up existing coverage and rely on a Government-run system that's been dubbed a "house of cards" by another well-known New Yorker, Mario Cuomo. The CBO Director has said to get Clinton health care reform we must get out our wallets. It will cost another $130 billion. "Edge up to the precipice, close our eyes, cross our fingers and jump." I disagree. There are much better choices out there than jumping. The acknowledged problems in our insurance system can be remedied by several other solid proposals we have before us. Let us not mislead America into the abyss of the Clinton plan. Why jump like lemmings when we can soar like eagles?

EFFECTIVE MARKET ACCESS MUST BE CENTERPIECE OF UNITED STATES-JAPANESE RELATIONSHIP

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, the United States is at a critical juncture in its relationship with Japan.

Later this week, Japanese Prime Minister Hosokawa will be in Washington to meet with President Clinton as the first set of negotiations under the United States-Japan framework agreement come to a close.

The goal of these negotiations is to open up Japanese markets to United States products including automobiles, auto parts, medical equipment and other products.

New markets mean new jobs for Americans.

For too long, the Japanese have been able to keep their markets closed to our products.

It is time for Japanese leaders, global leaders, to recognize that trade with the United States must be both responsible and nondiscriminatory.

Congress must stand with the President in pushing for an agreement that is both equitable and fair.

Effective market access must be the centerpiece of the United States-Japanese relationship.

Mr. Speaker, anything less is not acceptable.

THE PRESIDENT'S BUDGET TERMINATES PROGRAMS PROVIDING AID TO OUR LAW ENFORCEMENT AGENCIES

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, the largest single program scheduled for termination by the President's budget is the Department of Justice's formula grant programs that provide aid to State and local law enforcement agencies. The administration's defense of this proposed termination is the expectation that in the crime bill the Congress is considering these funds will be replaced.

Now here is the problem with that kind of reasoning:

First, what if we do not pass a crime bill? We have been working on it for 3 years. Second, assuming we do pass a crime bill, will the funds be sufficient to replace the funds that are being lost in today's budget that exists today? And even if the funds are sufficient, will they be there in time to avoid a gap being created in the providing of these vital funds to State and local law enforcement agencies? But even if the funds are going to be replaced in the crime bill, Mr. Speaker, I suggest that this is still not a valid policy because it sends a mixed message.

□ 1310

When the President in the State of the Union Address said that he intended to help fight crime and help local and State law enforcement agencies, he did not say, less the amount he was taking away from the existing budget that does exactly that.

Mr. Speaker, I am drafting a letter to send to the President which would urge him to withdraw his proposed termination of this grant program. I ask all my colleagues to join me in signing it.

INTRODUCTION OF BILL TO AMEND THE REVISED ORGANIC ACT OF 1954

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, today I am introducing legislation that would enable the Virgin Islands Legislature, if it so decides, to recast the framework of the territorial government so it may better respond to circumstances that today are far different from those envisioned by Congress when it implemented the Revised Organic Act of 1954.

The act sets forth the fundamental structure of the Virgin Islands territorial government, but now, 40 years later, conditions are much changed and the demands on the local government are far greater. Many Virgin Islanders, particularly on the island of St. Croix, believe the community has outgrown the boundaries that Congress proscribed in the Revised Organic Act almost two generations ago.

In 1954, the Virgin Islands was a sparsely populated territory with fewer than 30,000 people living on the three islands. Government revenues totaled about $7.5 million a year.

The Revised Organic Act which Congress crafted sought to conserve scarce funding and eliminate duplicative bureaucratic costs by centralizing the existing municipal governments on St. Croix, St. Thomas, and St. John into a single territory-wide entity.

Today, the islands' population has grown fourfold and government revenues have risen to more than $400 million a year. But while the demand for services is ever-growing, the delivery of those services has often fallen behind. Many Virgin Islanders, especially on St. Croix, are convinced that because departments and agencies are centralized on St. Thomas, which is 40 miles away by sea, local government, by its design, cannot be responsive to their needs.

Should the Virgin Islands Legislature determine that the best remedy would be to again decentralize and restore some degree of municipal government, there are concerns that such a change might not withstand a challenge in the courts unless Congress grants them the authority to do so.

During my 20 years as a Member of the House and with your support, Mr. Speaker and that of our colleagues, I have devoted much of my career to increasing self-government in the Virgin Islands and our American territories.

This great Nation has long recognized that its citizens, no matter where they reside under the American flag, should be allowed to determine the most effective and efficient form of government administration.

The laws that govern us are only as good as their ability to respond to change. In my district, the U.S. Virgin Islands, change has been great and the need now to accommodate change is just as great.

Therefore, in answer to a genuine need for structural reorganization, and in keeping with what is right and fair under our system of democratic government, I am introducing a bill that would amend the Revised Organic Act of 1954 to empower the Legislature of the Virgin Islands to create units of local self-government in the Virgin Islands.

I look forward to your support and that of my colleagues for this important piece of legislation.

HAITIANS INFECTED BY HIV VICTIMIZED BY UNITED STATES POLICY TOWARD HAITI

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, United States policy toward Haiti is a Holocaust of our time—and no one seems to care. This administration turns its back, this Congress ignores the issue, and the media could care less.

Each month more than 1,000 Haitian babies die as a result of United States sanctions. Yesterday the bodies of two more Haitian children and two adults washed up on Florida's shore.

Yesterday I received this memo seeking donations to bury HIV Haitian babies dying weekly in south Florida.

President elect Clinton encouraged Haitians to seek refuge in the United States, then let scores drown at sea. President Clinton brought HIV infected Haitians into the United States contrary to our policy and law.

President Clinton cut and ran from Port Au Prince Harbor leaving thugs in charge. President Clinton let every Haitian deadline pass. President Clinton now wants to impose tighter sanctions.

Thousands more Haitian babies will die. The bodies of Haitian parents and children will wash upon my State's shores. Dead HIV babies to unburied and no one cares.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1804. An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

H.R. 2884. An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1804) "An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2884) "An act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 102-380, the Chair, on behalf of the Majority Leader and with the concurrence of the Speaker of the House of Representatives, appoints Paul O. Reimer of California, as a member of the Defense Environmental Response Task Force.

PROVIDING FOR CONSIDERATION OF H.R. 811, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional five years, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 302(f) of the Congressional Budget Act of 1974 or clause 5(a) of rule XXI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 811, is shall be in order to take from the Speaker's table the bill S. 24 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 811 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 24 and request a conference with the Senate thereon.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 352 provides for the consideration of H.R. 811, the Independent Counsel Reauthorization Act of 1993. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. Under the rule, section 302(f) of the Congressional Budget Act, which prohibits consideration of measures that would cause the appropriate subcommittee level or program level ceilings to be exceeded, is waived against consideration of the bill.

The rule makes the Judiciary Committee substitute, now printed in the bill, in order as an original bill for the purpose of amendment. The substitute shall be considered as read.

Section 302(f) of the Congressional Budget Act and clause 5(a) of rule 21, prohibiting appropriations in a legislative bill, are waived against the committee substitute.

The rule makes in order only those amendments printed in the report to accompany the rule. The amendments shall be considered in the order and manner specified in the report and may be offered only by the member designated in the report or his designee. The amendments shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. The amendments shall not be subject to amendment except as specified in the report, shall be considered as read, and shall not subject to a demand for a division of the question.

All points of order are waived against the amendments printed in the report. Further, the rule provides for one motion to recommit with or without instructions.

Finally, the rule provides for a hookup with the Senate passed bill S. 24. After passage of H.R. 811, the rule makes it in order to consider S. 24 in the House. All points of order are waived against the Senate bill and against its consideration. The rule further makes in order a motion to strike all after the enacting clause of S. 24 and insert the text of H.R. 811 as passed by the House. All points of order are waived against the motion. If the motion is adopted and the Senate bill, as amended, is passed, the rule makes in order a motion that the House insist on its amendments to S. 24 and request a conference.

Mr. Speaker, H.R. 811 reauthorizes for 5 years the independent counsel provisions of the Ethics in Government Act which would allow the appointment of special prosecutors to investigate alleged wrongdoing by top executive branch officials, including the President. The purpose of the provisions was to ensure that investigations are carried out impartially and without favoritism.

The bill creates a specific category of coverage under the law for Members of Congress, allowing the Attorney General to use the independent counsel process with regard to allegations against Members if doing so would be in the public interest.

In addition, the legislation would establish an extensive series of cost and administrative controls to restrain spending by the independent counsel and to ensure better oversight of their activities.

In order to enforce cost controls, the bill requires each independent counsel to follow the same rules that govern spending by the Department of Justice, except in cases where the independent counsel can show that such a restriction would be inconsistent with the law.

Under the bill, each independent counsel is also required to designate an employee who will be responsible for certifying that expenses are reasonable and lawful, and who will be held liable for any improper spending.

The bill requires the General Services Administration to provide space for the independent counsel in Federal buildings, unless GSA determines that other arrangements would cost less. In addition, the General Accounting Office would be required to audit the administrative activities of each independent counsel and report the results to the congressional committees with oversight jurisdiction.

Finally, H.R. 811 requires each independent counsel to make an annual report to Congress describing the progress of any investigation, prosecution, and any additional information to justify the expenditures that the office has made.

Mr. Speaker, House Resolution 352 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill. I reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 1 week ago this House—including 60 Members of the majority party—sent a thundering message that restrictive rules, which purposely shield Members from accountability, will not be routinely accepted and should not be tolerated. But until recently Democrat leadership seems to be ignoring the storm among its ranks. Today we have yet another restrictive rule, which arbitrarily prohibits fair and orderly consideration of a host of substantive, reasonable, common sense amendments to H.R. 811, the independent counsel bill, a bill which arguably affects every Member. Members were sent here to participate, to cast tough votes. We are expected to debate the issues, listen to all sides and then make our best judgments. That is the spirit of deliberative democracy. No one said it should be easy, comfortable or risk-free. But the Democrat leadership is bound and determined to slam the door on Members with reasonable amendments in trying to protect Members from being accountable to their constituents, and to shut off debate on matters displeasing to Democrat leadership. Time and again the majority assumes the most pretzel-like contortions to avoid the tough votes on the controversial issues. We saw it during last fall's debate on true spending cuts, when a sleight-of-hand substitute was offered so Members could sound tough but do next to nothing; and we saw it again when fiscal conservatives offered real spending offsets to pay for necessary disaster relief and were cut off at the pass. Even our distinguished Rules Committee chairman, JOE MOAKLEY, has acknowledged the trend of finding an "out" for Members uncomfortable with casting tough votes. And so we have the rule today, artfully crafted so Members never have to really vote on the central question of whether Members of Congress should be covered by the independent counsel statute or whether once again we should be insulated from accountability. There will be perception of a vote, of course, but a guided outcome is assured. Let us not forget that Congress' approval rating is sinking lower than the thermometer outside, in large part because most folks are fed up with lawmakers who routinely exempt themselves from the law. The ranking member of the Judiciary Committee, Mr. FISH, asked our Rules Committee for an open rule to consider this bill. My friend, Mr. BEILENSON, declared that "this bill is a perfect candidate" for an open rule. He made the point that it is an important bill. We have a series of worthwhile and relevant amendments and there is unquestionably plenty of time for free and unfettered debate. But when it came time for a committee vote, open debate lost in a 5 to 5 tie vote. Several very important amendments were shut out, including two of Mr. FISH's proposals seeking to ascribe Department of Justice standards to the independent counsel's expenditure of money and enforcement of criminal laws. We all remember how many millions Mr. Walsh blew in his first class approach to his work. The distinguished gentleman from Illinois, Mr. HYDE, was denied the opportunity to offer separate amendments to provide penalty for failure to protect classified information, to provide for orderly termination of the independent counsel and to establish a procedure to reimburse attorney's fees for individuals acquitted of charges or exonerated in an appeal disincentives for frivolous witchhunters. There were proposals to provide for reappointment of the independent counsel every 2 years and prevent the investigations from becoming taxpayer-financed will o' the wisps. All of these good ideas were summarily dismissed by the Rules Committee in a process of cherry-picking amendments to manipulate debate and force a predetermined outcome. The saddest part is that the majority members of the Rules Committee are so used to accepting the dictates from on high, that they almost rubber stamped rejection of a crucial proposal offered by Mr. HYDE requiring that the Attorney General have "specific information" from a "credible source" before beginning an investigation. When the merits of this proposal were made clear, the Members reversed their original position. A glimmer of deliberative democracy in the Rules Committee. Mr. Speaker, if Members would step out of their partisan roles and consider these amendments on their merits under an open rule process, there's no doubt we'd have a much-improved final product. Don't be fooled by the majority's promise of a clear vote on the issues our constituents care most about—under this rule that is guaranteed not to happen and it means a piece of legislation that is much worse than it needs to be. I urge my colleagues to vote "no" on the previous question, so that I may offer an open rule. Failing that I urge a "no" vote on this rule.

Mr. Speaker, I include for the RECORD the following printed material:

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

1. Open Rule.—This amendment to the proposed rule provides for a 2-hour, open rule for the consideration of H.R. 811, the "Independent Counsel Reauthorization Act," and makes the Judiciary Committee's amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule. Sec. 302(f) of the Budget Act and clause 5(a), rule XXI are waived against the bill, and 5(a), rule XXI is waived against the substitute.

VOTE (Defeated 5–5): Yeas—Solomon, Quillen, Dreier, Goss, Beilenson; Nays—Derrick, Frost, Bonior, Gordon, Slaughter. Not voting: Moakley, Hall, Wheat.

2. Clinger No. 1.—"Executive Office Accountability Act of 1994" Amends the Inspector General Act of 1978 to establish an Office of Inspector General within the Executive Office of the President.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Gordon, Slaughter. Not voting: Moakley, Frost, Hall, Wheat.

3. (En Bloc)—A) Hyde No. 3.—Ensures that the independent counsel complies with all laws and regulations regarding the use and disclosure of classified information. B) Hyde No. 5.—Provides that the division of the court, which appoints an independent counsel, will specifically and precisely state the exact purpose of the investigation. In addition, the initial jurisdiction would be limited to the alleged violations of criminal law that prompted the appointment of the Independent Counsel. C) Hyde No. 8.—Strikes provision in the bill which states that "no officer or employee of the Administrative Office of the United States Court shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel". D) Hyde No. 9.—Prohibits the federal government from taking an adverse personnel action regarding an individual being investigated or prosecuted by an independent counsel, unless a conviction has been handed down. E) Hyde No. 10.—Encourages the appointment of state & local prosecutors as independent counsels.

VOTE (Defeated 4–4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bonior, Gordon, Slaughter. Present: Beilenson. Not voting: Moakley, Frost, Hall Wheat.

4. Hyde No. 6.—Allows the division of the court to terminate an independent counsel once it determines that an investigation has been substantially completed.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Present: Beilenson. Not voting: Frost, Hall, Wheat.

5. Hyde No. 7.—Provides that an individual would receive their attorney fees if they are acquitted or if their convictions are overturned on appeal.

VOTE (Defeated 5–5): Yeas—Solomon, Quillen, Dreier, Goss, Beilenson; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Frost, Hall Wheat.

6. (En Bloc).—A) Fish No. 12.—Requires that independent counsel comply with established Justice Department policies regarding the expenditures of funds. B) Fish No. 14.)—Provides that the independent counsel shall comply with the established policies of the Department of Justice with respect to enforcement of criminal laws and the release of information relating to criminal proceedings.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

7. Meyers No. 17.—Requires that an independent counsel's final report be limited to discussion of specific illegal actions investigated and the outcome of any prosecution.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

8. Gekas No. 19—Requires an independent counsel to apply for reappointment every two years.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

9. Gekas No. 20—Provides that after two years in office the independent counsel's office would be subject to the appropriations process.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

10. Traficant No. 2—Adds a new section to the Act to give the Attorney General authority to have an independent counsel appointed to investigate allegations that Justice Department attorneys engaged in prosecutorial misconduct, corruption, or fraud.

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

11. Gekas No. 18—Mandatory Congressional Coverage & Bryant No. 27—Discretionary Congressional Coverage (King-of-the-Hill).

VOTE (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Bonior, Gordon, Slaughter. Not voting: Beilenson, Frost, Hall, Wheat.

12. Adoption of rule—

VOTE (ADOPTED 5–4): Yeas—Moakley, Derrick, Bonior, Gordon, Slaughter; Nays—Solomon, Quillen, Dreier, Goss. Not voting: Beilenson, Frost, Hall, Wheat.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	55	12	22	43	78

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Feb. 9, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of the rule and, indeed, in support of the Independent Counsel Act.

The Committee on Rules has met its obligation. In a bipartisan basis, alternatives and changes are available to the House, assuring that if it is the House's will, by the end of this day or no later than the next, this House will be covered. There will be an independent counsel statute providing for an appropriate threshold and a means of assuring public confidence in the operations of this House. Therefore, I urge its adoption and compliment the committee on providing the broad alternatives and the opportunity to settle, after so many years of debate, this nagging question.

Mr. Speaker, I rise today, however, also on another subject and appreciate the committee yielding me the time. For some time it has been difficult to explain and may now be impossible to defend the administration's policies with regard to Bosnia. I understand the difficulty the administration faces and that there is an international embargo that cannot be violated by any one nation.

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However, indeed, that does not answer the question of why the United States is enforcing an embargo with the U.S. Navy when arguably we no longer find it in our national interest.

More inexplicable is why indeed, following the slaughter of last Saturday, the administration thinks there needs to be another week, or perhaps another provocation, before we can justify the elimination of the guns that are taking scores of lives, innocent lives, every day.

I understand there are allies who disagree. I understand we might have to go it alone. However, indeed, our conscience, indeed our heritage, argues that we do no less. It is time to defend the defenseless in Bosnia and bring the slaughter to an end.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Speaker. I am not quite sure, we all have heartfelt concern about Bosnia on this side of the aisle, as the gentleman has outlined, but I am not quite sure how this is relevant to the debate on the rule. I can understand why the other side does not want to talk about this rule, but I hope we will talk a little bit more about it, because that is what is the subject before us.

Mr. Speaker, to that end I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I appreciate the gentleman yielding me time. Because American lives might be at stake here, I think I might just respond briefly to the previous speaker.

Mr. Speaker, American foreign policy under Republican and Democrat administrations alike has always been to support and defend true democracies around the world from external attack. I call Members' attention to that: outside military aggression. Internal disputes and civil wars are another issue altogether.

If we were to lift the arms embargo on the official Bosnian Government, which we should have done months ago and allow them to defend themselves and allow them to obtain the strategic weaponry necessary to defend themselves, without sending one American soldier into this civil war situation, that is the direction we ought to be going.

Let us get back to the subject we rose to speak on.

Mr. Speaker, this modified closed rule on a bill as important as the Independent Counsel Act is an insult to the entire House and the American people.

Last week this House had the good sense to turn down a rule because it denied the House a right to consider an important amendment that was technically nongermane. This week, the Rules Committee does not even have that excuse with which to defend this rule.

This rule blatantly and intentionally does not allow a large number of germane amendments—amendments offered in the Judiciary Committee.

What is the excuse today? Frankly, I have not heard a good one yet—either upstairs in the Rules Committee last night, or today on the floor of the House. The best that can be said is that the Rules Committee is making some decisions for the whole House thus saving us some time.

The Rules Committee is sitting in judgment on the substance of major legislation and summarily executing certain amendments that it does not like for what ever reason.

I, for one, Mr. Speaker, am fed up with the Rules Committee playing procedural nanny for this House as if we are a bunch of babies who are incapable of making decisions for ourselves and our constituents.

How long are my colleagues on the other side of the aisle going to put up with this kind of Mary Poppins paternalism? How long are they going to run for cover behind her skirts and under her umbrella?

Mr. Speaker, we offered an open rule in the Rules Committee and it was rejected on a 5 to 5 vote. One Democrat joined us in support of that open rule, which is some progress.

I might note, however, that the last time this Independent Counsel Act was reauthorized in 1987, we considered it under an open rule and the sky did not fall.

After the open rule was rejected last night, we offered a series of other motions to make in order amendments submitted by various distinguished members of the Judiciary Committee:

The ranking Republican, Mr. FISH, was denied two important amendments he had submitted;

The very distinguished gentleman from Illinois [Mr. HYDE] was denied some seven amendments he had submitted; and

Another hard-working member of that committee, the gentleman from Pennsylvania [Mr. GEKAS], was denied two important amendments he had submitted.

And on and on it went. Our motions were defeated, most on party line votes—some 12 motions in all. What has this House come to that we cannot seriously legislate anymore?

Even a distinguished Democrat Member of the Rules Committee admitted, after sitting through all the testimony, that most of the amendments offered were serious and legitimate attempts to improve this legislation. But this House will not be permitted even to consider or vote on those amendments.

Mr. Speaker, as if that were not enough, the Rules Committee devised an ingenious device to avoid a tough vote on the issue of mandatory congressional coverage by the independent counsel.

It provided that the Gekas amendment which mandates such coverage can be trumped by a Bryant amendment that essentially restates what is already in the bill, and that is that congressional coverage is discretionary.

What that means is that the House will have a chance to vote on a meaningless amendment in order to avoid a meaningful one. That is because, if we vote for the Bryant substitute for the Gekas amendment, the House will never get to a vote on the Gekas amendment.

As one Democrat, perhaps unintentionally put it, "the Bryant amendment gives congressional cover."

Yes, that is what this clever procedure is all about—giving Members cover instead of giving Congress coverage under a law we impose on the executive branch.

And do not think the American people are not on to our evasion of the laws we impose on others. Here is another example.

Let us face it, Mr. Speaker, this rule is a profile in cowardice!

Mr. Speaker, I urge my colleagues to join us in voting down the previous question so that we can have an open rule that will allow all germane amendments to be considered under the regular order.

That is what we did in 1987. Are we a lesser Congress and lesser legislators than we were then? I hope not.

Vote "No" on the previous question so the House can vote "Yes" for an open rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I do not know. To a degree we have politicized all this business, and these bills have become the special prosecutor retirement plans and programs.

I think this bill is flawed for one major reason, a grave sin of omission. The intent of this act is to provide a mechanism to avoid the potential conflicts of interest or the appearances of conflicts, or conflicting loyalties which could arise if, in fact, the Attorney General or the President had to conduct or supervise a criminal investigation of themselves or other high-level, high-profile political figures.

This bill has been applied to political machinations in Washington that serve the purposes of Democrats and Republicans. Whichever side of the aisle one is on, we try and use it to make our point.

I had an amendment that was a little different. The true, ultimate conflict in this whole process is when the Justice Department, the foxes in the henhouse, have to investigate and prosecute themselves.

Nothing happens unless the Justice Department initiates it, and the so-called Traficant amendment said when the Attorney General finds credible evidence from credible witnesses that a U.S. attorney is in fact responsible for misconduct, prosecutorial misconduct, fraud, bribes, or any other allegations, that a special counsel, special independent investigator, would be assigned.

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Without that, what do we have, folks? The Justice Department investigates themselves. Is that not why we have the law, for the Justice Department in the conflict of investigating the President? Is that not why we have the law? Then how in the hell can we stand to let the Justice Department investigate themselves?

You see, the trouble with this bill is it is political. The Traficant amendment was about rights, because the people on the end of the list who are meting out the justice system by these U.S. attorneys are the American people whose rights have been ripped off with no recourse through some political process that Congress beats their chest about, but it does not do a damn thing for the people. It might solve the promises of the political aspirations here, but it does not help the people.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, the gentleman makes fabulous points. Unfortunately, the gentleman may not know that his amendment was offered in the Rules Committee and was voted down, sadly. It was offered by Republicans because we do not think this should be a partisan issue. Unfortunately, it was the gentleman's own party that let him down.

Mr. TRAFICANT. I have come to understand that, and I am disappointed. But the committee did not have any hearings, and I have asked the chairman. I will submit this in the form of a bill, and I have checked with the subcommittee chairman, the gentleman from Texas [Mr. BRYANT]. I will submit it in the form of a bill and here is all I ask: If this be the Democrats, who for some reasons do not want to get the Justice Department mad, you know we are afraid of getting the IRS mad, and maybe we are afraid of getting the Justice Department mad, and I would like to, if I could, enter into a colloquy with Chairman BRYANT and ask is it possible, because this was a new initiative that is germane, that I think should have been made in order, and I am going to submit it as a bill, and I would ask the chairman to give it that consideration, and is that possible?

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, first I would like to respond by saying that the gentleman's very strong remarks about the intent of the Rules Committee, or our intent in carrying this bill, I think, are perhaps a little bit stronger than they should be, to say the least. The gentleman's proposal had never been heard before by the subcommittee, and I was unaware of it, and I was not even aware that the gentleman was going to be asking to have it made in order in the Rules Committee. If we are going to take a step like this, it should require careful study and hearings. It is for a different treatment from the purposes of this bill, which are very noble and good.

Mr. TRAFICANT. Taking back my time, if the gentleman did not have a chance to study it, it was germane, and we can study some of these rights issues for 50 years. Will the gentleman give me the consideration to look at the bill?

The SPEAKER pro tempore (Mr. TORRICELLI). The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. GOSS. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I yield to the gentleman from Texas [Mr. BRYANT] to ask him if he would give me the consideration of a hearing and studying this bill.

Mr. BRYANT. Mr. Speaker, as I stated just a moment ago, I think we will give careful consideration to it, and perhaps have a hearing. But having just heard about it in the last 15 minutes, I would not want to make a commitment in regard to hearings.

Mr. TRAFICANT. In concluding my time, let me say that I sat around over there for 4 hours. I am not on the Judiciary Committee. But I want to say this to the Rules Committee: This is a germane amendment, and it is the only one that deals with the rights and preserves and protects the rights of the American people. And we had better start becoming a special interest concern group for the American people.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. CLINGER], the ranking member on the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, the rule fails to allow significant amendments. Why the majority party finds it necessary to strangle debate when we have the time to debate the issues honestly and openly, is a question the American people deserve to have answered.

I am particularly disappointed that the Rules Committee rejected my amendment to H.R. 811, which like the independent counsel legislation, was intended to further confidence in Government—this time, as it concerns the operations of the White House.

The amendment sought to establish an independent inspector general and a chief financial officer within the Executive Office of the President. An internal watchdog, and annual, audited financial statements, would have gone a long ways toward ensuring public confidence in the operations of the White House. Known independently as the Executive Office Accountability Act, this measure has been cosponsored by every Member of the Republican leadership and 15 members of the Government Operations Committee.

We could all cite examples of past White House mismanagement and malfeasance in both Republican and Democratic administrations: the misuse of travel resources; the travel office debacle; skirting of procurement laws to buy millions of dollars worth of unnecessary equipment; and retroactive personnel and pay actions. Episodes such as these only fuel the pessimism and mistrust Americans feel toward their Government.

If my amendment looked like a political statement then the Rules Committee failed to read it carefully. An honest consideration of my proposal reveals that it was crafted not with a Democrat President in mind, but with any President in mind. An inspector general can be a valuable resource for the Nation's Chief Executive. The Executive Office of the President is a huge complex with outlays of nearly $200 million in fiscal year 1993. The Executive Office of the President [EOP] conducts countless administrative tasks such as payroll actions and travel reimbursement. No other organization in the executive branch allows so many routine administrative tasks to go unchecked and unaudited. And, it is only these routine, administrative tasks which I hope to reach with my inspector general proposal.

When drafting this legislation I went to great lengths to give the President authority over his inspector general enjoyed by no other Government official. Both the inspector general and the chief financial officer at the White House are appointed by and under the direct control of the President himself. The President has full power to prohibit or suspend any IG review which he believes interferes with his constitutional authority as President or Commander in Chief. The amendment provides the inspector general with adequate tools to serve as an independent watchdog, while ensuring that Presidential authority is not improperly infringed.

I sincerely believe that this is an amendment President Clinton would have thanked Congress for passing in the months ahead. But the Rules Committee is denying him the benefits an IG and a CFO have to offer, and denying this body the opportunity for honest, open debate.

If you believe in the concepts supporting enactment of the independent counsel legislation, and you believe that all Government functions should be held accountable, then I urge you to oppose this rule.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I would like to say that I regret very much the remarks I heard the gentleman from Florida [Mr. GOSS], and the gentleman from New York [Mr. SOLOMON], make a moment ago, and in saying that, I am basically repeating my statement from the Rules Committee meeting of yesterday. The fact of the matter is this rule is very fair. It allows a vote on the question of whether or not there ought to be mandatory coverage of Members of Congress. It allows two votes on it.

If Members want mandatory coverage of Members of Congress, then vote against the Bryant amendment. If they want mandatory coverage of Members of Congress, vote for the Hyde amendment. The rule allows two votes on this issue. For a Member to stand on the floor of the House and say it does not allow a vote on this issue is just, in my view, a simple case of misleading the Members of the House.

This rule makes in order 10 amendments. Six of them are Republican amendments and four of them are Democratic amendments. And it provides two clear alternatives, a Democratic alternative and a Republican alternative on the issue of coverage for Members of Congress. And it makes in order a Republican substitute for the entire bill which includes virtually every amendment offered in the Judiciary Committee on the Republican side as well as several other amendments.

Mr. Speaker, I would just like to say that it occurs to me that this institution needs a defense by the Members here that know better from some of the allegations that were made a moment ago. There is no evidence of hesitancy on the part of an Attorney General or Justice Department to prosecute Members of the House of Representatives. I cannot remember a time during the last 11 years when there was not some type of a prosecution of that nature going on.

The fact of the matter is the amendment I offered says that the Attorney General can, when it appears that it is in the public interest, designate an independent counsel to carry on the investigation of a Member of Congress. But she does not have to do so. Why? Because the independent counsel bill was designed to cover about 60 members of the executive branch who we have assumed that the Attorney General could not objectively investigate because they are her colleagues.

Advocates of mandatory Member coverage would increase that to 600 people, thereby impeding the ability of the Attorney General to take up a routine investigation of a Member of Congress without having to go through the cumbersome process of an independent counsel.

I would submit to the Members that, even if they disagree with my analysis, for some to claim that the Rules Committee is somehow denying Members of the House the opportunity to vote on this issue, is, in my view, the product of a purposeful, partisan strategy which some Members are bringing to the floor today to attempt to disgrace this institution. I believe this institution is full of good people. But I think it is quite often the case that groups within this institution sit together in the evenings and develop strategies that are designed to reflect well on them at the expense of everybody else. And I think that description characterizes the rhetoric we have heard today.

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You say that somehow we are trying to keep the American people from being able to have an independent prosecutor pursue a Member of Congress that somehow we are involved in some great coverup. I would remind you, I say to the gentleman from New York [Mr. SOLOMON] and the gentleman from

Florida [Mr. GOSS], in 1987 when this matter was brought up on the floor of the House, the gentleman from New York [Mr. FISH], the ranking Republican member of the Committee on the Judiciary, voted against mandatory Member coverage. Was he involved in some coverup? Of course not. So, for goodness sake, soften your rhetoric.

Let us talk about facts here. Drop the demagogery. Let us get back to dealing with the real issues before the House, and that is what kind of an independent-counsel statute we ought to have. Let us make it apply to the 60 people it ought to apply to, and in those unusual cases where the Attorney General thinks it is in the public interest, she can choose an independent counsel to pursue a Member of Congress. But do not tell the public and do not tell the Members of this House that they are not being given the opportunity to vote on this issue, because they are.

Mr. GOSS. Mr. Speaker, I have profound respect for the gentleman. I differ dramatically from his characterization, and I will stick to my guns, and I think the gentleman from New York [Mr. SOLOMON] will. We will find out.

Mr. Speaker, I yield minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would just say to the previous gentleman who was speaking that I do not have the time to yield. But he came close to having his words taken down when he talks about demagogery. We did not do that, out of respect to him.

Let me just say this: The American people want the U.S. Congress, Members of Congress, covered under this Independent Counsel Act. The Gekas amendment does just that.

The truth of the matter is the House is not going to have the opportunity to vote for that on the floor, because it is the intention of the gentleman from Texas [Mr. BRYANT], according to his testimony in the Committee on Rules, to offer a substitute knocking out the Gekas amendment. That means he is putting right back the same language as is in the bill now.

If it was not a subterfuge, then why is he even bothering to offer his amendment knocking out Gekas?

If we simply have an up-and-down vote on Gekas, and if the gentleman from Pennsylvania [Mr. GEKAS] fails, then the Bryant language is already back in the bill.

Who can explain that?

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first, I want to respond to one thing the gentleman from New York said that I am sure even he would admit was mistaken if he thinks about it, when he said this was Mary Poppins paternalism. If it was anything, it would have have had to have been Mary Poppins maternalism. I am sure the gentleman from New York, on sober reflection, would agree with me.

Mr. Speaker, I want to talk about this terrible procedure we just heard about where an amendment that is the base text of the bill is offered. Why, that is such an outrageous procedure that the last time I heard of it it was in the armed services bill on the question of gays in the military, and it was supported by the Republicans that we do it that way. That was the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The fact is that this Republican preference for open rules is the most occasional burning passion I have ever seen. I have rarely seen people so intermittently zealously committed to a principle which they are prepared to abandon on alternate days of the week, because I will tell you that during the past 12 years that I have been here I have fought against Republicans time and again, because I wanted amendments to tax bills and trade bills.

When we dealt with the question of fast track on NAFTA, one of the great issues that drove this issue, and the gentleman from Michigan [Mr. LEVIN] had an amendment that he wanted to make in order dealing with the terms under which NAFTA was debated, the Committee on Rules would not let it happen, and the overwhelming majority of the Republicans were there voting with the Committee on Rules, voting on the Committee on Rules to keep it out.

If people wanted a rule that we are always going to have open rules, OK, but let us not have this inconsistency masking itself as burning principle.

Second, let us talk about what would have happened if we had an open rule. First of all, I think the amendment offered by the gentleman from Pennsylvania would have been out of order. We have two arguments on the Republican side: First, you are spending too much money on the independent-counsel issue; and second, you are not spending nearly enough money on the independent-counsel issue.

Because right now about 60 people are automatically covered because they are that close to the President than it is inconceivable to think that there would be objectivity.

With Members of Congress, we said there may be a problem and there may not be and we will leave it up to the Attorney General. They would increase by a factor of 1,000 percent the number of people covered automatically. It would go from 60 to 600. There are 60 of them, and then there would be 550 of us. Let us assume that we are twice as honest as they are, that would cost five times more. If you assume we are half as honest as they are, that would cost 20 times more, because when you go from 60 covered people to 600 covered people, you dramatically increase the cost.

I do not believe my friend from Pennsylvania had CBO score this. I think he is in violation of the pay-go, because this will inevitably cost more money, unless you are prepared to vouch for the insistence that no Member of Congress will ever again be investigated, and I do no think so. I wish, but I do not think so.

So the fact is that we are talking about a rule which presents every important issue, and I have been dealing with the independent-counsel statute as a member of the committee since I got here, every important issue will be before the floor of the House.

Why is it not a totally open rule, in addition to trying to help out our friend, the gentleman from Pennsylvania? You heard it here, 10 amendments are in order, 3 of them noncontroversial, en bloc from the chairman, 7 other amendments of some controversy, and then they said 2 were turned down by this one and 2 from this one, 7 from this one and 1 from that one. There were 27 amendments offered. Take 27 amendments, debate each one of them for a couple of hours, have a rollcall, and you do not get a bill in time, and that might suit some people.

Because on the whole, the Republican Party has been trying to slow this bill down. In fact, in the Senate 14 Republicans, including the assistant leader of the Republicans in the Senate, the gentleman from Wyoming, voted to keep Member coverage the way it is in the Bryant amendment, and the justification for having the Bryant amendment and the Gekas amendment this way is this, it is to prevent the distortion that might come from people who would say people voting for the Bryant position were against Member coverage. Members are covered here.

There have been four Republicans to be Attorney General since the independent-counsel statute was adopted, adopted, by the way, by Democrats under a Democratic President; not Ed Meese, not William French Smith, not Richard Thornburgh, and not William Barr, no Republican Attorney General, not one of the four Republican Attorneys General that served under the independent-counsel bill have used his unquestioned, unchallenged authority to appoint an independent counsel. Any one of the four of them anytime a Member of Congress was accused of something could have invoked the independent-counsel provision.

They indicted Republicans. They indicted Democrats. They were not holding back that I can see.

After four Republican Attorneys General under two Republican Presidents consistently said, "We do not need the independent-counsel statute for Members of Congress," I am hard pressed to believe wholly in the importance of making that drastic, expensive change right now.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS], who is on the Committee on the Judiciary and who I think is going to recharacterize some of the creative inspiration we have just heard.

Mr. GEKAS. Mr. Speaker, Members of the House, I thank the gentleman for yielding me this time.

I want to be brutally frank with BARNEY to start the discussion that I want to place in the CONGRESSIONAL RECORD, and to the effect that brutally frank as he was, he was incorrect on his assertion that my amendment would not be in order or not be found and no point of order and so forth, because I am not going to yield now, BARNEY. I am just refuting what you are saying, and then later you can come back on the floor if you want. At this moment I ask you to sit down and listen to me carefully, because I am very intent, as intent as you were during your presentation.

In any event, we have learned from the Parliamentarian, the Department of Justice, from the gentleman from New York [Mr. SOLOMON], and everybody else interested in this that there is no point of order placeable against the Gekas amendment, and if that was the thrust of what the gentleman from Massachusetts was saying, he was dead wrong. If there is some modification of that he wishes to make, he may gain some time and modify it at a later point.

In the meantime, what has been said here and what has been affirmed and reaffirmed by the gentleman from Texas [Mr. BRYANT], my excellent friend with whom I have coworked on 1,000 issues, is that the bill and the Gekas amendment are the points of confrontation, and that the Bryant amendment simply comes in from behind this whole episode and readopts the bill language so that the Members of the Democratic Caucus can have cover.

Some people allege when they vote on Bryant that they will be working for Congressional coverage to match the bill and overcome Gekas.

□ 1400

Now, wait a minute; that is too complicated. Let us put it this way: Bill and Bryant are the same, bill/Bryant; bill/Bryant have the same language. The bill and Bryant who comes in at the end of the cycle. Bill/Bryant is the same language; they say the Attorney General may, in the discretion of the Attorney General may—maybe, might—may bring an action and call for independent counsel against a Member of Congress when allegations are suitable to that are made.

"May." And that is exactly what the people of the United States from corner to corner are aghast at seeing time after time on the floor of the House and in the Congress in general, that we play favorites with ourselves, that we place ourselves in a category different from the ordinary citizen in one instance, and from other people in Government in a second instance. May, now, the Gekas amendment simply does the Bryants of the world a favor; it takes bill/Bryant's word for it that he, bill/Bryant, wants the Members of Congress to be possible targets of independent counsel. We help bill/Bryant in the Gekas amendment, elevating Members of Congress to the same stratum of possible targets of independent counsel as are members of the executive. That is what the American people want: for us to do away with the appearance of favoritism on our part, to do away with the appearance of special treatment for Members of Congress, and to do away with the reality of special treatment for Members of Congress, when you look at the bill and see if the Attorney General under the bill/Bryant can only be in the discretion of the Attorney General while in the Gekas amendment you make it mandatory.

The gentleman from Massachusetts [Mr. FRANK] was talking about increasing the cost. The gentleman from Texas [Mr. BRYANT] admits in all his dissertations that 535 Members of Congress are already in a list in front of the Attorney General. There is FRANK, there is BRYANT, there is GEKAS, there is SOLOMON in the list that the Attorney General has before her, even under the bill/Bryant language. So the Attorney General is looking over this list under bill/Bryant "may," and has 535 names from which allegations could be vested against any one of them and then may decide to prosecute. I take that same list and say she must have it in front of her to use as a possible list of targets for the appointment of independent counsel, the same expense, the same time, the same energy that could be expended in a "may" bill on bill/Bryant's part that they may look over the list of 535 extra targets that bill/Bryant continuously talks about and puts over here, that they must cover if indeed allegations are made against a Member of Congress.

Mr. Speaker, I will have more to say about this later. I will want to talk about bill/Bryant.

Mr. DERRICK. Mr. Speaker, I would almost believe that this is a foreign policy bill with all the Machiavellian diplomacy that seems to be going on here.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of this rule and the bill. Mr. Speaker, in 1978, Members of this body saw fit to enact an independent counsel statute to ensure that Federal officials are held accountable to the people of our country. I rise today in support of this rule and H.R. 811 to reauthorize the independent counsel law.

Few people disagree that there are occasions when it is necessary to have a special prosecutor who is independent of the Attorney General. There has been a need throughout U.S. history for a mechanism to appoint a temporary independent prosecutor to investigate alleged wrongdoing by high-level Federal Government officials. During President Grant's administration, a special prosecutor was appointed to investigate the so-called whiskey ring. We had further independent investigations in the 1920's with the Teapot Dome scandal, another during the Truman administration and, of course, the independent investigation of the Watergate cover-up which prompted the authorization of the special prosecutor rule under the 1978 Ethics in Government Act.

The authorization of the independent counsel law is the right thing to do if we are to avoid conflict of interest in maintaining the integrity of this Government. The Attorney General is at the same time the chief Federal law enforcement official and a Presidential appointee who is a key member of the President's Cabinet. Cases involving possible wrongdoing by high-level executive branch of-ficials, therefore, present a fundamental conflict of interest—it is too much to ask for any person to investigate a superior and it is too much to ask the public to feel easy about the vigor and thoroughness with which such an investigation could be pursued.

With this reauthorization, the independent counsel law would also be extended to include Members of Congress when there is a perceived conflict of interest. I support the inclusion of this discretionary authority for the Attorney General and I hope this Congress will not politicize the independent counsel law by making the coverage of Members of Congress mandatory. The Department of Justice must continue to have the primary role in prosecuting crimes involving official misconduct.

It is time this Congress took steps to ensure the American people's confidence in the integrity of its Government. The independent counsel law is the single most important reform to come out of Watergate and it was unfortunate that it was allowed to lapse during the 102d Congress. I hope that 103d Congress has the good sense to reauthorize it. I urge support of the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, let me just state for the record that the Bryant amendment or the bill and Bryant amendment, with nearly identical language passed the Senate with a bipartisan majority, and the Gekas amendment was defeated by 67 to 31 in the other body.

Now, that may not reassure a lot of Members here, but let us state that for the record.

The rule is fair. It allows 10 amendments, 4 by Democratic Members and 6 by Republicans. The rule provides for these two clear alternatives, a Democratic alternative and a Republican alternative, on the issue of coverage for Members of Congress.

The rule makes in order a Republican substitute for the entire bill, which includes virtually every amendment offered in the Committee on the Judiciary. Finally, the rule also makes in order several individual amendments on other major issues in the bill.

Let me state what the Bryant amendment does, which we urge all Members to support: Members of Congress would be explicitly covered by the independent counsel law for the first time.

Second, the Bryant amendment authorizes the Attorney General to invoke the independent counsel procedures to investigate and prosecute Members of Congress whenever the Attorney General determines that, "It is in the public interest." This again passed the other body with a bipartisan majority.

Mr. Speaker, earlier in the 1-minute discussions a Washington Times story came up about the Whitewater issue. Let me just state what the managing partner of the Rose law firm, Ronald M. Clark says. He strongly denied the reports in the Washington Times that the firm had shredded Whitewater documents, "Totally false." This is the managing partner of the firm.

When asked whether the firm had shredded documents related to Whitewater, Mr. Clark stated, "Absolutely not." The Washington Times reports "a source" as a "Rose employee," and not an attorney with the firm. Mr. Clark also states that the firm's employees are under no gag order or anything else, so they can speak freely.

Let me just quote one of the sources that the Washington Times has for the story. It is reported that a second employee who took part in the shredding would not talk about it, but declined to say the incident had not occurred. This is "the source:" "I am not going to comment. I am not going to say anything about what happened. I would just prefer not to say anything about this at all." This is one of the sources for this story, which has absolutely no foundation, no credence.

Mr. Speaker, the bill we are debating today on the independent counsel is a good one. It is one that guarantees coverage of Members of Congress. The gentleman from Texas [Mr. BRYANT], a very ethical and dedicated Member of this body, who has a long record on this issue, has put forth a good bill which we should all support.

MEMBER COVERAGE AND THE INDEPENDENT COUNSEL STATUTE

THE DEMOCRATIC ALTERNATIVE—THE BRYANT AMENDMENT

Under the Bryant Amendment, Members of Congress would be explicitly covered by the Independent Counsel Law for the first time.

The Bryant Amendment authorizes the Attorney General to invoke the Independent Counsel procedures to investigate and prosecute Members of Congress whenever she determines that it is "in the public interest." Nearly identical language was adopted by a bipartisan majority in the Senate.

THE REPUBLICAN ALTERNATIVE—THE GEKAS AMENDMENT

The Gekas Amendment requires the Attorney General to invoke the independent counsel procedures whenever a Member is accused of wrongdoing.

The Gekas Amendment removes the Attorney General's discretion to prosecute Members of Congress—even in cases where a Justice Department prosecution would be more appropriate than an independent counsel.

The Gekas Amendment imposes special treatment for Members of Congress, treating them differently than every other American except for a very select few officials in the executive branch.

The amendment would increase the cost of the independent counsel process by requiring a tenfold increase in the number of persons with mandatory coverage.

The Gekas Amendment was defeated on the Senate floor by a vote of 67-31.

Mr. Speaker, I rise today in support of the rule and in support of H.R. 811, the independent counsel reauthorization.

This is a fair rule. It makes in order 10 amendments, 6 of which are being offered by Republicans and 4 by Democrats. The rule provides for two clear alternatives on the issue of independent counsel coverage of Members of Congress—one Democratic and one Republican.

The rule even makes in order a Republican substitute for the entire bill which includes almost every Republican amendment offered in the Judiciary Committee.

We will hear all sorts of opposition to the rule based on the claim that the Republicans are unable to discuss issues they care about. Nothing could be further from the truth. As I have said and the rule makes clear, the major issues surrounding this legislation will be debated and voted upon during consideration of H.R. 811.

It is imperative that we pass the rule and the bill. H.R. 811 provides a 5-year reauthorization of the independent counsel and includes new and strong rules to prevent wasteful government spending. In addition, the Bryant amendment mandated for the first time that Members of Congress be explicitly covered by the independent counsel law.

Mr. Speaker, today, when the public's trust and respect for government is at a record low, we must act to reauthorize the independent counsel and explicitly state that Congress is covered by the law. I, therefore, urge my colleagues to support the rule and H.R. 811.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER] our ranking member on Whitewater and well known for other matters.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I was particularly pleased to hear the gentleman from New Mexico fill us in on the latest incident in the whole matter of Whitewatergate. I mean we get so many denials on the floor these days that you cannot keep up with them. One has to wonder how many more rules we will have to debate to keep getting denials about what is happening in Whitewatergate. All we would like to know is where are all these documents? I mean if the documents are not being shredded at the Rose law firm, where are they and why can they not be made public? Of course, they cannot be made public because the President refuses to allow them to be made public.

Mr. Speaker, one of the dirtiest little secrets that Washington has is that this House of Representatives has been in control of the Democrats for 40 years. For 40 years Democrats have carved out for themselves positions of privilege and power and then sought all kinds of ways to hang onto those positions to make certain that they keep themselves separate from things other Americans have to live by.

There is no greater contrast that you can come up with than the difference between the Democrats and Republicans than this rule because in this case the Democrats are saying flatly, "We don't want Congress covered by the same laws that we pass for others." Republicans, on the other hand, in fighting against this rule, are saying, "We want Congress to live under the laws that other people have to live under." It is a great contrast here to understand that. The American people have said flatly, "Congress, why don't you live under the same laws you pass for us and pass for others?" In this case, what the Democrats are trying to do is, from their positions of privilege and power, are saying, "No, we want an exception."

Under this particular bill, Republicans are seeking coverage for Congress under the independent counsel statute. The Democrats do not want coverage, they want cover.

And so what they have done is put a procedure into place where the gentleman from Texas [Mr. BRYANT] will come in with his substitute to the gentleman from Pennsylvania [Mr. GEKAS] to make certain the Democrats never have to vote on the real issue of whether or not to cover Congress, really, under the independent counsel statute.

□ 1410

When we get to the question of the Bryant amendment, it is being reported, and he admits his is optional coverage. As my colleagues know, the question here is optional. For other people that would be covered under the statute it is mandatory.

And let us understand here that what we are talking about is criminals. We are talking about a people who allegedly have committed criminal acts. "If you're in the Congress, you may have an independent counsel. If you're not in the Congress, you will have an independent counsel." That is the difference. "If you are privileged and if you are in a position of power in the Congress, you may be covered. If you are not in the Congress, you will be covered." There is a big difference here, my colleagues.

The dirty little secret that the Democrats have controlled this body is no more evident than on this floor today.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I would like to say that the remarks of the gentleman from Pennsylvania [Mr. WALKER] are most unfortunate and, in my view, do not reflect well on him for having spoken in those terms.

I say to my colleagues, No. 1, you are given two opportunities to vote on the issue of mandatory member coverage. Two opportunities. No. 2, for the gentleman to say that this is some type of a Democratic conspiracy, which, by the way, the gentleman says about everything he speaks about on this floor, I think would raise a serious question about why these Republican Senators voted exactly opposite of what the gentleman from Pennsylvania [Mr. WALKER] has advocated.

Senator STEVENS from Alaska——

The SPEAKER pro tempore [Mr. LAROCCO]. The gentleman from Texas [Mr. BRYANT] should refrain from referring to specific votes from the Senate.

Mr. BRYANT. Could the Speaker pro tempore clarify his ruling? I am not sure what I am prohibited from doing.

The SPEAKER pro tempore. The gentleman may refer to the vote total, but not to the specific Members of the other body and how they voted.

Mr. BRYANT. Mr. Speaker, I would just point out that the vote was 67 to 31, and the gentleman from Pennsylvania [Mr. WALKER] has succeeded in preventing me from calling the names of 14 distinguished Republican Senators who the gentleman has basically indicted in his statement today as coconspirators with a bunch of other people that are trying to prevent the American people from getting something the gentleman thinks they deserve.

I would also say to the gentleman from Pennsylvania, that you stated here on the floor of the House that somehow the effort is afoot by these 14 Republican Senators and us to keep Congress from being covered under laws that apply to everybody else. The independent counsel statute is designed to cover only 60 people in the executive branch. It does not apply to everybody else.

We are treated, as Members of Congress, like everybody else except that the Attorney General is permitted, at her option, if she believes it is in the public interest, to assign an independent counsel in those cases. But we are treated like everybody else in regard to independent counsel. Sixty people are treated differently.

I say to the gentleman that you know the distinction, but it does not fit into your propaganda, and I think that your premeditated efforts to come forward on the floor of the House here and make these statements today are part of just that, partisan propaganda, Mr. WALKER.

I say that we should pass a bill for once without all of this rhetoric and deal with the issues on the merits.

Mr. GOSS. Mr. Speaker, may I make an inquiry of how much time remains on each side and get an idea of how many speakers there will be?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] has 6½ minutes remaining. The gentleman from South Carolina [Mr. DERRICK] has 4½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished whip of the minority party, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me pick up the dialog that was just going on because I think people in this country deserve to be told the truth, and the truth is the Democratic leadership uses the Committee on Rules, in its 40 years of one party control of this House, in order to rig the game for itself.

Now the truth is, if I understand it, and the gentleman from South Carolina [Mr. DERRICK] can certainly interrupt me if I have this wrong, but the truth is the way this will be rigged is that the gentleman from Pennsylvania [Mr. GEKAS] will be allowed to offer a direct amendment which will, in fact, cover the Congress under independent counsel. We will not at that point have a vote on Mr. GEKAS. We will not have a chance for every person in the country to see every Member vote yes or no on covering the Congress. At that point the Democratic leadership, through the Committee on Rules, has rigged the game so that the gentleman from Texas [Mr. BRYANT] will offer an amendment which will be a substitute for Mr. GEKAS. Mr. BRYANT'S amendment, and the current and the newly offered bill actually weakens current law. Current law says that the Attorney General, if they are concerned about, quote, personal, political or financial conflict of interests with the accused Member, have an obligation to appoint counsel. That is now being replaced by the much broader term in the public interest.

So, in fact we will never get inside the amending process in the committee. We will never get a freestanding vote on the amendment to be offered by the gentleman from Pennsylvania [Mr. GEKAS].

I ask my friend, the gentleman from South Carolina [Mr. DERRICK], "Is that not correct?"

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from South Carolina.

Mr. DERRICK. I say to the gentleman, You're going to get an opportunity to vote on the Hyde substitute, and you can vote on everything that you and the Republicans want to put in there——

Mr. GINGRICH. Mr. Speaker, I reclaim my time because what the gentleman just said, of course, was, in fact, "No." There will never in the Committee of the Whole during the amending process be a vote on Gekas. That is what the gentleman said.

I say to the gentleman, You don't want to tell the country that when we offer the motion to recommit, which we will offer if Bryant passes, and the motion to recommit is the Gekas amendment, that every Democrat walking on this floor will be told, Oh, don't vote for the motion to recommit. That's a Republican procedural vote. And you weren't willing to make Gekas freestanding as a clean vote on the House floor in the Committee of the Whole because you know that faced in the Committee of the Whole as an amendment with Gekas that your Democratic Members will be afraid to go back home and say, Oh, I voted against covering Congress because every organization in the country in small business, every organization in the country in taxpayer groups, every conservative and citizen organization, is saying they are sick of Congress passing laws that don't apply to Congress, and Gekas is the only amendment that truly applies, despite the Independent Counsel Act to the Congress.

Let us go a step further. The gentleman from Illinois [Mr. HYDE], one of the most distinguished members of the Committee on the Judiciary in either party, a man who has earned the right, earned the right by years of service, to come to this floor with amendments, went to the Committee on Rules with eight amendments—eight. But the Democrat leadership did not want to face Mr. HYDE's eight amendments because they might pass. So, they said, "Oh, let's rack them up into one package, and then let's find one or another excuse to not vote for the Hyde substitute."

I say to my colleagues:

Well, look later on today since the gentleman from South Carolina has pointed out to his Democratic colleagues. You get a chance on the Hyde substitute to vote to cover Congress. So, if you want to vote to cover Congress, even under this rule, vote for the Hyde substitute, not quite as clear as Gekas, has six other things attached to it because of the way the Democratic leadership for 40 years has run this place. Doesn't quite let the American people see it as clear as they could, but it is there.

Mr. Speaker, I just think it is a shame and a travesty that the Democrat leadership is so afraid of its own Members and so afraid of the American people that on an issue of honest Government it cannot come in and offer a rule that makes in order the legitimate amendments of people like the gentleman from New York [Mr. FISH], the ranking member; the gentleman from Pennsylvania [Mr. GEKAS] who deserves a clean vote, and the gentleman from Illinois [Mr. HYDE] who has served so ably in that. These are all committee members. These are members who have earned the right by their service on the Committee on the Judiciary to offer on the floor a clean debatable amendment with a clear up or down vote. But in that setting the Democrat leadership, which absolutely owns the Committee on Rules by 9 to 4, said:

> Oh, no. Even on a matter of cleaning up government, even on a matter of reform, even on independent counsel, we simply aren't in a position where we can allow the American people to see the votes.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I want to reflect on the fact that the one amendment that they did make in order changes the date in the bill from 1993 to 1994. They made that amendment in order. They found ways to do that. But they could not allow legitimate amendments speaking to the real substance of the bill.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

□ 1420

Mr. FISH. Mr. Speaker, I just came on the floor, and I understand that in previous discussion concerning the rule a statement was made about a vote I cast a number of years ago on similar coverage. That was in 1987, I believe, about congressional coverage. My recollection is that at that time the amendment was offered by Mr. SHAW and I voted in favor of it. It is also a matter of record that I voted for this provision, the Gekas amendment, in the Judiciary Committee bringing this bill to the full House.

Mr. GINGRICH. Mr. Speaker, I appreciate the distinguished gentleman from New York, who is our ranking member and our leader on the Judiciary Committee, making it clear, despite the earlier claim by a Democrat who is seeking to confuse the situation, that in fact he had voted for it.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. LAROCCO). The gentleman from Georgia [Mr. GINGRICH] has approximately 30 seconds remaining.

Mr. GINGRICH. Mr. Speaker, with only 30 seconds left, let me just say in closing that I think the country needs to watch all year every rule, watch the way the game is rigged, and watch the way leadership closes off debate and the way the Democrat leadership closes off debate, and I would appeal to my Democrat colleagues, if you want to show your independence of the machine, if you want to show you are not afraid to face the Gekas amendment, if you want to show you are willing to vote directly in the Committee of the Whole for an amendment to have Congress covered by the bill, vote "no," send it back up to the Rules Committee, and let us bring an honest open rule back that gives us a vote on Gekas and does not masquerade by pretending to give what it takes away with another hand.

The SPEAKER pro tempore. All time on the minority side has expired.

Mr. DERRICK. Mr. Speaker, I yield myself 30 seconds.

Let me say, Mr. Speaker, that the prior gentleman speaketh too much. He knows very well that if you want to vote on Gekas, you vote "no" on Bryant, and if Bryant does not pass, you get a vote on Gekas.

Mr. Speaker, you get a vote on Gekas on a motion to recommit. You can also put Gekas in the Hyde amendment and get an opportunity to vote on it there. That is three times you have the possibility of getting a vote on Gekas. You can turn it any way you want to. There were 10 amendments made in order, 4 of them were Democratic initiatives, 3 Republican initiatives, so this is a very fair rule. It gives an opportunity for the House to vote on the issues that are before the House.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, listening to the minority whip reminds me of my younger days when I visited the carnival and saw the shell game. That is what this is all about. Many of the Republicans as a matter of policy have been opposed to the independent counsel statute for years. They find many reasons basically to gut it, to derail it, and to attempt to weaken it, and this business about not covering Congress is just nonsense.

First of all, the Department of Justice is in the executive branch of the Government, as my colleagues know. There is no conflict involving the prosecution of Members of Congress who step out of line. They have been doing it all down through the history of the executive branch of the government. The conflict comes in because we ask the Attorney General to investigate and prosecute Members within the executive government, numbering some 60. The minority whip misquoted the law.

This does not weaken the law. It is permissive now. Why should we require the Attorney General in every instance to prosecute Members of Congress, Democrats or Republicans, unless there is a need to do that? The Attorney General has that authority now and will have that authority in this legislation.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in strong support of the proposed rule to govern floor consideration of H.R. 811, and I compliment the fine work of Chairman MOAKLEY and the members of his committee in crafting this rule. I must say that the rule is so fair and accommodating to the minority that it gives this body the high pleasure of voting on some amendments twice—first as stand-alones and then all wrapped up in a sweet omnibus substitute package designed to eviscerate every single fiber of the independent counsel statute.

I want to draw special attention to one of the amendments to be considered—that is the application of the independent counsel statute to Members of Congress. Despite the fact that it truly is a red herring, some Republicans have made this issue the heart of their debate on the entire legislation. The irony is that the act, and H.R. 811, have provided for Member coverage since 1982, but that large fact seems to be an overlooked tiny detail to those making the ruckus. But, let's resolve today that we won't overlook small details in this debate.

It's high time for this body to cut through this charade and to take the issue head-on. It's a scare tactic, and we must resist it to finally put an end to the increasing practice of some of those who lob smoke bombs in the hope the Members don't take the time to really consider the issue. The proposed rule allows us to do so by making in order both the Gekas and the Bryant amendments.

The Rules Committee graciously has made in order three on my amendments that are of a technical nature. I don't believe any controversy is raised by this en bloc amendment; but, I would pause a moment on one part. There is absolutely no disagreement between the Republican and Democratic sides that the independent counsel should follow the Department of Justice guidelines and procedures with regard to the handling of classified material. That is, in fact, the existing law. To make that crystal clear, one of my amendments makes that requirement explicit in the independent counsel statute.

While the Rules Committee in its considerable wisdom did not permit all proffered amendments—including, I might add, one of my own—I believe the rule is a fair and workable one and deserves our strong support. I urge an "aye" vote, and let us go on with the important business at hand.

The SPEAKER pro tempore. All time has expired.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 174, not voting 10, as follows:

[Roll No. 16]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bilirakis
de la Garza
Ford (TN)
Hastings
Huffington
Laughlin
Neal (NC)
Rangel
Roukema
Washington

□ 1448

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Bilirakis against.

Mr. Washington for, with Mrs. Roukema against.

Ms. VELÁZQUEZ changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAROCCO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DERRICK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 174, not voting 17, as follows:

[Roll No. 17]

AYES—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns

Traficant
Tucker
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Becerra
Bilirakis
de la Garza
Durbin
Ford (MI)
Ford (TN)
Hastert
Hastings
Huffington
Hyde
Laughlin
Murtha
Neal (NC)
Rangel
Roukema
Velazquez
Washington

□ 1506

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Bilirakis against.

Mr. Washington for, with Mrs. Roukema against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unavoidably detained during rollcall No. 17, on agreeing to House Resolution 352, which provides for consideration of H.R. 811, the Independent Counsel Reauthorization Act, and did not cast my vote. During this vote, I was chairing the Science, Space, and Technology Subcommittee on behalf of Chairman VALENTINE. For the RECORD, I would like to announce that I would have voted "aye" on this resolution.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during the week of February 7, I was called back to Illinois because of a death in my family. Had I been present, I would have voted:

"No" on rollcall 17, the rule for the independent counsel reauthorization bill.

REPORT OF NATIONAL SCIENCE BOARD ENTITLED SCIENCE AND ENGINEERING INDICATORS—1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

Pursuant to 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled *Science and Engineering Indicators—1993*. This reports the 11th in a series examining key aspects of the status of American science and engineering.

The science and technology enterprise is key to the future of our Nation. The United States must sustain world leadership in science, mathematics, and engineering if we are to meet the challenges of today and tomorrow.

I commend *Science and Engineering Indicators—1993* to the attention of the Congress and those in the scientific and technological endeavor.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1994*.

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Mr. LAROCCO). Pursuant to House Resolution 352 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 811.

□ 1507

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of H.R. 811, the Independent Counsel Reauthorization Act. I am pleased we are able to take up this important bill today.

Last Congress, the Independent Counsel Act died a less than honorable death—the result of bludgeoning and being held hostage by some Republicans who viewed a good government mechanism somehow as the enemy rather than as a trusted watchman. In the face of unrelenting hostility by the previous Republican administration—including the threat of a Senate filibuster—the law lapsed on December 15, 1992. Certainly, that was unfitting treatment for one of the few truly novel enhancements to our constitutional democracy in the 20th century. For some strange reason, the ardent opponents of the statute have now experienced a miraculous conversion—they walk; they see—in the past few months.

I am proud to say that there are those who have shown an abiding faith in the value of this law. Both President Bill Clinton and Attorney General Janet Reno, a former prosecutor herself, have consistently indicated their strong support for our efforts to revive it.

Under H.R. 811, the Independent Counsel Law is reauthorized for another 5 years, with new accountability and cost control safeguards based on recommendations from the General Accounting Office. These safeguards will apply to all existing independent counsels as well as any future ones, and they more than answer any lingering criticism about the operation of the act in the recent past.

In addition, the bill gives the Attorney General explicit authority to use the act in cases involving Members of Congress. Nonetheless—and, despite the fact that it is a red herring—some Republicans have made the so-called Member coverage issue the heart of their debate. The irony is that the act and H.R. 811 have provided for Member coverage since 1982, but that fact seems to be an overlooked detail to those making the noise and hoping to set off a panic vote. I think they will be surprised as they were in the other body when the same ploy failed.

Finally, the Republican substitute to H.R. 811 would gut, dismantle, and abridge every major procedural and substantive provision of the Independent Counsel Act. In this sense, it is indeed a very thorough piece of work, but is the functional equivalent of gutting the statute, as was done by other means last Congress.

Let us support H.R. 811 and get on with the business of good government.

□ 1510

Mr. GEKAS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the independent counsel statute is an important and necessary law. It should be reauthorized. However, several issues surfaced during the time the now-expired statute was in effect which made it clear that certain basic reforms in this law are needed.

Obviously, there are circumstances when a conflict of interest may exist, or at least when the appearance of a conflict may arise, and the Attorney General is placed in a difficult position to effectively investigate and prosecute another high-ranking Government official. The Watergate episode certainly highlighted the potential for such conflicts. The independent counsel law has proved a useful tool on some occasions to avoid such conflicts.

However, the expired law has not completely fulfilled its promise or purpose. All too often it has not restored the public's confidence in Government or our legal system. Since its enactment in 1978, this law has resulted in 14 separate investigations but there has only been one final conviction of a named subject. These court-appointed prosecutors, who are accountable to absolutely nobody, have spent more than $61 million. Unfortunately, all too often there is little to show for their costly efforts.

However, despite these obvious shortcomings, the majority has brought a bill (H.R. 811) to the floor today which would essentially reauthorize the same statute. At a time when the public is demanding Federal budget sanity and real congressional reform, they bring us a bill which essentially ignores our experience under this law—a bill which strives to maintain the status quo. H.R. 811 either completely avoids, or merely pays lip service to, such fundamental and serious issues as accountability, cost, the handling of classified information, the scope of prosecutorial jurisdiction, and consistency with Justice Department criminal enforcement policies.

H.R. 811, Mr. Chairman, is in need of substantial improvement. It needs to be improved in particular with regard to those provisions regarding the accountability and cost of independent counsel. Despite the use of misleading subtitles like "Added Cost Controls," H.R. 811 would actually allow independent counsel to continue enjoying virtually unlimited budgets. Although the bill includes vague requirements that the independent counsel conduct their activities with due regard for expenses and that he or she authorize only reasonable and lawful expenditures, those terms are left undefined in the bill.

Furthermore, under this bill, the independent counsel is provided with an enormous loophole through which it can choose to ignore the established expenditure policies of the Justice Department. The bill states the independent counsel need not comply with established departmental expenditure policies if they determine that such compliance is inconsistent with the purposes of the statute. They alone make that determination. It is not subject to judicial review. It is not subject to congressional oversight. I ask my colleagues, with this total lack of accountability, how can we realistically expect expenditures to be controlled?

Further, the expenses of all independent counsel would remain under a permanent, indefinite appropriation and thus totally outside the scrutiny of the annual congressional appropriations process. Independent Counsel Lawrence Walsh, who just concluded a 7-year investigation, has spent more than $39 million. The average cost for prosecutions per criminal defendant in a U.S. attorney's office in this country is approximately $10,000; Mr. Walsh averaged $2.5 million per defendant. Again, one of the most frequent and cogent criticisms of this law is that it is too expensive and there is no incentive to curb costs. Unfortunately, H.R. 811 does not effectively address these problems.

Also ignoring our experience under the prior law, H.R. 811 does nothing to safeguard the handling of national security information or classified documents. During the independent counsel's Iran-Contra investigation, numerous shortcomings in this area became evident. For example, CIA cables—with highly sensitive markings—were released as exhibits during trials; in a motion to quash a subpoena, a covert agent was identified by name, and highly sensitive classified documents were inexplicably lost at the Los Angeles International Airport. At a minimum, we should make it clear that an independent counsel must fully comply with Federal law and regulations regarding the handling and disclosure of classified information. Most importantly, if there is a failure to comply, then removal should occur. The problem with a Brooks amendment, which we will consider later today, is that it imposes no sanction if an independent counsel fails to follow the law or applicable regulations on handling national security documents. As a practical matter, we cannot realistically expect that a special prosecutor will be prosecuted for violating 18 U.S.C. 798. The only realistic sanction in these kinds of circumstances is to make the independent counsel subject to removal for good cause—just as my good friend from Illinois [Mr. HYDE] proposes.

Also troubling to me, Mr. Chairman, is the fact that independent counsel are allowed to ignore Justice Department policies regarding criminal prosecutions. While the bill includes language which appears to require compliance with Department policies regarding the enforcement of our criminal laws, it provides another loophole through which a counsel may choose to completely ignore such policies. The bill states that independent counsel shall comply with Justice Department policy regarding the enforcement of criminal law—"except to the extent that to do so would be inconsistent with the purposes of this chapter."

Mr. Chairman, there should be no exception for a Federal prosecutor with respect to Justice Department criminal enforcement policies. All Federal prosecutors—including every independent counsel—should abide by the same policies with regard to the enforcement of our criminal laws. An independent counsel, who stands in the shoes of Justice Department prosecutors, should not be the beneficiary of a lesser standard.

Mr. Chairman, later when amendments are considered, I have been authorized under the rule to offer two amendments, which I would like to discuss briefly.

Fish amendment No. 2 provides that the General Services Administration [GSA]—instead of the Administrative Office of the U.S. Courts—would be the Government agency responsible for the administrative support of independent counsel. Mr. Chairman, the Administrative Office is an arm of the judicial branch and is not the appropriate agency to provide operational support for an executive branch function, in this case prosecution. Further, and important, it is without legal authority to effectively oversee and control the expenditures of the various independent counsel. The General Services Administration already has the staff and expertise necessary to provide procurement and administrative support for all executive branch agencies. It simply is a waste of the taxpayers' money to duplicate this support function through a judicial branch agency, when it is already available through an executive branch agency.

Amendment designated "Fish No. 3" places limitations on the salary levels that the independent counsels can pay their assistants. My amendment would authorize each independent counsel to hire two assistants at Executive Level V, $108,200/year, and would cap other legal assistants at the maximum salary level of a Washington-based Assistant

U.S. Attorney, $90,252. This amendment is made necessary because of confusing language contained in H.R. 811 which appears to allow such assistants to be compensated up to the amount payable for level IV, $115,700, of the executive schedule. First of all, this is the same annual rate of pay set by law for the independent counsel himself or herself. Does it make any budgetary or policy sense to allow employees—that is, assistants—to potentially make the same salary as their boss? This is not a complicated amendment. It is about common sense and elementary cost controls.

Mr. Chairman, later we will consider the substitute offered by Congressman HYDE, known as the Independent Counsel Accountability and Reform Act. It is a comprehensive, common sense reform package that would address all of the serious shortcomings in this law which I have discussed. Only if the Hyde substitute is adopted, will the House ensure that independent counsel will be accountable in a policy sense and a due process sense. Furthermore, only if we adopt the Hyde substitute, will the American taxpayers be protected against unnecessary, wasteful spending. Finally, the Hyde substitute is the only sure way we can achieve genuine congressional reform as part of this process—mandatory congressional coverage under the independent counsel statute. I strongly urge my colleagues to carefully study this issue and vote accordingly. If we are serious about reforming our institutions of Government, then adoption of the Hyde substitute is the only real alternative.

The purpose of the independent counsel law was to restore public faith in our system of government and ensure a fair and impartial system of justice. If we forgo this opportunity to reform this law and instead allow it to remain vulnerable to the criticisms that it is arbitrary, too costly, and unfair, then the very purpose of this law will be undermined.

□ 1520

Mr. BROOKS. Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, both the chairman of the committee and the ranking member have outlined the general purposes of bringing this matter to the floor. We should review real quickly how it happened that we are on the floor today at all. It is because the independent counsel statute faded out of existence, just died, and we the Congress allowed that to happen.

Now, if we brought in partisan politics as having partially or substantially been the cause of the demise of the act, it could be equally shared, I believe. I think the Democrats allowed it to fail. They have control of the House, and they could have, for a variety of reasons, revived or brought the reauthorization to the floor way before the expiration of the last term and before the expiration of the statute. And maybe the Republicans, who were sick and tired of the profligacy of Lawrence Walsh and other abuses that we have heard over the years about the office of independent counsel, were willing to see it die because of some abuses. $40 million were spent by Walsh in pursuit of ghosts, in many occasions, only to have a final report that regurgitated matters that everyone knew and had digested many years ago.

In any event, those were the arguments about independent counsel.

Now, when the movement began in this term to reinstate it, one of the reasons that it began to gain momentum, Mr. Chairman, was because there was a possibility of a Whitewatergate situation arising in Arkansas. Everyone knows by now the allegations that are swirling around the failed S&L in Arkansas, about the manipulations of takeovers and all the matters that would, in a proper circumstance, have cried out for an independent counsel right from the start.

Alas, we had none in front of us. It is only today that in late February of 1994 we are approaching the subject. But I venture to say that if Whitewatergate really had blossomed into some kind of cry for independent counsel, we would have authorized such an event and the Attorney General would have applied for the appointment of same.

Why am I confident of that? Because indeed, a special counsel was appointed by the Attorney General, albeit it was after some hedging on her part and some mixed signals that undoubtedly she was receiving from the White House.

So, in retrospect, we should have reauthorized the independent counsel statute for those purposes.

But I still would have had tremendous qualms about it. Why? Because, No. 1, the accountability, as has been referred to by the gentleman from New York. I am constrained to look favorably upon this independent counsel act only because of ego.

In subcommittee, as will be recalled, when our committee was considering this subject matter, I offered an amendment for a yearly reporting, a yearly accounting to the Congress of the progress of the independent counsel appointed by virtue of this statute. That was carried, and now the main bill, oddly and ironically, makes me coauthor of the language because my call for an annual audit or annual accounting is part of the bill.

But, in addition to that, I wanted to see a 2-year reauthorization of the independent counsel appear in the bill as well. Mr. Chairman, I would have liked to have seen every independent counsel work for 2 solid years and then, if necessary to justify further time and expenditure for the subject matter at hand in the office of independent counsel, to go before the very court that appointed him and allow evidence to be demonstrated as to why he should continue that investigation. And this would have applied in Whitewatergate if we had independent counsel on board if the statute had been in effect.

It would have meant that a majority of the minority on the Judiciary or any member of the Judiciary, or other ways in which allegations would have reached the Attorney General, would have convinced the Attorney General to conduct a preliminary investigation and then, pursuant to the statute, to do those things that would lead to requesting a court for the appointment of independent counsel. We do not have that, we did not have that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

In the gentleman's opinion, then in the matter of Whitewatergate, this would have brought almost an automatic appointment of an independent counsel?

Mr. GEKAS. Yes. That is borne out by this fact, I say to the gentleman from Pennsylvania, that indeed even though the Attorney General, the current incumbent, in effect was hedging as to whether or not to appoint a special counsel and was receiving undoubtedly signals from the White House as to what to do or not to do, finally, after denying the need for it, acceded to a special counsel. There would have been no need for that. The hue and cry would have been so overwhelming if a good independent counsel statute had been in effect, that that would have automatically occurred, the Attorney General would have done a preliminary investigation and the court would have appointed him.

Mr. WALKER. If the gentleman would yield further, under the provisions here if, for example, the independent counsel became aware, as we saw in this morning's paper, that a law firm might be shredding documents related to a Whitewatergate, would the independent counsel at that point under the provisions of this law have the ability to step in and investigate under that kind of a matter?

Mr. GEKAS. In my judgment, undoubtedly, yes, could have done so.

Mr. WALKER. I thank the gentleman. That does help clarify it.

Mr. GEKAS. I thank the gentleman for the question.

So, now the only thing that remains because I am leaning hard toward wanting to accept the bill, the general purpose of the bill, only because I wrote part of it in calling for the annual accounting to the Congress, I think that as an important step, I still feel bruised that my 2-year sunset provision was not permitted by the Committee on Rules, and another salutary feature that I had provided, but you have more of me now than you ever had before because you agreed to the language I proposed on accounting.

But if the Gekas amendment fails later, then I will have to revisit my compatibility with some of the language of the bill as it now stands.

□ 1530

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I appreciate the distinguished chairman of the Committee on the Judiciary for granting me a brief moment of time, and as he is well aware of an unfortunate occurrence in our history, I bring with me to the Congress, having worked on what was known as the Senate Watergate committee, and at the same time that that congressional investigation was going on there was an independent counsel invited, as well, or appointed, as well, and the reason was because there were allegations of Federal criminal activity, and I think it is ironic that those on the Republican side of the aisle who, for years, opposed the concept of the independent counsel, in fact allowed the laws under the independent counsel to expire this past December because of opposition from the then-Bush White House, are now saying how much we have got to have this law. Consistently the Democrats have said that we need an opportunity in the statute to ensure that the appearances of investigation of Federal criminal activity by high ranking Government officials is in appearance being conducted without bias, without political pressures, and that is why we have this concept of an independent counsel. It is important for the credibility of Government, it is important for the credibility of the accused, and I believe we fashioned a fair bill.

Here, as we learn from the experiences of previous and the most recent independent counsel, there are no real checks and balances on their budget, and we face a budget deficit, and what we built into this, into this version of the bill, is cost controls, budgeting procedures, so that there is accountability on how much money they are spending in these appropriate Federal criminal investigations.

Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS] for having yielded this time to me.

Mr. GEKAS. Mr. Chairman, may I inquire as to the remaining respective times?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 13 minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 24 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. GLICKMAN], a distinguished member of the Committee on the Judiciary.

Mr. GLICKMAN. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, my constituents often tell me that they think it is important for Congress and the Government in general to improve its image, to look like we are acting like the rest of the people, to not live by a different set of standards and to subject ourselves to all of the powers of the law enforcement process in the event that one of us, or somebody as a member of the executive branch, gets into trouble, and that is the purpose of this bill. It is an example of very good government.

Mr. Chairman, what we are saying is, "When you have high level officials that get themselves into some degree of trouble, there is a procedure to make sure that they are investigated and, if necessary, prosecuted," and I would point out that this law, which expired last year, has always had the support of many of us in Congress, many of us on our side of the aisle for sure, and is an example of particularly good government.

Here we have an administration pushing for the passage of this bill and, as opposed to the previous administration which discouraged, in fact worked against the passage of this bill, we now have an administration who wants to see this independent counsel law passed, and we have a Congress which is moving ahead in that regard, and I think that this will be passed and signed into law soon, and it was one item, maybe not the most significant item in the history of the world, but it is one item that will provide an example that this Congress and this Government is listening to the people in terms of the whole situation involving ethics in government and good government generally.

I might also add, Mr. Chairman, there is some controversy as to the issue of coverage of Members of Congress under the independent counsel law, and I will point out that under this statute Members of Congress are covered under this law. The Attorney General has the authority to seek the appointment of an independent counsel.

Am I correct?

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Texas.

Mr. BROOKS. I ask the gentleman, "When you were chairman of the subcommittee that passed this bill some years ago in one of the renewals, did it not include Members of Congress then?"

Mr. GLICKMAN. Yes, it did absolutely.

Mr. BROOKS. It has and it does?

Mr. GLICKMAN. That is correct.

Mr. BROOKS. It is the option of the Attorney General?

Mr. GLICKMAN. That is correct.

Mr. BROOKS. None of them that agreed to that, Republican or Democrat, have felt that it needed to be done?

Mr. GLICKMAN. And in fact virtually every Attorney General, Republican and Democrat, are very opposed to the provisions of the amendment that the gentleman from Pennsylvania [Mr. GEKAS] is seeking which mandates that an independent counsel be appointed.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. Let me finish my point.

It mandates that an independent counsel be appointed under circumstances where misconduct is alleged, takes away the power of the Justice Department and the criminal justice process to use other means like, for example, a grand jury, separate grand jury, separate prosecutorial discretion, on behalf of the U.S. attorney, and in addition, probably, will cause a manyfold increase in the cost of the operation of Government by mandating that every Member of Congress absolutely be covered by a statute which squeezes out other important ways to indict and convict Members of Congress; namely, the grand jury and the process involving U.S. attorneys.

Mr. BROOKS. Mr. Chairman, if the gentleman would continue to yield, is it not true that there was some feeling that, if they had made Members of Congress automatically included in that, it would have led to possible mischief on the part of either Democrats or even possibly, not likely, but possibly even Republicans by having half of the members of that party in the Committee on the Judiciary plus one make a recommendation on October 10 that they investigate the gentleman from Georgia [Mr. GINGRICH], or the gentleman from Washington [Mr. FOLEY] or whoever?

Mr. GLICKMAN. The independence of the Committee on the Judiciary in my judgment would be threatened by a mandatory independent counsel law, and I think it should be pointed out that the Justice Department has had no trouble investigating and indicting Members of Congress, when necessary, under existing law. There may be some circumstances where an independent counsel is needed. There may be times when they have a relationship, that Member of Congress does, with an executive branch official. Then it is appropriate——

Mr. BROOKS. In that case could they not get one?

Mr. GLICKMAN. The gentleman is correct. In that case they have all the legal authority in the world to get one.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania [Mr. GEKAS], for yielding this time to me, and I would like to say that I congratulate the chairman and the ranking Republican for bringing this bill to the floor. However, Mr. Chairman, I find it very strange that they are bringing it at this time.

We had an investigation going on involving the Secretary of Commerce, Mr. Ron Brown, who allegedly took $700,000 in bribes to help lead the fight to normalize relations with Vietnam, and he was cleared by a grand jury in Miami just last week, and yet we tried time, and time, and time again to get a special prosecutor, or a special independent counsel, to look into the charges, and we could not get anybody to help us. We were stonewalled by the White House. We were stonewalled by the Department of Commerce. We were stonewalled by Justice. They said they could not pick anybody to do this because they would be accused of showing favoritism because they were part of the administration.

And yet now President Clinton and Janet Reno say they are in favor of this special counsel law.

Now, when Janet Reno got involved in the Ron Brown affair, Mr. Chairman, she sent one of her top aides down to Miami to conduct a grand jury investigation, and everybody knows that a prosecuting attorney has great control over whether or not to get an indictment, and, since she sent one of her top aides down, it was no surprise to me that Mr. Brown was exonerated. But the fact of the matter is the man who accused Mr. Brown, Mr. Binh Ly, passed a 6-hour FBI lie detector test. In addition to that, it was alleged that a large sum of money was going to be transferred to Bank Indo Suez in Singapore, and the FBI said that a large sum of money was wire transferred to a bank in Vietnam to a bank in Singapore. In addition to that, Mr. Chairman, Mr. Brown testified before a committee in Congress that he had no involvement with any of his staff regarding this, and yet the lead agency at a National Security Council meeting last July pushing for normalization with Vietnam was Mr. Brown's agency, the Department of Commerce.

As my colleagues know, there are just so many problems with this that it just boggled the mind, and yet Mr. Brown has been exonerated, and we cannot get a special counsel or special prosecutor, and yet 1 week later the special counsel law comes to the floor after all this has been taken care of. I think that is very, very interesting, very interesting.

I would just like to say to my colleagues that I hope that we do not sweep anything else under the rug. I think this Ron Brown affair has been swept under the rug. I think it is a terrible tragedy.

□ 1540

Mr. Chairman, I think the American people are upset about it. I know I am because we have gone into this a great deal to try to get to the bottom of it, and now, after everything is done and the ink is dry on the paper, we bring this special counsel law to the floor of the House. I think it is really a tragic state of affairs.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague.

Mr. BRYANT. Mr. Speaker, I think it is interesting that the gentleman comes to the floor today and raises questions about why the independent counsel law was allowed to lapse, which I will elaborate on later. But in 1987, I say to the gentleman and to the Members that he voted against passage of the independent counsel law. How does the gentleman square that with his comments of today?

Mr. BURTON of Indiana. Well, the independent counsel law was abused by Mr. Walsh. He spent millions and millions and millions of dollars and did not get one conviction.

Mr. BRYANT. Yes; but that had not happened in 1987, had it?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Mr. GEKAS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GEKAS] for this time.

I say to my colleagues that I have always supported an independent counsel bill, and I was one who supported it back in 1978 when it first passed, but it seems to me we should learn something from experience. A mere reauthorization of the law as it has presently stood until it lapsed last December just will not cut it. It indicates that we are impervious to the lessons of experience.

For example, there is the matter of treatment of classified information. We have heard stories about the independent counsel that investigated the Iran-Contra controversy taking a suitcase full of classified material that was used in a deposition out on the west coast of former President Reagan and tossing it to a red cap at the curb of the Los Angeles Airport, and it has never been seen again. And it was not reported for many, many weeks.

That cannot happen. That should not happen. There should be some accountability.

The chairman of our committee, the gentleman from Texas [Mr. BROOKS], has thoughtfully prepared an amendment that says the independent counsel shall follow the laws and the regulations pertaining to classified material. That is well and good, but where is the sanction? There is no sanction.

In my substitute which the Members will get a chance to vote for, it provides that if indeed the independent counsel or any of his staff do not follow the rules or regulations concerning the proper treatment of classified material, they are removed. We have a sanction. I suggest with all deference to my chairman that his provision is toothless. It has no bite. We should provide a sanction.

Effective cost controls: One of the things we ought to have learned was the profligacy with which Mr. Walsh operated his office. I must say that Midas never in his wildest days had the resources available to him, even after everything he touched, turned to gold. There was absolutely no accountability, no oversight as to the millions that were spent by Judge Walsh over a period of 7 years.

What we want in the substitute—and that is the only place where we find this reform—is that the annual appropriations process obtains after the first 2 years. The independent counsel has 2 years to do whatever he or she will, but after that we ask them to "Please submit yourself to an appropriations process." We are dealing with taxpayers' money.

The jurisdiction of an independent counsel: The bill that we are asked to vote for, the bill that the chairman of the committee has brought to us, has nothing to say about narrowing the focus or jurisdiction of the independent counsel. He does not have a license to go hunting in the forest and shoot every critter that moves. It should be specific. It should be targeted. It should be directed, it should be focused so that there is not this grandiose, lavish, expensive, and reputation-ruining hunting expedition.

Jurisdiction defined: What is the basis for a preliminary investigation? Right now you can trigger the Attorney General's action under the independent counsel statute, the one that just lapsed and the one we are asked to reauthorize, by information that there may have been a violation of Federal law. Instead, it ought to be specific information from a credible source. That is fine-tuning and tightening up the trigger mechanism for this whole elaborate process of an independent counsel. I am going to have an opportunity to offer that as a freestanding amendment, and I hope that it will be supported because it makes this a more lawyerlike and a more professional and workable piece of legislation.

Duration of an investigation: Does it go on and on from generation to generation to generation? Judge Walsh served longer, I think, than any Attorney General in history except maybe one or two, I am told—7 years. Somewhere along the line there should be some accountability. So my substitute says that the court that appointed the independent counsel can terminate the independent counsel whenever the court decides that the job is done or it is in the public interest that enough is enough. It would seem to me that that is a very useful amendment.

It also provides that if the job is not done after 2 years, the independent counsel must apply for reappointment. There is nothing wrong with that. It just simply requires a review of the tenure, the unlimited tenure that is inherent in the existing bill.

What about attorneys' fees? If you are a target and you went to trial and you were acquitted or your conviction is reversed on appeal, that is a pyrrhic victory if you are bankrupt, if you have been economically devastated by the money you have had to raise to defend yourself. My substitute requires payment of those attorney fees.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR], a distinguished Member of the Judiciary Committee.

Mr. SYNAR. Mr. Chairman, I thank the chairman of the committee for yielding me this time, and I want to take this opportunity, first of all, to thank the gentleman from Texas [Mr. BROOKS] and the gentleman from Texas [Mr. BRYANT] for the job they have done today, and also for the demeanor in which they have approached this debate.

I rise with great disappointment because I think this is an issue that for a long time in our Nation's history has been one that we have been very proud of because it has been bipartisan. Regrettably, today we now see, because of very shabby political tricks, that we can no longer work on something that is in the best interest of our country.

I think it is important to review the history of the independent counsel, and so we go back to 1978, when Jimmy Carter first passed this legislation.

It was then twice during the Reagan administration that this Congress overwhelmingly, along with the President, twice renewed the independent counsel. It is imperative to remember that on all these occasions it was done in a bipartisan fashion. It was only during that last session of Congress that we really began to see the falling apart of this cooperation, when Bill Barr, not once but twice, refused the use of an independent counsel, one for the Inslaw investigation, and second, for Iraqgate. It was because of the fear of that administration of the place of the special prosecutor that they allowed that law to expire on December 15, which brings us here today.

Anyone who has followed the debate over the last couple of hours realizes that what this debate has come down to is whether or not we as Members of Congress should be explicitly covered in this legislation. I think it is important to remember that since 1982 we have been covered by this administration, and the gentleman from Texas [Mr. BRYANT] has gone one step further than that because, with his alternative, Members of Congress will be explicitly covered by the independent counsel for the first time. As the Members know, the Bryant amendment, which we will have an opportunity to address later, authorizes the Attorney General to invoke the independent counsel procedures to investigate and prosecute Members of Congress whenever he or she determines that it is in the public interest. This is nearly identical language that we find in the U.S. Senate in their bipartisan majority support of this legislation.

□ 1550

Now, I must say, it is regrettable that we have this debate today and we have lost that bipartisanship that has served this institution and this country well. But this has not been lost on two groups that I think command a lot of respect, that the American public would pay some attention to.

For example, we have the American Bar Association, which has written every Member of Congress with these words:

> We strongly support this legislation, and we oppose any effort to amend the statute to make it applicable on a mandatory basis to allegations involving Members of Congress.

Mr. Chairman, the American Bar Association is not a liberal bastion institution, and I think that clearly shows. They have reviewed what we are trying to do today and support the Bryant approach.

Second, probably the largest public interest group in this country, one who has in many ways been the watchdog of Congress, as well as Government, Common Cause, has written every Member of Congress, and they suggest:

> We strongly urge you to support the Bryant substitute as a critical Government accountability measure.

Mr. Chairman, I think it is very clear that as we come to the end of this general debate, that we remember that we can do this in a bipartisan fashion, as the other body has, and let us keep the focus on the fact that we will have the kind of investigations that people want.

The CHAIRMAN. The Chair would advise that the gentleman from Texas [Mr. BROOKS] has 17 minutes remaining, and the gentleman from Pennsylvania [Mr. GEKAS] has 5 minutes remaining.

Mr. BROOKS. Mr. Chairman, I would inform my dear friend from Pennsylvania that I have one more speaker, and I will reserve the balance of my time until the gentleman from Pennsylvania concludes.

Mr. GEKAS. Mr. Chairman, on the basis of the assertion made to me by the chairman, I yield myself such time as I may consume.

Mr. Chairman, as a note, I wanted the gentleman from Oklahoma [Mr. SYNAR] to know that the American Bar Association, to which the gentleman referred as a supporter of the independent counsel statute, also supported several of the measures that we transformed into amendments for the bill, and they have been roundly rejected. So it is not as if the American Bar Association's total set of recommendations was adopted.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I would ask the gentleman, did they support mandatory Member coverage?

Mr. GEKAS. Mr. Chairman, I do not recall.

Mr. BRYANT. Mr. Chairman, they did not. They most affirmatively did not support that.

Mr. GEKAS. Mr. Chairman, reclaiming my time, they did not approve of the salary of Walsh, and they do not approve of the number of staff, and they do not say one word or another about various facets of administration. But I am saying to the gentleman that as to the coverage of the accounting to be made to the public, they had certain recommendations, as to the accounting procedures, to make things public. Not as to coverage or to other matters which the gentleman so cleverly refers to.

Mr. Chairman, in any event, there is another element of this debate that has to be repeated, and constantly repeated. The American people know to the fullest extent possible that the Congress exempts itself, excuses itself, recuses itself, from 1001 mandates that they impose upon the American people or on other members of the Government of the United States. We do it in OSHA rules and all kinds of employment practices and things that we would not even think about as affecting adversely the rights of our fellow American citizens. Yet we continue to do that. Here is an example that we are trying to correct.

Mr. Chairman, the bill as presented exempts the Members of Congress from the mandated coverage of possible targets of independent counsel. Now, if that is not selective favoritisms, I do not know what it is.

Mr. Chairman, the offerers of the bill acknowledge that Members of Congress can be in a position of conflict of interest. Otherwise, they would not allow the Attorney General in her discretion to bring an action or to bring independent counsel to visit against a Member of Congress. So conflict of interest is acknowledged as a possibility between a Member of Congress and the Attorney General and/or the White House. So why not make it equal to those targets of the independent counsel that the independent counsel law was drafted to pursue.

Mr. HYDE. If the gentleman will yield, on this question of congressional coverage, first of all, we are not talking about 535 Members of Congress. Only in the most generic sense. We are talking about those few about whom specific information of a violation of Federal law from a credible source has been developed. I hope that is not more than a handful, or less than that. I hope it is nobody.

But it is not 535 and all this overwhelming bookkeeping. We are talking about the very few about whom specific information of the violation of a Federal law by a credible source is obtained, if, if, I say, my amendment is adopted and that becomes the threshold, which it ought to be.

But we have also said that the Bryant amendment weakens existing law, and it does. Because the Bryant amendment, making congressional coverage optional, which it already is under the old bill, but just a few words are changed, a cosmetic difference, but the standard now is that the Attorney General can invoke congressional coverage and seek the appointment of an independent counsel if she finds it is in the public interest. That is the new standard that Mr. BRYANT will seek to impose on us, in the public interest, optional with the Attorney General.

But the old law, and the law he is changing by his amendment, if the old law were to be reenacted, provides that she can ask for an independent counsel if she finds herself in a personal, political, or financial conflict of interest.

So we will have the interesting spectacle of the Attorney General perhaps finding herself in a personal, a political, or a financial conflict of interest, but it is not in the public interest.

So it seems to me we ought to have all of those standards, or no standard. We ought to have Congressmen covered like any other Member of the executive branch, if specific information from a credible source of violating a Federal statute is provided.

We cannot operate immune, sacrosanct, from the very standards we seek to impose on the executive department.

I do not know if the American bar likes that, but I will tell you the American people like it.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], a distinguished member of the Committee on the Judiciary and other committees.

Mrs. SCHROEDER. I couldn't wait to get over here, Mr. Chairman, because, first of all, it is interesting to see how many people on the other side got religion over the holidays and are suddenly for this bill. With all this gray hair, I remember back even when we had this bill up before, this was not a good idea. So that is the first part.

But now I walk in on this debate where they are attacking the other gentleman from Texas [Mr. BRYANT], as being soft on Congress. The gentleman from Texas is the one who in both cloakrooms usually 24 hours on day everybody is beating up on, because I know JOHNNY BRYANT. If there is one thing he is not, it is soft on Congress. This is the man who has been leading all sorts of reforms out there that Members love to hate sometimes. But to accuse him of being soft on Congress in this bill, it is really hard to keep from giggling as I hear it. It doesn't pass the giggle test, I guess is what I am trying to say.

Now, let us talk about some of these things. Yes, indeed, the Bryant amendment puts Members of Congress explicitly under the independent counsel law.

□ 1600

It does that. Unfortunately, there is no truth in political debate. We have got the truth in advertising so one can say things about toothpaste and they better be true or one can sue. But on political debate, one can say anything about a bill, and it does not have to be true.

But let me say, the Bryant amendment—and anybody who knows his background knows that this would not be an oversight—he allows the Attorney General to invoke the independent counsel law. This is appropriate discretion.

There are U.S. attorneys all over America that can move out and go after Members of Congress in a vigorous way and have done so. If there have been U.S. attorneys that have been shy in doing this, I want to know who they are. I cannot think of any that have been intimidated by this, nor can I think of any Attorney Generals that have been intimidated by this. I really see this as kind of a delaying tactic.

There are different rules sometimes for Congress. Unfortunately, that came out of the Constitution. There are many of us trying to change that. Separate branches of Government are not allowed to police the other branch. We cannot go over to the Court across the street and start telling them how to run their personnel system, and they are not supposed to come over here. And we are not supposed to go to the executive branch, and they are not supposed to come over there. So we have to set up our own policing systems, and we have been trying to do that. And we have got to put more and more teeth in it, believe me. Their is no one around here that wants more teeth in these things than I do.

Ex-Congresswoman Lynn Martin and I used to run around with a bill here all the time trying to get Members on it, trying to get them moving on House fair employment practices and other such things. Members would always run for the door, a lot of the Members who give speeches.

I must say, as I have been listening to this debate, I have found it a little humorous. I think the real trick is to look at the bill and why it is needed. I salute the gentleman from Texas [Mr. BRYANT] and how hard he has worked on this.

If Members look at Watergate, and I am old enough and have been around here long enough to remember Watergate, this got started because Archibald Cox got interfered with. He had all of that turbulence, all of that commotion.

I am pleased the other side now agrees that we need this, even though we let it run out because we could not get the votes in the last House session. Oh, goodness, it looks like we are going to get the votes now.

But let us move on, and let us get this going. Let us get this independent counsel out there so that there can be these investigations.

Members are covered. Yes, we can also be covered by the U.S. attorneys. Yes, we are covered by the U.S. House Committee on Standards of Official Conduct, which has not been shy either, and the House Committee on Standards of Official Conduct cannot try the Supreme Court. And it cannot try Members of the executive. And they have their ethics, and they do not try us. That is why there are different things.

Now I know we are not under OSHA. We are bringing in every dead cat we can think of. We are not under OSHA. We are not under this. We are not under that. Well, we should be. I agree we should be. But that is not the issue here.

The issue here is how does the independent counsel bill work vis-a-vis Members of Congress. It gives many, many bites out of the apple.

I think it says that Members of Congress are going to be as vigorously pursued as anybody else and probably much more so. And believe me, if somebody had some real concrete ideas to be even more so, I am sure the gentleman from Texas [Mr. BRYANT] would take them. Because the one thing he has been in the forefront of is trying to make this place absolutely squeeky clean and to rebuild this institution and to rebuild the trust and dignity that he thinks Members should give it. And I do, too. I thank him.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. BROOKS. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, we have before us today a historic statute, a unique statute in our jurisprudence that grew out of a unique event in American history. That is the Watergate event of some 20 years ago.

It resulted in the passage, in 1978, of a special provision that recognized the great difficulty that an Attorney General can have in objectively investigating and prosecuting another member of the President's Cabinet, a colleague with whom they work and with whom they are often close friends. And so a law was written with regard to about 60 very high officials in the executive branch.

If there is a specific allegation from a credible source, it triggers a mechanism which can result in the appointment, by a court, of an independent counsel so that those cases may be investigated an prosecuted objectively and fairly. And there have been 13 instances like that. Half of them have resulted in no prosecution; the other half have resulted in very high profile investigations and prosecutions of which all of us are aware.

This law has worked well for 15 years. Because it is novel and because it is unique, each time it is passed it has had attached to it a provision which provided that the law would expire at the end of 5 years, so it has been necessary twice to reinstate the law, to pass it once again. And it fell to us again, in 1992, to reinstate that law, 5 years having elapsed since it was last passed.

We could not do it, though, because President Bush promised that if we did it he would veto it. Part of the reason we could not do it in 1992 is because 25 Republican Senators signed a letter to the leadership of the Senate saying that if this bill was brought up, they would filibuster it and kill it. And so the Congress did not reinstate the law and it was allowed to lapse.

In 1993, with a new President, we have begun this process once again, and the Committee on the Judiciary and my subcommittee took up this bill.

We had hearings. We had witnesses. We had expert witnesses from places within our Government and with academia that could give us the best analysis of how the law had worked.

We had communication from the American Bar Association, from Common Cause, from the U.S. Attorney General's office, all of whom said we ought to pass the bill again.

Now Republicans read in the newspaper that there are those making some allegations about President Clinton, and all of a sudden they are hot to trot for an independent counsel law. We hear fulminations here about the fact that it has not been passed and that it has been allowed to lapse. It is quite incredible. Some of the most prominent advocates of the Republican position are now blaming the Democrats for having allowed this law to lapse.

I know that Members are all very concerned about the length and the expense of the investigation of Oliver North et al. by Lawrence Walsh. There is no need to debate that. We acknowledge that there were some areas with regard to expenses that, in my view, were not handled prudently. I believe, however, the investigation was in all respects well-motivated and carried out in a fine fashion and that Mr. Walsh, by the way a Republican, did a fine job. That is my view.

The fact of the matter is we now have an opportunity today, regardless of all the partisan winds that may blow back and forth, to reenact the statute. It makes common sense. It has served the public well, and we ought to do so.

The statute that we bring forward contains some provisions to address the possibility that independent counsel might spend a little bit too much, and we have some restraints on that. We also have a specific provision in the bill which in effect continues a part of the statute that has been in place since 1982. That provision makes it clear—with specific reference to Members of Congress—that if the Attorney General wants to go beyond the 60 for whom this law was originally written and, in her discretion, to decide that it would be in the public interest to seek the appointment of an independent counsel to pursue a case against a Member of Congress, she may do so. But she is not obligated to so. We think that is prudent.

I would point out to the Members one other thing as well. I wish very much that the American people could see on a daily basis what goes on here so that they could better see the posturing that I think is taking place on the other side. We heard a number of Members come up here and fulminate about the fact that this law is not strong enough, that it ought to be stronger, it ought to have other provisions in it; how much of a shame it is that somehow the Democrats prevented the law from being reinstated, which, as I said a moment ago, is patently false.

□ 1610

Who were those Members? The gentleman from Georgia [Mr. GINGRICH], the Republican leader-elect, came in and said those things. The gentleman from Indiana [Mr. BURTON] came and said those things. The gentleman from Pennsylvania [Mr. WALKER], the de facto floor leader for the Republican Party, came and said those things.

Do the Members know what the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Indiana [Mr. BURTON] and the gentleman from Pennsylvania [Mr. WALKER] have in common? In 1987, all three of them voted against the independent counsel statute, so how are we to take anything they say today with credibility when they come forward and say that the bill is not good enough, when they did not want the bill in the first place?

We have an opportunity here today to pass for the fourth time a historic statute that has served the country well. I will elaborate on details when we get into the amendments later on, but I urge the Members to set aside all of their partisan posturing. I urge the public to see this bill for what it is. It has been a good provision in the past. Let us reauthorize it one more time, give it 5 more years to run, and serve the American people, give them the opportunity to know that with regard to the 60 highest officials in the executive branch, if there are allegations against them, an independent counsel can be entrusted to deal with them.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, I just want to say that I hope the gentleman knows that we, in the Committee on the Judiciary on the Republican side, who voted against the bill were protesting the fact that every single one of our amendments was defeated on a party-line vote. It was not that we are against the concept. I voted for this in 1978.

I might add, the distinguished chairman voted "no" in 1978. I might add that the gentleman from Michigan [Mr. DINGELL], the gentleman from Illinois [Mr. ROSTENKOWSKI], and many others voted "no." That is all right. That is all right. He has been on the road to Damascus and he has seen the light. I understand that.

However, we are for this bill. It is just that we would like to have a couple of amendments to improve it.

Mr. BRYANT. Mr. Chairman, reclaiming my time, I believe the gentleman is for it, because unlike the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Indiana [Mr. BURTON], in 1987 the gentleman from Illinois [Mr. HYDE] voted for the bill and for the conference report.

Mr. HYDE. And in 1978.

Mr. BRYANT. He has earned the right to come forward with amendments, and the Committee on Rules has given the gentleman the opportunity to offer these amendments today.

However, the gentlemen who got up here and made the hot speeches, the red hots of the Republican side today, voted against this bill in 1987. What they say in the rest of this debate ought to be judged in light of that.

Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1993".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1993".

SEC. 3. ADDED CONTROLS.

(a) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(l) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—

"(1) COST CONTROLS.—

"(A) IN GENERAL.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) DEPARTMENT OF JUSTICE POLICIES.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) ADMINISTRATIVE SUPPORT.—The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) OFFICE SPACE.—The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less.".

(b) INDEPENDENT COUNSEL PER DIEM EXPENSES.—Section 594(b) of title 28, United States Code, is amended—

(1) by striking "An independent counsel" and inserting

"(1) IN GENERAL.—An independent counsel"; and

(2) by adding at the end the following new paragraphs:

"(2) TRAVEL EXPENSES.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter 1 of chapter 57 of title 5, including travel or transportation expenses in accordance with section 5703 of title 5.

"(3) TRAVEL TO PRIMARY OFFICE.—An independent counsel and any person appointed under subsection (c) shall not be entitled to the payment of travel and subsistence expenses under subchapter 1 of chapter 57 of title 5 with respect to duties performed in the city in which the primary office of that independent counsel or person is located after 1 year of service by that independent counsel or person (as the case may be) under this chapter unless the employee assigned duties under subsection (l)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter. Any such certification shall be effective for 6 months, but may be renewed for additional periods of 6-months each if, for each such renewal, the employee assigned duties under subsection (l)(1)(A)(iii) makes a recertification with respect to the public interest described in the proceeding sentence. In making any certification or recertification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), such employee shall consider, among other relevant factors—

"(A) the cost of the Government of reimbursing such travel and subsistence expenses;

"(B) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(C) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred; and

"(D) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.

An employee making a certification of recertification under this paragraph shall be liable for an invalid certification or recertification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.".

(c) INDEPENDENT COUNSEL EMPLOYEE PAY COMPARABILITY.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.".

(d) ETHICS ENFORCEMENT.—Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) ENFORCEMENT.—The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection.".

(e) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) of title 28, United States Code, is amended by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply".

(f) PUBLICATION OF REPORTS.—Section 594(h) of title 28, United States Code, is amended—

(1) by adding at the end the following new paragraph:

"(3) PUBLICATION OF REPORTS.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the Superintendent of Documents sales program under section 1702 of title 44 and the depository library program under section 1903 of such title,"; and

(2) in the first sentence of paragraph (2), by striking "appropriate" the second place it appears and inserting "in the public interest, consistent with maximizing public disclosure, ensuring a full explanation of independent counsel activities and decisionmaking, and facilitating the release of information and materials which the independent counsel has determined should be disclosed".

(g) ANNUAL REPORTS TO CONGRESS.—Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made."

(h) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph not later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period.".

(i) AUDITS BY THE COMPTROLLER GENERAL.—Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) AUDITS.—By December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures by the date that is 90 days after the date on which the office is terminated. The Comptroller General shall audit each such statement and shall, not later than March 31 of the year following the submission of any such statement, report the results of each audit to the Committee on the Judiciary and the Committee on Government Operations of the House of Representatives and to the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.".

SEC. 4. MEMBERS OF CONGRESS.

Section 591(c) of title 28, United States Code, is amended—

(1) by indenting paragraphs (1) and (2) two ems to the right and by redesignating such paragraphs as subparagraphs (A) and (B), respectively;

(2) by striking "The Attorney" and all that follows through "if—" and inserting the following:

"(1) IN GENERAL.—The Attorney General may conduct a preliminary investigation in accordance with section 592 if—"; and

(3) by adding at the end the following new paragraph:

"(2) MEMBERS OF CONGRESS.—When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a

Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.''.

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (consistent with prohibitions on discrimination otherwise imposed by law)".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the date of the enactment of this Act.

The CHAIRMAN. No amendment to the substitute is in order except the amendments printed in House Report 103–419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, is not subject to amendment, except as specified in the report, and is not subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOKS: Change any reference in the bill to the "Independent Counsel Reauthorization Act of 1993" to the "Independent Counsel Reauthorization Act of 1994".

Page 2, line 5, insert before "Section" the following:

(a) REAUTHORIZATION.—

Page 2, insert the following after line 6:

(b) EFFECTIVENESS OF STATUTE.—Chapter 40 of title 28, United States Code, shall be effective, on and after the date of the enactment of this Act, as if the authority for such chapter had not expired before such date.

Page 10, redesignate section 6 as section 7 and insert the following after line 20:

SEC. 6. NATIONAL SECURITY.

Section 597 of title 28, United States Code, is amended by adding at the end the following:

"(c) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified materials.".

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer an amendment which I believe is without controversy. The first part merely updates the short title of the bill from 1993 to 1994.

The second part simply removes any possible question that the underlying independent counsel statute is being revived to prevent any possible litigation over the effect of the lapse of the statute on December 15, 1992.

Finally, the third part of the amendment makes clear that each independent counsel must follow the Department of Justice guidelines and procedures with regard to the handling of classified materials.

There is absolutely no disagreement between the Republican and Democratic sides that the independent counsel should be so bound.

Independent counsel, of course, are already bound by the operation of the Classified Information Procedures Act, 18 United States Code Appendix 4(e)1, under which the Attorney General has the sole and final authority regarding use or release of classified information in all cases.

They are also bound by extensive regulations that implement Executive Order 12356, National Security Information, which governs the handling of classified information.

To make all of this crystal clear, my amendment explicitly, rather than implicitly, requires compliance with the procedures under the independent counsel statute, and I would hope that my amendment will be acceptable to the other side, and that we could move on to the amendment of the gentleman from New York [Mr. FISH].

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from New York [Mr. FISH] opposed to the amendment?

Mr. FISH. Mr. Chairman, I am in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make clear that the three amendments are offered en bloc, and I have no objection whatsoever to the changing of the date of the reauthorization, nor do I have any objection to clarification of the independent counsel statute as being revived.

I do, however, wish to speak on the third part which the chairman offers, which requires each independent counsel to follow Department of Justice guidelines procedures with regard to the handling of classified materials. This is certainly an improvement, but it is far from what it might be.

The problem with this amendment is that there is absolutely no sanction imposed if the independent counsel fails to follow the law or applicable regulations on the handling of national security documents.

The chairman mentioned 18 U.S.C. 798 as the statute, but Mr. Chairman, this is absolutely unrealistic, as a practical matter, to expect that a special prosecutor will in turn be prosecuted under this statute. The only realistic sanction in this type of circumstance is to make the independent counsel subject to removal for good cause, and this is, of course, embodied in the amendment in the nature of a substitute that will be before the House later on by the gentleman from Illinois [Mr. HYDE].

H.R. 811, the amendment before us, ignores the experience in the prior law, does nothing to safeguard the handling of national security information or classified documents. We learned this before in the Iran Contra investigation, about the shortcomings in this area. The example was cited by me and other gentlemen of the Los Angeles International Airport, of highly sensitive documents. I mentioned earlier the fact that the CIA cables with highly sensitive markings were released as exhibits during trials, and so forth, so this matter has been before us before.

This is not addressed appropriately because of the lack of any sanction.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, the problem with the amendment by the gentleman from Texas [Mr. BROOKS] is that it is a good amendment as far as it goes. It just does not go far enough. There is no sanction for violating the rules and regulations concerning the handling of classified information.

Do the Members know that during the Walsh independent counsel adventure, CIA cables with highly sensitive markings were released as exhibits during the trial? During a motion to quash a subpoena, a covert agent was identified by name. Classified information was not redacted from pleadings. Classified material was included in official correspondence, which later had to be retrieved and redacted. Then it had to be classified. Highly sensitive documents were delivered to defense counsel's office in an unsecured manner.

The worst of all was the suitcase full of classified material that was given away at the curb at LAX Airport and never seen again.

It does not do to simply say, "Follow the law." There has to be a sanction. Mr. Chairman, I am asking my friends if they want to make this meaningful, why not provide for removal of the independent counsel if he or she is found to have violated the law concerning the treatment of classified information.

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What is the objection? May I ask my friend from Texas [Mr. BRYANT] and I yield to him, what is the objection to having a sanction?

Mr. BRYANT. Mr. Chairman, that is a fair question and there is a good answer for it.

First of all, every American, no matter whether they are an independent counsel or not, is subject to title 18, United States Code, section 798, which provides criminal penalties for disclosure of classified information.

In addition to that, Government employees, which independent counsel are, can also be punished for improper communication of classified information pursuant to title 50, United States Code, section 783.

Independent counsel are also subject to 47 pages of regulations regarding handling of classified materials, and they can be fired for a serious breach of these rules. That is to say, they can be fired for cause and violation of any of these statutes would probably satisfy that standard.

Mr. HYDE. If I can say to my friend I agree. But nothing happened, and these egregious breaches occurred, and the gentleman was not prosecuted. I cannot see the Government, the Justice Department prosecuting an independent counsel. I can see a motion to remove him as effective. I just do not think these others are effective.

Mr. BRYANT. But if the gentleman will continue to yield, your complaint goes to whether or not you think the Attorney General in that particular period acted appropriately.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT] to continue his dialog.

Mr. BRYANT. Mr. Chairman, I just want to continue saying I think that the objection of the gentleman from Illinois [Mr. HYDE] goes to his view that the Attorney General did not act appropriately at that time. But that is a fact question. The fact of the matter is the law clearly gives the Attorney General the power to do that, and the Brooks amendment makes explicit that these independent counsel are so covered. That is the point of it.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I am just trying to make it mean something, and I just do not think anything other than removal means a great deal. But I accede to the gentleman's argument.

Mr. BRYANT. Again, I would emphasize removal is possible for an independent counsel for cause, and a serious violation of any of these standards would satisfy that requirement.

Mr. HYDE. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 103-419.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FISH:

Page 2, line 9, insert "(1)" before "Section".

Page 3, strike lines 5 through 13 and redesignate the succeeding paragraph accordingly.

Page 3, insert the following after line 21:

(3) Section 594(d)(1) of title 28, United States Code, is amended by adding at the end the following: "The General Services Administration shall provide administrative support to each independent counsel.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. FISH] will be recognized for 5 minutes, and a Member opposed, the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 811 would specifically require that the Administrative Office of the U.S. Courts provide administrative support and guidance to each independent counsel. This is not a good policy choice because the Administrative Office is an arm of the judicial branch. In other words, we have a separation of powers issue here. It is not the appropriate agency to provide operational support for an executive-branch function, that is prosecution. Further, it is without legal authority to effectively oversee and control the expenditures of these offices, as a GAO audit will explain in a minute.

The Director of the Administrative Office of the U.S. Courts made it clear in testimony before the Administrative Law Subcommittee that considered this legislation that they do not want this responsibility, that they are ill equipped to handle this responsibility, and, again, are without authority to properly oversee such expenditures by the independent counsel. This point is underscored in a GAO financial audit to the Congress dated October 9, 1992.

I quote from page 1.

> Five of the nine independent counsels did not provide some of the reports of their expenditures required by law. We found that expenditures were often incorrectly recorded due to serious internal control weaknesses at offices of independent counsel and the Administrative Office of the U.S. Courts (AOUSC), which through agreement with Justice, performs the disbursing and accounting functions for independent counsels.
>
> In addition, we found that some expenditures were inconsistent with laws and regulations. Some of the instances we identified may be attributable to an oversight or ambiguities in the independent counsel law and a lack of comprehensive guidance to help independent counsels understand and follow operational and administrative legal requirements. Other instances were caused by the independent counsels relying on erroneous advice from AOUSC.

My amendment would transfer the administrative support function to the General Services Administration [GSA], the appropriate executive branch agency to perform this function for an executive branch function.

The GSA already has the staff and expertise necessary to provide procurement and administrative support for every executive branch agency and office. We are talking here additionally about a waste of taxpayers' money to duplicate services in our judicial branch.

Placing the administrative aspects of independent counsel investigations in the GSA would not diminish the prosecutorial independence of the independent counsel which the statute strives to achieve.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment.

Since the very first independent counsel was appointed, the Administrative Office of the U.S. Courts—not an executive branch agency—has provided the administrative support for independent counsel and helped to ensure the independence of independent counsel from the executive branch. With the adjustments now made by H.R. 811, the Administrative Office informs us that they will be happy to continue to provide this assistance, building on their 15 years of experience and expertise in doing so.

During the committee markup of H.R. 811, the distinguished gentleman from New York [Mr. FISH] offered an amendment to put the Department of Justice in charge of providing such administrative support. I and others believed that went against the whole purpose of the act—of avoiding the possible conflict of interest of the executive branch investigating itself.

Now, the gentleman's amendment would put up another executive branch agency—the General Services Administration—to do the job. That takes us back to the same place and the same problem.

As a well-known supporter of the General Services Administration, I have to draw the line here and say that it is totally inappropriate for that agency to be involved in these duties. Moreover, it has no experience in handling such things as expenditures and payrolls for independent counsel.

The provisions of H.R. 811 already have it right, and I urge the rejection of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I yield myself such time as I have remaining.

Mr. Chairman, the chairman of the committee just talked about the Administrative Office of the United States Courts having 15 years' experience and expertise in this matter. I would like to quote from the testimony of L. Ralph Mecham, Director of the Administrative Office of the U.S.

Courts before the Subcommittee on Administrative Law and Governmental Relations of March 3, 1993:

> Our sole interest and concern with the legislation is limited to section 3(a) (2) and (3) of the bill. . . In essence, this bill would task an entity within the Judicial Branch of government to support an entity—the Independent Counsel—that has a prosecutorial function. The Judicial Conference has concluded, and I concur, that this is an inappropriate function for the Administrative Office to perform, and we respectfully request that you delete us from the bill.

Continuing the testimony:

> As I am sure the Committee is aware, the Administrative Office, on a voluntary basis, has provided administrative support to Independent Counsels for several years. This was carried out under an agreement between subordinates of my predecessor and the Justice Department. I am sure this agreement was entered into in an effort to accommodate the Justice Department and provide a temporary service.
>
> The Administrative Office is caught in a "Catch 22" position.
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> We have no authority whatsoever to enforce compliance with Federal laws and executive branch regulations as they apply to independent counsels on such matters as payment for hotel accommodations, per diem, first-class travel, contract laws, personnel regulations, accounting procedures and an array of other regulatory requirements. Yet, the General Accounting Office recently issued a report on the independent-counsel program which criticized the administrative office for not enforcing the laws and regulations, even though we have no lawful power to enforce them. We have taken a series of steps to correct the administrative deficiencies cited in the GAO report, but the fundamental problem is that the independent counsels are not answerable to the administrative office and cannot be compelled to follow any guidance we might give them. Yet, we are expected to issue checks and to keep the balances and the independent counsels are completely free to ignore any questions that we might raise.

Mr. Chairman and my colleagues, I submit the Administrative Office of the U.S. Court is not the appropriate body to lend their support and guidance to the independent counsel, and my amendment should be adopted.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I just wondered if the gentleman is aware, or I would like to make him aware, that subsequent to the events regarding the Administrative Office of the U.S. Courts referred to by the gentleman, that office has since come in and indicated their readiness and willingness to continue to assume these duties.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103–419.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. FISH: Page 6, line 11, strike "Such" and all that follows through line 17 and insert the following: "Not more than 2 such employees may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive schedule under section 5316 of title 5, and all other such employees shall be compensated at rates not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule under section 5332 of title 5.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. FISH] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the former law provided that the independent counsel receive a salary equivalent to level IV of the executive schedule. That is currently an annual salary of $115,700. H.R. 811 contains confusing language that appears to allow employees of the independent counsel to be paid up to the same level.

My amendment would provide that the independent counsel remain at the executive level IV salary, but gives him authority to hire two assistants at executive level V, a salary of $108,200 per year. At the same time, my amendment caps other assistants' salaries at that of a GS–15, step 10 of the Federal pay scale, or a $90,252 per year figure. That is the level at which other Justice Department line prosecutors are paid.

Independent counsels and each of their employees, unlike all other U.S. attorneys or assistant U.S. attorneys, are, pursuant to this statute, exempted from sections 202–209 of title 18 of the U.S. Code. Among other things, that means that they are allowed to have collateral income over and above, the salary they are being paid by the U.S. Government.

An independent counsel investigation and prosecution is fundamentally about one case—sometimes involving the prosecution of more than one individual—but it involves essentially one criminal case.

Assistant U.S. attorneys, on the other hand, on average handle approximately one hundred criminal prosecutions per year.

The maximum salary for all other Washington-based Justice Department assistant U.S. attorneys is GS–15, step 10, that is currently a salary of $90,252 per year.

Assistant U.S. Attorney are covered by section 209 of title 18 which provides for a $5,000 fine and imprisonment for 1 year for accepting a salary or for supplementing a salary from any source other than the U.S. Government.

With the cost of independent counsel investigations going through the roof, and Mr. Walsh's investigation rounding out at $40 million; and with the large numbers of employees hired by Walsh, which, according to testimony before our Administrative Law Subcommittee, included 70 lawyers and 50 FBI and IRS agents during its 7 year reign, certainly the salary levels of such assistants has become a substantial cost factor.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

I want to commend my distinguished friend, the gentleman from New York, and I will say that I am opposed to the amendment, but I have been persuaded, I have seen the light, I believe that my friend from New York has a wonderful amendment, and I have no objections to it.

I would suggest that we pass it by a voice vote at this point.

Mr. Chairman, I yield back the balance of my time.

Mr. KYL. Mr. Speaker, last year, Congress failed to reauthorize the independent counsel law primarily, I believe, because several obvious but controversial changes were needed. For example, almost everyone recognizes that the expenses of the independent counsel need to be better controlled. The Walsh investigation which cost the taxpayers $40 million, illustrated that problem and others with the previous independent counsel law.

The Hyde substitute would restore the integrity of the independent counsel's office and achieve necessary reforms—attacking excessive cost, lack of accountability, and failure to cover Congress. Specifically, the Hyde amendment would: Require independent counsels to reapply for appointment every 2 years; place cost controls on independent counsels by making them subject to the annual appropriations process after 2 years; require that each independent counsel comply with all the laws and regulations governing classified information; and, mandate that all Members of Congress are covered by the independent counsel law.

Congressional coverage would no longer be a discretionary, case-by-case choice of the Attorney General. Unlike H.R. 811, the Hyde substitute would provide the first real vote on congressional reform.

Representative HYDE's proposal will bring about genuine broad-based reform of the Independent Counsel Act. If Representative HYDE's substitute fails, the House should reject H.R. 811 so that we can start over and properly deal with the bill.

If H.R. 811 passes, every effort should be made to include the provisions of the Hyde amendment in the final conference report.

It is very easy for an independent counsel to abuse his office. That is why some controls, such as those embodied in the Hyde amendment, should be adopted.

Mr. FISH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was agreed to.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARCA of Wisconsin] having assumed the chair, Mr. TORRICELLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 811) to reauthorize the independent counsel for an additional 5 years, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF HOUSE RESOLUTION 343 ON THURSDAY, FEBRUARY 10, 1994

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that it be in order on Thursday, February 10, 1994, to consider House Resolution 343 in the House, and that the previous question be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:00 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SSI NEEDS REFORM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, the Supplemental Security Income Program, known as SSI, is riddled with abuse.

This program began extending benefits to low-income disabled, blind, and aged individuals in January 1974. The intent of SSI is noble: To provide assistance to these individuals to help improve the quality of their lives. However, on the 20th anniversary of SSI benefits, it is clear that there are serious flaws in this program which allow for abuse.

Mr. Speaker, I hold in my hand a Washington Post cover story on child SSI recipients. I encourage my colleagues to read this investigative report by Bob Woodward and Benjamin Weiser, which highlights some of the problems in the child SSI program. I am inserting that stops at this point in the RECORD.

[From the Washington Post, Feb. 4, 1994]

COSTS SOAR FOR CHILDREN'S DISABILITY PROGRAM—HOW 26 WORDS COST THE TAXPAYERS BILLIONS IN NEW ENTITLEMENT PAYMENTS

(By Bob Woodward and Benjamin Weiser)

SOARING COSTS—GROWTH OF THE CHILDREN'S DISABILITY PROGRAM

The children's disability program was enacted in 1972 as part of the Supplemental Security Income program. Payments began in 1976.

Recipients must have limited income to be eligible. Two examples:

A single working parent with one disabled child receives the full SSI payment of $446 a month as long as the parent's earned income is less than $1,107 a month ($13,284 a year). As income increases, the SSI payment decreases correspondingly; if income exceeds $1,907 in any month, the family become ineligible.

A two-parent family with two children, one of whom is disabled, receives the full benefit if its earned income is less than $1,685 a month ($20,220 a year). Partial payments are available as long as the family's income level is below $2,576 a month. Above that level, the family becomes ineligible.

Nora Cooke Porter, a pediatrician and lawyer, works on the front lines of the nation's entitlement system. She can barely contain her frustration as she flips through some of the thousands of applications for a federal aid program for disabled poor children that have passed through her Harrisburg, Pa., office over the last two year.

The files show, she says, that children who curse teachers, fight with classmates, perform poorly in school or display characteristics of routine rebellion are often diagnosed with behavioral disorders and therefore qualify for the program's cash benefits, which average $400 a month. Under a broad new federal standard prompted by a 1990 Supreme Court ruling, behavior that isn't "age appropriate" is considered a disability.

Porter feels her hands are tied by the new rules. She has tried to block benefits to children who, in her medical opinion, are not suffering from any disability. Her superiors have overruled her, and she has written detailed rebuttals. Last month, she was suspended without pay for her repeated protests, and she believes her job as a disability-review physician is in jeopardy.

Months before her suspension, she agreed to be interviewed because she believes that the children's disability program is an example of an entitlement system gone haywire. She hopes that her decision to speak out will draw attention from congressional or federal investigators.

The age-appropriate standard is only the most recent flaw in the program, according to Porter and others. They trace the program's problems to its origin: a vague, little-debated 26-word clause that was hastily inserted in a mammoth welfare bill passed in 1972.

Porter's criticisms are echoed by many others who work in the program. They say they sympathize with the children, many of whom are living in desperate poverty. But, they argue, the program does little to help them with their real troubles, especially since the majority of children who now qualify have mental disorders rather than physical ones.

How to provide for the country's neediest—the old, the young, the poor, the sick, the disabled, the disadvantaged—without bankrupting the Treasury has become one of the central governing questions of our time.

Earlier this week, The Washington Post published a series of articles on the rising cost of Medicaid, the health insurance program that is the government's largest entitlement for the poor. This article examines the little-known children's disability program, another entitlement for the poor, which is experiencing the same skyrocketing costs as Medicaid.

Last year, the children's disability program cost $3.6 billion. It was serving 770,000 at the end of December, a number that none of its sponsors imagined possible when it was enacted 20 years ago, they say. Because disability recipients automatically qualify for Medicaid, the program's rapid expansion also has led to hundreds of millions of dollars in additional costs for that entitlement program.

Children's disability is a component of a larger entitlement program called Supplemental Security Income, or SSI, which provides benefits to poor people who are elderly, disabled or blind. By law, entitlement programs guarantee government benefits to anyone who meets the qualifications set out in legislation or in regulations. Federal spending levels are mandatory, meaning they cannot be altered unless the law is changed.

WHAT CAN HAPPEN

The history of the children's disability program illustrates what can happen when a law is enacted without much debate or study and then becomes subject to interpretation by regulators, advocates and the Supreme Court.

The new age-appropriate standard that Porter criticizes was written by federal regulators after the Supreme Court ruled that the law required the government to use a broader definition of disability in determining eligibility.

Since the court ruling, the number of children receiving benefits has more than doubled. The decision also led to lump-sum back payments for some 150,000 children who had been denied benefits under the old rules. These back payments—which averaged $15,000, with some as high as $75,000—have cost the government $2 billion since 1991, plus at least $287 million more in administration.

In a survey of state disability determination directors conducted last summer, more than half cited "inappropriate use of SSI funding" as the most common concern in their states. Parents or guardians are not required to use the money for therapeutic or medical aid. They can spend the cash payment as they please, as long as it benefits the child in some way. That rule has been interpreted to allow the purchase of a television set, a video game or a car.

"I really have to grapple with the idea that I'm allowing that parent to use the money any way they want to, fairly certain, given the history, that the child is not going to benefit," said a psychologist in the Washington disability determination office. "And that happens to us . . . eight times a day."

The lump-sum payments revealed what both supporters and critics of the program see as the absurdity of federal spending rules. Families receiving the back payments were required to spend the money within six months so that their sudden wealth would not make them ineligible for the income-based program.

Last summer, a group of disability experts and officials met in Washington to discuss the mission of the children's disability program. According to a confidential memo about the July 19 meeting, a congressional staff director "questioned exactly what we were trying to accomplish by giving disabled children benefits."

The response: "From a social policy perspective," the memo said, "it was interesting that no one really had a good answer"—not the policy experts, nor the people who run the program, nor even the people who oversee the legislation.

A CONSOLATION PRIZE

The children's disability program began in 1972 as a kind of consolation prize.

The Senate had just killed the Nixon administration's proposal for a guaranteed minimum income for poor Americans. As a compromise, Congress established SSI to provide aid for the "deserving poor": the elderly, blind and disabled. Initially, no money was set aside for children.

Thomas C. Joe, a senior federal welfare official, inserted the 26-word clause that expanded SSI to cover children. It appeared in parentheses, as follows: "(or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)."

Joe, 58, now head of a Washington social policy think tank, said that expanding the program to cover disabled children was part of his "incremental strategy" to assist as many poor people as possible. It was a welfare program disguised as disability assistance.

There was no consideration of the financial or policy consequences or of other ways to aid disabled children, according to participants in drafting the original legislation. Nor was there any public hearing that even mentioned Joe's 26-word clause.

Joe acknowledged with some humor that he tucked the provision into the 697-page bill in order to sneak it through. "I was afraid that too many people were going to discover this and it would be a big controversy," he said. "This is a good example of democracy not at work," he added.

The Senate Finance Committee chairman at the time, Russell B. Long (D-La.), made a run at killing the provision. "Disabled children's needs for food, clothing and shelter are usually no greater than the needs of non-disabled children," his staff wrote in a Sept. 26, 1972, committee report. It said disabled children needed health care and rehabilitative services, not money, and noted that Medicaid already covered poor children's health costs in 48 states.

During the closed-door, marathon weekend House-Senate conference in October 1972 to reconcile different versions of the bill, hundreds of other welfare, Medicaid and Medicare issues were being resolved, and SSI received little attention.

"It wasn't thought of as a big deal," said Frank Crowley, a now-retired senior staffer who worked on the bill. "It was one of these annoying little details."

The 67-page report from the conference made no mention of how the issue was settled. J. William Kelley, a House Ways and Means Committee staffer at the time, has a copy of the only existing conference paper about Senate amendment No. 564, which called for dropping Joe's provision. The single sheet reads: "CONFIDENTIAL. Summary: The House bill authorizes payments to children under age 18. The Senate bill does not." The line under "Cost" was left blank.

When the conference report was presented to the House on Oct. 17, 1972, Rep. Phillip Burton (D-Calif.) rose to praise the new program. "Thanks to Tom Joe, this is now a reality," he said.

WHAT IS DISABILITY?

Joe's amendment became law without anyone addressing the obvious question: How do you define disability for a child?

Previously, disability assistance had been premised on the disabled person's inability to work. The purpose was to make up for lost income. The bill creating SSI defined a disabled adult as someone "unable to engage in any substantial gainful activity."

But children don't work, at least until they become teenagers. "It is ludicrous on its face to apply the same standard to children," said Joseph Humphreys, a former congressional staffer who worked on the 1972 bill. Humphreys called the 26 words "a punt by Congress" that left regulators to decide what to do.

The meaning of Joe's 26 words—especially the phrase "comparable severity"—has been controversial ever since. Even today, Joe said, he doesn't know exactly what the phrase was supposed to mean.

In writing regulations, the Social Security Administration, which runs SSI, said an adult was eligible if his or her disability appeared on a predetermined list of physical and mental impairments. If it didn't, the adult could still qualify by having a personal evaluation that determined that he or she was unable to work.

The regulations treated children differently. They had to manifest one of the listed impairments, such as acute leukemia, chronic epilepsy or serious mental retardation. Because children generally don't hold jobs, individual evaluations were not considered necessary.

In the early 1980s, the Reagan administration moved to slash the number of people on federal assistance programs, including SSI. One of the thousands of people affected was Brian Zebley, a 5-year-old retarded boy. His family filed a lawsuit, charging that the government was illegally denying benefits to Brian and other children.

As the case wound its way through the federal courts, it attracted a vigorous and passionate advocate—Jonathan Stein, a legal services lawyer in Philadelphia. The legal counterpart to Joe. Stein saw the courts as a way to extend benefits to the poor. He and a colleague, Richard Weishaupt, took Zebley's case all the way to the Supreme Court.

Stein spotted the logical flaw in the administration's way of determining eligibility: The "comparable severity" test could not be applied to children unless the methods of assessing disability in adults and children were themselves comparable. Children deserved the same kind of individual assessments that adults were receiving, Stein argued.

A Supreme Court case often carries the expectation that large constitutional, moral or social issues will be addressed. The Zebley case, however, was framed narrowly: Had the government properly interpreted the law? In 1990, in Sullivan v. Zebley, the Supreme Court ruled 7-2 in Zebley's favor and ordered the Social Security Administration to give children the same individual analysis as adults.

To implement the high court's ruling, the agency asked a panel of experts to settle the question: What is the work of a child?

The panel's answer, in the form of new regulations, is the primary cause of Nora Porter's complaints. The new rules defined a child as disabled if his impairments "substantially reduce" his ability to "grow, develop or mature physically, mentally or emotionally and thus to engage in age-appropriate activities of daily living." These activities ranged from learning, communicating and performing in school to interacting appropriately with peers and family members.

Social Security officials said the panel was seeking a common-sense way of comparing children and adults. In Porter's view, they failed. "Age appropriate is a fictitious standard," she said. "It applies to the perfect child, and any deviation from that allows someone to apply for and likely be declared disabled."

James Perrin, a Harvard Medical School pediatrician who helped develop the regulations, said Porter's criticism was unrealistic and out of touch. He said physicians need some standard to assess a child's behavior. "None of us can think about children without raising the question of age-appropriate behavior," he said. "There's no way of approaching children and adolescents without thinking about that."

VICTORY PROVIDES LEVERAGE

Stein's legal victory gave him enormous leverage over the children's disability program. According to federal and state officials, he became the program's de facto supervisor.

Stein regularly threatened to seek contempt-of-court citations when he felt the Social Security Administration wasn't implementing the rules fast enough. He also provided the news media with information on how the agency's foot-dragging was costing hundreds of thousands of disabled children money that the Supreme Court said they deserved.

One of Stein's most significant accomplishments was getting Social Security to review roughly 450,000 cases, dating to 1980, in which children had been denied benefits. This led to the 150,000 lump-sum back payments.

But not even Stein could do anything about the government's requirement that the recipients spend the money within six months to remain eligible for the program. Stein unsuccessfully tried to create an exception for back payment recipients, calling the rule "Kafkaesque."

The rules legitimized and even encouraged shopping sprees. In a case that both federal officials and program advocates said was fairly typical, Beverly Smith of Greenville, Ky., received a back payment in 1992 of $13,000 for her 11-year-old son, who is hyperactive and was deemed disabled under the new rules. Smith, who earns about $8,000 a year sweeping up in a local bank, said she was shocked to receive so much money at once.

She used the money to buy a car, a washer and dryer, a refrigerator, a stove, a television, a $2,500 computer and three jogging suits for her son, she said in a recent interview. She also repaired her bathroom, leaky roof and collapsed hallway floor.

The computer, she said, has helped her son to sit still for long periods of time for the first time in his life. The stove had to be fitted with protective glass doors because her son once started a fire in the kitchen.

Smith now receives a regular monthly SSI check from the government for $446, in addition to Medicaid benefits.

In other cases disability money—both the back payments and the monthly checks—has been spent on everything from medical expenses not covered by Medicaid to family vacations. In some cases, families have tried to avoid the spending sprees by establishing trust funds for the children, but such arrangements are legally complex and prohibitively expensive.

The Social Security Administration does require an accounting from the person who is entrusted with the child's check. But the agency does not have the resources to scrutinize spending on a large scale. A guardian is suspended only if an egregious misuse of the money is called to the agency's attention.

"When you get into programs like this," said Louis D. Enoff, a 30-year veteran of the Social Security Administration and its acting director until July 1993, "if you write something that's very, very tight, then you have great difficulty. . . . You're going to have to follow up with a tremendous administrative detail to follow it through. What are we going to do? Follow every penny and ask for check stubs? And go see the evidence?"

Enoff said he wasn't sure a purchase such as a car should be allowed. "Yeah, they may buy a new car, but it's not a Mercedes or something," he said. "That's probably benefiting the kid as much as anything, because he needs treatment and he gets better treatment. . . . If the child has to go to the hospital once a week, they're taking a cab now. So you pay for the car pretty quickly." He added, "I mean, I would not buy a car, maybe, if it was me."

Social Security officials said the evidence of abuse is small. "I believe that most people are honest people . . . who really care about their kids," said Barry Eigen, a senior Social Security official. "They're not trying to beat somebody out of something. They need this."

FRACTURED ADMINISTRATION

Administration of the child disability program is divided among state and federal offices in a vast, fractured system where hardly anyone is responsible for seeing the big picture.

First, applicants visit federal Social Security offices, where financial eligibility for the program is determined. Then, the applications are sent to separate state offices, such as the one where Porter works in Harrisburg. The state offices determine medical eligibility. Finally, the cases return to the Social Security offices, which make the monthly payments and oversee the spending of the money.

Doctors and examiners in the state offices make their judgments on the basis of applications and medical assessments. They almost never meet the children they are evaluating or the parents who are spending the money. "Our work begins in the mailroom when we receive a file and ends in the mailroom when we send it back with an allowance or disallowance," said Myrtie Adkins, the Maryland office director.

Meanwhile, the Social Security officials who see the applicants have no input on the disability determination. "We don't question the decision," said Ruby Burrell, head of the Camp Springs, Md., Social Security office. "We don't even question if they are really disabled. It would be improper to do that. . . . You meet the criteria, you get the benefits."

Many recipients come from troubled families, where parents or guardians may have their own addictions or pathologies.

Karen Bolewicki, a senior examiner in Maryland for eight years, said "at least one-third" of her cases involve families in which a parent is a drug or alcohol abuser. And Maryanne Bongiovani, a psychologist in Maryland for five years with a PhD, said a quarter of the 4,000 children's cases she has reviewed involve sexual abuse by a family member.

Kenneth R. Carroll, a psychologist with a PhD and a former colleague of Porter's in Pennsylvania, said these troubled family situations made him uncomfortable approving certain applications. "Many of the problems these children manifest are largely traceable to parental neglect or abuse," said Carroll. "Behavioral and emotional problems or conduct disorders that are directly attributable to inadequate parenting are being called disabilities, and the parents are receiving a cash award for having achieved the problem."

But Leslie Ellwood, a pediatrician with Virginia's office of disability determination, said just because a disability stems from poor parenting doesn't mean the children do not deserve assistance. "You don't want to visit the sins of the parents on the child," Ellwood said.

To address all these complicated questions, the government has now written some 40,000 words to interpret Tom Joe's original 26-word phrase. "We're doing a lot here based on one little statement," said Louis Enoff. "And is this really what was meant?"

My Wisconsin colleague, Senator KOHL, and I are attempting to draft corrective legislation which would reform the SSI program for children, and for drug addicts and alcoholics. I encourage my colleagues to come forward with their ideas for change so we together can fix the problems.

We can and must rid the SSI program of abuse, while helping the program better meet the needs of the truly needy. My colleagues, the taxpayers expect and deserve better.

□ 1650

HEALTH CARE QUESTIONS AND ANSWERS

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, there's a story my grandfather used to love to tell about the time he immigrated from Ukraine to Hamtramck, MI.

The town was filled with Polish and Ukranian immigrants. And one time, a Polish immigrant robbed a bank. He was caught right away, but he didn't have the money on him. And he didn't speak a word of English.

The police chief got an interpreter, sat them both down in the jail, and told the interpreter, "Ask this man where the money is."

The interpreter asked, but got no answer.

The chief took out his gun, placed it on the table, and said: "You tell this guy he better answer or he's in big trouble."

The interpreter asked again, but again, he got no answer.

Finally, the chief picked up the gun, pointed it at the bank robber's forehead and said, "You tell this guy he better talk or he'll be sorry."

The interpreter delivered the message, and this time the robber said: "I confess. I stole $100,000 and dropped the money in a dry well behind the bank. The money's there."

The interpreter turned to the chief and said: "The robber says he's not afraid to die."

Mr. Speaker, I've been thinking about this story a lot lately as I've watched the health care debate unfold.

Ever since the President presented his plan to provide guaranteed private health insurance for all Americans that can never be taken away, we've heard a lot of different interpretations about how this plan will work and what it all means for the American people.

But the best piece of advice I've heard so far hasn't come from the experts or the pundits, it came from a woman in my own district who I met at a town hall meeting.

We were talking about health care reform, and she said, "David, I want you to know one thing. In my entire life, I have followed one general rule when it comes to health care, one general rule that has served me well through the years. And that is, never go to a doctor whose office plants have died."

She wasn't telling me that she has a green thumb. She was telling me to use common sense.

And that seems like pretty good advice when you're trying to sort through all the voices in this health care debate.

For instance, we see a lot of commercials now attacking the President's plan, calling it a billion dollar bureaucracy, but then we realize that the ads are bought and paid for by the same people who are jacking up our premiums, dropping our kids from coverage when they get sick, and running our health care system into the ground.

Common sense makes me wonder: Are they honest critics? Do they really want reform? Or are they trying to protect the status quo?

We hear other voices who are Johnny one-notes: Every single time our Government tries to help people and improve lives they say it's socialism, big Government, tax and spend. In fact, they said the same exact thing about Social Security and Medicare.

Common sense makes me wonder: Are they constructive critics? Do they really want reform? Or are they just against whatever this President is for?

And then there are others who practice denial, who say we don't have a health care crisis. Most of them are the same people who also said we didn't have a recession a few years ago.

Common sense makes me wonder: Are they realistic critics? Do they really want reform? Or are they like the interpreter in that jail cell, who had other motives?

There are a lot of voices interpreting the President's health care plan these days, but when you use common sense, I think it makes it easier to sort through all the noise and focus on the important questions.

And there are important questions to be answered, there's no doubt about it.

People are talking about health care in grocery stores, in church basements, and around their kitchen tables.

They know that health care affects us all like no other issue. They know that for health care reform to work, they must all play a part and take responsibility for this system.

They're asking honest questions. And I think they deserve honest answers.

Because people have a right to know.

Mr. Speaker, over the coming months, I have reserved time on this floor every night to talk about health, to talk about the issues that confront us, and to answer some of the questions that I'm hearing from people back home.

I may not be Marcus Welby. I might not even be Doogie Howser, but I think I can give people some idea about how this health plan works, and how it will affect their lives.

For instance, I have a lot of people who write me and say, "David, how many different health care plans are currently before Congress?"

Mr. Speaker, there are at least six major health care plans before Congress right now.

But the President's plan is the only plan that provides all Americans with guaranteed private health insurance that can never be taken away.

Don't just take my word for it. Yesterday, the Congressional Budget Office—which is a highly respected, nonpartisan office that provides budget analysis and advice to Congress—issued a report on the President's plan.

The CBO found that not only will the President's plan indeed guarantee all Americans private health insurance with 100 percent effectiveness, but within 8 years time, it will reduce health care costs by $30 billion.

And in 10 years time, it will reduce costs by $150 billion.

And the CBO also found that it will eventually cut the deficit.

The other plans are very thoughtful plans, proposed by very thoughtful people, and they all have some good qualities about them, but they all lack the one essential element of providing guaranteed private health insurance that can never be taken away.

The American people have spoken on this.

In a recent USA Today poll, four out of every five Americans—79 percent—said guaranteed health care must be the cornerstone of health care reform.

Like the CBO said, unless you count all the costs, and get everybody into the same system, where you can keep track of those costs, we'll never get this system under control.

And that's why the President said he would veto any plan that doesn't guarantee private health insurance for everyone.

And his plan is the only plan that does that.

But you may ask, "David, how will this new system work? How is it going to affect me?"

The answer is, the President's plan builds upon what works today in the private sector—by expanding the employer-based system we have now to provide guaranteed private insurance for all Americans.

Here's what that means in English: After reform, almost all of us will be able to sign up for a health plan where we work, just like we do today.

You'll get brochures that give you easy-to-understand information on the health plans in your area—including an evaluation of the quality of care and a consumer satisfaction survey. And you can choose the plan that's best for you and your family.

If you're self-employed or unemployed, you sign up at the health alliance in your area—which is made up of consumers and local business owners who bargain with insurance companies for affordable health care for you and your family.

But the big difference is, after reform, every American will receive one of these: a health security card.

The card guarantees you a comprehensive package of benefits that can never be taken away.

And no matter what happens—if you get sick, change jobs, lose your job, move, start a small business, or retire—you'll never lose your coverage.

But, many people ask me, what if someone in my family has a preexisting condition? Will they be covered?

The answer is "yes"—under the health security plan, it will be illegal to refuse to insure people just because they've been sick.

Not long ago, a couple named Bob and Michele Peterson came to Washington to tell their story.

Their 9-year-old son was diagnosed with a potentially fatal blood disease and needed a bone marrow transplant. So far the bills to care for their son have exceeded $800,000. But the family found out halfway through that their insurance policy has a lifetime limit and won't pay more than $250,000.

Three out of four Americans with insurance today have lifetime limits and most of them don't even know it.

This was an upper middle class family with good health insurance and now they're forced to hold community fundraisers to raise the money that will keep their son alive because they can't find another insurance company who will cover his preexisting condition.

Michele says with tears in her eyes, "I thought we were safe. I thought we were in the clear. Now, we have $700,000 in bills and nobody will cover us."

After reform passes, Bob and Michele's son can never be denied coverage again. Health plans will have to accept people—healthy or not. They won't be able to charge you more for being sick.

And most important, they can't cut you off when you reach a lifetime limit. Because the President's plan abolishes lifetime limits for good.

But, I also get letters that say, "David, I have a good plan through my employer now. Will the new plan be as good?"

The answer is "yes"—for the vast majority of Americans, the Clinton comprehensive benefits package will cover at least as much as the current one. It's as good as the benefits offered by most Fortune 500 companies. And you can never lose it.

In fact, the President's plan is also the only private-based plan that specifies what benefits are covered.

The other plans leave that chore to a commission to decide benefits—only after the bill is signed into law.

Under the President's plan, you will be covered for hospital care, doctors visits, emergency and laboratory services, substance abuse, and mental health treatments.

And for the first time ever, prescription drugs will be covered.

In today's system, your insurance may cover you if you get sick, but it won't pay a penny to keep you healthy in the first place.

The President's plan will encourage prevention by paying 100 percent of the cost for regular checkups, well-baby visits, mammogram, Pap smears and other preventive care—to keep people healthy in the first place, so we can avoid more costly care down the road.

But many of the people back home also want to know: Will I still be able to choose my own plan and doctor?

The answer is "yes"—you'll always be able to choose your own plan and doctor. In fact, you'll probably have more choices than you have right now."

Under today's system, rising health care costs have forced many businesses to limit the health plans for their employees. Nearly three-quarters of small- and medium-sized businesses today offer just one plan, meaning you're stuck with that plan and the doctors it covers.

More than half of America doesn't really have any choice today at all.

Under the health security plan, no boss will be able to tell you which doctor to go to or which plan you can join.

Every American will have the choice among a number of high quality plans.

You can stay with your current doctor, join a network of doctors and hospitals, or join a health maintenance organization. Depending on the area you live in, you could be offered many choices within those three main areas. Your doctors can be part of any plan they want to.

Every year, you can switch plans. And if your doctor switches plans you can move with him.

Mr. Speaker, many people also ask me if premiums and copayments will go up under the new system.

The answer is "no"—premiums and copayments will be brought under control.

You know how the system works today—you may have a plan with a $250 premium. But if you get sick just once, you may see that premium shoot up to $2,500—and there's nothing you can do but pay it.

Under the health security plan, insurance companies won't be able to charge you more just because you're sick.

And if your employer is paying 100 percent of your premium now, they can continue to do so under reform.

Mr. Speaker, a lot of older Americans who are living on fixed incomes write me to ask if they'll be able to stay on Medicare.

The answer is "yes"—under the President's plan, older Americans who receive Medicare will still be able to receive their Medicare benefits exactly as they do today.

In fact, Medicare will be made stronger, because for the first time ever, Medicare will cover prescription drugs and no senior will ever again have to choose between the food they need to survive and the medicine they need to live.

Under this plan, old people won't be made to pay more just to pay for health care for young people.

The plan also takes the first steps toward covering long-term care.

And if you decide that you want different coverage, older Americans will be able to choose among different health plans that may offer fuller benefit packages and lower payments.

Finally, I get a lot of questions about cost. People say: "David, how is this plan going to control costs?"

We all know we need to reduce costs. Lately, there have been some evidence that medical inflation has gone down a little in the past year and some say that's proof that we don't need health care reform.

It reminds me of that old ballplayer who said, "You know, most people think we earn $3 or $4 million a year. They don't realize we only make $1 million a year."

The point is, it's still too much money.

The only reason costs have gone down is because we're talking about health care reform.

In the past 20 years, major health care legislation has been proposed twice and in both cases, special interests costs dipped because special interests banded together and went on their best behavior.

But as soon as the threat of reform passed, costs shot right back up. We can't be fooled again.

The fact is, health care costs have quadrupled in the past decade. Estimates are that without reform, they will eat up $1 out of every $5 our nation spends by the year 2000.

It's no wonder.

Insurance companies are raising your premiums.

Drug companies are charging five and six times more than they charge in other countries for the same drugs.

And unnecessary paperwork and fraud are sending costs through the roof.

As I said earlier, the Congressional Budget Office issued a report just yesterday that said within 8 years time, the President's plan will reduce health care costs by $30 billion.

And in 10 years time, it will reduce costs by $150 billion.

Not only that, but the CBO also found that it will eventually cut the deficit.

How will it do all this?

The Clinton plan will get costs under control in a number of ways. It limits the growth of health care premiums. As I mentioned a minute ago, it stops insurance companies from raising your premiums if you get sick.

It forces costs down by putting consumers in the drivers seat and making the insurance companies compete for their business.

It insists that drug companies and insurance companies charge fair prices.

It cracks down on fraud and eliminates excess paperwork. This plan replaces the 20 forms you have to fill out every time you go to a doctor with one simple, standard form that everyone will use.

It changes the incentives doctors have, emphasizing preventive care to treat people before they get really sick.

And it introduces competition among health plans, to give consumers choices among cost-effective, high-quality plans.

Those are some of the reasons why I support the President's plan.

Mr. Speaker, those are just some of the questions I get. And those people who tell me if doesn't matter what plan we enact into law remind me of the old story about the veterinarian and taxidermist who shared the same office.

Their slogan was "either way you get your dog back."

There is a difference between what plan we choose and the President's plan is the only plan that provides to all Americans guaranteed private health insurance that can never be taken away.

Is it a perfect plan? Of course not.

Some things will change between now and the time the President signs a bill into law.

And we're going to be working with Democrats and Republicans over the coming months to make a good plan even better.

Is it complicated? Of course it is. It has to be. Health care is 14 percent of the Gross National Product.

It's a difficult issue. But we all have a responsibility to get this system under control. And I'm going to keep coming to this floor in the days to come, and I'm going to continue to answer the questions I get from back home.

Because the American people know what's at stake. They feel this health care crisis every day.

They don't need any more interpretations.

They don't need more partisan bickering.

What they need is the truth.

What they deserve is honest answers.

And it's up to all of us to make sure they get them.

□ 1700

AVOID UNITED STATES INVOLVEMENT IN FORMER YUGOSLAVIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, the carnage of last weekend in the former Yugoslavia that was brought into all of our living rooms over the television set I fear has brought us to the brink of intervention in a bloody 1,000-year-old civil war in what was the former Yugoslavia.

Mr. Speaker, as we consider this as a Congress and as a nation, I think it is important that we consider it very soberly and consider the implications. You do not get a little bit into a war. You do not get a little bit into the middle of a conflict. We talk about just using airstrikes. But once you have made the commitment of putting American men and women into combat, you have stepped over a line from which there is no coming back.

The media accounts of the conflict in Yugoslavia have given us the impression that there are some good guys in that conflict and some bad guys in that conflict. The media has painted the Serbs as the aggressors. I would like to just share an anecdote from a hearing in front of the Committee on Armed Services when we were having hearings on the Bosnian situation.

We had a former NATO commander, a general from Canada, speak to us. He said first let me disabuse all of you of the notion that there are any good guys in this conflict. If we in NATO or if you Americans choose to engage yourselves in this conflict, you are choosing among degrees of serial killers. Perhaps 1 has killed 100, and the other has killed 75, and the other has only killed 50. If that provides you a basis to choose one or the other, well, so be it. But you need to know going in, there are no white hats over there.

There is no natural ally for the United States of America in that conflict. And it is a conflict which, if you look at history, is a conflict without end.

Another witness told us one day, in order to understand the conflict over there, ask yourself if you came home one day from work and someone had broken into your house, killed your spouse, murdered and raped your children, how would you spend the rest of your life?

□ 1710

What would you do for the rest of your life? Well, put yourself in that position and you have a hint of understanding of what is driving the forces of the civil war and the chaos in the former Yugoslavia.

As our country debates whether or not to get into this war, I would like to go back to a speech that then-Secretary of Defense Caspar Weinberger gave in 1984, as he tried to give us a blueprint to lead us into this post-cold-war era, a blueprint that has been used repeatedly over and over by our great military leaders since that time.

Let me quote from that speech:

> I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:
>
> First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.
>
> Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces sized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.
>
> Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."
>
> War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.
>
> Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "Is this conflict in our national interest?" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we must win. If the answers are "no", then we should not be in combat.
>
> Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.
>
> Finally, the commitment of U.S. forces to combat should be a last resort.

As we as a nation consider this weighty decision, I think that we must reflect back on these questions asked by Secretary Weinberger and also ask ourselves is this a fight we are willing to go to the finish. I do not think so, Mr. Speaker. I hope that the carnage of the last weekend, the tremendous emotional appeal and the desire of every honorable person in the world to do something about this does not cause us to act imprudently. I fear that the Bosnian crisis is a riddle without an American solution.

THE HOLLOWING OF U.S. FORCES

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 60 minutes.

Mr. TALENT. Mr. Speaker, I have risen on the House floor on several other occasions as a representative of an ad hoc committee of members on the hollowing out of America's Armed Forces. Tonight I am going to discuss another aspect of the hollowing out of the forces. Before I do that, let me again remind the House what this committee is and what its function is.

I can do that best by defining what "hollowing forces" are. Here is a good analogy. Take a house that on the outside looks good. Maybe it has a nice coat of paint on the outside and it looks like it can do what a house is supposed to do. But when you go on the inside, you find it has no furniture. You find that the wallpaper is peeling. Maybe you find that there is not any plumbing in it. You find that it is unlivable, even though it looks like a good house. It should be a good house. When you actually look on the inside, it is not any good. It is hollowed out from the inside.

That is what is happening to our Armed Forces today. Because on the outside, Mr. Speaker, they may look good. On the outside the number of troops we have may look adequate to perform the mission that has been assigned to them. In fact, I think you will find, after investigation, that the total end strength of the Armed Forces is not adequate to perform the mission that has been assigned to them, even if we were funding their training and supplies adequately. But I will not address that tonight. I want to address the systematic underfunding of the troops we do have which is resulting in the hollowing of the force.

The little things are going away. The troops are not training enough. They cannot replace their equipment fast enough. They may not be able to recruit as high quality new recruits as they have been able to do in the past. Pretty soon you find that they cannot do what they were supposed to do, or they cannot do it as well. Or what is even more crucial, they cannot do it with the minimum loss of life.

That is what is happening gradually to the armed services. Tonight I will talk about a particular aspect of it. It has to do with supplies. It is ammunition.

Mr. Speaker, we have a terrible shortfall in ammunition in the armed services. Why is ammunition important? It is part of the quality of the forces that allows them to perform the missions which the political authorities have given them with the most minimal possible cost of life.

If you have the best quality ammunition with the best quality range and penetration, it means that, for example, you can engage the enemy at the maximum possible range, perhaps outside the range in which they can engage you. You can often shoot at them in a situation where they cannot shoot back, if you have the best quality ammunition.

You can penetrate the enemy's armored vehicles, which, of course, reduces the threat to which your infantry is exposed. So ammunition is absolutely crucial, not as part of some game, but because it is crucial to the lives of our soldiers and sailors and to the effectiveness and success of their missions.

Mr. Speaker, if you look at the ammunition stockpile that we have today and the ammunition industrial base you find this: Our armed services are supposed to be able to fight at any given time two major regional contingencies like Desert Storm. And moreover, it is the official policy of the Department of Defense that they should be able to go to war with the ammunition they have stockpiled. In other words, the official policy is that they can fight two Desert Storms at the same time with the ammunition that we have stockpiled, without counting on any additional production.

But if you look at what has happened, with the underfunding of the ammunition accounts not only can the armed services not fight two major regional contingencies at the same time, they probably cannot even fight one. Moreover, the systematic underfunding of that account has resulted in the gradual degradation of the industrial base for the production of ammunition to the point where this situation is not going to be easy to change, because we simply do not have and in the future will increasingly not have the facilities out there which can produce high-quality ammunition quickly for the use of America's military.

That is basically the message of my address to the House tonight, Mr. Speaker, I want now to go into the details of it. Let us look first at what has happened to the budget for ammunition acquisition over the last approximately 8 years.

What you can see very clearly from this graph is that there has been a total decline in Department of Defense funding of 34 percent since 1985 and a total procurement decline of 64 percent. But ammunition procurement has gone down almost 80 percent. So ammunition procurement has gone down more than twice the decline in the spending on the defense budget as a whole. Moreover, of course, as public spending has dropped, the private spending of the industrial base in this area has dropped as well.

For example, research and development for new kinds of ammunition is off by 80 percent, similar to the decline in public funding.

What has that done, Mr. Speaker, to the all important ammunition stockpile? The next graph shows that pretty clearly. That stockpile has been degraded to the point where it is not adequate. I will be repeating this theme several times. The stockpile is not adequate for us to fight even one Desert Storm, much less two.

Mr. Speaker, when we prepared to fight Desert Storm, the Department of Defense determined that we needed about 450 tons of high-quality ammunition to fight the kind of war that they anticipated under Desert Storm.

□ 1720

Our total ammunition stockpile is about 2 million tons, but very little of that is the high-quality kind of ammunition we are going to need in the event of war. Let me describe the different kinds we have.

Going from the least valuable to the most valuable, first of all, about 5 percent of the stockpile is excess ammunition. This is, in the lexicon of the Armed Forces, the moldy bullets, Mr. Speaker. Nobody even knows whether any of them would work, they are completely useless.

About 30 percent of the stockpile has been given to the allies over a period of time. We do not know exactly what that consists of. We do not know where the allies have it stockpiled. We do not know whether they would give it to us if we needed it. We do not know how high quality it is. Probably it is not that high quality, or we would not have given it to them in the first place. The experts say that is not usable either.

Then about 25 percent of the stockpile is usable for training. This is poor quality, less modern ammunition. It is also less reliable. It may misfire or not fire up to 20 percent of the time. It fits in the guns, it is OK to use for training, it is better than nothing for training, but nobody claims that you can use it in the event of a war.

Then there is about 25 percent of the stockpile which is called discretionary, which means that in theory the commanders in the field would have the discretion to use that in the event of an actual major regional contingency. However, actually, Mr. Speaker, they exercised their discretion in Desert Storm against using that ammunition. The commanders refused to use it, and instead wanted new high-quality ammunition that was produced by the industrial base.

There is a reason for that. This is ammunition that will fire, it is reasonably reliable, but it is not the most modern. It does not have, in many cases, the range of the most modern ammunition.

For example, there is tank ammunition in the discretionary stockpile that does not have the range of the most modern kinds of ammunition that can be bought from the French, for example. So if the tank commanders used that they might possibly be engaging an enemy where the enemy would have a higher range, longer range ammunition, and could engage them at longer ranges when they could not shoot back.

What that would mean would be the death of more American servicemen in tanks, in battles where they would simply not have an equal chance, because they would not have the kind of ammunition they need.

Another example, the U.S. Air Force's stockpile of cluster bombs in the discretionary category contains 20-to-30-year-old armaments that require low-speed and medium-altitude delivery. Obviously, if you have to fly lower and you have to fly slower in order to deliver bombs, you are going to be more vulnerable.

Therefore, for all kinds of reasons the discretionary ammunition, although, of course, it could be used if absolutely necessary, has not been used in the past, and should not be considered as available if what we want our troops to have is the best quality equipment so they can do their jobs.

Here it is important to repeat the official vision for our Armed Forces. Yes, the experts say, we are going to have to shrink them. Yes; they are going to have to go down. Yes; we are not going to have as many, but they are going to have to have more firepower. They are going to have to have the best equipment. They can inflict casualties at a rate of 5 to 10 times the casualties that they suffer. That is the whole theory behind the administration's policy; and it is simply inconsistent with that vision to require that our men use second-rate ammunition.

Mr. Speaker, that leaves the ready-for-war ammunition, which is 15 percent of the stockpile, less than 350,000 tons, or not enough to fight even one Desert Storm as envisioned by the Department of Defense when it was preparing for Desert Storm. Not enough to fight even one, when the official policy is that we will have enough ammunition, high-quality ammunition stockpiled, so that our men and women in the Armed Forces can fight two of those contingencies at the same time without being at a disadvantage, as compared to the forces that we would be opposing. That is what has happened to the ammunition stockpile. It is simply not ready for war.

What effect has that had on the industrial base? Mr. Speaker, this chart shows that very clearly. As of the time of Desert Storm, most of the categories of the necessary ammunition, and there are 18 of them here, 18 different categories of ammunition necessary for the Armed Forces, in most of them we had adequate stockpiles to fight Desert Storm. In four categories we did not have adequate stockpiles, but we were able to replenish the stockpiles with additional production relatively quickly, within 6 to 12 months, and we were lucky, because Saddam Hussein gave us nine months in order to build up our forces.

As the House can see, the available stockpile has declined since then. We are now in a situation where 11 of the 18 major categories of ammunition are in the red zone, which means first of all that the stockpiles are not adequate to fight a war, and second of all, and this is the most shocking thing, that it would require more than 12 months of production, given the existing industrial base, to bring the stockpiles in those crucial areas up to the point where they would be adequate to fight one Desert Storm.

We are supposed to have stockpiled enough ammunition to fight two major regional contingencies at the same time, and actually in 11 of 18 critical categories, we are so short that it would take more than 12 months of production, given the existing industrial base, to bring us up to the level necessary to fight one.

Here are some examples. We currently do not have sufficient quantities in go-to-war stocks, high-quality stocks, of 25 millimeter ammunition. That is the ammunition that goes in the Bradley fighting vehicle, which is the basic armored vehicle of the Army. It would take more than a year for the industrial base to meet the requirements for 25 millimeter ammunition.

We currently do not have sufficient go-to-war ammunition of .50 caliber ammunition either. That is the basic ammunition that is used in the machine guns on our tanks, and the machine guns used by our infantry, a very basic requirement, obviously, for the Army, and we are 12 months away from having an adequate stockpile.

We currently do not have stocks of 30 millimeter ammunition that is used by the Apache helicopter, which is our most up-to-date, modern, and effective attack helicopter. It does not do any good to have helicopters and tanks and armored cars if you do not have ammunition. A tank without ammunition is like a sophisticated station wagon out in the battlefields. It does not do your soldiers any good.

Again, to repeat, Mr. Speaker, and it is crucial that the House understands, the forces have gotten to the point where, while we are supposed to have stockpiled enough ammunition to fight two contingencies at the same time, actually we are more than a year away in 11 out of 18 crucial categories from being able to fight even one.

What this means for the industrial base can be summed up very quickly. It is weak and it is getting weaker all that time.

Of the country's 24 principal ammunition companies, only three are in good health. When I say that there are only three that are in good health, it does not mean that the others are necessarily going completely out of business. It means they are going out of the ammunition business and they are going into something else.

For example, the Harley-Davidson Co., which is back to making motorcycles successfully, and we are all glad about that, is the only manufacturer of bomb lugs, which is the metal part that attaches bombs to the undersides of aircraft wings. If you do not attach the bombs to the aircraft wings, you cannot get them up in the sky to drop them.

Harley-Davidson, which is the only domestic manufacturer of bomb lugs, is getting out of the business, because given the procurement that they see in the future, and what they can do with their resources in other areas, it simply is not worth it to them to stay in the business.

Mr. Speaker, I said that the Hollow Forces Committee would report periodically on what is happening in the armed forces. I will continue to do that. I have tried not to make political points in these discussions, at least apart from the important issues of policy, because this is not and should not be a political subject. A lot of these problems have originated and continued through two administrations, but it is time to correct them. We owe at least that much to the men and women of the armed forces whom we call upon to do difficult and dangerous jobs, and to the people of this country whose security ought to be our first interest.

I will repeat what Senator McCAIN, who has spoken often on this subject, has said about the cost of a hollow force:

> It is not lawyers and accountants who pay the price of hollowing out the armed forces, it is the men and women of our military who go overseas and do not come back.

□ 1730

TRANSFER OF SPECIAL ORDER AND ORDER OF BUSINESS

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that I may have the time allocated to the gentleman from Georgia [Mr. GINGRICH], which I understand would be following the majority side.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SWETT. Mr. Speaker, could the gentleman clarify, for my understanding the gentleman would be taking the time of the gentleman from Georgia [Mr. GINGRICH]?

Mr. DOOLITTLE. Mr. Speaker, that is what I would like to do, following the presentation of the gentleman from New Hampshire. Is he with the gentlewoman from Washington on the same issue?

Mr. SWETT. No; I was going to yield my slot to her with an ability to follow her afterwards. She is talking about taking a 15-minute slot and I am looking at 30 to 45 minutes.

Mr. DOOLITTLE. Mr. Speaker, it has to alternate anyway between both sides, does it not?

Mr. SWETT. I understand. How much is the gentleman from California asking for?

Mr. DOOLITTLE. I think there will probably be three of us involved for most of the hour.

Mr. SWETT. Mr. Speaker, I would like to take the time that I have blocked and then I would be happy to let the gentleman follow me according to the rules of the House, if that is how the Chair would see it most appropriately run.

Mr. DOOLITTLE. Mr. Speaker, could we transfer the time of the gentleman from Georgia [Mr. GINGRICH] to me following the presentation of the gentleman from New Hampshire [Mr. SWETT] who I guess is transferring his time to the gentlewoman from Washington?

The SPEAKER pro tempore. Let me ask is it satisfactory to the gentleman if the gentleman from New Hampshire yields a small amount of his time first to the gentlewoman from Washington, whereupon we would use his time, and then the gentleman from California would follow after that, assuming that no one else ahead of the gentleman from California shows up? Would that be satisfactory?

Mr. DOOLITTLE. That would be satisfactory.

VALUES WHICH HOLD COMMUNITIES TOGETHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SWETT] is recognized for 60 minutes.

Mr. SWETT. Mr. Speaker, I ask unanimous consent to yield 15 minutes of my time to the gentlewoman from Washington [Ms. CANTWELL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

TRIBUTE TO MICROSOFT

Ms. CANTWELL. Mr. Speaker, during the weeks that the House was out of session, our Nation received a substantial amount of economic good news. The economy is growing. Unemployment is declining. The budget deficit picture is improving.

These trends are encouraging. But macro numbers don't tell the whole story. The new dynamism of our economy is best seen in the accomplishments of its individual companies and people.

My colleagues from Washington State want to take a few minutes today in this special order to talk about the recent accomplishments of one company in our State that is one of the Nation's leading exporters, will play an integral role in the creation of the information superhighway and creating unique cultural and educational tools for our families.

The House certainly is familiar with Microsoft. It is our Nation's leading software company; a jobs machine and small business generator; and a leader in helping the U.S. balance of payments.

Now that's new news about Microsoft that demonstrates how vital it and the software industry are in reestablishing our world competitiveness and leading the U.S. economy into the next century.

Here is what has happened just since we went home in November: Microsoft unveiled its new Microsoft Home (R) software, an innovative package of programs aimed at better educating our children; Fortune magazine's December 13 issue named Microsoft the Nation's most innovative company, based on a poll of senior corporate executives; the Information Technology Association of America awarded Microsoft its 1993 Quality Award for outstanding customer support; Microsoft is the only U.S. software company to win this prestigious award, which is modeled after the Department of Commerce's Malcolm Baldrige Quality Awards; a Business Week poll selected Microsoft CEO Bill Gates as the corporate executive for whom respondents would most like to work; Fortune magazine, after surveying more than 10,000 business and financial leaders, in its February 7 issue named Microsoft as the Nation's third-most admired corporation, and as the corporation rated highest for ability to attract, develop and keep talented people; and Nathan Myhrvold, Microsoft's senior vice president for advanced technology and business development, was appointed by Secretary of Commerce Ron Brown to the National Information Infrastructure Advisory Council.

These are just the latest entries on a record in which Microsoft, Washington State and our Nation can take great pride. Certainly the people of my First District, the home of Microsoft, both take pride and reap benefits from this record.

Mr. Speaker, at this time I would like to place into the RECORD several statements by my Washington State colleagues.

Ms. DUNN. Mr. Speaker, will the gentlewoman yield?

Ms. CANTWELL. I yield to the gentlewoman from Washington, my other colleague from the State who is a member of the Committee on Science, Space and Technology, to further comment on the accomplishments and successes of this industry.

Ms. DUNN. Mr. Speaker, I thank the gentlewoman for yielding, and I would like to do a bit of bragging too about our leadership in high technology under the name of Microsoft in Washington State.

Mr. Speaker, the reason that Microsoft and the software industry has grown so rapidly and continues to grow is because they are truly innovative.

In some fields, probably most, new developments and new products enable us to do a task easier or enjoy something a little more. With the latest stereo system, for example, we can hear the symphony a little better and perhaps change the recording with less effort.

But in software, new advances are enabling us to do things we previously couldn't do at all. The quantum leaps of software during the past two decades define innovation in the finest sense of the term.

As a member of the Committee on Science, Space and Technology, I see many examples of the latest devices in one high-technology area or another. But as a former IBM programmer I can tell you that it is the software on the inside, not the shiny finish on the outside, that makes these products innovative. Without the software, most of them aren't anything more than a modern sculpture.

Until the 1970's, software generally was developed for specific computers by the computer manufacturer. As a result, the distinction between hardware and software was not actively perceived.

In the 1970's, however, the computer software industry came to be recognized as a separate industry from the hardware section. That is because software came to be developed by companies separate from the hardware manufacturers. A substantial amount of the software also became usable on various models of computers.

Microsoft led that structural change by making its operating software open in two ways: First, it could be used on more than one brand of computer, thereby establishing itself as a leading industry presence; and second, applications software from developers other than Microsoft could be used in harmony with the Microsoft operating software.

That open approach made it possible for thousands of other companies—most of them entrepreneurial start-ups—to compete in the dynamic software market. Microsoft, in fact, has spent millions of dollars over the years educating and urging other software companies to develop applications programs to run on Microsoft's MS-DOS and Windows operating software. In this fiscal year alone, Microsoft will spend $14 million in support of independent software vendors. Microsoft also brings these independent software vendors into the very early stages of its development of new operating systems. Feedback from the independents frequently has resulted in changes to products.

This broadening of the intellectual resources for software development has been a major element creating the rapid pace of diverse innovation.

Ms. CANTWELL. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from Washington's Fourth District [Mr. INSLEE] another member of the Committee on Science, Space and Technology.

Mr. INSLEE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as we are talking about innovation today, it is appropriate to talk about Microsoft. And I would like to just comment about why I think their case is demonstrative of why we have such bright spots in our national economy. There is a lot of talk about gloom, but I think there are still bright spots, and Microsoft is an example of that. And I would like to comment on some reasons for success in their industry and their particular participation.

□ 1740

I think those reasons are external and internal, and if I could just address three external reasons why the industry and Microsoft in particular has been successful.

One is technical, if you will, and that is the expansion of microchip capacity, and that capacity has allowed expansion to meet the capacity of software. That has been an external reason Microsoft has been able to be successful in the industry.

Second, ease of competition and ease of entry into the market: This particular industry has really shown the wisdom of having ease of entry and great competition, because no party has been able to stay on the pedestal long without reinventing their company.

I would like to talk about their efforts in that regard in a minute. It has been constantly an evolving industry.

Third, the industry has had market-driven standards. They have not had government-set standards. It has largely been driven by the market, and that shows the success for the industry.

Let me comment on the internal, if I may. The internal reasons for a company like Microsoft's success, and I heard the CEO who gave some comments about the next decade of Microsoft. The thing that really struck me is their comment that Microsoft has to change every day. They reinvent their corporation every day, and they urge their employees to do that. That is something perhaps we need to follow in Government.

That has been very successful. Microsoft has been rated by a survey by Fortune magazine of senior executives as the most innovative corporation. Another survey of 10,000 senior executives said it has been looked at as the most admired corporation for attracting and keeping talented personnel. That is because they have learned to reinvent their corporation every day. They have been successful, and it is a real bright spot that I hope the Government can come to emulate.

Ms. CANTWELL. I thank the gentleman from Washington for his comments.

Mr. Speaker, I want to thank my colleagues for sharing their thoughts.

I am proud that my district plays such a central role in this industry as the home of its leading company, Microsoft.

But I believe it is clear that every one of us and every one of our constituents benefits in many ways from the products of this industry. Let us do nothing to stifle any of the dynamism and innovation that mean so much for all of us.

Mr. FOLEY. Mr. Speaker, jobs are the most important element of sustained growth in this economy, and the creation of high-technology jobs will help this President and this Congress achieve our economic goals. For that reason, I think it is particularly appropriate for me to commend Microsoft, one of Washington State's most important companies, and the entire software industry, for creating exactly the kind of jobs America needs to sustain growth and compete in the global economy.

For a decade, the software industry has been the fastest growing industry in the Nation. Microsoft itself has grown from nothing to more than 9,000 jobs in the last 20 years, and the products it produces have sparked the rapid growth of the entire software industry, with entrepreneurs forming hundreds of new companies that, in turn, create more jobs. In world trade, these companies command their markets and produce an important balance-of-payments surplus that helps other areas of the U.S. trade deficit.

But, beyond macroeconomic benefits, software industry products and technology have dramatically increased the ability of American industries to provide better products and services, while the industry itself has remained extraordinarily dynamic, extremely competitive, and able to produce better and more advanced products at lower prices. Every major governmental, academic, and industry study has concluded that continued advancements in software are critical to the technological leadership of this country.

The benefits of this important industry to the American economy, and to the quality of American life, can be measured in its impact on every aspect of communication. In education, ever-improving software provides students and teachers with innovative tools for improving the ability of children to read, write, learn, and think.

Certainly, the information superhighway envisioned by the President and the Vice President, will require every bit of skill and creativity that the software industry can muster. The challenges are great, but the American software industry is up to the task. In all, it has been a growing, productive, job-producing industry of which our country can be proud. We must continue to encourage its growth for the benefit of every American, and, indeed, for people throughout the world.

Mrs. UNSOELD. Mr. Speaker, when we talk about software, most people think first of word processing and spreadsheets and the other kinds of programs typically used in business.

As a member of the Committee on Education and Labor and its Subcommittee on Elementary, Secondary and Vocational Education, I want to talk just a bit about the increasing role played by software in educating our children.

Computers have been coming into the classroom with growing frequency over the past decade. The early staples were simple word processing, math programs, and game-like exercises intended to hold the attention of younger pupils. But now educational software is really beginning to expand our children's horizons.

One good example is the new Microsoft set of programs which help them develop writing skills and acquire an appreciation for the arts.

These programs are designed for elementary school and middle school children. They seek to stimulate a child's creativity through integrated text, graphics, sound, and animation.

Microsoft conducted more than 3,000 hours of research in the classroom to develop these programs, consulting at length with pupils and teachers. Developers found, for example, that children prefer to use formatting features differently from adults, so the programs were changed to conform. Children also said that getting started was the hardest part of writing, so the program added 8,000 story starters.

To help introduce the programs to the classroom, the company is giving away 15,000 copies to teachers.

My point is not to single out a particular product, but to illustrate the potential that evolving software gives us for stimulating and educating children.

Our schools have tremendous problems. Tight budgets. Teacher burnout. Crime and security. Absence of strong home support for many children.

We need to encourage any technological advance that can help counter these discouragements.

Mr. KREIDLER. Mr. Speaker, there's an old expression that I think applies very well to the future of software: "We ain't seen nothin' yet."

Both the administration and Congress have set forth a policy to encourage the development of an information highway, or national information infrastructure. The Committee on Energy and Commerce, on which I serve, is closely involved with these dynamic developments. The tremendous restructuring we see going on throughout the communications and computer industries is substantially based on the potential of that highway. Microsoft, for example, is spending $100 million a year on research and development that won't yield products for 5 years.

The traffic of the information highway will be the digital 1's and 0's of the computer. Pictures, words, and sounds all will be converted to bits and bytes for movement among computers, telephones, television, and other elements of the high-technology world.

What's going to make the highway work is the software that will make the lightning-fast decisions on locating, directing and storing the information on the highway.

Consider interactive television, likely to be one of the main components of the information highway. Interactive television has the potential to offer much more than just improved television. It's a technology that could allow people to obtain and generate information in ways they never thought possible. Consumers could use it to meet numerous needs, including information retrieval, deduction, communications, government services, and financial and business transactions.

Instead of just watching a baseball game, for example, in the interactive world a viewer would be able to punch a handheld remote control and call up on screen the lineups, or the current statistics of the batter, or the latest scores. A viewer could also bring the season's schedule to the screen, and then order tickets electronically.

In the interactive world, people would be able to conduct business with the Government such as renewing a driver's license, or attend and actively participate in educational seminars and classes from their home.

Not surprisingly, competition is fierce among companies to produce software and other technologies for the information highway. However, most of these technologies are still in their infancy. No one really knows yet what will work or what consumers will want. Competition for customers will focus software and hardware developers toward products that will allow users to access the information and applications they want.

In our quest to encourage the development of a nationwide information highway, we must ensure that the system is open and compatible with other products, or it is sure to fail. However, a seamless and compatible network must not be cultivated at the expense of innovation and creativity in the industry. Ironically, picking technologies prematurely with the goal of speeding the development of the information highway would, in fact, serve only to stifle that very development. I urge my colleagues to work carefully toward striking that critical balance.

Mr. McDERMOTT. Mr. Speaker, as a member of the Committee on Ways and Means, I closely follow trade policy and developments. The software industry provides our Nation with plenty of good news in terms of exports and favorable balance of payments. However, there are problems in the intellectual property arena that must be solved if our software companies are to maximize their trade potential.

Microsoft is our leading software exporter. In 1993, Microsoft sold more than $2 billion worth of software outside the United States. That is more than 55 percent of its total revenue. Microsoft markets products in 27 different languages, and its products are available in virtually every country.

The Department of Commerce estimates that U.S. companies sell three-quarters of the world's prepackaged software and earn half their revenues from foreign sales. Oddly enough, however, the Federal Government still does not specifically track software export data; those numbers are lumped together into a larger category.

Despite this very strong world leadership, U.S. software companies face significant problems in the overseas markets. The most blatant problem is piracy.

Software is easy to copy. For only the pocket-change price of a blank floppy disk, a pirate, in a minute or so, can copy a program that sells for several hundred dollars. And, unfortunately, there is absolutely no deterioration in quality when you copy software.

Piracy is most rampant abroad, where it occurs on a mass level. It costs U.S. companies an estimated $10 billion in lost foreign revenues.

Piracy is the illegal taking of our intellectual property. Unfortunately, Microsoft and other U.S. software companies also must contend with the legal taking of their intellectual property in countries that give such property inadequate protection under law.

In this regard, I am concerned about recent developments in Japan which could lead to so-called reverse engineering of software. I strongly urge our trade negotiators to emphasize in all appropriate forums the necessity for strong protection of our companies' intellectual property so they can continue to lead in world markets.

Mr. SWIFT. Mr. Speaker, as a member of the Committee on Energy and Commerce, and chairman of its subcommittee that has jurisdiction over the Federal Trade Commission, I have had longstanding concern with ensuring fair competition in the marketplace.

Three standard questions that consumers can ask to evaluate whether a market is competitive are these:

First, is there a variety of products; Second, are prices getting higher or lower?; and Third, is quality getting better or worse?

By any of these measures, the computer software industry is remarkably competitive.

Many thousands of software companies market applications programs ranging from a single, special-use entertainment product to a complete line of the core kinds of programs used in the office. I think it is important to note that many of these companies are well known names such as Lotus, WordPerfect, and Borland, as well as Microsoft. Others may market only a single, very specialized program. These programs typically can operate on Apple's computers, or on any number IBM PC's or PC clones running MS–DOS, IBM's, PC–DOS, Novell's DR–DOS, Microsoft's Windows, IBM's OS/2 or Unix. Many also have versions that run on workstations from vendors such as Sun Microsystems, Hewlett-Packard, or DEC.

The brainpower of a programmer and a modest amount of money for production and packaging is about all that is required to enter this industry. As a result, market leadership in program areas changes from time to time as leaders fail to innovate enough. Remember early leaders like Display Write and VisiCalc in word processing and spreadsheets? Today it's WordPerfect and Microsoft Word, Lotus 1–2–3 and Excel. Tomorrow? Who knows? That's the nature of the competition in this industry.

Competition and innovation push prices and performance in the favor of consumers. The rule of thumb for computer pricing is that 18 months from now, you can get today's computer power for half the price, or you can pay the same price and get twice the power. Software behaves similarly. Over fairly short periods of time, prices drop and quality continues to increase in terms of features, speed, ease of use and other ways.

Frankly, I think this country would be better served if other industries displayed the same level of intense competition, product innovation, continuous quality improvement and creative dynamism.

One other point. If you read any of the computer trade publications—even those aimed primarily at the consumer market—you constantly find references being made to the amount of time a software product may be hot. Indeed this is often measured in weeks. The newest, best, market leading breakthrough product in the Fall is often out-dated, old fashioned, inadequate and superseded by Spring.

Into that kind of a market, government needs to be very careful what regulation it brings. A lot of antitrust concepts that have served this Nation well for many decades just may not apply directly to a number of emerging technologies. It is not that we should abandon the principles, but we should be very, very cautious about blindly applying traditional analysis, process and remedies.

The United States still leads the world in some major areas of commerce. Many of them in the high-tech arena. Care must be taken that, in order to protect consumers and foster competition—two still valid policies—we don't also hobble the very industries that offer our Nation its brightest opportunities of continued prosperity.

Mr. DICKS. Mr. Speaker, in the State of Washington, we have had two principal sustaining industries over the past several decades: aircraft manufacturing and the forest products industry. Both are cyclical, and both have experienced recent substantial job losses that have affected our State's economy. Most of our colleagues are aware of the significant reductions in timber harvesting in the Pacific Northwest due to the listing of the Northern Spotted Owl. In addition to that impact, the world's leader in commercial aircraft sales, the Boeing Company, is riding out a major downturn in the airline industry, not just in the United States, but worldwide.

With that as background, I am pleased to join my colleagues from Washington to note the significant positive impact that the computer software industry has had on our State, even though it is in its infancy. Nine years ago Microsoft—now an industry leader—had only 1,000 employees in the State of Washington.

Today, the company employs 9,000 workers, 80 percent of whom are in Washington State. That represents an enormous positive impact over a very short period of time, and it has also spurred the development and growth of many other smaller software companies that sprang up to create and market products that run on Microsoft's MS–DOS and Windows operating systems. All of these firms share what is an emerging base of technical talent in this industry.

These thousands of jobs that have been generated by Microsoft and the software industry have been good jobs—high paying jobs for highly educated workers. More than one-third of Microsoft's American workers, for example, are computer programmers and other technical employees.

Mr. Speaker, Microsoft represents a tremendous force in the American marketplace—one from which we benefit greatly in the Puget Sound area of Washington State, and one which is critically important as we develop the national information infrastructure.

GENERAL LEAVE

Ms. CANTWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Ms. CANTWELL. Mr. Speaker, I appreciate the efforts of the gentleman from New Hampshire in yielding to us.

Mr. SWETT. I thank the gentlewoman very much. It is my pleasure to listen to such a cogent and balanced discussion about high technology and the needs that this country has for that technology for not only today but the years ahead, and I appreciate the discourse and gladly yield any time that she would like to so discuss it again in the future.

Mr. Speaker, tonight is the beginning of a conversation, a dialog, that I would like to have with my colleagues. I sense the need for a national dialog about the values which hold communities together and underlie and support the legislative efforts of those of us who are honored to be public servants in our Nation's Capital. I hope that, through this discussion, we might begin to change the tenor of public debate from the adversarial and disrespectful discourse that is sometimes observed, to a more cooperative and respectful interaction that focuses on solutions instead of dwelling on the points where we disagree.

Many of the values and principals needed for a strong community and society are familiar to us all. Some of them may even seem trite. However, after 3 short years in Congress it has become clear to me that they have not been focused on nearly enough. We especially have not heard enough of what Mainstreet America believes and wants for our country. It is for this reason that I and a number of my colleagues have committed ourselves to spending some time every Wednesday night talking about the issues and challenges facing this country in the hope that we can begin to rebuild bridges of trust between the public and government, and between different groups around the country.

Too much of the public discourse these days is divisive, destructive, and negative. It is time to develop a new language that begins to reconnect a society that today appears to be more divided than it was during the Civil War. If we are unable to successfully reconstruct a sense of community in America, we may yet realize the tragic prophecy of one of our greatest leaders, Abraham Lincoln, who in 1838, a full score years before the Civil War, uttered these words:

> All the armies of Europe, Asia and Africa combined, with all the treasure of the earth—our own excepted—in their military chest; with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years . . . If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide.

He was, of course, speaking of the impending evil of Civil War, but what was spoken over 150 years ago could very easily apply to today; only today it is a subtler, more insidious virus that pits group against group, special interest against special interest, ideology against ideology. The streets of Los Angeles during the riots, the daily drug killings in our towns, and throwaway kid syndrome exhibited by too many parents, demonstrates that societal suicide is alive and well in America. It seems as if, here in Congress, opposition is tantamount to cooperation. Little attention is given to the greater good of the whole as special interests fight for their programs and policy. Our national interests are pitted against the selfish interests of individuals and groups. It is a win-lose situation where all too often it is the Nation as a whole and the majority of its citizens who are on the losing side. Surely there must be a new way. A way in which we all win something, where compromise and agreement can be found so that the basic values of our society can be maintained and strengthened. And this will only be possible if we stop fighting about our differences and start building upon our shared values and similarities.

In a successful community the unspoken need is to build coalitions and consensus, not factions and dysfunctional debate. These communities are not successful because there are no differences, it is just that the members of the community work hard to solve their problems.

Yet, the most prominent product of congressional floor debate seems to be dysfunctional gridlock. What if the tone, the demeanor, the very language of debate in Washington were changed? I am not advocating the elimination of disagreement or debate. Rather I am calling for the elevation of more fundamental qualities—that can not be legislated—that would encourage, rather than discourage, resolution of differences encountered in the legislative process. Is it a crime to seek win-win solutions?

In architecture, buildings are designed not only as esthetic sculptures, but as functional structures that serve their inhabitants. The key is to combine the two in such a way as to provide for both the pragmatic and inspirational needs of the occupiers. The debate and discussion in this process reflect mutual respect and most importantly a desire by all the parties to find agreement. This is really the approach that is built upon a win-win scenario.

Take the design of a simple house. The client is not one person, but the entire family. Each person has preferences that are different from the others. The different preferences, by human nature, inflate or deflate certain aspects of the house in the eye of the individual. Those who like to cook want large kitchens, party people want big living rooms, and so on. The architect's role is to bring balance to the process and accord each living area its proper due while keeping the entire project under budget, on schedule, and up to the esthetic standards set by the architect and client together.

Public buildings go through the same process although in a somewhat less personal and individualistic way. Public space is a place where the sense of community is heightened and relationships are promoted between members of the public. Neutral corners are offered where specific tasks are carried out or thoughts are gathered. The balance between the two should make the role each space plays all the more effective.

As an architect, I like to look not only at the surface and shape of buildings, but at underlying structures, too. Every building consists of beams, headers, and multiple other components that are concealed, yet play the more important role of supporting the structure. As a legislator I cannot help but see the same process of design underlying structures in society, except that they are intangible concepts, or values that connect individuals to their community. Values like neighbor helping neighbor. That all of us are entitled to equal opportunity and freedoms. That each of must take responsibility for our actions and for keeping our Nation strong. That structure is weakening. What can be done to strengthen the structure?

The lack of a productive dialog, of win-win situations, has allowed legislation to focus unduly on the problems rather than on finding meaningful solutions. Too often we are caught up in the debate for the sake of debate, not for the good it produces. Meanwhile, our society is struggling and crumbling around the edges.

We cannot allow our communities to disintegrate, where one group is separated from another, where neighbors no longer know their neighbor, when families are ripped apart. We are turning our public spaces—the markets, town greens, and gathering places from places where relationships are created and nurtured between members of the community to sites of butchery where lives are mercilessly slaughtered.

So too, are the relationships between these people obliterated and annihilated. Beyond this destruction is the destruction of all relationships that touched the lost lives. Their ability to love is impaired; their ability to hope is hobbled. In short, the underlying structure of any good and tolerant society is shaken and weakened.

In order to encourage my colleagues and the public at large to participate in this new democratic community—with a small d—I think it is only appropriate to first lay what I call the foundations of agreement. These are the basic values that I think Mainstreet America would say are necessary to establish a constructive discussion. We have obviously lost our understanding of the foundation, otherwise why would our society have splintered into multiple and divided groups?

There are some basic principles that need to be agreed upon. Just as when I hold town meetings on health care reform, where the first question I ask is, "Who thinks health care needs reforming?" and invariably 70 percent of the people attending raise their hands, so too do we need to ask, "What are the basic principles that need to be agreed upon in order to start a constructive, society-strengthening dialog in the political arena?" If we can get a 70 percent agreement in this area like I can get on the need for health care reform, then we have come a long way toward starting the dialogue on a positive footing. Let me offer some ideas I have regarding foundational principles.

First, our society is based on a profound respect for the individual and the sacredness of the human being.

Second, that good government serves the greater good by balancing the needs of the few with the needs of the many through pragmatic, reasonable decisionmaking and consensus.

Third, in a free society, as individual freedoms increase, so do individual responsibilities.

Fourth, the Government's role is to provide the policy tools to increase individual freedom, prosperity and common values—such as the need for strong families—and that elected officials are the public servant who fulfills the will of the public for the public good.

I do not think either the extreme left or the extreme right can truly claim these principles. A whole new paradigm, or way of thinking needs to be encouraged in Government so that solutions become the norm instead of rhetoric. It is important for elected officials to talk, but not for the sake of talking. The electorate must take more responsibility by demanding that rhetoric becomes reality. The record of accomplishment should be easily correlated and matched with the original plans laid out by the elected official. Promises made should be promises kept. Actions should speak louder than words.

What role does Government have in the connecting of principles to the issues? Here is an example: Government is neither the ultimate provider of entitlement nor the blind, standby agent of benign neglect. Another example might be: Government is poised, in principle, at the center point of the dynamic polar forces, one which wishes Government to do everything and the other which wishes Government to do nothing. Both of these forces are simplistic; both provide false choices; both are ultimately harmful to society. Locked together as they are today, both forces are responsible for gridlock and misery.

I hear too often from people about how they wish Government would stop looking for partisan positions and start implementing solutions. Government should not define its purpose by reacting to the polarized, simplistic ideological forces, but rather by ignoring them and returning to the basic principles upon which, hopefully, we have all agreed:

First, what is the real situation and problem?

Second, what pragmatic, effective tools can be created to deal with the situation and/or equip people to solve these problems?

What can we look for in a leader to give us confidence that he or she is thinking in this fashion? There has to be balance. Partnerships between the public and private sector at the national and local level ought to be a common goal. A balanced program creates a win-win situation for America; an unbalanced program creates winners and losers, which is what we have too much of today in America.

Effective and productive activity denotes the new leader. Americans seek results, not rhetoric, and those results are being sought in health care reform, crime prevention, welfare reform, job creation, and so on. We must elect and follow people who are clearly identifying goals and achieving them. Vice President GORE's reinventing Government is a good example of goal setting and, we hope, accomplishment. Those not supporting this approach are willing to waste national resources to maintain ineffective or nonproductive means because they have severed the relationship between ends and means.

Look for leaders who are interested in results produced by individuals who are freely empowered to solve problems with useful tools, not necessarily tied to one party or another. If every problem is seen as a nail then every solution begins to look like a hammer. That kind of rigid thinking stifles creativity and narrows options for not only finding solutions but for articulating the results to different groups as well. Too many politicians are more interested in the idea, the ideals, and the end goals, and maintaining a commitment to them, than they are in producing pragmatic tools for solving problems. They damage their own stated cause by being rigid and ideological.

This country is a country of optimists. Our problems are temporal and specific. Americans embody the values which, with useful tools, can be used freely by them to solve their problems if only Government and its leaders will put enough faith in the public to do so. It is an illusion to claim that Government actually manages the economy. What is more accurate would be to understand that Government creates tools or obstacles which when freely used by individuals produces constructive, progressive results or economic disaster.

Finally, I believe the independence of the American people should not be underestimated. If they have the tools to solve their problems, they will do so independently and without the need of interference. "If it ain't broke, don't fix it," the saying goes. A logical corollary would be, "if it is broken, make the tools available for someone to fix it, and they will."

I think these values are held by a broader cross-section of the American public than any other approach. Recognizing these values and allowing them to be developed and realized is the first step toward building the bridge of trust. Building bridges of trust are the first structures necessary for the reconstructing of the sense of community in this Nation.

The dialog in the country is moving in this direction. Just witness the number of articles and books being written about the need to build community.

First, Dan Kemmis—Community and the Politics of Place;

Second, Amatai Etzioni—The Spirit of Community;

Third, John W. Gardner—On Leadership, and

Fourth, Michael Rowan—On the Deterioration of Political Dialogue in the United States, to name a few.

In Congress there is evidence of this new spirit of cooperation. Look at the example of the Penny-Kasich amendment. This was an amendment to cut spending in Government by an additional $90 billion above and beyond the cuts proposed by President Clinton. This amendment was crafted by a unique bipartisan group of 15 Democrats—I was one of them—and 15 Republicans. Could it be that we had a win-win situation with such bipartisan support? Unfortunately, this reasonable and fair proposal lost in the waning hours of the session by the close vote of 219 to 213. Although the measure failed, it played an important role in solidifying an emerging coalition on the Democratic side of the aisle that has become known as the New Democrats—a group that is determined to get results, to build individual responsibility into Government policy, and who are working to see that Americans have the tools they need to keep this country great. Many people who supported the Penny-Kasich legislation reflect the mood of a national electorate that is increasingly skeptical of Washington and hungry for change. It is a safe bet that this budget coalition will resurface in the future, and may even hold the balance of power in the House in the coming years.

These were not Members of Congress who wanted to cut every category of spending simply for the sake of reducing the deficit. However, they do understand that long-term economic growth requires less Government borrowing and more private investment. This was the first precursor to the ideas presented by Robert Shapiro in his article on cutting and investing which appeared in the Wall Street Journal on January 17, 1994.

It is time to seriously re-examine the progovernment or antigovernment extreme ideologies which an increasingly skeptical middle class does not seem to be buying. It is time for Members of Congress to start addressing the real problems that have all but destroyed the public's faith in Government. Homelessness, broken families, drugs, and irresponsible citizens belong to neither party or a particular ideology. They are problems all of us share and must resolve.

Another bipartisan effort to rebuild the bridge of trust between the public and the Government is a piece of legislation coauthored by Congressman CHRIS SHAYS, a Republican from Connecticut, and myself, a Democrat from New Hampshire. It is called the Congressional Accountability Act. It sounds simple enough: Congress should live by the same laws it sets for the rest of the country.

But, as amazing as it may seem, Congress is partially or wholly exempt from a host of laws the executive branch and private sector must comply with, including health and safety standards, information disclosure, equal employment opportunity and civil rights protections, labor laws, ethics standards, and even part of Social Security regulations. This is an outrage and is wrong. More practically speaking, Congress would write more effective and responsible legislation if it lived under the same laws it imposes on the executive branch and private sector.

By exempting themselves from some laws, Members of Congress lose the opportunity to experience firsthand the effects of the legislation they adopt. And, in turn, they remove themselves one step further from the average American, insulating themselves from the frustrations constituents face every day.

It is no wonder so many feel Congress is out of touch.

Being in touch is what representative government should be all about. Being in touch is certainly what good community is all about. People in touch with themselves. People in touch with each other. All of us working together on common agreements to improve our society through debate on the details. That is what will keep us from committing suicide. That is only possible by broadening the language of political debate to include the rhetoric of responsibility and values.

President Clinton understands this language. A growing number of my colleagues also understand this language. As President Clinton said in his State of the Union address,

> . . .let us be honest. We all know something else too. Our problems go way beyond the reach of government. They are rooted in

the loss of values, in the disappearance of work, and the breakdown of our families and communities. My fellow Americans, we can cut the deficit, create jobs, promote democracy around the world, pass the toughest crime bill in history, and still leave too many of our people behind. The American people have to want to change from within if we are going to bring back work and family and community.

We cannot renew our country when within a decade more than half of our children will be born into families where there has been no marriage. We cannot renew this country when 13-year-old boys get semiautomatic weapons to shoot 9-year-olds for kicks. We cannot renew our country when children are having children and the fathers walk away as if the kids do not amount to anything.

We cannot renew our country unless. . . all of us are willing to join the churches and other good citizens. . . who are saving kids, adopting schools, making streets safer. All of us can do that. We cannot renew our country until we realize that governments do not raise children, parents do, parents who know their children's teachers, and turn off the television and help with the homework, and teach their kids right from wrong. Those kinds of parents can make all of the difference.

These are powerful words. The problem at the moment is that they are only words. Rhetoric. In the coming weeks I hope that I, my colleagues who choose to participate, and Americans from Mainstreet America can explore more deeply the values that will surely shore up the sagging foundations of our society.

□ 1800

Health care reform, welfare reform, crime legislation, and next week we will be talking about congressional reform; these are all the issues that need to be focused on, I think, that need to be passed this year so that we can begin to improve the relationship between Government and the people. We need to offer examples where the rhetoric has truly been replaced by reality.

□ 1810

We need to lay out the modest plan by which we humbly hope to build a new democratic community, one in which there is shared responsibility, shared accountability, shared pain and sorrow, shared love, and shared joy.

I look forward to continuing this dialogue in the weeks ahead. I thank the Speaker for the opportunity for allowing me to begin it this Wednesday evening.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BACHUS].

HOLD RTC OVERSIGHT HEARINGS

Mr. BACHUS of Alabama. Mr. Speaker, the American people criticize this body, Congress, for two things. They criticize us for passing laws and then exempting ourselves from them, and they should. They also criticize us for living above the law and ignoring those very laws that this body passes which do apply to us, but which we choose to ignore.

Mr. Speaker, one of those laws which we passed and which most definitely applies to us and which we are ignoring is title V of FIRREA. FIRREA was passed by this body on August 9, 1989. That law, which this body passed, requires the Committee on Banking, Finance and Urban Affairs to hold semiannual oversight hearings into the operation of the RTC, right there on page 388. We are in violation of that law. We are presently ignoring that law.

Mr. Speaker, on January 25, all 19 of my Republican colleagues on the Committee on Banking, Finance, and Urban Affairs wrote to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], asking him to hold these hearings as required by law.

Yesterday, Jonathan Fiechter, the Acting Director of the OTS, appeared before a subcommittee of the Committee on Banking, Finance and Urban Affairs, and expressed the Treasury Department's willingness to go forward with these hearings. But he personally reminded me in the hearing that by law, those hearings must be called by the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Today, once again, all the Republican members of the Committee on Banking, Finance and Urban Affairs have joined me in a letter to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ]. I have here that letter. We urge the gentleman to hold these hearings as required by law. We plead with him to stop ignoring that law and to hold these RTC oversight hearings. We remind him in that letter what Mr. Fiechter said, that it is not up to the Treasury Department, it is up to the chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, we are waiting for a response from Chairman GONZALEZ. The American people, who want us to abide by the laws we pass, they are waiting, and they are watching.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Texas [Mr. GONZALEZ].

ABUSES AT THE FEDERAL RESERVE

Mr. GONZALEZ. Mr. Speaker, almost 1 year ago to date, as part of the administration's plan to reinvent government, President Clinton instructed Federal Government agencies to cut their work force by 5 percent or about 100,000 full time job equivalents. The Federal Reserve continues to completely disregard the President's instructions and keeps wasting taxpayers' money.

True, the money the Federal Reserve spends is not congressionally authorized but the Fed certainly has its hands deep in taxpayers' pockets and it should not be exempt from careful oversight. The Federal Reserve has access to any amount of money it wants printed from the Government printing presses. With this money it has bought itself over $300 billion in Government securities. Every dollar it does not spend from the interest it earns on these securities goes back to the Treasury to reduce the deficit. I will say this, it has never averaged more than one-half of one percent. So extravagance at the Fed hurts every one of us.

The Federal Reserve System, including the Board of Governors and all 12 of the Reserve Banks, employs 730 economists, statisticians, and other researchers. This is one of the largest groups of researchers in the world and their research focuses on money and banking. I would think this is a highly capable group that can handle the research needs of the central bank.

But this vast establishment is not enough for the Fed. Since January 1991 the Fed has spent almost $3 million for 290 outside economic consultants.

Almost all of these outside consultants already have other jobs at universities, think tanks, and other academic institutions, generally in the area of money and banking. The Federal Reserve pays many of these researchers substantial sums with 47 of these outside consultants receiving over $20,000 in the 36-month period the Banking Committee studied.

The American Economic Association reports that 1,020 members list their primary area as being "domestic monetary and financial theory, and institutions." The Federal Reserve is coincidentally paying 1,020 people to work in this and related areas. In other words, it would be fair to say that the Fed is paying more than half the economists in these areas. Amazing—does DOD hire half of all the mathematicians? Does Interior hire half the tree surgeons or NIH hire half the brain surgeons? Not on your life.

Why does the Federal Reserve spend this kind of money on outside economic consultants when it has such a huge research staff of its own? Nobel Laureate Milton Friedman says that the Fed is, in fact, "buying up its most likely critics."

The Federal Reserve holds expensive conferences, paying speakers to come from around the country. For example, the Atlanta Federal Reserve Bank, finding its costly Atlanta facilities not fancy enough, has scheduled a 3-day conference on derivatives in Coconut Grove, FL, at an expensive luxury hotel for the end of this month. The program I received shows the conference adjourns for the afternoon at 1:30 p.m. on the second day and reconvenes at 9 a.m. the next morning. The purpose of the early adjournment is to allow time to examine and explore the local golf course terrain, according to one prominent economist who was invited to attend and was advised to be sure to bring his golf clubs.

That kind of camaraderie and benevolence from the Federal Reserve Bank of Atlanta will produce many friends among experts in financial derivatives—the very area that the Banking Committee is considering legislation. All of this beneficence—to academic and influential business people alike—is the most genteel and effective lobbying tool around. The Fed uses it freely—just like any other corporate titan. Only the Fed wants us to think it is the independent, nonpolitical, central bank.

This may all look like small potatoes to individuals with good jobs. But to American taxpayers who are paying their bills and to the 2.3 million civilian government employees who fear that many of them will be shown the door in the name of efficiency and eliminating waste, the Federal Reserve is throwing a little Miami Beach sand in their faces. What elected—or even appointed—officials outside the Fed, would defend the pointless extravagance that the Fed daily gives itself?

I have ordered my staff to investigate these expenditures for outside consultants and conferences, and to find out exactly who is getting these funds and benefits, and what they have done to earn them.

Meanwhile, I ask my colleagues to support my bill, H.R. 28, the Federal Reserve System Accountability Act of 1993, which for the first time, would provide for complete audits of Federal Reserve activities that would clearly illuminate these kinds of expenditures. If we are serious about eliminating waste in Government I think it is long past time to sell this message to the Nation's chief inflation fighter which constantly preaches the virtues of sacrifice and pain in its ill-conceived plan for a monetary choke-hold.

I include the following items for the RECORD.

PROGRAM OF ATLANTA FEDERAL RESERVE BANK CONFERENCE AT GRAND BAY HOTEL IN MIAMI, FLORIDA LATER THIS MONTH

FINANCIAL MARKETS

A Conference sponsored by the Federal Reserve Bank of Atlanta at the Grand Bay Hotel in Miami, Florida on February 25 and 26, 1994.

REGISTRATION FEE: $450

☐ Yes. I wish to register:

☐ My check is enclosed.

☐ My check will follow.

☐ I am unavailable to attend, but I wish to recommend the below-named person for your consideration.

Name: ___. Phone No: ___.

Title: ___. Organization: ___.

Address: ___.

City: ___. State: ___. Zip Code: ___.

Make check payable to: Federal Reserve Bank of Atlanta. Mail payment and registration form by November 19, 1993 to: Ms. Jess Palazzolo, Public Affairs Department, Federal Reserve Bank of Atlanta, 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713. NOTE: Registration fee covers dinner on Thursday, February 24, and full conference participation on Friday and Saturday, February 25 and 26, including all meal functions. For travel and lodging information, call Ms. Palazzolo at 404/521-8747.

Financial Markets Conference, February 24, 25 and 26, 1994, Grand Bay Hotel, Coconut Grove, Florida.

PRELIMINARY PROGRAM

Wednesday, February 23: 7:00–8:00 p.m. Preconference reception—at hotel.

Thursday, February 24: 8:00–9:00 a.m. Registration and continental breakfast.

9:00–12:30 p.m. Academic papers presented (2).

(1) Presenter: Robert Shiller, Yale University—"Aggregate Income Risks and Hedging Mechanisms." Discussant: invitation outstanding.

(2) Presenter: John Hull, University of Toronto—"Pricing Credit Risk in Interest Rate Swaps." Discussant: Robert Whaley, Duke University, Durham, North Carolina.

12:30–1:30 p.m. Luncheon—no speaker.

1:30–5:00 p.m. Academic papers presented (2).

(1) Presenter: Robert Engle, University of California at San Diego—"Applications of ARCH and GARCH Models to Options Pricing Models." Discussant: David Bates, University of Pennsylvania, Philadelphia, Pennsylvania.

(2) Presenter: Bernard Dumas, Hautes Etudes Commerciales, School of Management, Jouy-en-Josas, France; Guest Lecturer at Duke University, Durham, North Carolina—"Realignment, Risk, and Currency Option Pricing in Target Zones." Discussant: Clifford Ball, Vanderbilt University, Nashville, Tennessee.

5:00 p.m. Meeting adjourned.

6:30 p.m. Reception—in hotel.

7:00 p.m. Dinner—in hotel, with spouses.

Friday, February 25: 8:00–8:30 a.m. Continental breakfast.

8:30–10:00 a.m. Session I: Market Structure and Volatility (panel of 4 with moderator).

(1) Sanford J. Grossman, University of Pennsylvania, Philadelphia, Pennsylvania.

(2) Stephen Ross, Principal, Roll and Ross Asset Management Corporation, and Sterling Professor of Economics and Finance, Yale University.

(3) John Sandner, Chairman, Chicago Mercantile Exchange, Chicago, Illinois.

(4) Joanne Hill, Vice President-Equity Derivatives, Goldman Sachs & Co., New York, New York.

10:00–10:30 a.m. Break.

10:30–12:00 noon. Session II: Foreign Exchange Risk and Hedging (panel of 4, with moderator).

(1) William A. Allen, Head of Foreign Exchange, Bank of England, London.

(2) Mark Garman, President, Financial Engineering, Inc., and Professor of Finance, University of California, Berkeley.

(3) Kenneth Rogoff, Princeton University, Princeton, New Jersey.

(4) Jean Zwahlen, Member of the Governing Board, Swiss National Bank, Zurich.

12:00 noon. Luncheon. Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

1:30 p.m. Adjourn for the afternoon.

7:00 p.m. Reception out (with spouses)—leave from hotel.

Saturday, February 26: 9:00–9:30 a.m. Continental breakfast.

9:30–10:45 a.m. Session III: Swaps (panel of 4 with moderator).

(1) Sheila Bair, Acting Chairperson, Commodity Futures Trading Commission, Washington, D.C.

(2) Maurice R. Greenberg, Chief Executive Officer, American International Group Inc., New York, New York.

(3) William J. McDonough, President and Chief Executive Officer, Federal Reserve Bank of New York.

(4) Invitation outstanding.

10:45–11:00 a.m. Break.

11:00–12:00 noon. Academic respondent:

(5) Clifford W. Smith, Jr., Clarey Professor of Finance, William E. Simon Graduate School of Business Administration, University of Rochester, Rochester, New York.

Open discussion follows.

12:00 noon. Buffet luncheon—no speaker.

1:30 p.m. Mr. Forrestal—Summary of conference and adjournment.

☐ 1820

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, with the debate going on about health care, there are so many different alternatives and there is so much rhetoric going on that I have tried to focus comments on questions that are asked me on a regular basis, when I am in the district.

Over the break, I had probably seven health care town meetings and then a number of other town meetings where people asked a number of questions. And I have just compiled them and documented the answers so that when people say, well, the President is saying so and so and you are saying so and so, to remove the suspicion of partisan politics, basically what I have done is document each answer so that people know that when I am saying something, it is not just JACK KINGSTON speaking but comes right out of the bill.

With that in mind, if you want to talk about the health care plan, that is one of the things that I thought we should really focus on tonight.

Mr. DOOLITTLE. I would like to ask the gentleman, we hear many who criticize this health care plan as basically socialized medicine. Let me just ask the gentleman's opinion. Is the Clinton health care plan socialized medicine?

Mr. KINGSTON. Well, I think that the best way to answer that is to describe the duties of the National Health Care Board.

The National Health Care Board would be appointed by the President. Basically, they would run health care in the United States.

Included in their powers would be the right to set standards for doctors and health care providers, the right to prohibit health care providers from performing certain procedures not deemed necessary, the power to write, develop, and approve language for insurance policies. They would have cost-containment authority. They would gather information and evaluate it. They would control costs. They would set community rates. They would have oversight on drug prices. They would have the power to set health care budgets in the form of insurance premium caps.

Mr. DOOLITTLE. You said two things out of this list that really jump out at me. One is the ability to control costs. You mean there are going to be price controls?

Mr KINGSTON. Absolutely. And historically, as we look at socialized medicine in other countries, price control, government artificial price controls are always a component of it. And it always leads to the next step, which is rationing.

Mr. DOOLITTLE. That brings me to the next item you mentioned, which was caps on premiums, insurance premiums.

Mr. KINGSTON. Yes. The way the insurance premium caps would be is, I guess there is an assumption in there on the part of the administration that insurance companies are overcharging, price gouging. And now the administration is making the insurance companies out to be the sole problems with health care, which I think we could all agree that certainly they are in it. They are part of it. They should have some changes that would be part of the solution. And yet, at the same time, there are 1,100 different industry groups involved in health care delivery. We cannot just single out one group as the major problem.

But when you limit the premiums that are paid and limit the costs or allocate the costs, what happens, the next step is rationing.

I will give you a scenario on this. If a doctor right now is charging say $20,000 for a kidney transplant, and I do not have any idea if $20,000 is a fair number or not, and the National Health Care Board, through the State-run alliance, has said, we are only going to pay $15,000 for a kidney transplant, then what happens?

The network, to answer to the alliance, to answer to the National Health Care Board, will say, we are only going to pay $15,000 for a kidney transplant. Therefore, the people who get the kidney transplant are the ones who recover the fastest. If you are in and out of the hospital within a few days, we can make the $15,000 go, but if you are an older person and it might take a week to recover, then the costs are going to be over the allocated budget. And therefore, you do have a rationing situation. That is what has happened in England, in Germany, in Canada, and every other country that has socialized medicine.

Mr. DOOLITTLE. Well, I interrupted the gentleman, but I appreciate the elaboration on those two points.

What other features does this plan have that smack of socialized medicine?

Mr. KINGSTON. I think the idea, what we are saying, that one premium will fit all. So if you are 21 years old and you wake up in the morning and eat bean sprouts and jog marathons all day, your premium is going to be the same as somebody who is 55 years old and who has less worries about health care in terms that they just will not take care of themselves.

They might smoke, drink, and eat excessively and never exercise. Yet the two will pay the same premium. That is a Government artificial price control, because you really—all the Government can do is cap these prices. But someone is going to get overcharged. So in this case, if you are 21 years old, you are going to be overcharged to underwrite the 55-year old who is not taking care of himself.

Mr. DOOLITTLE. I appreciated the gentleman elaborating on that.

Mr. KINGSTON. I want to say another thing about this National Health Care Board. Along with running health care in the United States, in the process of doing that, they have usurped the States' power, because the McCarran-Ferguson Act says that States will run health care and, to the degree that they are running it, the Federal Government will stay out of it. This plan repeals the McCarran-Ferguson Act and, because of that, your State legislature will no longer be in a position to have health care reform ideas, because they will be basically a paper tiger. All the power will be with these unelected bureaucrats on the National Health Care Board.

Mr. DOOLITTLE. How much do you anticipate this new bureaucracy will cost?

Mr. KINGSTON. Well, the estimated cost, of course, you know how things are in Washington, if you ask on Monday, you get a Monday price, and Tuesday you get a Tuesday price. We have the price stability of a commodities trader. Some $400 billion is what is projected. And incidentally, the National Health Care Board would be about $2 billion alone.

Mr. DOOLITTLE. The President claims that this is a simple plan. I would just say to the gentleman that I have got the bill. It looks like we have in this bill 1,364 pages. I have read this. Some of this is the most convoluted material I have ever read in my life. I have to read it three or four times to understand what they are really saying, because they say it and then they modify it and then there are parts of exclusion and further modification. And it seems anything but simple.

Let me just ask the gentleman, from your study of the material, what do you think he means when he says that this is a simplified plan, this 1,300-plus page plan?

Mr. KINGSTON. Well, I guess to try to think the way the administration's idea or concept of simplification is that when you go as a consumer to your alliance, you will only have one place to shop your health care. That will be in the alliance. The alliance will only offer you three plans: A fee-for-service plan, the standard plan, and a health maintenance type organization plan. And those are your three choices. So, yes, it is more simplified for the individual consumer in terms of purchasing, but in exchange for that simplification you have given up thousands of options that are out there on the free market today.

Again, you will be mandated to buy your health care through the Government-sponsored alliance.

Mr. DOOLITTLE. It reminds me of that 1986 Tax Reform and Simplification Act, which was a very large bill similar to this. And you do not hear anybody talking about how simple the Tax Code is today. I just have the feeling that the exact same thing is going to happen with this socialized medicine plan. It is not going to be all that simple at all, and it will result in many changes.

Let me ask you this, a lot of people think they like socialized medicine. They point to Canada and Great Britain and Germany, maybe Sweden. What is the experience on that?

□ 1830

Mr. KINGSTON. Mr. Speaker, I am going to answer the gentleman's question, but first I am going to get back to his other point. When he is talking right now, it is February. People back home, hard-working wage earners, are filling out their tax forms. I can promise the Members that probably about 80 percent of them are having to go to a professional accountant to have their tax returns done, and yet in 1984, as the gentleman said, that was called tax simplification. Here we are with a simplified health care plan, which is three times the size of that tax simplification bill.

Folks are doing their taxes right now, and they should be. It is on their minds. Just think in terms of if we think our taxes are simple, think about how simplified our health care is going to be. Health care in other countries right now, according to a recent Associated Press story, the French health care plan is $9.8 billion in the hole. The Canadian plan, daily, people come to America for nonemergency routine type operations. In 1986 the doctors went on strike there.

I was reading in just December that hospitals were given a month to cut $200 million in their budget in Ontario, and that employees are being forced to have 12 days of unpaid leave. Their systems have all kinds of problems. In some of my health care town meetings, I had people stand up from England and Canada and Germany and other places and just go on for 5 minutes on how they came to America to get away from that kind of thing, and here they are right back again faced with it.

Mr. DOOLITTLE. Not only do I understand that they came to get away, we need to look into what happened in December, because some very unusual things in Canada happened. They ran out of money and they basically pretty much shut down the health care system for a few days. As I understand it, and I am asking for verification of this, but I understand that basically people were told, "Unless you are super sick, you have a child with a temperature of over 105, don't come around for the next few days."

Mr. KINGSTON. That is right.

Mr. DOOLITTLE. That is what happens when we have a socialized type of system.

Ironically, many of these countries, including, I think, Canada, are looking at the United States' system for ways to suggest to them how they might improve their own, and yet our leader is looking to the socialistic system, looking for ways to "improve our system."

Mr. KINGSTON. It does not make any sense. Let us take the scenario in Canada in 1986 when their doctors went on strike. Think what would happen if our specialists went on strike today, and all of a sudden you cannot get some certain procedure or cataract surgery or something like that, because there are only a limited number of professionals, maybe—I don't know how many—in the entire country, but certainly less than 10,000, and they all get together. They have the ability to get together, because they have the specialization, which is needed, for a powerful union, a powerful organization. They have the skills. They have the money to form a network. They could make all kinds of demands under this system which they cannot make right now under the free market system.

Mr. DOOLITTLE. Mr. Speaker, let me ask the gentleman this, if I may. Do we have to go to socialized medicine in order to address some of the legitimate complaints about our present health care delivery system, or is there a way to fix the parts of it that are less desirable, and yet retain the advantages of a competitive, free enterprise based system?

Mr. KINGSTON. I believe there absolutely is. I think the first step on that, though, is to analyze the 37 million uninsured, and then realize upon that analysis that 70 percent of the 37 million will get their health care replaced within a year. That is a revolving number, they are people in between jobs, college students who have not got their permanent career path going. I am not ignoring that, but the fact is that 70 percent of them will be insured within the year.

Look at the 30 percent, the chronic uninsured. That is where we need to attack our problem, the people who have multiple sclerosis, muscular dystrophy, the folks who are minimum wage workers, $5-an-hour employees, that is who we should focus on. Let us correct that problem before we go and throw the baby out with the bath water that the Clinton plan does.

The gentleman from Tennessee [Mr. DUNCAN] is here, and I cannot recognize him, but I think the gentleman can.

Mr. DOOLITTLE. I shall do so. I just want to observe that of this so-called 37 million who are uninsured, less than 4 percent are uninsured for more than 2 years. By the way, this is, generally speaking, a very healthy group, because only 2 percent of the uninsured claim to be in poor health, and less than 3 percent report being denied private health insurance. For the most part, these are people who really do not want to be forced to pay for health insurance, and however foolish we think this gamble might be, they do not think it is foolish. They do not want to be forced to pay, like the Clinton plan will make them pay, and subsidize less healthy individuals.

I just thought it would be important to cite those statistics, because we are not talking about millions and millions of people who are sick and cannot get health insurance. We are not talking about any more than 4 percent of that 37 million who do not have health insurance for more than 4 years.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I want to say I commend both the gentleman from Georgia [Mr. KINGSTON] and the gentleman from California [Mr. DOOLITTLE] for taking this special order out, and taking time to discuss an issue of such concern to so many people.

I think that one of the greatest concerns I have, though, was mentioned a couple of months ago in Time magazine in an article that said, "Prognosis: Lost Jobs." That article said that there is an internal working paper that the administration has that says if the administration goes forward with this health care plan, that it could cost as many as 1 million jobs lost over the next 5 years.

There are some studies that show an even higher number of lost jobs than that. The National Restaurant Association has a study that shows a potential for 3.1 million jobs lost. the National Federation of Independent Businesses has a study which predicts a total of 1.6 million lost jobs.

I will tell the Members this. I know that the stock market is at an all-time high and that times are good for some people, but I also know this. I have been in this office for a little over 5 years. During the first 3 years or so that I held this office, the usual thing that people would come see me about were things like Social Security, Medicare, V.A., passports, things like that.

Over the last couple of years, I would say half of the people who come to see me come to see me about helping get jobs. They want Federal jobs, State jobs, local jobs, and there are many small businesses that are barely hanging on out there. The health care plan, the way it is planned now, will be a real blow to them.

I do not think we should be passing any legislation in this Congress that could cost 1 million jobs lost, that the administration itself—and I know Laura Tyson, the Chairperson of the Council of Economic Advisers—said no, it was too high, it would be more like 600,000, but that is still far too many.

It is easy to say things like 1 million jobs lost, but if you are a man or woman who loses his or her job, it is not such an easy thing, and in fact, it is a terrible thing.

A few months ago a minister in Tennessee spoke to me. He told me that he had gone to Russia with a group of Baptists. He told me that while they were there they toured the hospital. He said to me, "Congressman, I would not take my dog to that hospital."

The truth is that in this country, the animals in this country have better medical care than the people do in many countries around the rest of the world. Sure, we have problems and we need changes. The cost is far too great, but the costs of medical care in this country have been driven up primarily because of too much governmental interference in the medical system and not too little.

I do not want to take up too much of the Members' time, but I do want to mention this: Last week the Washington Post had a series on Medicaid. One of the most liberal Members of the other body was quoted as saying about Medicaid that it is a horrible system, a vile system, and it should be abolished.

Then they quoted a scholar from the Brookings Institution, who jokingly said Medicaid was a success story of the American political system. He said, "We create a system that is so horrible that we then are forced to go to total reform."

The people who wrote, the well-intentioned, well-meaning people, who wrote the original Medicaid law, I am sure thought they had written the best law that probably ever hit the books of this country. I know that is what is going to happen with this law. The people are well-meaning and well-intentioned, but they are going to write a law that is going to slowly cause the greatest medical system in the world to deteriorate.

The wealthy people and the leaders of foreign countries come here when they get seriously ill, so while we have problems and we need changes, we need to make sure that we do not throw the baby out with the bath water, as was said just a minute ago. We need to make sure that the changes we make truly will help bring down medical costs in this country, so we do not ruin what is a wonderful system.

I am so concerned about some of these things, and I want to thank each of the Members for participating and bringing some of these things to the attention of the American people. I will stay here for a few minutes and listen to what else you have to say.

Mr. KINGSTON. If the gentleman will yield, I think one of the things that he mentions now in terms of those who are uninsured and in terms of the working poor, there are solutions out there for them and the chronic uninsured, and all those solutions are in the so-called Michel plan, which basically challenges this universal access concept to universal affordability.

□ 1840

What we really need in health care is it to be affordable regardless of your income bracket. And what the Michel plan does, and the reason I have cosponsored it is because it does give small, unincorporated businesses the full 100 percent tax deduction that large corporations get now. It gives them the right to form purchasing groups on a voluntary basis, which basically gives them the economies of scale that large businesses get now. And it has other things that will make the market more price-sensitive.

For example, the Medisave account which has been a tremendous success in Singapore. I am always a little leery when people just say well, let us just do what they are doing in some other country, because there are always a number of conditions or different things that we have to take into account. But there is the track record, and there is reason to take a serious look at the Medisave account.

Mr. DOOLITTLE. I would like to jump in and say that under the Clinton socialistic medicine plan it mandates universal health insurance coverage. The Cooper socialistic medicine plan, I guess I will call it, and they call it Clinton lite because it just takes longer to get there, but their goal is universal health care insurance. I challenge the very assumptions of those plans. Universal health coverage would be a disaster for the taxpayers of this country. If you remember the long lines that formed when the Government passed out the free cheese, that is an illustration of what is going to happen with universal health care coverage. When this becomes free you are going to have massive increases in utilization, and we are going to completely blow apart the forecasts made by the administration. Even the Congressional Budget Office representing the Democrat-controlled Congress came out today in today's Washington Post and said that the Clinton administration is vastly underestimating the cost of its own plan, that indeed it will increase the Federal deficit by $74 billion in the first 6 years. It is not going to improve the deficit picture; it is going to get much worse, and this is from the Congressional Budget Office.

I just think we need to make that point. We do not seek, we do not desire universal health care coverage. This will be the financial ruin of this country, and we have to challenge I think some of the very basic assumptions of the President's plan. And I would just remind everyone that the whole premise of this plan with all of this massive and minute governmental intervention, and control, and limitations, and rationing, and price controls, the whole premise of this is that we are going to make health care more affordable. When did the Government ever take over anything and make it more affordable or render a better type of service? There is no example of that in our history.

Mr. KINGSTON. But there are examples of exactly what the gentleman is talking about and exactly what the nonpartisan CBO is talking about when they say this is going to add $74 billion to the deficit. And that was the example that in 1965 when Medicare came about the administration at the time underestimated it by 70 percent. The first 5 years it cost 70 percent more than they projected, and the projection was not a conservative one.

Mr. DUNCAN. If the gentleman will yield, not only did they underestimate the cost for the first 5 years, but Government actuaries at the time, in 1965, estimated that 25 years down the road Medicare would cost $12 billion, and instead it cost over nine times that much. And I think that is why so many people are skeptical of some of these initial cost estimates.

President Clinton estimated or his administration estimated that his plan would cost $700 billion over the first 5 years. But within a few days Newsweek had a cover which said "Clinton's Trillion Dollar Cure," and many people think even those estimates are low. I have heard it said if you think health care is expensive now, wait until it is free, and I think there surely is some truth in that.

Speaking about Newsweek, I want to add also that they ran one sentence from the President's plan, and this one sentence I want Members to listen to for a minute. It says:

> "(B) FAMILY.—In the case of an individual enrolled under a health plan under a family class of enrollment (as defined in section 1011(c)(2)(A)), the family out-of-pocket limit on cost sharing in the cost sharing schedule offered by the plan represents the amount of expenses that members of the individual's family, in the aggregate, may be required to incur under the plan in a year because of general deductible, separate deductibles, copayments, and coinsurance before the plan may no longer impose any cost sharing with respect to items or services covered by the comprehensive benefit package * * *.

Now remember, this is just one sentence, and I am still in that one sentence—

> "By the comprehensive benefit packages that are provided to any member of the individual's family, except as provided in subsections (d)(2)(D) and (e)(2)(D) of section 1115."

That ran in Newsweek under the title, "Splitting Headaches Better Be Covered." This plan is so complicated, so convoluted that nobody can understand it, 1,342 pages of the most bureaucratic gobbley-gook that I have ever seen. I was a lawyer and a judge before I came to Congress, and I do not understand what is in there. I noticed that a CBS national news report about 3 weeks ago said that the professor from Stanford University who came up with the original managed care concept, the man who the Clinton administration gives much of the credit to for this plan, said that the administration should take pages 1 through 1,342 and delete everything and start over.

Mr. KINGSTON. Let me ask an open question. Were either of you on the health care task force? Who was? Who wrote this plan, because we have been unable to obtain a list of who was on the task force?

Mr. DOOLITTLE. This is the task force chaired by the First Lady?

Mr. KINGSTON. Yes. And the one that was meeting in secret until there was the lawsuit to end that. Were there private practitioners on it, for example?

Mr. DUNCAN. The Wall Street Journal ran a list finally of all 500 members. There were 499 Democrats and there was one Republican that somehow got in there, an aide to Congresswoman NANCY JOHNSON. I do not know how that particular aide got in there. But I have heard it said that this plan was devised in the most partisan, secretive way of any plan or any legislation that has ever been seen in this city, and that is really saying something.

Mr. DOOLITTLE. Well, it really is.

REQUEST TO YIELD PORTION OF SPECIAL ORDER

Mr. DOOLITTLE. Mr. Speaker, may I inquire of the Chair how much time remains in our special order?

The SPEAKER pro tempore (Mr. HINCHEY). The gentleman from California has 23 minutes remaining.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that following the conclusion of our special order, if any time remains within the original 60 minutes, that the balance of it be transferred to the gentleman from Massachusetts [Mr. TORKILDSEN].

The Speaker pro tempore. The gentleman from Massachusetts has his own time scheduled.

Mr. DOOLITTLE. I thank the Speaker.

We did commit to the gentleman from Massachusetts that he would have some time, so I think maybe we ought to try and wrap this up in the next 5 minutes or so and let the gentleman from Massachusetts claim his time.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I have one story that I thought was a good example of some of the thoughts that the American public has and some of the apprehension. Under this system, and this came out in one of my health care town meetings, but I was telling the story about here you know you have the President, and you have this seven-member nonelected bureaucracy called the National Health Care Board which will be running health care policy in America, and underneath them you have the series of State-run monopolies called alliances, which are health care brokers. And then they will offer to you health care through these networks and no forth.

□ 1850

The gentleman had mentioned, you know, what if you are not happy. You know, sometimes you get complaints about the VA hospitals. Some are good. Some are not so good. But wherever you are, that is your hospital. You do not have debate. You don't have a choice, you know, of which five VA hospitals do you go to. You have to go to the one in your geographical area.

The same thing is true of these alliances. You have to go to the alliance that you live in.

Ask yourself this: Are Members of Congress, is the President of the United States, is the Vice President of the United States, are the Cabinet Members going to go to the downtown Washington, DC, alliance and stand in line and sit in the lobby with the rest of the residents of this city to get health care? I do not think that they will. I said that to somebody, and one of the comments was, "Well, maybe the President of the United States is entitled to the best of the best of health care. After all, he is the President of the greatest Nation the history of the world has ever seen. Maybe he should be exempt." A guy stood up in the back of the room and said, "Well, Mr. Congressman, I tell you what, my mama is entitled to the best of the best. If the President wants to get a little exemption from his alliance, then I think my mama should, too." I think that tells it all.

The American people do not want the Government coming in and setting up a system that is going to be a two-tier system. The Congress does not even come under this system, under one of the proposals, until 1998, 1 year after everybody else in the country has to come under it.

So I think that this is a system that should be shelved. This is a proposal that should be shelved. We should adopt the Michel plan.

Many of the components of the Michel plan are contained in the Clinton plan, only the Michel plan is $17 billion, the Clinton plan is $400 billion, without the bureaucracy.

Mr. DUNCAN. If the gentleman will yield further, I would just sum up by saying this: I think one of the most important points to make tonight is the national media is acting like there are only two plans out there, the President's plan and Congressman COOPER's plan.

The gentleman from Tennessee [Mr. COOPER] is from my home State, and I have great respect for him, but Senator GRAMM described his plan as socialism with a smile. It is so similar to the President's plan that there really is very little difference.

In fact, the gentleman from Tennessee [Mr. COOPER] said the President's plan will add big bucks to the deficit and greatly increase costs to the consumer. He later said in the Tennessee press that his plan was a first cousin to the President's plan, and he thought they would have a family reunion at the White House.

There are other better plans out there. You mentioned the medical savings plan, the medical IRA's, and that certainly would do the most to give people the most, the medical consumer the most control over their medical dollars and would do more to bring down the cost of medical care than any plan out there.

Frankly, it had over 200 cosponsors in the last Congress, more than any other plan has been able to achieve.

Syndicated columnist Paul Craig Roberts, one of our most respected economists, said this in a column recently:

> President Clinton's health plan will fail, because it will drive up demand but not supply. The result will be price increases or rationing. Price increases, combined with the expanded coverage Mr. Clinton wants, can mean an explosive increase in health care expenditures. Rationing can mean a deterioration in the quality and timeliness of cure or denying treatment in cases where the patient's prospects are not good or the cost exceeds the value of the person's life.

He goes on to say what will make us worse off is rationing schemes such as Mrs. Clinton's that deny the patient choice and the medical provider incentive. Government has never improved anything it has touched, and the more deeply it gets involved in our medical services, the worse they are going to get.

If we go to an even more Government-dominated, Government-controlled medical system than we now have, within a few short years it will lead to shortages, waiting periods, a declining quality of medical care. People in rural areas will have to go further and further distances to get certain types of treatment, and it will lead ultimately to a black market of medical care. It will lead to many things that the people do not want, they do not deserve to get, and, frankly, if we want to do something to make health care more affordable in this country, we will get the Federal Government less involved in medical care instead of more.

I thank the gentleman for letting me participate in this special order with you tonight.

Mr. DOOLITTLE. I thank the gentleman from Tennessee and the gentleman from Georgia for their excellent presentations.

Just observing, in 2 weeks when we reconvene, we will have another hour to discuss further aspects. I feel like we have really scratched the surface. There are so many points to make about health care and the Clinton socialized medicine plan versus the free enterprise-based plans that are out there.

We will have another opportunity to discuss this.

ELIMINATE SSI BENEFITS FOR PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 60 minutes.

Mr. TORKILDSEN. Mr. Speaker, one of the worst failures of Government in recent memory has been the welfare system. For too long, welfare in the United States has punished those who want to find a job and get off welfare, and rewarded those who abuse the system, and waste taxpayer dollars.

Yesterday, I read two articles from the Pultizer Prize winning Eagle-Tribune from Lawrence, MA, which detailed two single parents caught in the trap of welfare for over 20 years, and felons who were collecting welfare benefits, even though the law prohibited them from doing so.

One parent with five dependents received welfare and child support cash payments totaling $30,168 per year tax free, or the equivalent in taxable income of $45,434. Another parent with four children received welfare cash payments of $25,716 per year tax free, or the equivalent taxable income of $38,730 per year.

One parent who was 45 years old said, "I'm scared to go back into the work system at my age. I find it easier for people to stay on welfare once you're on because you get more benefits." The other parent said, "Many years ago, there was no way to cheat welfare. Now it's a piece of cake. The system is hard on people who need it and easy on people who don't."

Yet at the same time welfare was trapping single parents, it was also rewarding those who had no reason to collect.

Tonight, I want to focus on two more articles that focus on key problems. One deals with the cost of fraud in the welfare system. But the first, and the one I hope every American would find outrageous, is that convicts in prison for misdemeanors are still legally able to collect SSI. While felons are prohibited from collecting, those convicted of misdemeanors can still collect while serving time. This means that in most States, they could be serving up to 1 year, and in some States, they could be serving up to 2½ years, and still legally collect SSI.

The first article is entitled:

IN JAIL, CONVICT GETS $29,892

(By Brad Goldstein)

On Sept. 14, 1992, Andrew Filomia, 45, of Lawrence, was a signature away from pocketing as much money in one day as most people make in a year.

A U.S. Treasury check for $29,892 in Title II Social Security benefits was delivered to Mr. Filomia at the Essex County House of Correction in Middleton.

Mr. Filomia was serving a two-year sentence for violating a restraining order taken out by his mother.

Essex County Sheriff Charles Reardon found the check in a routine inspection of inmate mail, confiscated it and sent it back to the Social Security Administration.

He said he believed inmates were not entitled to collect Social Security behind bars. He was wrong.

State welfare rules prohibit anyone from collecting state public assistance while locked up. Prisoners are also supposed to lose Supplemental Security Income benefits. And federal law bars Social Security benefits for felons behind bars.

But nothing prevents someone serving time for a misdemeanor from collecting Social Security benefits while taxpayers are providing room and board in a jail or prison.

(The loophole in the law is the result of the notorious "Son of Sam" case.

In the late 1970s, David Berkowitz, also known as Son of Sam, applied for and received Social Security benefits while serving a life sentence for a series of murders in New York City.

When the news got out, Congress rushed to pass a law to cut him off.

"Congress said a convicted felon could not collect any kind of Social Security behind bars," Social Security spokesman Kurt Czarnowski said. "The obvious example they were trying to prevent was Son of Sam."

But Mr. Filomia was entitled to receive the money because his crimes—which also included committing forgery and larceny under $250—are all misdemeanors in Massachusetts, not felonies.

Mr. Filomia's brother Ralph, of Monsey, N.Y., said the $29,892 check represented 2½ years of retroactive disability benefits for his brother. He said he sent the check to Middleton jail so Mr. Filomia could sign it to be cashed. Ralph Filomia said he was following the instructions of his brother's social worker in New York.

"I didn't want to forge his check," Ralph Filomia said. "I thought I was doing the right thing. Some guard who doesn't make that much in year was jealous and sent it back."

Mr. Filomia, who has a record that includes convictions for breaking and entering and possession of heroin, contacted Merrimack Valley Legal Services. A lawyer for the agency went to bat for him by contacting the sheriff, who referred the lawyer to Social Security.

The money was returned to Mr. Filomia—although after the sheriff complained, Social Security initially withheld $6,000, representing the time Mr. Filomia was locked up.

Mr. Filomia appealed to a federal judge to recover the rest of his money.

The outcome of the appeal is not known. But Social Security officials made it clear criminals serving time for misdemeanors are not supposed to lose Title II benefits.

Title II benefits go to retirees, disabled people and survivors.

"He's not in on a felony rap," said Gene Ervin, regional inspector general for the U.S. Department of Health and Human Services. Mr. Ervin declined to discuss what disability made Mr. Filomia eligible for Social Security benefits.

"There are a lot of things that cause me to scratch my head as regional director for investigations," Mr. Ervin said. "This is not a unique type situation."

Mr. Speaker, believe it or not, this convict collected $29,892 while sitting in prison, and the Federal law said it was perfectly legal.

Last year, I filed H.R. 3251 to end the payment of SSI to any convict in prison. H.R. 3251 won't solve every problem with the welfare system, but it will end one glaring and blatant abuse by stopping welfare payments to prisoners.

The next article in the series I would like to read, deals with fraud in the welfare system, entitled:

FRAUD OFTEN A CRIME WITHOUT PUNISHMENT

(By Brad Goldstein)

Lawrence sanitation worker James R. Gerry was asked for some identification when he walked into a Boston bank last fall to cash a check from the City of Lawrence for $25,000.

He used his Massachusetts welfare card.

But Mr. Terry apparently failed to tell the Department of Public Welfare about the money, which represented a settlement of his worker's compensation claim.

Carmen "Cookie" Hernandez also failed to tell the welfare department something: She was operating her own business while collecting $668 a month in Aid to Families with Dependent Children, or AFDC, plus food stamps and Medicaid.

It is illegal to collect welfare while also receiving workers' compensation or owning a business, unless the outside income is reported.

But Mr. Terry and Ms. Hernandez have been able to beat the system.

Their stories are typical and illustrate what is wrong with the way Massachusetts deals with fraud.

Often welfare fraud is a crime without punishment.

In some cases, as in Mr. Terry's the fraud is never uncovered because applicants are poorly screened and routine checks are not performed.

In many other cases, as in Ms. Hernandez', investigators know or should know but still do nothing.

And even when welfare cheaters are caught, most still get away with it.

The bottom line: fraud costs taxpayers tens of million of dollars, while helping erode benefits for the majority of recipients who need public assistance to survive.

A year-long investigation of the welfare system by The Eagle-Tribune found:

Welfare workers and investigators fail to perform many basic checks that could head off fraud or uncover it after it has occurred.

Thousands of suspected fraud cases are backlogged and will eventually be dropped with no investigation because investigators have too many cases. The Lawrence welfare office, the state's third busiest, has only two fraud investigators—half as many as it had in 1989.

A pilot project at a welfare office in Dorchester found significant fraud and saved taxpayers more than than a half million dollars simply by having a part-time welfare investigator perform basic background checks.

Even when welfare cheats are caught, odds are good they will not be punished. Most cases are settled out of court, with an order to pay restitution.

More than $100 million in restitution is owned to the state; most will never be collected. (Story, Page 5.)

Meanwhile, state officials mislead the public about the extent of fraud. (Story below).

COMPUTER FINDS DOUBLE-DIPPERS

James Terry was one of the subjects of a 1991 Eagle-Tribune special report on problems in the worker's compensation system.

His name popped up again when a computer match of welfare and workers' compensation records by The Eagle-Tribune found 137 people, including 11 city workers, collected both types of assistance during the last two years.

They received $1.6 million in tax-free workers' compensation.

Only eight people—5 percent—reported the money to welfare as required by law.

Mr. Terry was not one of them, welfare records indicate.

The city tried to fire the 43-year-old sanitation worker in April 1989 for absenteeism and failure to take a drug test and physical examination.

But Mr. Terry had already filed for workers' compensation for a back injury.

The city paid Mr. Terry $3,000 to settle his case, but he later appealed to get back on the workers' compensation payroll.

Meanwhile, he went on General Relief welfare in May 1991. Until his eligibility ran out in April 1992, he collected $339 per month, plus $93 in food stamps.

In January 1992, while still on welfare, Mr. Terry won his workers' compensation appeal and was placed back on the payroll, at a tax-free $220 a week. The city was also ordered to pay Mr. Terry $25,406 in back wages.

Welfare recipients are required to report outside income, including workers' compensation, so it can be deducted from their benefits.

If Mr. Terry reported his workers' compensation, there is no evidence of it in welfare records.

Mr. Terry was no longer on the welfare rolls last October when he finally received and cashed the $25,000 check for back wages. But he was still required to report it since the retroactive pay covered part of the time he was on welfare.

Shortly after cashing the check, Mr. Terry quit his city job. He told a supervisor "it was time to get a real job," according to the supervisor.

There are other questions about Mr. Terry's case.

While collecting workers' compensation, he gave his address as 155 Ferry St., Lawrence. He listed a different address with the welfare department: his father's house.

If Mr. Terry was living at 155 Ferry St., another welfare rule was broken because his wife Sharon Terry, of 155 Ferry St., was collecting Aid to Families with Dependent Children. The rules prohibit AFDC for women who are living with the father of their children if he has another source of income.

There is also evidence of a third possible violation of the rules involving the Terrys.

Lawrence Licensing Board records show while collecting AFDC Mrs. Terry earned $6 an hour as a bartender at the Berkeley Social Club. Like her husband, Mrs. Terry appears to have failed to report any outside income.

The president of the club confirmed signing the document listing Mrs. Terry as an employee but refused to say if she still works there.

In a brief interview as he was coming out of 155 Ferry St., Mr. Terry denied he lived there or received public assistance while collecting workers' compensation.

"Why are you trying to make my life miserable?" he asked before driving off.

In a separate interview, Mrs. Terry also denied her husband lived with her. Wearing a gray Berkeley Social Club T-shirt, Mrs. Terry said she worked at the club 15 years ago but denied working there while collecting welfare.

COMPUTER FINDS VIOLATORS

There was little risk Mr. Terry or the other 128 welfare recipients who failed to report workers' compensation would be caught.

The state does not perform computer matches of welfare and workers' compensation records. It also fails to check many other readily available public records.

Industrial Accident commissioner James Campbell, in charge of the workers' compensation system in Massachusetts, said he would like to conduct matches with welfare to weed out double-dippers. But he said the state cannot do matches because the welfare department's computers are outdated.

Glen P. Fealy, director of the state Bureau of Special Investigations, or BSI, the agency responsible for investigating welfare abuses, agreed workers' compensation could be a fertile ground for his investigators.

But he also said inefficient computers prevent matches. "We don't have the tools to work with," Mr. Fealy said.

Welfare commissioner Joseph V. Gallant questioned the value of computer matches to catch welfare cheats. "You have to weigh what it costs to do the matches to get one or two people," he said.

The Eagle-Tribune found dozens of possible welfare abuses in the Lawrence office by using a personal computer to match welfare records with such public records as arrest reports, court and jail records, business certificates, and lists of overdue parking tickets and abandoned properties.

Seven Greater Lawrence residents were found to be running businesses while collecting public assistance.

Thirteen received welfare here while registering cars in New Hampshire. A husband and wife each received General Relief benefits while registering their car from a Hampton Beach motel.

Registering a car out of state is one way to hide assets.

A dozen people were found using abandoned properties to collect some form of public assistance. In one case, a man stayed on the welfare rolls for five months after a suspicious fire destroyed the home where he was supposed to be living.

Mr. Gallant said the welfare department does computer matches with tax and unemployment records to find people who are working while collecting welfare.

But welfare cheats know they will not be caught if they work under the table and do not pay taxes.

They have little to fear even if they build up huge bank accounts while working on the side. That is because the state no longer does random computer searches of bank records to find hidden assets.

Such searches were performed under the administration of Gov. Edward J. King and were credited with uncovering a thousand fraud cases a month.

In 1979, Legal Services sued to stop the practice, arguing social workers should not be doing fraud investigations.

As a result of the case, Gov. King created a separate fraud unit, the BSI, to conduct the investigations.

Welfare investigators now do bank searches only on a case-by-case basis, said Anthony Guglielmo, head of the union representing BSI welfare fraud investigators.

SPOT CHECKS DISCONTINUED

Several years ago, some abuses that can now be uncovered by computer checks might have been detected when social workers visited welfare recipients' homes.

Welfare commissioner Gallant said Gov. King stopped the home visits. He agrees with the decision.

"It's an extremely inefficient system to go out and randomly go into people's houses," Mr. Gallant said. "Even if a man is in there, she can say he is not her husband or the father of her children."

He also said it was difficult keeping track of social workers making home visits.

The welfare department and BSI also fail to perform many simple checks to verify information provided by welfare applicants. In many cases, the welfare department operates essentially on the honor system.

The results can be startling when some basic checks are performed.

Last year, the welfare department launched a pilot study in the Bowdoin Park welfare office in Boston, the state's 14th busiest.

Welfare workers were trained to look for signs of fraud when interviewing applicants. Suspicious cases were referred to a part-time BSI investigator.

The Eagle-Tribune obtained a copy of an internal report on the results of the first year of the experiment.

It shows irregularities were substantiated in 62 of 134 cases referred for review—46 percent. In 49 cases, the welfare application wound up being denied or withdrawn. Taxpayers saved $523,372.

Many bogus cases were discovered with a phone call.

One call to a pregnancy clinic found an applicant lied about being pregnant. In another case, an "absentee" parent answered the phone at the applicant's home.

The report came out last April but its lessons have yet to be applied to the state's other 47 welfare offices.

If each office was able to head off as much fraud as Bowdoin Park did, taxpayers could save $24 million a year.

Welfare officials now say they plan to act soon.

BUSINESSWOMAN ON WELFARE

Welfare investigators can fail to catch cheats even when a case falls into their lap.

Carmen "Cookie" Hernandez was reported to welfare investigators in 1986 by Lawrence Housing Authority officials. The LHA discovered she owned a business while collecting public assistance and living in subsidized housing.

But the matter was dropped.

Instead, someone told Mrs. Hernandez that she had been reported, a clear breach of welfare department rules. She filed a complaint with her tenant representative.

Today, LHA officials question whether the state cares about fighting welfare fraud.

"What concerned us is when we have tenants in public housing who are flaunting the system," LHA head Domenic O'Neill said. "We turned (the Hernandez case) over to welfare and it was disregarded."

Mrs. Hernandez has been on and off the welfare rolls for seven years.

While receiving benefits and living at the Stadium Courts project in Lawrence, Mrs. Hernandez operated the Hernandez Shop, a bridal boutique at 317 Broadway, according to a 1986 business certificate she filed with the city.

Now called "Party World," it moved to 400 Broadway earlier this year.

At the time, her ex-husband owned a meat market. It closed three years ago.

Mrs. Hernandez went off welfare for a while in 1989 but continued living in public housing while running her business.

In April of last year, LHA officials evicted her for non-payment of rent. She then went back on welfare while continuing to operate the bridal shop.

In a phone interview, Mrs. Hernandez, who now goes by her maiden name of Carmen Vasquez, first denied ever owning a bridal shop in Lawrence. She described herself as a hard-working mother of five who baked wedding cakes out of her home.

"I've never done anything wrong," Mrs. Hernandez said. "I work at home . . . Everybody in Lawrence knows me for my cakes."

Asked about city records listing her as owner of the bridal shop as far back as 1986, Mrs. Hernandez said she owned the store for three months in 1989 but sold it to her sister and her sister's boyfriend.

"When I was the owner, I never collected welfare. I am not so stupid as to put my name down as the business owner," she said.

People who did business with the bridal shop also identify her as the owner.

In 1990, Mrs. Hernandez and her husband took out a business loan of more than $10,000 from Lawrence Savings Bank. Jeffrey Leeds, vice president of the bank, said it was for the bridal shop operated by Mrs. Hernandez and a delicatessen operated by her husband.

Bank officials later took the couple to Lawrence District Court for failing to repay their loan. The bank won a $14,572 judgment but has received no money from the couple.

"We have not had a tremendous amount of success in locating them," Mr. Leeds said.

Phillip Lynch of Ipswich said Mrs. Hernandez operated the bridal business when it was located in his building at 313 Broadway from 1991 until early this year.

He said he sought to evict Mrs. Hernandez last year when she fell behind in her rent. He said she owes $11,000.

In March this year, while on welfare and despite her claim her sister now owned the business, Mrs. Hernandez signed a court settlement agreeing to pay $1,000 to Mr. Lynch. She also agreed to move the shop from his building.

Robert Avila, owner of the building where the bridal shop is now located, also identified Mrs. Hernandez as the owner.

"She's the one who leases the building from me," Mr. Avila said. "I have a security deposit on her . . . . She paid July's rent in cash."

Mrs. Hernandez maintained she was acting for her sister in her dealings with Mr. Lynch and Mr. Avila. She said her sister had to return to the Dominican Republic because of problems with U.S. immigration officials.

"That's not my money," she said. "I don't have my name on any papers."

Until recently, Mrs. Hernandez received $668 a month in AFDC, plus $231 in food stamps and taxpayer-provided Medicaid health insurance.

Records show her welfare benefits were stopped on Sept. 12 when she failed to show up for routine review of her case after The Eagle-Tribune began questioning her.

Mrs. Hernandez told the newspaper in August she was headed to Miami to enroll her daughter in school.

TOO MANY CASES

It is not known why the Hernandez case was not pursued.

But investigators say there are too few of them and too many cases.

The number of welfare fraud investigators has been cut 35 percent in 10 years.

There were 123 in 1983, the last year of Gov. King's term. There are now 80.

Gov. William F. Weld, despite his antifraud rhetoric, has cut BSI's budget twice, prompting layoffs of fraud investigators. Some were later rehired, and Mr. Weld this year agreed to hire 12 new investigators to perform background checks like the ones in the pilot project at Bowdoin Hall.

In the meantime, Lawrence has been cut from four to two investigators.

BSI director Fealy agreed Lawrence has a backlog of cases but refused to cite the number, which others put at 2,000. He also defended Gov. Weld's cuts. He said he believes "the smaller the government the better."

William McCarthy, the BSI supervisor for Lawrence, said one of his investigators has more than 1,000 open fraud referrals, 600 more than the state average.

"There is no way he can handle them," Mr. McCarthy said. "They all die on the vine. they have to die on the vine. I've made this known."

BSI union president Guglielmo said the backlog in Lawrence is not unique.

Welfare offices in Brockton and the Grove Hall section of Boston also have more than 2,000 open fraud cases, he said.

He said the average BSI investigator completes 50 to 55 investigations a year. An investigator who can handle 100 is considered special enough to get his name on a plaque at BSI headquarters.

Because of the backlog, he estimates 30 to 40 percent of fraud referrals are dropped simply because the six-year statute of limitations has run out.

Mr. McCarthy said the overload hurts both the taxpayers and the truly needy.

"The ironic thing is we have this fraud, the people who are on it and need it, they don't get enough," he said. "If we got rid of some of this fraud then they might have more to get by on."

Mr. Speaker, to recap tonight's articles, convicts serving time in prison can and are legally able to collect SSI benefits. One prisoner in Massachusetts collected $29,892 while behind bars. I have filed H.R. 3251 to stop this practice. H.R. 3251 will end the practice of convicts collecting welfare from their prison beds. Also welfare in the United States is a system that often lets fraud go unpunished. This is on top of the fact that welfare is sadly becoming a way of life for many, both those who want go get off the system, and those who callously abuse it.

Mr. Speaker, I hope the House will act quickly on H.R. 3251, to end the abuse of convicts collecting welfare and SSI benefits while in prison.

I will continue reading this series at future special orders, next focusing on other convicts who have been subsidized by the welfare system.

□ 1920

REPORT ON RESOLUTION WAIVING REQUIREMENT OF RULE XI WITH RESPECT TO CONSIDERATION OF RESOLUTION PROVIDING FOR CONSIDERATION OR DISPOSITION OF H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–421) waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3345, FEDERAL WORK FORCE RESTRUCTURING ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–422) providing for the consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTERT (at the request of Mr. MICHEL), from 2:30 today and the balance of the week, on account of illness in the family.

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. KINGSTON, for 60 minutes, today.

(The following Members (at the request of Mr. BRYANT) to revise and extend their remarks and include extraneous material:)

Mrs. UNSOELD, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mrs. MINK, for 5 minutes, today.

Mr. NEAL of Massachusetts, for 60 minutes each day on March 1, 2, and 3.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. KINGSTON.

Mr. CLINGER.

Mr. CRANE.

Mr. GILMAN in two instances.

Mr. GALLO.

Mr. SAXTON.

Mr. BUNNING.

Mr. GEKAS.

(The following Members (at the request of Mr. BRYANT) and to include extraneous matter:)

Mr. ROMERO-BARCELÓ.

Mr. ANDREWS of Texas.

Mr. HAMILTON in five instances.

Mr. SAWYER.

Mr. REED.

Mr. DANNER.

Mr. FORD of Michigan in two instances.

Mr. WILSON.

Ms. DELAURO.

Mr. HOYER.

Mr. LANTOS.

Mr. BLACKWELL.

Mr. MAZZOLI.

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. GEJDENSON.

Mrs. UNSOELD.

Mr. ENGEL.

Mrs. MINK.

Mr. WELDON.

Mr. STUPAK.

Mr. COLEMAN.

Mr. BOEHLERT in two instances

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On February 8, 1994:

H.R. 1303. An act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 2223. An act to designate the Federal building located at 528 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building."

H.R. 2555. An act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio as the "Potter Steward United States Courthouse."

H.R. 3186. An act to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse."

H.R. 3356. To designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse."

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 10, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

2557. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting the annual report on science, technology and American diplomacy for fiscal year 1993, pursuant to 22 U.S.C. 2656c(b), was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2547. A bill to improve the economy of the United States and promote the national security interests of the United States by establishing a National Shipbuilding Initiative to provide support for the U.S. shipbuilding industry in order to assist that industry in regaining a significant share of the world commercial shipbuilding market, and for other purposes; with an amendment (Rept. 103-420, Pt. 1). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 356. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (Rept. 103-421). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 357. Resolution providing for consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes (Rept. 103-422). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. UNSOELD (for herself, Mr. STUDDS, Mr. LIPINSKI, Mr. DICKS, Ms. CANTWELL, Ms. DUNN, Mr. KREIDLER, Mr. SWIFT, Mr. MANTON, Mr. BORSKI, Mr. HOYER, Mr. CUNNINGHAM, and Mr. JOHNSON of South Dakota):

H.R. 3821. A bill to promote construction and operation of passenger vessels in the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

H.R. 3822. A bill to amend the Merchant Marine Act, 1936, and the Internal Revenue Code of 1986 to promote construction and operation of passenger vessels in the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. BARCA of Wisconsin (for himself, Mr. BARCIA of Michigan, and Mr. BARRETT of Wisconsin):

H.R. 3823. A bill to provide for the establishment of a uniform standard of need under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 3824. A bill to amend the Agricultural Adjustment Act of 1938 to revise the reserve stock level for burley tobacco, to increase the amount of scrap tobacco permitted to be marketed, and to authorize the lease and transfer of burley tobacco quotas between farms in adjacent counties in the State of Virginia under certain circumstances; to the Committee on Agriculture.

By Mr. DE LUGO:

H.R. 3825. A bill to amend the Revised Organic Act of the Virgin Islands to authorize the legislature of the Virgin Islands to create municipal governments; to the Committee on Natural Resources.

By Mr. GEJDENSON:

H.R. 3826. A bill to amend title III of the Job Training Partnership Act to provide employment and training assistance for certain individuals who work at or live in the community of a plant, facility, or enterprise that is scheduled to close or undergo significant layoffs, and for other purposes; to the Committee on Education and Labor.

By Ms. HARMAN (for herself, Mr. BATEMAN, Mr. BERMAN, Mr. EVANS, Mr. LEVY, and Ms. SCHENK):

H.R. 3827. A bill to amend title 18, United States Code, to deny convicted felons and other individuals the opportunity to seek administrative relief from prohibitions against possessing, shipping, transporting, or receiving firearms or ammunition, and to eliminate the authority of the Federal courts to admit additional evidence in reviewing denials of such administrative relief for other persons; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 3828. A bill to amend the Internal Revenue Code of 1986 to allow employers the targeted jobs credit for hiring individuals who have received, or were eligible to receive, unemployment compensation covering at least 90 days; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 3829. A bill to require the Secretary of Agriculture to make emergency crop loss assistance available to agricultural producers to cover production losses incurred in the 1992 through 1995 crop years as a result of the destruction of papaya, banana, and other fruit-bearing trees by Hurricanes Andrew and Iniki and Typhoon Omar; to the Committee on Agriculture.

By Mr. PETERSON of Florida (for himself, Mrs. SCHROEDER, Mr. BISHOP, Mrs. FOWLER, Mr. JEFFERSON, Mrs. THURMAN, and Mrs. UNSOELD):

H.R. 3830. A bill to amend title 5, United States Code, to provide that five additional points be granted, on the examination for entrance into the competitive service, to certain veterans who do not currently qualify for any such additional points; to the Committee on Post Office and Civil Service.

By Mr. ROMERO-BARCELÓ (for himself, Mr. DE LUGO, Mr. GALLEGLY, Mr. MURPHY, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA):

H.R. 3831. A bill to authorize and direct the transfer of certain lands on the Island of Vieques, PR, to the Municipality of Vieques, and for other purposes; jointly, to the Committees on Armed Services and Natural Resources.

By Mr. SENSENBRENNER (by request):

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to allow certain corporations and certain trusts to be shareholders of subchapter S corporations; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3833. A bill to provide for the expeditious start of emergency repair work on the Crooked River Project, Ochoco Dam, OR; to the Committee on Natural Resources.

By Mr. TRAFICANT:

H.R. 3834. A bill to amend the independent counsel provisions of title 28, United States Code, to authorize the appointment of an independent counsel when the Attorney General determines that Department of Justice attorneys have engaged in certain conduct; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mrs. FOWLER, Ms. SHEPHERD, Mr. FINGERHUT, and Mr. TORKILDSEN):

H.R. 3835. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1994; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. CAMP, Mr. GRANDY, and Mr. SUNDQUIST):

H.R. 3836. A bill to amend the Fair Debt Collection Practices Act to exempt from the requirements of the act Government agencies, attorneys, and private child support enforcement agencies who are engaged in the collection of child support due under a court order, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ZIMMER:

H.J. Res. 321. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills and an item veto of contract authority or taxation changes in any other bill; to the Committee on the Judiciary.

By Mr. GALLO (for himself, Mr. SOLOMON, Mr. SANTORUM, Mr. CANADY, Mr. ARMEY, Mr. MACHTLEY, Mr. QUINN, and Mr. HASTERT):

H. Res. 354. Resolution amending the rules of the House of Representatives to require that committee reports accompanying authorization and revenue bills include employment impact statements prepared by the Director of the Congressional Budget Office; to the Committee on Rules.

By Mr. TUCKER (for himself, Mr. LEHMAN, Mr. THOMAS of California, Mr. VALENTINE, Mr. WYNN, Mr. LEWIS of Georgia, Mr. WATT, and Ms. ROYBAL-ALLARD):

H. Res. 355. Resolution expressing the sense of the House of Representatives that the people of the United States should be encouraged to practice random acts of kindness; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VOLKMER introduced a bill (H.R. 3837) for the relief of Ulrike Sanders; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. FRANKS of New Jersey.

H.R. 306: Mr. PARKER.

H.R. 494: Mr. SKELTON and Mr. KIM.

H.R. 520: Mr. NEAL of Massachusetts.

H.R. 543: Mr. COX.

H.R. 546: Mr. SANDERS, Mr. KANJORSKI, and Mr. SWETT.

H.R. 737: Mr. ENGEL.

H.R. 762: Mr. ENGEL.

H.R. 773: Mr. ENGEL, Mr. MINGE, Mr. HOEKSTRA, and Mr. PENNY.

H.R. 786: Mr. BEREUTER.

H.R. 885: Mr. ZIMMER, Mr. DORNAN, Mr. POSHARD, Mr. HUFFINGTON, Mr. RAMSTAD, Mr. TAYLOR of Mississippi, and Mr. COX.

H.R. 959: Mr. OLVER.

H.R. 1048: Mr. PACKARD and Mr. SARPALIUS.

H.R. 1055: Mr. LEWIS of Florida.

H.R. 1078: Mr. SARPALIUS.

H.R. 1080: Mr. SARPALIUS.

H.R. 1082: Mr. SARPALIUS.

H.R. 1099: Mr. PAXON.

H.R. 1126: Mr. FRANKS of New Jersey.

H.R. 1181: Mr. MORAN, Mr. DICKEY, and Mr. GINGRICH.

H.R. 1182: Mr. PARKER.

H.R. 1206: Mr. ENGEL.

H.R. 1322: Mr. CLINGER, Mr. GINGRICH, and Mr. PAXON.

H.R. 1417: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. JEFFERSON, and Mr. LEWIS of Georgia.

H.R. 1583: Ms. PRYCE of Ohio, Mr. VALENTINE, Mr. BACCHUS of Florida, Mr. SHAYS, Mr. BARTLETT of Maryland, Mr. DELAY, Mr. BLUTE, Mr. HUTTE, and Mr. FRANK of Massachusetts.

H.R. 1671: Mr. SMITH of Iowa.

H.R. 1687: Mr. DERRICK.

H.R. 1709: Mr. ZIMMER, Mr. TORRICELLI, Mr. TAYLOR of North Carolina, Mr. HOKE, Mr. FRANKS of New Jersey, Mr. GENE GREEN of Texas, and Mr. BISHOP.

H.R. 1801: Mr. RANGEL.

H.R. 1815: Mr. PARKER.

H.R. 1886: Mr. PRICE of North Carolina, Mr. ACKERMAN, and Mr. COYNE.

H.R. 1897: Ms. BROWN of Florida.

H.R. 1900: Mr. BARLOW.

H.R. 1906: Mr. JACOBS.

H.R. 2135: Mr. RANGEL, Mr. SOLOMON, and Mr. PARKER.

H.R. 2159: Ms. SLAUGHTER.

H.R. 2258: Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. FOGLIETTA, Mr. FALEOMAVAEGA, Mr. MINETA.

H.R. 2354: Mr. HERGER and Mr. ZIMMER.

H.R. 2417: Mr. JACOBS.

H.R. 2444: Mr. KNOLLENBERG, Mr. GINGRICH, and Mr. NADLER.

H.R. 2467: Mr. DORNAN, Mr. FAZIO, Mr. GOODLING, Mr. HAMBURG, Mr. HOLDEN, Mr. HORN, Mr. HUGHES, Mr. INHOFE, Mr. LAROCCO, Mr. LEWIS of California, Mr. MCDADE, Ms. MARGOLIES-MEZVINSKY, Mr. QUILLEN, and Mr. WHITTEN.

H.R. 2571: Mr. ANDREWS of Maine, Mr. ENGEL, Mr. CRAMER, Mr. OLVER, Mr. WYNN, Ms. LONG, and Mr. BOUCHER.

H.R. 2641: Ms. SLAUGHTER, Mr. LANTOS, and Mr. KREIDLER.

H.R. 2670: Mr. DINGELL, Mr. QUILLEN, Mr. TOWNS, Mr. DEFAZIO, Mr. KOPETSKI, Mrs. UNSOELD, Mr. FILNER, Mr. KREIDLER, Mr. DURBIN, Mr. FIELDS of Texas, Mrs. BENTLEY, Mr. MANTON, Mr. EVANS, Mr. MCCLOSKEY, Mr. LAROCCA, Mr. JOHNSTON of Florida, and Ms. SLAUGHTER.

H.R. 2671: Mr. GILMAN.

H.R. 2897: Mr. CRANE and Mr. BREWSTER.

H.R. 2898: Mr. COLEMAN and Mr. SERRANO.

H.R. 2939: Mr. SCOTT.

H.R. 3024: Mr. BACHUS of Alabama.

H.R. 3088: Mr. SHAYS, Mr. ACKERMAN, Mr. BRYANT, and Mr. ABERCROMBIE.

H.R. 3122: Mr. PARKER.

H.R. 3227: Mr. WHITTEN, Mr. BALLENGER, Mr. HUTCHINSON, Mr. MORAN, and Mr. RAHALL

H.R. 3293: Mr. KOPETSKI.

H.R. 3337: Mr. EDWARDS of California, Mr. MILLER of California, Mr. YATES, Mr. MANN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Mr. MORAN, and Mr. LEWIS of Georgia.

H.R. 3386: Mr. MORAN, Mr. SKEEN, Mr. CLINGER, Mr. CLYBURN, Mrs. FOWLER, Mr. PETRI, Mr. BROWN of Ohio, Mr. THOMAS of Wyoming, Ms KAPTUR, Mr. GALLO, and Mr. HASTERT.

H.R. 3435: Mrs. CLAYTON.

H.R. 3513: Mr. EVANS, and Mr. YATES.

H.R. 3538: Mrs. UNSOELD, Mr. OBERSTAR, Mr. WAXMAN, Ms. FURSE, Mr. MCCLOSKEY, Mr. EVANS, Mr. MCDERMOTT, Mr. RAHALL, Ms. WOOLSEY, and Ms. SHEPHERD.

H.R. 3545: Mr. SHAYS, Mr. SKEEN, Mr. WALKER, Mr. RAMSTAD, Mr. WALSH, Mr. GREENWOOD, Mr. EWING, Mr. PETRI, Mr. MACHTLEY, Mr. GOSS, and Mr. LEVY.

H.R. 3574: Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. FOGLIETTA, Mr. FALEOMAVAEGA, and Mr. MINETA.

H.R. 3584: Mr. BAKER of Louisiana, Mr. DICKEY, Mr. EDWARDS of Texas, Mr. FROST, Mr. GILCHREST, Mr. GENE GREEN of Texas, Mr. HOLDEN, Mr. LEVY, Mrs. LLOYD, Mr. MILLER of Florida, Mr. QUINN, Mr. WALSH, Mr. WILSON, and Ms. KAPTUR.

H.R. 3624: Mr. QUILLEN, Mr. DUNCAN, and Mr. JOHNSON of Georgia.

H.R. 3645: Mr. PORTER.

H.R. 3656: Ms. WOOLSEY.

H.R. 3663: Mr. COYNE, Mr. CLAY, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. STUDDS, and Mr. WHEAT.

H.R. 3727: Mr. POMEROY and Mr. SANTORUM.

H.R. 3757: Mr. BARCA of Wisconsin.

H.R. 3783: Mrs. MINK of Hawaii, Mr. MCDERMOTT, and Mr. FALEOMAVAEGA.

H.R. 3789: Mr. LEWIS of Florida.

H.R. 3808: Mr. TEJEDA and Mr. ROWLAND.

H.J. Res. 9: Mr. CALVERT and Ms. DUNN.

H.J. Res. 28: Mr. SARPALIUS.

H.J. Res. 209: Mr. WELDON.

H.J. Res. 230: Mr. BEVILL, Mr. FISH, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOBSON, Mr. JACOBS, Mr. KLECZKA, Mr. KLEIN, Mr. LANCASTER, Mr. LIPINSKI, Mr. MCDADE, Mrs. MALONEY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MEEHAN, Mrs. MINK of Hawaii, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. KNOLLENBERG, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PETRI, Mr. QUINN, Mr. SABO, Mr. SARPALIUS, Mr. SAWYER, Mr. SAXTON, Mr. SCHUMER, Mr. SERRANO, Mr. SHUSTER, Mr. SLATTERY, Mr. SPENCE, Mr. TALENT, Mrs. THURMAN, Mr. COPPERSMITH, Mr. TORKILDSEN, Mr. VALENTINE, Mr. WYNN, Mr. FALEOMAVAEGA, and Mr. PETE GEREN of Texas.

H.J. Res. 251: Mrs. MEYERS of Kansas.

H.J. Res. 253: Mr. GRANDY.

H.J. Res. 256: Mr. BACHUS of Alabama.

H.J. Res. 297: Mr. CLEMENT, Mr. SUNDQUIST, Mr. CLAY, and Mr. TUCKER.

H.J. Res. 303: Mr. QUINN, Mr. MCDADE, Mr. HAMILTON, Mr. SANGMEISTER, Mr. TALENT, Mr. HUNTER, Mr. HOCHBRUECKNER, Ms. BROWN of Florida, Mr. DINGELL, Mr. MACHTLEY, Mr. HUTTO, Mr. BACHUS OF Alabama, Mr. FOGLIETTA, Mr. GALLEGLY, Mr. SMITH of Michigan, Mr. NEAL of Massachusetts, Mr. HYDE, Mr. REED, and Mr. KASICH.

H.J. Res. 305: Mr. MOAKLEY, Mr. BOEHLERT, Mrs. THURMAN, Mrs. MALONEY, Mr. KENNEDY, Mr. EVANS, Mr. FROST, Mr. YATES, Mr. NEAL of Massachusetts, Mr. SISISKY, Mr. BEVILL, Mr. WILSON, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. MONTGOMERY, and Mr. MCDERMOTT.

H.J. Res. 310: Mr. BLILEY, Mr. MCDERMOTT, Mr. WELDON, Mr. KOPETSKI, Mr. KNOLLENBERG, Mr. RANGEL, Mrs. THURMAN, Mr. WALSH, Mr. TORKILDSEN, Mr. TORRICELLI, Ms. DELAURO, Mr. HALL of Ohio, Mr. SOLOMON, and Mr. LAZIO.

H. Con. Res. 84: Mr. HOLDEN, Mr. FLAKE, and Mr. BURTON of Indiana.

H. Con. Res. 122: Mr. PARKER.

H. Con. Res. 127: Mr. NEAL of North Carolina and Mr. CAMP.

H. Con. Res. 147: Mr. FLAKE, Mr. GILMAN, Mr. DARDEN, and Mr. HUTCHINSON.

H. Con. Res. 152: Mr. SERRANO.

H. Con. Res. 201: Mr. HANCOCK, Mr. GRAMS, Mr. MINGE, Mr. KINGSTON, Mr. GALLO, Ms. MARGOLIES-MEZVINSKY, and Mr. GOODLATTE.

H. Con. Res. 202: Mr. CLAY and Mr. KOPETSKI.

H. Res. 53: Mr. DEAL.

H. Res. 236: Mr. MAZZOLI, Mr. PARKER, Mr. ENGEL, Mr. HOCHBRUECKNER, Mr. FIELDS of Louisiana, and Mr. WISE.

H. Res. 238: Mr. BAKER of California, Mr. BARTON of Texas, Mr. COX, Mr. THOMAS of Wyoming, Mr. TAYLOR of North Carolina, Mr. ROBERTS, Mr. INGLIS of South Carolina, Mr. COOPER, Mr. GALLEGLY, and Mr. HUTCHINSON.

H. Res. 247: Mr. COLLINS of Georgia, Mr. BACHUS of Alabama, and Mr. RAVENEL.

H. Res. 281: Mr. MANTON, Mr. BARCA of Wisconsin, and Mr. STUPAK.

H. Res. 343: Mr. DORNAN, Mrs. UNSOELD, Mr. MANN, Mr. SCHUMER, Mr. WELDON, Mr. WOLF, Mrs. MEYERS of Kansas, and Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3527: Mr. HEFNER.

SENATE—*Wednesday, February 9, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Guest Chaplain, the Reverend Fr. John Francis Payne, St. Augustine Catholic Church, Washington, DC, offered the following prayer:

Let us pray:

Almighty and eternal God, You have revealed Your glory to all nations; You have shared Your life with all peoples. God of power and might, wisdom, justice, truth in life, through You authority is rightfully administered, laws are justly enacted, and true judgment is decreed.

Let nothing blind our eyes to Your presence. Let nothing harden our hearts to Your spirit.

Let the light of Your divine wisdom direct the deliberations of this U.S. Senate, and shine forth in all the proceedings and laws framed for our rule and Government. May all who endeavor here seek to preserve peace, promote justice, and bring forth the life, liberty, and happiness You desire for all.

We make this prayer in the name of the author and sustainer of all life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 9, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. CAMPBELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado.

Mr. CAMPBELL. Until the manager of the bill, Senator BYRD, arrives, I ask unanimous consent to speak as if in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Colorado is recognized.

(The remarks of Mr. CAMPBELL pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 3759, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: Provided, That not more than $50,000,000 of assistance shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size: Provided further, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103–50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: Provided, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

"Salaries and expenses" for associated administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $200,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994–1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993–1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993–1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993–1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994–1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain avail-

able until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

In addition, for emergency expenses resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Busi-

ness Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $75,000, to remain available until expended, for electronic records management activities to comply with Armstrong against Executive Office of the President.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction" in Public Law 103–75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction," to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and state assistance," $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount to be determined by the Secretary, to remain available until expended, to be derived by transfer from balances under the head "Construction," for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of natural water flows, to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103–138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction," $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103–138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97–257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101–512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102–154, both concerning Federal employment, are repealed.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000: Provided, That an amount equal to the amount obligated in the "Training and employment services" account for this purpose upon the date of enactment of this Act shall be transferred from this account and merged into the "Training and employment services" account.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Of funds provided under this heading under Public Law 103–75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102–368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Of the funds made available under this heading under Public Law 102–368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103–122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway-safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $7,030,000, to remain available until expended, of which $6,000,000 shall be derived by transfer from Department of Defense, "Research, Development, Test and Evaluation, Air Force."

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $5,320,000, to remain available until expended.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $3,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103–124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102–389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purpose grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103–124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The second proviso under this heading in Public Law 103–124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103–124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $60,000,000.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

From the amounts appropriated to the Corporation for National and Community Service in Public Law 103–124, up to $3,000,000 may be made available for a demonstration program for Stafford Loan Forgiveness authorized under section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078).

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDINGS' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the Amer-

ican people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit organizations after disasters strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary for Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $4,000,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $2,897,000 are rescinded.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103–111, $5,094,000 are rescinded.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $1,515,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $3,388,000; for the cost of 5 percent rural telephone direct loans, $3,222,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $6,100,000 are rescinded.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $5,200,000 are rescinded.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $30,000,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for title III, $45,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103–111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $35,400,000 are rescinded.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available for the Catawba Indian Tribe in Public Law 103–121, $500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $4,254,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

From unobligated balances available under this heading, $20,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $600,000 are rescinded.

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying power maintenance account, $8,800,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RADIO RELAY STATION

(RESCISSION)

Of the balances available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $4,100,000 are rescinded.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $8,700,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $27,500,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $104,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $50,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $110,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102–27, 102–368, 102–377 and prior years Energy and Water Development Acts, $40,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–126, $107,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103–126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103–126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for the United States contribution to the sixth replenishment of the African Development Fund, $2,700,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $40,879,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for expenses related to the implementation of the recommendations of the Report of the National Performance Review, $3,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and title VI of Public Law 103–87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $145,000,000 are rescinded.

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1994 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $32,700,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSIONS)

Of the funds made available under this heading (including earmarked funds) in Public Law 102–391 and prior appropriations acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $65,562,000 are rescinded.

Of the funds made available under this heading in Public Law 103–87, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $25,721,000 are rescinded: Provided, That such rescission shall be derived only from nonearmarked amounts.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102–391 and prior appropriations acts, $438,000 are rescinded.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100–446 and Public Law 102–154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this heading, $16,275,000 are rescinded.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Health and Human Services (except the Social Security Administration), $37,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Door-

keeper of the Senate" in Public Law 102–90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 101–520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102–90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, as follows:

"Office of the Postmaster", $19,000; "for salaries and expenses of the Office of the Historian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–110, $601,224,000 are rescinded.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $2,750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,205,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $23,701,035 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90–495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 95–599, as amended, $219,750,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $17,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99–190, $808,935 are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103–123, $6,400,000 are rescinded.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, and from available unobligated balances from previous appropriations acts, $127,691,000 are rescinded for the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse, $5,000,000.

Arizona:

Naco, U.S. Border Station, $74,000.

Sierra Vista, U.S. Magistrates Office, $1,000,000: Provided, That up to $1,000,000 shall be made available for such project from funds made available in Public Law 103–123 for nonprospectus construction projects.

California:

Calexico, U.S. Border Station, $900,000.

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000.

Sacramento, U.S. Courthouse and Federal Building, $3,391,000.

Tecate, U.S. Border Station, $165,000.

District of Columbia:

Army Corps of Engineers, Headquarters Building, $11,309,000.

Federal Office Building No. 6, $11,100,000.

Federal Bureau of Investigation, Field Office, $5,679,000.

White House remote delivery and vehicle maintenance facility, $5,382,000.

U.S. Secret Service, Headquarters, $23,274,000.

Florida:

Lakeland, Federal Building, $4,400,000.

Tampa, U.S. Courthouse, $7,472,000.

Iowa:

Burlington, Parking Facility, $2,400,000.

Massachusetts:

Boston, U.S. Courthouse, $4,076,000.

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000.

New Carrollton, Internal Revenue Service, $30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $4,197,000.

New Hampshire:

Concord, U.S. Courthouse, $867,000.

Nevada:

Reno, Federal Building and U.S. Courthouse, $875,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, $1,276,000.

Tennessee:

Knoxville, U.S. Courthouse, $800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, $2,184,000.

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–124, an additional $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts earmarked under this heading in Public Law 103–124, $325,000,000 are rescinded: Provided, That the $541,000,000 earmarked in the sixth proviso under this heading shall be reduced accordingly.

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $25,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

Mr. BYRD. Mr. President, my distinguished colleague, the able Senator from Oregon [Mr. HATFIELD], ranking member of the committee, is on his way and is expected shortly. I therefore will await his presence before I make my opening statement.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to speak out of order for up to 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator from Alabama is recognized for 7 minutes.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 1838 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, H.R. 3759, the emergency supplemental appropriation and rescission bill, was reported by the Appropriations Committee yesterday afternoon in the form of a substitute to the House-passed measure. In order to expedite Senate consideration of this critical legislation, the committee did not file a report to accompany the bill. However, Members have on their desk a detailed explanatory statement which set forth the committee's recommendations in great detail, and I urge Members to review that statement along with the bill as the debate on this measure proceeds.

At this time, I will briefly set forth the key elements of the pending measure, after which time I will yield to Senator HATFIELD—my distinguished colleague, the manager on his side—for any remarks that he wishes to make.

As reported, H.R. 3759 contains four titles. For title I, the committee recommends emergency disaster assistance and other emergency funding totaling just over $10 billion. The vast majority of these funds are to provide disaster assistance to the victims of the California earthquake. Additionally, the President has requested and the committee has provided funding for the victims of the Midwest floods. The major items included in title I are:

FEMA disaster relief: $4.7 billion;
SBA disaster loans: $1.1 billion;
Emergency highway funding: $1.3 billion;
Impact aid and student financial assistance: $245 million;
HUD-assisted housing: $325 million;
Unanticipated needs fund: $550 million; and
Midwest flood: $685 million.

Additionally, the President requested and the committee has recommended $1.2 billion for the Department of Defense peacekeeping activities as an emergency. I am concerned with this particular emergency request of the President, the $1.2 billion for DOD for peacekeeping activities. For this one instance, in order to expedite consideration of this very important legislation, I am prepared to recommend that the committee go along with the emergency designation. But, this should not be looked at as a way to get annual add-ons to the DOD budget. I repeat, this should not be looked upon as a way to get annual add-ons for the DOD budget.

Title II of the bill contains regular fiscal year 1994 supplemental appropriations requested by the President. Of these amounts, three of the committee's recommendations provide for mandatory funding of very important programs:

Veterans compensation and pensions: $698 million;
Veterans readjustment benefits: $103 million; and
Advances for unemployment trust fund: $61.4 million.

In addition to these mandatory appropriations, the bill contains various discretionary fiscal year 1994 supplementals requested by the President for items such as salaries and expenses for certain agencies, certain items for the National Park Service and Bureau of Indian Affairs, et cetera. These discretionary appropriations total under $150 million and are all accommodated within each subcommittee's 602(b) allocation.

The President's budget contains one additional supplemental appropriation that the committee could not accommodate within its allocation. That request is for an appropriation of $670 million for contributions for international peacekeeping activities. That program falls under the jurisdiction of the Commerce, Justice, State Subcommittee and inasmuch as that subcommittee has insufficient budget authority and outlays remaining within its 602(b) allocation, the committee is therefore unable to provide these peacekeeping funds requested by the President.

Title III contains rescissions totaling $3.44 billion. The committee recommends rescissions in response to the President's November 1, 1993 message and, in addition, it has recommended rescissions in response to the President's rescissions message included in Monday's budget submission.

So what we have is a committee response to two rescission messages from the President—one of last November and one of this past Monday, and both are included in this bill.

In total, for both the November 1, 1993, and the February 7, 1994 rescission messages, the President requested rescissions of $3.17 billion. The committee's recommendations for both messages total $3.44 billion, or $272 million in greater cuts than proposed by the President.

There are a number of general provisions included in title IV of the bill. The committee adopted an amendment which I offered, and which was cosponsored by Senators INOUYE, HATFIELD, and STEVENS. That amendment is a sense-of-the-Senate provision calling for the establishment of a bipartisan task force on funding disaster relief.

There is a growing tension between the funding for disaster assistance and other emergencies, on the one hand, and, on the other hand, the demands for fiscal discipline. The constraints on discretionary spending established in the Budget Enforcement Act of 1990 and the President's deficit reduction program, as incorporated in the Omnibus Budget Reconciliation Act of 1993, are helping to put the country on the right fiscal track. At the same time, however, the unavoidable demands of disaster relief and other emergencies continue to expand.

We have no control over these natural disasters—none. We cannot foresee them, and we have to deal with them when they occur. I hope Senators will keep in mind the impact of such disasters when we get around to voting on a constitutional amendment on the balanced budget. They might want to think about that pretty seriously, because we are going to continue to have natural disasters. We always have had them, since man was created in the image of God and placed in the Garden of Eden. And they will continue.

Fortunately, today we do not have that constitutional amendment on a balanced budget welded into the Constitution. We would have big trouble, big problems in financing these disasters, without cutting into other high-priority programs. So I will not hesitate to remind Senators of that fact when we get around to debating the constitutional amendment on a balanced budget. We cannot have it both ways. We cannot vote for billions of dollars to deal with natural disasters and turn around and then weld into the Constitution an amendment on a balanced budget which says that outlays shall not exceed receipts in any fiscal year, unless three-fifths of the total membership of both houses votes by rollcall to waive that provision. Therefore, Senators can bet that that language will be welded into the minds of Senators before they vote on a constitutional amendment on a balanced budget. It is a good time right now to remind Senators of it.

Since fiscal year 1988, the Congress has enacted six major disaster relief supplemental appropriation bills that have provided over $17 billion in assistance for a variety of domestic catastrophes, and this is exclusive of the $10 billion in emergency supplementals included in the pending measure.

I think there is a growing agreement that a better way of funding this assistance is needed. Whether we find that better way remains to be seen. I am hopeful that the task force envisioned in this measure can develop a proposal or proposals for incorporating more realistic estimates of the prospective costs of this assistance in the Federal budget. Unless we can devise a responsible solution to this problem, we will continue to run the risk of either disrupting progress toward our fiscal goals or decimating other important and valuable programs funded by discretionary appropriations.

I wish to thank all members of the committee for their cooperation in handling this critical legislation on an expedited basis. I wish to extend my heartfelt felicitations to Senator HATFIELD, the former chairman of the Appropriations Committee, upon whose able advice and cooperation I have long ago come to depend. He has never hesitated to offer his wisdom and advice and kind cooperation and his help in many ways. He is always cooperative and has been helpful in this instance during the committee's markup of the bill.

Also, I wish to thank the staff on both sides. We have an excellent staff. They are professionals, and they take their responsibilities seriously as professionals. I specifically mention Jim English, the director of the Senate Appropriations Committee staff, and Keith Kennedy, his counterpart on the minority side.

In addition, I would like to thank all members of the full committee staff for their diligent work on this very important measure: Jack Conway, Bob Putnam, Tim Leeth, Mary Dewald, Anita Pandolfe, Marsha Berry, and Juanita Rilling. I also commend the staff of our subcommittees, whose work is invaluable. I will not take this opportunity to enumerate them, as they will be recognized during the course of the year for their work on their individual appropriation bills.

I commend the two Senators from California, Mrs. FEINSTEIN and Mrs. BOXER, for the great concern and effort they have demonstrated in response to the devastation that has occurred there, and for fully addressing the needs of their constituents. They have worked doggedly, day and night, with the administration and with me, including phone calls to me over the weekend at my home, in order to expedite consideration of the pending measure. I believe we have done the best that we can to respond to the President's requests and to the requests of the two California Senators, and that we have fully met the needs of the citizens of California and the additional needs of those affected by the Midwest floods, as well as rescinding an excess of $3 billion and providing appropriations for such important items as the veterans compensation pension funding and veterans readjustment benefits provided in the bill.

I urge Senators to refrain from offering amendments to this bill.

In that regard, I must say that Senator REID and Senator KERREY on yesterday indicated that they would have amendments to offer on the floor, and both Senators are here.

I urge Senators, however, to refrain from offering amendments to the bill, as much as they can so refrain. I recognize the rights of all Senators and certainly support their rights to offer amendments.

It is important that we complete action today on this measure in order to go to conference with the House tomorrow. This would make it possible for the conference report to be filed tomorrow night and action on that conference agreement could be taken by both the House and Senate on Friday.

It is important to complete Congressional action this week. It is my understanding that the grants process for reconstruction and repair of the highways affected by the earthquake will cease if this bill is not enacted into law by the end of the week. Furthermore, it is my understanding that, without additional funds, FEMA will be forced to suspend work on all nonpeople related projects throughout the Nation in order to concentrate their remaining funds on the people-related needs of those affected by the earthquake.

Mr. President, I am going to yield now, and I hope that my colleague, Senator HATFIELD, will seek recognition. I wonder if it would be agreeable to him, before I take my seat, that I ask unanimous consent that the committee substitute be agreed to for purposes of further amendment, providing that all points of order will not have been waived.

Let me put it in less passive sense—that no points of order will have been waived.

The ACTING PRESIDENT pro tempore. Is the Senator making that unanimous-consent request?

Mr. BYRD. I do.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

Mr. BYRD. I thank my colleague, Mr. HATFIELD, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon, Mr. HATFIELD.

Mr. HATFIELD. Mr. President, once again, the chairman of the Committee on Appropriations, Senator BYRD, and I find ourselves in agreement.

The ACTING PRESIDENT pro tempore. The Senator will suspend for just a moment.

It is the understanding of the Chair that the bill will be considered as original text for purpose of amendment.

Mr. BYRD. That is correct; that the committee substitute be considered approved so that the bill, as amended, be considered as original text, with no points of order waived.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, the chairman of the committee has outlined the contents of this bill in a very able fashion, as always. I am very honored again to be a partner in the managing of this appropriations measure.

Mr. President, as far as the chairman and I are concerned, we work as a team, as a partnership. To me, there is no distance that separates this body from one side to the other on a partisan level. That is not the way in which we function on our committee.

The reality of that aisle may be here to be seen, but I visualize a well-worn pathway that we have between ourselves crossing this aisle as we collaborate and cooperate together in serving this body and the people of this country, bringing to this floor from time to time these bills that represent life and hope and programs that are reaching out to people and to parts of this country.

I am always privileged to be a student of the chairman as far as parliamentary procedure and senatorial history. I consider him a great mentor as well as a great friend. I also am conscious that our ability to come here and present these bills year after year, multiple bills—I need not remind the body that we have to produce 13 bills year after year. No committee is under such obligation to produce any bills.

I also say that as often as perhaps the Appropriations Committee is targeted for criticism of reaching out beyond purely an appropriation action, that as we proceed to the 13 bills for 1995, as we did this last year, we will be appropriating funds to keep alive those agencies and those programs that have not been reauthorized.

I want to raise one that I am most especially interested in, having authored the first one, and that is the Endangered Species Act. It has expired. And yet the appropriators have had to fill the gap to sustain the life of this very important program in this country.

So we do have multiple functions and duties in the Appropriations Committee. We do not back down or shrink from those duties, even though those duties go beyond purely an appropriation action.

I can remember when the crime bill was attached to an appropriations bill in order to get passed. I can remember when a foreign aid authorization was attached to an appropriations bill to get passed.

So as much as the Appropriations Committee is targeted for this and that and the other thing, let us bear in mind that we are performing the one obligation that keeps this Government alive and functioning; much of that is providing it with the resources. That is a general comment.

But I would like now to go back to the purpose of this bill, which is, of course, to continue to meet the needs unexpected, unplanned, and unscheduled. That is what an emergency appropriations bill is all about.

We have three titles to this bill, as has been indicated. One title, title I, is to wrap a number of actions into one bill. Title I is the emergency appropriation primarily for the relief of the Los Angeles victims following the earthquake. In fact, of the $10 billion represented in title I, almost $8 billion, $7.7 billion, is for that action in the earthquake.

We have a continuing obligation to fill in this title I, with the San Francisco earthquake. And, as well, we have the duties performed for the Midwest States flood. And on it goes, for these emergencies.

We have, as well, to replenish the Department of Defense for the operations of Somalia and Bosnia and Iraq—those obligations.

Title II is a title relating to what we might in shorthand call, "the President's regular supplemental appropriations bill" that he has submitted as of yesterday. In this we are talking about $978 million. These are nonemergency supplemental appropriations requests, and the single largest component of this is $801 million for veterans benefits. This, of course, is a mandated expenditure and does not require an offset. We also have over $60 million for advances for the unemployment trust fund. This is another mandatory activity that does not require an offset. The balance of $115 million is for various supplementals requested by the President for sundry activities of the Government. These are now in a different category. These are discretionary funding programs and they require an offset, and they have been offset by the action of the committee.

I should note the committee was not able to provide one other request in the regular title II, regular supplemental, offered by the President of $670 million. That would be for the contribution to the U.N. peacekeeping forces. We could not find an offset, which we are required to do. We could not find an offset for that $670 million. So that matter will have to then carry over into the regular bills we will be undertaking very shortly for 1995.

Title III of this bill, as the chairman indicated, addresses the issues of rescissions, rescissions in which, after a part of the fiscal year has elapsed, the President reviews programs and issues, those matters which relate to findings, and because of the changes that have occurred he submits to the Congress a proposal to rescind those expenditures that had been provided in the regular appropriations bill. The President submitted two such rescissions—one in November, approximately $1.9 billion, and another just yesterday, Tuesday, of $1.6 billion.

The chairman has already indicated that we have increased those figures from the President. In other words, we are proposing here today we rescind more money than the President has suggested because the Congress as well contributes to a review of those programs in the face of changes. I might say we have recommended rescinding $3.4 billion in budget authority. This exceeds the amount of the House action by $881 million and exceeds the President's request by $270 million.

As the chairman has editorialized, so to speak, on the impact the balanced budget amendment would have on this kind of action, let me just, for a second or two, comment or editorialize on what the line-item veto's impact would have on this particular type of procedure.

I was asked by the media yesterday as to my reaction to a proposal that somehow has found its way in the "reform activities of the House of Representatives," and probably will appear here in the Senate as well, as it has in the past. Somehow the impression has been communicated to the public and media that the President's budget is sacrosanct and, therefore, any change in the President's budget becomes an add-on by the Congress as a line item and should, therefore, be subject to veto because the impression is that any change that Congress makes is pork.

Let me remind ourselves today that the Constitution bestows upon the legislative branch of Government the control of the purse strings, based upon our European background and our European political experience of the sovereign or the monarch or the dictator or the czar or whatever the title might be, of having such autocracy based upon the control of the resources.

So, therefore, it is the Congress that has that fundamental constitutional responsibility. The President is but proposing to the Congress in his priorities, and in his view, what are the required resources to be acted upon by the Congress. The Congress in modifying or changing the President's budget is really functioning more under a constitutional requirement than an administrative requirement.

I think we should never lose sight of the fact that that is our constitutional duty. Therefore, we must understand the President's budget as submitted is a compilation of line items. It is made up of many programs, many suggestions, many recommendations. Those are line items. Therefore, when we are modifying or changing, it is a matter of addressing a line-item procedure that the President is already engaged in, and our constitutional duty to so do. In addition to that, the impression is that every request the President makes is substantive, it is vital, it is imperative, it is important. Anything that Congress offers, again, is classified as pork.

It is also assumed the President has asked for lesser money than the Congress has been wanting to appropriate, over the years. The chairman and other members of the Appropriations Committee have cited a survey and it has shown that in the major number of years—at one point it was 38 out of 40—the Congress underappropriated the requests of the President. So the changes made by the Congress—add-ons, line items, pork, all of those things that have been so superficially identified—have really been of a lesser gross amount, a lesser number, than the President's.

Let me say to the body again, I take pride that in 6 years that I served as chairman of this committee under a Republican Senate and a Republican White House, we underappropriated President Reagan's request for military spending by approximately $100 billion; we transferred funds, in our priorities, to housing, to education, to welfare, to health, to all of the people needs, and we still underappropriated the total requests by President Reagan in practically all of those 8 years of the Reagan administration.

Mr. BYRD. Not practically all, but in all.

Mr. HATFIELD. Pardon?

Mr. BYRD. Not practically all, but in all.

Mr. HATFIELD. It has been suggested by the chairman, again, it was not "practically all." I should take that modifier out. In all the years of the Reagan administration.

So having now gotten that off my chest, let me go back, now, to the final comments that I want to make on this bill.

We, again, have exceeded the President's rescission number. We have, again, indicated what we feel to be our imprint on this bill.

Now we have to go to the House. We have to have conference with the House. And what the final bill will be it remains to be seen. But at this point the Senate Appropriations Committee has made this its recommendation, a lower figure than the President's rescission package.

I want to join the chairman in urging a restraint on the matter of offering amendments. Let me just summarize this point.

Any amendments to title II of the bill, which is the regular supplemental appropriation, will have to be offset. Any amendment that adds to title II will have to be offset. Let us also bear in mind that title I of the bill, which is the emergency supplemental, that has to qualify as an emergency.

The chairman has already indicated that in yesterday's action, when we suggested that in a bipartisan way. I was happy to join the chairman and our colleagues, Senators INOUYE and STEVENS, in urging a sense-of-the-Senate resolution to address this matter that we call "emergencies because of natural disasters."

Mr. President, since 1988, the Congress has enacted six major disaster relief supplementals providing for 17 plus billion dollars for Federal disaster assistance. Today we are recommending $10 billion to be added to the deficit.

I can remember when we appropriated almost $1 billion in 1980 for the Mount St. Helen's disaster. So here we are in this kind of a circumstance not able to predict natural disasters and yet under obligation to respond to natural disasters. But we have to find a better funding mechanism and policy to carry out that responsibility. I am very hopeful that there will be immediate action taken on this bipartisan task force to review our procedures for disaster relief supplemental appropriations and to recommend improvements. But we have no other alternative but to face up to that need at this time. Therefore, this is the purpose of title I of this bill.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. INOUYE. Mr. President, the President requested emergency fiscal year 1994 supplemental appropriations in the amount of $1,198,300,000 for the Department of Defense. These funds are requested to cover urgent, unbudgeted, and unanticipated expenses of the Department's humanitarian relief and peacekeeping operations in and around Somalia, Bosnia, Southwest Asia, and Haiti.

The bill before the Senate recommends an appropriation in the same amount as requested by the President and provided by the House.

These funds will cover only incremental costs associated with ongoing humanitarian, peacekeeping, and peace enforcing operations of the Department. That is, these funds will be used principally to: First, buy food, shelter, medical supplies, transportation, and other logistics support for our troops participating in these operations; second, purchase fuel and spare parts to operate and maintain weapons systems and support equipment; third, provide combat pay and family separation allowances to the men and women deployed to the areas of responsibility; and fourth, replace equipment destroyed or expended in conflict. Let me briefly summarize the committee's recommendations:

For Somalia, $424,100,000 is recommended to sustain U.S. military and humanitarian assistance operations up to the planned departure date of March 31, 1994;

For Bosnia, $276,700,000 is recommended to cover the full fiscal year costs of supply airdrops, hospital operations, and other support activities associated with U.S. humanitarian efforts there. These funds also will be used to support U.S. actions to enforce the no-fly zone in this area;

For Southwest Asia, $449,700,000 is recommended to cover the full year combat pay, operations, and support costs of operation provide comfort—our relief activities for the Kurdish population living in Northern Iraq—and operation southern watch—our operations to enforce the no-fly zone in southern Iraq; and

For Haiti, the committee recommends $47,800,000 to pay for the incremental expenses incurred by the Navy due to increased ship operations and flying hours of units assigned to maritime interception operations around Haiti.

Appropriating funds in the amount requested is necessary to maintain the well being of our military forces. The expenses I have just described were neither anticipated nor provided for in the fiscal year 1994 Defense Appropriations Act (Public Law 103-139). Thus, the Department has been forced to redirect funds designated for training activities, equipment maintenance, and other operations planned for later in the fiscal year in order to support these peacekeeping operations. Without these funds, the ability of our forces to maintain readiness certainly will be degraded.

Last year, the committee labored hard to provide adequate funding for the Department's readiness programs. By accepting these recommendations we will continue to assure adequate funding for these critical programs. I urge the committee to accept the recommendations as proposed.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada, [Mr. REID].

AMENDMENT NO. 1436

Mr. REID. Mr. President, I have an amendment in relation to the provision in the bill regarding the prohibition of funds to illegal residents. I brought this matter up yesterday in the Appropriations Committee and indicated at that time that I would bring it up again on the floor today.

The relief bill we are going to pass today is a tribute to this country's enormous generosity in times of crisis and catastrophe.

We not only reach out to our own people, but we reach out to the peoples in other parts of the world, whether there is an earthquake in California, fires in California, floods in the Midwest, hurricanes in Florida and North and South Carolina. We also take pride in our worldwide generosity, such as helping impoverished and starving people around the globe. We have, in effect, been the breadbasket of the world, giving free food all over the world in cases of disaster.

We are always the first. Other countries help, but we are always the first to render aid in times of disaster. Humanitarian assistance is truly a part of the heritage of this country, and rightfully so.

This tremendous humanitarianism is evidenced throughout the bill that is now before this body. Indeed, Mr. President, even those who are not legal residents will be eligible to receive significant amounts of aid such as, search and rescue assistance, emergency medical care, emergency mass care, emergency shelter, provisions for food, water, medicine and other essential needs, reduction of immediate threats to life, property, public health and safety. Again, even those who are not legal residents will receive that aid.

But also part of our heritage is the notion that we should all play by a set of rules. The purpose of the amendment that I offer is to make sure that we allow the emergency assistance to everyone.

I do not intend to stand in the way of the State of California and the Federal officials in California doing whatever is necessary to take care of the emergency needs of the men, women, and children who have been so hurt by this natural catastrophe.

But what my amendment does is stop the Federal Government from providing long-term aid to individuals who are not legal residents of the United States. That is the simple import of this amendment. You see, Mr. President, this relief bill provides billions of dollars for temporary humanitarian relief. As I have indicated, that is the way it should be.

This legislation also compensates victims for personal losses and allows them to receive thousands and thousands of dollars in long-term, nonhumanitarian Federal grants. The long-term nonhumanitarian relief goes well beyond the emergency essentials necessary for people to survive.

Included in the long-term benefits are a number of things. For example, there are rent vouchers available for an 18-month period and grants of up to $20,000. These include grants from the Small Business Administration and the Department of Housing and Urban Development. To the extent there is any scarcity of these funds, we must make sure that only those who are lawfully within this country are entitled to receive these long-term benefits.

I have spoken at great length with my two colleagues and friends from the State of California who so well represent that State in the U.S. Senate. They also understand that long-term benefits under this bill should only go to those who are legal residents of the State of California and this country. They would have to state that in the RECORD themselves, but I am confident that is what they would say.

I do not think there is anyone in this Chamber who believes illegal residents ought to be entitled to long-term Federal grants, low-interest SBA loans, rental subsidies and outright grants of over $12,000. The bill needs, I believe, clarity so that those who play by the rules and are the intended beneficiaries of long-term relief do not lose out to illegal residents taking advantage of this country's generosity.

My amendment brings clarity by strengthening the requirements that relief workers take reasonable steps to verify that all applicants are legal residents.

I voted against employer sanctions when I was in the House of Representatives when the immigration bill came up. I voted against employer sanctions because I thought we put a burden on the private sector that the Government should bear. I was on the losing side of that vote and employer sanctions came to be.

I served at the request of the majority leader as chairman of the joint task force on Senate coverage last year. We rendered a report to the majority leader and the minority leader indicating that we felt that this body should have laws that we pass for the private sector apply to us.

We have asked the private sector to do certain things regarding employer sanctions. I am asking so much less in the amendment that I am offering that is not even calculable. There are no severe fines here or other criminal penalties in my amendment. We are simply saying there should be reasonable steps taken by those who administer this aid to not give long-term aid to people who are illegal residents of this country.

So my bill recognizes the employer sanctions that we now have regarding those who employ individuals who are not legal residents of this country. I think the Federal Government should be held to some kind of standard, certainly not the same standard that we currently impose on the private sector but some kind of standard. It is not unreasonable to require us, the Federal Government, to follow the same laws we impose on others. I am not even asking for the same burden. I am asking for a lesser burden because, unlike the laws we impose on the private sector, my bill will not impose criminal fines on those who violate the law or any type of criminal penalty. It simply puts in place language that will preserve the integrity of this generous bill by ensuring that illegal residents will not receive long-term Federal assistance they would not otherwise receive just because there was an earthquake.

Again, Mr. President, I want to make it clear that my bill will in no way deprive anyone, whether legal or illegal, from receiving Federal assistance for emergency humanitarian relief.

As elected officials, I believe, however, that we, Members of the Senate, owe a fiduciary duty to the people of this country—I owe it more specifically to the people of the State of Nevada—which obligates us to ensure that the long-term Federal benefits are properly allocated. This amendment that I will soon send to the desk is necessary to ensure that we do not fail in this regard. Without this amendment, there is absolutely no protection against illegal residents fraudulently abusing the law to secure thousands of taxpayers' dollars otherwise intended for long-term nonhumanitarian purposes.

Moreover, by publicly debating this one weakness of the bill, we are sending out a clear message to those who are not in this country legally that there is money to be had. No questions asked, no strings attached.

This bill prevents this from happening. That is, it prevents people from obtaining this money who are not legal residents of this country by requiring that the Federal relief agencies take reasonable steps to verify the legal residency of all applicants.

Others have argued that it is unrealistic to expect that people typically carry identification proving they are lawfully within the United States. This argument, of course, is without a lot of foundation. It overlooks the fact that if you are asking to receive Federal funds, all taxpayers have a vested interest in assuring that you are a taxpayer. We are only asking reasonable steps to be taken. We are not asking the case be submitted to a jury and a lot of time be taken. We are asking that these bureaucrats take reasonable steps to show this.

There are suggestions that requiring proof of legal residency may result in discrimination against certain minorities. I hope that is not the case, but, in fact, if there is any discrimination in this or any other area of the law, there are protections in place that already exist which forbid this kind of discrimination, and in fact it is a crime to do so.

Federal relief workers who reject applicants based on discriminatory purposes know they are subject to not only termination but perhaps criminal and other civil penalties. Our first priority is to take care of the taxpayers in California and the rest of this country and to make sure for all Americans their tax dollars are not spent improperly. This amendment will provide a means of assuring this happens.

Mr. President, let us not be misled by some who may try to frame this debate in terms of humanitarianism. This is a red herring. I think with just a minor bit of logic, that is understandable. This amendment will not stop any short-term emergency aid to anyone, including people who are not legally within this country. This bill does not affect emergency humanitarian relief granted to everyone. Because, however, this relief bill also provides for long-term remedial and compensatory benefits, we need to ensure that the scarce dollars allocated end up being appropriated to those who truly deserve them.

Now, for my friend from California who is in the Chamber, and the other Senator from California, who I do not see in the Chamber at this time, but I have spoken to her and I know she is around, let them be assured I would like to work this out. I hope that we do not have to have a vote on this.

I have a meeting with Senator FEINSTEIN; Senator BOXER; Erskine Bowles, head of the SBA; and Secretary Henry Cisneros, of Housing and Urban Development at 1 o'clock today. I hope that I can have something in writing which will indicate to me and the rest of the Senate that any fears I have regarding long-term aid going to people who are not legal residents of this country will be satisfied; that in fact they can show me and will put in writing they have mechanisms established which are already in place in California so that these long-term benefits will only go to legal residents of this country.

With this in mind, and with the assurance I gave my chairman and the ranking member yesterday in the full committee that I would do everything I could to work this out, I hope we can work this out, and I send this amendment to the desk.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1436:

In title IV, section 403; insert at the end the following paragraph:

"Any Federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual seeking to obtain such funds is lawfully within the United States."

Mrs. FEINSTEIN. Mr. President, I rise both to comment on the supplemental and also to comment on the amendment which is before the Senate.

Mr. President, in the beginning, I would like particularly to thank Chairman BYRD and the ranking member of the Appropriations Committee, as well as the entire committee, for the speed with which this supplemental has been moved. The speed is justly deserved, as I hope to point out. But more importantly, Mr. President, I should like to also thank the chairman of the committee for being available both to Senator BOXER and myself, when we called from California, to indicate his strong support to move very rapidly; also to commend my subcommittee chair, Senator MIKULSKI, who has held a hearing in the HUD/VA Subcommittee so that FEMA Director James Lee Witt and Secretary Cisneros could make a presentation to the committee on exactly what was happening with respect to this earthquake.

Mr. President, this supplemental is entirely justified. Its urgency is justified as well. Along the lines of urgency, I would like to submit, if I may, for the RECORD, a document entitled "The Urgency of Supplemental Appropriations for the Federal Emergency Management Agency," which was compiled on February 3, and at that point indicated that FEMA would run out of funds, without the supplemental, in 13 days. At this point, those days are less than 10.

I should like to ask unanimous consent to submit this for the RECORD, if I may.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE URGENCY OF SUPPLEMENTAL APPROPRIATIONS FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY

(Supporting Materials: The Northridge Earthquake)

When will the Disaster Relief Fund run out of money?

Average rate of spending since Northridge

(Dollars as of February 3, 1993)

Status of Disaster Relief Fund Allocations:

Unallocated balance of the Disaster Relief Fund on Jan. 17—$1,118,807,924.

Total allocated Jan. 17 through morning Feb. 3—$851,677,729.

For Northridge—$818,474,717.

For previous disasters—$33,203,012.

Original funds remaining—$267,130,195.

Contingency funds released since Jan. 17—$408,000,000.

Disaster Relief Fund Balance as of morning Feb. 3, 1993—$675,130,195.

Allocation rate: Days since Northridge earthquake—16.

Rate of allocation per day (all days, not just weekdays)—$53,229,858.

For Northridge—$51,154,670.

For previous disasters—$2,075,188.

Days remaining:

Days remaining at present rate (all days, not just weekdays)—13.

IMPACT OF NOT EXPEDITIOUSLY APPROVING FEMA SUPPLEMENTAL APPROPRIATIONS

The Northridge earthquake has presented FEMA with possibly the largest challenge we have ever faced. Preliminary estimates of over $4 billion for FEMA's costs alone outstrip the current unallocated balance in the President's Disaster Relief Fund.

Until FEMA's request for supplemental appropriations can be passed by the Congress, FEMA still needs to continue our relief efforts for the Northridge earthquake and work on other disasters for which we are responsible. In order to minimize the disruption that would happen if we run short of funds (as FEMA did after Hurricane Andrew), FEMA has already determined that it will only be allocating funds when needed immediately for obligation or to support critical assistance to individuals and protect the health and safety of the general public. This is already beginning to impact ongoing recovery projects.

If, in spite of these measures, the Fund still becomes critically short of funds, we will undertake more drastic measures. Any delay in providing supplemental appropriations to the Federal Emergency Management Agency (FEMA) will result in significant reductions of what can be funded as part of the Agency's response and recovery efforts across the country.

Public assistance

In order to ensure that the Disaster Relief Fund contains enough funds to (1) meet individual disaster victim needs, and (2) support initial response operations in case additional major disasters are declared, FEMA has been forced to slow or stop the allocation of additional disaster assistance payments for Public Assistance (payments to States, local governments, and eligible non-profits for infrastructure and public facility repairs). The withholding of Public Assistance funds would negatively impact ongoing recovery activities. For example:

To date, FEMA has obligated around $200 million to reimburse local communities and States for expenses incurred in providing a variety of emergency protective measures immediately following the Northridge earthquake and to initiate repairs to damaged infrastructure. The current estimate to repair the infrastructure is $2.5 billion. Without supplemental funding, restoring public facilities to their pre-disaster condition will be impossible.

Eligible Public Assistance projects in Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota and Wisconsin (due to this past summer's Midwest floods) are being slowed or delayed until additional funding is obtained.

At this time, the President is considering a request for a major disaster declaration for the State of Pennsylvania. In addition, emergency declarations have been sought by the States of Pennsylvania and Kentucky, and damage assessments in the wake of recent incidents have recently been completed in Ohio and Mississippi. Due to the funding implications of declaring these potential disasters and emergencies, FEMA will be able to provide nothing other than emergency measures and assistance to individuals and families should declarations be granted.

If necessary, within one week FEMA will de-allocate Public Assistance funds that have already been directed to FEMA Regional Offices for outstanding disasters to ensure that the immediate needs of disaster victims can be addressed.

Should the Emergency Supplemental Appropriations not be approved in the next two weeks, the impact of withholding Public Assistance funds will be substantial. States and communities eligible for additional Public Assistance funds include but are not limited to:

California (Los Angeles County and incorporated areas, Orange County and incorporated areas; Ventura County and incorporated areas; City of San Francisco (City Hall); Stanford University; Watsonville Community Hospital)

Illinois (East St. Louis; Eldred Drainage District; Hillview Drainage District; Hunt Drainage District; Lima Lake Drainage District)

Iowa** (Davenport; Des Moines; Keokuk; Otumwa; Sabula; Story; Iowa State University) (**The entire State is eligible for Public Assistance funds)

Kansas (Kansas City; St. Charles County; St. Louis; St. Joseph)

North Dakota (Steele County)
South Dakota (Dakota Dunes)
Wisconsin (Black River Falls)
Florida (Dade County)

Others: Arizona; Arkansas; Connecticut; Delaware; Florida; Georgia; Guam; Hawaii; Indiana; Louisiana; Maine; Minnesota; Mississippi; New Mexico; Nebraska; New York; New Jersey; Oklahoma; Oregon; Ohio; Texas; and Vermont.

Mitigation

A delay of the approval for the supplemental request will also seriously hamper mitigation activities and funding to States and local communities across the United States. In many cases, this can leave communities open to further disaster.

For example, there are communities in the Midwest who are awaiting assistance to implement preventative measures before the expected Spring floods. Relocation of whole communities (such as Valmeyer and Grafton, Illinois; English, Indiana; and Darlington, Wisconsin) are already in process and will be seriously impacted without the anticipated funding from the Hazard Mitigation Grant (Section 404) Program.

Other communities are also planning acquisition projects or projects to elevate homes and other buildings above the base flood elevation. This is a top priority for the Clinton Administration, and will result in the reduction of human suffering and costs related to flood disasters in the future. Without funding, these homes will remain vulnerable to the flood hazard.

Presently, we anticipate requests for relocation funds from about 200 communities affected by the Midwest floods of 1993.

Should the Emergency Supplemental Appropriations not be approved in the next two weeks, the impact of withholding Mitigation funds will be substantial. States and communities awaiting Mitigation funds include but are not limited to:

Maine (Greenville; Kittery; Skowhegan; Wilton; Yarmouth)
Massachusetts (Orleans)
Alabama (Livingston; Oneonta)
North Carolina (Sunset Beach)
Illinois (Grafton; Valmeyer)
Indiana (English)
Wisconsin (Darlington; Eau Claire)
Louisiana (LaFourche Parish)
Texas (Simonton)
Iowa (Independence; Des Moines)
Kansas (Riley County)
Missouri (Arnold; Jefferson City; Springfield; Ste. Genevieve; St. Charles County)
Nebraska (Crowell; Hollubs Place; Iskee Park; Sarpy County)
Arizona (Winkelman)
California (Humboldt County)

FEMA VERIFICATION OF DISASTER ASSISTANCE APPLICATIONS

FEMA's inspection process

After FEMA has taken an application for assistance from a disaster victim for Disaster Housing or for the Individual and Family Grant (IFG) program, a home inspection will be completed to determine eligibility and the amount of assistance each program should provide. All requests for assistance will be verified through use of this inspection process.

FEMA issues the applications electronically to one of the firms with contracts from the Agency to provide these inspection services. The contractors have provided 800 inspectors to accomplish these inspections to date. This number of inspectors will grow to 1,500 by next week with increases beyond that number made if necessary. Each contract inspector receives applications for inspection electronically from the contractor. The inspector records damage to real and personal property, along with other relevant information, on a hand-held computer. When the inspection is complete, the collected information is electronically returned from the contract firm to FEMA.

This system, known as the Automated Construction Estimates (ACE) system was first used in the California wildfires. Its use will reduce the time necessary to assist applicants, improve the accuracy of the grant awards provided, and reduce administrative expenses. All applications for disaster housing assistance and individual and family grant assistance will be verified using the ACE system.

CITY HALL,
Los Angeles, CA, February 4, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BYRD: The Los Angeles earthquake has had a devastating effect on the residents and economy of our city. The initial episode, centered in the Northridge area of Los Angeles, and the many aftershocks have resulted in fifty-seven deaths, scores of injuries, and a staggering amount of property damage.

Particularly in light of the intensity and breadth of the devastation, we are extremely proud of the excellent performance of the City of Los Angeles' emergency response and damage recovery personnel. Moreover, we greatly appreciate the similarly rapid and effective response of the many other government and private individuals and organizations involved. Nonetheless, the earthquake has placed a tremendous strain on already stretched City financial resources, facilities, and services, including significant damage to the City's utility infrastructure.

Therefore, we fully support HR 3759, the emergency supplemental appropriations bill for disaster assistance related to the Los Angeles earthquake, which was passed by the House on February 3. HR 3759 will provide much needed additional aid to victims of the disaster and allow the regional economy to accelerate its recovery. It will also provide increased funds for federal cost sharing in repairs to damaged City facilities and in emergency response activities. As the damage levels and their cost estimates continue to grow over the next several months, our needs may well exceed the significant level of assistance contained in HR 3759. In that event, we look forward to working with Congress and the Administration to meet those needs.

We are grateful to the Administration, Senators Feinstein and Boxer and our entire Congressional delegation for their rapid and wholehearted support and we respectfully request prompt consideration and passage of HR 3759 in the Senate.

Sincerely,

RICHARD RIORDAN,
Mayor.
JOHN FERRARO,
President.
Los Angeles City Council.

Mrs. FEINSTEIN. I should also like to submit a letter for the RECORD dated February 8, from the Governor of the State of California, Pete Wilson, indicating his strong support for this supplemental, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SACRAMENTO, CA,
February 8, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my strong support for the emergency supplemental appropriations bill, and to urge swift Senate passage to ensure needed federal funding assistance flows quickly to victims of the Northridge Earthquake. The additional $2 billion added to the bill late last week bring the totals more in line with our current estimates of total federal costs.

On the heels of quick action by the House of Representatives last week, action by the Senate and passage by the full Congress are the last steps in this critical initial recovery phase. Any delay could threaten the flow of urgently-needed funds.

As we both know from past experience, additional steps may have to be taken as more precise damage estimates are known. We do know that this is among the costliest natural disasters in our nation's history, one that we as a state can ill-afford, especially in light of the continued recession in California and the unprecedented number of natural disasters that have hit the state in recent years.

I appreciate the commitment of the Administration and the Congress to revisit these issues and increase federal assistance as needed to ensure an essential federal response to the needs arising out of the Northridge Earthquake.

California will bear a substantial cost of the disaster through our share of costs to rebuild our transportation infrastructure and provide grants to individuals and families, loss in property tax, casualty losses to be deducted from Personal Income and Bank and Corporation taxes, housing assistance in excess of federal support, and through loss of economic activity and jobs.

The difficult process of rebuilding these communities and restoring the basic needs of so many Angelenos is now underway. Passage of this appropriations bill marks an important and much appreciated first step in the federal government's commitment to the people of Los Angeles.

I look forward to working with you to ensure full and timely assistance for the communities and victims of the Northridge Earthquake.

Sincerely,

PETE WILSON.

Mrs. FEINSTEIN. Mr. President, I should like to submit a letter for the RECORD dated February 8, 1994, from the director of the department of finance of the State of California, Mr. Russell Gould. This letter indicates that the total cost of the disaster to government agencies is estimated at $11.6 billion; the Federal Government's share of these costs is $9.5 billion; the State's share is $1.9 billion; and the local agency's share, $135 million.

The letter then goes on to state that these shares are based on the provisions of H.R. 3759, the House bill that was passed, and it goes on to say that the supplemental is adequate to meet the needs of the State. I think this is an important letter and should be part of the official RECORD.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
DEPARTMENT OF FINANCE,
Sacramento, CA, February 8, 1994.
Hon. PETE WILSON,
Governor, State of California,
Sacramento, CA.

DEAR GOVERNOR WILSON: I am hereby transmitting the Department of Finance's estimate of the fiscal impact of the January 17, 1994 Northridge Earthquake. The analysis is based on the best damage assessments currently available to local, state, and federal officials. These estimates will change over time as new information becomes available.

These shares of cost are based on the provisions of H.R. 3759, as it was passed by the House of Representatives. That legislation contains supplemental appropriations totalling $9.5 billion. Based on current estimates, I believe that H.R. 3759 contains sufficient funds to meet commitments that have been made by the federal government to date.

These federal funds, however, are not sufficient to cover all of the costs borne by the state and by local agencies. The state and local agencies will be responsible for state programs that are not eligible for federal funding and for the non-federal share of cost for federal disaster relief programs.

FEDERAL DISASTER ASSISTANCE

Assistance provided through the Federal Emergency Management Agency (FEMA) supports public assistance (e.g., emergency response, debris removal, repair of damaged public facilities), and hazard mitigation assistance. The federal government pays for 90 percent of the cost of public assistance, and 75 percent of the cost of hazard mitigation.

The Office of Emergency Assistance estimates public assistance costs will total $3.4 billion, including the base costs of state and local agencies. The federal government has indicated that it will pay for 90 percent of public assistance expenses, *excluding* base costs. OES estimates that the non-federal share of public assistance costs will total $417 million. Of this amount, $58 million will be used to assume local agencies' ordinary share of cost. OES estimates that the non-federal share of costs for hazard mitigation will total $195 million, of which one-third ($65 million) would be a state cost and two-thirds ($130 million) would be a local cost.

TRANSPORTATION FACILITIES

The Federal Highway Administration will cover 100 percent of the cost of repair work which can be completed within 180 days under the Emergency Relief program. Work completed after 180 days is eligible for a federal share of cost which varies between 88 and 91 percent, depending on the type of transportation facility involved.

CalTrans estimates that the cost of repair to structures and roadways, and other costs borne by state and local transportation agencies which are eligible for federal funding will total $1.45 billion. CalTrans estimates that the non-federal portion of these costs will be 10 percent, or $145 million.

INDIVIDUAL FAMILY GRANT PROGRAM

The Individual and Family Grant Program (IFPG) awards grants to individuals and families for serious needs or necessary expenses resulting from a disaster. The program provides assistance of up to $12,200 per applicant. The federal governments pays for 75 percent of the cost of these grants. The state also administers a state-only supplemental program, providing up to an additional $10,000 for applicants whose needs are not met by the federal program.

The Department of Social Services estimates that total cost of IFPG grants will be $717 million, of which the non-federal share will be $250 million.

TAX RELIEF

The state traditionally provides two forms of tax relief following disasters. First, current law allows taxpayers affected by disasters to defer payment of their property taxes. The state provides loans to local agencies to cover their cash losses during the first year. In recent years, the state has forgiven these loans as a means of recognizing the taxpayers may also seek reassessment of damaged properties. AB 2290 (Katz), which you support, contains provisions providing this assistance. We estimate the cost of this assistance will be $10 million.

Current law also provides that casualty losses related to a federally declared disaster which are not reimbursed by insurance may be claimed as deductions in the year the loss occurs or in the year preceding the loss. AB 2290 (Katz) also contains provisions routinely enacted following recent disasters which allow taxpayers to carry forward 100 percent of losses up to 5 years and 50 percent of losses for up to an additional 10 years. We estimate this tax relief will result in General fund revenue losses of $425 million.

HOUSING ASSISTANCE

The California Disaster Assistance Program (CALDAP) provides assistance to owners of property that has been damaged or destroyed in a disaster, who do not qualify for programs administered by the Small Business Administration (SBA) or the Department of Housing and Urban Development (HUD). CALDAP assistance will take several different forms, including loans for both single-family and multi-family properties, recognizing the need to preserve the supply of low-income multi-family housing.

The Department of Housing and Community Development estimates that $575 million will be required over the next two years to meet the best estimate of need that is currently available.

EDUCATION IMPACT AID

H.R. 3759 includes $165 million to assist school districts meet increased operating costs resulting from the earthquake and to compensate districts for property tax losses directly related to the earthquake. Past experience indicates that the federal government pays for 90 percent of these costs. We estimate that the state's share of cost would be $14 Million.

A table summarizing these fiscal impacts is attached.

Respectfully submitted.

RUSSELL S. GOULD,
Director of Finance.

Enclosure.

PRELIMINARY ESTIMATE OF STATE FISCAL IMPACT STATE PROGRAMS FOR DISASTER RECOVERY RELATED TO THE NORTHRIDGE EARTHQUAKE

[In millions of dollars]

Program	Approximate Federal participation percentage	State cost
Federal disaster assistance (OES/FEMA):		
Public assistance: includes emergency response, debris removal, repairing damaged public facilities	90	417
Hazard mitigation	75	65
Transportation facilities: Repairing damaged roadways and structures, costs of transportation agencies	90	145
Individual Family Grant Program: Cash payments for disaster relief (including 100% State supplemental program)	75	250
Tax relief:		
Property tax relief: Reimburse local agencies for disaster reassessments	0	10
Casualty losses: Increased deductions for unreimbursed losses	0	425
California Disaster Assistance Program:		
Low interest loans to reconstruct single- and multifamily structures not eligible for other forms of assistance, such as SBA or HUD	0	575
Education impact aid	90	14
Total		1,901

Source: Department of Finance, Feb. 8, 1994.

Mrs. FEINSTEIN. Mr. President, without going over all the details of the earthquake, everybody who read this morning's newspapers knows that the earthquake has been upgraded in severity—from 6.6 to 6.8 in magnitude—so that the energy released from the quake is 1½ times more than the original estimate. It was a serious quake. It moved buildings vertically and horizontally at an accelerated rate that caused very serious damage to freeways, to homes, to businesses, and to many, many residents in the area.

This supplemental appropriations bill goes a long way to enable people to recover. The human element of the supplemental is extraordinarily important: people standing in disaster assistance lines, people who urgently need housing, people whose businesses have crumbled and they need the small business loans.

I would just like to quickly update the figures on the disaster, in addition to what the chairman said, on HUD housing grants, the impact aid, the transportation system, the small business loans, FEMA assistance, and the contingency funds.

I want to point out that nearly 300,000 applications for FEMA assistance have been processed. There have been 21,659 applications for small business assistance received, and 1,100 applications, totaling $37.2 million in aid, have been approved. There have been 13,717 HUD section 8 housing vouchers, providing 18 months of rental assistance, requested. Of these, 2,807 applications have been approved and 803 families have contracts with landlords. To qualify for the section 8 program, a family of four cannot earn more than $24,150 a year; 100,000 applications for food stamps have been approved to date. Yet 3½ weeks after the earthquake, 22 shelters remain open and 2,400 people are still in the shelters.

Mr. President, I would like for a moment to turn to Senator REID's amendment and to the language in the House bill. The relevant language is contained on page 114 of the bill. In essence, what it says is that none of the funds made available in this act can be used to provide any benefit or assistance to any individual in the United

States when it is known to a Federal entity or official to which the funds are made available that the individual is not lawfully within the United States.

I think this is quite possibly Senator REID's problem. It says, "when it is known to a Federal entity."

I am hopeful that in the ensuing hours we can reach a compromise which takes care of what I understand Senator REID's problem to be and yet does not mean that another 30 disaster assistance centers must open, and that we can make clear the distinction between emergency aid—food, water, shelter, temporary housing assistance, clothing—and long-term assistance—the section 8 HUD vouchers, long-term food stamp grants, and small business loans and grants that may be offered. This is critical to do.

As I understand it, Senator REID is asking the agencies that dispense long-term assistance to take reasonable steps to determine the legal status of the individual. It may well be that we can work this language appropriately into the House language so that it does not mean the agency cannot give initial, emergency assistance to an individual.

I have been told by the agencies that, as drafted, if this language is included, it would mean—and I will be specific here—FEMA would have to add 20 to 30 additional disaster assistance centers to handle the delay that would be caused by requiring proof of citizenship at the preliminary screening. I say to Senator REID that this is the main problem about preliminary screening: providers of emergency aid and shelter would be required to inquire about immigration status, not just in cases of long-term aid, but in the very early stages of responding to a disaster. This inquiry process into immigration status of all earthquake aid recipients would create a high burden for FEMA and other agencies who are struggling mightily to provide timely emergency assistance in the midst of what is great destruction.

If FEMA or any other agency only checks the documentation of foreign-looking or foreign-sounding applicants, they could be subject to an equal protection suit. In other words, if they select people because they appear to be Asian or Hispanic, they could be subject to an equal protection suit.

This provision could even delay—or deny—benefits to legal citizens as well. It is a very sensitive, tender issue.

As those who have worked on immigration reform law know, determining immigration status is not an easy task. Proof of being lawfully within the United States, which is the language in the Reid amendment, can involve over a dozen different documents, not just a green card or a passport.

Training FEMA workers to evaluate all of these kinds of documents could also be extremely difficult at the initial screening, which is what we are talking about. Many documents that earthquake victims would use to document their immigration status may have been destroyed in the earthquake. What would these people do?

On Friday, the U.S. attorney's office announced the formation of a Federal task force of eight Federal agencies to investigate earthquake-related fraud in food stamps and other governmental assistance programs. I suspect there is going to be far more fraud committed by people who are legal citizens—who are trying to get additional food stamps or who exceed the $24,000 income limit to qualify for HUD section 8 vouchers—than by illegal immigrants trying to get this form of long-term assistance.

That is why I am hopeful we will be able to clarify this amendment, because the intent is something that I think both Senator BOXER and I would like to vote for, to say that long-term aid—SBA loans, HUD section 8 vouchers, capital grants, long-term food stamps—can only go to people who are legitimately here in the United States and can so demonstrate that.

So we need to see—and it is my understanding that Senator KENNEDY's immigration staff is available to help and I am grateful for that—to see if we cannot satisfy Senator REID's concern that reasonable steps will be taken by HUD to see that section 8 vouchers do not go to illegal immigrants and that reasonable steps will be taken by SBA to see that SBA loans and grants will not go to illegal residents.

I think that can be handled.

But, most importantly, I think it is very key and critical that this amendment be processed, this legislation be processed, today and be approved by this Senate.

Time is running out. In my remarks, I will list other States that will be affected, other programs that will be affected, if this supplemental is not processed. I know there is no one in the Senate, absolutely no one, who wants to deny Federal aid to people who are truly in need at the time of a federally declared disaster. I must say that gives me a great deal of comfort.

I also want to thank all of the Members of the Senate who have come forward one by one and said, "California is really going through a rough time. Anything I can do to help, I certainly would be glad to do." I thank them for that statement, and I want to say that their vote in favor of this legislation will say both to my colleague, Senator BOXER, and to me, that you are indeed helping.

Let me conclude by making a few additional comments.

FEMA Director James Lee Witt has prepared an analysis of its funding needs, not only for this disaster, but to cover the outstanding costs of other disasters around the Nation.

That report shows that at its current rate of funding, FEMA will run out of money in its disaster relief fund in 10 days.

To continue providing emergency individual assistance FEMA has had to slow the allocation of public assistance funds in eight States: Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

If funding is not provided in the next week and a half, public assistance funds would be slowed to 22 additional States: Florida, Arizona, Arkansas, Connecticut, Delaware, Georgia, Guam, Hawaii, Indiana, Louisiana, Maine, Minnesota, Mississippi, New Mexico, Nebraska, New York, New Jersey, Oklahoma, Oregon, Ohio, Texas, and Vermont.

Responding to the current situation in California is not a local issue, it is clearly a national issue that impacts a majority of States in this Nation.

FEDERAL-STATE-LOCAL RESPONSE

I would like to also praise the leadership of all the Federal State, and local officials who coordinated the response:

FEMA Director Witt, who is still in California, HUD Secretary Henry Cisneros, Transportation Secretary Federico Peña were on the scene quickly, and stayed to help get the response apparatus in place.

Dick Andrews, the director of the State's office of emergency services, coordinated the State's effort and did a great job.

And Los Angeles Mayor Richard Riordan with Police Chief Willie Williams must be commended for their outstanding leadership and for their ongoing efforts which will ultimately, I am confident, put Los Angeles back on its feet.

True bipartisan cooperation has guided the recovery effort thus far and it is my hope that bipartisan accord will continue today as this Senate approves the supplemental.

By way of summary, in the last 23 days following the earthquake and more than 3,100 aftershocks: 57 people died; 6,540 people were injured; at least 21,000 homes have been declared uninhabitable; at least 55,000 homes have been damaged; and 945,000 meals have been provided by voluntary organizations such as the Red Cross and the Salvation Army.

TRANSPORTATION IMPACT

Major transportation arteries have been disrupted: 5.6 million drivers are on these roads on any given day; on the segment of Interstate 10—the Santa Monica Freeway, the busiest freeway in the country—damaged by the earthquake, there are 271,000 daily trips; on Interstate 5 at Route 14, which is currently closed, more than 216,000 daily trips have been recorded; and Route 118, a vital transportation link in Ventura County which is now closed, usually carries 187,000 daily trips.

A total of 689,000 daily trips have been disrupted as a result of the earthquake.

The need to rebuild, and to rebuild fast, is clear.

METROLINK

Let me mention the Department of Transportation's rapid efforts to expand the service of MetroLink, Los Angeles' commuter rail service. The new link runs out to Palmdale and Lancaster, which face terrible traffic problems as a result of closed roads.

Within 2 days of the earthquake, the LA County Department of Streets and Highways, with the assistance of DOT and Navy Seabee's, constructed two new stations for this service and will have two more constructed by the first week in February.

Ridership on this new line has increased dramatically in the days since the quake. The city of Los Angeles and the Los Angeles County Metropolitan Transportation Authority should be commended for their efforts to develop alternate transportation routes. The residents of Los Angeles should also be commended for their resilience and their efforts to work with the available transportation options in the face of crisis.

I know the administration recognizes the need to put these freeways back on line. Some $41 million has already been committed, and the supplemental requests $950 million more, with an additional request of $400 million for contingencies.

SUPPLEMENTAL APPROPRIATIONS

This bill has been put together through the cooperation of the local, State and Federal agencies.

I appreciate the efforts of the administration to recognize the tremendous needs of the region as a result of this disaster, and its ensuring response.

This bill contains $7.7 billion in new budget authority for the response to the Los Angeles earthquake. Budgetary resources, including loan authority, exceed $8.6 billion. Including commitments already made to the southern California region, the Federal response to the Los Angeles disaster will exceed $9.5 billion, the largest Federal response to a natural disaster in history.

Included in this bill for response to the Northridge earthquake is the following:

HUD: $575 million for the Department of Housing and Urban Development to provide section 8 vouchers, flexible subsidies to repair multifamily housing damaged by the quake, as well as Community Development Block Grant funds to be spent for a widerange needs.

Education: $245 million for impact aid to help schools meeting increased operating expenses as a result of the quake, and Pell grants to help students and families pay for increased transportation costs, extended day programs, and additional food service costs.

Transportation: $1.39 billion for the reconstruction of Federal highways.

SBA: $1.164 billion in funds and loan authority for the Small Business Administration to help rebuild homes and get businesses back on their feet.

FEMA: $4.7 billion for a wide range of expenses, including the repair of public building, the repair of mass transit, road repairs, as well as individual emergency assistance.

Contingency funds: $500 million for the President to allocate to various agencies to meet various needs as they arise.

Clearly this is a great deal of money but, as I hope that I have illustrated, there is an urgent need to provide assistance.

There is no time for delay in approving the supplemental appropriations bill.

I recognize that some of my colleagues will push to offset the spending in this bill with cuts in other programs. I urge my colleagues to reconsider.

This Congress must be concerned about the Nation's mounting debt, but to place the burden of that debt on the backs of earthquake victims is simply not fair.

Since 1980, there have been eight emergency supplementals in response to disasters. None have been offset.

This bill includes nearly $3.44 billion in rescissions. Cuts are being made, but the victims of this disaster ask for this supplemental to move forward so the recovery is not delayed.

In the weeks and months ahead, I believe Congress should look at options such as national disaster insurance, or including the disaster relief fund within the budget when the President makes his annual request.

I will be a willing participant in any discussion to develop a new approach.

But today our responsibility, first and foremost, is to the victims of this quake. It is time to pass this bill and to pass it quickly. I urge your support of this package.

I conclude by once again thanking the members of the committee for their support in the rapid processing of this.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that a member of my staff, Nancy Lescavage, be granted the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I want to offer, first of all, my thanks to Senator FEINSTEIN, my teammate here in the Senate. On this earthquake issue, we have worked together, seriously, night and day, and I am very gratified that we see perhaps a milestone here today that we will get the help that is needed to our people, and not only to our people in California, but to others in the country who rely on this supplemental.

I also thank Senator BYRD, the chairman of the Appropriations Committee. He moved with deliberate speed—and that has meant a great deal to Senator FEINSTEIN and me—when we phoned him in the middle of what has been a very shattering experience for so many of our people.

I want to say the same to Senator MIKULSKI, who placed a call to us in the very early hours as we were just finding out how badly we were damaged.

I also want to thank Senator REID, if he would give me that opportunity, because Senator REID sat in on the first hearing in a series of two that were held on the damage to California. This one was in the Environment and Public Works Committee on which I have the privilege to serve with him. He stayed through most of that hearing, expressing his concern, and he himself actually felt this earthquake all the way in Nevada and described that to us at the time.

I know that Senator REID has proffered an amendment here today. Senator FEINSTEIN has addressed it, and I know he does not offer that amendment in any way to inhibit our moving this bill. I have spoken with him about it on the telephone. I then called James Lee Witt, talked to him about Senator REID's problem. I then phoned Senator FEINSTEIN and we talked about it. Senator REID, I believe, is working as hard as he can to reach some kind of an accommodation. I hope we can do that, because I do not want to see anything happen in the course of amending this bill that would slow it down in the conference committee. So I am very hopeful that we can work it out.

Mr. President, with this emergency supplemental appropriation, we seek to bind the wounds of southern California, as well as the wounds that have still not healed in other parts of the Nation. These wounds have been caused by Mother Nature.

Mr. President, the provision of emergency assistance in times of disaster is a compact between the Federal Government and its people wherever and whenever a disaster strikes. Only the Federal Government has the ability to move quickly to protect lives and property during a disaster and to help rebuild in its wake. That does not mean we do it all. We look to the States and, of course, we look to private insurers. But without our help, there can be no rebuilding, there can be no binding of wounds.

Today we act, and it is our duty and responsibility to send relief to the people of southern California in the same way we acted with all due speed to aid South Carolina, Florida, Hawaii, and the riverside towns of the Midwest.

That 6.8 Richter scale earthquake that erupted in the early morning of January 17 dislocated the entire region. The earthquake crashed through the Earth from a previously unmapped fault. And, Mr. President, it had a vertical thrust to it. When I talked before about it, I talked about the energy that was released from a 6.6 Richter scale earthquake, and that alone would equal the thrust of about 2 million NASA space shuttles going off at once. This is far more than that, Mr. President, with a 6.8 Richter scale reading.

We believe this earthquake is among the costliest disasters in the United States. I have to say to my colleagues that I pray for you, wherever you live, be it in Nevada, be it in Nebraska, be it in New York, I pray that you never have to deal with such a disaster.

I see the Senator from Hawaii here. He has been most supportive. He knows what it means when people are completely stunned, thrust out of their homes, with everything they lived for, everything they dreamed about in those homes, and sometimes they lost relatives and friends.

James Lee Witt, the FEMA Director, told us that more people applied for assistance in the first 12 days after this earthquake than all of the victims of Hurricane Andrew and the Midwest floods did in 6 months. We are talking about a disaster of enormous proportions.

When I was asked how did the Federal Government respond, I have said "magnificently," as did, frankly, the State and the local people. But everyone in the Federal Government underestimated the scope of this disaster. I do not blame them for it. If you are not familiar with the Los Angeles region, you do not understand the incredible density. There are about 17 million people in the metropolitan area. My goodness, that is larger than almost all of the other States in the Union, just in that area. The economic tremors resound across the continent when something happens in that size of an area.

California has provided 14 percent of the economic output of this Nation. In a recent analysis by Dunn & Bradstreet, it showed that one-third of California's manufacturing base lies within a 40-mile radius of the earthquake's epicenter. As the President said in Los Angeles when he was there 2 days after the earthquake, "This is a national problem; this is a national responsibility."

California will pay its fair share, as it should.

Mr. President, Federal aid will provide needed relief for the State's immediate needs. We will heal, and with our help here today, southern California will once again retake its economic place in the Nation, and the people will thrive.

I have right here behind me, Mr. President, a map of the city of Los Angeles. You can see the red and yellow dots. Each one of those dots on this map, Mr. President, indicates a home that has been either red tagged or yellow tagged. Red tagged means you cannot go back in. Yellow tagged means you have a problem and you have to fix it before you go back in.

So what we are talking about here is a loss of perhaps 20,000 units just in this area where people cannot go back into their homes and live.

Now mind you, Mr. President, this is just Los Angeles. I am not showing you a similar map for Santa Monica or the other cities, Santa Clarita and many other cities. Many people think this was just the city of Los Angeles, this was a Los Angeles regional disaster.

So every one of these tags, which show the wide spread of the damage here, represents, Mr. President, a household, a family dislocated, children dislocated, people at their wits' end. Today we have a chance to move that help to them and move it quickly. I believe that as we work with Senator REID and we work with, hopefully, other Senators who may have problems, we will in fact speed this through.

The funds we are voting on today will help to give temporary housing to these good citizens so they can begin to get their lives back to normal.

The funds here today, Mr. President, will rebuild the freeways. We are talking about the busiest freeways in the country, if not the world. Interstate 10 carries about 250,000, 300,000 cars a day. That is what it carried before it was damaged. Interstate 5 is the link between the San Joaquin Valley, where all the produce comes from for this country. It goes through Interstate 5 into the ports of Los Angeles and Long Beach, and it gets shipped.

The fact is, Mr. President, we have to move quickly. We have to rebuild these freeways. They are the economic lifeline of California and the personal lifeline of the people who live there and the regional lifeline for their economy and the national lifeline for this economy.

Despite all the wonderful efforts that have been made by Secretary Peña, and they are heroic—by the way, we had heroes here: Secretary Peña, Secretary Cisneros, to name just two; James Lee Witt, to name a third; extraordinary people who rose to the occasion. But they are running out of money, and we have to move. That is why we need this bill to pass.

So with these heroic efforts of Secretary Peña getting people on the metro link, which is rapid transit—and they are going on the metro link, they are finding alternate routes, they are doubling up and tripling up in cars—we still can only accommodate, really, 50 percent of the problems. We must rebuild these freeways quickly.

And we know when we rebuild them, they will stand up. That is the good news of this quake. The only good news we could see is that where seismic retrofit was done, it worked, it held. Under a bill that this Senate passed—which I am very proud it passed—on Monday, all the overpasses in the country will now be eligible for seismic retrofit. So we are moving.

We need to rebuild these freeways swiftly. In this bill, we will fix the Cypress Freeway, which collapsed during the Loma Prieta quake in San Francisco. Most of the people who were killed in that quake were killed because of that freeway. I will tell you we need to move on that, and that is included as well. It is finishing up that disaster that we had.

Mr. President, on the first day of the quake, they said to the children, "Don't come to school," and 800,000 kids were stranded. After 2 days, they said 250,000 kids cannot come to school. Why? Because there were 150 schools damaged, Mr. President, and that is what this money is going to do. We will pay a share; the State and locals will pay a share. It must happen.

I had one little boy came up to me. He was devastated. You know how kids usually have the sparkle in their eye. This little child did not have a sparkle. "When are you going to fix my school? When can I go back to school? I want to go to school."

We always think that kids are happy when they cannot go to school. They get to stay home and play. The kids want to go back to school. This bill is necessary so that we can fix up those school rooms now. Those kids are our future. They are counting on us. It is our obligation.

We can fight over where we can cut the budget. As a matter of fact, I just came from the Budget Committee. We are fighting now. We are cutting this deficit. It is going to be $126 billion lower than we projected; $176 billion rather than $302 billion. And, yes, I can enter into a debate on where to cut more. I will tell you right now, I know where you can cut more. But I do not think this is the moment to get into that debate. This is the moment to pass this supplemental.

I think the committee found some very uncontroversial rescissions that do not require a lot of debate. We should not begin a debate on where to cut more or where to raise taxes more because, in my humble opinion, that is not something you do in the middle of rebuilding a part of this country that needs to be rebuilt.

Hospitals. Hospitals are damaged. Hospitals are closing. Wings of hospitals are closed off. The money here will provide the match needed to rebuild those hospitals.

Let me conclude, Mr. President, on this note. I look forward to a budget debate on how we can cut more from this deficit, but I do not think this is the time and place to do it.

I want to work with Senator REID, but I hope and pray we can come to an agreement. This is a man who has more sympathy for what happened to us. He felt it, as he was sleeping, all the way in Nevada. He knows the power of this quake and the devastation. I think we can make it work.

I am afraid if we do something different from the House, we will get to a contentious conference. And, my God, what am I going to say to those kids? What am I going to say to the people who need those hospitals, the people in Santa Monica that saw their hospital so severely damaged that it went from 500 beds to 100 beds? What am I going to say to those people? That we could not work out our disagreements, people of good will, good faith? That is who is here in the Senate. We can do it.

We do not have the luxury of time. FEMA is essentially out of money.

When Senator FEINSTEIN and I had an opportunity to question James Lee Witt at Senator MIKULSKI's hearing, Senator FEINSTEIN asked, "Tell me in straight talk, are you running out of money?" He said, "Yes." She asked for a report. I joined in. We got that report. What do we know? We know that FEMA is running out of money. The fact of the matter is, they are not just running out for California; they are running out for the Midwest floods. And if, God forbid, we had another tragedy or disaster anywhere in this country from the State of Oregon to the State of Florida or anywhere in between, FEMA would not have the money.

In 8 days, they tell us, in 8 days, they run out of cash. So, please, I really make a plea to my colleagues here in the Senate. You have come up to us. You have cared with us. You are compassionate about what has happened. You have been with us in spirit. Today we ask for your help. I believe with this supplemental we will deliver that help to people, many of whom have never asked for one thing from their Government. This is a time we should pull together.

Thank you very, very much, Mr. President.

I yield the floor.

AMENDMENT NO. 1436, AS MODIFIED

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know my friend from Nebraska has been here for a long time. I want to get to him real quick.

I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment, as modified, reads as follows:

In title IV, section 403; insert at the end the following paragraph:

"(3) Any federal entity or official who makes available funds under this Act other than for the purposes set forth in subsection (2) above shall take reasonable steps to determine whether any individual seeking to obtain such funds is lawfully within the United States."

Mr. REID. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I am going to offer two amendments to this dire emergency supplemental. On the one that requires us to pay for the supplemental, I will not require a rollcall vote on. It can be disposed of relatively quickly.

The second is an attempt to amend the rescission portion of this bill. There are a number of us who have been working for quite some time to try to develop an amendment to the rescission in the bill. Rescission was incorporated into this dire emergency supplemental, and thus our target is the rescission, not the supplemental.

I assure my friends from California that I have no desire to slow down this supplemental bill. I have no opposition at all to the supplemental. What the Senator from Nevada said, I think, is quite accurate. This dire emergency supplemental is an expression of the generosity of the American people. I have met few who are unwilling to spend this money, few who are unwilling to acknowledge that significant damage has been done, that the lives of the people of southern California have been altered irreparably, and that we have an obligation to move as quickly as possible.

I would point out that the time constraint here is as much driven by our desire to leave on recess as it is by other considerations. What we will attempt to do is to make sure that we deal with this in a reasonable time. I have been here early, Mr. President, in part because I wanted to get it up as quickly as possible and mostly to make sure that there were no delays, to make sure that anybody who wanted to speak for or against this attempt to amend the rescission package had an opportunity to come to the floor and speak so we would have an opportunity to get this rollcall vote out of the way.

As the distinguished Senator from Nevada has said and as I have just reiterated, this is an act of generosity by the American people, an act of generosity that requires us to say that we care about the damage and that we are willing to respond to the damages detailed in this legislation. Let me point out one thing that is required in addition to generosity. Generosity alone is not enough. The people of Mexico are generous, the people of Russia are generous. What is also required is for us to have a sufficient amount of wealth for it to matter.

We will be taking from the national stock approximately $10 billion for this piece of legislation and I support that. I make it clear I think it is appropriate for us to do so. But there is a connection between our capacity to be generous and our ability to generate wealth and income in the first place.

That gets to the heart of what we are attempting to do with a larger amendment, which is to reduce by $94 billion over a 5-year period the spending of the U.S. Federal Government. In a couple of weeks' time we are going to have a great debate here on the floor about amending our Constitution. A large number of people on the Appropriations Committee, and I suggest a majority of Senators—perhaps a sufficient number to amend our Constitution—will stand on this floor and say we should balance our budget by 1999 or the year 2001 or some other point out in time.

In order to balance the budget we would have to take, over a 5-year period, $600 billion out of this budget. This is merely an attempt to take $94 billion. I say that because I am sure during the course of this debate we are going to hear some who will come and say this deficit reduction package, this second step as I see it, is going to be hurtful to the economy—that somehow we cannot do it. I point out to those who are prepared to make that kind of argument that if that is the argument, stand ready to defend your belief that our Constitution ought to be amended. That would require even more draconian action than this.

The Federal Reserve last week raised the interest rates charged to American borrowers. It is not apt to have a great impact upon the economy at this point but it is a signal. The Federal Reserve is concerned about a return of inflation to our economy. There are two sides to this effort to keep our economy growing coming from Washington, DC. One of them is the monetary policy of Mr. Greenspan and the Federal Reserve. The other one is the fiscal policy that we put in place here. Our spending and our borrowing has an impact upon the economy. It has a direct impact upon the economy.

If we were successful in agreeing to this amendment, if we were able to agree to it quickly—as it seems to me we ought to be able to, given the rhetoric we had around here last August and the desire to cut further and the enthusiasm for doing it, particularly the enthusiasm I am quite certain will be here in a couple of weeks' time when we are to debate an amendment to the Constitution. We will fill this room with words, glorious words in tribute to balancing our budget, talking about the urgent need, for tomorrow's generation, to take this action.

We are talking about a very small step in this regard. Yet I am certain I am going to hear arguments that say, "Now is not the right time. Let's do it later."

There has never been a better time. We have low interest rates, low inflation rates, a growing economy. Now is the time to take the next step. The only reason we resist it is it is unpopular. I note particularly the unpopularity of the deficit reduction action taken in 1993 with President Clinton's courageous plan, as well as President Bush's in 1990. It is never popular to come home to the American people, to our constituents, to the people who have sent us here and say we are going to cut spending and raise your taxes. It is never popular to do that.

It is far more popular to vote for a balanced budget amendment. That is what is popular, to stand here on the floor and say I am for balancing the budget. But when it comes to actually going from theory to the concrete—well, I have a reason why I cannot go along with it.

The General Accounting Office has done an evaluation of deficit financing. I have previously had printed in the RECORD an analysis of why we should do this. Let me say, this does require a strong belief. You have to really believe the economy of the United States of America is going to be stronger if we do this. If you do not believe it you are not going to "suffer the slings and arrows of outrageous fortune" to do this. If you do not believe it, you are not going to vote to cut spending. Because many of these items we have on our list, the 57 specific items that total $94 billion over the next 5 years, are not the sorts of things that win you popularity contests. You have to believe it is worthwhile doing.

The General Accounting Office has done an analysis of what happens if we were to bring our budget—not close to balance, but in balance, slightly in surplus. So we could go home to our citizens and people and say, "We are paying off debt. We are not accumulating debt. We are paying off debt." We do not have to pay off a lot. All we have to do is be slightly in surplus, according to the General Accounting Office. Their evaluation—I do not have one of the large economy-size versions of charts—but the General Accounting Office has indicated that within 15 years of the balancing of the budget our economy would be significantly stronger, the per capita income in America would be significantly higher, that Americans would benefit.

One could question it. I will be glad to engage in a debate about whether or not the GAO's analysis—the Federal Reserve's analysis, which is the foundation of this report, is valid. There may be some who come to the floor and say we think deficit financing is good and can present facts and figures and charts as to why we ought to do it.

I am of the opinion and of the belief that our Federal budget should not just be in balance but slightly in surplus so we are paying off debt. I believe the economy of the United States of America would be stronger. I believe our political system would work better. I believe the American people would trust us more.

One of the reasons the American people do not trust us today is because they hear us talking about deficit reduction and then giving all kinds of reasons why this is not the right time. "Let's do it later. Let's wait until the economy has really kicked in. Another couple of quarters maybe will do the trick. Maybe we can wait until after 1994. Maybe 1995 is better."

Mr. President, now is the time, in my judgment, to take that second step.

The budget the President has submitted I think bears some examining, as we consider this. The budget the President submitted calls for $1.597 billion worth of spending. Let me say I believe the President has his priorities right, first of all. He is talking about spending more money on children, spending more money on families, trying to put investment in people. It is key if we are going to have the capacity for wealth-generating that we need so we can be generous where we feel like, as we do today.

I do not think anybody is going to vote against this dire emergency supplemental bill. That is not the issue: Are you for or against helping California? Are you for or against adding another $700 million to the Midwest, to a region that I come from, that will benefit? That is not the issue.

The question is where are we getting the money? This budget calls for about $273 billion of spending on Medicare and Medicaid; $177 billion on Medicare, $96 billion on Medicaid.

It calls on the retirement accounts for $400 billion to be spent: Social Security gets $335 billion, military and civil retirement is $65 billion—$400 billion.

Other entitlements, all the other entitlements that are typically targeted when people stand up and talk about mandatory programs—the farm program, AFDC, food stamps—all the rest of them are $171 billion.

(Mrs. FEINSTEIN assumed the chair.)

Mr. KERREY. For the record, those other accounts decreased from last year. Those who are looking for sort of an easy way out of the entitlement program need to be alerted to that fact. There is unlikely to be an easy solution to this problem. That totals $844 billion. Net interest, Madam President, is estimated to be $212 billion.

It would be significantly higher were it not for low interest rates. We are getting a bonus today, as the President has talked about. The reason that interest rates and low inflation stay in place is that we had the courage last August to vote for deficit reduction. That is what is producing it, on top of the deficit reduction action that occurred in 1990 that I voted for as well.

So we are going to spend $1.56 trillion on Medicare, Medicaid, Social Security, civil, military, retirement, other entitlements, and the interest accounts; $541 billion is left for discretionary spending, approximately half of that going into this Nation's defense.

I am merely laying that out so we get an understanding that we are about, this year, to spend $1.6 trillion, $1.597 trillion with the press releases, $1.970 trillion with the proud statements about investments. But, understand, as I said in the beginning, that in order for us to be generous, in order for us to build schools, to build roads, to have a health care program, a safety net of any kind, this Nation has to generate wealth. That is the source of our capacity to spend anything in Washington, DC.

I would like to read the accounts where we are going to get the money, just so colleagues understand there are patriotic Americans out there who are going to be shipping checks to Washington, DC on April 15: $500 billion with individual taxes—three-fourths of the people in Nebraska do not even itemize, they patriotically send their check into the IRS because they believe it is their obligation—82 percent compliance in this country, and I point out, unfortunately, on the way down—$131 billion of corporate taxes being paid; $428 billion of social insurance taxes being paid.

I made the point before, I will make it again. We are overtaxing people who get paid by the hour. For the first time in the 50-year history of our Social Security Program, we broke a pay-as-you-go system and began to generate a surplus. Fifteen percent payroll taxes are collected on the American people today. If you are self-employed, as 15 percent of the work force is in the State of Nebraska, you paid 15 percent of your wages. That accumulates as $428 billion estimated between October 1, 1993 and September 30, 1994.

We will go beyond that. We have $55 billion in excise taxes, $13 billion in estate taxes, $19 billion collected by Customs, and $20 billion miscellaneous. That is a lot of money we are collecting from the American people. If they do not have income and wages, we do not collect anything. If there are no jobs, we do not collect anything. All of us understand that. The President most particularly understands that. He has made a point to say that we have to invest in the American people, invest in their capacity to increase their earning power. That is the key to our being able to have any kind of revenue.

I pointed out before, and I will do it again, the most important fact, I think, of all in 1993 that has contributed to our capacity to be able to stand here and say that the economy is growing and everything looks good is that the productivity of the American worker increased 4.7 percent, reversing a 20-year decline and outstripping all of our OECD competitors—a significant fact.

Yes, I believe the reconciliation bill that we passed on August 5 was extremely important. But were it not for the increase in productivity of the American workers, were it not for increased productivity of men and women who are out there on the shop floors today, we would not be enjoying a reduction in the deficit. We would not be enjoying growth in the economy. We would not be sitting here right now feeling a sense, I think, of false security and satisfaction that we no longer have to do anything more, the deficit is going down—$176 billion, Madam President.

I ask you to get a round of applause from a town hall meeting saying, "Congratulations, the deficit is only $176 billion." I give President Clinton full credit for getting it down to that. If the allies had stopped at the Rhine River, had MacArthur stopped at the Philippines, World War II would have been much different.

This is a war, and if you do not believe it, if you do not believe we ought to balance our budget, that is fine, say so, declare your opposition to balancing the budget and we can have a good debate.

I believe that the standard of living of our children, I believe the economic security of this country, I believe, in fact, our capacity to govern ourselves is in jeopardy unless we take this action.

(Mr. GRAHAM assumed the chair.)

Mr. KERREY. The total amount of revenue, Mr. President, we are collecting from the American taxpayers, we are estimating to be collecting, is $1.249 trillion against $1.5 trillion in receipts. We have some offsetting accounts to get the deficit number down. The fact of the matter is, we are not going to collect enough money to pay the bills and, thus, what we have to do is sell Treasury bonds. We borrow from the already too small pool of savings, restricting the growth of the economy, restricting our capacity to invest, restricting our ability, Mr. President, to grow and generate the wealth and income that we need to be generous.

It makes no sense for us to sit here in Washington, DC, and say that we are the source of power just because we are willing to come and spend money. It is not our money. The money comes from the American people. And I believe that our fiscal policies, long-term, are undercutting our ability to be generous, undercutting our capacity to build a social safety net, undercutting our ability to be competitive and, in fact, we drain the hard work that produced the 4.7 percent increase in productivity. How can we stand in front of workers and say, "We're providing you all that you need to be competitive," when we know, in fact, that we are eroding that capacity with the fiscal policies of the U.S. Government?

The amendment that we have prepared calls, as I said, for 57 specific items totaling $94 billion over 5 years. Again I say with all due respect, compare $94 billion of what is going to have to happen if we enact a balanced budget amendment. I know there are going to be some who will come here and have great arguments about why they cannot support this, and 2 weeks from now they are going to talk about their support for amending the U.S. Constitution, saying essentially this, Mr. President: "Look, we know this deficit financing is wrong, it's bad, we shouldn't do it and we would like to stop, but we can't. But in order to solve this problem, we will amend the Constitution to prevent us from doing what we know is wrong."

On that basis, we would have great constitutional debates about shoplifting or any other sort of behavior we think is wrong that we cannot stop. Why do we not amend the Constitution to make it illegal for any crime? This is a crime. We ought to stop it. We ought to simply say we have the courage to take the second step. I believe the third step is going to come with entitlements, to keep moving toward the goal of having our fiscal accounts in balance.

There are 57 items that we have listed, some not terribly controversial, some extremely controversial. Perhaps I might begin with the most controversial.

I believe that we have to set an example in Washington. We call for reductions in spending not just for the purpose of eliminating the deficit, moving closer to being in balance, but we also call for reinforcing what the President is trying to address by saying that we have to have priorities, by doing what Vice President GORE is talking about as well by saying we have to reduce Government overhead, we need to reduce the size of the bureaucracy and duplication and we need to increase accountability. We have to address the mandatory programs. We have to ask the American people essentially to take less. But if we are going to ask the American people to take less, in my judgment, we have to demonstrate our willingness to take less.

This amendment does call for a reduction in Members' pay, as well as all other executive pay over the $100,000 level, of 5 percent, not what I would call a draconian cut, not what I would call an unreasonable reduction given what we are going to be asking the American people to accept from us.

This has a proposal to address the COLA's for retired military and civil retirees over $30,000 a year. In good faith, I have to come to them and say I have given up something.

We reduce the Executive Office of the President appropriations by 5 percent. We limit departing Members' purchase of office equipment. We reduce the legislative branch appropriations by 7.5 percent. We reduce the franking account by 20. We freeze the 1994 COLA for Members and Members' future COLA's. We reduce travel accounts by 15 percent and, as I said, take a 5-percent pay cut as well.

Mr. President, this does not add up to a lot. I am sure there will be plenty who will point out, "For gosh sakes, that is only $1.8 billion over a 5-year period. On the order of things, $1.8 billion is not much.

The proposal on salaries is only $297 million. But more important to me, this has us coming forward and saying, as I said, that we are prepared to set an example. We are prepared with our own pay, we are prepared with our own benefits, we are prepared to set an example for the American people that in order to get the deficit not just under control but eliminated so we are in the surplus and paying off our debt, to arrive at that point we all have to take a little less.

Unless you are prepared to come to the floor and say that the way to do it is to take a little more from the American people in taxes—and I do not hear a lot of enthusiasm for that these days—unless you are prepared to say somebody is going to pay a little more, then all of us have to take a little less, Mr. President.

I see the distinguished Senator from—

Mr. REID. Will the Senator yield?

Mr. KERREY. Yes.

AMENDMENT NO. 1438

Mr. REID. My amendment is pending. I know the Senator wants to offer his amendment. What I would do—the Senator has yielded to me—I send an amendment to the desk.

The PRESIDING OFFICER. Does the Senator from Nebraska yield for the purposes of the Senator from Nevada offering an amendment?

Mr. KERREY. I do yield.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1438.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike all after the first word and insert the following: "federal entity or official who makes available funds under this Act, other than for the purposes set forth in subsection (2) above, shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States."

AMENDMENT NO. 1439

(Purpose: To express the sense of the Senate that disaster relief assistance provided by this bill should be funded through the enactment of a temporary Federal tax on gasoline)

Mr. KERREY. Mr. President, I have a second amendment that I would like to send to the desk. My first amendment I am not prepared to send to the desk yet, but I send my second amendment to the desk on behalf of myself and Senator ROBB.

Mr. REID. Mr. President, I have no objection to my amendment being set aside for his offering the amendment.

Mr. KERREY. I ask unanimous consent that the amendment of the Senator from Nevada be set aside for the purpose of considering these two amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is set aside for purposes of considering the amendment offered by the Senator from Nebraska. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself and Mr. ROBB, proposes an amendment numbered 1439.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the———, insert the following:

SEC. . It is the sense of the Senate that disaster relief assistance provided by this bill should be funded through the enactment of a temporary Federal tax on gasoline.

Mr. KERREY. Mr. President, as I said, I would like to deal with this relatively quickly. I may have to wait until the managers of the bill come back. This is identical, almost an identical amendment to one I had last year to the disaster assistance which went to the Midwest. It merely requires us—I should not perhaps say "merely"—it requires us in our moment of generosity to declare that we are going to pay for this appropriation. I do not believe that we should look for offsets. I am not an advocate of offsetting in order to pay for this disaster. What we have is I think a situation where we are responding generously, and we ought, in my judgment, to pay for it.

This particular amendment is merely a sense of the Senate that, as I said, I offer on behalf of Senator ROBB and myself. Last year, we actually had an amendment that I offered which directed the conferees to include a gas tax. This year, I am merely offering a sense of the Senate. I think last year I got eight votes. I do not intend to ask for a rollcall on this particular year.

But I do, Mr. President, point out that I think this is a very needed and healthy check. I appreciate very much that the chairman and the ranking member, the distinguished Senator from Oregon, have asked for a special commission to look at disaster programs and make recommendations about how disaster programs ought to be addressed in the future.

One of the things I would urge and hope is included is that if we have a disaster and we appropriate money, we ought to designate a source of those funds. In this particular case—as I said, I also did this last year—I am asking for a gasoline tax to be levied on a temporary basis to generate such funds as necessary to pay for the disaster. It is a very important check to make sure that our generosity, indeed, is in line with what the American people are willing to pay.

We can come here, as I do, saying that the people of Nebraska want to help the people of California, that the people of Nebraska want to help the people who were damaged by the Midwest flood, that the people of Nebraska want to help the people of Hawaii who were damaged by the hurricane, or the people of South Carolina, or the people of Florida. I can say that we want to be generous, and we want to extend our generosity. But if I do not have a requirement to pay, if there is no requirement for me to actually collect the money, it is a hollow extension of generosity because all we are doing is borrowing the money.

Worse than that, as I indicated, there is no check, there is no way for me to measure whether or not I am asking for something that the American people or the people of Nebraska would support. We all know that basically what we have done is we have taken the disaster in California now, we have looked back, and we have added some additional things. I have been invited to participate in a number of meetings dealing with the Midwest: Should we add additional money?

One of the suggestions was that we use this opportunity with the disaster in California to add money so that we can pay for nurseries and orchards that were destroyed in the flood of 1993.

Perhaps we should. Perhaps that is something we ought to do. But I am just saying that unless I have some kind of funding mechanism which requires me to collect the money—to pass the collective hat, Mr. President—I must say all I am really doing is trying to sort of satisfy some additional requirements for spending without being terribly responsible.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. KERREY. I will be glad to yield to the Senator from Hawaii.

Mr. INOUYE. Mr. President, if I may, I would like to most respectfully suggest that this amendment be temporarily set aside and the Senator bring up the second amendment. I make the suggestion because it includes a tax, and I believe as a matter of courtesy the chairman of the Finance Committee should be advised of this, because we have been advised by the leadership of the House that if this is presented as an amendment, not as a sense of the Senate, we will not go to conference because of the tax feature involved.

That being the case, I think it would be most appropriate if we could advise the chairman of the Finance Committee of this development; and therefore I suggest, if we can, we set this aside and the second amendment may be considered.

Mr. KERREY. I say to my friend from Hawaii out of respect for that particular consideration, this is merely a sense-of-the-Senate resolution.

Mr. INOUYE. I realize that.

Mr. KERREY. It does not instruct the committee to designate a tax for this effort. Is the Senator from Hawaii still of the opinion that—

Mr. INOUYE. Because of the tax feature, whether it is a sense or not a sense of the Senate, I hope that we will be given the opportunity of advising the chairman of the committee. I think it is just a matter of courtesy.

Mr. KERREY. Very well. I would be pleased to.

I will say, Mr. President, we did notify the Finance Committee. They were concerned about language that would instruct the conferees, so we changed it to a sense of the Senate in part to accommodate that concern; but I must say in part out of recognition that it was very unlikely this amendment was going to be accepted.

All I am trying to do in making this proposal is make a suggestion to this task force that in the process of considering the recommendation, one of the things we consider is, rather than getting in this debate, should we have an offset, which I think is not right—I do not think we should in the case of a disaster in California say that we are going to make somebody else suffer as a consequence of the suffering that is going on out there. I am merely trying to make the point, and I will be glad to set it aside for the purpose of informing and allowing the chairman of the Finance Committee to come to the floor.

Mr. President, I should like to get back and discuss again precisely what it is this proposal does. I saw earlier the distinguished Senator from Colorado come to the floor, and there will be others who want to come and speak in favor.

Again, it is not my desire nor my intent to slow down this dire emergency supplemental, a supplemental that I believe is needed and a supplemental that I intend to vote for, as I did last year with the disaster programs of the Midwest. But, Mr. President, because a rescission package was attached to the dire supplemental bill, I have an obligation as a consequence of believing that the rescission should go further, to attempt to amend that rescission which is now a part of this dire emergency bill.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KERREY. I will be glad to yield.

Mrs. BOXER. I thank the Senator. I am trying to follow the Senator's reasoning. I completely respect the dedication of the Senator from Nebraska to reach a balanced budget at the earliest possible moment.

I share that desire, and I have my own ways of how to get there. The Senator at the same time says he does not want to slow down the supplemental, for which I am indeed grateful. As I understand the Senator's proposal—and if you could clarify it for me—is it $94 billion overall in rescissions? And how much in tax increases?

Mr. KERREY. There are no tax increases. They are all rescissions.

Mrs. BOXER. How much would that be?

Mr. KERREY. Ninety-four billion dollars.

Mrs. BOXER. In terms of the sense of the Senate on the gas tax, is that the part that you would be offering next?

Mr. KERREY. No. There are two—that is correct—amendments. One is a sense-of-the-Senate resolution on the gasoline tax, and the other is an amendment to the rescission portion of it.

Mrs. BOXER. I would like to say to the Senator that although I completely believe that he is genuine when he says he does not want to slow this down, I believe that if you were to change the rescission and if this were to pass, to go from $3 billion to $94 billion, and the unbelievable impact that would have on this economy, having listened to Treasury Secretary Bentsen, OMB Director Panetta—what they are trying to achieve is a very good balance between growth and stimulation of this economy, as well as, frankly, streamlining. They have worked hard to do that.

I would say that passage of this amendment of $94 billion would in fact slow the supplemental down dramatically, absolutely, because the difference between the $2.5 billion in the House, and if we were to achieve this amendment and it were to pass, $94 billion in rescission, I would venture to say knowing the way things work around here, that would be an enormous difference and would take a great deal of time. I have never seen a conference that would be so disparate in rescissions.

So I would just say to my friend and my colleague that I know he does not want to slow the supplemental down. But the impact of this passing would slow this supplemental down very, very much. I would hope that perhaps he could reconsider offering this at this time. We will have the budget debate. God knows, we will have many debates. We are just getting down to the Budget Committee, and it will flow to all the committees.

I would respectfully make the comment that, with all due respect, I think passage of it would slow the supplemental down. It would hurt the people not only in California but in the Midwest, Hawaii, and other places where they are anxiously awaiting this help.

Mr. KERREY. I say to my friend from California in response, Mr. President, that I would vastly prefer to have a rescission bill before me. Indeed, we indicated that it was not our intent to try to amend the supplemental. But the rescission bill was placed and the supplemental, and thus we are now in this particular position.

I am prepared to agree to a time agreement at some point. I am not standing here and filibustering this bill. I want the bill to pass. But the driving force here is our desire to get out of here on Friday. What is causing the potential dilemma is that we have a recess. We want to go home. I am conscious of that. I know many of my colleagues who either want to vote for or against are not going to be able to vote because many of them are planning to leave early.

So I say with great respect that I think that there will be many who will vote against this amendment because they will say it is going to slow down the supplemental. There will be many who will vote against this amendment for all kinds of other reasons.

But the truth of it is, Mr. President, when it comes time to spend money, we can do things in record time. When it comes time to spend, I say with great respect—I made this exact point last year when it affected the Midwest. When the Midwestern flood was the issue, I have never seen anything like it. At a time when every single person in this body almost was coming to the floor saying we have to have more cuts, then that flood hit. There was bipartisan enthusiasm to spend money because we knew it was not going to be accounted for.

We could load that thing up and spend money however way we wanted. We can ask for 100 percent funding. We could ask for things because we knew that we were not going to have to pay for it.

So we had extraordinary speed, extraordinary bipartisan cooperation. There was no gridlock last year when it came time for the supplemental disaster program for the Midwest. We had no excuses then, no procedural reasons then, no sense of "I have to get this sort of considered." We had to have it done right now.

So as I said, I am not going to slow this down. I will agree to a time agreement. I will make certain that this supplemental is done, and in an expeditious fashion. There will be plenty of other reasons that people who will oppose this package.

I would vastly prefer to have a straight up-or-down vote on the rescission bill, and would love to hear the arguments against it then, Mr. President. Because there will be plenty of arguments against it on that basis. There will be lots of reasons why those who are for a constitutional amendment to balance the budget who are not going to be able to vote for $94 billion over 5 years. There are lots of ways to change it.

There are lots of ways to amend it, and lots of ways to add to it, and alter it. Indeed, that is precisely what we have done in the dire emergency supplemental. We marked it up in the Appropriations Committee. The distinguished Senator from Oregon has already indicated if anybody wants to amend title II they have to have an offset if they want to spend more money. When it comes to trying to spend less money, we have all kinds of procedural reasons why it cannot be done, why it should not be done.

So I say I have great respect for the distinguished Senator from California. I am 100 percent behind this supplemental. I will do nothing to slow this up, including allowing a time agreement so this amendment can be considered so that Members have the opportunity to vote on it.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, if the Senator will yield for a question——

Mr. KERREY. I would be glad to yield.

Mr. INOUYE. The Senator mentioned $94 billion. I have gone to the clerk and requested to have a copy of your amendment. The amendment is not here yet. Am I correct?

Mr. KERREY. That is correct.

Mr. INOUYE. I have before me a 3-page or 4-page listing of 57 proposals. Was this prepared by the Senator's office?

Mr. KERREY. It was prepared not just by my office but by a number of Senators who participated in the bipartisan effort.

Mr. INOUYE. I bring this up because I just got hold of this about 15 minutes ago. This constitutes the amendment?

Mr. KERREY. No. It does not. Legislative counsel is preparing the amendment. As a consequence of weather and other considerations, they have not completed the drafting of the amendment.

Mr. INOUYE. I thought the preparers of the amendment of the Senator were aware of what is involved here. There are 57 proposals. They range anywhere from reducing Public Law 48, titles 1 and 23 by 20 percent; reduce RDA to the Senate level; means test unemployment compensation; allow industry to cogenerate power at DOE labs. It just goes on and on. If we are to seriously consider these amendments in this process, we would be lucky if we are concluded in a week's time.

There are some matters in here that I am certain would evoke much controversy. For example, I am certain Alaskans would like to know what this business about selling the Alaska Power Administration is all about, what eliminating funds for the high-temperature gas reactor is all about. We have TVA involved; eliminate reports on Davis-Bacon projects; phase in 10 percent reduction in arts and humanities; terminate the honey program. We have no honey program in Hawaii but I suppose this is important for some.

Is the Senator from Nebraska seriously hoping that the Senate will consider these amendments today?

Mr. KERREY. I say to my friend from Hawaii, Mr. President, that is precisely what I hope. I would have preferred, as I indicated, that we would be offering this amendment to a clean rescission bill only that the President introduced last fall and was voted on the House side. I say with great respect that on the details of this amendment, the printed copy, the Senator from Hawaii is quite correct because we have been making some alterations in this and was just debatable this morning.

We have had this amendment out to the American people since last fall. Indeed, I say, Mr. President, that I have had phone calls, letters, lots of opposition to this amendment. I am quite clear that there is opposition. There is opposition from some people in Nebraska, who do not want to terminate the hunting program. There is opposition from people in Nebraska who do not want reductions here in this farm program. There is opposition from people who say, "Can you not make a reduction someplace else?" "Is it not possible for you to find a reduction in some other area?"

Well, Mr. President, again I point out what is going on here. We can demonstrate how easy it is to put together a Republican and Democrat coalition and get things done in record time if there is an urgency, or a dire supplemental appropriation. But it is difficult to come up with a list. We tried, I say to my friend from Hawaii, to be as specific as possible so we would not be standing here with an across-the-board cut or some other sort of thing like that. We tried to be as specific as possible. We put out a request to any Senator that wanted to participate in the development of this amendment. There are disagreements within the group itself. Occasionally, we have one person fall off as a result of something being included, or we have a person fall off as a result of something not being included.

The whole process of cutting spending is a difficult process because you must—if, in the end, you believe we ought to arrive at a point where we are paying off debt, you must inescapably say "no" to a friend. You must inescapably say that you are going to reduce—or in some cases eliminate—programs that you can make a good case for in isolation.

Mr. INOUYE. I understand what the Senator is trying to achieve. But, first, we have no amendment before us. We are not able to submit this to CBO and ask for their opinion. We have no idea whether the numbers presented in this four pages are correct or incorrect, and this is an almost impossible task for the Senate, if I may most respectfully say that.

Mr. KERREY. We have run into a problem, and counsel is saying that within 15 or 20 minutes we are going to have an amendment here. We expected to have it by 10 o'clock when we started business. Actually, in previous conversations with the leadership, I was under the understanding that the rescission bill was going to be offered later and not attached to the dire emergency supplemental. We have been under some time constraint, in part, as a consequence of the unexpected acceleration of the consideration of this bill.

We will have an amendment for Members to consider. I say again that this amendment has been under deliberation since last fall. And the proof of that is, I say to any American who happens to be listening to this thing at 12:20 in the afternoon, I have been receiving letters, and I received phone calls from people all over the country saying, "Do not cut NEA." I have received angry phone calls from people who do not like the adjustments we are making in the COLA for military and civil retirees. I have heard protests from people who do not like specific parts of this list.

This has not been a proposal that has any stealth qualities about it. We have been working on it in a very open, deliberative fashion since last summer, and the details of it are well known by the people who oppose it. The administration came out in opposition to it last year. They began to organize that opposition, to generate enthusiasm amongst a variety of groups, describing how this is going to bring the Republic to an end.

I say, Mr. President, the opposition is itself an illustration of the fact that we have had an open process and have declared that we believe we have to cut spending if we are going to get the budget in balance and be able to keep our economy growing. It is a very difficult proposition to say no in this fashion. I say, with great respect to the chairman of the Appropriations Committee, the ranking member, and the distinguished senior Senator from Hawaii, who know far more about this process than I, I appreciate that they have been through the battles on this thing before. But those of us who feel strongly that this ought to be done get very frustrated when we are told: Well, the process does not allow it.

Mr. INOUYE. My only concern, Mr. President, is that we have nothing to deal with. We have not seen the amendment. I am certain the amendment is not at the clerk's desk. When will that amendment be here so we can debate it?

Mr. KERREY. Counsel has assured me that it will be here within 15 or 20 minutes now. They told me 15 or 20 minutes ago that it would be within a half an hour.

I emphasize that our initial understanding was that the rescission bill would come up later. We have had to accelerate the detailed writing of the amendment, and I alert those who wonder about this kind of a process that when you are not on the Budget Committee you are not in a position to be able to command the staff to do this sort of thing. It is very often more difficult to get that job done.

I say to my friend, he has raised another point having to do with CBO. We have very explicitly not lowered the caps because there was disagreement about whether we ought to do that. As a consequence of not lowering the caps, we are in the position of not, under any circumstances, being able to get a score from CBO on this. Regardless of what is on the amendment, as a result of not lowering those caps, we are not in a position to have a score from CBO.

Mr. GREGG. Will the Senator from Nebraska yield for a question?

Mr. KERREY. Yes.

Mr. GREGG. I wish to commend the Senator for his initiative, and I can understand the concern of the Senator from Hawaii about being familiar with the specifics. I acknowledge the fact that this has been publicly presented. I believe it was last September that there was a formal presentation of this package. It has been discussed at considerable length in the press and, of course, a lot of this package is drawn from a proposal of Congressman KASICH and Congressman PENNY on the House side, and much of it is drawn also from proposals of Vice President GORE and from the proposals of the President himself in the area especially of the 252,000 reduction in the area of personnel.

So the elements of this package were put together by a fairly large group of Senators from both sides of the aisle, and it was publicly discussed with considerable exposure throughout the fall. It has come forward today because the manner of procedure around here requires that it be brought forth today, because this is really the only vehicle, as I understand it—and that is the element of my question to the Senator from Nebraska—we are going to have available to us for a long time if we want to address this type of spending restraint. Is that not correct?

Mr. KERREY. That is correct.

Mr. GREGG. So the appropriate manner in which this body functions requires us to bring it forth today. I certainly congratulate the Senator from Nebraska for his energy and initiative in putting this package together and bringing together a large number of Senators who support it.

It is a logical step in the process which we have been trying to undertake here as a Government and as a Congress in our efforts to reduce the cost of the Federal Government and to get under control the spending of the Federal Government.

Last year, Congress passed the President's package. That included $5 billion of spending restraints in the first year of a 5-year period. That $5 billion is going to be completely eliminated by today's supplemental emergency appropriation, which is going to require us to spend upwards of $10 billion to help out the folks in California, primarily. And that is an understandable and necessary expense. But the fact is that if you undertake the California expenditure—and I think we should, obviously, in order to benefit the people who suffered from the earthquake—you are essentially creating a situation where there is no spending restraint this year within the President's budget, because the $5 billion would have been wiped out. In the outyears, there was also not a great deal of spending restraint in the budget. This is an attempt to address the spending side of the ledger of the Federal Government through a bipartisan package of spending cuts.

And, yes, all of these spending cuts will be unpopular to the constituencies that are impacted. There is no question about that. That is always the case. But if we are going to be true to the directive which I believe the American people sent us here with, which is to bring under control the Federal budget hemorrhaging which has occurred over the last few years, we have to address not only the revenue side of the ledger but also the spending side. And this is a legitimate attempt to do that.

If you go down through the list of issues which are raised here, I think the Senator from Nebraska deserves a significant amount of commendation for having pulled together ideals for which there is strong bipartisan support. He has not chosen to target, through this proposal, one specific area which might be egregious to a certain region or to a certain group of Senators of a political philosophy.

You look at this proposal and everybody gets their toes stepped on, and in some cases their ox is gored. This is a bipartisan effort, and it is one which impacts a large spectra of functions of Federal activity. It is, therefore, in my opinion, a legitimate and honest and fair attempt to bring under control the Federal deficit.

So I just want to commend again the Senator from Nebraska for bringing this item forward. I hope he will offer it as an amendment to the supplemental, because that appears to be the only vehicle available. As such, it is the only game in town. And if that is the way the process works and if we are going to be participants in that process, this amendment has to go forward at this time. It is a legitimate and substantive attempt to reduce the deficit, over a 5-year period, by approximately $95 billion. That is a lot of money. But it is something that has to be undertaken if we are going to be sure that the trends which are presently occurring in the deficit area continue and that we will continue to see a drop in the outyears in the Federal deficit.

It is also a critical effort if we are going to address what should be all of our concerns, which is that we not continually pass on to the next generation more and more costs which are spent on funding this generation.

There was a very interesting item in the President's budget which was submitted just a couple of days ago, which talked about the fact that the generation which is now coming up will be paying up to 50 percent of their earnings over their lifetime to the Federal Government for purposes of supporting the activities of the Government. That is a lot of money. But the next generation after that, their children, are going to end up paying upwards to 85 percent of their wages and earnings to the Government to support the Government.

We cannot allow that to happen. We cannot allow ourselves to continue to pass laws in our generation which benefit our generation but end up being paid for by the next generation.

What this amendment attempts to accomplish is to start to address that problem by putting in place a very substantive and very thoughtful, some bipartisanly supported, spending reductions which are appropriate at this time, because the procedure requires that it go forward at this time.

I again congratulate the Senator from Nebraska for bringing it forward.

Mr. KERREY. Mr. President, I want to thank the Senator from New Hampshire, Senator GREGG. He has been involved from the beginning. If Senator GREGG had prepared this amendment, it would probably be twice as big as this one.

I do not recall a single situation, where one of the members in this group said, "I would like to do this," and the Senator from New Hampshire said, "No, if you put that on there, I will not vote for it," clearly understanding that we have to vote for things that we may not like under normal circumstances. We have to vote to reduce and in some cases eliminate some things that we would prefer to have funded.

I appreciate very much the Senator's steadfast support of the effort to say we have to reduce spending because we believe it will be good for the economy. We believe it will give Alan Greenspan and the Federal Reserve some room to move. We believe it will sustain a low-inflation, low-interest-rate economic recovery if we do.

But now is not the time to rest on our laurels. Now is not the time to sit down and say, "Well, we went through all that mess last August, and we got the deficit down to $176 billion, and, gosh, we know we took a lot of heat for doing that, a lot of criticism for doing that, so let us just hope the economy continues to grow."

Mr. President, I do indeed see this connected to downward trends in inflation that probably began with deficit reduction action in 1990. We made some adjustments in some areas in 1993. We have taken additional steps. This merely says that we have to keep going. Now is not the time to stop. There is never a good time to do this. But economically there has never been a better time. The economy is growing, interest rates are down, inflation is down. The Chairman of the Federal Reserve Board has given us an indication of what he intends to do if he sees the economy overheating. We can help the Chairman of the Federal Reserve Board by accepting this amendment.

Mr. President, I would also like to take a little bit of time to point out one of the more difficult and contentious problems that we have in all of this, and that has to do with the mandated programs. There is no question that there are large numbers of other things. I heard the distinguished Senator from California talk about other appropriated items that could be reduced. There is no question that there are still some areas out there that I would vote to reduce if we thought we could put together a majority.

But, Mr. President, I will read again the numbers of the President's budget—$177 billion in Medicare and $96 billion in Medicaid; $273 billion just on those two health care programs. That does not include the VA, does not include the Army, Air Force, Navy, and Marine Corps. It does not include the National Institutes of Health. Probably $330 or so billion of total Federal health care spending.

By the way, bringing some reality into some of the argument that I have heard on this floor, people say they are against a big-Government takeover of health care. Mr. President, the Government started taking over health care long ago. And $330 billion is a significant contribution, over 30 percent of the bills being paid right now, with taxpayer money. Regrettably, we do not fund all of that. We deficit finance about 20 percent of it.

We basically say, yes, we want the doctors to take care of us when we get sick and, yes, we want hospitalization and, for gosh sakes, we do not want to have to turn anybody away if they have a need, but we just do not want to pay the bill.

What we are going to do instead is borrow about $60 billion of that, sell Treasury bonds for about $60 billion and say to our kids, "Even though our interest rate is not a big deal, only about $60 billion of additional interest, you can pay. We need these hospital bills paid. But we do not want to pay the bills. We would rather it not come out of our earnings, for gosh sakes. We want it to come out of your earnings," which is what interest represents, Mr. President.

In addition to that, we have $335 billion of Social Security, $65 billion in military and civil retirements, $273 billion of health care spending—$400 billion of retirement spending—and then another $117 billion, totaling 844 mandated programs.

We are going to debate these things this year. We did not debate them last year. All the rancorous debate we had about the budget last year, there was not a single word—we had one opportunity to vote to control the growth of entitlements, but other than that, they just go on.

It is a $32 billion increase, by the President's estimate—CBO actually estimates more than that—an increase from President Bush's first budget to President Clinton's second budget, a $32 billion increase in spending that is going to occur with almost no debate at all.

If you add that interest in, out of a $1.6 trillion budget, $1.56 trillion goes for essentially checks that we are writing out to individuals and institutions, with almost no debate at all, almost no concern at all. We are really only arguing whether we come to cutting the budget with $541 billion for discretionary spending. We make an attempt to get into it here with military and civil retirement.

I must say, I cannot stand here and say with a straight face that the method we are using is altogether fair. But what we said was we are not going to be able to do anything with Social Security. We cannot do anything really significant with Medicare. So we will just make some kind of a gesture to indicate to all people in this country that we have to keep our economy growing if we want to maintain the safety net. It just is a mistake, whether the issue is health care or the issue is retirement, for us to say to the American people: All I have to do is give you a card to make you eligible and that secures your income. It does not.

I support President Clinton's effort to get the American people a health security card that declares we are all eligible for the same system. I do not think it is going to happen, but I support that effort. I think we ought to have simplified eligibility. But it is wrong for us to say in the process of handing somebody a card that that card guarantees him or her high-quality health care. It does not. Nobody here in Congress can do that.

We can pass a law and say you are eligible. We can guarantee eligibility by the law. But the law does not guarantee high-quality health care. Only our ability individually and collectively to generate wealth and income determines whether or not we have high-quality health care, as well as the willingness of people to train themselves and educate themselves to acquire the skills to do the job.

This safety net we began to erect in 1935 with the enactment of the Economic Security Act, that we began to fund in 1940, and we added disability income, we added health care income—that safety net all of us want to provide because we know the marketplace can be cruel. We know we cannot just let the marketplace run to take care of people. All of us are proud about what Medicare has done, about what Social Security has done. Nobody wants to reverse that. Nobody wants to leave individuals out there in the lurch.

Our ability to build that safety net rests upon our capacity to generate increased income in goods and services. Even though I believe that this deficit reduction action will enable our economy to grow faster and strengthen that safety net, it also alarms me that I am mostly going after discretionary accounts that are already under assault. All of us know, who have any military bases at all close to us—and we have a wonderful one at STRATCOM, in Omaha, NE—that these reductions in defense do not just mean we are getting dangerously close to lowering our guard too much. It also means we have to lay somebody off.

We have seen the stress, the turmoil that occurs when that happens. These reductions in expenditures are opposed because somebody is going to lose his or her job over it in defense, or National Endowment for the Arts, or for legal services, or any other account.

Somebody is out there getting a paycheck. I am conscious of that. I am conscious even when we build a $600 toilet seat, which is a disgrace, even when we waste money in discretionary accounts, at least somebody has a job in the process.

I must say, and I am sure other colleagues feel the same way, when we get away from Washington, DC, and these hallowed Halls and listening to ourselves talk about all sorts of grand things, and go home and talk to the American people, we find out, oddly, at the end of the cold war when we ought to feel this enormous exhilaration now we no longer live in fear that tomorrow we may blow ourselves up with nuclear weapons—that was the fear in 1988 when I was campaigning for this job; that is no longer there—you would think the American people would feel some sense of exhilaration, some release from this fear. But instead, what I am hearing people saying is: Something is going on here we do not like. There is a deeper fear. It has to do with making an observation we have rapidly increasing crime being perpetrated by 14-, 15-, 16-, 17-year-old children who, instead of looking out there and seeing opportunity, have become predators.

It comes, instead, from people saying moms and dads do not have the time to take care of their kids. They are not providing the support for their children. We are not investing, as the President has said over and over and over, enough in our children and families.

We voted yesterday to approve the School-to-Work Program, a $100 million program. I voted for that program; $100 million we are going to be able to appropriate. It will hardly get the thing going, hardly get the thing started. When we cut these domestic discretionary accounts, as we do, sometimes it is waste. Sometimes it is unnecessary. And we tried—I say with great respect to anybody who has been touched by these cuts—we have tried to express priorities. We tried to be careful. And we tried to set an example by saying we have to give up something, too.

But I must say, I am alarmed by what I think is going to happen this year. I think, as a consequence of President Clinton's leadership, we are going to be spending more on children and families. We are going to try to begin to invest in people who have, in my judgment suffered a disinvestment in the 1980's. But we are still going to fall way short. And we are going to fall way short, in my judgment, not just because we have not been willing to go after those appropriated items that need to be cut—and there are still plenty that could be on anybody's list.

I heard the distinguished Senator from California say she sees this amendment as being well intentioned but slowing down the supplemental. I assure my colleague, now for the fourth or fifth time, I will accept a time agreement, so it does not interfere with the progress of the supplemental. And she has some others I would put on. I am sure there are others to go on here. The Senator from Massachusetts, Senator KERRY, organized a group of people last fall and they had an amendment to the rescission bill we are now dealing with that and other items. The distinguished Senator from Wisconsin has been a leader in going after items that are wasteful, that are fraudulent, that ought not to be a part of our budget.

I just have to tell my colleagues, when we look at the hard numbers here of what is going on in the mandated programs versus the discretionary programs, in my judgment we are beginning to get down to our seed corn. We are beginning to get to a point where it is going to be awfully difficult for us to say with a straight face we are providing the infrastructure and investment that is necessary.

The State of Nebraska in this budget will receive about \$22 million a year over the next 5 years to invest in our interstate highway system. It ought to be \$50 million a year over the next 5 years, but we do not have the money in the discretionary accounts any longer. We do not have that money. It makes me ashamed that that is the case.

The source of that shame is this fact. My dearly departed mother and father built the interstate highway system with cash, because they wanted my future to be better than theirs. They cared more about me than they did about themselves. They did not come to Washington, DC, and say take care of me, me, me. I received letters from citizens that say, "Yes, do anything you want, but do not touch my benefits and do not touch my taxes. Go after somebody else besides me."

That was not the attitude that my parents had. They built that interstate highway system with cash. They were concerned about the future. They were grateful to be alive. They were grateful to have survived, won the Second World War. They came home with gratitude. They had gone through the Depression and knew what it was like to be without, and wanted to make sure their children were not without. And they did so by putting their money where their mouths were.

Mr. President, we are not. Instead, we have a budget that, in my judgment, satisfies an increasing attitude that says, "It is me, me, me. Take care of me right now. Do not take care of tomorrow. Do not take care of 20 years from now."

You hold a graph up today that shows the GAO analysis saying our standard of living will be higher in the year 2015 and people say, "My gosh, 2015, I will never live that long. Why should I be concerned about 2015?"

I hope Members realize we are not trying to do anything to this dire emergency supplemental to slow it down. I just believe very strongly we need to take a second step. I say with respect to colleagues who will look at this list and say, "My gosh, it has things on it I do not like;" there are things on it I do not like. There are things on here I wish were not, and there are things that are not on here that I wish were on here. This group has been working for almost 5 months now, trying to put together a respectable, straightforward amendment that addresses, I think, the problem that has economic consequences, that has political consequences—not reelection, obviously—but political consequences. The American people are losing their confidence that we will do what they want us to do.

I think it has great moral consequences as well. It is difficult to look at these numbers, it is difficult to look at the accumulation of debt every single year and say we are doing the right thing. We are not. We are satisfying the short-term interests and short-term fear we have that if we go to the American people and say it is time for us to pay the bills, that they are going to get angry.

Sure they are going to get angry. Fear of making somebody angry, it seems to me, is not the sort of fear we ought to act upon. This particular amendment, in my judgment, will enable us to continue a low-interest rate, low-inflation economic recovery. Failure to take this action, I think, is going to cause us at some point out there in the future to say, "Gosh, do you remember when the economy was growing back there in 1994? Do you remember those good old days back in February 1994 when the economy was booming and we had low interest rates and low inflation? That was the time to do deficit reduction," we will hear. When the economy slows down people will then come and say, "Now is not time to do it. We should wait until the economy gets going."

There is never a good time. This is as good a time as any. With all due respect to the Members who may look at particular parts of this, saying, "I wish it was not there"—I am prepared to accept change in this. I am prepared to accept some alteration in this. I am prepared at any stage in the game to sit down and say let us show the same bipartisan verve and enthusiasm we do at the time it comes to pass a dire emergency supplemental. There is no procedural roadblock at that time we cannot conquer. There is no rule, no provision, nothing in our way. We come together and we are patriotic Americans. And, because we are generous Americans—and we are right to be so, Mr. President. But when it comes time to cutting spending around here, all of a sudden, "I have a procedural problem." All of a sudden I have 1,000 reasons why I cannot do it: "It's the wrong list, it's the wrong time, it's the wrong day, it's the wrong something-or-other."

I recognize this is going to be a difficult amendment for people to vote for.

I am not standing here full of optimism that this amendment is going to be adopted. I understand it is very likely this amendment is going to be defeated. But under any circumstances, adopted or defeated, I hope this year we take a second step; that we do not tremble and fear for the consequences politically; that we, instead, tremble and fear for the consequences of the long-term future of our children if we do not take this action.

I see the distinguished Senator from Michigan is here, and I will be glad to yield the floor.

Mr. RIEGLE. I thank the Senator for his courtesy. I have an important item to present to the Senate. It is a matter separate from the amendment offered by the Senator from Nebraska. I asked his courtesy to be able to make a unanimous consent request to put the Senate in morning business for a period of 15 minutes so I can present this information and then resume consideration on the matter that is now before us. So I now make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMING IRAQ: THE EXPORT OF BIOLOGICAL MATERIALS AND THE HEALTH OF OUR GULF WAR VETERANS

Mr. RIEGLE. I thank the Chair, and I thank my colleague from Nebraska and my colleague from Hawaii.

Mr. President, I am here today with some very important information with respect to what may be affecting the health of our gulf war veterans, many of whom have come home with terribly disabling medical problems. I have been meeting with them, both here in Washington, and back in my home State of Michigan. It is hard to describe fully the magnitude of this problem without addressing individual cases and actually having them give first-person accounts as to both what happened to them when they were over in the war zone and also what has happened to them since they have returned.

Back on September 9, here on the Senate floor, I released a lengthy report which suggested that the illnesses which have come to be called gulf war syndrome—a collection of illnesses, serious illnesses, that our veterans are experiencing—could have resulted from exposure to chemical and biological warfare agents in the war zone, either through direct exposure from some kind of weapon, or shellfire; or from the downwind exposure as we bombed these biological and chemical weapons facilities—throwing hazardous debris up into the air which was then carried down over our troops.

There is also a question as to whether some of the medicines that we gave our troops to protect them against exposures of this kind may also have had the result of making some of them sick.

In any event, the symptoms associated with what is called gulf war syndrome are very debilitating and, in fact, have already killed too many of our returning veterans. The symptoms include muscle and joint pain, serious memory loss, intestinal and heart problems, fatigue, runny noses, urinary and intestinal tract problems, twitching, rashes, sores, and emotional and temper problems. There is a whole long list. These are the kinds of things that our research reveals could very readily be caused by exposures to chemical or biological weapons agents.

We started our inquiry by looking at chemical weapons because, after the war was over, the U.N. inspectors found huge stockpiles of chemical weapons held by Saddam Hussein. We also knew that in previous war encounters with the Kurds and the Iranians, they had used chemical weapons and that they had a very advanced capability in that area.

When the U.N. inspectors went in, they found thousands of chemical weapons shells. During the war itself, and this is based on a large number of first-hand accounts by veterans from Michigan and around the country who were in the gulf, that shells exploded, chemical alarms went off and they were told to put on their chemical protective gear. Many got sick at the time. Many remained sick after coming back to the United States.

In one very graphic instance, a Marine officer was running the most sophisticated mechanical chemical detection device deployed in the battle area. A chemical alarm went off and he got a computer reading as to what chemical agents were present in the area in which he was patrolling. It was recorded on a computer tape. He called into his headquarters and they asked him to send it in. He gave it to a courier and, of course, the tape has disappeared and has not been seen since. We do know this happened, and he has so testified before the U.S. Senate.

We also have had other countries come forward in this area. Czechoslovakia has. They documented that they detected chemical agents in areas where their own troops were positioned. We know that this was something that happened.

Now the problem is tracing what the link may be between those kinds of exposures and the problems affecting our returning veterans.

Beyond the very substantial body of data on chemical weapons exposure, including that on the fallout from their plants and the distribution of these toxins in the weather patterns, which we learned of last September, we are now pressing on in the area of biological weapons. We have done that because we have seen more and more cases of a breakdown in the health of veterans that may be consistent with exposure to biological toxins and biological agents.

We have had a number of researchers contact our office since we started with this inquiry, asking for help in tracking down what might have been out there to which our sick veterans could have been exposed.

Some researchers feel that the symptoms may not only be a result of exposure to chemical warfare agents, but also as a result of exposure to biological warfare agents. Now we are pursuing that line of inquiry.

Before laying out the evidence that we have found, I want to emphasize that this is an extremely serious issue with very powerful consequences. These kinds of exposures may begin to explain the alarming and growing evidence that the illnesses some of our gulf war veterans are experiencing appear to be moving through their families, causing health problems in their wives and in their children. Veterans have come to me in Michigan where I met with them and their family members. The wives are describing serious medical problems they did not have before their husbands came back. We have that kind of evidence, that is accumulating and that now has to be explained relative to the kinds of exposures which occurred in the war zone.

I think every institution of our Government, including the Congress, has a responsibility to dig into this and uncover every available lead which might now assist medical researchers in getting to the heart of what is making our Desert Storm veterans sick, and to identify both the nature and the scope of these illnesses. I think the administration and our Government has a sacred obligation to defend the health of our veterans every bit as much when they come back from war service as we do to protect them during the time they are actually wearing the military uniform of our country.

I know this: Since the war ended, we have had a number of veterans who have died as a result of serious medical problems, and we have a great number who are very sick and getting sicker. We had one Army colonel with 30 years of service come before the Senate Veterans' Affairs Committee in his military uniform. He had on his breast a tremendous number of decorations for valor and service. He was in perfect health when he went over to the gulf war. Now he has to walk on two canes. He is stooped over. He can barely get around. He cannot work. He is terribly sick, and I believe that he may have been exposed to items of the kind that we speak about here. That, by the way, is also his belief.

The Senate Banking, Housing, and Urban Affairs Committee, where I serve as chairman, has oversight over the Export Administration Act. Pursuant to that act, I asked my committee staff to contact the Department of Commerce to request information on any biological materials that might have been exported from the United States to Iraq in the years prior to the gulf war. I did this not only to find out if we had done that, but also to get information on what kind of items they might have had to incorporate into their biological weapons program. These materials may have gotten loose. And that, in part, may be a cause of many of these medical problems experienced by returning veterans.

After we finally got the information from the Commerce Department, we then contacted a principal supplier of these materials to determine exactly what materials were exported to Iraq which could have contributed to their biological weapons capability.

The records which we were able to get from the supplier were for the period since 1985. We were not able to get any records prior to 1985. But let me tell you what we have now learned about exports since 1985.

We found that pathogenic, which means disease-producing items, and toxigenic, meaning poisonous items, and other hazardous materials were exported from the United States to Iraq following a licensing and application procedure actually set forth by our own United States Department of Commerce.

That meant our own Government had to approve the shipment of these materials and obviously did so—approving the shipment of these items to Iraq before the war started.

Now, we further learned by talking to the suppliers that these exported biological materials were not weakened when they were shipped over there. In other words, many were full pathogens capable of being reproduced by Iraq once they got there.

Between the years of 1985 and 1989, the United States Government approved the sales of quantities of potentially lethal biological agents that could have been cultured and grown in very large quantities in an Iraqi biological warfare program.

I find it especially troubling that according to these supply records, hazardous biological materials were requested by and they were sent to Iraqi Government agencies, including the Iraqi Atomic Energy Commission, the Iraqi Ministry of Higher Education, the State Company for Drug Industries, and the Ministry of Trade.

While there may be some legitimate need for what are called pathogens in medical research, obviously much closer scrutiny should be exercised in approval of exports of materials of this kind to countries known or suspected of having active and aggressive biological warfare programs. Iraq has long been suspected of conducting biological warfare research in addition to its known chemical and biological warfare research programs.

Now, listen to the summary report of the Department of Defense to the Congress on the conduct of the Persian Gulf war which was written in 1992. I am quoting a paragraph out of this report. This is the formal report of the Department of Defense on the war.

> By the time of the invasion of Kuwait, Iraq had developed biological weapons. Its advanced and aggressive biological warfare

> program was the most advanced in the Arab world. . . . The program probably began late in the 1970's and concentrated on the development of two agents, botulinum toxin and anthrax bacteria. . . . Large scale production of these agents began in 1989 at four facilities near Baghdad. Delivery means for biological agents ranged from simple aerial bombs and artillery rockets to surface-to-surface missiles.

Now, that is our own Department of Defense acknowledging the capability of Iraq's biological weapons capability after the war.

Let us talk in detail about what we sent Saddam Hussein and his government before the war to help them develop that very capability.

The U.N. inspectors after the war found four facilities that had been involved in biological warfare-related research, but interestingly the inspectors were kept out of those plants for a full year and a half after the war was over—obviously, so they could be cleaned up—so the evidence would be gone by the time the inspectors got in there.

So when they finally got in there a year and a half later, they could find no evidence of biological weapons production, but they did confirm that at least one of these facilities could produce up to 50 gallons of biological agents each week, and, of course, the Defense Department report which I just cited makes it clear that we knew they were doing exactly that.

I think the U.S. Government approving export of these materials to a government like that and to someone like Saddam Hussein violates every standard of logic and common sense. But that is what happened.

Now, included in these Government-approved sales are the following biological materials which have been considered by various nations for use in war with their associated disease symptoms. Let me spell them out, and these are medical terms, but it is important they be on the record—so the people know it, and so researchers can compare the illnesses we are now seeing with the effects of exposure to these particular items.

The first one is bacillus anthracis, or anthrax as it is called, which is a disease-producing bacteria identified by the Department of Defense in "The Conduct of the Persian Gulf War: Final Report to Congress," as being a major component in the Iraqi biological warfare program.

Anthrax is an often-fatal infectious disease caused by ingestion of anthrax spores. It begins abruptly with high fever, difficulty in breathing, and chest pain. The disease eventually results in septicemia, or blood poisoning, and the mortality is high. Once it is advanced, antibiotic therapy may prove useless, probably because the exotoxins remain, despite the death of the bacteria itself.

Next is clostridium botulinum, a bacterial source of botulinum toxin, which causes vomiting, constipation, thirst, general weakness, headache, fever, dizziness, double vision, dilation of the pupils, paralysis of the muscles involving swallowing, and is often fatal.

The next one is histoplasma capsulatum which causes a disease that superficially resembles tuberculosis but may cause pneumonia, enlargement of the liver and spleen, anemia, or an influenza-like illness and acute inflammatory skin disease marked by tender red nodules, usually on the shins. Interestingly, many of the veterans coming back have these kinds of symptoms and the acute skin inflammation is very common. Reactivated infection usually involves the lungs, the brain, spinal membranes, heart, peritoneum, and the adrenals.

Brucella melitensis is a bacteria which can cause chronic fatigue, loss of appetite, profuse sweating when at rest—this is another common symptom—all of these the veterans will tell you they are dealing with these symptoms. Other symptoms include pain in joints and muscles, insomnia, nausea, and can result in damage to major organs.

Clostridium perfringens is a highly toxic bacteria which causes gas gangrene. The bacteria produce toxins that move along muscle bundles in the body killing cells and producing necrotic tissue that is then favorable for further growth of the bacteria itself. Eventually, these toxins and bacteria enter the bloodstream and cause a systemic illness.

Now, I cannot overemphasize the seriousness of any distribution of these kinds of items and the possible exposure of our people to these kinds of toxins in some weapons form.

I wish to just show on the chart when these things were sent over to Iraq. I have listed each one that I just cited here in these blue boxes. Anthrax was shipped from the United States to Iraq back on May 2, 1986, and again in September 1988—signed, sealed, delivered, and approved by our own Government, our own Department of Commerce.

Clostridium botulinum was shipped on May 22, 1986, and again in September 1988 from the United States to Iraq.

Histoplasma capsulatum was shipped in February 1985 and went to the Ministry of Higher Education, so-called, in Iraq.

Clostridium perfringens was shipped in May 1986 and again in September 1988.

In addition, several shipments of E. Coli and genetic materials, human and bacterial DNA, were shipped directly to the Iraq Atomic Energy Commission.

You have to use your head a little bit because oftentimes the Defense Department cannot see these problems. They could not see the agent orange problem for a long time. Even though we had a lot of sick veterans for 20 years with agent orange, they could not see it.

They have had a hard time seeing how these exposures might be contributing to the thousands of sick gulf war veterans that are out there now who desperately need help and in many cases are not getting it. It is bad enough that they may have been exposed, as I believe they were, to some combination of these items, whether from bombing these plants or some other more direct form of trying to infect our people with it; but to not come along after the fact and track this problem and present it is absolutely inexcusable. This should be their job.

You do not just give a veteran a handshake after they have given their service to the country. And if they come home and if they are sick, you respond to their needs. You go to work to try to figure out what is causing it. If they have exotic illnesses that may very well be traceable to chemical and biological exposure, then you go to work to find out how that might have happened. We should have gotten this information from the Department of Defense. We did not. We had to generate it ourselves.

I want to congratulate the researcher who has led this effort on my staff, Jim Tuite, who is seated here on my side on the Senate floor, for pursuing this relentlessly to get to this kind of information.

What ought we do about it? I tell you one thing we ought to do about it. I am sick and tired of watching the Defense Department sidestep this issue with respect to sick Desert Storm veterans. I want those veterans who show these symptoms of severe sickness, who cannot work, who are out of work, unemployed, in many cases uninsurable—I want there to be a disability classification established so they can get disability benefits.

We may not, for the time being, be able to identify precisely what has made them so desperately sick because we do not know an awful lot about how to diagnose and treat these illnesses. But if this is part of the problem—I suspect it is—time is wasting both in getting the answers and in making sure that they can pay their bills and feed their families while many of them are laying in sickbeds at home and cannot even get the strength to get up out of bed to walk across a room.

I have been talking to these veterans in Michigan. I want to bring one into the Democratic policy luncheon within the next month so people can see the Army colonel that I am talking about. With 30 years of distinguished service, he went over to the Desert Storm war in perfect health and has come back. He is so hobbled now. He walks on two canes and he can only go a very short distance before he is out of breath. He is desperately sick, uninsurable, and unemployed.

Frankly, the Defense Department does not have too much interest in him. They are looking ahead to other things. They are not looking back at the large number of sick veterans who are out there.

But it does not take a Ph.D., knowing Saddam Hussein's record, knowing he had the production facilities, knowing that we went in and bombed some of those production facilities, and knowing that the things that we sent him helped him produce biological weapons, to understand that such exposures may—I underline the word "may" —be causing the problems of a lot of our sick veterans that otherwise are defying explanation.

So let us get cracking on this. We know we sent the stuff. We know our own Government approved it. Why, I will never know—to send it on over to Saddam Hussein. Maybe because at the time the policymakers in the administration thought he would use these weapons on the Iranians. Well, it looks as if they may have gotten used on our people. But that could not have happened if these items had not left our country in the first place, getting into the hands of that diabolical monster and allowing him to develop these kinds of weapons capabilities.

So it is time we see a response from the Pentagon—a lot faster and a lot more to the point than we have seen to date.

Today asking the Department of Defense and the Department of Veterans Affairs to establish a disability compensation rating for gulf war veterans consistent with the true extent of their disability and regardless of the current ability of the medical researchers to determine what is causing it.

But here is a darned good lead right here for a lot of these sick veterans, especially because what we are finding in their sickness are all these symptoms. I do not want to see the military people throw up their hands and say, well, you know, we cannot figure these things out. Yes, they have fevers. They have chest pains. Yes, many are dying. Yes, they are vomiting. Yes, they have general weakness. Yes, they are showing up with toxicity in their systems. Yes, they are sweating when they are at rest, and they have nausea and insomnia, and terrible skin inflammation. But we just cannot figure it out.

Well, maybe this will help. I hope it will help. I hope that it will help in time to save some lives.

I want to just finish on this note. I say this to the Senator from Nebraska, who is an authentic war hero, who has been out there, who knows what it is like to face combat, to risk his life, to see people you serve with killed. Within the last 2 weeks, I had a meeting with a group of Desert Storm veterans from Michigan. They had gone through the war. They brought their spouses; in one case the spouse and a number of small children. The wives were reluctant at first to talk about how sick they are; what has happened to them. They have terrible vaginal problems. They have other problems that they never experienced before. They are in pain. They do not know what to do.

The Defense Department does nothing for them. There is nothing in the VA that says that if a veteran comes back with some kind of exotic illness that makes his family sick that the VA is going to step up and respond to the health needs of the family. There is a line drawn there. I do not think a line should be drawn there in this situation.

I will guarantee you this. This is not just happening to Michigan veterans. It is happening to veterans in each one of the 50 States. You may not have heard all of the cases yet. I hope by the fact we are talking about it today that we will be hearing about a lot more cases, because we need to know about the cases, the times, the places, and the symptoms, so we can put the information together. We will keep after this problem until we get some answers.

I want to get some military research going to work on these problems. What happens if a person is exposed to these items and shows these kinds of symptoms? What do we do about it? How do we fix it? What kind of medicines do we need? What kind of treatment? I do not want to wait until they all die. I say this, around here at one time, when we were talking about giving a special benefit to World War I veterans for their service in the war, they got a token pension of sorts. The understanding was, well, if we delay it long enough, they will all die off, we will not have to give it.

The same thing is true here. We have sick veterans that are not going to survive unless we figure out what is wrong and what the right treatments are and get going on it. I strongly suspect based on common sense and logic, and on the past performance of Iraq, and with the lineup of these symptoms, that this is part of the story.

I suppose that there are people around in the establishment who would just as soon not tell this story because it is a very sad and troubling story. There probably are. I am not sure that the people that authorized the shipment of this over in the Commerce Department back in the mideighties want to talk much about it right now, especially if that is what is causing a lot of this sickness among our veterans. I am not sure the people who are the architects of the whole operation and may have underestimated the risk from biological weapons exposure and chemical exposure necessarily want to talk about it now either because it is not a very happy ending to that particular war situation. But when you see these sick veterans and their families face to face, their country has a higher obligation, than to just tidy up the record and to forget about these things. We have an obligation to find out what is going on here and to help these people who desperately need our help.

I ask unanimous consent to have the letters which I am sending to the Secretaries of Health and Human Services, Defense, Veterans Affairs, to get cracking on this issue, along with a list of biological materials that were exported to Iraq be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, February 9, 1994.

Hon. JESSE BROWN,
Secretary, Department of Veterans Affairs, Washington, DC.

DEAR SECRETARY BROWN: After receiving complaints from a number of Michigan veterans who told me they were not receiving appropriate care from Department of Veterans Affairs' hospitals, I initiated an inquiry into the nature and scope of Gulf War Syndrome. This research uncovered a great deal of evidence that U.S. forces may have been exposed to chemical and possibly biological warfare agents as a result of the bombings of 18 chemical, 12 biological, and 4 nuclear facilities within Iraq during the Persian Gulf War.

I have also listened to the compelling accounts by eyewitness including chemical officers, of events which appear to be best explained as direct chemical agent attacks.

Disturbingly, I also began to receive reports of these illnesses being transmitted to the spouses and children of these veterans.

Since I initiated this inquiry, several medical researchers have suggested that the origins of these illnesses might be biological. As Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, with oversight responsibility for the Export Administration Act, I contacted the Centers of Disease Control and the U.S. Department of Commerce to determine what, if any, biological materials were exported to Iraq prior to the Gulf War.

After receiving the export information from the U.S. Department of Commerce, my staff contacted the principal supplier of these materials, the American Type Culture Collection, to determine the genus, species, strain, and origins of these materials.

Records provided by the supplier show that, from at least 1985 through 1989, the period for which records were available, the United States government approved for sale to Iraq quantities of potentially lethal biological agents that could have been cultured or grown in large volume in an Iraqi biological warfare program. These exported materials were not attenuated or weakened and were capable of reproduction.

Materials shipped included: bacillus anthracis, clostridium botulinum, clostridium perfringens, histoplasma capsulatum, brucella abortus, and brucella melitensis.

(A detailed listing of these materials is attached.)

I find it especially troubling that, according to the supplier's records, these materials were requested by and sent to Iraqi government agencies, including the Iraq Atomic Energy Commission, the Iraq Ministry of Higher Education, the State Company for Drug Industries, and the Ministry of Trade.

I have released this information to assist medical researchers seeking to diagnose and treat affected veterans and their families.

During this session of Congress, the Committee on Banking, Housing, and Urban Affairs will be reviewing the Export Administration Act, which is due for reauthorization. I have assured the veterans, their families, and the people of the United States that the policy under which these licenses were granted will be examined and strengthened. The defense of the United States should not be undermined by export policies that allow this government to assist any pariah nation, such as Iraq, in the furtherance of nuclear, chemical, or biological weapons programs.

While it is extremely important to promote U.S. products and exports in international trade, it is also important to note that the average cost of each of these specimens was less that $60, and they were acquired from a "not-for-profit" organization.

I ask that the Department of Veterans Affairs and the Department of Defense immediately establish disability rating systems for stricken Gulf War veterans that are dependent on the degree of individual disability rather than using some arbitrary point system. Further, the establishment of this disability rating must not be delayed because of an inability to arrive at a specific medical diagnosis.

I also call upon the newly created Persian Gulf Veterans Coordinating Board and the participating Secretaries of Veterans Affairs, Defense, and Health and Human Services, to expand their research to include the reported transmission of these illnesses to the spouses and children of these veterans, and to assess what, if any, public health hazard might exist.

In order to ensure that no information is being withheld, and consistent with the recommendation of the National Academy of Sciences in their investigation of the exposure of veterans to *The Health Effects of Mustard Gas and Lewisite*, the Secretary of Defense and the Secretary of Veterans Affairs should widely and publicly announce that personnel who believe they were exposed to chemical or biological warfare agents during the Persian Gulf War or who detected the presence of any chemical or biological warfare agents during the Gulf War are released from any oath of secrecy relative to these exposures or detections.

We must ensure that those men and women who served this country during the Gulf War, on active duty, in the reserves, and those who have since left the military services, receive proper medical attention. The National Archives has retained many letters, the unheard pleas and appeals of the veterans who returned home after World War I complaining of illnesses as a result of their exposure to mustard gas. Surely, we cannot tolerate turning a deaf ear on the thousands of veterans who served in the Gulf War. Without proper testing and treatment, their conditions will worsen. They cannot wait. Many are now destitute—their savings spent on medical care not being provided by the government. Others, unable to work, receive no pension or compensation because the Department of Veterans Affairs is unable to diagnose their illnesses.

I believe that this issue needs to be resolved, in order to ensure that our Armed Services are properly prepared for future conflicts that might involve the use of these weapons. I know that you share my concerns, both about the well-being of those who wear the uniforms of the United States Armed Forces, and about the preparedness of this nation to protect its forces in future conflicts. I ask you to personally reply to these requests on or before March 31, 1994.

Sincerely,

DONALD W. RIEGLE, Jr.,
Chairman.

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, February 9, 1994.
Hon. WILLIAM PERRY,
Secretary, Department of Defense, Pentagon, Washington, DC.

DEAR SECRETARY PERRY: After receiving complaints from a number of Michigan veterans who told me they were not receiving appropriate care from Department of Veterans Affairs' hospitals, I initiated an inquiry into the nature and scope of Gulf War Syndrome. This research uncovered a great deal of evidence that U.S. forces may have been exposed to chemical and possibly biological warfare agents as a result of the bombings of 18 chemical, 12 biological, and 4 nuclear facilities within Iraq during the Persian Gulf War.

I have also listened to the compelling accounts by eyewitnesses, including chemical officers, of events which appear to be best explained as direct chemical agent attacks.

Disturbingly, I also began to receive reports of these illnesses being transmitted to the spouses and children of these veterans.

Since I initiated this inquiry, several medical researchers have suggested that the origins of these illnesses might be biological. As Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, with oversight responsibility for the Export Administration Act, I contacted the Centers for Disease Control and the U.S. Department of Commerce to determine what, if any, biological materials were exported to Iraq prior to the Gulf War.

After receiving the export information from the U.S. Department of Commerce, my staff contacted the principal supplier of these materials, the American Type Culture Collection, to determine the genus, species, strain, and origins of these materials.

Records provided by the supplier show that, from at least 1985 through 1989, the period for which records were available, the United States government approved for sale to Iraq quantities of potentially lethal biological agents that could have been cultured or grown in large volume in an Iraqi biological warfare program. These exported materials were not attenuated or weakened and were capable of reproduction.

Materials shipped included:

Bacillus anthracis, clostridium botulinum, clostridium perfringens, histoplasma capsulatum, brucella abortus, and brucella melitensis.

(A detailed listing of these materials is attached.)

I find it especially troubling that, according to the supplier's records, these materials were requested by and sent to Iraqi government agencies, including the Iraq Atomic Energy Commission, the Iraq Ministry of Higher Education, the State Company for Drug Industries, and the Ministry of Trade.

I have released this information to assist medical researchers seeking to diagnose and treat affected veterans and their families. During this session of Congress, the Committee on Banking, Housing, and Urban Affairs will be reviewing the Export Administration Act, which is due for reauthorization. I have assured the veterans, their families, and the people of the United States that the policy under which these licenses were granted will be examined and strengthened. The defense of the United States should not be undermined by export policies that allow this government to assist any pariah nation, such as Iraq, in the furtherance of nuclear, chemical, or biological weapons programs.

While it is extremely important to promote U.S. products and exports in international trade, it is also important to note that the average cost of each of these specimens was less than $60, and they were acquired from a "not-from-profit" organization.

I ask that the Department of Veterans Affairs and the Department of Defense immediately establish disability rating systems for stricken Gulf War veterans that are dependent on the degree of individual disability rather than using some arbitrary point system. Further, the establishment of this disability rating must not be delayed because of an inability to arrive at a specific medical diagnosis.

I also call upon the newly created Persian Gulf Veterans Coordinating Board and the participating Secretaries of Veterans Affairs, Defense, and Health and Human Services, to expand their research to include the reported transmission of these illnesses to the spouses and children of these veterans, and to assess what, if any, public health hazard might exist.

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Chairman.

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, February 9, 1994.
Hon. DONNA SHALALA,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SHALALA: After receiving complaints from a number of Michigan veterans who told me they were not receiving appropriate care from Department of Veterans Affairs' hospitals, I initiated an inquiry into the nature and scope of Gulf War Syndrome. This research uncovered a great deal of evidence that U.S. forces may have been exposed to chemical and possibly biological warfare agents as a result of the bombings of 18 chemical, 12 biological, and 4 nuclear facilities within Iraq during the Persian Gulf War.

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DONALD W. RIEGLE, JR.,
Chairman.

LISTING OF BIOLOGICAL MATERIALS EXPORTED TO IRAQ

The following is detailed listing of biological materials, provided by the American Type Culture Collection, which were exported to agencies of the government of Iraq pursuant to the issuance of an export license by the U.S. Commerce Department:

Date: February 8, 1985 Sent to: Iraq Atomic Energy Agency

Materials Shipped:

Ustilago nuda (Jensen) Rostrup

Date: February 22, 1985 Sent to: Ministry of Higher Education

Materials Shipped:

Histoplasma capsulatum var. farciminosum (ATCC 32136)

Class III pathogen

Date: July 11, 1985 Sent to: Middle and Near East Regional A

Materials Shipped:

Histoplasma capsulatum var. farciminosum (ATCC 32136)

Class III pathogen

Date: May 2, 1986 Sent to: Ministry of Higher Education

Materials Shipped:

1. Bacillus Anthracis Cohn (ATCC 10)

Batch # 08–20–82 (2 each)
Class III pathogen.

2. Bacillus Subtilis (Ehrenberg) Cohn (ATCC 82)

Batch # 06–20–84 (2 each)

3. Clostridium botulinum Type A (ATCC 3502)

Batch# 07–07–81 (3 each)
Class III Pathogen

4. Clostridium perfringens (Weillon and Zuber) Hauduroy, et al (ATCC 3624) Batch# 10–85SV (2 each)

5. Bacillus subtilis (ATCC 6051) Batch# 12–06–84 (2 each)

6. Francisella tularensis var. tularensis Olsufiev (ATCC 6223)

Batch# 05–14–79 (2 each) Avirulent, suitable for preparations of diagnostic antigens.

7. Clostridium tetani (ATCC 9441)
Batch# 03–84 (3 each) Highly toxigenic.

8. Clostridium botulinum Type E (ATCC 9564) Batch# 03–02–79 (2 each) Class III pathogen

9. Clostridium tetani (ATCC 10779) Batch# 04–24–84S (3 each)

10. Clostridium perfringens (ATCC 12916) Batch# 08–14–80 (2 each)
Agglutinating type 2.

11. Clostridium perfringens (ATCC 13124)

Batch# 07–84SV (3 each)
Type A, alpha-toxigenic, produces lecithinase C.J. Appl.

12. Bacillus Anthracis (ATCC 14185)

Batch# 01–14–80 (3 each)
G.G. Wright (Fort Detrick) V770–NP1–R. Bovine anthrax,
Class III pathogen

13. Bacillus Anthracis (ATCC 14578)

Batch# 01–06–78 (2 each)
Class III pathogen.

14. Bacillus megaterium (ATCC 14581)

Batch# 04–18–85 (2 each)

15. Bacillus megaterium (ATCC 14945)

Batch# 06–21–81 (2 each)

16. Clostridium botulinum Type E (ATCC 17855)

Batch# 06–21–71
Class III pathogen.

17. Bacillus megaterium (ATCC 19213)

Batch# 3–84 (2 each)

18. Clostridium botulinum Type A (ATCC 19397)

Batch# 08–18–81 (2 each)
Class III pathogen

19. Brucella abortus Biotype 3 (ATCC 23450)

Batch# 08–02–84 (3 each)

Class III pathogen

20. Brucella abortus Biotype 9 (ATCC 23455)

Batch# 02-05-68 (3 each)
Class III pathogen

21. Brucella melitensis Biotype 1 (ATCC 23456)

Batch# 03-08-78 (2 each)
Class III pathogen

22. Brucella melitensis Biotype 3 (ATCC 23458)

Batch# 01-29-68 (2 each)
Class III pathogen

23. Clostridium botulinum Type A (ATCC 25763)

Batch# 8-83 (2 each)
Class III pathogen

24. Clostridium botulinum Type F (ATCC 35415)

Batch# 02-02-84 (2 each)
Class III pathogen
Date: August 31, 1987 Sent to: State Company for Drug Industries
Materials Shipped:

1. Saccharomyces cerevesiae (ATCC 2601)

Batch# 08-28-08 (1 each)

2. Salmonella choleraesuis subsp. choleraesuis Serotype typhi (ATCC 6539) Batch# 06-86S (1 each)

3. Bacillus subtillus (ATCC 6633)

Batch# 10-85 (2 each)

4. Klebsiella pneumoniae subsp. pneumoniae (ATCC 10031)

Batch# 08-13-80 (1 each)

5. Escherichia coli (ATCC 10536)

Batch# 04-09-80 (1 each)

6. Bacillus cereus (11778)

Batch# 05-85SV (2 each)

7. Staphylococcus epidermidis (ATCC 12228)

Batch# 11-86s (1 each)

8. Bacillus pumilus (ATCC 14884)

Batch# 09-08-80 (2 each)
Date: July 11, 1988 Sent to: Iraq Atomic Energy Commission
Materials Shipped:

1. Escherichia coli (ATCC 11303)

Batch# 04-87S
Phage host

2. Cauliflower Mosaic Caulimovirus (ATCC45031)

Batch# 06-14-85
Plant virus

3. Plasmid in Agrobacterium Tumefaciens (ATCC37349)

(Ti plasmid for co-cultivation with plant integration vectors in E. Coli) Batch# 05-28-85
Date: April 26, 1988 Sent to: Iraq Atomic Energy Commission
Materials Shipped:

1. Hulambda4x-8, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s) X q26.1 (ATCC 57236) Phage vector; Suggested host: E.coli

2. Hulambda14-8, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s): X q26.1 (ATCC 57240) Phage vector; Suggested host: E.coli

3. Hulambda15, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s) X q26.1 (ATCC 57242) Phage vector; Suggested host: E.coli
Date: August 31, 1987 Sent to: Iraq Atomic Energy Commission
Materials Shipped:

1. Escherichia coli (ATCC 23846)

Batch# 07-29-83 (1 each)

2. Escherichia coli (ATCC 33694)

Batch# 05-87 (1 each) Date: September 29, 1988 Sent to: Ministry of Trade Materials Shipped:

1. Bacillus anthracis (ATCC 240)

Batch# 05-14-63 (3 each)
Class III pathogen

2. Bacillus anthracis (ATCC 938)

Batch# 1963 (3 each)
Class III pathogen

3. Clostridium perfringens (ATCC 3629)

Batch# 10-23-85 (3 each)

4. Clostridium perfringens (ATCC 8009)

Batch# 03-30-84 (3 each)

5. Bacillus anthracis (ATCC 8705)

Batch# 06-27-62 (3 each)
Class III pathogen

6. Brucella abortus (ATCC 9014)

Batch# 05-11-66 (3 each)
Class III pathogen

7. Clostridium perfringens (ATCC 10388)

Batch# 06-01-73 (3 each)

8. Bacillus anthracis (ATCC 11966)

Batch# 05-05-70 (3 each)
Class III pathogen

9. Clostridium botulinum Type A

Batch# 07-86 (3 each)
Class III pathogen

10. Bacillus cereus (ATCC 33018)

Batch# 04-83 (3 each)

11. Bacillus ceres (ATCC 33019)

Batch# 03-88 (3 each)
Date: January 31, 1989 Sent to: Iraq Atomic Energy Commission
Materials Shipped:

1. PHPT31, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s) X q26.1 (ATCC 57057)

2. plambda500, clone: human hypoxanthine

phosphoribosyltransferase pseudogene (HPRT)
Chromosome(s): 5 p14-p13 (ATCC 57212)
Date: January 17, 1989 Sent to: Iraq Atomic Energy Commission
Materials Shipped:

1. Hulambda4x-8, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s) X q26.1
(ATCC 57237) Phage vector; Suggested host: E.coli

2. Hulambda14, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s): X q26.1
(ATCC 57240) Cloned from human lymphoblast
Phage vector; Suggested host: E.coli

3. Hulambda15, clone: human hypoxanthine

phosphoribosyltransferase (HPRT) Chromosome(s) X q26.1 (ATCC 57241) Phage vector; Suggested host: E.coli

Mr. RIEGLE. Finally, we are going to be reviewing the Export Administration Act reauthorization in the Banking Committee this year in the months ahead. I am going to be taking testimony and calling in witnesses on this matter. I want to find out what happened here. We now know a lot more than we did know. We know the United States, at the highest levels, authorized these shipments and sent these materials over to Saddam Hussein, and they may now be circling around and coming back to haunt us in the form of a lot of sick veterans, and, increasingly, their family members.

It is time we get the answers. I do not want to hear it said that we do not have money to do this medical research and give these veterans the help. There was no question of money on the way into the war. Anything that was needed, there was money there for it, no matter how many bombing runs, or this, that, or the other thing. There was plenty of money to fight the war. Well, there has to be enough now to heal the wounded who have come back from that war. It is time we get at it.

So I ask the attention of my colleagues on this. I hope you will assign a staff member to it, and I hope you will meet with the veterans of Desert Storm in your State who are sick and talk to them and some of their family members. You will see what I am talking about. Let us force some action on this issue. I think our veterans deserve it.

We dishonor everything about this country if we do not face up to this problem and answer it honestly and fairly and as rapidly as we possibly can. I thank the Senator from Nebraska again. He is a dear friend and is very courteous to let me speak on this. I have a very deep feeling about it. I appreciate his willingness to suspend for that purpose. I also thank the Senator from Hawaii.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. KERREY. Mr. President, I know the distinguished Senator from New York was here to comment on the second amendment that I received. I thought I had eight votes last year, but he has informed me that it was seven. I am going to yield the floor shortly so he can make his comments.

Before he leaves, I want to pay tribute to the Senator from Michigan. This is an issue that, only as a consequence of the perseverance of the Senator from Michigan, is now beginning to surface and become visible to all of us. It is the sort of thing that illustrates why we need to be alert for abuse to a single individual.

You hear all the time: Well, what is it that this Government is supposed to be doing for the people of the United States of America? The Government is supposed to be standing up for that one individual who has no power at all, who does not have enough money to fly to Washington, and does not know a Senator. This is not as a consequence of some friendship or as a consequence of someone's influence. It is merely as a consequence of the Senator from Michigan saying this is wrong and acting upon it, and I am very grateful to the Senator.

I yield the floor.

Mr. MOYNIHAN. Mr. President, as my gallant and distinguished friend, the Senator from Nebraska, has said, I will rise simply to suggest that any dealings, any treatment of tax matters on an appropriation bill is not appropriate.

The Senator with very characteristic irony notes that when he last made this proposal, he had received seven votes. I would like to say that—at what cost I may learn at a future date—we made a terrible mistake in the budget reconciliation bill last year when we did not place a sufficient increase in gasoline taxes to make possible things that we need to be done—deficit reduction and the like. When the 4.3-cent increase went into effect on October 1, the new price of gasoline was lower than when we agreed that we would do this come October 1. We have a moment to get some reality into our consideration of this issue. I believe the Senator from Nebraska probably could tell me more accurately, but I believe we have now reached a point where we import the majority of the oil we consume. Is that true?

Mr. KERREY. That is correct. We import over 50 percent of our oil.

Mr. MOYNIHAN. Yes. We have crossed that point. Does that mean nothing? I think there is a leakage of reality here. Generations hence, there may be people looking back at us thinking how right the Senator from Nebraska has been. It took 1 week in the Finance Committee to get from 4 to 4.3. Even so, sir, I have to say we do not have an appropriate vehicle. When we do, I shall certainly return to the subject. I thank my gallant and courteous friend.

Mr. KERREY. I ask the manager of the bill, can we dispose of this amendment merely with a voice vote at this time?

Mr. INOUYE. Mr. President, I have been advised by the manager of the bill that he would be in favor of disposing of this matter by a voice vote. There are just three of us here, but let us proceed.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1439) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I would like to address another amendment. I have indicated that I am prepared to set a time agreement on this and set a time for a vote. I am describing some of the detail of the amendment so both Members and the public can get an understanding of what is in this and what some of the justifications are.

Proposal 1 of 57 is to reduce the P.L. 480 title I and title III programs by 20 percent. This simply reduces the funding for titles I and III of the Public Law 480, or Food for Peace Program by 20 percent for fiscal year 1994.

The reason for this change is that according to the GAO, regarding titles I and III:

> Agency for International Development has no strategy for assessing the impact of its programs on enhancing the food security of people in recipient countries, nor has it determined where food aid is an efficient means for accomplishing this goal.

This funding reduction would provide a strong incentive for program managers to improve the efficiency and effectiveness of the program.

Proposal 2 of 57: Reduce the World Bank appropriation to Senate level. This proposal would reduce funding for the World Bank to $27.9 million for paid-in capital and $902.4 million limitation on callable capital. The administration recommended $70.1 million for paid-in capital and $2.27 billion limitation on callable capital; the House recommended $55.8 million for paid-in capital and $1.8 billion on callable capital.

The reason for the change, Mr. President, is that from the report accompanying the Senate Foreign Ops appropriations bill:

> An internal review of the World Bank's loan portfolio concluded that the number of projects judged unsatisfactory at completion increased from 15 percent in fiscal year 1981 to 37.5 percent in fiscal year 1991. It also determined that borrowers' compliance with loan conditions, particularly financial conditions, was only 25 percent. It found that the role of Bank staff has evolved from independent evaluators of country-proposed projects to advocates of projects to move money and gain promotions, with a resulting decline in project quality.

The subcommittee went on to express concern about overly generous salaries and benefits to World Bank employees.

The World Bank underestimated the cost of its new headquarters building by over $100 million.

Proposal 3, Mr. President, is to reduce the IDA to Senate level.

The IDA is the soft loan window of the World Bank. The Senate recommended an appropriation of $957.1 million of IDA. The administration requested $1.25 billion and the House recommended $1.02 billion.

The reasons for change are:

Concerns have been raised in the Senate Foreign Ops Subcommittee regarding IDA's performance in the areas of the environment, and population and poverty alleviation.

The Senate Foreign Ops Subcommittee also cited the World Bank's inadequate policy on information disclosure and its failure to establish a public appeals panel as reasons to reject the administration's requested increase.

Proposal 4 of 57: Reduce foreign military aid to Senate level. This proposal would reduce Foreign Military Financing grants to the Senate recommended appropriation of $3.124 billion.

The reasons for change are:

Foreign Military Financing [FMF] consists of both loan subsidies and grants. Both the House and Senate agreed on loan subsidy levels, however, the Senate recommended an appropriation of $3.124 billion for grants and the House recommended an appropriation of $3.175 billion. The conference report contains $3.149 billion. This merely reduces it from $3.149 billion to $3.124 billion.

Proposal 5 is: Partially consolidate overseas broadcasting.

I point out that some of these items might be duplicative of what the President is recommending in his rescission package. That rescission package was received on Monday of this week, and we have language in our bill that deals with duplications.

So I do not want anybody to be alarmed that they may be hearing something that is picked up on some other area.

No. 5 is: Partially consolidate, as I said, overseas broadcasting offices.

This proposal would impose a series of fiscal constraints on Radio Free Europe/Radio Liberty, including a funding ceiling of $75 million beginning in fiscal year 1996.

This is an issue that has been raised very eloquently and persuasively by Senator FEINGOLD of Wisconsin.

The reasons for change are:

The fiscal restraints are designed to address management problems in the current operation.

Consolidation of RFD/RL is justified in the wake of the end of the cold war.

This issue was also addressed in the State Department authorization in a compromise reached by Senators BIDEN and FEINGOLD.

Proposal 6 of 57: Reduce mission operational costs at State Department. This proposal rescinds funds from the Agency for International Development, Department of States, and United States Information Agency.

The reasons for change are:

According to the Senate Foreign Ops Appropriations Subcommittee, there are concerns over the performance of these agencies in the areas of the environment, population and poverty alleviation.

In addition, there is concern that there is inadequate policy on information disclosure within the World Bank/IDA.

Proposal 7: Eliminate funding for spacelifter program. This provision prohibits the use of any funds for acquisition or operation of any space launch system not already in operation at the date of enactment.

The reasons for change are:

The Spacelifter launch system is estimated to cost DOD and NASA between $5 billion and $6 billion over the next 10 years.

Development of this system should be spun off into the private sector.

Proposal 8 of 57: Eliminate funding for the magnetic levitation [MagLev] prototype development. This proposal would rescind $20,000,000 in fiscal year 1994 funding from magnetic levitation research and analysis activities.

The reasons for change are:

Section 1036 of the Intermodal Surface Transportation Act [ISTEA] of 1001 establishes a national magnetic levitation prototype program. However, the Office of Technology Assessment states: "We do not believe that the technology is ready to jump to the full-scale operating demonstration that has been proposed in ISTEA. * * * We can't get to operational testing using U.S. technology at an acceptable level or risk starting today. The technology is just not ready yet."

The savings associated with this rescission are $20 million in fiscal year 1994 and $700 million over 5 years.

The OTA has determined that the technology is just not ready to begin full scale testing.

This technology is not in place to begin operations, and the funds designated to this prototype would be better utilized on higher priorities.

Proposal 9 of 57: Means test unemployment compensation at taxable income exceeding $120,000. The U.S. Government currently provides unemployment insurance payments on a non-means-tested basis to individuals who have lost employment. The program does not look at the income or assets of the applicant. This proposal would end unemployment insurance program subsidies to wealthy individuals with yearly net taxable income over $120,000.

The reasons for change are:

Unemployment insurance has been applied to everyone regardless of their job title or status of being wealthy, middle-class, or poor, but this demonstrates inherent flaws in this program. The purpose of unemployment insurance should be that of preventing working people who lose their jobs from becoming destitute while awaiting their return to their jobs or until they are able to obtain new jobs. It is highly unlikely that persons making over $120,000 a year in net taxable income would be destitute within the same timeframe or under the same conditions as a person who is middle-class or poor.

Proposal 10 of 57: Eliminate funds for the high temperature gas reactor. This proposal rescinds $12,000,000 in fiscal year 1994 from the gas turbine-modular helium reactor program and terminates the project.

The reasons for change are:

The Energy Department did not request funding for this project, and the program had been scheduled for termination by the Clinton administration.

This program was recommended for termination by a National Academy of Sciences panel.

In a 1991 study, the Electric Power Research Institute found that the high temp gas reactor would not be cost competitive with the advanced light-water reactor even by 2010. It is predicted that no utility would order a plant based on high temp gas reactor technology until, perhaps after 2010. Therefore, it is not a priority issue.

The Senate voted to terminate the project during debate on the fiscal year 1994 Energy and Water Development appropriations bill. However, conferees opted to appropriate $12,000,000 to continue the development of the reactor.

Proposal 11: Freeze funding for Defense Environmental Restoration and Waste Management Program for 1 year. This proposal would freeze DOE clean-up money for 1 year, and require DOE to present clear priorities, a timeline, and budget for clean-up projects.

The reasons for change are:

The Defense Environmental Restoration and Waste Management budget has grown by approximately 50 percent in the last 2 years alone.

The Senate Energy Committee and General Accounting Office have both questioned the management of this program.

This proposal still provides $4.8 billion in funding—a 30-percent increase over fiscal year 1992 spending levels.

The Federal budget simply cannot support continued increases of the magnitude that this program has been allowed.

The fiscal year 1995 budget includes carry over funding of $240 million and productivity savings of $300 million. Our proposal cuts spending by $300 million.

We cannot afford to carry over money from one year to the next; that's a luxury.

Proposal 12 of 57: Sell the Alaska Power Administration. Under this proposal, the Secretary of Energy may sell the Snettisham Hydroelectric Project to the State of Alaska Power Authority, and the Eklutna Hydroelectric Project to the Municipality of Anchorage.

The reasons for change are:

The APA was originally created to encourage economic development in Alaska by making low-cost hydropower available to industry and residential customers. The project can now be turned over to the local ownership.

The APA is located in a single state and its sale is supported by Alaska's congressional delegation, DOE, and OMB.

Proposal 13 of 57: Allow industry to cogenerate power at Department of Energy labs. This provision would allow the Department of Energy to install cogeneration at sites where it is determined to be cost-effective.

The reasons for change are:

This proposal would grant DOE authority currently held by DOD.

This would allow DOE the authority to utilize its sites in the most cost-effective way.

Proposal 14: Halt strategic petroleum reserve acquisitions. This provision rescinds all unobligated funds in the SPR petroleum account on the date of enactment.

The reasons for change are:

The SPR was authorized in 1975 to reduce the vulnerability of the United States to interruptions in oil supplies. It currently contains over 570 million barrels of oil. Currently, United States obtains less than one-quarter of its oil from OPEC countries, and the rate at which we continue to fill the reserve can be slowed.

This proposal would effectively impose a 5-year moratorium on acquisitions.

Proposal No. 15: Eliminate weather office closure certificate procedures. This provision eliminates weather office closure certificate procedures and rescinds $20 million in funds from the National Weather Service.

The reasons for change are:

The overly burdensome regulations regarding weather office closure procedures requires the Secretary of Commerce to legally guarantee the performance of the replacement office technology before the old, antiquated office system can be closed. This results in duplicative systems, with multiple offices serving the same area for up to 2 years.

Proposal 16 of 57: Reduce agricultural research buildings and facilities to requested level.

The provision rescinds $56,874,000 of funds available under the heading "Cooperative State Research Service—Buildings and Facilities" in the Agriculture Appropriations Act.

The reason for change is:

Although the administration requested no funding for this account, House and Senate appropriators have earmarked $57 million.

Proposal 17 of 57: Reduce funding for Economic Development Administration by 10 percent for fiscal year 1994.

The EDA provides grants to State and local governments for public works, technical assistance, and job programs as well as loan guarantees to firms for business development. This reduction in the level of funding will provide program managers with an incentive to improve the efficiency and effectiveness of their programs.

The reasons for change are:

In 1988, EDA gave money to 15 of the 35 cities with the lowest unemployment rates in the Nation.

The EDA has broad eligibility criteria—once an area has been designated to receive funding, it will remain eligible for funding indefinitely, regardless of economic growth—which allows areas containing 80 percent of the U.S. population to compete for benefits, and for providing aid with little proved effect compared with other programs with similar goals.

Most EDA projects are not required to calculate the benefit-to-cost ratio or even financial rate of return analysis.

EDA duplicates the funding of other Federal agencies such as HUD, DOT, SBA, and Export-Import Bank.

Proposal 18 of 57: Eliminate funding for public telecommunications facilities.

This provision repeals the authorization for funding of the National Telecommunications and Information Administration—public telecommunications facilities, planning, and construction account. $24 million is rescinded for fiscal year 1994.

More than 95 percent of Americans now receive public broadcasting, which fulfills the goals of this program, which was created in the 1960's.

Funds in this program are now being used as an operating subsidy or to upgrade existing station facilities and equipment, not the original purpose.

Proposal 19 of 57: Impose a moratorium on the purchase of Federal buildings.

The "National Performance Review Report on Reinventing Government" stated: "Over the next 5 years, the Federal Government is slated to spend more than $800 million a year acquiring new Federal office space and courthouses. Under current conditions, however, those acquisitions don't make sense." The review recommended that the Government Services Administration Administrator place a hold on GSA's acquisitions for new office space and begin aggressive negotiations for existing and new leases to further reduce costs. GSA will reevaluate and reduce the costs of new courthouse construction.

The reasons for change are:

The Resolution Trust Corporation is disposing of real estate once held by failed savings and loans at 10 to 50 cents on the dollar, commercial office vacancy rates are running in the 10-to-25-percent range, and U.S. military bases are being closed. Thus, the Government has many potential sources for office space without buying any more buildings.

The GSA is currently reviewing Federal construction building projects. GSA Director Johnson has said the Agency has prioritized projects which are running up against scheduled milestones.

The GSA is working on implementing a tracking and management system for Federal building projects. Director Johnson has said in testimony before the Environment and Public Works Committee that he would like to come before the committee on a quarterly basis to report on a review of timely milestones for construction projects, the success at reaching those milestones on time, and the reasons for which any milestone deadlines were not met.

Proposal 20 of 57: Streamline HUD operations.

The "National Performance Review Report on Reinventing Government" stated that the Department of Housing and Urban Development has developed a strategy to close offices without cutting customer service.

The reasons for change are:

Roughly 10,000 of HUD's 13,500 employees work in field offices, but their workloads vary: The New York regional office monitors 238,000 Federal public housing units; the Seattle office only 30,000 units.

Management restructuring will streamline HUD's field operations. Under a 5-year plan, HUD will eliminate all regional offices, pare down its 80-field office system, and cut its field staff by 1,500 people.

This will allow HUD to realign staff resources to better meet demand.

Proposal 21 of 57: Reduce TVA nonpower programs by one-third.

The annual appropriation for the TVA provides Federal support for the TVA's stewardship of its lands, facilities, and natural resources, and provides recreational programs, promotes public use of its land and water resources, and operates the National Fertilizer and Environmental Research Center.

The reasons for change are:

TVA has badly mismanaged its energy production activities for the past three decades, leaving it with a negative net worth of over $1 billion. As the current TVA administration restructures, all nonenergy-related activities should be taken away from TVA permanently.

The U.S. Government paid in 1992 nearly $100 million for economic and community development, recreation, and environmental programs for a portion of seven States. TVA previously represented an economically depressed region. Today, the differences between the TVA region and the rest of the country are minor at best.

TVA economic development, recreation, and environmental programs duplicate dozens of other State and Federal efforts by agencies with superior expertise.

Proposal 22 of 57: To freeze the Appalachian Regional Commission at fiscal year 1993 level.

This proposal freezes funding for the Appalachian Regional Commission at fiscal year 1993 levels, which requires $59 million be rescinded from the fiscal year 1994 appropriation.

The reasons for change are:

ARC has spent nearly $6 billion and built roughly 2,500 miles of new roads, yet high poverty rates will persist in Appalachia.

Some programs supported by the ARC duplicate activities funded by other Federal Agencies such as DOT and HUD.

Although ARC allocates resources to poor rural communities, those are not worse off than many others outside the Appalachian region.

Proposal 23 of 57: Improve management of VA hospitals.

This proposal involves employing a prospective payment system at VA hospitals similar to that now employed in Medicare. Under such a system, each patient would be classified in a diagnosis-related group that would entitle the hospital to a fixed payment designed to reflect the average cost of efficient care for such a patient.

The VA spends about $16 billion a year on medical care. The Congressional Budget Office has projected potential outlay savings from this strategy at $2.225 billion over 5 years, compared with the administration's more modest $1 billion reduction. But it may be prudent to accept the more cautious savings projection. It must be noted that prospective payment systems are complex, as is the problem of defining patient categories, especially regarding psychiatric care, which is prevalent in Veterans hospitals.

The reasons for change are:

It conforms to the prospective payment system, which is used for Medicare to VA hospitals.

Because of moving to a PPS system, there is expected to be more efficiency in the VA health care system and thus a savings of $1 billion. This amendment is not cutting $1 billion out of VA health programs.

VA has been phasing in the PPS in its hospitals over the last few years, and the system has proven to be more cost-effective than the other methods of payment.

Proposal 24 of 57: Reduce Legal Services Corporation by 5 percent.

This proposal rescinds $20 million in payments for the Legal Services Corporation in fiscal year 1994. Fiscal year 1994 funding is now $400 million.

The reasons for change are:

This reduction would leave the LSC budget at $380 million, a 7-percent increase from fiscal year 1993's $357 million appropriation. This funding level will permit the LSC to continue its activities in the same manner as the previous year.

President Clinton's fiscal year 1995 budget proposes increasing the LSC appropriation from $400 million to $500 million; a 25-percent increase.

Proposal 25 of 57: Improve the Marshals Service.

This recommendation provides for the phasing out of political appointees and elimination of the position of deputy marshal in the 70 judicial districts having the least population of all judicial districts.

The reason for change is:

The "National Performance Review Report on Reinventing Government" proposes improving the professionalism of the U.S. Marshals Service by selecting U.S. Marshals based on merit by the Director of the U.S. Marshals Service. In addition, some positions should be eliminated, the report says. The service has an annual budget of about $380 million.

Proposal 26—Mr. President, before I do that, I do have the amendment now, fortunately, for my colleagues to read. I apologize for not having had the time. As I said earlier, we did sort of expect this to come up in a couple of weeks and we are trying to rush this up.

I have indicated I am prepared to set a time, and what I am doing right now is going through each one of these individual items to alert colleagues as to what is in them and wait for a number of my colleagues who have worked on this proposal, to give them time to come to the floor to make comments.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a question?

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. The question would be, how much longer would the distinguished Senator intend to hold the floor?

Mr. KERREY. I intend to just go through these. I am at number 26. I probably have another 20 or so minutes it will take on this. Then Senator GRAHAM is coming over to speak, and Senator LIEBERMAN and Senator COHEN.

Mr. BYRD. They have to get recognition, and I might have a chance to speak in between. I am not hurrying the Senator. There is no attempt to. I do not mean, Mr. President, to hurry the Senator. I just simply want to know when he will finish so I can get the floor, if I get recognition. I have a few things to say in opposition to the amendment.

Mr. KERREY. I appreciate that.

Mr. President, I guess I have another 20 minutes here to go through each one of these items.

The distinguished President pro tempore's question, I thought, was referencing how much more time we were going to need on the amendment itself, not this time.

I will continue this list and then I will be glad to yield the floor.

Proposal 26: Recapture Federal construction project funds from projects which have not commenced within 24 months of appropriations.

Any funds appropriated for a Federal construction project that have not been obligated through a binding contract or a general construction contract by 2 years after enactment date of the appropriations, the funds shall revert back to the fund from which the appropriation was made and shall be available for reappropriation.

Reason for change: It speeds up spending for Federal construction projects. It provides needed infrastructure to State and local communities quicker.

Proposal 27: Reduce the fiscal year 1994 community development block Grant funding to the administration's request level.

This proposal would return to CDBG funding to the administration's request level, which is still a 6.8-percent increase over fiscal year 1993.

Proposal 29: Reduce Executive Office of the President appropriations by 5 percent.

This provision rescinds 5 percent of the funds for the Executive Office of the President, which includes OMB, U.S. Trade Representative, the Council of Economic Advisers, and the Economic Policy Council.

Proposal 30: Reduce legislative branch appropriations by 7.5 percent.

For fiscal year 1994, the legislative branch appropriations is 1.4 percent below fiscal year 1993, but in the House, most of this savings was from the abolishment of select committees and in the Senate the decrease was a departure from increases in their funding in 1993.

Proposal 31: Reduce Senate franking account by 20 percent.

This reduces the Senate franking appropriation by 20 percent, or $100 million.

Proposal 32: Reform Members' future COLA adjustment.

This provision reforms the method used to calculate annual cost-of-living adjustments for Members of Congress to ensure that Members of Congress pay adjustment cannot exceed the percentage adjustment taking effect in that calendar year for other Federal employees under the general schedule.

Proposal 33: Cap Senior Executive Service leave accrual at 30 days.

This proposal would limit the amount of leave that SES employees may accumulate after the end of 1993 to 30 days.

Proposal 34: This has been discussed a number of times. It is only a duplication of the crime bill. If other efforts do not pass, we reinforce the cut in the Federal work force by 252,000.

This provision sets limitations on full-time equivalent positions that the Federal Government may fill for fiscal years 1994 through 1998.

Proposal 35: Freeze Federal agency overhead spending for 2 years, limit increases to inflation only for the next 3 years.

This provision will apply to all Federal agencies, including the legislative and judicial branches, with the exception of defense agencies and postal services. Overhead cost include travel, shipping, phone, printing, and rent supplied and other capital assets.

Proposal 36: Reduce travel accounts by 15 percent for specific executive agencies and the legislative branch.

This provision would reduce the travel accounts for the legislative branch and certain executive branch agencies by 15 percent.

Proposal 37: Terminate certain boards and commissions.

This proposal would terminate the following boards and commissions and, Mr. President, there are approximately 15 on there that include: The Preservation of Jazz Advisory Commission; Mount St. Helen's Scientific Advisory Board; the Advisory Panel for the Dictionary of Occupational Titles; U.S. Army Medical Research and Development Advisory Board; the Secretary of the Navy's Advisory Committee on Naval History; the Scientific Advisory Committee on Effects; the Advisory Committee on Publications Subvention; the National Advisory Council on Educational Research and Improvement; Advisory Panel Decontamination of TMI-21, whatever that is; the Technical Advisory Group on Cigarette Fire Safety; the Advisory Commission on Swine Health Protection; and the Tea Tasters Board.

Proposal 38: Eliminate reports for Davis-Bacon projects.

This proposal would end the requirement for weekly payroll reports for construction projects covered by the Davis-Bacon Act and instead requires contractors to simply certify that they have complied with the law. Contractors would be required to keep records to prove their compliance for 3 years in the case a complaint is filed. The savings is $50 million in fiscal year 1994 and $250 million from fiscal year 1994 to fiscal year 1998.

Proposal 39: Eliminate Small Business Administration tree planting grants.

This provision rescinds $16 million from the Small Business Administration fiscal year 1994 funds relating to the planting of trees on lands owned or controlled by State and local governments.

Proposal 40: Phase in 10 percent reduction for arts and the humanities.

Federal funding for the National Endowment for the Arts, National Endowment for the Humanities, the Smithsonian Institution, the National Gallery of Art, and the Corporation for Public Broadcasting should be reduced by 2 percent each year from fiscal year 1994 to fiscal year 1998.

Proposal 41: Terminate follow-through, public library construction, law-related education, and Law School of Clinical Experience programs.

This proposal ends the programs and rescinds $47 million in fiscal year 1994 funds for these programs.

Mr. President, these programs have largely achieved their purpose and, in many cases, the funds are being used for alternative use.

Proposal 42: Eliminate operating subsidies for vacant public housing.

HUD provides operating subsidies to public housing agencies to make up the difference between rental income and operating costs.

Even though HUD has tried to stop payments for vacant public housing, Congress has insisted on continuing funding for these units.

Some public housing agencies argue that the current operating subsidy formula does not provide adequate subsidies to cover costs. Therefore, they say, eliminating subsidies for vacant units will take away necessary funds.

Proposal 43: Substitute vouchers for new construction of public housing.

HUD provides capital grants to public housing authorities to build housing for families with incomes below 80 percent of area median income. After construction, HUD provides annual operating subsidies and modernization funds to keep the projects solvent and well maintained.

Proposal 44: Reform thrift savings plan for new hires only.

Currently, Federal agencies contribute 1 percent of individual earning into the Federal Employee Retirement System. In addition, the Government matches dollar for dollar up to the first 3 percent of earnings and 50 cents for each dollar thereafter up to 5 percent of earnings.

The current thrift savings plan is more generous than most comparable private sector plans. We do not touch current employees. This is only for new hires. We do not break the contract that was signed several years ago. It seems to me a reasonable change to make.

Proposal 45: Limit the COLA on Federal retiree pensions to the first $30,000 of benefits.

Under this provision, all civil service and military retirees would receive a COLA on the first $30,000 of their nondisability civil service or military retirement annuity through fiscal year 1998.

Proposal 46: Defer COLA's until age 62 for Federal civilian and military retirees. And, again, this applies to new hires only.

The proposal defers COLA's for Federal civilian and military retirees until the retiree reaches the age of 62. This provision only applies to new hires and new enlistees, starting after January 1, 1994.

Proposal 47: Terminate the honey program.

This provision would terminate the honey price support program entirely beginning with the 1995 crop year.

Proposal 48: Eliminate the Uniform Services University of Health Sciences.

This proposal would eliminate all funding for the Uniform Services University of Health Sciences and terminate the program. The Uniform Services University of Health Sciences is a medical school run by the Department of Defense. According to CBO, the cost to DOD for each physician is $562,000 per person, four times as much as physicians obtain under the health professions scholarship program and 10 to 40 times as much as physicians in other programs.

Proposal 49: Require specific endings-stocks-to-use ratios for setting ARP's for feed grains.

This provision would establish specific ending stocks for feed grains.

Proposal 50: Collect 20-percent coinsurance on clinical lab services under Medicare.

Medicare currently pays the full cost of clinical laboratory services. In the past, however, coinsurance was required. This proposal would reinstate a 20 percent coinsurance provision.

Proposal 51: Collect 10-percent coinsurance on all home health services under Medicare, except for those beneficiaries with incomes at or below 150 percent of poverty.

Home health services, in-home therapists and like services, are paid in total by Medicare. Costs for this program have been rising rapidly. This proposal would require a 10 percent payment by the beneficiary, costing on average $7 to $10 a visit. Those with incomes of 150 percent of the Federal poverty level or less would be exempt from having to pay the coinsurance.

The reason for change is the trustees report projects the Medicare hospital insurance trust fund will peak at $128 billion at the end of 1993 with a rapid declining balance until depletion in 1999. The trust fund would be technically insolvent at that point with expenditures running 40 percent higher than revenues.

Proposal 52: Modified means testing of part B so that enrollees earning less than $50,000 pay basic premiums, which is 25 percent of program costs. The subsidy would gradually decline so those earning more than $100,000 would pay the full monthly premium of $146 a month.

Proposal 53: Deny unemployment compensation to service members who voluntarily leave military service.

This provision prohibits military personnel who voluntarily leave military service from collecting unemployment compensation.

Proposal 54. Termination of annual direct grant assistance. This proposal terminates the annual direct grant assistance to the Commonwealth of the Northern Mariana Islands.

Proposal 55 prohibits awards of Pell grants to prisoners. This provision prohibits the award of Pell grants to any individual who is incarcerated in any Federal or State penal institution.

And proposal 56 is a 5-percent pay cut for Members of Congress and senior executive officials.

This proposal would impose a 5-percent pay cut for Members and leaders of Congress, Federal officials paid on the executive schedule, and Senior Executive Service Federal employees.

This proposal is not effective until January 1, 1995, because the Madison amendment prohibits a sitting Congress from changing its salary.

The cuts in this package ask many Americans to sacrifice. We believe, therefore, it is only right that the leaders in Washington lead by example.

Mr. President, the distinguished President pro tempore is not here. I know other Members are now gathering in the well perhaps to speak.

AMENDMENT NO. 1440

(Purpose: To provide a more effective, efficient, and responsive government)

Mr. KERREY. Mr. President, I would like to send the amendment to the desk and now ask for its consideration.

The PRESIDING OFFICER (Mr. KOHL). There is an amendment pending that needs to be set aside.

Mr. KERREY. This actually is the amendment, Mr. President. I ask unanimous consent that the pending amendment be set aside for the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I offer this amendment on behalf of Senators GRAHAM, BROWN, LIEBERMAN, ROBB, GREGG, BRADLEY, COVERDELL, FEINGOLD, KOHL, COHEN, and DURENBERGER.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. GRAHAM, Mr. BROWN, Mr. LIEBERMAN, Mr. ROBB, Mr. GREGG, Mr. BRADLEY, Mr. COVERDELL, Mr. FEINGOLD, Mr. KOHL, Mr. COHEN, and Mr. DURENBERGER, proposes an amendment numbered 1440.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. While waiting for the managers of the bill, I would like to make a few observations. This amendment has 57 separate proposals. I would assure the author that there may be some that are extremely worthy, but there are several among the 57 that could cause much heartache for many of us here.

First of all, there is a proposal in the amendment that was earmarked to finance the 100,000 new police officers that we hope to place on our streets, highways, and byways as part of the crime bill. If that proposal is adopted, then we will have to find additional funds if we are to carry out the Senate mandate.

Second, throughout this Nation we have been spending much time debating the health program. There are 3 proposals among the 57 which, if adopted, would mean that the health program may not be appropriately financed because these 3 items would have picked up part of the tab.

Third, there is an item in there on environmental cleanup by the Defense Department. This is an essential part of base closures. All of us have supported base closures as part of the military drawdown program. But before we can implement the program, these bases must be cleaned up before they can be sold or transferred. But if this amendment or proposal passes, we will not be able to do that.

There is another small item in the amendment that denies those men and women who voluntarily separate themselves from military service from receiving unemployment compensation. But we provide those who are involuntarily separated, unemployment compensation.

The voluntary separation was set up to save the Government of the United States money. If I were a man in uniform, I would not voluntarily separate myself if this became the law of the land. Why should I deny myself unemployment compensation when my brother, who is sitting next to me, involuntarily gets himself separated but he gets unemployment compensation.

Mr. President, we could go through this list of 57 and pick out many others that could cause not savings but additional costs to the Government of the United States. And finally, if I may make this observation, while we are debating this measure, it should be noted that we have not received the estimate from the Congressional Budget Office. So as to the validity of these numbers that are set forth in the amendment, I do not know who can vouch for them.

So with those words, if I may, may I suggest the absence of a quorum.

Mr. KERREY. I would like to respond, if I could. The Senator from Colorado is here and would like to speak.

Mr. President, I must say, as I said earlier, I am not standing over here full of optimism that this amendment is going to be agreed to. It is highly unlikely it is going to be agreed to. There are all kinds of procedural problems and so forth going to be cited and specific issues addressing specific pieces of the package.

The point is, in fact, we have language in here dealing with the serious and legitimate concern raised by the distinguished Senator from Hawaii having to do with the crime bill. If the crime bill passes, the money in this proposal would go for the crime bill as we have already indicated. So there is no tradeoff.

As to health care, I must say, Mr. President, at some point we have to make the tough choices. And I hear it said, well, as soon as we get comprehensive health care, then we will do the tough choices. I am of the opinion we may have a tough time getting comprehensive health care reform passed because the American people do not believe we can make the tough choices.

So I believe enacting this will actually increase the likelihood that we can pass something around here. We have open-ended entitlement programs running full speed ahead right now, and we have not demonstrated a capacity very often to say no to people, say it is time for you to pay a little in if your income is high, time for you to pay a little into the system.

I do not think any of the proposals that we have in here are unreasonable. The two specific objections in defense sound to me as if they have merit, I must say, base closing and the voluntary release.

Mr. President, the primary point that I am trying to make here with this effort, in addition to saying that we have to take the next step in deficit reduction by reducing spending, is we need a procedure to do this. We are going to enact a supplemental appropriations bill that spends $10 billion on top of $18 billion that we have done since 1988. We did one last year for the Midwest.

When it comes to doing a dire emergency supplemental appropriation, boy, I am telling you we have a procedure to do it. We fast track that baby. We get it out there, in record time. We have a recess. We have to get out of here. We have to get this bill done and get it out of here. I am for it. I wish to do that, Mr. President. We need a similar procedure where we come to the floor and debate proposals to cut spending and vote on them. That is what we need. We need an opportunity.

I listened to what the distinguished Senator from Hawaii is saying. I have great respect for him, and so when he points out some problems having to do with base closing and some problems having to do with military personnel and voluntary leaving, I listen to that. I harken when he calls having to do with these particular issues.

But, Mr. President, what we need in order to cut the spending of the Government—I do not think there is a single person in here who does not, when pressed at a townhall meeting, say we need to cut spending someplace. We all have some list of things we want to do. What we need is an expedited procedure so we can come down to this floor and vote our conscience, vote what we want to do, talk about what we think ought to be in or out. Open the debate; let the American people see where we are spending this money; let the American people listen to our arguments; let the American people decide whether we are voting on their side or against them.

Mr. President, I can point out on health care and I can point out on the reduction of force why I think this amendment is right.

As to the two additional things cited by the distinguished Senator, I would be delighted to yield.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, I express my appreciation to my friend from Nebraska for allowing me to have the floor for a few minutes.

I ask unanimous consent that the Kerrey amendment or amendments be set aside and that the Senate return to the Reid amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I send a modification to the second-degree amendment to the amendment of Senator REID to H.R. 3759 to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 1438), as modified, is as follows:

In lieu of the language proposed to be inserted, insert the following:

"(3) Temporary housing assistance provided in this Act may be made available to individuals and families for a period of up to 90 days without regard to the requirements of subsection (4).

(4) Immediately upon the enactment of this Act, other than for the purposes set forth in subsections (2) & (3) of this section, any federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States.

(5) The implementation of this section shall not require the publication or implementation of any intervening regulations."

Mr. REID. Mr. President, we have worked long and hard since this matter was before the Senate earlier this day. We have met with Senators FEINSTEIN and BOXER, Secretary Cisneros, and officials from the SBA and FEMA.

We worked something out that I think accomplishes what the Senator from Nevada wanted to accomplish and what the Senators from California also feel should be accomplished; that is, that those people who are damaged, hurt, in any way as a result of the catastrophe in California will receive emergency aid.

There are now about 300,000 such applications in the pipeline. That is the way it should be. Many of these applications have to be taken over the telephone.

However, everyone agrees that any long-term assistance should only be given to those people who are legal residents of the United States. That is what my modification accomplishes. Every individual who is in need of temporary emergency assistance as a result of the earthquake is entitled to receive those benefits regardless of their legal status. That is what the bill provides and my amendment does not effect. However, any long-term aid would only be available to those people who are legally within the United States.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. REID. I would be happy to yield.

Mr. STEVENS. I would be happy to be a cosponsor.

Mr. REID. Mr. President, I ask unanimous consent that Senator STEVENS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also state that I think this has been constructive for the Senate because while this amendment only applies to this supplemental appropriations bill, I would hope that in the months to come when other bills come before this body authorizing other programs—housing assistance, et cetera—that we would make sure that these same rules apply. They should apply to everyone in the United States. Right now, requiring Federal workers to take reasonable steps to verify the legal status of all applicants will only apply to the State of California. I hope we can revisit this issue in the near future and attempt to provide the taxpayers a little more protection from fraud.

I would therefore suggest that this matter be approved at the earliest possible date so we will meet the criteria set by the chairman of the committee and the ranking member and move as rapidly as possible. I think it also alleviates the potential problem that could have occurred in California had this not been amended.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in support of the amendment, and ask that my name be added to it as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, essentially what this amendment does is to state that, if the aid provided goes on for longer than 90 days, the agencies that dispense aid must take reasonable steps to see that the individual is a lawful resident in the United States.

We have met together, and I would like to thank Senator REID and Senator BOXER for their cooperation. We have met together with the FEMA people; with the Small Business Administration people, Mr. Bowles; with Secretary Cisneros; with Senator KENNEDY's immigration staff; and with the HUD-VA Appropriations Subcommittee staff, to draft an amendment which in fact is legal and enforceable and does not create gridlock in the preliminary screening for emergency aid in this particular disaster. And I believe that this amendment accomplishes the task.

In essence, this amendment says that temporary aid can be given out for up to 90 days, but after 90 days, the individuals receiving ongoing assistance must be asked by the Federal agencies to provide documentation of their legal status. It is up to the agency to take reasonable steps to determine that these persons are lawfully within the United States.

I hasten to add that this amendment does not allow an agency or an individual emergency aid provider to select which applicants to investigate because of the shade of their skin, their race, ethnicity, citizenship, national origin, the accent they have, or anything else. Antidiscrimination laws remain fully in place under this amendment, and an agency official cannot discriminate against or otherwise fail to take reasonable steps to determine the immigration status of all applicants. I want to make that crystal clear, Mr. President, because I think it is an important fact that protective language remains in the law.

There is increasing concern about disaster aid going to people for section 8 vouchers of up to a year and a half. There is concern about people who are not here lawfully getting small business loans, or grants of long-term aid. There is concern about FEMA housing assistance that could last for up to 18 months.

This amendment actually clarifies what is short-term emergency aid, and what is not, and it is a simple clarification. The clarification is 90 days. That is ample time for emergency housing assistance.

We also believe it is ample time for somebody to be required to demonstrate that they are here lawfully. This earthquake took place at 4:30 in the morning. People that scrambled out of their home as best they could were in night clothes. Many of them did not have an opportunity to go to the safe or a bank, and most did not even have an opportunity to take a purse or a wallet. If a building is crumbling around them, they wanted to get out.

Therefore, we believe that the 90-day period is practical. FEMA presently requires that an individual must come back in 90 days to receive ongoing rental assistance, so this amendment is not creating an entirely new burden. It will require that the agencies involved—the Small Business Administration, FEMA, and HUD—determine what they consider reasonable steps to be taken. Both Senator BOXER and I have asked to be made aware precisely what steps those agencies are taking to determine what are reasonable steps.

I certainly am proud to support the amendment. I have talked with Congressman DIXON in the House of Representatives, and I am hopeful that when this bill goes to conference, there will also be support for the amendment. It is up to the agency dispensing that aid to take reasonable steps and to make a judgment.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mrs. FEINSTEIN. Yes, certainly, I will.

Mr. WARNER. Thank you. I will be brief.

I see the distinguished chairman of the Appropriations Committee awaiting recognition. But I have a large number of letters to respond to. I see both of my distinguished colleagues from California.

Mr. President, I thank the two Senators from California and the distinguished chairman for bearing with me in asking a question.

I have a large number of letters to reply to from my constituents. Mr. President, I wish unanimous consent that the following letters from my constituents be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ALEXANDRIA, VA,
January 25, 1994.

Senator JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I just heard on the hourly news that Mr. Clinton will be proposing emergency legislation today, costing about seven billion dollars, for emergency aid to Los Angeles.

That's ridiculous!!!

No one objects to the Federal Government sending in military personnel to help temporally house and feed those who are now homeless because of the earthquake. We won't ever object to those military personnel helping temporarily with police duties.

Most of us believe FEMA should offer communications services. Also, they should help people obtain their own financing for repair and reconstruction.

But, we should not provide Federal funds to rebuild private property!

Those people live in California voluntarily. Insurance was available, but many reported they didn't buy it because of cost.

Why should this Virginian provide the insurance with my tax monies the Californians voluntarily elected not to for themselves? That's wrong! know Clinton wants to ensure he will continue to carry California...but please not at my expense.

We need to rethink this whole concept of emergency aid from Washington. Just like those people living on the rivers in the Midwest, they knew the risk.

Regards,

FRED A. MORLEY.

FREE UNION, VA,
January 23, 1994.

Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The recent California earthquake, like the floods in the mid-west last year are, of course, major disasters. While we believe that the Federal government—meaning taxpayers in all 50 states—should provide assistance in response to these two calamities, we strongly urge careful consideration of the circumstances involved.

California residents affected by the most recent earthquakes have made the deliberate choice to live in a high risk fault zone. The State of California has chosen to allow them to do so. We believe these deliberate choices to accept very high risk situations place the burden of financing rebuilding, etc., on the State and the individuals concerned. And not on citizens across the rest of the country who have, one way or the other, chosen not to live in high risk areas. In other words, we do not believe that Federal tax moneys should be used to indemnify persons and jurisdictions who have chosen to take unusual risks.

We fully support a limited amount of first response compassionate assistance. We do not wish to pay our tax dollars to individuals or jurisdictions who have chosen to accept risks that reasonable people might avoid. In other words, we should not be asked to pay for other people's high risk decisions.

Sincerely,

JEAN & HOWARD HART.

VIENNA, VA,
January 25, 1994.

Re earthquake relief.
Senator JOHN W. WARNER,
U.S. Senate,
Washington, DC.

President Clinton is going to ask Congress for an additional 6 Billion dollars for the disaster in California. While my heart truly goes out to the people suffering and I acknowledge a responsibility for temporary relief, I do not believe that it is the responsibility of the government to rebuild their lives.

I understand that many of the people who lost their homes and businesses did not have proper earthquake insurance because they knew that in the case of an earthquake the Federal government would bail them out. Why should they spend their own money for insurance when the government will do it for them. This is not only stupid on the part of the government, but encourages people to neglect responsibility for their own actions.

The Congress must begin to show fiscal responsibility. How in the world do you ever expect to get a handle on the deficit and debt, which may very well cause a national financial disaster, when you are so free and quick to spend money you do not have. Congress must learn to "Just Say No!"

California is an important state to carry in every Presidential election. I am offended by what seems clearly to be President Clinton's attempt to build goodwill for the next Presidential election.

R. FOSTER CAFFI.

POQWOSON, VA,
January 24, 1994.

The Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER. I begin by thanking you for your responses to each of the problem areas I last wrote you about, namely, gun control, welfare reform, and an approach to a balanced budget. I know you are back from a vacation period, and now must again take up such weighty matters.

I wish to express my concern for the manner in which our recent natural disasters are being handled, specifically the fires and earthquake in California. I live in a flood plain which requires that I buy flood insurance (I realize it is government subsidized) before I can get a mortgage. At least I am paying a significant portion toward the cost of insurance. The people living at risk of floods in the Midwest, fire, mudslides and earthquakes in California, choose to do so without being required to insure against these recurrent disasters. As a result, the taxpayers get a double whammy, first in providing disaster relief, next by the universal increase in insurance premiums. I feel that these victims of flood, fire and earthquake should either move or be required to insure against the natural disasters. One Congresswoman from California brazenly stated that the rest of the nation owed rebuilding costs to California because of prior disasters and job losses due to the defense build-down. I feel just as strongly about those who were permitted to rebuild on the same foundations after their shore homes had been swept away by Hurricane Hugo. I sympathize over their terrible losses, but it is foolish for the Nation to finance losses by the foolhardy. After all, they should be accountable for taking the risk, and that is what required insurance would force them to do. If the Government keeps paying their rebuilding costs without penalties of some sort, there is no incentive to take any remedial action on their part.

I feel priority should be given to welfare reform, which is far more needed than health care reform at this time, and it is certainly easier to achieve. The President is expending precious political capital by pushing too many major reforms at one time.

Sincerely,

Col. MARION R. TURNER.

WILLIAMSBURG, VA,
January 22, 1994.

Hon. HERBERT H. BATEMAN,
Congress of the United States,
Washington, DC.

DEAR CONGRESSMAN: This week my wife and I watched the aftermath of the California earthquake and sent modest contributions to the Red Cross and Salvation Army, as we have in other disasters, out of heartfelt concern for the human tragedies caused by nature. But, these predictable, repeated natural catastrophies in certain states cry out for financial preparation on their parts, rather than expecting the federal government to pick up the bill each time.

Elected officials fall over one another either pleading for federal money or grandstanding for political benefits in handing it out. Senator Boxer sums it up from Washington when she says, "We are going to put it back together." Who are "we"? We are the people who pay taxes and year after year see FEMA and other agencies hand out billions and billions of dollars to areas of the country where disasters are absolutely predictable. With absolute certainty, hurricanes are going to hit Gulf coast and Atlantic coast states. Earthquakes and fires hit California every year. Tornadoes damage property and kill people each spring without exception in places such as Oklahoma, Kansas and Missouri.

The point is, states and citizens in high risk parts of the country, are not setting aside the money needed to repair infrastructure and give personal assistance to victims. They wait for the federal government—citizens in other parts of the country—to bail them out. People being what they are, too few have the necessary insurance, either because they don't have the money or would rather spend it enjoying themselves. If they choose to live on earth faults, near the ocean or in the path of tornadoes, they could all pay a small tax earmarked for catastrophic funds administered by the states or even local governments. It would be a form of self-insurance.

I understand there is a bill in Congress to confiscate money from insurance companies to create such a fund. That is stupid, will raise the rates of those who do care for themselves and act as a disincentive for people to have disaster coverage. Everyone in high risk states could pay a small sales tax specifically earmarked and managed for disaster cleanup, relief and repair and not expect FEMA to be passing out checks on the street corners afterwards.

The federal government can still play a major relief role after disasters with troops, supplies, experts and money, but I feel that financial assistance in high risk areas of the country should be matching funds, if states have provided for themselves. If states had to have earmarked disaster funds to get FEMA money, you would see them, including Virginia, start to provide for themselves. How great it would have been if Virginia had such a fund when Petersburg was hit by the tornado. And, Virginia Beach and Norfolk will be hit by hurricanes again.

Congress should act to amend emergency relief statutes to press states and local governments to have money available when predictable disasters strike. Don't wait until "The Big One" hits Los Angeles or San Francisco or until Miami or New Orleans are wrecked again, again and again. Populations have grown in pleasant, dangerous areas of the country. Deal with it. FEMA should not be the national grab bag and punching bag after disasters.

California Members of Congress and other elected officials will be seeking major new appropriations to put Los Angeles back together again—an appropriate time also for a national debate, the sense of Congress, on states establishing their own disaster funds starting ASAP.

Sincerely,

CLIFFORD R. WILLIAMS.

MIDLOTHIAN, VA.

DEAR SENATOR WARNER: As an elected public servant work with me to help make America a better place. I feel the biggest need is to eliminate the budget deficit. I am sharing how I feel about Government help in times of disasters. Acts of God and natural disasters are not the tax payers responsibility. Put a stop to Federal money going to relief and rebuilding thus eliminating that part of spending and adding to the deficit.

Individuals, local agencies and business need to be responsible for what happens to them where they choose to build, live and work. If I build on a fault line, a coastal area, near a river that floods or am blown away by a tornado, federal money should not bear the expense. People need to take responsibility and know the government will not bail them out for their poor judgement, back luck or both. These are acts of God and natural disasters.

However, the deficit is for all to help resolve. Please work to stop money going to disaster relief which increases the deficit. I am willing to help you if there is something just an ordinary citizen can do.

Please work to stop Federal money going to disaster relief. I would like a reply.

Sincerely,

LOREVA SPARKS.

Mr. WARNER. We had a disaster in our State last year, caused by tornadoes. Senator ROBB and I and others interceded. We were not able to get full FEMA assistance. We are puzzled as to why it goes to California, but not there. I am very pleased to learn today that the distinguished chairman of the Appropriations Committee, the President pro tempore, wants to constitute within this body a group of Senators to work on, presumably, some future pieces of legislation relating to disaster.

I hope, I say to my colleague from West Virginia and the two distinguished colleagues from California,

that a part of that study will relate to a question I have to answer, which is: How many times do the American taxpayers have to rebuild the same freeways that are collapsing as a consequence of the earthquakes? How many times do the American taxpayers have to rebuild a levee that has been taken out by a flood? How many times do we keep, for example, a military base open, as we did in Florida, when hurricane after hurricane practically destroyed the base?

In other words, is there a point we reach when we have to recognize that there are geographical areas in this country that are highly vulnerable to disaster, and somehow recognize that we cannot go back to the American taxpayer time after time to rebuild the freeways, to restore the military bases, to rebuild the levees, but we have to recognize that we have to do something besides that rebuilding program? Could my distinguished colleagues comment on that?

Mrs. FEINSTEIN. Mr. President, I am happy to attempt to comment. I think there are a number of different issues that he raises. One is the issue of rebuilding in disaster-prone areas.

I think one of the things about an act of God is that very often they are unpredictable. It is true that the West is an earthquake-prone area, as are other areas in the United States.

Mr. WARNER. The East is subject to hurricanes and tornadoes.

Mrs. FEINSTEIN. Yes, but the point I want to make is this: We are now having increased earthquakes. There is an increased probability of a major earthquake. Therefore, what it is prudent to do is for the local jurisdictions to begin to address their building codes and bring them to a higher level.

That is controversial, because everybody will immediately complain that this increases costs. In fact, it does. But one of the things we learned in this earthquake—and in Loma Prieta—was that some of the freeways that stood when others came down, were the ones that had the most steel. The aqueducts that held were the ones that had the most steel.

In California, there has been a trend to use more concrete because it is cheaper and it goes farther. Up to this point, everybody has felt that with the spiral rebar and the other techniques of steel sheathing of some of the concrete support posts, it was adequate. I think a number of these things are going to be reexamined in the future, and people are going to look differently at codes. I think this goes for wood frame construction in highly earthquake-prone areas as well. I think zoning laws, when it comes to permitting housing within 30-year major storm areas, where you know there is going to be housing flooded out periodically, is something that local jurisdictions have to cope with.

There is one thing I really do believe, though, and that is that in times of natural disaster, people have an expectation that their Government is going to respond. I think their willingness to really pay taxes is, to a great extent, determined by, God forbid, anything happening of a major scope which is way beyond our ability, and Government can play a role in helping alleviate the problem. This earthquake, as I said this morning, was measured at 6.6. They are adjusting that to 6.8. These, again, are unpredictable acts of God. I hope I have answered the question in some small way.

Mr. WARNER. It is a courageous answer to really an unanswerable question. But we have to answer this question, because time and time again the American taxpayers are asked to reach into their pockets to replenish the losses of others in a disaster. Our hearts go out to the people of California. It is not easy for me or for them to ask the question. We have a great deal of compassion. We saw the suffering. We saw the suffering, and we commiserate. But when it happens time after time at the same intersection, the same slab of concrete, and we see it on the television, it is a legitimate question to say how many times must we rebuild, no matter what the engineers may do to improve the codes.

There is just a recognition that this is highly vulnerable. The beaches in my State are washed out periodically with the hurricanes. Yet, they go back and build the houses and expect to have the Federal taxpayer repay them.

I see the other Senator from California, who might want to address this question. I yield to her.

Mrs. BOXER. Mr. President, I want to thank the Senator from Virginia for his comments, because I could not agree with him more. When I was in local government many years ago, developers would come before us and they would ask to build on a flood plain or on a marsh land. They would ask to build on areas where it was clear there was a danger, and the local zoning ordinance, many times, told them no, and there was litigation that sometimes ensued.

I have to say this to the Senator, and I want to give him a little good news: Since the Loma Prieta earthquake in 1989, when I was a Congresswoman and represented that area, all of the seismic upgrades that took place in the State of California since that time—all of those held through this earthquake. I say to the Senator that even on the same freeway where they had retrofitted one side, it held, and the other side did not.

But I think the Senator is right. I am happy to see that in this bill the Senator from West Virginia brings us, there is $15 million in there which is put in there to gather scientific evidence so that we will have some recommendations for seismic safety and ways that we can learn from this disaster. But I agree with the Senator wholeheartedly. We must learn from this.

I wonder if the Senator needs further time. If not, I would like to have another 2 minutes. I know I have the floor, but I would like to respond to the Senator from Nevada and his modified amendment.

Mr. WARNER. Mr. President, I will conclude by thanking the Senator from California and also the distinguished chairman for his foresight in saying now is the time to examine this question. I believe the Senator is prepared to give me some assurance that this issue that I raise of whether we should repeatedly call on the American taxpayers to go back and replenish, rebuild and restore in areas of known potential for disaster, will not that question be examined within the framework of the distinguished Senator's proposal?

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from California, Mrs. BOXER.

Mr. BYRD. Will the distinguished Senator from California yield to me so that I may respond to the Senator from Virginia?

Mrs. BOXER. Yes, I yield.

Mr. BYRD. May I say to my friend from Virginia, Mr. WARNER—and he is my friend and he is a very distinguished Senator—I should think that this would be one of the things that the task force would want to consider, and its recommendations would include something along the line that the distinguished Senator from Virginia is thinking of. That would be my hope. I think that is one of the purposes of the task force, and why the task force is being pressed by the amendments in this bill.

Mr. WARNER. I thank the Senator.

Mr. BYRD. The Senator has a very legitimate question and one that we should deal with.

Mr. WARNER. It not only applies to the earthquakes. It is hurricanes and all types of natural disasters, including levees.

Mr. BYRD. Of course. My people in West Virginia are asking the same questions the people from Virginia are asking the Senator from Virginia.

Mr. WARNER. Mr. President, the legislation before the Senate today, the emergency supplemental appropriations bill, was crafted by the appropriate committees in the Congress to predominately provide disaster assistance for the southern California earthquake.

Mr. President, during the past few weeks my colleagues and the general public have seen on television and newspapers the terrible devastation caused by the powerful earthquakes. Unfortunately, Mr. President, very few people outside of Virginia are aware of a disaster caused by tornadoes which occurred as part of a major storm system on August 6, 1993.

Mr. President, the tornadoes caused extensive damage to public and private property. The jurisdictions affected were: the cities of Colonial Heights, Petersburg, Newport News, Chesapeake, Hampton, Hopewell, and Virginia Beach, and the Counties of Dinwiddie, York, James City, Lancaster, Charles City, Chesterfield, Henrico, Lunenburg, Middlesex, Northampton, Nottoway, and Sussex.

I had the opportunity to inspect some of the tornado damage personally, and I can assure you that the destruction left by the tornadoes has had a severe and continuing impact on every affected community. The financial damages continue to be enormous to every community. The hardest hit community was Petersburg, the second most fiscally stressed locality in Virginia. Preliminary estimates completed by the Department of Emergency Services totalled $49.6 million in losses. Insurance may cover some of the losses experienced by the larger commercial enterprises, but governmental assistance was desperately needed for uninsured, individual and public damages and for disaster recovery costs.

Mr. President, at this time I would like to thank the mayor of Petersburg, Ms. Rosalyn R. Dance, and the city manager, Ms. Valerie A. Lemmie, for all the assistance they provided to me and my staff in reviewing the devastation caused by the tornadoes.

Mr. President, on August 31, 1993, the Federal Emergency Management Agency denied the request made by the Governor of the Commonwealth of Virginia for disaster area designation. Following a request for a reconsideration, President Clinton granted a major disaster declaration for the city of Petersburg on December 22, 1993. While this declaration was appreciated, it was for individual assistance only. Because the declaration only applies to costs and losses of individuals, the needs of the city were not fully met. The need for individual assistance was satisfied 5 months ago by the combined effect of donated funds and labor, and local and State assistance. The opposite held true for public facilities and private businesses. No Federal funds were made available to support the city's efforts to restore the damaged parts of the city.

Prior to this disaster, Petersburg had recognized that in order to revitalize its tax base, it needed to renew the city in terms of both business and residential development. The linchpin of this effort was the restoration of the historic area to draw business and tourism to the city. City officials in Petersburg estimated conservatively that the cleanup, restoration and rehabilitation of Old Towne and Pocahontas Island would cost the city $3.35 million, 7½ percent of the city's $44.7 million operating budget. The impact of the disaster on the economy of Petersburg while lesser in dollar amount, is no less significant on the economy of the jurisdiction than the earthquake on the financial condition of Los Angeles. Both areas need Federal assistance to overcome the disaster.

Mr. President, the city of Petersburg in Virginia is not an area where mother nature strikes havoc often. There are regions in this country where mother nature repeatedly causes massive destruction. Reviewing the history of regions in this country, one can predict where Mother Nature may once again strike with a vengeance. Mr. President, how many times are we going to rebuild structures or complete areas of the country? Mr. President, I would like to remind my colleagues of the cost to the American taxpayer after Homestead Air Force Base in the State of Florida was rebuilt three times due to the destruction caused by hurricanes in that region. Eventually, the Defense Base Closure and Realignment Commission [BRAC] made a decision to close the base and finally save funds for the taxpayers of this country.

Mr. President, I will be making a request to my chairman of the Environment and Public Works Committee, Senator BAUCUS, to hold a hearing concerning the distribution of disaster relief to areas of the country hit by acts of Mother Nature. Mr. President, I would like to know if the criteria for disaster declarations are still legitimate and are they being applied consistently? Is mitigation being emphasized by State and local officials?

Mr. President, I am aware of Senator BYRD'S resolution added to this bill calling for a bipartisan task force to study how to pay for future disaster relief. I fully support this task force. We must find ways to pay for disaster relief by means other than adding to our ever growing deficit. While exploring these funding options, we should also reexamine how these funds are distributed among all those in need of Federal assistance. I believe we need to determine the policy structure by which the President and the Congress, by law, allocate emergency funds for disaster relief. I want to make sure that the process of the allocation of taxpayers dollars for disaster relief is conducted according to the law and regulations.

Mr. President, I want to make sure that the taxpayers' dollars are allocated in an equitable manner in order to assist fiscally stressed localities such as the city of Petersburg, when Mother Nature unexpectedly causes massive destruction to a locality.

Mr. BYRD. I thank the Senator for yielding.

Can we find out how much longer we are going to be on this amendment so that we can dispose of it?

Mrs. BOXER. I advise the Senator that I have about 2 minutes worth of comments.

Mr. BYRD. I thank the Senator.

Mrs. BOXER. Mr. President, I want to add my thanks to the Senator from Nevada, Senator REID, for working so hard with Senator FEINSTEIN and myself, with our staffs, with HUD Secretary Cisneros, and the FEMA representatives, to come up with some language here that, in my view, does what I hoped it would do, which is to set forth very clearly that short-term emergency assistance will be given, will be rendered to those in need, no questions asked about showing your status and bringing your papers and the rest. When people are in trouble, we have to help them.

But then when it gets to long-term assistance, we need to make sure we do everything possible, we have to make sure we do everything possible, that that aid only goes to those who are here legally. And that is what Senator REID has achieved.

I ask unanimous consent to be added as a cosponsor on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I would say one of the reasons I am very pleased with the way this has turned out is that my initial concern when I phoned Senator REID yesterday was that his amendment would be quite different from that of the House. But the amendment that was attached in the House has the same thrust, and puts the burden on the individual to make sure they are not getting long-term assistance unless they can prove they are here legally. And there is the companion that says, not only do they have to have that, but we as the Federal Government need to reassure taxpayers that our agencies are making every reasonable attempt to make sure that the long-term aid that is beyond the 50 days goes to those who are here legally.

I thank my colleague from Nevada. I thank the chairman of the committee. I thank my colleague, Senator FEINSTEIN. I think we are moving forward with a good amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senators BYRD, KERREY of Nebraska, and EXON be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I do not believe there is any further debate on the second-degree amendment.

Mr. SIMPSON. Mr. President, I rise in support of the Reid amendment.

I believe that all persons, legal or illegal, should be provided emergency disaster and medical assistance. When they are distributing blankets, food and temporary shelter, the providers of these necessities should not be checking the immigration status of persons who are in immediate and dire need of help.

However, for long-term loans and grants for rent while homes are being repaired or for loans and grants for the costs of repairing homes, or for loans and grants for the costs of rebuilding businesses—these should not be made available to illegal aliens.

Small business loans and grants should not be awarded to persons who should not even be in the country and who are not here legally.

Therefore, I do support this amendment which very humanely allows for the provision of immediate disaster emergency and medical assistance to all persons, but which will reserve the long-term loans and grants—the big money big ticket items—for American citizens who have lost so much in the earthquake.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 1438, as modified.

The amendment (No. 1438), as modified, was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays on the underlying first-degree amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment No. 1436, as modified.

The amendment (No. 1436), as modified, was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1440

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Amendment No. 1440, offered by the Senator from Nebraska [Mr. KERREY].

Mr. HATFIELD. I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment by Mr. KERREY, is that the amendment that is pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, this amendment should be taken very seriously by all Senators. Its authors claim that its adoption will produce in excess of $94 billion in budget savings over the next 5 years. I hope to convince my colleagues that, despite the zeal and unquestionable sincerity of the proponents of this amendment, the overwhelming percentage of these claimed savings are nonexistent. They are nonexistent for a number of reasons. Some of the items for which savings are claimed were never appropriated in the first place. Other items for which savings are claimed in the pending amendment have already been rescinded. Still other items for which savings are claimed have already been voted on in the Senate and the savings set aside to pay for vital programs such as the crime bill.

Mr. President, I now will turn to the specifics of the pending amendment. I have here a four-page table, which I received from Senator KERREY's office. And I thank him for his courtesy in supplying the table. It contains a list of the 57 items proposed in the amendment to reduce Federal spending. However, there is a footnote on page 1 of the table which reads as follows:

> Projected savings are preliminary pending receipt of final Congressional Budget Office estimates. Some of the proposals contained in the Senate package may overlap with legislation proposed by the President or approved by the Senate that have not yet been enacted into law.

This footnote is apparently intended to put the reader on notice that the authors' estimated savings of $94 billion may not be agreed to by the Congressional Budget Office and, further, to point out that certain items on the list of savings have, in fact, either already been proposed by the President and used by him in cutting his budget or have already been agreed to by the Senate.

So the footnote is very up front about that.

Then, if we turn to page 3 of this table, the second item listed on that page is item No. 34. It reads "Cut Federal Workforce by 252,000." Footnote 2 on page 3 reads:

> The Senate recently adopted an amendment to the Crime Bill that allocated roughly $22 billion from a reduction in the federal workforce to Crime Bill-related activities. The House adopted an amendment to the President's FY 94 Rescission Bill that utilized savings from a workforce reduction as well. Neither of these measures has become law, however. Under this Budget Cutting proposal, the $25.4 billion in anticipated savings will be automatically reduced by the amount utilized by the Crime Bill, if the Crime Bill is enacted into law with the Senate amendment intact. The $25.4 billion in savings may also need to be further reduced to the extent the 252,000 figure overlaps with previous Defense Department proposals.

Now, that is in the footnote. And, again, the footnote is very much up front. It raises the warning sign: Stop, look, and listen. This may not be what it purports to be. Everything is not what it may seem.

Mr. President, that footnote I just read from the table, which Senator KERREY thoughtfully passed around, that footnote means that if the Senate-passed crime bill—for which most Senators here voted, 94 to 4, and I was the author of the amendment, the chief author of it—is enacted into law as passed by the Senate, it will contain a violent crime reduction trust fund into which $22 billion will be deposited over the next 5 years to pay for the critical programs needed to reduce violent crime throughout the Nation. Included among these programs, as Senators are aware are: $8.9 billion to hire 100,000 additional police officers; $3 billion for regional prisons for State and Federal offenders; $3.5 billion for new jails, boot camps, and facilities for violent juveniles; $1.8 billion for new programs to curb violence against women; $1.2 billion for new drug courts and related antidrug programs for 200,000 young offenders; and more than $500 million for education for law enforcement officers, school programs, and antigang activities.

The $22 billion which will be deposited into the Violent Crime Trust Fund under the Byrd-Sasser-Mitchell-Dole amendment is to be derived from a reduction in the Federal work force over the next 5 years, as proposed by President Clinton. The amendment to establish the Violent Crime Reduction Trust Fund passed the Senate, as I have already indicated, by a vote of 94 to 4. Among those voting for the amendment, and thereby to use these savings from Federal personnel cuts to pay for violent crime reduction, were both of the authors of the pending amendment, Senators KERREY of Nebraska and BROWN of Colorado.

So, as footnote 2 on page 3 of the table says, if the Senate meant what it said when it voted 94 to 4 to use the savings from Federal personnel reductions to pay for new crime reduction programs, then the savings cannot again be used in the pending amendment to reduce the Federal budget. This means that the savings claimed in the pending Kerrey-Brown amendment from personnel reductions is not a savings at all. The Senate has already voted to use those savings to fight violent crime.

The next item on the Kerrey-Brown cut list is item 35. That item reads "Freeze Federal Agency Overhead Spending For Two Years, Inflation Increase Only For The Next Three Years." Now, get that?

"Freeze Federal Agency Overhead Spending For Two Years, Inflation Increase Only For The Next Three Years."

Let me read again. I want to be sure that I am reading what I see here.

"Freeze Federal Agency Overhead Spending For Two Years, Inflation Increase Only For The Next Three Years."

Watch closely, so closely that you see everything that the hands do.

The savings claimed for this item are $2 billion for fiscal year 1994 and $21 billion for the 5-year period 1994 through 1998.

Mr. President, watch and listen closely.

The authors of the amendment have grossly overstated the savings that would result from freezing overhead expenses of the Federal Government for 2 years and then allowing these costs to grow at the rate of inflation for the following 3 years. In fact, on February 10, 1993, President Clinton issued Executive Order 12837, which requires executive branch departments and agencies to reduce administrative expenses. How do I know this to be the case? Page 103 of the President's 1994 budget explains this Executive order and also has a table which lays out the agency-by-agency savings that will result. The Executive order instructs agencies to achieve savings that are calculated as fixed percentage reductions from the amounts of administrative expenses made available for 1993 adjusted for inflation: 3 percent in 1994, 6 percent in 1995, 9 percent in 1996, and 14 percent in 1997–1998.

The table on pages 103 and 104 of the budget sets forth the 1-year and the 5-year savings which will result from the President's executive order. Total 1994 savings from all non-defense agencies will be $681 million. That amount of savings will grow each year, as the percentage cut increases, to a level of $3.556 billion for 1998. The total 5-year savings, according to the table, will be $11.275 billion for non-defense agencies. Let me repeat, savings in overhead costs for all non-defense agencies will equal $11.275 billion over the next 5 years as a result of the President's executive order. Defense agencies have also been cut by the President's executive order as well, but those savings are not set forth in the table.

What this means is that if we adopt the Kerrey-Brown amendment, we will have voted to overrule the President's executive order which cuts the overhead costs of Federal agencies and instead institute a freeze of overhead costs for 1994 and 1995, followed by a growth in overhead costs by the rate of inflation for the next 3 years, 1996, 1997, 1998. The result will be that for fiscal year 1998, the year in which the President's executive order would cut overhead costs by 14 percent, we will instead have voted to allow fiscal year 1998 overhead costs to grow by the rate of inflation. In other words, if we adopt the Kerrey-Brown amendment, we will have voted to eliminate cuts in overhead costs that the President has ordered and to instead allow Federal overhead costs to grow by the rate of inflation for fiscal years 1996, 1997, and 1998.

We will not have cut $21.0 billion from the Federal budget, as claimed by the authors. We will have voted to add to Federal spending on overhead expenses. Therefore, we must eliminate the $21.0 billion in savings claimed for this item in the Kerrey amendment.

So far then, Mr. President, we have looked at the two largest items in the pending amendment and have found that neither item would result in any savings in the Federal budget. The first item was the $26.7 billion claimed as savings in the amendment from cuts in the Federal work force.

Ninety-four of us have already voted to use those savings from personnel cuts to fund programs to fight violent crime in America.

Yet, the Senate-passed crime bill contains the Byrd-Sasser-Mitchell-Dole amendment which would use these savings from personnel cuts to fund programs to fight violent crime in America. Therefore, that $26.7 billion in savings virtually disappears—phew, gone. Ninety-four of us voted to make it disappear. Then, we find that the proposal to freeze Federal overhead costs for 2 years and then allow them to grow by the rate of inflation will not save any money at all because the President has already cut overhead, by Executive Order, far lower than would the pending amendment. Therefore, we must eliminate that $21.0 billion in budget savings from the pending amendment. Let us see—that is a total of $47.7 billion, $26.7 plus $21.0, in budget savings claimed in the pending amendment which, in fact, do not exist. So, what is left? Total claimed savings were $94.2 billion, and we have eliminated $47.7 billion, leaving $46.5 billion of claimed savings for the pending amendment. So we have already eliminated half of it, a little over half.

Now, let us look at items 50, 51, and 52. These three items all relate to savings that are claimed for changes in Medicare. The first item, No. 50, reads: "Coinsurance on Clinical Lab Services under Medicare: Collect 20 Percent Under Medicare". And how much is claimed for savings? Five-year savings of $7.1 billion are claimed for this item.

Item 51 reads: "Collect 10 percent coinsurance on Home Health Services under Medicare, only if over 150 percent of poverty." Five-year savings of $7.1 billion are also claimed for this idea. Item 52 reads: "Modify means-testing of Medicare, Part B, under $50,000=current 25 percent, up to $100,000+=full $146 monthly premium." That proposal, it is said, would save $16.3 billion over 5 years.

In total, then, these three changes in Medicare would yield 5-year savings totaling $30.5 billion. According to Secretary Shalala, this proposal would devastate—would devastate—would devastate all major proposals to reform health care. This is so because all major health care reform proposals—including President Clinton's as well as the Chafee-Dole proposal—use Medicare savings to help finance the reforms that would be made. The Kerrey-Brown amendment would, instead, impose new Medicare costs onto the elderly totaling over $30 billion for the next 5 years, without providing any additional benefits. There has been speculation that the author may be willing to let these Medicare savings be reserved for use in connection with health care reform, instead of going toward deficit reduction. If that were done, then the deficit-reduction that would occur under the amendment would be reduced by another $30.5 billion.

We would find, at that point, that of the $94.2 billion in deficit reduction claimed by the amendment, $78.2 billion would have disappeared—gone, gone with the wind. That is, the $26.7 billion in deficit reduction claimed for personnel cuts which will instead be needed to pay for the crime bill; the $21 billion in deficit reduction claimed from a freeze in overhead costs which, as I have stated, would overrule President Clinton's more stringent overheads cuts; and finally, if we reserve the Medicare cuts of $30.5 billion to pay for health reform instead of deficit reduction, then, in total, we have done away with $78.2 billion of the claimed deficit reduction in the Kerrey-Brown amendment, leaving approximately $16 billion remaining.

But funds for a number of the remaining items in the amendment have either already been obligated or have already been rescinded and, therefore, cannot be rescinded again; or savings are claimed for items which were never appropriated in the first place.

Example:

Item 7. Eliminate Funding for Space Lifter Program. For this item, the amendment claims 5-year savings of $250 million. Yet, the fiscal year 1994 Defense Appropriations Act already rescinded these funds. Therefore, no additional savings will be generated by the adoption of the pending amendment.

Item 11. Freeze Funding for Defense Environmental Restoration and Waste Management Program for 1 Year. Here again, the pending amendment claims $350 million in budgetary savings for an action which, in essence, has already been taken in the fiscal year 1994 Defense Appropriations Act. That act calls for $350 million in savings in fiscal year 1994 from those programs and, therefore, cut the Defense Environmental Restoration Account by $347 million below the budget request.

I believe that, to this point in my remarks, I have amply demonstrated that a very large proportion of the savings claimed by the authors of the pending amendment do not exist. Instead, they either have been set aside for other purposes—such as the use of cuts in Federal personnel to pay for the crime bill—or should be set aside for other purposes, such as the use of Medicare savings to pay for health care reform or, in many instances, the savings claimed never existed—never existed—in the first place, such as the list of items I have just recited.

I believe that the Senate and ultimately the American people are ill-served by misleading amendments such as this one. Amendments that are hard to resist because they sound so good. They are feel-good amendments. They claim to make huge cuts in the deficit on top of the real cuts that were already accomplished last August in the Reconciliation Act.

Yet the devil is, upon close examination, always in the details and this amendment yields very little in savings.

The urge to demonstrate budget cutting prowess can make one lose sight of the need for clear, objective analysis. Such analysis often makes it clear that, try as we might, we cannot have it both ways. We cannot vote to use billions of dollars in personnel savings to fight crime and at the same time claim to use those same savings in another amendment to cut the deficit. We cannot fail to give the President credit for cutting Federal overhead costs and then claim credit by proposing to freeze overhead costs. We cannot legitimately take credit for items which have already been eliminated, that are not there to cut such as the superconducting super collider.

As I have stated on many occasions in the past, discretionary spending—other than the Reagan defense buildup—has not contributed to the massive increases in Federal deficits over the past dozen years. Furthermore, for the next 5 years, discretionary spending caps are already in place. We put those in place when we passed the reconciliation bill last fall. These caps will require some very difficult decisions on cuts in defense, in our investments in infrastructure, education, veterans, assistance to the elderly, food stamps, and a host of other important programs.

We have already made these cuts. The Senate and the House have already said to the Senate Appropriations Committee, on which my distinguished friend, the Senator from Nebraska [Mr. KERREY], sits and is a very dedicated and effective member, the Senate and House have already said in that reconciliation measure: Your caps are being set here. That is all you get. You are going to be operating on a freeze level for the next 5 years. That means that you are going to get what was appropriated last year to spend this year, the next year, the next year, and the next year. You are not going to get anymore. We will not even give you inflation.

That is what was said to the Appropriations Committee last year when we passed that reconciliation bill and before that when we passed the budget bill. I said to my friends in the Senate, "You vote for this bill and you have already cut; you can go home and say to your constituents, I voted to cut. You may not believe it, but when you cast that vote, you have voted to cut and it is a real cut because you are saying to the Appropriations Committees, these are your caps for the next 5 years and you are not even going to get inflation. You will be dealing in each of the next 5 years with only the same amount of money you had last year."

That is a real cut. We took our cuts when that legislation was passed, and we took our cut then.

The 13 appropriation bills for fiscal year 1994 came in under the budget authority caps by $12.8 billion. That is fiscal year 1994.

Those 13 appropriation bills contained hundreds of specific cuts in programs and projects below the previous year's levels. In total, these specific cuts equalled $34,329,867,300. A large portion of the savings from these cuts went toward funding increases for investments in education (+$1.62 billion over 1993); transportation (+$2.69 billion over 1993); health research and health care (+$2.54 billion over 1993); rural development (+$1.67 billion over 1993); science and technology (+$1.68 billion over 1993); housing and community development (+$2.03 billion over 1993); environmental cleanup (+$2.27 billion over 1993); and crime prevention (+$430 million over 1993).

In all, Congress provided 69 percent of the President's 1994 investment proposals even though the 1994 discretionary caps required Congress to cut the President's budget by more than $11 billion. The 13 appropriation bills made the necessary cuts and came in below the 1993 levels by over $4 billion and below our committee's allocation by $998 million.

Furthermore, the rescission bill now before the Senate—included in this package—contains further cuts in spending totalling $3.4 billion. That is, as Mr. HATFIELD has already pointed out, $272 million in greater cuts than requested by the President. And much more than that below the House.

So I urge Senators to continue to work within the existing system in order to make rational, real savings in Federal spending. That was done in the adoption of the 1994 budget resolution; and its implementation through the reconciliation act and the 13 annual appropriation acts.

What a proud record. Our committee, the Appropriations Committee, may I say to my friend from Oregon, Mr. HATFIELD, has lived within the 1990 budget package, its allocations. Never have we gone over an allocation. Not in one subcommittee in our committee, not in one of the 13 subcommittees have we ever gone one thin dime over the allocation. We have stayed within it, and in some instances below.

That process resulted in historic deficit reduction measures which totalled almost one-half trillion dollars for the next 5 years. The rescission bill before the Senate today will trim additional billions from 1994 and later years.

Caps on discretionary spending for the next 5 years have already been enacted, already been enacted.

I daresay that no Senator in here can claim to have lived up to the Ten Commandments, not one of us can claim to be clean under the Ten Commandments. We have all broken the Ten Commandments, many times. We break them every week. Every week that we do not keep the Sabbath holy, we break one of the Ten Commandments given to Moses on Mount Sinai. But never have we broken the caps, the commandments that the Congress laid upon this Appropriations Committee in the budget resolution and in the reconciliation bill. We stand pure before the creator of those caps, the Senate of the United States. We have not sinned when it comes to keeping those reconciliation commandments, and we ought to be proud of that. And I am proud of it. I do not give myself the total credit. I give most of the credit to my colleagues, the subcommittee chairmen and the ranking members on that committee. Yet, Senators come to the floor with the pending amendment and want to impose further strictures and constrictions on this country, and the needs of this country.

Those caps will not allow for any growth—none. By the end of that 5-year period, fiscal year 1998, discretionary spending will be at its lowest level, as a percent of GDP, in 50 years.

Oh, if I were only 26 again! Fifty years ago, I was only 26 years old. Those caps will not allow for any growth. By the end of that 5-year period, discretionary spending will be at its lowest level as a percentage of GDP in 50 years.

The place to seek additional deficit reduction is not in discretionary programs. It is not in anticrime programs; it is not in infrastructure programs such as bridge and highway improvements; it is not in education; it is not in environmental cleanup; it is not in water and flood control projects. These programs, in total, are already being frozen.

Do Senators know what being "frozen" means? We should have learned in this past month of January and in the current month of February what being frozen means. These programs were frozen for the next 5 years.

The place to find additional savings is in health care and welfare and entitlement reform and foreign aid spending. Why does nobody ever say anything about foreign aid? That is where the growth in spending is taking place. These entitlements are beyond the control of the appropriations process and are not subject to annual review by Congress at all. They have been on automatic pilot for years, and they have grown at astounding rates. The President is providing the necessary leadership in these areas. He opposes amendments such as the Kerrey-Brown amendment. He knows that we have done enough to constrain discretionary spending. Let us give credit to ourselves and to the appropriations subcommittees and the Administration for the deficit reduction package which has already been enacted—nearly $500 billion. The Appropriations Committee have always done their part in living within the caps placed on discretionary spending. We will continue to do so in meeting the requirements of the next 5 years.

Again, I say I do not question the sincerity or dedication or patriotism of Senators who are authors of the amendment, but I hope that the Senate will vote this amendment down. It is a bad amendment, a bad amendment.

I thank the Senators for their attention and courtesy in listening. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). Is there further debate?

Mr. BROWN. Mr. President, I rise in strong support of the Kerrey-Graham-Brown amendment.

Let me begin my remarks by expressing thanks to the distinguished chairman of the Appropriations Committee and the distinguished ranking member. Their willingness to review the matter is appreciated. Their staffs have been helpful in reviewing the items that are there. And I know that the distinguished chairman has concerns about this amendment, not only just as he has expressed but perhaps even to making a point of order. My understanding is the chairman has been kind enough to make sure the sponsors of the amendment at least have an opportunity to deliver this amendment to the floor and explain it and lay it out for the Senators so that we have a fair opportunity to be heard on it even though this may well be decided on a point of order. But for all of that I deeply appreciate his willingness and cooperation to deal with it.

Mr. President, I also appreciate very much the distinguished chairman's willingness to examine the specifics of the amendment, as he has done. And let me express my agreement with a number of points he has made. He has pointed out that the measure specifically footnotes the fact that portions of the items included in the amendment have been included in other bills.

That is precisely correct. And, of course, it is exactly why we wanted that laid out in the footnote. Specifically, the reduction in personnel is one of the items we have, indeed, voted on. Why even include it in this amendment? We had some discussion about that. But, frankly, the way it is set up is if, indeed, it is passed associated with the crime bill, that would be where the savings would be used and associated. But this amendment would have effect if, indeed, that measure is dropped from the crime bill. So the few items that this body has expressed itself in favor of, like that personnel reduction, that are not yet law, we thought it worthwhile to make sure they are included. If, indeed, they are dropped from the crime bill, we will have this as a backup. I think that is valid.

But I appreciate very much the chairman pointing that out. It is an item that I think is important for Members to look at as we consider this measure.

Let me also deal with an item that he covered and I thought in a very sage way in pointing to the controls with regard to overhead.

For Members who may not have read this matter, we are dealing with an amendment which deals not with the personnel cost of overhead but with the support classes, specifically those which are referenced as work classes in the Office of Management and Budget accounts 20's and 30's.

There are several exceptions, as the amendment makes clear. It does not apply where you are dealing with research grants that are included in the support classes. But what we are dealing with is the support services. What are they? They are things like printing; they are things like telephone costs; they are things like travel.

Why should we look at these items? Well, there are a couple of reasons, Mr. President. First of all, they amount to a whale of a lot of money. But, second, perhaps most important, this is an area where we can achieve extraordinary savings without harming the services that are so important.

Let me point out one thing to Members as they look at this. We have broad agreement by Democrats and Republicans that we ought to have a reduction in Federal personnel.

And, as a matter of fact, in a number of areas that is already underway. What has been reduced are the personnel accounts; that is, the cost of paying benefits. But what has not been touched in the analysis we have gone for is the rent that they pay. If you have fewer people, you have a need for fewer offices, fewer telephones, less printing, less Xerox, and there are fewer people to travel.

So what has been agreed to by the Congress and by the executive I think in all the pronunciations on this is an effort to deal with the personnel accounts costs. But that is only part of overhead. The other part of overhead are the natural accoutrements, things that go along with overhead that have not been adjusted.

This amendment speaks directly to those categories. It speaks directly to the categories classified as both 20 and 30. This is a logical and easy thing to do. All the amendment suggests is that you go a couple of years without increasing them. That is not draconian. That is easy. As a matter of fact, to hold these overhead costs steady while you have a reduction in personnel, if anything, is too generous. The amendment does not go far enough. It is my own feeling that we ought to go much further. It is my own feeling that there are enormous savings that can be and should be achieved. Why would I say that?

Let us take a look at what these categories have done. Since 1981, comparing 1981 to 1992, travel is up 86 percent; transportation of items up 73 percent; rental payments are up 164 percent. These are not categories that have been cut to the bone. These are categories that have runaway increases.

Communications and utilities are up 58 percent; printing and reproduction up 53 percent; other services—a catch-all category—up 101 percent. These are not areas where anyone can come forward and say we have been careful with the taxpayers' money. These are the ones that have had astronomical increases. What is proposed in this very modest amendment—that incidentally over 5 years will save the taxpayers of America $21 billion, according to the preliminary estimate from our own Budget Office—all we are asking is you hold it steady for a couple of years at the time you are reducing the personnel. Equipment is up 77 percent; land and structures, up 45 percent.

Mr. President and Members of this body, this is a modest, easy amendment that simply suggests you go a couple of years without increasing spending in an area where you are reducing personnel. If anything, we ought to be dramatically cutting back in these areas.

The distinguished chairman mentioned the Presidential order that dealt with this area. I believe it is Executive Order 12837. That Presidential order was specifically studied by the General Accounting Office. I have the General Accounting Office report right here. I think it is important to look at this because I think the chairman is to be commended for bringing up the Presidential order in this area.

But let me suggest to the Members that the Presidential order does not accomplish what I think the taxpayers are going to want. Why? Let me quote this GAO study. This is from page 1, "Results in Brief," second paragraph:

> In implementing the order, OMB did not define administrative expenses.

Let me repeat that. In the order that is supposed to deal with the administrative expenses, the administrative expenses were not defined. There is no way to achieve the savings if you do not define the categories that you are putting the lids on.

Instead, OMB's estimated administrative expense reductions based upon agencies' anticipated fiscal year 1993 obligations for certain services and supplies, allowed departments and agencies to allocate reductions among accounts and in objective classes.

Mr. President, what is also apparent in the Presidential order is an ability for agencies to transfer money back and forth between the accounts. Not only did they not define administrative expenses, but they give them the ability to transfer the money back and forth.

In addition, FASAB has observed that no cost accounting system is present to check the results.

In other words, the order did not define the administrative expense categories and no accounting system exists to verify whether any savings are achieved or not, or whether the order is even followed or not.

That is the Federal Accounting Standards Advisory Board.

So, Mr. President, if some Members are under the impression that the Executive order in this area has dealt with the problem, that would not be correct. It is quite clear from the GAO study that the Presidential order does not deal with it. That is an independent body. It is quite clear from the FASAB analysis that no accounting system exists. This amendment solves the problem.

It is not tough enough. It is not strong enough. We ought to save a great deal more than the $21 billion that is here. But, Mr. President, no conscientious person can look at this and end up saying that this is a hard or mean or cruel or overly restrictive measure. At a time when we are cutting personnel, to say you are going to hold those overhead costs level for a couple of years has to be one of the easiest things in the world.

Mr. President, let me lay out what I think the real question here is today. I guess in the nearly decade and a half I have talked in both the House of Representatives and the Senate about dealing with the budget I have always heard the statement: Yes, let us cut the deficit. Let us reduce the deficit, but not my program. Let us cut the deficit, but not this year; let us cut it next year. Let us cut the deficit, but not in the Eastern part of the United States; in the Western part of the United States. Let us cut the deficit, but not discretionary spending; entitlement spending. Or let us cut the deficit the other way around.

If you look back over the last decade and a half, you will find an interesting phenomenon. The budgets that were brought before Congress were ones that were not balanced the first year but were balanced the second year. And everyone said: Look, let us not balance it this year, but it will be balanced next year. This is the path towards doing it.

Mr. President, the facts are very clear if you look over those past budgets. We have—and I say "we"; I mean the Congress of the United States—never followed the plan. We have never kept overall spending within the budget or met the deficit targets. We have always exceeded the spending limit. Sometimes it is entitlements. Sometimes it is our estimate. We have lots of reasons and excuses. We have never done it.

The budget plan that starts over, saying: We do not have a balanced budget this year, but we will have it next year, has changed. After a couple of years, it was balanced after 2 years. We will have a deficit this year and next year, but the third year out, we will have a balanced budget. It got to be where we had a balanced budget the fourth and fifth year out. Then, Mr. President, the budget that we passed last year was one of the first ones that I remember where even after 5 years, with very creative and positive assumptions, we did not balance the budget.

More tragically than that, we are even at the point now where the deficit in the outyears does not even begin to go down, where it may drop a year or two and then start back up. The implications of that are absolutely stunning to the future of this Nation. We have adopted a plan that not only consumes most of the savings of this Nation in the private sector in Federal debt, leaving us almost nothing in the way for capital formation for the entire Nation, but we have adopted a program that suggests we are going to have deficits that are rising on into the undetermined future. We are not even at the point of promising a deficit for 1 or 2 years, or a balanced budget in 1, 2, 3, 4, 5, 6, or 10 years down the road. We are at the point of planning deficits that continue to increase. How are you going to handle that?

Mr. President, I am convinced that if we are ever going to get a handle on this, we have to follow some steps. They are not exotic ones. They are ones everybody has talked about. What are they? First of all, if I have heard once, I have heard 1,000 times on this floor and in the House of Representatives that you have to have a bipartisan plan.

Mr. President, this is a bipartisan plan. If you will look at the sponsors of the amendment, there are seven Democrats and five Republicans. It is bipartisan.

Others say: Look, you have to be specific. You cannot come in here with vague proposals.

Fair enough. That is responsible, reasonable. This plan has 56 specific, well-drafted proposals with budget estimates that is brought before you. It is not a vague plan. It is not an idle plan. It is not one that is pie-in-the-sky. These are specific, exact legislative language proposals that achieve real savings. They are not estimates from pie-in-the-sky. These are estimates from our budget office.

It was referred to earlier, I think, by the distinguished chairman that there were 57 proposals. There are 56. The distinguished chairman repeated, I think accurately, the summary that had been given to him. For those Members who have that previous summary, it is item 54 that is not included in the package. It does not affect the overall dollar totals, but item 54 is not included in that particular package.

The third thing I hear is real numbers. If you have a real package, it has to have real numbers. This does. And where things have been held in other bills, we footnoted them, as the distinguished chairman was kind enough to point out with regard to the crime bill.

Lastly, Members say it has to be thoughtful. We want people to think these through. Mr. President, Members of both parties have spent long hours in innumerable discussions looking through these items, combing them out. What is before you today is not from a rump session. This is the product of months and months of research, review and of paring down. The beginning list involved proposals that far exceed what comes before the body today. I am confident that the measures here are not only thoughtful, reasonable, and bipartisan in nature, but ones that most Members will find incredible that we have not already adopted.

Let me give you an example: We have already talked about controlling the increases in overhead while reducing the number of personnel. That has to be as easy as pie. There is another measure, the Davis-Bacon reports. Maybe Democrats and Republicans would disagree about the Davis-Bacon Act, but one thing I cannot imagine anybody in this Chamber disagreeing about is eliminating extra and unnecessary paperwork. One of the items in the measure is a savings of $50 million in fiscal year 1994, going on to $250 million over the 5-year period. What does it do? It eliminates an extra set of reports that are unnecessary and duplicative for the needs that are there.

The savings of $250 million is a lot for the Federal Government. Mr. President, the savings in the private sector is even much larger. These are reports that are not necessary, that independent experts agree are duplicative, that are not even needed. Why have we not done it before? One of the reasons is because it is very difficult to get cost-saving measures to this floor. I thought the distinguished Senator from Nebraska hit the nail on the head when he suggested we ought to have an expedited procedure to bring these matters to the floor. These are things everybody agrees with—or should. These are not controversial. These are opportunities to save the taxpayers money. They are only reasonable and thoughtful. The problem, of course, is we do not always have an opportunity to get them reviewed. I hope the Members will give this plan thought.

Mr. President, the numbers from this budget are very real. Even if we follow the plan—which we have not done as a Congress—even if we follow it and deliver on those numbers, which we have not done, it means in the outyears the deficit continues to rise. It means economic oblivion in the long run for this Nation. There is not a Member of this Chamber that does not understand that and know that in their hearts. How can we as the Senate of the United States condemn our country to an ever-increasing deficit?

I have to say I have heard on this floor some of the most eloquent speeches for reducing the deficit I have ever heard in my life. Some are by Members who vote every time to reduce the deficit, and some are by Members who have not yet been able to vote to reduce the deficit—in anything. What is lacking is not eloquence; what is lacking is not moving, passionate speeches for the need to increase savings or reduce the deficit; what is lacking is a willingness to vote to cut something.

This measure is balanced. Twenty-eight percent of the cuts here come from discretionary spending, it is true. But 37 percent come from management reform.

Mr. BYRD. Will the Senator yield?

Mr. BROWN. Thirty-five percent——

Mr. BYRD. If the Senator will yield, my friend from Colorado says what we lack on this floor is a willingness to stand up and make cuts, cuts in the deficit; am I correctly paraphrasing my friend?

Mr. BROWN. You are indeed.

Mr. BYRD. How did my friend from Colorado, Mr. BROWN, vote on the reconciliation bill which reduced the budget over a period of 5 years, by somewhere between $450 billion to $500 billion. How did my friend vote on that? There was his chance to cut.

Mr. BROWN. I think it is fair and reasonable for the distinguished chairman to bring up the question of my voting record since I raised that. In the time I have been in Congress—10 years in the House and 3 years I have been in the U.S. Senate—I have been in the top 1 percent of Congress every year. There may be years where we have slipped to the top 3 or 4 percent of Congress, but never a year have I been out of the top 4, 5 percent of either the House or Senate in voting to control spending and reduce the deficit.

There are some reconciliation matters that I thought, long term, did not achieve deficit reduction, and I voted against those. But when the votes have been there to do it in a bipartisan manner, or to control spending, I have been there. And I think the distinguished Senator will find I have, perhaps, the most consistent record of the Members of this body.

Mr. BYRD. If the Senator will yield further, the Senator says whenever the votes have been there in a bipartisan manner, he has voted to make the cuts. The reason one could not consider that vote on the reconciliation bill as a bipartisan vote is only because not a single Republican in either body voted for that reconciliation bill to make cuts in the budget deficits of somewhere between $450 billion and $500 billion over the next 5 years—not a single Republican. That was not bipartisan. That reconciliation bill—making those cuts—was passed by the Democrats in both Houses.

The distinguished Senator answers my question when he states he did not vote for the reconciliation bill—I believe I am correct that the Senator said this—and the reason he implied he did not vote for that reconciliation bill, which made cuts of almost $500 billion. May I say that the Appropriations Committee has borne the brunt of those cuts.

I thank my friend for his courtesy.

Mr. BROWN. I appreciate the comments of the chairman. Let me say that in his observation that when it comes to raising taxes, I am not very good at it, he is right. I must say I am not unwilling to consider taxes if they are in a package that achieves meaningful cuts in spending. I also observe that that opportunity has never come before this body in the last 15 years. I continue to hope it will.

If we are to simply say that the answer is more and more and more tax increases, this Member is not one that thinks that is what the American people want. I think what the American people want is some willingness to control spending. But the distinguished Senator's interest in a bipartisan effort to reduce the deficit, I applaud.

Let me recommend the amendment that is before us right now. It is bipartisan and it is specific and it is thoughtful.

What is more, let me suggest that, in at least this Senator's view, these measures are not only reasonable but they are extremely mild. With the train wreck that is coming in our budget affairs, I would guess in a brief period of time we will see all of these measures eventually adopted and many perhaps that are much, much more harsh because we failed to heed the signals in time.

Mr. President, we should make no mistake about it. This is a real bill with real savings in a bipartisan manner that can achieve an enormous difference for us.

The change that this achieves is simply this: If you look at the graph of the deficits, they, in the outyears, continue to climb and sentence this country to an ever-increasing annual deficit as we go into the future. This amendment can help turn that, so at least the line begins to turn down. If we fail to do that, whether it is this measure or another, we condemn our country to economic mediocrity, and we destroy, through an unwillingness to face the facts, the dream of prosperity and the dream of a better livelihood that has made America prosper and shine.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I rise in support of the amendment.

First, I wish to state to my colleagues and friends from California that it certainly is not my intention, by supporting the amendment, to add to the difficulty in passing the basic supplemental appropriation to fund the disaster relief in your State. I, as a Senator whose State was ravaged by Hurricane Andrew, am well aware of the serious distress of your people and of the urgent situation for quick congressional attention to your needs. I am pleased that we are here so early after the earthquake with the opportunity to provide for those needs.

Rather, Mr. President, I am rising today because of a concern expressed, among others, in recent press accounts that the Nation's and the Congress' attention at deficit reduction has moved on; that that was 1993's fad, and we dealt with it in 1993 and now there are other matters which are dominating our attention.

The fact that during these first few days of the 1994 session we are considering another step in the long road of deficit reduction, I hope will be seen as a clear signal that there is a strong commitment in the Congress to a continued recognition of the pernicious effects that constant increases in our national debt through annual deficits have on our Nation.

This is certainly, Mr. President, a phenomenon that is not lost on our constituents. Many Florida residents have been contacting me over the past several months regarding the Federal deficit. They have been saying, "Why is Congress spending more money instead of cutting the budget deficit?"; saying that Congress needs to make real spending cuts and to change our Nation's irresponsible spending habits.

My constituents want us to know that the time has come to make sacrifices for deficit reduction and that they are prepared to play their part in those sacrifices. These Floridians who have written, and called over the past year, urging Congress to work harder reducing the budget, their voices are now being heard.

Mr. President, I think it is important that we remind ourselves why we are concerned about the budget deficit, why it is not just the fad of 1993. We are concerned about the budget deficit, among other reasons, because it places a straitjacket on our future.

The numbers in the President's recently announced budget of our national interest payments is indicative of what that straitjacket means. As recently as 1976, the last year of President Ford's administration, the total amount of net interest payments by the Federal Government was $26.7 billion. This year, we will pay an interest on the national debt of $212.8 billion.

Mr. President, 75 percent of that $212.8 billion has been accumulated in the last 13 years. We have been on a deficit frenzy, a collapse of fiscal responsibility in the last 13 years, the likes of which this Nation has never experienced. That frenzy has placed a straitjacket on our future generations.

Mr. President, I will ask unanimous consent to have printed in the RECORD an article from today's New York Times, entitled "Large Tax Burden for Young is Seen," in which the Times summarizes a portion of the President's budget with the first paragraph, reading:

> Deep in the four-volume Federal budget President Clinton released on Monday is a detailed analysis of some bad news that Government officials don't usually draw attention to: if present trends continue, today's toddlers are likely to pay in taxes half of what they earn in their entire lives, and children yet unborn will probably have it even worse.

Mr. President, I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 9, 1994]

LARGE TAX BURDEN FOR YOUNG IS SEEN

(By Keith Bradsher)

WASHINGTON, February 8.—Deep in the four-volume Federal budget President Clinton released on Monday is a detailed analysis of some bad news that Government officials don't usually draw attention to: if present trends continue, today's toddlers are likely to pay in taxes half of what they earn in their entire lives, and children yet unborn will probably have it even worse.

The idea that the Federal Government is shifting wealth between generations had been discussed for years before becoming a prominent political issue during the 1992 Presidential campaign, when Ross Perot warned that by allowing persistent budget deficits, Americans were effectively spending their children's inheritance.

But the most detailed Government examination yet of the issue appears in a section of Mr. Clinton's budget that examines the extent to which today's budget deficit imposes a financial burden on young Americans.

Administration officials say that one reason for pointing all this out is to help build the case for the President's health package, which they see as the key to holding down the long-term growth of Federal spending. Another reason is to illustrate that without last year's budget, which cut this year's deficit, the burden on future generations would have been even greater.

SEEKING SHORT-TERM SACRIFICE

The analysis builds its forecasts on the assumption that nothing is changed, in the hope of building support for policies of short-term sacrifice for long-term benefit.

"We were placing such a huge burden on future generations that we needed to ask today's generation, as well as those who benefit from Federal programs, to sacrifice a little bit," said Barry J. Toive, a spokesman for the Office of Management and Budget.

The budget estimates that as health care and Social Security costs continue to rise, young Americans in general will pay significantly more of their lifetime income as Federal, state and local taxes than their parents and grandparents did. These taxes are rising even if Government payments to individuals, like Social Security checks, are deducted.

"This is really a catastrophe that we're preparing for our kids," said Laurence J. Kotlikoff, a Boston University economics professor who helped the White House's Office of Management and Budget prepare the figures.

So-called net taxes, calculated by subtracting Government payments to individuals from taxes paid, will total 36.9 percent of lifetime income for today's teen-agers, according to the Clinton proposal. This compares with 33.2 percent for Americans born in 1950 and 23.6 percent for those born in 1900.

In its last two years, the Bush Administration began reckoning the lifetime tax burdens of the budget deficit, but buried the results even more deeply than the Clinton Administration, and the figures were little noticed.

In a more speculative calculation, the Administration forecast that the average net tax rate for future generations would eventually reach 82 percent of their lifetime earnings. Without last year's budget package, the burden would be 93.7 percent, the budget document said, while passage now of the President's health care plan would lower the burden to 66.5 percent.

These calculations of income distribution among generations, known as generational accounting, have become increasingly popular in academic circles and among politicians who want to balance the budget, because it highlights the long-term consequences of continued deficit spending.

But some economists maintain strong reservations about these forecasts. "This is a very useful procedure for use in an academic setting," said Henry J. Aaron, the director of economic studies at the Brookings Institution. "It's not good enough for government work."

Mr. Aaron said that the tiniest changes in the initial assumptions could result in huge changes in the final results. Because these changes are hard to spot, and because Government officials may have a strong incentive to tilt the final results, the results are not reliable enough to be used in Federal policymaking, he said.

Alan J. Auerback, a University of Pennsylvania economist who joined Mr. Kotlikoff and Jagadeesh Gokhale, an economist at the Cleveland Federal Reserve Bank, in helping the Office of Management and Budget prepare its forecast, said that such criticisms were misleading. Generational accounting is based on current laws and demographics, and these do not change quickly, he said, adding, "It's pretty predictable that a 45-year-old today is going to be a 65-year-old 20 years from now."

Still, the techniques sometimes produce odd results. For example, the Clinton budget does not forecast that each generation of living Americans will face a higher net lifetime tax rate than the previous generation. Instead, it estimates that Americans born in 1980 will face a peak rate of 36.9 percent, while for babies born in 1992, the net rate dips slightly to 36.3 percent.

The reason is that the model assumes continued, unrestricted growth in Medicare and Medicaid spending, Mr. Kotlikoff said. So today's toddlers would be paying a lot of taxes but would eventually receive a large chunk of the money back from the Government as their medical bills in old age become enormous.

Mr. GRAHAM. Second, Mr. President, we are concerned about the deficit because of the uncertainty as to the future caused by the deficit and therefore a tendency to focus on short-term rather than long-term issues.

One of the characteristics of the 1980's was a willingness to forgo long-term benefits for immediate gratification. A substantial contributor to that attitude of the 1980's was the fact that we were adding so enormously to our national debt through annual deficits that we were undercutting the willingness and the economic rationality of making long-term investments.

One of the most positive things that has happened in the last 13 years was the action taken by this Congress, through the leadership of President Clinton, to adopt his economic program in August 1993. And we are beginning to see some results of that program.

Mr. President, I am also going to ask to have printed in the RECORD an article from the February 7 Washington Post, entitled "Debating Deficit's Link to Economic Growth."

In that article, Mr. President, Mr. Robert Hormats, vice chairman of Goldman Sachs International, is quoted as saying:

> If you took a poll on Wall Street last year, probably 95 percent of the bond traders would have told you that this administration turned out to be much more resolute on reducing the deficit than people expected, and that's what fueled the rally in the bond market.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1994]

DEBATING DEFICIT'S LINK TO ECONOMIC GROWTH

(By Clay Chandler)

When President Clinton sends his $1.5 trillion spending plan for fiscal 1995 to Congress today, he will be able to boast of a historic turn in economic policy: The federal budget deficit is projected to get smaller for the third year in a row, something that has not happened since 1948.

At the same time, Federal Reserve Chairman Alan Greenspan told Congress on Jan. 21 that the economy is in its best shape in two decades.

But how much will shrinking deficits really help keep the economy healthy?

Ross Perot transformed the deficit into a burning campaign issue in 1992, pounding away at the idea that rising deficits were destroying U.S. productivity and burying future generations in debt.

That notion has become one of the most deeply entrenched public beliefs about the economy. It also is the underpinning of one of the twin thrusts of Clinton's fiscal policy—getting the deficit under control while shifting government spending priorities to programs intended to boost productivity.

Economists disagree about how much government red ink is too much.

Fiscal conservatives such as Harvard University economist Martin Feldstein insist the five-year $496 billion package of tax increases and spending restriction Clinton pushed through Congress in August did not go far enough toward reducing the deficit.

Liberals such as Northwestern University economist Robert Eisner say the legislation went too far and could deal a "body blow" to the newly revived economy. "And if Congress pushes Clinton to further deficit reduction, it will be really damaging," Eisner said.

While supporters of the president's effort to get the deficit under control are probably in the majority, experts on both sides acknowledge that the evidence linking deficits and economic growth is inconclusive.

Some experts regard Clinton's budget-cutting venture as being as much an act of faith as was President Ronald Reagan's "supply side" tax cut in 1981. If Clinton's policy succeeds, they say, it may do so for reasons that have as such to do with psychology as with tried-and-true economics.

The simple story taught in most economics texts about the virtues of low deficits "is just wrong," argues Massachusetts Institute of Technology economist Robert S. Pindyck, co-author of "Investment Under Uncertainty," an influential new book about business investment.

The common explanation about how big deficits hurt the economy goes like this:

When the government increased its borrowing, it competes for capital with companies and households in the private sector, driving up interest rates. The government's need to borrow crowds out private investment and discourages consumer spending. Conversely, lower deficits result in lower interest rates, which in turn spur investment and spending.

"A persistent and unresolved * * * deficit is widely agreed by economists to be a problem," said Laura D'Andrea Tyson, chairman of the president's Council of Economic Advisers. "If debt is growing relative to the growth of the economy as far as the eye can see, that is clearly an unsustainable path."

According to the most recent forecast by the nonpartisan Congressional Budget Office, the deficit is expected to keep shrinking in proportion to the nation's total economic output through 1998, when it is forecast to be 2.2 percent of the gross domestic product—half its current size and its smallest as a percentage of the economy since 1979.

CBO Director Robert D. Reischauer said the primary reason the deficit is falling is because of the package Clinton got through Congress in August. Clinton sold that package by saying it would boost the growth rate of the economy over the long term, even if it dampened growth somewhat in the first year or two.

Administration officials claim events since Clinton's election in November 1992 prove their economic program is having the promised effect. Long-term interest rates began falling and finished 1993 nearly two percentage points lower than they were on Election Day 1992.

And as interest rates came down, the economy revived.

Tyson noted that the economy moved from recovery to strong expansion almost exclusively because interest-sensitive sectors of the economy—residential construction, consumer durables and business spending on plant and equipment—surged in response to lower rates.

Those sectors usually account for about a third of economic growth. But by December, Tyson said, they accounted for 100 percent of the growth.

Many economists, though, question the links in that logical chain. Consider the connection between the deficit and interest rates. Technological advances and the opening up of global financial markets, many skeptics argue, have expanded the pool of potential purchasers of U.S. Treasury bonds so widely that incremental changes in the U.S. deficit hardly make a ripple.

"U.S. borrowing is small in relation to the huge flow of capital now sloshing around the world," said Rudolph G. Penner, a KPMG Peat Marwick economist who has studied the link between interest rates and federal budget deficits. "The many forces driving changes in interest rates are very difficult to distinguish," said Penner, who supports efforts to cut the deficit.

Robert Hormats, vice chairman of Goldman Sachs International, said the administration deserves most of the credit for the drop in rates. "If you took a poll on Wall Street last year, probably 95 percent of the bond traders would have told you that this administration turned out to be much more resolute on reducing the deficit than people expected, and that's what fueled the rally in the bond market," he said.

And the relationship between low interest rates and increased spending and investment—the second link in the conventional argument for deficit reduction—is equally complex.

"Business investment decisions are very different from the way in which economists generally describe them," said David A. Levy, director of the Jerome Levy Economic Institute of Bard College in New York. "In reality, investment is far more a strategic rather than a financial decision."

A study of investment patterns of 5,000 U.S. companies from 1971 to 1990 by Steven M. Fazzari, an economist at Washington University in St. Louis, found that sales, profits and cash flow have a much larger effect on business investment than do interest rates.

University of Illinois economist Robert Chirinko said that while he believes interest rate changes may have a strong impact on housing construction, he doubts they have much effect on consumption of durable goods, such as refrigerators and televisions. His survey of economic literature dating as far back as 1911 leads him to conclude that the relationship between interest rates and investment is almost nil.

"On balance," he said, "there really isn't any strong evidence that changes in interest rates have much effect on investment."

MIT economist Pindyck argued that Clinton's package of spending cuts and tax increases may have stimulated economic growth, but not in the way conventional economic theory would suggest.

The budget deal, he said, was psychologically reassuring because it sent a signal that the new president had gotten fiscal policy under control.

Mr. GRAHAM. What Mr. Hormats is saying is that once people have some confidence that we are about to deal with this deficit issue on a sustained and serious basis, it had an almost immediate effect in terms of building up the confidence of people to make long-term decisions. One of the consequences of that was a lowering of interest rates. Our failure to demonstrate a continued resolve toward that direction is likely to unravel the benefits that we have already gained.

We have seen within the last few days another slight uptick in short-term interest rates. We need to send a strong signal now that indicates that we have not lost our commitment to continue deficit reduction so that that small tick will not become an avalanche of increasing interest rates, increasing inflation, lowered economic growth, and lowered standard of living for our people.

Finally, I think the reason we need to be concerned about the deficit is because it is fundamentally immoral for one generation of Americans to pass its economic responsibility to the next.

The great American Thomas Jefferson was not a member of the Constitutional Convention. He was not in the country at the time the Constitution was being written. But had he been there, he would have advocated that our Constitution contain a prohibition on Federal Government borrowing.

President Jefferson felt that it was unethical for one generation to use a future generation's income to finance its current spending.

Mr. BYRD. Mr. President, will the distinguished Senator from Florida yield on that point?

Mr. GRAHAM. The Senator yields.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Would the distinguished Senator tell me why Jefferson's position was as the Senator stated and yet, in 1803, Jefferson promoted the Louisiana Purchase, which amounted to $15 million in those days, and which money the U.S. Government had to borrow? The Government borrowed that $15 million, or a large portion of it, when Mr. Jefferson was President. He bought 827,000 square miles of territory for $15 million, which would be something like 2½ cents an acre, extending from the Gulf of Mexico to the Canadian border and from the Mississippi River to the Rockies.

Jefferson was President, and he did one of the most wise things that was ever done in the history of this country when he purchased Louisiana on his "watch" and went in debt to do it. Now, he passed it on to the future generations of his day, the burden of paying for the Louisiana Purchase. What $15 million in that day would amount to in this day, I have not researched that, but it would certainly amount to a tidy sum.

How does the distinguished Senator square what he has just said about Jefferson, namely, that Jefferson was, if I may paraphrase, constitutionally opposed to putting future generations in debt, opposed to spending money in his generation and having the debt carried over for posterity to pay—how does the Senator from Florida square that statement with the statement that I have just made—which is supported by history: 827,000 square miles of territory for $15 million, which amounted to 2½ cents an acre? How does the distinguished Senator square those two situations? It seems to me to be an anomaly that Jefferson would say, "I am opposed to putting posterity in debt for Government expenditures that benefit the generation of today," when Jefferson turned right around and did just that.

And why—let me ask the Senator another question, Mr. President, if the Senator will allow me. Why did Jefferson not—why did Jefferson not recommend a constitutional amendment to provide against borrowing by the Federal Government, if the borrowing could not be paid off in his generation or during the same administration for that matter? Why is there no record of Jefferson having ever proposed such a constitutional amendment during his administration? Why did Jefferson say one thing but do another? Why did he say that the government should not borrow money for the benefit of the citizens of his day, while, at the same time, incurring a debt to be paid by posterity? He did it in the case of the Louisiana purchase. And I am glad that he did it, and I would imagine that the able senior Senator from Florida, the very able and distinguished Senator from Florida, is glad that Jefferson did it. He added an immense amount of territory to the United States when he incurred the debt.

I would be interested in knowing how the distinguished Senator from Florida squares those two seemingly anomalous statements, the statement by President Jefferson, and the statement by ROBERT BYRD, based on history?

Mr. GRAHAM. I cannot answer the question. I wish the distinguished former President of the Senate while he served as Vice President were here today in order to be able to respond to that question.

I will say that the influence of President Jefferson and his essential philosophy that one generation should not ask another to pay its bills casts a long and pervasive shadow over American fiscal affairs. I am going to use in a moment, in discussing another aspect of this issue, a chart which outlines what has happened over four generations of one American family in terms of the national debt. But I will just use the first statistic on this chart, which happens to be—

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GRAHAM. Yes.

Mr. BYRD. Is the Senator going to use that example again of Jefferson's saying that he was opposed to the Federal Government's going into debt for an investment of that nature when the debt would have to be paid off by another generation?

Mr. GRAHAM. Yes, I am going to use it because—

Mr. BYRD. Mr. President, if the Senator is going to use it, will he also say that Jefferson went into debt for the Louisiana Purchase and that Jefferson admitted that he was embarrassed by having said one thing and done another?

Mr. GRAHAM. The influence of the Jeffersonian philosophy is illustrated in the fact that, on the day that my father was born—which was in February of 1885, in the immediate aftermath of the Civil War—the total debt that the country had accumulated over the first almost century since the adoption of the Constitution, was $1.6 billion, most of which had been accumulated during the Civil War. That $1.6 billion is about what we have added to the national debt since we convened here 2 days ago. It took 100 years to do what we are now doing in approximately every 48 hours.

So I would say that is the best testimony to the fact that the words of Jefferson had a long, pervasive, and positive impact on the attitude of the American people as to generational economic responsibility.

We showed some of that generational economic responsibility in August when the Congress passed President Clinton's budget. It signaled a dramatic ebb to a 12-year wave of spending. For the first time in more than a decade we forced ourselves to take the difficult but honorable road to reduce spending and start cutting our annual budget deficit; to raise taxes, yes, to pay our bills today.

But passing the President's economic package was only the first step in what is going to be required. As the Senator from Colorado and others have mentioned, the deficit reduction line drawn as a result of the adoption of the President's plan in August of last year substantially improved the projection of the Nation's economic condition had we not taken that action. The red line on this chart, which starts with a deficit of $319 billion, flattens out and then spirals up to $639 billion by the year 2003, is what we had as our national future, had we not taken such action.

As a result of the steps that we took, as projected by the President in August of last year, we have made a substantial reduction in that trend line. However, there is one disturbing similarity between what would have been and what we hope now might be, and that is that after a period of reduction and then stagnation, in about the year 1997—by 1998 the deficit is going up again and the budget which the President has recently submitted, which contains some revisions from his August 1993 trend line, has again that constant that in 1998 the deficit starts to rise again.

We hope that trend line would be altered by the enactment of significant health care reform. The expectation was over the balance of this decade we would see sufficient savings from health care reform that this trend line, rather than going up, would continue to head towards that destination of a balanced Federal budget.

We received some bad news on that front yesterday. I ask unanimous consent to have printed in the RECORD an article from the Washington Post of today entitled, "Clinton and the Analysts: A $133 Billion Difference of Opinion."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, February 9, 1994]

CLINTON AND THE ANALYSTS: A $133 BILLION DIFFERENCE OF OPINION

(By Steven Pearlstein and David S. Broder)

President Clinton has put forward a credible plan for restructuring the nation's health system, but implementing it in the next few years will cost more than he thought and could overwhelm the frail institutions of government.

That was the carefully stated but unambiguous judgment delivered yesterday by the Congressional Budget Office, a nonpartisan policy analysis organization that enjoys unusual respect in Washington.

The CBO credited the administration with coming up with a framework that appears to reconcile what many had considered irreconcilable: extending health care to all Americans while at the same time slowing the growth of medical costs, which threaten to consume 20 percent of the nation's economic output by the end of the decade.

But the budget office implied what many of the country's leading business organizations said last week when, one after another, they declared that the Clinton plan was simply too much too fast.

The headline-grabbing news in the CBO report was that the Clinton plan would not reduce the budget deficit by $59 billion over the next five years, as the administration had estimated, but increase it by $74 billion. That $133 billion difference of opinion may have more political than economic significance: Both predict that the Clinton plan would begin saving money for the government, business and consumers by the year 2000.

But the administration has based its economic policy on lower deficits and lower interest rates, so the CBO report struck at a vulnerable point. Clinton has bragged that he was cutting the deficit by $500 billion in five years; at one blow, CBO wiped out more than one-quarter of those claimed savings.

Still, there were nuggets of good news for the administration in the CBO analysis.

The Clinton plan, it concluded, would not significantly slow the economy or result in the loss of jobs, as many critics have charged.

What few minimum wage jobs would be lost at restaurants and small manufacturing firms, it concluded, would likely be replaced in an expanded health care sector. It predicted that the job market would improve because some working mothers and older workers would drop out of the work force, knowing that their medical costs would be covered.

The CBO also predicted that most employers would eventually enjoy lower health insurance premiums under the Clinton plan, passing on most of the $20 billion savings to their workers in the form of higher wages.

But there were also ominous warnings in the budget office's final chapter—innocuously titled "Other Considerations"—that the myriad old and new government agencies required to implement the plan may not be up to the task.

The proposed National Health Board, it warned, would need "a large, skilled professional staff" to perform "many difficult tasks . . . on extremely tight schedules." Ditto for the proposed regional health alliances, which are required by the plan to "combine the functions of purchasing agents, contract negotiators, welfare agencies, financial intermediaries, collectors of premiums, developers and managers of information systems and coordinators of the flow of information and money between themselves and other alliances."

"Any one of these functions could be a major undertaking for an existing agency with some experience, let alone for a new agency that would have to perform them all," CBO said.

The congressional analysts also said that they—like many others who have pondered the subject—were of two minds on the wisdom of the standby price controls of the Clinton plan.

On the one hand, they conceded that the premium caps might plausibly squeeze some waste and inefficiency out of the system. On the other hand, they might have the unintended consequences of reducing payments to doctors and hospitals, denying some medical services to some consumers, and creating a political brouhaha.

The only solace, they concluded, is that any other method of restraining health care spending would "likely generate similar stresses."

Much has been made of the CBO's judgment that the Clinton health plan so intimately involves government in the nation's health system that the cost of the entire thing ought to be included in the government's set of accounts.

Critics argue that it only proves their point that the Clinton plan is just another big-government, bureaucratic nightmare.

But the CBO was making a more subtle point: Putting health care expenditures on the budget won't really make the plan more or less expensive. But only by exposing the true costs of health care to public scrutiny and political debate each year is there a chance of keeping the medical insurance guarantee from becoming another runaway entitlement program.

Mr. GRAHAM. Mr. President, I will quote one paragraph from this article.

> The headline-grabbing news in the CBO report was that the Clinton plan would not reduce the budget deficit by $59 billion over the next five years, as the administration had estimated, but increase it by $74 billion. That $133 billion difference of opinion may have more political than economic significance: Both predict that the Clinton plan would begin saving money for the government, business and consumers by the year 2000.

One effect of the economic significance of that is that we cannot depend on health care to keep this trend line going down. To the contrary, according to the CBO report, health care is going to contribute to an escalation of the deficit by the end of this decade.

That, Mr. President, underscores the importance of the amendment that we offer today, and that is that this amendment gives us some hope of keeping that trend line aimed in a downward direction for the balance of this decade toward the goal of a balanced Federal budget.

Our amendment is not an easy one. It asks for considerable sacrifice. It begins with the premise that Congress should first cut its own spending before cutting that of others. In that spirit, we have proposed reducing the legislative branch appropriations by 7.5 percent and the congressional franking budget by 30 percent. We have proposed a 5-percent pay cut for Members of Congress and for senior executives and congressional officials, those whose salaries are generally in the range of $96,000 to $171,000.

The bill also includes $5.9 billion in proposals to streamline the Federal Government, many of which are based on the Vice President's report on reinventing Government.

Some of the cuts in this amendment will be difficult for the citizens of my State. Among them is a provision to provide for a Federal cost-of-living adjustment in fiscal years 1994–1999 for all civilian and military retirees only on the first $30,000 of their pension income. This cost-of-living adjustment would not affect Social Security recipients.

The plan also includes Medicare savings that would affect some of Florida's senior citizens. For example, the amendment would impose a 10-percent copayment on the beneficiaries of Medicare home health services whose incomes exceed 150 percent of the Federal poverty level.

Our plan would also phase out the Medicare part B premium subsidy for individuals with incomes over $100,000 and reduce it for those who earn more than $50,000 a year. This proposal requires a small sacrifice from 1 in 10 senior citizens, those most able to pay. It would save the Government $16.3 billion over the 5 years of this amendment.

Each of the 18 Senators sponsoring this deficit reduction package disagrees with some of its provisions. Because I know how hard many of Florida's senior citizens struggle to get by, I found the Medicare and cost-of-living reductions especially hard to swallow, but we agreed to work together, despite our differences, for the sake of the national interest in serious deficit reduction.

Our plan is similar to a plan which was proposed in the House of Representatives last November. It lost by just six votes. That narrow defeat, despite intense lobbying against the plan, is evidence that Congress is serious about deficit reduction. We in the Senate are committed to this plan. We spoke with the President last November in the White House urging him to support our spending cuts.

Still, as the Senate debates these hefty and worthwhile spending cuts, we must not see them as a panacea for our deficit reduction. These cuts are just one stride in the right direction. We must make sure they are accompanied by other deficit-reduction measures.

Mr. President, the next major battleground will be health care. In spite of the disappointing news that we received yesterday, we must continue the effort to restrain what has been the fastest growing segment, not only of our Federal Government's budget but also the budgets of most States, local communities, families, and individual Americans.

No deficit-reduction plan can work unless we curb the steep increases in health care costs through comprehensive health care reform. We must accept the fact that every dollar cut from the Federal budget is going to cause discomfort to someone, but we must realize at the same time that the last 12 years of deficit spending have caused more pain to more Americans than these spending cuts ever will. That pain would be particularly felt by future generations, to whom we are leaving a heritage of national debt approaching $5 trillion.

Mr. President, I alluded earlier to a chart that I wanted to use to illustrate the impact of this on one American family, the family of my father, Ernest Graham. My father was born in Croswell, MI, in February 1885. At that time, the national debt, almost 100 years after the adoption of the Constitution, was $1.6 billion, which amounted to $28 for every living American man, woman, and child in February 1885.

I was born in 1936, at which time the national debt was $33.8 billion. When I was born, every American had an indebtedness of $264. Twenty-seven years later, my first child was born.

In January 1963, when Gwen was born, the national debt was $310.3 billion, or $1,640 per individual American. I am going to come back and talk a bit about the difference between the $264 that I owed on the date of my birth in November 1936 and what my daughter owed in January 1963.

I have the good fortune to now have three grandchildren. When my first grandchild was born in October 1990, the national debt was $3.2 trillion, or $12,900 per citizen.

When my second grandchild was born in January 1992, the debt had come to $4 trillion, or $15,700 per person.

And when my third grandchild was born in October 1993, the debt was $4.4 trillion, or $17,010.

A point that I would like to make is that it took 27 years, from 1936 to 1963, for the debt to go up approximately $1,300 per person. It took less than 10 months for the debt to increase $1,300 per person between January and October 1992.

Mr. President, that is what we are leaving to our next generation of Americans. Only by making responsible cuts in spending, by a commitment to the goal of balancing our Federal budget, by passing significant health care reform can we look our children and grandchildren in the eye knowing that we are no longer supporting ourselves at their expense and at their economic security and personal future.

I believe that we have brought to the Senate today a responsible set of fiscal proposals. They are responsible today in terms of our obligation to meet the needs of our people. They are even more responsible for our children and grandchildren because, to the extent of this proposal, we are not going to be asking them to pay our bills.

Mr. President, the time is now for us to adopt a principle that each generation of Americans should be prepared to pay its own bills and that we will demonstrate by example, beginning last year and continuing this year and into the future until we have accomplished that objective, that we are prepared to make the hard choices to balance our Federal budget.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, my friend from Florida says that each generation should be prepared to pay its own bills. That sounds good, and why should not one subscribe to that? I do not believe that the Senator really means that, under all circumstances, such a rule should apply. I do not presume to be able to get inside the mind and heart of the Senator, but I cannot believe that a man of his intelligence, wisdom and experience really, really believes that such a position should be inflexibly adhered to.

This Senate, with my helping to lead the fight, in 1992 by a vote of 84 to 10 passed a disaster relief bill containing $4.4 billion for the victims of Hurricanes Andrew and Iniki in Florida, Louisiana and Hawaii, as well as those of Typhoon Omar on the territory of Guam. That money was not offset. That money had to be borrowed, and it added to the deficit, just as the money that is in the bill now before the Senate, which provides relief for the victims of the California earthquake and also additional moneys for the victims of last year's floods, will be added to the deficit.

I suppose that the Senator is saying, in effect, that if we cannot pay off in our generation the money for all these disasters, then we should not appropriate the moneys. The Senator also said something to the effect that his illustrious father, was born in 1885, at a time the national debt was somewhere between $1 billion and $2 billion.

But the Senator did not go on to say that, in 1898, we fought a war with Spain over the Philippines, and that we subsequently fought World War I, World War II, the Korean war, the war in Vietnam, and the war in the Persian Gulf, all of which added to the national debt, and moreover, that we suffered a Great Depression, during which the distinguished Senator was born in 1936. I was 19 years old in 1936.

I know what we went through in that Depression. We had to borrow money to get the country off its back. Millions of people in this country were walking the streets and the back alleys looking for work, and could find none. Veterans were selling apples on the streets. Coal miners were wrapping burlap sacks around their feet to keep from freezing in the wintertime. Thousands of coal miners could not find a job. Those who worked, worked for less than $2 a day, sometimes 2 days a week, sometimes 3 days a week, sometimes none. Schoolteachers could not get their checks cashed for full value, but had to take a 20, 25 percent discount to get their checks cashed.

That was the Great Depression. I lived through it. I saw it. I knew something about it, having grown up in a coal miner's home. The Senator from Florida was just born in 1936. The Roosevelt administration had to borrow money to get the country going again. There come times when a great Government like ours has to borrow money, and anyone who believes otherwise simply is not looking the facts in the eye. This country has gone through depressions and panics and recessions and wars, and it has had to borrow money.

Let the record show that there are many reasons for the national debt's having increased from the year 1885, when it was less than $2 billion, other than just profligate spending, and, admittedly, the country has also done some of that. But the Senator from Florida voted for disaster relief for his people when they were in dire need. I voted for it and would do so again to help him. Now we have a bill before this Senate that provides relief for the victims of the California earthquake and additional relief for the people in the midwest who were stricken in the floods last year, all of which moneys will be added to the deficit. The money for Hurricane Andrew was added to the deficit. These moneys that are being appropriated in this bill as emergency items will likewise be added to the deficit.

Some will say, "Well, the Federal Government ought to balance its budget like I balance mine at my house." Well, that sounds good. But how many people have to borrow money to pay for a house? How many people are able to go into the car dealer and slap the money down on the barrel head and say, "Here is your money. Give me my car. Give me the keys." How many couples are able to get married and say, "I have my house paid for? This is my furniture; it is all paid for. I am not in debt for the television set, not in debt for the kitchen cabinets, not in debt for the gas range. Everything is money on the barrel head." How many newly married couples can say that? The average family in this country could not get along if it did not borrow money and go in debt.

Then there are those who say, "Well, the States balance their budgets."

I do not believe it. The States generally have two budgets. They function on an operating budget, most of them, and then also on a capital budget. They have to borrow money to pay for roads, veterans' bonuses, bridges, school buildings, and so on and so on.

I hope the able Senator will retire with me tonight, he in his home and me in mine, and go back and read about Jefferson and how he put the country into debt to the tune of $15 million to make the Louisiana purchase. How much would that be today? Jefferson went in debt to the tune of $15 million, and thank God he did. He saddled the taxpayers of this country beyond his own administration to pay off that debt, $15 million for the Louisiana Purchase, 827,000 square miles stretching from the Gulf of Mexico to the Canadian border and from the Mississippi River to the Rockies. How many States are included in that vast amount of territory, all of that territory for 2½ cents an acre? If Jefferson would have waited until such time as he could have paid the money down for it, he would never have gotten such a bargain and we in the United States today would not enjoy the fruits of Jefferson's wise action.

That money was borrowed. So, let us not stand up on this floor and point to Jefferson, that great man from Monticello who believed that a government was not supposed to borrow money, but should only expend such money as could be accounted for in one's own generation. Jefferson went in debt for 827,000 square miles of territory, and I thank Heaven that he did it.

I have referred to the distinguished Senator from Florida. He may wish to react to what I have said or ask me a question or have me take my seat, whatever.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Florida is recognized.

Mr. GRAHAM. I would just respond to this extent. First, as I stated in my opening remarks, I am very appreciative of the way in which this Congress, specifically the distinguished chairman of the Appropriations Committee, dealt with the crisis that we faced in Florida after Hurricane Andrew. For that I am extremely appreciative.

I do not believe, however, that the action we are proposing today is inconsistent with that statement of appreciation. In some ways, it might be considered as an appropriate response of gratitude. The some $90 billion plus that this amendment will reduce in Federal spending over the next 5 years equals and exceeds the generosity of this Congress, not only to my State as a result of hurricanes but also to States like South Carolina, Hawaii, and, today, California for the disasters that nature has directed at them.

I recognize that there are tides in the life of men and women and tides in the life of nations. There are times when a nation is faced with a major threat to its security, a war. There are times when a nation is faced with an unusual economic circumstance—the Great Depression of the 1930's—in which it must take steps in order to protect itself and its people.

Mr. President, that indicates that there must be some other times in that cycle when, to use the Biblical admonition, you have 7 years in which you can begin to store away grain for those difficult times.

Frankly, I would suggest that this period of our Nation's life, February 1994, is one of those good times. We have just received a report of surging economic growth in this country, approaching 5 percent growth in our Nation's product in the last 90 days. We do not have a great national war to face us. Our young men and women are at home engaged in peaceful activities. I think this would be a prudent time for us to begin to make a further downpayment on our economic future.

Mr. President, I admire many qualities of our chairman of the Appropriations Committee, only one of which is his enormous command of history with a sweep that begins before the Greeks and carries us to and beyond the present day. We each did draw our own lessons from what those personalities and events of history would be. I would hope that one of those lessons would be that in a time as we are today, there is an opportunity to begin to prepare to strengthen our Nation for its future, and to begin the process of rebuilding our fiscal house to face the possibility of the future storms, hurricanes, and earthquakes.

Thank you.

Mr. BYRD. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The Senator applauds the amendment that he supports. He speaks of the $90-some billion in savings that he claims would accrue from the adoption of his amendment. The Senator was not on the floor, I guess, when I blew that amendment apart by pointing out that it would do no such thing, and would result in no such savings. A good many of those alleged savings have already been captured. Some of the moneys were never appropriated that this amendment takes credit for saving.

I thank the distinguished Senator for his reference to history. But I am afraid that his amendment would not achieve the savings that it is purported to save. With all kindness, all that I can say about the amendment is that it is a phony amendment. It does not make those savings. I will not go through it again. The record has been made. I have already explained in great detail why the amendment does not do what it purports to do.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to oppose the Kerrey amendment to the supplemental appropriations bill.

This amendment makes a number of broad proposals to cut programs, reduce cost-of-living adjustments, and eliminate or reduce pay increases currently covered in law. Many of these proposals are restatements or variants of the Vice President's National Performance Review.

The proposals fall under the jurisdiction of several different committees of the Senate. The Senate has structured process under which legislative proposals are reviewed and considered. We must not, in the heat of debate on a dire emergency supplemental appropriations, approve legislation which has not had the benefit of deliberate review.

Mr. President, my colleague from Nebraska implies that one cannot oppose this amendment and support a balanced budget amendment. I disagree. I have long supported a balanced budget amendment, but I also support giving that proposal a full debate within the rules of the Senate. It seems to me that offering this amendment to the emergency supplemental appropriations bill may be viewed as an attempt to gain quick approval of a complex set of program cuts. If these cuts are sound proposals and will realize the savings described by its sponsors, then they will stand the test of review and debate in the appropriate committees of the Senate.

The Senator from Nebraska said that this proposal has been public knowledge for several months. Mr. President, there are any number of proposals floating at any given time. Some are serious efforts and others are only attempts to determine support for an idea. I have not carefully reviewed this amendment. It was not submitted to the Senate for consideration until a few hours ago.

After a quick review, I find that there are reductions to military retirement cost-of-living adjustments. Mr. President, this proposal will impose a triple hit on military retirees. This group has already seen their retirement reduced by past pay freezes and caps. Last year, we delayed their COLA's which amounts to a surtax of $2,000 to $3,000 per retiree. This amendment will further reduce the retirement benefit which these people have earned. The amendment will affect thousands of military retirees and the Armed Services Committee must have the opportunity to consider the impacts and alternatives.

Mr. President, the amendment proposes to close the Uniformed Services University of Health Sciences. This was also proposed in the National Performance Review. The Armed Services Committee is planning a hearing to examine this issue in detail. The Surgeons General of the military services all oppose closing this unique institution. I have received letters from a large number of distinguished physicians urging me to oppose any effort to close the university. These are civilian doctors, many of whom chair departments at prominent medical schools across the country. The Congressional Budget Office provided initial cost data on the university to the Vice President's National Performance Review task force. In a subsequent analysis, CBO has revised the cost data and as a result the savings to be realized are substantially reduced. So far reviews of the Uniformed Services University of the Health Sciences have ignored the less tangible benefit to the university. This military medical school is similar to our military academies in that the graduates are highly trained military medical professionals. They learn much more that just medicine, they are trained in the unique aspects of medicine in a military environment. Additionally, the university provides the Department of Defense a state of the art medical research facility which can focus on areas of concern to the military. Civilian medical research centers tend to concentrate on problems which have the potential for application to the larger civilian community. We should not close this national resource as part of a budget reduction plan without affording the Armed Services Committee the opportunity to determine the advisability of such closure.

Mr. President, I have only cited 2 of the 57 proposals in the amendment as examples. I chose these two because they fall within the jurisdiction of the Armed Services Committee where I am the ranking minority member. We should not abdicate the standing procedures of the Senate in a rush to enact budget cuts which may or may not realize the projected savings.

Mr. President, I told the Secretary of Defense and the Chairman of the Joint

Chiefs of Staff yesterday that they cannot allow their budgeteers to make decisions which may yield short-term savings but may, in fact, incur long-term cost. I think this amendment falls victim to a similar fate and I urge my colleagues to oppose the amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I would like to join my colleagues in commending the chairman of the committee for presenting to the Senate in graphic clarity the shortcomings of the Kerrey amendment.

I was especially impressed by the way he presented the case in which he demonstrated that of the $94 billion, $78 billion has already been invested, either because the funds have not been appropriated, and therefore savings cannot be made, or that funds have been reduced in other accounts. Third, they have been set aside for programs such as the crime bill or the health program.

I was also impressed by his recollection of history at the time of our founding, and that brought to mind a little footnote in history that I am constantly reminding myself of. When Gen. George Washington became President of the United States in 1789, he did so by giving up his command of the Continental Army, which at that time came to 30,000. And with 30,000 men from the 13 colonies, he was able to defeat the formidable British forces. But then when he became President, these forces returned to their homes.

The following year, he addressed the Congress of the United States and requested that funds be appropriated so that the United States could have a standing army—not a large army, but an army of less than 2,000 men—to guard our borders, to protect our shores from enemy infiltration, because the President was still concerned about the ambitions of the British. But then the Congress, as we are doing today, began debating the President's proposal; and when the dust settled, the Congress appropriated funds to pay for a Continental Army made up of 80 men—25 stationed at Pittsburgh, headquarters of the Continental Army, and 55 at West Point, to begin the military academy.

Historians now tell us that the British watched this with great surprise, that the victors suddenly dismantled themselves. So we had another war. The British felt that we were not eager to do battle, so we were faced with the War of 1812. In that war, Mr. President, I am certain you remember that this building was demolished.

I cite that to suggest that there are times when funds will have to be appropriated through borrowing. But, if I may, I would like to get back to the amendment and, if I may, I would like to address proposal No. 48: Eliminate the Uniformed Services University of The Health Sciences. According to this table, projected savings, 5 years, $300 million.

First, the CBO has not come out with any numbers. The numbers that I have seen would suggest that this is more than double what it should be.

Mr. President, in the mid-1970's, there were many in the Congress and throughout this land who were quite concerned with the condition of our military. That is when words such as "hollow army" came to be. For example, it may surprise Americans to realize this today, but during that period over one-third of our naval vessels were considered not ready for combat, not because the vessels were old and decrepit, some were brand new, Mr. President. They were not ready for combat because we did not have personnel—personnel capable of running the ships.

In recruiting, we were having a terrible time. I am certain you have heard of the five categories in the military personnel system: Category 1, the genius; category 2, the college grad; category 3, the high school grad; category 4, less than that; category 5 would be the retarded. Up until recently, we have not been able to attract volunteers into our services in which we have been able to get a multitude of categories 3 and 2, college grads and high school graduates, and less than 1 percent category 4. Admittedly, there are positions in the military where category 4 may suffice. But in the 1970's, over 30 percent of our volunteers were category 4.

Thank God we were not involved in a major war at that time, because we would have had to depend upon category 4's to stand in harm's way in our behalf, men and women who would have had difficulty reading instruction sheets and understanding what those words meant.

In the same sense, during that period a study was conducted and it was shown that we were in a very dangerous position, very simply because we did not have adequate medical support. We were not able to recruit and retain physicians. It was not that simple. The report showed that we could not go into any war because we did not have the appropriate medical personnel. How can we send men and women out into combat without medical forces? But that was a condition. As a result, we established two programs: One is the scholarship program and the other is the Uniformed Services University of Health Sciences.

In Desert Storm, 60 percent of the physicians who served our men and women there were graduates. I will just give you a set of statistics here, because recruiting and retention are very important.

The class of 1981: Retention percentage of physicians, graduates of this medical school, was 92.4 percent; 92.4 percent of the men and women who went through this school system are still in uniform—92.4 percent.

Let us take the same year for the Air Force academy, in which we spend more money than for physicians, because we need pilots. The class of 1981: 54.5 percent are still in service.

There are those who would wish to close this up, because they say that the cost of training is higher than most of the medical schools in the United States. There are 126 medical schools. Of that number, according to the calculation of those opposing this medical school, two-thirds of the 126 can do the business with less money. But, Mr. President, this is the only medical school that trains our men and women in military medicine, men and women who make military their career, men and women who serve longer than other physicians.

I commend those who go through the scholarship program, but it is estimated that only about 6 percent of those who go through the scholarship program serve until retirement.

Our studies indicate that from the medical school of the Uniformed Services University of Health Sciences, over 41 percent will serve until retirement. That is an extraordinary record. It is an extraordinary record.

Then, add to this a little item: the second and third year students of the medical school are called upon to serve at Bethesda and at Walter Reed at no additional cost to the taxpayer. Without this medical school, we would have to make that up by hiring doctors.

Yes, Mr. President, all of our medical hospitals have civilian doctors and we have to pay them twice or three times what we pay the military doctors.

Add to this another dimension: Of the 126 medical schools, only one does not receive special grants from NIH or places like that. All medical schools, those in your State and your State, receive grants from Government sources. That brings down the cost of operations.

But when you add the fact that this program has addressed very effectively the problems of recruiting and retention, that alone is a major savings to the Defense Department.

We have a career corps of men and women who are at all times ready to serve.

So, Mr. President, if you are thinking about savings, then item 48 is not a saving. You cut this out and it will add to the cost of running the Defense Department.

I could go on, Mr. President, to suggest other statistics. I will just end with one.

When you include all the graduates from day one of this Uniformed Services University, 97 percent are still in uniform—97 percent.

It may not impress you, but, Mr. President, I think we should ask ourselves how many of us are willing to tell our sons and daughters, "You should make the military your career." It is not easy, Mr. President.

After all, in Desert Storm none of us had a son or daughter in Desert Storm because 1 percent of America has stepped forward, volunteered, and told us, "We are willing to stand in harm's way for you." Now, if they are willing to stand in harm's way, then the least we can do is to provide them with the best.

All of us here in our own way support the Defense Department, even those who vote against defense spending. I watch with interest my colleagues who constantly vote against the Defense Department stand up and they would be the first to say, "Send our troops to Bosnia." "Send our troops to Somalia."

It costs money, Mr. President. In fact, we have $1.2 billion in the emergency supplemental bill that we are considering at this moment to pay for the cost of Somalia, Bosnia, Haiti, Iraq. It is not cheap.

If we want these men and women to step forward, then I say, Mr. President, the least we can do is to provide them with the best.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I have been listening to the debate most of the afternoon in my office. I commend all my colleagues. I think it has been a good discussion.

I commend the distinguished Senator from Nebraska, who I know is realistic and sincere about wanting to move forward, but I am troubled by some aspects of his amendment.

In particular, we have already voted on one-third of the savings to pay for the crime bill.

And it is not just in the crime bill. As I understand the last count, this spending cut was from seven different bills. So I think this would be the eighth.

A lot of us certainly want to cut spending—and I know the Senator from Nebraska is one and the Senator from Colorado is one and certainly other cosponsors are—but I do not believe it is realistic, because I think we are going to use that money for the crime bill. Maybe the Senator has better information.

There are a lot of things in this bill I support. In fact, I think about 19 of the provisions are identical to a bill that I will introduce tomorrow with 17 cosponsors that would cut spending by $50 billion over 5 years. There are two things that distinguish the bill that we are working on—and we hope to have bipartisan support; I would certainly ask my colleagues to take a look at it—that are different from the amendment that is pending.

We do not double or triple count the savings. It is an amendment we have worked on with Senator HUTCHISON, Senator ROTH, and others on our side. As I said, we certainly welcome colleagues on both sides. So we do not count things that have already been approved for other purposes.

It does lock in the savings for the deficit reduction. And I am not certain the pending amendment does.

Because the pending amendment fails to lock in the savings for deficit reduction, there is absolutely no guarantee that these cuts will not be used to finance spending increases elsewhere in the budget.

Finally, I think when it comes to entitlements, I think I agree with the Senator from Nebraska on part B Medicare. I have been talking about it for years. If we cannot do something about this, we cannot do much else. We should at least take a look at part B Medicare.

The President has created a bipartisan commission to study entitlements. The Senator from Nebraska will be chairman of that commission and the Senator from Missouri, Senator DANFORTH, will be vice chairman of that commission. I know that they are going to take a hard look. If it is up to Senator DANFORTH and Senator KERREY, there are going to be some very difficult choices made on entitlements.

I read today that the next generation is going to have a tax rate of 82 percent—82 percent—if you were born after 1990, I think it was. We are talking about a big, big tax bite. Who knows whether it is accurate or not. But it is 82 percent. The bottom line is we are not going to reduce that amount unless we deal with entitlements.

So I think the Senator from Nebraska and the Senator from Missouri certainly have their work cut out for them. We are prepared to move ahead with that commission.

I am not certain what will happen, but we will offer an amendment. If this amendment passes, it may not be necessary to have another amendment. But we have a supplemental amendment just to pay for this, for all the discretionary.

And we believe it is responsible. We believe it could have some broad support. It is $6.617 billion in fiscal year 1994 budgetary authority and $1.9742 billion in fiscal year 1994 discretionary outlays. We delete the emergency designation because if you pay for it, you do not need the emergency designation and it fully pays for the supplemental with spending cuts. I will be talking about that amendment later in the event this amendment should fail.

So I hope we might defeat this amendment and move on to another amendment that some of us are prepared to offer.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I say to the Senator, indeed the double accounting problem is one we footnoted. The Senator from Colorado dealt with that earlier. We included it only because it has not been enacted into law. We were not trying to hide anything from anybody. We fully disclosed that $26 billion might end up being double counted depending on what ends up happening. We indicate with our amendment, if the crime bill passes, this $26 billion will be used as we have all—or most of us have—voted earlier.

I am going to make, really, some closing statements, I hope. I think Senator LIEBERMAN wants to make some statements. Then I am prepared to go to a vote.

The distinguished senior Senator from West Virginia, the President pro tempore, is an accomplished fiddler. I have heard him and know this to be the case.

He is also an accomplished whittler. I just saw him do that to our amendment, cutting it down to size substantially, not only with the $26 billion that the Republican leader just mentioned but some other items. I would like to just take a few minutes to put a little wood back on this proposal.

First of all, I disagree with Secretary Shalala's statement that the proposals which we have, having to do with Medicare, kill all the health care proposals we have in the Senate to date. First of all, I assume the only proposal the Secretary is concerned about is the President's. So I just strongly disagree with that, because until and unless we demonstrate to the American people we have the ability to say "no," we are not going to be able to get their confidence. At least I do not see the confidence coming from the State of Nebraska.

Maybe the confidence is coming someplace else in this body, but not to me until we demonstrate that we have the capacity to say "no." We cannot provide an unlimited blank check on health care. We cannot do it. My demand, what I want right now, and what I suspect most people want, is in excess typically of what we can afford. I have to have some constraint. Right now, we have precious little. And this amendment deals with it—$30 billion.

It does not feel good; it is tough. We have had lots of people calling and writing and saying they object to those proposals and other pieces that we have, having to do with the COLA's in particular. But it is very real. As to the overhead, I think the Senator from Colorado dealt with that very effectively. The $21 billion in here is for administrative savings having to do with nonpersonnel items.

It still leaves us—let us assume we pass the crime bill, an assumption that frankly we cannot, honestly, be 100 percent certain of. But let us assume we do. It is still a $68 billion package. It still, I think, demonstrates why we have a problem with deficit reduction.

If $90 billion is the total we are able to do, I understand, in order to balance the budget—and we are going to have a big debate on the balanced budget amendment—to balance the budget takes $600 billion over 5 years. We are talking about $90 billion.

So I just say, with all due respect, this amendment is a relatively modest proposal that requires us to say "no" to people; to put some constraints and restraints on our desire to please, our desire to make people happy.

Finally, let me say, Mr. President, one of the things that is really becoming obvious to me is that we do need a debate, an honest debate about should we be borrowing money or not. I listened with great interest to the exchange between the distinguished President pro tempore and the Senator from Florida about Thomas Jefferson and the Louisiana Purchase and $15 million, I believe it was, that Thomas Jefferson laid down for that. The question was, did we get our money's worth? I will say we did. First of all, had Thomas Jefferson not purchased that, the current President of the United States would be saying "Vive la France" instead of "God bless America," since Arkansas was included in that purchase. We got a bargain, obviously.

I have 56 items to cut. I do not have the Louisiana Purchase on here. Included in my 56 items is not Hope, AR. I am not buying any real estate in these deals. I am not buying anything that I consider to be so overriding a value that I am willing to say to my children we are going to borrow money to do it.

I do not expect, as I said, given the opposition we have seen last year to Penny-Kasich and the opposition to this proposal, that this amendment is likely to pass. I hope it does, frankly. But I suspect there will be all sorts of reasons cited to have to vote against it.

One thing this amendment illustrates is we do need a changed process in the Senate. I mean this with all due respect to people who have been around here a lot longer than I have. Understand, earlier I said I wish we were not attaching this thing to the dire emergency supplemental appropriation. We are doing that because the rescission bill was merged with the dire emergency supplemental, and we are ready to vote on this thing as soon as I stop talking, and the Senator from Connecticut is to speak in closing.

But understand, when we want to supplementally appropriate money in this situation, we have an expedited procedure to do it. We move a bill to the floor and appropriate the money, as we ought to. California needs the money. But imagine if we had an expedited procedure dealing with budget cuts. If the Senate Budget Committee reported an emergency and dire supplemental cutting amendment and had us come to the floor and debate it, I think it would be a very useful exercise, a very important way for us to make spending reductions and exercise our constitutional authority and responsibility. I think we need a mechanism that permits us to come in the full Senate and debate where it is we would cut, and defend those things we think ought to be included.

The Senator from Hawaii, a great patriot in this country and a man who understands the need to keep our defenses strong in a whole range of ways, gave a very eloquent defense of a particular project that, by coincidence, the President himself has on his rescission bill. But it was a very eloquent and I must say persuasive argument for this particular item. We need that kind of debate.

The people, I think, want us to. They do not want us to come back and say: I will give you one more procedural reason why we cannot cut spending. I have no procedural reasons I will be able to cite that can stop me from appropriating money, but when it comes to spending less, I have all kinds of procedural excuses.

I as well want to pay a high compliment to the chairman of the Appropriations Committee and the ranking member. They have been very patient. They have been very forthright in what they want to do. And they have been very fair in accommodating our need to express our views.

Mr. DODD. Mr. President, I rise in opposition to this amendment.

I believe that an additional $94 billion in spending cuts, on top of the spending cuts required to comply with last year's deficit reduction package, would jeopardize our recovery.

As every resident of my State knows, the economic recovery has yet to filter down to our State and our region. This package would undermine the economic progress that other States have recently experienced, and that Connecticut dearly hopes to see soon.

Two weeks ago, Congressional Budget Office Director Robert Reischauer testified that there has been a cumulative improvement in the deficit of $670 billion for the 6-year period from 1993–98. The deficit reduction package enacted last year is the largest single reason for the dramatically improved deficit picture. An improving economy is another.

The fiscal 1995 budget submitted by President Clinton on Monday reduces discretionary spending by $7 billion below the level of outlays enacted last year. That's the first time in a quarter of a century that discretionary spending has declined below the previous year's level.

When I questioned Dr. Reischauer about the impact of additional spending cut proposals, he stated that if too ambitious a package of deficit reduction were undertaken too soon, we might very well jeopardize the kind of economic growth we are currently experiencing.

I also oppose this package because it would compromise health care reform, and in the process our long-term hopes of reducing the deficit and the national debt.

How would it do so? By using the same health care savings the Clinton administration proposes to fund health care reform for deficit reduction.

This package would take $30 billion in health care savings out of the hands of health care and use it instead to reduce the deficit.

CBO predicts that Medicare and Medicaid costs will climb steadily by 10 percent or more every year over the next 10 years—raising health care costs from 3.7 percent of GDP in 1994 to 6.3 percent in 2004.

Controlling health care spending is by far the best hope we have of reducing our long-term deficit problems. And this amendment perversely affects our ability to do so by compromising our efforts to reform our current system.

I am very pleased with the level of honesty we have witnessed over the last year on economic and budget issues. For the first time in my memory, OMB, CBO, and the blue chip financial economists are using the same economic predictors and assumptions. The administration is using no rosy economic scenarios.

Unfortunately, the same cannot be said of this amendment.

Here's the most obvious example. The largest single cut in the package—$26.7 billion—more than one-fourth of the entire package—is the same well-worn Federal work force employment cuts recommended by the President and Vice President in the National Performance Review.

The Vice President recommended a 252,000 person reduction in the Federal workforce and the administration has stated its desire to use any associated savings for deficit reduction. The administration wants to incorporate the savings from these cuts as a means to meet the spending caps required by last year's deficit reduction package.

The authors of this amendment, however, say that they are proposing an additional $94 billion in spending cuts and providing the specific cuts necessary to achieve their goal.

But, they're double counting cuts the administration recommended, and plans to use just to meet our present deficit reduction plans.

As many of my colleagues know, there is another problem with this well-worn personnel savings. While the administration proposes to use the savings accruing from their recommended personnel cuts for deficit reduction, this body voted overwhelmingly to use this money for a different purpose.

Last November, the Senate approved an amendment to the crime bill to use these same personnel savings to fund a violent crime reduction trust fund.

I received a letter from the six lead sponsors of this amendment this morning. Each of them voted to support the use of the personnel savings for the establishment of the violent crime reduction trust fund.

So what is it—deficit reduction as the administration recommends, double-counted deficit reduction as the sponsors of this amendment recommend, or crime reduction as 94 members of this body recommended by supporting the violent crime trust fund in November?

In my view, we should use the funds for a violent crime trust fund—that's why I voted for the Byrd crime amendment in November, and one of the reasons I'm voting against this amendment.

If we use the personnel cut savings for crime reduction—as I believe we should, we will need to find other spending cuts to meet the spending cuts required by the deficit reduction package. I will work with my colleagues and the administration to accomplish this goal.

I urge my colleagues to reject this amendment.

Mr. KENNEDY. Mr. President, I appreciate the concern of my colleague from Nebraska regarding the need to reduce the federal budget deficit. Reducing the deficit is a high priority for President Clinton in his fiscal year 1995 budget proposal. Nevertheless, I disagree with many provisions of this amendment, particularly the Medicare cuts, and I urge rejection of the amendment.

The Kerrey plan contains three Medicare proposals, all similar to proposals in the President's Health Security Act. The three Medicare proposals include a coinsurance on clinical laboratory services, a coinsurance on home health services, and means-testing of Medicare Part B premiums.

These Medicare reductions are proposed outside the context of comprehensive health reform. It would be unwise to adopt this approach to Medicare in the midst of our concerted effort to achieve comprehensive health reform. Such reform that is urgently needed to provide Americans with the health security they need and deserve.

The $31 billion in proposed Medicare savings in the Kerrey-Brown plan is almost one third of the total savings in the proposal. If these savings are taken now, it will be more difficult to finance any significant health reform without broad-based tax increases or even deeper cuts in Medicare.

It is not only the President's Health Reform Plan that stands to lose if these savings are taken now. A number of other health reform proposals now before the Senate call for savings from almost identical Medicare cuts.

In large part, it is health care spending that is driving the Federal deficit. That spending spiral can only be controlled through fundamental change in both the private and public health care sectors. Tightening government spending without simultaneous reforms in the private market will only increase cost-shifting to the private sector and create new problems for the millions of elderly Americans who depend on Medicare for health care.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment introduced by my friend and colleague from Nebraska and my friend and colleague from Colorado. I do so after having spent a lot of time over the last several months working with them and other Members of this body from both parties, focused on this question of how we can reduce the Federal deficit.

A number of us feel that while the budget plan passed by Congress last August achieved some deficit reduction, some spending cuts, there was a lot more that we could do before we could rest and say we had worked as hard as we could to bring this Federal Government back into fiscal balance.

A lot has happened since then, since last summer. Here we are in February of 1994. I must say that pushing forward efforts to further reduce the deficit, may seem counterintuitive; these efforts may seem out of sync; they may seem to be going against the current. Because, after all, people can say, and correctly so, the Federal deficit projections are way down: more than $100 billion below what had been projected for this coming fiscal year, fiscal year 1995. The budget the President submitted just a few days ago has a projection of a $176 billion deficit.

The President has made some tough decisions in that budget. I commend him for it. He made some choices. He has a proactive program of investment in our future, creating jobs, and helping to support the less advantaged children in this country. And he did not do what many before him have done, which is to simply add those expenditures onto everything else. He made choices. As a result of the budget bill we passed last summer, and he had to cut in some areas to come up with the funds to support those choices and still stay under the budget caps we had set.

Today, we are considering an emergency supplemental bill. This bill also contains about $3.4 billion in rescissions. Those of us who support additional cuts in the budget felt that amending this rescission bill was truly the most appropriate vehicle on which to offer our additional cuts.

Why do we go forward? Mr. President, we go forward because there is a lot more to do before we can rest. There is an old expression, the day is short and there is much work to be done, and, boy, is that ever true when it comes to the deficit.

Go home to your folks—I have done it in Connecticut—and tell them that things are moving in the right direction when it comes to the deficit, but do not anybody expect a round of applause when you say to the people of America: "Our deficit next year, if all goes well, is only going to be $176 billion." That is a lot of money that we owe. What is more, it is not just we who owe it today. It is our kids and our grandkids who are going to pay.

There have been a couple of references on the floor today to a table that appears in the President's budget. This table estimates the impact of Federal deficits on our children and grandchildren. It is astounding. The most modest estimates say that when the kids grow up, they are going to be spending 50 percent of their earnings paying taxes, a lot of it having to do with interest on the Federal deficit.

One estimate, as the Republican leader said a while ago, goes as high as 82 percent of their income. That is irresponsible. We got into this hole—and it is a deep national hole. It saps our national strength and deprives us of the ability to meet some of the pressing needs that we have today. You do not need to be a Nobel Prize-winning economist to figure out how we got here. We got here because we spent more than we were taking in.

There are only two ways to get out of the hole: One is to raise taxes, and the other is to cut spending. Last year we raised taxes, substantial taxes, on those who make the most in this country. I certainly do not want to raise any more taxes. I see how hard people are working in this country. I see hard-working husbands and wives working hard at two and three jobs just to make enough to make ends meet, just enough to be able to pay the mortgage, just enough to send their kids to college, just enough to afford health care. I do not want to take any more from them in increased taxes. It is not fair; it is not right.

So the only reasonable alternative that we have now to deal with this enormous Federal debt is to cut spending.

I have been here for about 5 years now, Mr. President. It does not take long to figure out that we have created a monster in the Federal Government. It does a lot of good things, but it is enormous: A budget of $1.5 trillion—it is hard to imagine that amount of money. It is hard to imagine a billion dollars. It is hard for some to imagine a million dollars. But $1.5 trillion? How can we achieve any comfort about our ability to manage the expenditure of that amount of money?

I am privileged to serve on the Governmental Affairs Committee of this

Senate. We worked hard on Government oversight, we worked hard to get people out there—inspectors general, chief financial officers—to go over Federal expenditures to make sure that we are eliminating waste, fraud and abuse, but there is a lot of work yet to be done. That is what this amendment represents: The result of months of effort by the Members of this Chamber of both parties and their staffs who worked with, I think, real commitment to see whether we could find some more in the way of cuts to further reduce the Federal deficit, knowing that our work is not done.

We have come up with this package. It is $94 billion. It is real and it is up front. We have been criticized for using money we spent in the crime bill—$26 billion used in the crime bill, but the crime bill is not passed. We said right here very clearly that if the crime bill passes, take it out. Let us reduce $94 billion to $68 billion. That is a pretty significant accomplishment right there.

Look down these, one after another. We have gone over every agency. We whittled away. We made hard choices. Frankly, there are things in here I wish I did not have to support cutting. But unless each of us accepts some cuts that we do not like, we will never get this problem under control. We cannot afford to keep adding new ideas and programs without looking carefully to see which ideas and programs we can do without.

We have gone over in some detail—and I challenge my colleagues to take a look at the detail—we have made some tough cuts here and we have begun with ourselves, beginning with our own salaries, beginning with our own retirement plans, beginning with our legislative appropriations, beginning with our mailing privileges. We have cut all that. We have asked some of public employees here. We have changed some of the rules in the future for new hires as to when they receive COLA's, at what age. We have cut unnecessary programs.

I must say, in response to my distinguished friend from Hawaii and the Senator from South Carolina, these cuts are very light on defense and they are because the defense budget has been dramatically cut in recent years, to the point where I worry about our ability to protect our national security in the years ahead. You are not going to find any irresponsible defense cuts in this package.

Mr. President, $94 billion. We hear a lot from our constituents about the balanced budget amendment. I have previously been reluctant about the balanced budget amendment. But unless we prove that we can make cuts like the ones that are in this amendment—the balanced budget amendment, blunt an instrument as it is, begins to look like an alternative that we have to consider.

So I hope our colleagues will look at this bill. I appreciate what my friend from Nebraska has said about the process here. We do need a dire emergency spending cut proposal, just as we have this dire emergency supplemental appropriations bill. The truth is our deficit is a dire emergency.

The Senator from Nebraska and I last year actually put together a proposal which would have created a base closure-type commission process for cutting Federal programs based on the theory which too often is proven real around here: That every program has a constituency once it exists and every constituency finds its way to Congress. So it is tough to cut any program. It is part of the reason why we created the base closure model. Every base has a constituency and every base exists in somebody's district.

So the Senator from Nebraska and I made a proposal: Let us create a commission with outside experts. Let them go through the Federal Government and decide what should be cut, make its recommendations to the committees of Congress and then bring it before us on an up-or-down, take-it-or-leave-it vote.

Maybe that amounted to a dire emergency spending cut proposal, but it did not make its way very far through the process here, I am afraid. It got whittled down. There is a shell of that proposal that actually sits on the Senate calendar as a way to possibly accelerate our handling of the recommendations of the National Performance Review.

So, Mr. President, I guess I will say this finally. I am not sure this amendment will be adopted, but I am proud to have been part of the effort that led to it. I hope our colleagues will take it as the serious proposal that it is. I am confident that a lot of the parts of this amendment, while they may not be adopted on this floor, are going to come back and be adopted. And that is the way it ought to be. I hope that our colleagues will also take it as a statement by this group, this small group, of deficit warriors that we are going to keep working, and we are going to keep trying to find additional ways to cut spending. We are going to continue our work to bring credible, responsible cuts to the Senate floor. We are making some progress on deficit reduction, but in the interests of our children and grandchildren, let alone the health of our economy and country today, we have a long way to go before we rest. That is what this amendment, its 56 components, which are real, and the $94 billion in cuts that it contains, represents.

Mr. President, I ask that when the votes are taken, they be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. I thank the Chair and yield the floor.

AMENDMENT NO. 1441

(Purpose: To rescind funds provided in P.L. 103–139)

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I send an amendment to the desk in the form of a substitute for the pending amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 1441.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . Of the funds provided in P.L. 103–139 to the Department of Defense, $18,620,000,000 is rescinded only from Title III and Title IV: Provided, that none of the funds provided in this or any other Act shall be available for research, development, testing and evaluation or procurement of the F–22 aircraft program, the F–18 aircraft program, the C–17 aircraft program, the JSTARS aircraft program, the Comanche helicopter program, the DDG–51 ship program, the CVN–76 program, the TRIDENT II D–5 missile program, the Ballistic Missile Defense program, the New Attack Submarine program, and the B–2 aircraft program.".

Mr. HATFIELD. Mr. President, first I would like to commend the leadership of Senator KERREY and Senator BROWN and their associates for raising this issue, because I do not believe that we can ever overdebate or overdiscuss the spending priorities of this country.

Mr. President, as I listened to some of the explanations on the floor about the deficit and how to conquer the deficit, I am reminded of the Reagan years. I used to be invited, as chairman of the Appropriations Committee, down to the White House with the Republican leadership and often with the bipartisan leadership, and we would discuss the various problems relating to the deficit, because the President of the United States, Mr. Reagan, had run on a ticket of reducing the deficit and getting control of the deficit. And that was sort of the Republican gospel at that time, in 1980.

But in every one of those meetings, when we got into the President's budget and his proposals to increase military spending, which was one of the highest increases in modern history—perhaps our entire history—when we got that linked back to the deficit, there was sort of an attitude or a viewpoint that it was only the nonmilitary, nondefense discretionary spending that created the deficit.

Therefore, the full focus of trying to reduce the deficit was on the proposals made by the Reagan administration to abolish the Department of Education, to abolish the department of environment and energy, and all these others that had to do with programs that were of lesser priority. It was to abolish programs relating to education, to abolish programs relating to transportation, and all of the human focus programs because that was what was causing the deficit, the nonmilitary, nondefense discretionary spending. The whole focus of the Reagan administration was on escalating the military, diminishing the nonmilitary discretionary funding.

Now, today, it is interesting that in this pending amendment that I have substituted, look at the items listed in this amendment. We are going to reduce the number of dollars spent for public television, the matter of veterans' medical care, cuts in legal aid to the poor, public library construction, on and on—nonmilitary, nondefense discretionary spending programs, again the Reagan philosophy. That is sort of deja vu.

One item in the 050, military spending, has to do—and that is in the Subcommittee on Energy and Water, not the Defense Subcommittee—with reducing the defense environmental cleanup.

Now, maybe because I come from a State that has a strong tradition of environmental concerns and values, and because I come from a State that borders on the worst mess that we have in this whole country, namely Hanford, we are vitally concerned about cleanup, environmental cleanup of toxic materials. And the one even closely related to the military in my view is the wrong cut to make in this matter of defense environmental cleanup.

Now, Mr. President, let us get a baseline of comparison for what we are really proposing to do. First of all, let us look at the allocations by categories in our current fiscal year and the first full year of the Clinton budget: 17.8 percent of this is allocated for defense purposes; 16.5 for nondefense discretionary; 50.3 percent for mandatory spending, entitlements primarily; 14 percent for net interest on the debt; about 1.4 percent for international, which includes foreign aid and the conduct of foreign relations.

So, in effect, what we see here is one of the smallest of the baselines being given the full focus on reducing Federal spending.

I am not saying that there are not programs in the nondefense discretionary area that we could not cut. I could enumerate a number of the jobs programs we could abolish or consolidate. I had a study made by the GSA recently of the overlapping, duplicating of veterans' programs and job training programs. It is phenomenal what we do in duplication for the same constituency, providing similar programs.

This administration has also suggested that we consolidate some of those educational programs. It is not a question of either/or. It is a question of where we gain a balance in terms of our long term and our short term. I feel that some of these programs that are being reduced in this particular effort to reduce spending, even though they are exclusively in the nondefense, nonmilitary area, are investments for the long term, the long range, the long view.

I think also, Mr. President, we have to understand that in our current military budget spending, even though it has been coming down from the high Reagan years, we are still in a defense posture and a military strategy of carrying on two wars simultaneously, at the same time having a reserve behind that ability to carry on two simultaneous wars. The strategy is still based upon the existence of the Soviet Union, the threat, the competition of the Soviet Union.

To further illustrate this, Mr. President, let me take figures from a chart here from the Institute for International and Strategic Studies. Let me just read the national military budgets of nations of our world today. I will not read all the statistics, but I wish to place this in the RECORD with unanimous consent to do so at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY BUDGETS OF MAJOR ALLIES, PARTNERS

[1993 figures, in billions of dollars]

Country	Defense budget
Japan	39.7
France	35.8
United Kingdom	35.2
Germany	31.2
Russia	29.1
Italy	16.5
Canada	9.6
Netherlands	7.3
Spain	6.5
Turkey	5.0
Greece	4.4
Norway	3.3
Belgium	3.0
Denmark	2.2
Portugal	1.5
Luxembourg	0.1
Iceland	0.0
Total	230.4
United States—fiscal year 1995	263.7

Source: The Military Balance, 1993–1994, Institute for International and Strategic Studies.

Mr. HATFIELD. Mr. President, if you took Japan, France, United Kingdom, Germany, Russia, Italy, Canada, the Netherlands, Spain, Turkey, Greece, Norway, Belgium, Denmark, Portugal, Luxembourg, Iceland, the total of all those countries' defense spending is $230 billion.

We are looking at, for fiscal year 1995 in the United States, $263 billion. I think it has to be clearly seen in this statistic that we are carrying a global burden, a global leadership. I am not suggesting we bury our head in the sand and resort to isolationism. But can we not legitimately say in effect more of our Western allies, more of the NATO countries, more of the world, should carry whatever military requirements we have for stabilizing the world?

Seventeen countries, and $230 billion, and these are in order. It starts with Japan, number one, $39.7 billion, and it goes down to Luxembourg with $100 million.

But the point is that it includes the world, major expenditures of the world. Yet, we are spending almost $30 billion more than the aggregate of those 16 or 17 countries.

It seems to me again that I am not suggesting that we are going to cut out all military spending. What I am suggesting in this amendment is that we rescind, in this fiscal year 1994 budget, $18.62 billion.

That $18.62 billion, what I am suggesting that we rescind, because it has an immediate impact of saving $18 billion in this fiscal year 1994, if you want to project out to the 5 years to parallel the Kerrey-Brown amendment, it will raise to $96 billion, just about the same figure they are proposing to save, $94 billion. This amendment as a substitute is to propose to save $96 billion. What do we rescind both today, in terms of our commitments in 1994, and for the 5-year outlay paralleling the two amendments? The B–2, the F–22, the C–17, Jay Stars, Trident II, the D–5 missile, the destroyer *51*, the aircraft carrier *76*, the new attack submarine *F–18*, Comanche helicopter, and ballistic missile defense.

I again want to point out that we have much military. I am not abolishing the whole military budget. I am taking those highly sophisticated weapons that were devised and designed at the time the Soviet Union was a major threat to the peace of the world and to the United States. Those geopolitics have been totally changed. We should update our military posture and strategy in the world of today, not the world of the Soviet Union and the bipolarization of communism or the American system of democracy or other Western powers.

So it is that when we look at the way we reduce the deficit, this is not an argument between the Senators from Nebraska and Colorado and their associates and me or my view as to cutting Government spending. That is not at issue. What is at issue is what are your priorities? And we have a very clear listing of the priorities that have been created by this amendment. And I respect those priorities. I may not agree with them, but it is the right of any Senator to have his or her priorities. My substitute is simply another set of priorities that I have.

I think it also illustrates that probably if we went around this body, we would have 100 different sets of priorities, at least in part. I see the Senator from Minnesota. I am sure that he and I would have closer priorities maybe than some other Senators. But, nevertheless, we would probably have our differences even as we sought to find ways to cut Government spending.

So we are talking about priorities. I do not think that any of us can do other than understand the simple fact that whatever our priorities may be, whatever we support, Federal spending, all of those spending programs, add to the aggregate deficit. The Bonneville Power Administration: Whenever we put money into that budget, it represents, when you look at the totality of the budget, an added dollar to the Federal deficit.

I think it is very interesting. A while ago, the Senator from Nebraska and the Senator from Florida were talking as supporters of this piece of legislation. I thought to myself, we were all three former Governors. And I have recollections that when the Senator from Nebraska, Mr. KERREY, was the Governor of Nebraska, and the Senator from Florida, Mr. GRAHAM, was the Governor of Florida, that we would receive resolutions and visitations from the National Governors Conference. Most generally, those Governors conferences were asking the Federal Government to help them and support them in fighting crime, in highway construction, in building the infrastructure—all of these things that are fundamental not only to those individual States, but collectively to the Union, to the Federal system.

So they were asking for those moneys to be appropriated by the Federal Government for those State efforts or those State programs.

I happen to be one of the few Senators that voted against revenue sharing proposed by President Nixon because my view was by making the Governors go through the back window to the Federal Treasury, from the standpoint that you separate the tax collecting responsibilities from the tax spending responsibilities, that you have not strengthened federalism, you have weakened federalism because you make the States more dependent upon the central Government. That is another story; that was another day.

I am only saying that there are many requests we have from States today to help support the programs at the State level.

I supported those appropriations to those disasters to Florida and to the Midwestern States, including States that are represented by Members of this body today. And I would do it again. But let us not forget that every dollar we appropriate for a disaster under an emergency clause adds to the Federal deficit. But the priority we placed on that of saving lives and helping people who have been victimized is a high priority. So, again, I focus on the point of priorities.

Is it impossible to ever get a collective judgment, a consensus of where we should reduce governmental spending? Of course, we can. I can remember, Mr. President, when we got the consensus on the Persian Gulf war. Is it not amazing how we can get consensus to fight wars and we struggle oftentimes with consensus to deal with those issues at home that involve peace?

Nevertheless, 99 Senators out of 100 voted for a war resolution in the Persian Gulf. We had two choices. Mr. Bush and the Republican resolution had a date specific to go to war. The Democrats proposed a resolution that did not have a date specific, but only under certain contingencies and conditions.

Interestingly, as that war evolved, we could have gone to war sooner under the Democrat resolution than under the President's and the Republican resolution; 99 consensus votes. And I think that we, in good faith and common purpose of judgment, could fashion this through the systems of our committees. And even though it may appear difficult, sometimes discouraging, the Senator from West Virginia, the chairman of the Appropriations Committee, already outlined how we have been reducing that spending out of the combination of budget resolutions and restraints and restrictions that we put on ourselves in the Appropriations Committee.

But when you look at this amendment that involves revision of taxes, changes of formulas, and all of the magnitude of actions that are truly legislation on appropriations—but again, is that not one of those things noted more by the breach than the observance? I am always amused at the times when people talk about the Appropriations Committee intervening.

But, again, I repeat, that so often we have been asked to do so because the authorizing committees have not done so. I think that is part of the accommodation of this body, one I would not want to change. We should be collaborative. When the Senator from New Mexico was chairman of the Budget Committee and I was chairman of the Appropriations Committee, we often went toe to toe. I have no better friend in the Senate than the Senator from New Mexico, but we worked out things that elevated the velocity of our words, and sometimes with what people might have seen as antagonism—but not really. So I think we have just proven it between the Budget Committee and Appropriations Committee. We can move together in concert, and I think this body can, too.

I support this whole goal set forth by this amendment. I believe it is a worthy goal and one we all subscribe to. I think the question is one of priority and process.

I yield the floor.

Mr. BYRD. Mr. President, I see my friend from Minnesota standing. Did he wish to have the floor?

Mr. WELLSTONE. Mr. President, I would appreciate probably 5 or 10 minutes at most to make a few observations about some of what I heard on the floor and also regarding the remarks of the Senator from Oregon.

Mr. BYRD. Mr. President, shortly, I hope to yield to the distinguished Senator from Minnesota for that purpose.

For the moment I have a parliamentary inquiry. What is the amendment now pending before the Senate?

The PRESIDING OFFICER. Hatfield amendment No. 1441 is the pending business.

Mr. BYRD. Further parliamentary inquiry. Is that a substitute amendment for the amendment by Senators KERREY, BROWN, and others?

The PRESIDING OFFICER. The Senator is correct. It is a substitute amendment.

Mr. BYRD. Therefore, the Hatfield amendment is an amendment in the second degree?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I shall shortly move to table the underlying amendment by Senators KERREY and BROWN. The tabling of that amendment would carry with it the second-degree amendment, the substitute amendment by Mr. HATFIELD; am I correct?

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD. Mr. President, I understand that Senators on both sides representing the leadership have been called to the White House and will not be back in the Senate before 6:30. I, therefore, make the following unanimous-consent request:

I ask unanimous consent that the pending bill and the amendments by Senators KERREY and BROWN in the first degree and the amendment by Senator HATFIELD in the second degree remain in status quo until the hour of 6:30 p.m.; that no other amendments be in order; and that at the hour of 6:30 p.m. there be 15 minutes for debate, 5 minutes to the distinguished Senators, Messrs. KERREY and BROWN; 5 minutes to the distinguished Senator from Oregon, [Mr. HATFIELD]; and 5 minutes retaining for myself; and upon the expiration of the 15 minutes that I have alluded to, the vote then occur on the motion to table, which I will make before taking my seat.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. Mr. President, reserving the right to object.

Mr. BROWN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I yield to Senator BROWN, who reserves the right to object.

Mr. BROWN. Mr. President, if the Senator will allow, my impression is that the Hatfield amendment is a serious amendment. I know it is heartfelt and would have significant budget impact in terms of savings.

My own hope is that the distinguished Senator might consider allowing the distinguished ranking member a separate vote on his amendment so it would not be confused in terms of the amendment offered by Senator KERREY and 11 other Senators. I wonder if the distinguished Senator would consider two motions, one to table the Hatfield amendment and one to table the Kerrey amendment. By going with those two votes, of course, which could be stacked, it would allow Members to express their individual feelings on the measures, which are significantly different.

Mr. BYRD. I respond to the distinguished Senator by saying, no, I would move to table the underlying amendment, which would carry with it the Hatfield amendment.

Mr. BROWN. I appreciate the Senator considering it, even though the results are not what I hoped for.

The PRESIDING OFFICER. Is there objection to the request?

Mr. D'AMATO. Mr. President, reserving the right to object, if I might make inquiry of the distinguished Senator from West Virginia. I understand what the Senator's intent is. It seems to me that that might leave a window for approximately 1 hour. I am wondering if the Senator might, therefore, amend his request to permit for the laying aside of those amendments so other amendments at least could be put forth.

I have another amendment I would like to put forth, rather than waiting until possibly 7 o'clock, and I may or may not even get an opportunity at that time. And we could have a vote on that at any other time thereafter.

Mr. BYRD. Mr. President, the Senator has a right to call up another amendment.

In responding to the Senator, may I ask a question of him? Does his amendment pertain either to the Kerrey-Brown amendment or to the Hatfield amendment?

Mr. D'AMATO. No, it does not. That is why I say it could be heard independently and voted on at some other time. I did not think the Senator wanted to preclude others but rather wanted to keep the business going. So that would be my only objection.

Could the Senator provide for an opportunity then to lay aside the amendments so other amendments could be heard?

Mr. BYRD. Mr. President, I add to my unanimous consent request a provision that the pending amendments by Senators KERREY and BROWN and HATFIELD be temporarily laid aside so that other amendments may be introduced in the meantime.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. BYRD. That is all right. I yield. The Senator reserves the right to object.

Mr. KERREY. I ask the distinguished President pro tempore, by combining this tabling motion, we are essentially voting on both the amendment of the Senator from Oregon and the amendment offered by 11 others, is that correct?

Mr. BYRD. The Senator is correct.

Mr. KERREY. I respectfully object.

Mr. BYRD. I hope the Senator will not object because the Senator well knows I have the strength to stand on my feet and lungs to have the capacity of carrying on for another hour, if necessary.

I intend to make the motion to table, and I do not want to vote on that motion at the present time because I want to accommodate the leaders on both sides who have been called down to the White House and cannot return until 6:30. I want to protect them.

May I say to the distinguished Senator, he really accomplishes nothing by making an objection. I could move to table now and put the Senate into a quorum. I can do various things that will keep us here until 6:30, and there will not be a vote. In the meantime, the Senator from New York will not have an opportunity to call up his amendment. We are simply delaying action on this very important bill, and we must complete action on this bill this evening in order to go to conference tomorrow, in order to bring back a conference report tomorrow night or Friday, in order to fully act on those conference reports in both Houses, in order that the bill may go to the President for his signature by Friday.

Mr. KERREY. Mr. President, again reserving the right to object, if the Senator will yield for a question.

Mr. BYRD. I yield for a question.

Mr. KERREY. I appreciate that the rules allow this procedure to occur, and not wanting to delay the supplemental is unquestionably something that affects my judgment to object. But does the Senator believe that 11 to 18 Members who have worked since last August to prepare this amendment, hundreds of hours in meetings in good faith, trying to come to an agreement, not with any effort to hide from anyone what we were doing—in fact, we have had meetings with the leadership on both sides, describing what we are doing. Is there an element of fairness? I know the distinguished President pro tempore is someone who is guided very often by the question of fairness.

Does it seem fair that a substitute amendment will essentially cloud the vote? There will be many Members that will come and will vote on this saying "no" and not cite their opposition to the underlying amendment. They will cite their opposition instead to the amendment of the distinguished Senator from Oregon and thus it is going to be difficult, it seems to me, for the American people to judge where in fact the cards lie.

I am appealing to the fairness, which is legendary, of the distinguished President pro tempore. We have worked long and hard. We have disclosed what we are doing. It seems to me, in fairness, we should have an opportunity to get some fairly direct up or down vote on this amendment.

Mr. BYRD. Mr. President, on the question of fairness, this Senator spent most of the afternoon listening to the arguments of the authors of the amendment. It is not a question of fairness.

This rule on the motion to table has been incorporated in the Senate rules for 200 years, and prior to that in the various colonial legislatures and prior to that in the Parliament of England. That rule has been available a long time.

As one who has had to use the rules here many times, as the majority leader and as minority leader and as the majority leader again, I am very familiar with the fact that an amendment in the first degree is open to an amendment in the second degree.

I am also very familiar with the fact that a motion to table the amendment in the first degree is perfectly fair. It is within the rules and it carries with it the amendment in the second degree. That is my full intention, to have the Senate vote to table both amendments at the same time.

I have no compunctions about fairness. I will go home with a clear conscience tonight. The Senator from Nebraska knows the rules. Every person is assumed to know the law, and all Senators are assumed to know the rules around here. There is no rule that says, in fairness, one should not move to table the amendment in the first degree. I have never heard that. I have been in the Senate now 36 years, and I have never heard that one sprung on me.

But I must say that I plead my case before the bar of Senatorial opinion and that is I am being fair. I am using the rules. I know what I am doing.

So I will either move now and talk until 6:30 on other matters or have a quorum call and we will not get to call up the amendment by the Senator from New York.

If it were a question of fairness, may I say to the Senator, if it were a question of fairness, the Senator from Nebraska would have no problem with this. It is not a question of fairness.

Sometimes we bend over a little bit too much around here to accommodate

Senators. Their comes a time when a fellow who crawls into the ring with the champ, if it is Mr. Bowe or whoever it is, he has to take his chances with same gloves that Mr. Bowe uses. And that is where we are now. We are in the ring.

Mr. KERREY. I appreciate the response of the distinguished President pro tempore.

I am not asking for the judgment of the Senate to reach a conclusion that I know the rules as well as the distinguished President pro tempore. That is obviously not the case.

But, I would ask, with great respect, if it would be agreeable to allow perhaps an additional 5 minutes for those of us who would like to make the final case to speak on that at 6:30.

Mr. BYRD. Mr. President, I revise my request to provide that those who support the amendment in the first degree may have 10 minutes, 15 minutes?

Mr. KERREY. Ten would be fine.

Mr. BYRD. Ten minutes beginning at the hour of 6:30; that the distinguished Senator from Oregon [Mr. HATFIELD] have 5 minutes at that time; that I have not to exceed 10 minutes, following the other Senators; that the vote then occur on the motion to table the underlying first-degree amendment; that meanwhile, the amendments retain their status quo; and that they be temporarily set aside to allow other Senators to offer amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I now make a motion to table in accordance with the statement I made earlier and in accordance with the order that has been entered.

The PRESIDING OFFICER. Under the previous order, the motion to table has now been made and the amendments are temporarily laid aside until the hour of 6:30.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1442

(Purpose: To extend the RTC Civil Statute of Limitations)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1442.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . EXTENSION OF RTC CIVIL STATUTE OF LIMITATIONS.

Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on the date the Corporation is terminated pursuant to section 21A(m)(1); or".

Mr. D'AMATO. Mr. President, I have been coming to the floor of the Senate now every day since it became apparent to me that the Whitewater/Madison situation was reaching a critical point. It is now February 9, with the statute of limitations running out on February 28.

Now we lose another day. We still have not received any meaningful response. We can mark off Wednesday, February 9. We are now down to 19 days, and the stonewalling tactics of the RTC, the four-corner stall, seems to be working.

More importantly, it becomes more obvious today that there is an increasing need to see to it that the statute of limitations, as it relates to this matter, should be tolled. And yet, we are not advised by the RTC that that is the case.

Mr. President, I read today the headlines of the Washington Times—if the allegations made hold-up, it will prove to be a very disturbing revelation.

I ask unanimous consent that the text of this article be printed in RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 9, 1994]

ROSE FIRM SHREDS WHITEWATER RECORDS

(By Jerry Seper)

Little Rock's Rose Law Firm—where first lady Hillary Rodham Clinton, Associate Attorney General Webster L. Hubbell and former White House Deputy Counsel Vincent W. Foster Jr., were partners before they came to Washington—last week shredded Whitewater Development Corp. records held in its possession, The Washington Times has learned.

The records, according to an employee of the firm, included documents showing President and Mrs. Clinton's involvement, along with partners James B. McDougal and his then-wife, Susan, in the north Arkansas real estate venture now under federal investigation.

Special counsel Robert B. Fiske Jr., appointed Jan. 20 by Attorney General Janet Reno, is looking into allegations that Mr. McDougal, former owner of Madison Guaranty Savings and Loan Association, illegally manipulated S&L loans and improperly diverted money to several powerful Arkansas politicians, including Gov. Clinton.

Mr. Foster, whose body was found July 20 in a Virginia park in what federal authorities said was a suicide, was the Clintons' personal lawyer and represented the couple for the Rose firm in the Whitewater matter.

"There's absolutely no doubt that the records destroyed last Thursday were those the firm had on Whitewater," said the employee, who asked not to be named. "There were a lot of papers, and the process took quite a long time.

"A bunch of the stuff was there to be read, and it was felt that this could be very bad," the employee said.

A second Rose employee who took part in the shredding declined comment. In a telephone interview, he would not say if he had shredded Whitewater documents or witnessed their destruction, but he declined to say the incident had not occurred.

"I'm not going to comment," said the employee, who earlier had confided to friends that the shredding had taken place and that he was "scared to death" about it.

"I'm not going to say anything about what happened. I would just prefer not to say anything about this at all."

A friend of this employee, who also requested anonymity, confirmed the conversation in which the employee said he was frightened. She said she was told there was concern at the firm about what had happened and anxiety over the possibility that employees could be fired because the matter had become known to The Washington Times.

Ronald M. Clark, managing partner at the Rose firm, did not return telephone calls to his office yesterday seeking comment about the destruction of the documents.

It's not clear whether the shredding violated state or federal laws, but a high-ranking Justice Department prosecutor in an earlier administration said that under certain interpretations of federal law, the shredding could be considered obstruction of justice.

"This is outrageous," he said. "If what happened was not illegal, and there is a question about that, then it certainly was highly unethical."

An officer of the FBI describes it as a "curious thing to do at this point," particularly since the Rose firm had to be aware that Whitewater was part of an ongoing federal probe.

"It certainly is no secret Whitewater is under investigation—it's been on the front page every day," he said. "Maybe they have taken the position that it's privileged information and want to protect their client.

"But if they shredded the records with the intent of preventing their discovery, that might be a different thing."

Others recalled that shredding documents during his tenure at the National Security Council proved costly to Marine Lt. Col. Oliver North. He was convicted in May 1989 and sentenced to two years' probation, 1,200 hours of community service and a $150,000 fine. The sentence was overturned on appeal in July 1990 by a federal appeals court.

The Fiske inquiry includes a review of money said to have been funneled by Madison to the Whitewater project, including a $300,000 Small Business Administration loan obtained by Mrs. McDougal.

David L. Hale, a former Little Rock municipal judge now under indictment on unrelated SBA fraud charges, said Mr. Clinton, then the governor, and Mr. McDougal pressured him to authorize the loan. About $110,000 of it eventually found its way into the Whitewater account.

Mr. McDougal has denied any wrongdoing.

Federal authorities have said the Clintons are not "targets" of the Whitewater-Madison probe, although Mr. Fiske has said he intends to question both of them under oath. They also have denied any improprieties.

It was not clear which specific Whitewater documents would have been kept by the Rose firm, but Mr. Foster personally handled the Whitewater matter for the Clintons, including:

The December sale of the couple's half-share of Whitewater.

Mr. Foster met with Mr. McDougal in November 1992 to sell the couple's partnership interests for $1,000 and later arranged for it to be taken as a capital gain on the Clinton's personal tax return.

Whitewater's failure to file corporate income tax records for a three-year period.

The omission was discovered after Mr. Foster met with Mr. McDougal to execute the Whitewater sale. In December 1992, Mr. Foster filed corporate tax returns for the Clintons claiming Whitewater had earned no income.

Mr. Foster also was responsible for the establishment of a blind trust for the Clintons' assets to satisfy ethical concerns about the couple's personal business deals. The task was not accomplished until six months after Mr. Clinton took office—and three days before Mr. Foster's death.

The Fiske investigation will include a review of the Foster suicide. Whitewater documents were secretly taken from his office by White House officials after his body was found.

Last month, after The Washington Times reported that records had been removed from Mr. Foster's office, the White House turned over to the Justice Department 10 boxes of what it said were Whitewater documents. The delivery came in response to a federal grand jury subpoena the White House had negotiated with the Justice Department to keep the documents sealed from public view.

It was not clear whether other records held by the Rose firm pertaining to the Clintons had also been shredded.

Several federal law enforcement authorities have been concerned about a possible conflict of interest involving Mrs. Clinton's ties to an investment group and about a stock partnership involving Mr. Foster and Mr. Hubbell.

Specifically, these concerns involve:

Value Partners, an investment group that "sold short" on several health care stocks after the Clintons moved into the White House.

By the time of the sale, Mrs. Clinton had actively taken charge of the president's health care task force. Selling short is the practice of selling shares not held for future delivery in anticipation of buying the shares later at a reduced price.

In December 1992, Value Partners had $1.2 million invested in 10 health care stocks, or about 13 percent of its total portfolio. The conflict focused on allegations that, as the head of the health care task force, Mrs. Clinton's public statements about health care and price controls depressed the price of shares in health care stocks, making the shares available at a reduced price.

Midlife Investors, a partnership set up in 1983 by Roy P. Drew, a broker working at the time at the E.F. Hutton office in Little Rock.

According to the Clintons' joint tax returns, Mrs. Clinton was a partner in Midlife from 1983 until at least the end of 1991. The address listed for the partnership is the Rose firm.

Mrs. Clinton, Mr. Hubbell and Mr. Foster each put up $15,000 naming the others—not their spouses—as beneficiaries.

The Clintons' tax returns show the partnership never yielded much taxable dividend income, a finding that surprised Mr. Drew, now a private consultant. He said it would be "a stretch of the imagination" to believe the venture did not yield dividends, based on its stock purchases which included Firestone Tire and Diamond Shamrock.

The Clintons and McDougals were joint partners in Whitewater and planned to build vacation homes on 42 lots along the White River in the Arkansas Ozarks. The project failed.

According to records at the Marion County Courthouse in Yellville, Ark., the partnership appears to have been structured to enable the Clintons to receive half the profits with little or no investment.

Mr. D'AMATO. Let me just show you the headline. "Rose Firm Shreds Whitewater Records; Employee Says Paper Detailed Clinton's Involvement."

Let me say that I have heard people say, "Look, we are going to have a special counsel. He is eminently qualified, a man who is distinguished, a man of great integrity, Mr. Fiske. Well, let us wait for this report."

Well, it is ridiculous to think that his report is going to be done by the 28th. And what about the civil liability for intentional or willful conduct? The statute will have run, barring the bringing a suit.

And so it is the intention of this Senator to offer legislation picking up on the challenge, of Senator METZENBAUM, our distinguished colleague from Ohio, who suggested yesterday that we extend the statute of limitations. That we extend the statute of limitations for all of the institutions, and I will join with you in supporting that proposal."

Mr. President, that is exactly what we seek to do with this amendment. This amendment would extend the current statute of limitations to the end of December, 1995. That date has been chosen because that is when the RTC ceases to exist.

Yesterday on the floor, the Senator said he would join with me in extending the current statute of limitations. That is what this amendment does.

It extends the current statute of limitations, not only for Madison, but uniformly to all of those thrifts until December 31, 1995. It uses almost the exact language of Senator METZENBAUM, because he sent me a proposal last evening, sent to our staff, except with a minor change as it relates to the statute.

By the way, if we are going to go out of session tomorrow we have as a practical matter, 1 day on Thursday, we come back in on the 22nd, that gives us 2, 3, 4, 5—6 days, practically, that we will be in session before the statute runs.

When we begin to get these allegations, evidenced by headlines like the "Rose Firm Shreds Whitewater Records," when we see we have a total of some 19 days left and the statute to run—How can the people's interest be protected in these situations? How is it we can see to it that what should be done is done?

I have been accused of raising the Madison case and no other. I have been accused of having voted against extending the statute of limitations. As I explained yesterday, that is not the case.

The fact of the matter is, I said where there are cases of fraud, where there are cases of wilful and intentional conduct, certainly we should extend the statute of limitations.

Indeed, that was the language which the Senate Banking and House Banking conferees came up with. So what we are doing here —so we can explain it again—that legislation is simply taking the existing statute, extending it to the termination date of the RTC, which is December 31, 1995. It seems to me that, then, protects the interests of the taxpayers.

My colleague from Ohio brought up the fact there was a bank in Texas—I am not quite sure of the name—that went into receivership at the same time; that there was approximately $1.5 billion that the taxpayers had to pay. He said why do we not include them? This is exactly what this legislation would do. It would include some 500 institutions that otherwise would have the statute of limitations toll previously.

It would give the RTC additional time. And what it would do is give the RTC time to reconsider or evaluate new information. For instance, in the specific case of Madison—where we are now into the business of the alleged shredding of documents—we do not know where documents are. Some have been sent to the Justice Department, some have been sent to other areas, but we now hear this distressing news. It may or may not be true. It may or may not be true that these documents were shredded. But let us see. Let us preserve the taxpayers' rights and let us make it possible for Mr. Fiske to do his job.

If there are no criminal penalties, or conduct, if there are civil penalties or civil liability, he then can refer this matter to the appropriate people.

In the meantime the RTC has sufficient time to carry out their duties and their responsibilities.

I believe that by doing this we can demonstrate to the American people that we really care.

I believe that by extending the statute of limitations across the board we say: Look, we want the regulators to have sufficient time to see to it that this matter is handled appropriately. We do not want to have a situation where, day after day, anyone raises the issue that the statute is being allowed to toll. That simply does not make sense.

I know some of my colleagues are tired of this. But let me tell you, when 41 Senators need to send a letter of inquiry to the head of the RTC something is wrong. People have a right to these answers. It would seem to me if 41 Senators sent the letter yesterday, that by today we should have received something from Mr. Altman, which raises another point. I have touched on it and I said I would touch on it tonight.

I do not understand how Mr. Altman can really discharge his duties when he is a Presidential appointee and we are talking about him being the top person at an agency that should be engaged in an investigation of a case that certainly involves the White House directly and indirectly, and the former law firm of Mrs. Clinton and people closely associated and connected.

Let us be fair about this. It is not fair for Mr. Altman to be placed in this situation. We should have a process of recusal.

Mr. Altman has been the titular, or acting head, now for some 11 months. It is wrong. It is inappropriate. And we have to really put a stop to this fiasco.

I assure my colleagues I am then in a position to say, "Fine, we can give them some time when they come in for review. We do not have to try to have the Banking Committee have the RTC come in for review on the 22nd or 23rd and ascertain what, if anything, they have been doing in regard to this matter."

I see my good friend, the distinguished Senator from Alaska, Senator MURKOWSKI is here. I know he intends to speak to the issue.

Mr. President, at this point in time I would like to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MURKOWSKI. I ask the Chair—I did not hear his response?

The PRESIDING OFFICER. There is not a sufficient second.

Mr. D'AMATO. Mr. President, I will renew that at another point in time.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague and good friend, the Senator from New York.

Mr. President, I am pleased to join the distinguished Senator from New York and the ranking member of the Banking Committee in cosponsoring this amendment.

I think it has already been said. If we had a response to the letters that have been sent to the RTC, we would not be here today. I am sure the Senator from New York would not be offering his amendment, because the issue would have been resolved. The RTC would have acquiesced in a responsible way to extend the tolling of the statute of limitations in this case or it could file appropriate charges in the civil matter relating to the many questions that are before all of us with regard to the realization that the taxpayers have lost some $47 million and it is appropriate the tolling be extended.

I think we would all recognize the distinguished Senator from New York has come to the floor for more than a week to remind the Senate that the statute of limitations clock is ticking on several cases that are currently being investigated by the Resolution Trust Corporation. Unless the RTC enters into the tolling agreements with the parties under investigation prior to February 28, RTC will be precluded from completing these investigations and bringing suit to recover at the expense of, obviously, the taxpayers.

One of these cases, of course, involves the failure of Madison Guaranty, which some have called a private piggy bank for some of the insiders and some members of the Arkansas political establishment. To the American public, Madison and Whitewater development have become synonymous. Just 3 weeks ago, Attorney General Reno finally gave in to mounting public pressure to appoint a special counsel, a distinguished gentleman by the name of Robert Fiske, to investigate the entire Whitewater affair.

Of course it is impossible to know how many months, if not years, this process will take. No matter what, the cloud of Whitewater will not lift until the investigation is completed.

Mr. President, from what I know, I do not believe that the President of the United States, or any members of his family or associates, should be really concerned about this investigation or the political influences that have been suggested. I believe it will simply put to rest all the issues surrounding this affair once and for all.

I think all of us would agree that it is in the best interest of the executive branch. However, as things stand today on February 9, unless the RTC enters into a tolling agreement with the parties under investigation in connection with the Madison affair, the taxpayers of this country will not be afforded an opportunity to recover funds paid in to bail out Madison through civil action.

Yesterday, I was pleased to join 39 of my colleagues in a letter sent to the acting Chief Executive Officer of the RTC, Mr. Roger Altman, inquiring as to the nature of RTC's efforts to obtain voluntary tolling agreements relating to the Madison case.

This letter serves as a followup of two other letters that had been previously sent to Mr. Altman in January. As of today, we still do not know whether RTC is pursuing this approach. We have asked for assurances. They have not been forthcoming.

Instead, all the RTC has indicated is that one of the tools available to them is to seek to toll the statute of limitations. So, obviously, they have the tools but no commitment on tolling has come from RTC. No explanation, no response, no indication that they will file civil claims if such a tolling cannot be obtained.

So we address this timeframe with little, if any, certainty, and the realization that time is progressing and February 28 is coming. The Senate will be in recess next week, so we probably only have 5 or 6 days left of time for the RTC to act within the timeframe of the Senate's schedule.

I assure you, Mr. President, February 28 is not going to pass unnoticed, thanks in large part to the work of my distinguished colleague from New York, and that is as it should be. Madison will not get off the hook quietly if the RTC lets the statute of limitations expire.

But there is something that we can do to make certain that the limitation period does not foreclose taxpayers' recoveries. We can extend the statute of limitation for all cases—all cases—and this is the point of the amendment of the Senator from New York, to extend the statute of limitation for all cases involving allegations of fraud or intentional misconduct. As I said, that is precisely what the Senator's amendment does.

The issue before the Senate is not the issue of Madison Guaranty. The investigation of Madison Guaranty should be treated in the same fashion as any other S&L investigation. There should not be special treatment afforded Madison. If there was wrongdoing, it should be punished. But if there is an opportunity to recover funds, the RTC should not be precluded from taking action because of time constraints. There are simply too many taxpayer dollars affected by all of these investigations.

I think it only fair that we give the RTC a full opportunity to complete this and all of its investigations. I think that is a point those who have criticized the discussion the Senator from New York and I have had would agree on: There should be no special treatment, and this is what the amendment of the Senator from New York simply does.

Mr. D'AMATO. I wonder if the Senator will yield.

Mr. MURKOWSKI. I will be happy to yield for a question.

Mr. D'AMATO. Before I said I will renew my request, Mr. President, and I renew my request because I am intent on pressing this. I think we should take this to a vote, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. I thank the President and I thank my friend for yielding. I will point out that he has made a very excellent point, and that point is we do not want any different treatment. We are not asking that Madison be treated any differently than any other institution but that there be at least the same treatment.

Mr. MURKOWSKI. I thank my colleague from New York.

Mr. President, I know that there are procedural rules in the Senate which make it difficult for us to legislate on appropriations bills. I see the distinguished President pro tempore of the Senate who has led oftentimes that discussion very eloquently.

But as we all know, the Senate rules are flexible and they can be waived when a majority of Senators believe the issue is important enough to justify a waiver. I think it is fair to say in the view of the Senator from Alaska, this is one of those cases where the rules ought to be waived.

The underlying legislation we are considering is an emergency bill. For the most part, it seeks to channel more than $7 billion of Federal funds to victims of the California earthquake and, as it comes to the floor, it is not paid for. I expect that it will not be paid for. I believe that the February 28 deadline also represents a reasonable and responsible emergency, a foreseeable emergency, but nonetheless an emergency. If we allow this deadline to pass and if the RTC does not obtain the tolling agreements, the Government potentially will lose the opportunity to attempt to recover as much as—it has been estimated—$3 billion for the American taxpayer.

Maybe the Government will not recover that much. Maybe it will recover only $1 billion or $500 million, but it stands to recover a substantial amount if, indeed, the extension becomes a reality. Whatever the amount that is ultimately recovered, we should not allow the statute of limitations to stand in the way, especially when the conduct for which we are extending the statute relates to fraud and intentional misconduct.

Mr. President, I respectfully urge my colleagues to support the amendment of the Senator from New York.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alaska yield the floor?

Mr. MURKOWSKI. The Senator from Alaska yields the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, in the interest of expediting our procedure, I would like to ask unanimous consent that the pending amendments be set aside, and I would like an opportunity to offer an amendment on which I would be happy to agree to a time limit. I think it can be handled very quickly and if, indeed, a vote is appropriate, it can be joined with the votes pending to follow the vote on the Byrd motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I object, not because I have any quarrel with my friend from Colorado, but because I would like to respond to the Senator from New York and his amendment first. Maybe I can do so briefly.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM. Mr. President, I thank the Senator from Colorado. I do not mean to be rude to him.

I rise to support the amendment to extend the statute of limitations that pretty much reflects the language that I sent to the Senator from New York late yesterday pursuant to the debate that we had on the floor.

Extending the statute will mean that there are about 600 thrift cases that will be subject to the possibility of bringing action in the courts of the United States, and I think that is appropriate.

My quarrel with the Senator from New York the last couple of times I was on the floor with him had to do with the fact that he was speaking more about one case, Madison. My concern is that we ought to treat all the savings and loans the same way.

So perhaps out of this rather contentious debate that occurred between the Senator from New York and myself, we really may wind up doing the taxpayers a great service. I am frank to say, I said yesterday that I would send him language to extend the statute, and I said I would do it before 5 o'clock, which we did. The Senator from New York received it. The Senator from New York accepted it and has offered it as an amendment today.

I hope the Senate will see fit to accept it, adopt it, and I hope that we can retain it in conference.

AMENDMENT NO. 1443 TO AMENDMENT NO. 1442

(Purpose: To perfect D'Amato amendment No. 1442)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk, a perfecting amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. MURKOWSKI. Second degree.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1443 to D'Amato amendment 1442.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete lines 3 through 10 of D'Amato amendment No. 1442, and insert in lieu thereof the following:

"(a) Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995; or."

Mr. MURKOWSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, if I might, the perfecting amendment is just that. It is a perfecting amendment. It does not do anything to change the relevant dates or the terms. It is to protect the amendment from being changed.

Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, let me, if I might, say to the Senator from Ohio, we may have had our differences, but I absolutely wish to commend him for moving forward, keeping his word, and being a man of his word. The Senator from Ohio I think had legitimate concern that I was looking for some kind of special, preferential treatment, singling out one institution. And while that was not my intent, it is obvious that he has had a goal, and his goal has been throughout to see to it that the RTC does everything to recover as much money as possible against all of those who may have committed acts that subject them to civil liability, and to seek civil enforcement, on behalf of the taxpayers.

It was with that in mind that I believe he made the offer last evening.

He rightfully pointed out there were a number of institutions, for which the state of limitations would run on the same date, on the 28th. The RTC would not be able to bring action even if there were actionable claims without getting tolling agreements. I believe it was his intent to see to it that everybody was treated fairly, but, more importantly, the American taxpayers' rights were preserved.

I thank the Senator from Ohio for coming forth with a solution that I hope now will give us the time and the opportunity to see that all of these cases are handled fairly, and, in addition, will give to the special prosecutor the opportunity to make his report and will make it less of a time crunch; where there are those of us who may feel the matter is not being handled appropriately, this will give the RTC through December of 1995 to handle not only this matter, but as I think the Senator has indicated previously, other institutions where the statute will otherwise run soon. Some of them that has chalked up an astounding loss of something like $1.5 billion, which also would be tolled.

So I commend my colleague, the Senator from Ohio, and I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New Mexico.

Mr. DOMENICI. I do not have an amendment, I say to the Senator from Colorado. I will be finished speaking in 3 minutes or less.

Madam President, I rise to compliment the distinguished Chairman of the Appropriations Committee for some language he put in this bill relative to disaster relief.

After the floods in the Midwestern United States and before the last catastrophe and disaster in California, at an appropriations meeting where we were figuring out what we ought to do for the floods, I raised the question as to whether we really had adequate laws on the books with reference to the kinds of problems with which we are confronted.

I happen to know a little bit about it. I think the last time we changed the disaster laws was, believe it or not, way back when I was ranking member of a subcommittee called Disaster Relief. I served on the Public Works Committee with then chairman Burdick.

It strikes me almost intuitively that we need to modernize those laws, streamline them, to make sure they are not duplications, and sincerely find out whether the laws are being abused. We understand now there may be some abuse with reference to illegal aliens getting 18-month vouchers for rent-free housing. We are not even sure they are entitled to them, in our interest in providing and quickly.

So I said that day that I thought the time had come for a total evaluation of disaster programs. I believe the distinguished chairman, on page 88 of the bill before us, provides for a task force to advise the U.S. Senate on how to respond to future disasters. I wish the House would accept this and make it a bicameral task force. The task force would be set up, and among the things they would do would be evaluate the types and amounts of Federal financial assistance provided to individuals, States and local governments, and nonprofit organizations after disasters strike, as well as relevant insurance coverage and loss experience.

I believe I am correct in assuming that this actually means they can look at the current status of disaster relief assistance from the Federal Government, the entire panorama, and tell us whether we could do things better, tell us whether there are some of those laws that ought to be changed so as to make the relief more effective, and in every respect be considerate of the American taxpayers, so we are getting the very best benefit out of the money we spend, and we do it generously for all Americans.

So I am not even going to ask the question. I am just going to assume I am correct in this as I compliment the chairman. I believe it is pretty clear that if this task force is created, and I hope it is, it will look at the current laws, and the administration of them, to see if we can do better among the various objectives.

I yield the floor at this point, once again thanking the chairman for his excellent work in this regard.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, in the interest of expediting procedures on this bill, I would like to ask unanimous consent that the pending amendment be set aside and I be allowed to offer an amendment. I will be happy to agree to limiting the time on the discussion of that amendment and would ask the vote on the amendment be held after the vote on the Byrd tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I hope the Senator will modify his request to provide only that the pending amendment be set aside temporarily. I do not want to agree at this time that the vote will occur on the amendment as the Senator has phrased it; that would preclude a tabling motion.

Mr. BROWN. I appreciate the distinguished Senator's comment.

Madam President, I would modify my unanimous consent request that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1444

Mr. BROWN. Madam President, I rise and send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1444:

The amendment is as follows:

On page 81, strike lines 8 through line 14.

Mr. BROWN. Madam President, this amendment deals with a portion of the bill which would provide additional funding for the Executive Office of the President. The money involved is a little over $7 million.

The question that is appropriate on this bill is: Should we be adding this additional funding under an emergency supplemental? As I understand the Budget Act, it is quite clear that emergency supplementals must relate to items that, indeed, are emergencies, that are sudden, that are urgent, that are unforeseen, and that are necessary. It may well be that the Senate and the House of Representatives in due course come to the conclusion this is appropriate money to be funded, that, indeed, the appropriation should be made.

Madam President, it is very clear that this additional money does not fit any of those descriptions. The additional $7 million is not sudden. It relates to a matter that has been around several years. It is not urgent. It relates to electronic communications management activities. These are normal activities related to the office. They in no way fit the definition of either sudden or urgent. They are by no means unforeseen. I believe the Members of this body, when they look at them, will conclude also that they are not necessary.

Let me simply say that the President, I believe, acted wisely when over a year ago he called for a 25-percent cut in the Office of the Presidency. I believe, unfortunately, this Congress denied him that cut. The cut was not taken.

What this supplemental suggests is that rather than a cut of 25 percent we are going to have additional funding. We are not only going to ignore the call for a cut but we are going to have a supplemental to add funding. It is my belief that this not only violates the spirit of the President's request originally, but it clearly violates the dictates of the Budget Act. If emergency supplementals are going to mean anything, we ought to at least be willing to adhere to the clear guidelines of the Budget Act.

So I offer this amendment in the hopes that the Congress will clear the bill of measures that do not fit the definition.

I ask unanimous consent to submit for the RECORD a piece written by the Republican leader, ROBERT DOLE, dealing with the whole question of emergency supplementals at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Nov. 5, 1993]

CONGRESS LOVES "EMERGENCY" FUNDING BECAUSE EVERYTHING IS AN EMERGENCY

(By Bob Dole)

A funny thing happened on the way to deficit reduction. After a recent swing through the West, President Clinton sent Congress an urgent request for $315 million in unpaid "emergency" disaster assistance to replace the Cypress Freeway in Oakland, Calif. Sen. Pete Domenici, the ranking Republican on the Budget Committee, protested the timing of the "emergency" funding request on the Senate floor after learning that the Freeway had been damaged in the Loma Prieta Earthquake—some four years earlier. Earthquakes are indeed tragedies, but 4-year-old road damage is hardly an "emergency." The amendment was quietly withdrawn, but not before many questions had been raised on the use and possible abuse of the "emergency" spending loophole by the Clinton administration.

In order to rein in runaway spending and impose discipline on the congressional budget process, the Budget Enforcement Act of 1990 put in place caps on spending through 1995. These caps were intended to be ironclad, but as you might expect, Washington gave itself an "emergency" exit. The Budget Act drafters included an "emergency requirement" to allow Congress and the president to address "sudden, urgent, unforeseen, necessary or temporary expenditures"—hurricane losses, the costs of Desert Storm—without causing a breakdown in the budget process.

If a funding request is defined as an "emergency" by the president and Congress, the spending does not count against the Appropriations Committee's spending allocations; it just gets added to the deficit. Members of

Congress often lobby hard for a presidential "emergency" request for their favorite projects—projects that could always be funded through the normal appropriations process if they could be justified on their merits—because an "emergency" designation eliminates the painful task of cutting other programs to stay within spending limits. The Cypress Freeway isn't the biggest or worst example of using the "emergency" funding loophole, but it does provide a good illustration of some of the complex problems with federal disaster assistance programs.

The most obvious question is whether the Cypress Freeway request met the original Office of Management and Budget criteria for "emergency" spending. Certainly the funding requirement for the Cypress Freeway did not appear—four years after the earthquake—to be "sudden, urgent, or unforeseen". The need to replace the freeway has been apparent since its collapse following the 1989 earthquake. Although it was difficult at the time to estimate the cost of replacing the structure, precise estimates of the costs have been available since the Environmental Impact Statement for the project was completed in September 1991.

If a project is not "urgent" or "unforeseen," is it then reasonable to expect the Appropriations Committee to find funding within its regular allocation, no matter what the project costs? If we are serious about controlling federal spending, the answer must be yes. Otherwise, we can no doubt expect to see a string of disaster relief amendments reaching back to the great Chicago fire.

A less easily answered element of the "emergency" definition is, was the spending necessary? The original disaster assistance legislation for the Loma Prieta Earthquake provided $1 billion for federal highway repair. California far exceeded that amount, in large part because the state decided to rebuild the Cypress Freeway in a different location.

Community pressure in West Oakland, not safety, was the driving factor in the move. County Supervisor Warren Widener, a major opponent of the original double-decker Freeway called the old structure a "concrete colossus" that prevented growth, lowered property values and "divided the area for 32 years." Unfortunately, this neighborhood beauty makeover increased the taxpayers' bill for the 2.2 mile roadway from $100 million in 1989 to an estimated $695 million in 1993. The cost of purchasing the right of way for the new *elevated* highway was $230 million—an amount nearly equal to the president's supplemental request. Despite this outrageous cost increase, there has been no outcry from local citizens, no calls for an investigation or impeachment of government officials, because, as the San Francisco Chronicle has explained, "most of the money comes from Washington and is far removed from local taxpayers' pockets."

The Cypress Freeway is not an isolated example of "emergency" spending. According to the Republican staff of the Senate Budget Committee, Congress and the president have declared $74.2 billion in "emergency" spending since the 1990 Budget Agreement. Approximately 80 percent of these expenditures were associated with Desert Storm and Desert Shield and were largely repaid with allied contributions. Domestic "emergencies" have totaled $14.3 billion, for disasters ranging from the Midwest floods to Hurricane Andrew.

The total tab for domestic "emergencies" would have almost doubled if President Clinton had succeeded in passing his $12 billion "Economic Stimulus Package." This abuse of the "emergency" designation to avoid paying for additional spending was so egregious that Republicans in the Senate united to block and eventually kill the bill. Democrats, for the most part, would not have supported the new spending if they had been required to cut back the other programs. That is why very little of the defeat package made it into later spending bills.

How do we prevent abuse of the "emergency" designations and still leave enough budget flexibility to account for truly catastrophic spending events, such as the Persian Gulf conflict? One option might to be required that any disaster account be funded at a level equal to the average of spending over the past three years. Any spending beyond this level could be exempted from the budget enforcement requirements.

A more difficult problem is how to prevent so-called "gold-plating" of disaster projects. Clearly, we need to ensure that federal funds are provided to return structures to their pre-disaster state; however, it seems to me the federal government is not obligated to rebuild them to some post-disaster ideal. Any improvements, beyond what are needed for safety, should not receive priority over worthwhile projects simply because of their proximity to disaster. The best way to ensure that is to deny extraordinary budgetary treatment to the improvement portion of a project.

I would encourage Office of Management and Budget Director Leon Panetta—one of the primary backers of the Cypress request—to look carefully at the "emergency" budget loophole and offer his own suggestions for reform in the President's next budget submission. If the Clinton administration is serious about cutting spending, its officials need to stop their back-door efforts to evade the very budget rules they worked so hard to put in place.

Mr. BROWN. Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Thank you. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I would offer an amendment that I send to the desk.

The PRESIDING OFFICER. Is the Senator offering a second-degree amendment?

Mr. MURKOWSKI. I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 1445

(Purpose: Sense of the Senate that Federal spending priorities need to be reevaluated in light of the recent Northridge earthquake in California and other frequently occurring natural disasters nationwide and that, as part of the reevaluation, the Presidential election campaign fund checkoff should be replaced with a checkoff for Federal disaster relief assistance)

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. BYRD. Madam President, is the Senator offering an amendment to his own amendment?

Mr. MURKOWSKI. No.

The PRESIDING OFFICER. The Senator just got consent to lay aside the previous amendment.

Mr. BYRD. Has the clerk stated the amendment?

The PRESIDING OFFICER. The clerk is about to read the amendment. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska, [Mr. MURKOWSKI] proposes an amendment numbered 1445.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISASTER ASSISTANCE FUNDING.

(a) FINDINGS.—The Congress finds that—

(1) during the past 5 years, the United States has suffered a series of natural disasters, including earthquakes, floods, and hurricanes;

(2) the Federal Government has responded to these events by providing disaster victims with various types of assistance, including temporary shelter and financial assistance;

(3) in order to meet the costs of providing such assistance, the Congress has enacted 6 emergency supplemental appropriation bills;

(4) the cost of—

(A) the 1993 emergency appropriations Act was $5,141,000,000,

(B) 2 emergency appropriations Acts adopted in 1992 was $5,429,000,000,

(C) the 1991 emergency appropriations Act was $943,000,000,

(D) the 1990 emergency appropriations Act was $2,682,000,000, and

(E) the 1989 emergency appropriations Act was $2,827,000,000;

(5) the total cost of the emergency appropriations Acts adopted in response to these disasters is more than $17,000,000,000;

(6) the Congress has failed to offset the cost of these emergency appropriations Acts by reducing other discretionary spending;

(7) the cost of these emergency appropriations Acts has increased the Federal deficit and added to the $4,515,000,000,000 national debt;

(8) until 1993, individual taxpayers were permitted to designate that $1 of their Federal tax liability would go into the Presidential Election Campaign Fund;

(9) the number of taxpayers providing funding for the Presidential Election Campaign Fund has been declining in every year since 1976;

(10) in 1976, slightly more than 1 in 4 tax returns (27.5 percent) contained a checkoff in favor of financing the Presidential Election Campaign Fund;

(11) in 1992, less than 1 in 5 tax returns (17.7 percent) contained a checkoff in favor of such financing;

(12) the failure of the overwhelming majority of taxpayers to support the checkoff has resulted in the Congress raising the amount of the checkoff from $1 to $3; and

(13) the Congress should reevaluate our Federal spending priorities in light of the recent Northridge Earthquake in California and the frequently occurring disasters nationwide, including replacing the Presidential Election Campaign Fund checkoff with a checkoff for Federal disaster relief assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Presidential Election Campaign Fund checkoff should be eliminated and replaced with a checkoff to allow funds to be directed to a dedicated natural disaster trust fund set aside to assist victims of natural disasters;

(2) such funds should supplement, not supplant, current appropriations for natural disaster assistance;

(3) caps on allowable discretionary spending should be reduced by the amount of funds directed into a natural disaster trust fund; and

(4) any funds set aside for natural disaster assistance should be spent before the Congress considers additional emergency spending for natural disaster assistance not subject to offset.

Mr. MURKOWSKI. Madam President, I thank the Chair.

Madam President, I have a sense-of-the-Senate amendment which I think addresses something that has been given a lot of thought in this body; my amendment would replace the Presidential election campaign checkoff with a checkoff for Federal disaster relief.

The California earthquake brought about the reality that these natural disasters occur. They are unfunded, and they must be funded. We really need to reevaluate our spending priorities because we spend millions and millions of dollars with the recognition that we do have this reoccurrence; yet, at the same time, we are in a situation where we do not have the funding and we have to consider it under the merits of an urgent supplemental. This amendment would allow the American public to choose whether to spend their dollars on the victims of a disaster rather than a political process funding political conventions.

I have before me, Madam President, the U.S. individual income tax reform proposal which currently includes a Presidential election campaign checkoff for $3. The question before the American public is: Do you want to have the sole alternative be simply checking off yes or no as to whether your contribution should go to the Presidential election campaign, or do you prefer as a consequence of the realization that these disasters come frequently to be able to check off a new form which would provide only for Federal disaster relief assistance, and your $3 would go to this fund?

That is the basis of the amendment of the Senator from Alaska.

We want to add to funds already regularly appropriated for disaster relief. This is one way to do it. The checkoff would certainly not cover the cost of an emergency. But it would reduce the deficit by cutting the amount we spend over and above the spending caps.

We have spent billions in the past to fund natural disasters. And I know, Madam President, your experience in the devastating earthquake now, and the realization that costs are going to continue to come in as a consequence of that earthquake, and the ultimate figure is obviously in excess of $5 billion. It may be closer to $7 billion or $8 billion.

Since 1989, Congress has spent some $17 billion in emergency relief. In 1993, there was $5.1 billion for the Midwest flood; in 1992, $5.4 billion for Hurricane Andrew. Then we had other disasters associated at that time. In 1991, we had $943 million for Hurricane Bob; 1990, $2.6 billion for another California earthquake; 1989, $2.8 billion for Hurricane Hugo.

Emergency spending adds to the deficit. It simply has to because it is not budgeted, and there is no identifiable way to pay for it other than a supplemental. We know that the House has just passed an $8.6 billion relief bill. It is my understanding that they have only paid for $2.6 billion.

So I think the question before us here is should Congress create a responsible supplemental trust fund? That is what this is. This is a checkoff fund where the taxpayer has the alternative of checking off for disaster relief the $3 rather than just having the choice to check off for public funding of Presidential elections. This disaster relief checkoff would make funds available to go to a supplemental disaster trust fund that Congress would appropriate from when regularly budgeted FEMA disaster funds are exhausted. The trust fund would be utilized to the extent that it was available, then you would call upon the necessity of a supplemental.

Congress could not cut regularly budgeted FEMA disaster funds to offset funds held in the trust. If the budget caps were lowered by the amount dedicated to the trust fund, this would reduce the deficit. Those fortunate years when we do not have a disaster, the deficit would be reduced because the money is being saved instead of spent.

So we would be building up a reserve, Madam President. It also reduces the deficit in years that the fund is used because Congress would not appropriate as much outside the budget and not offset by cuts.

Regarding the potential funds to be raised, it is interesting to note that in 1976, 26 percent of the Americans responded to the income tax checkoff for funding Presidential campaigns. In 1976, 26 percent of the people responded. But last year, only 17 percent responded. That is less than 1 in 5. So clearly, public acceptance of Federal funding for Presidential elections is declining.

Last year, about $30 million was raised at the $1 on the checkoff portion. Our figures indicate that it is very likely that a $3 checkoff with 60 to 70 percent of the Nation responding because of the realization that we want to, and we have to help each other out, that we are looking at a potential there of about $200 million.

How would the checkoff affect the deficit? Appropriators have funded the disaster relief fund based on a 10-year average that FEMA claims it has spent on disaster relief. Well, as a consequence, Madam President, we have seen the entire Nation hit with disasters nationwide. My State of Alaska has been hit in recent years as well. We have talked about the California earthquake and the Mississippi floods, and on and on and on. As a consequence, in the last 5 years, we have spent $17 billion over and above what we planned for in emergency spending.

Because disaster spending leads to emergency spending outside of the budget caps, it is unique. Further, funding natural disasters has to be one of the highest priorities, and it is certainly higher than funding political conventions and campaigns at a Presidential level.

Mr. McCONNELL. Will the Senator yield?

Mr. MURKOWSKI. I am happy to yield to my friend from Kentucky.

Mr. McCONNELL. First, I commend my friend from Alaska for his excellent amendment. As the Senator from Alaska knows, I have at various times over the last few years sought to abolish this fund altogether. I think the Senator's amendment is right on the mark. It is about priorities, about setting priorities.

I heard the Senator from Alaska point out the minuscule percentage of Americans who choose to participate in this checkoff, and I commend the Senator from Alaska. He is right on the mark. As a matter of fact, this is one of the few issues—some would argue the only issue—in America where we have a total and complete annual poll. Every April 15, American citizens get to decide whether they want to spend a dollar of taxes they already owe—that they already owe—to this fund. And the participation, as my friend pointed out, has dropped from 26 to 17 percent.

Mr. MURKOWSKI. To 17 percent; yes.

Mr. McCONNELL. So we have a complete annual poll on the subject of spending tax dollars for political campaigns. The American people themselves get to choose to participate, and the support is dropping dramatically, to the point where last year, the majority around here raised the checkoff to $3 to make up for the diminishing participation. They did it in a legislative fashion that made it virtually impossible for anybody to try to extricate that.

So what do you do? If you have a problem you like, and public support is dropping, you increase the checkoff to $3. That is what happened last year.

I just wanted to interject and commend my friend for his amendment, which is about priorities. Maybe the American people would rather spend their money—we think we know the answer to this already, because we have a complete survey every April 15—maybe they would like to spend their money on something more worthwhile, like disaster. I think it is an excellent amendment.

Mr. MURKOWSKI. In response to my friend from Kentucky, who has worked so hard to bring the issue of Federal funding before this body from time to time, and recognizing the political realities associated with how various people feel about the issue, and the potential threat that the funding of elections may, in the minds of some, go far beyond the Presidential aspect, I think it would be very interesting to see the response of the public if they did have a choice to provide for the disaster relief or Presidential elections.

I cannot help but think that a large majority would be moved simply from a humanitarian aspect. I wonder if my friend from Kentucky would agree.

Mr. McCONNELL. I say to my friend from Alaska that he is absolutely right. It occurs to this Senator, given the lack of interest among the public, 83 percent choosing not to check off a dollar they already owe, that it would be interesting to contemplate what the American people might do on this checkoff if it added a dollar to their tax bill, rather than simply diverting a dollar of taxes they already owe; if the question on the 1040 were rephrased so that the taxpayer could, out of his generosity, add a dollar to his tax bill to pay for Presidential political campaigns. My suspicion is that it would produce almost no taxpayers.

My friend from Alaska is talking about priorities. I gather what his amendment is about is giving people a chance to designate money for something they think is really worthwhile. We know they think the Presidential election is not worthwhile. We know that from the survey every April 15.

Mr. MURKOWSKI. The Senator has made the point, and we are not simply fishing with figures. It represents a substantial decline in the public willingness to go ahead and check off for contributions for Federal funding for Presidential elections.

If there are any two public priorities today, I think one is the obligation we have to help those that suffered from the disaster in California, because that can happen in any of our States. The other priority is, if you will, the concern over the increasing deficit and the fact that we have to address these disasters by a supplemental. This would provide a contribution to a worthwhile fund which would ultimately contribute to reducing the deficit.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska still has the floor.

Mr. PRYOR. Madam President, I would like to ask a question.

Mr. MURKOWSKI. Madam President, I will be happy to respond.

Mr. PRYOR. May I ask the distinguished Senator from Alaska, should his amendment prevail, would we at this time on this evening be expressing the sense of the Senate that the Presidential checkoff should be done away with?

Mr. MURKOWSKI. If I can respond to my friend, what we are doing in the sense of the Senate is specifically addressing the desire of the Senate to remove, if you will, the current system, which mandates the checkoff list that is on your individual tax return, which is now limited to a Presidential election. That would be removed, and it would be the sense of the Senate that on the 1040 form the alternative for the taxpayer would be either to check yes or no for $3 to go to a Federal disaster relief assistance fund.

Mr. PRYOR. I wonder if the Senator might accept an amendment where we could have a checkoff, say, to fight crime, yes or no; or the next one would be environmental cleanup, yes or no. How are we going to stop the endless number of checkoffs?

Mr. MURKOWSKI. The Senator is quite correct. We could go through any number of items, just as we have come up with the decision some time ago to have a checkoff for Presidential election campaigns, which was a decision made by a legislative body, put on, and the taxpayer is faced with the reality of saying yes or no. That was a decision that was made, and clearly the American public has found that they are not supporting that in numbers, as indicated by the fact that 26 percent of the public in 1976 checked off the contribution for Presidential campaigns, and now that figure is down to 17 percent.

So, clearly, it is not an issue that is rising in favor. Maybe it ought to be looked at. The Senator from Alaska proposes this by the sense-of-the-Senate amendment. It would be the sense of the Senate to basically substitute this. I think it is meritorious based on the lack of public support for Presidential election campaigns, as evidenced by the fact that the percentages have dropped dramatically from 26 to 17 percent.

Mr. McCONNELL. Madam President, the Murkowski amendment is about priorities. I am no fan of the taxpayer-funded Presidential campaign system and have for years proposed abolishing it outright. I will soon be introducing legislation to do just that—abolish taxpayer funded Presidential campaigns.

But that is not what this effort by Senator MURKOWSKI is about. The Murkowski amendment is about priorities.

I have offered amendments in the past which raised the question of priorities. Tax dollars for child nutrition or political campaigns? Deficit reduction or political campaigns?

For my colleagues who support using tax dollars to fund political campaigns, these amendments were unpleasant. But these amendments forcing the Senate to prioritize are necessary. If we are ever to achieve a balanced budget, we must make the hard decisions on spending.

Senator's decision over whether to support the Murkowski amendment should not be hard.

If Senators believe American taxpayers should have the opportunity to check off a few dollars of their taxes to go toward helping victims of earthquakes, floods, tornadoes, and hurricanes rather than political campaigns, then they should support the Murkowski amendment.

Let me conclude, Madam President, by thanking my friend from Kentucky.

The reality is that we cannot adequately plan in any manner or form for disaster costs associated with disasters of a type that we have recently seen. Public financing of elections can still occur in the appropriations process where, in my opinion, they should. I think this kind of alternative to the American people is overdue.

As a consequence, Madam President, I urge adoption of the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MURKOWSKI. I yield the floor.

AMENDMENT NO. 1440

Mr. REID. The proposed rescission of 7.5 percent from the enacted level for fiscal 1994, if confined to the agencies funded in the legislative branch appropriations bill, would total $172.7 million. This reduction, which would be in addition to those already imposed on the legislative branch for fiscal years 1992, 1993, and 1994, would be devastating to the Congress, its support agencies, and the other institutions of the legislative branch.

The Kerrey and others plan also calls for a freeze in so-called overhead expenditures—rent, communications, printing, and supplies, a 15 percent reduction in all travel accounts in the legislative branch and a 5 percent pay cut for Members of Congress and senior executive and congressional officials.

The combined impact of these proposals would place the constitutional independence and authority of the Congress in serious jeopardy. Nowhere is the maxim, "knowledge is power" more valid than in the legislative process of today. The policy environment we face daily is characterized by great complexity, interdependence, and rapid change. This makes reliable knowledge and analysis absolutely indispensable. The functions of the institutions making up the legislative branch—with minor exceptions—focus on meeting this requirement.

Draconian, meat ax cuts of the sort envisioned in the Kerrey plan cannot eliminate this requirement. They will however change the way it is satisfied to the detriment of the independence of congressional decisionmaking. Decimation of the staffing resources within the legislative branch will force the Congress to depend more and more on either the executive branch or interest groups for information and analysis.

LEGISLATIVE BRANCH FUNDS AND STAFF ARE ALREADY BEING REDUCED

This is not to say that efficiencies cannot be realized or that reductions in legislative branch personnel are not possible. In fact we are already well along in a considered process streamlining and rationalizing the agencies of the legislative branch.

According to CBO baseline analysis, the Legislative Branch Appropriations Act for fiscal year 1994—Public Law 103-69—funds the Congress and associated agencies at a level that is, in the aggregate, $308,4 million or 12 percent less than program level of fiscal year 1992. In other words, Mr. President, the real level of program activity and staffing in the legislative branch has already declined significantly from the levels of over two years ago.

LIBRARY OF CONGRESS

Let me just give you a few examples of what this contraction has meant already. In fiscal 1992 the Library of Congress was operating with 4,748 full time equivalent staffing. This year the Library's full time equivalent workforce is 4,531, a reduction 227. The effects are already being felt. The hours of operation for seven reading rooms have been reduced by 12 percent and a number of reading rooms are now closed on Sunday. In addition, there will be delays in replacement of aging machines that provide free reading services to the blind and physically handicapped.

An additional 7.5 percent cut as envisioned in this proposal would delay production of bibliographic records for some 28,000 books and serials and 550,000 other library items would be added to the arrearage of uncataloged materials. As a consequence, other libraries across the country will be forced at their own expense to undertake the task of cataloging these materials with attendant duplication of effort and waste.

The arrearage of uncataloged materials, totaling 27 million items, would begin to grow after 3 straight years of decline. Reading room service would be further cut by reducing general reading room hours from 68 to 40 hours per week, and last week the Library of Congress announced the closure of reading rooms on Sundays—a 40 percent decrease. The Copyright Office will furlough all staff for 56 days. And the blind and physically handicapped program would eliminate the production of 260 new braille and audio book titles.

GENERAL ACCOUNTING OFFICE

In fiscal year 1992 the General Accounting Office had an authorized complement of 5,062 full time equivalent permanent positions. This year the GAO's full time equivalent work force is 4,581, a reduction of 481 staff. An additional 7.5 percent cut would require a furlough of its entire staff for over 30 days or a reduction-in-force of over 1,000 people. Such drastic action would in effect paralyze GAO for most of the fiscal year.

It would also require that GAO discontinue its asbestos abatement project. To terminate the project at this time would mean that GAO would need to continue to spend $12 million a year to lease space for employees who could otherwise occupy the main GAO building. Obviously, the sooner this project is completed the more money the taxpayer can save.

In addition, GAO has made considerable progress in implementing a local area network which will significantly increase the efficiency of agency operations. Budget reductions have already forced the delay of the roll out of the wide area network. A reduction of this magnitude would stop the program indefinitely. Since GAO is reducing its workforce, it is even more important for the remaining staff to have the advantages of this technology in performing their work.

CONGRESSIONAL BUDGET OFFICE

In fiscal year 1992 the Congressional Budget Office was operating with 226 full time equivalent staff. This year the CBO's full time equivalent staffing is 220. The effects on the operations of the CBO have already been felt. On October 1, 1993, CBO laid off all their temporary employees. CBO has also ended its semester and summer intern programs. These programs have annually employed about 30 undergraduate and postgraduate students from all over the United States, giving them a valuable learning experience. In return, these students work on useful research products usually involving the collection and analysis of data and are a resource for future recruiting.

An additional 7.5 percent cut would require a reduction-in-force of 35 current staff members by March 1, 1994, significantly reduce analytical capability in major policy areas such as health and defense and end support to members in the drafting phase of legislation with budgetary impact.

ARCHITECT OF THE CAPITOL

In fiscal year 1992 the Architect of the Capitol was operating with 2,407 full time equivalent. staff. This year the Architect is operating with 2,347 full time equivalent staff, a reduction of 60 staff years. In addition, it has been necessary for the Architect to defer a number of important maintenance, renovation, and improvement projects. For example, installation of a Capitol complex wide fire signaling system has been postponed as have roof repairs to the Russell and Dirksen Senate Office Buildings. Last year it was necessary, for safety reasons, to dismantle the palm house at the Botanic Garden. Restoration of that structure and the general renovation of the Botanic Garden has been indefinitely deferred.

An additional 7.5 percent cut would require a further reduction of 177 full time equivalent staff. Projects that would be deferred or curtailed would include: construction necessary to meet the requirements of the Americans with Disabilities Act; modernization of the electrical system in the Cannon and Russell Buildings; and replacement of the boilers at the Capitol powerplant.

CAPITOL POLICE

In fiscal year 1992 the Capitol Police were operating with 1,357 full-time equivalent staff. This year the Capitol Police are operating with 1,298 full-time equivalent staff. A 7.5-percent cut would mean the abolishment of an additional 120 police positions. This reduction would curtail street patrols, degrade the level of security within the Capitol complex, and require the closure of some building entrances.

SENATE

The contraction in resources over the last 3 fiscal years has also had an impact on the Senate. In fact, funding for the Senate as a whole has been reduced in actual dollars for 2 years running. As a result, the Senate is operating at a level of funding that is $74 million below its 1992 baseline level.

COMMITTEES

The committee funding resolution for the current biennium reduced committee budgets by approximately 10 percent. So, Senate committees are already under pressure to reduce their operating costs in the face of the growing workload associated with the President's ambitious legislative agenda. Fully funding the committee budgets in the committee funding resolution, with this 10-percent reduction, would still require a total of $81.5 million. This amendment would reduce the inquiries and investigations appropriation to $71.2 million, leaving a shortfall of $10.3 million. This will almost certainly force a severe retrenchment in committee budgets. If there are committee chairmen who believe their committees are overstaffed or over-funded, they should come to the floor now and say so. If not, they should come here and oppose this amendment.

OFFICE OF THE SECRETARY OF THE SENATE

The Office of the Secretary of the Senate is one of the principal administrative organizations of the Senate as an institution. It provides essential legislative support services as well as performing basic financial management functions. It includes, for example, the Senate Parliamentarians, the legislative clerks, the bill clerks, executive clerks, and Official Reporters of Debates, the Senate disbursing office, the Senate library, and the Office of Public Records.

A 7.5-percent reduction in the salaries appropriation for the Office of the Secretary would force the following reductions, among others, in service to the Senate and the general public:

First, the legislative staff would be reduced by 10 positions. This would impair the Senate's ability to process and print legislation and produce the CONGRESSIONAL RECORD and other official publications.

Second, captioning of Senate Chamber proceedings would be degraded if not eliminated and captioning of other official Senate activities would not be possible.

Third, the project to modernize the management of the Senate's finances, known as Financial Management System II, would be eliminated. The result would be processing and paying Members' official expenses.

Fourth, new programs to reduce the Senate's printing costs, such as utilizing print-on-demand technology, would be eliminated.

Fifth, Senate Page School would be in jeopardy.

SERGEANT AT ARMS

The Office of the Sergeant at Arms provides administrative, logistical, and related support services to Members, the leadership, and committee offices. A 7.5-percent reduction in the appropriations for the Sergeant at Arms would force the following reductions, among others, in service to the Senate:

First, elimination of some State offices.

Second, reduction in the level of support functions provided. For example: operations at the recording studios would be cut in half, elevator operators would be eliminated, and the post office operations would be severely curtailed, if not eliminated.

Third, delay in the deployment of new State office computer systems.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSES ACCOUNT

In general, the precise effect of these reductions on staffing levels is hard to access in the Senate, because Senate organizations do not typically operate with schedules of authorized positions. But one thing is clear. An additional 7.5-percent reduction in the appropriation for the Senators' official personnel and office account cannot be made without a comparable reduction in the allocations for clerk hire, legislative assistants, and administrative expenses that this appropriation funds.

This is a point that deserves some elaboration. It is important to understand—as not many people in this Chamber and elsewhere do—that the allocation for a Senator's office is separate and independent of the appropriation that pays the costs of these allocations for all Senators. This means Mr. President, that reducing the appropriation for Senator's office accounts does not in itself reduce the allocations under which Senators are entitled to incur costs. What this will do, absent a corresponding reduction in the allocation will subject the Secretary of the Senate and the financial clerk of the Senate to possible penalties under the Antideficiency Act.

A 7.5-percent reduction in the appropriation for the Senators account would leave a total of $168.5 million. The full cost of the allocations for Senators' offices, however, is $210 million. If this amendment is adopted, the short-fall in funding of the allocation would be $32.5 million. Moreover, this comes at a point that is almost half way through the fiscal year. So, any reduction in Senators' allocations made necessary by this amendment will certainly exceed 7.5 percent. In fact, the cut in Senators allocations would probably approximate 15 percent.

Given the uncertainty of the consequences of such a reduction for Senators' offices, I think it only fair that the proponents of this amendment demonstrate their good faith by cutting their own accounts first. After all, the principal sponsor of this plan, the junior Senator from Nebraska, is quoted in Roll Call as saying:

> "This plan begins with the premise that we should not ask the American people to accept spending cuts unless we are first willing to make sacrifices ourselves."

It should also be pointed out that the fiscal 1994 act contains a provision—section 307—which requires an FTE reduction of 4 percent in the legislative branch by the end of fiscal year 1995. This is equivalent to the executive branch reduction announced by the President and endorsed by the joint leadership of the Congress for the legislative branch. A companion provision—section 308—mandates an administrative cost reduction of 14 percent by fiscal year 1997 for the agencies of the legislative branch. These two provisions will result in a reduction of over 900 FTE's, and a combined cost savings of over $40 million.

Finally, the Joint Committee on the Organization of Congress submitted a series of recommendations relating to the Senate and legislative branch wide matters. One of the proposals included in that package is a comprehensive performance review of the legislative branch patterned after the National Performance Review conducted under the leadership of Vice President GORE. The objective of this provision is to establish a process for achieving further efficiencies and economies, including organizational realignments and personnel reductions. This in my judgment is a far more rational approach and is likely to have far more practical results than an arbitrary, pick it out of the air, 7.5 percent rescission from the fiscal 1994 enacted level for the legislative branch.

30 PERCENT REDUCTION IN THE FRANK

The fiscal 1994 legislative appropriations bill provides $20 million for the costs of franked mail in the Senate. This is a reduction of $16 million from the budget request. The requested amount is the amount necessary to cover the costs of one statewide mailing for each Senator, routine response mail, and mail costs of committees and officers of the Senate. So mass mailings to every address in a Senator's State are, by and large, a thing of the past.

Mail, of course, is a valuable channel of communication with our constituents. And many of us use it to maintain contact with the people who elected us beyond merely responding to particular individual letters we may receive. We often know a number of people or groups in our respective States who have an interest in developments relating to particular issues. Many of us find it useful to use the mail to keep these people informed in their areas of interest. Reductions in our franking allowance, of course, make it more and more difficult to maintain these channels of communication.

A 30-percent reduction in the franking appropriation for the Senate would be $6 million. It is hard to generalize about the impact of such a cut but it is safe to say that there would be some negative effect on the flow of communication between Senators and their constituents. I have here a table displaying the allocation of this reduction by State and ask that it be inserted in the RECORD. Senators can make their own judgment as to the wisdom of a further reduction in their mailing allowance.

There being no objection, the material was ordered to be printed in the Record, as follows:

DEPARTING MEMBERS' PURCHASE OF OFFICE EQUIPMENT AND FURNISHINGS FROM DISTRICT OFFICES

This provision is not applicable to the Senate, because such purchases are not permitted.

State	Senator	No. of CDs	E		
			Full Funding Total	Current Approp. of $20,000,000	Rescission $6,000,000 Approp. of $14,000,000
Alabama	Heflin	7	282,555	152,651	107,659
	Shelby	7	282,555	152,651	107,659
Alaska	Murkowski	1	77,184	41,699	29,409
	Stevens	1	77,184	41,699	29,409
Arizona	DeConcini	6	276,604	149,437	105,392
	McCain	6	276,604	149,437	105,392
Arkansas	Bumpers	4	163,234	88,188	62,196
	Pryor	4	163,234	88,188	62,196
California	Boxer	52	1,962,726	1,060,371	747,841
	Feinstein	52	1,962,726	1,060,371	747,841
Colorado	Brown	6	246,834	133,353	94,049
	Campbell	6	246,834	133,353	94,049
Connecticut	Dodd	6	223,492	120,743	85,155
	Lieberman	6	223,492	120,743	85,155
Delaware	Biden	1	97,178	52,501	37,027
	Roth	1	97,178	52,501	37,027
Florida	Graham	23	1,079,970	583,458	411,492
	Mack	23	1,079,970	583,458	411,492
Georgia	Coverdell	11	465,554	251,518	177,386
	Nunn	11	465,554	251,518	177,386
Hawaii	Akaka	2	99,155	53,569	37,780
	Inouye	2	99,155	53,569	37,780
Idaho	Craig	2	105,200	56,835	40,083
	Kempthorne	2	105,200	56,835	40,083
Illinois	Moseley-Braun	20	736,277	397,777	280,537
	Simon	20	736,277	397,777	280,537
Indiana	Coats	10	374,259	202,195	142,501
	Lugar	10	374,259	202,195	142,501
Iowa	Grassley	5	186,301	100,650	70,985
	Harkin	5	186,301	100,650	70,985
Kansas	Dole	4	175,092	94,594	66,714
	Kassebaum	4	175,092	94,594	66,714
Kentucky	Ford	6	247,012	133,449	94,117
	McConnell	6	247,012	133,449	94,117
Louisiana	Breaux	7	285,562	154,276	108,805
	Johnston	7	285,562	154,276	108,805
Maine	Cohen	2	127,405	68,831	48,544
	Mitchell	2	127,405	68,831	48,544
Maryland	Mikulski	8	322,235	174,089	122,778
	Sarbanes	8	322,235	174,089	122,778
Massachusetts	Kennedy	10	408,907	220,914	155,802
	Kerry	10	408,907	220,914	155,802
Michigan	Levin	16	618,973	334,403	235,842
	Riegle	16	618,973	334,403	235,842
Minnesota	Durenberger	8	294,822	159,279	112,333
	Wellstone	8	294,822	159,279	112,333
Mississippi	Cochran	5	166,632	90,024	63,491
	Lott	5	166,632	90,024	63,491
Missouri	Bond	9	359,472	194,206	136.966
	Danforth	9	359,472	194,206	136.966
Montana	Baucus	1	114,874	62,061	43,770
	Burns	1	114,874	62,061	43,770
Nebraska	Exon	3	105,679	57,093	40,266
	Kerrey	3	105,679	57,093	40,266
Nevada	Bryan	2	145,593	78,657	55,474
	Reid	2	145,593	78,657	55,474
New Hampshire	Gregg	2	117,226	63,332	44,666
	Smith	2	117,226	63,332	44,666
New Jersey	Bradley	13	519,195	280,498	197,825
	Lautenberg	13	519,195	280,498	197,825
New Mexico	Bingaman	3	101,683	54,935	38,743
	Domenici	3	101,683	54,935	38,743
New York	D'Amato	31	1,128,369	609,606	429,933
	Moynihan	31	1,128,369	609,606	429,933
North Carolina	Helms	12	476,456	257,408	181,540
	Faircloth	12	476,456	257,408	181,540
North Dakota	Conrad	1	85,228	46,045	32,474
	Dorgan	1	85,228	46,045	32,474
Ohio	Glenn	19	732,479	395,725	279.090
	Metzenbaum	19	732,479	395,725	279.090
Oklahoma	Boren	6	233,914	126,373	89,126
	Nickles	6	233,914	126,373	89,126
Oregon	Hatfield	5	205,805	111,187	78,416
	Packwood	5	205,805	111,187	78,416
Pennsylvania	Specter	21	808,740	436,926	308,148
	Wofford	21	808,740	436,926	308,148
Rhode Island	Chafee	2	104,089	56,235	39,660
	Pell	2	104,089	56,235	39,660
South Carolina	Hollings	6	241,338	130,384	91,955
	Thurmond	6	241,338	130,384	91,955
South Dakota	Daschle	1	91,396	49,377	34,824
	Pressler	1	91,396	49,377	34,824
Tennessee	Mathews	9	338,254	182,743	128,882
	Sasser	9	338,254	182,743	128,882
Texas	Hutchison	30	1,184,605	639,988	451,360
	Gramm	30	1,184,605	639,988	451,360
Utah	Bennett	3	102,868	55,575	39,195
	Hatch	3	102,868	55,575	39,195
Vermont	Jeffords	1	79,068	42,717	30,127
	Leahy	1	79,068	42,717	30,127
Virginia	Robb	11	413,699	223,503	157,628
	Warner	11	413,699	223,503	157,628
Washington	Murray	9	354,038	191,270	134,896
	Gorton	9	354,038	191,270	134,896
West Virginia	Byrd	3	122,205	66,022	46,563
	Rockefeller	3	122,205	66,022	46,563
Wisconsin	Feingold	9	326,902	176,610	124,557
	Kohl	9	326,902	176,610	124,557
Wyoming	Simpson	1	67,971	36,721	25,898
	Wallop	1	67,971	36,721	25,898

Mr. SARBANES. Madam President, I am very disappointed that the Kerrey amendment proposes closing the Uniformed Services University of the Health Sciences [USUHS] in Bethesda. This outstanding facility is an integral part of our efforts to provide top-quality medical care to the men and women of our armed services.

I want to thank my friend and colleague, Senator INOUYE, for his comments earlier today in support of this fine institution. I commend him for his longstanding support which has been crucial to the success of the university. Last November, I wrote to Senator INOUYE to outline my own views on the Uniformed Services University and I ask unanimous consent that my letter be made a part of the RECORD following my remarks.

Madam President, a close review of the facts clearly supports the continued operation of this respected facility.

The Senate wisely reversed a similar effort in 1990 when the House of Representatives voted to phase out funding for UHUHS. In my view, there continues to be a very strong case for maintaining this capability within the Department of Defense. I urge my colleagues to preserve funding for this vital part of the Department of Defense.

Since it was founded in 1972, USUHS has graduated more than 1,800 regular medical officers—97 percent of whom are serving today in the Air Force, the Army, the Navy, or the Public Health Service. Even among those who have completed their required commitment of 7 years beyond internships and residencies and could leave for private practice, 89 percent continue to serve our Nation.

Madam President, that is a remarkable statistic. USUHS attracts and graduates students that have an incredible sense of commitment to public service. In fact, about 40 percent have some prior military service. Unlike some of their colleagues in other medical schools, the typical USUHS student wants to become a public servant and will likely serve far longer than his or her required commitment.

Madam President, USUHS provides training in military medicine, disaster medicine, preventive medicine, tropical medicine, and on survival in extreme environments. I question whether or not any other medical school in the country could or would assume the critical role of teaching these specialities that are so important to our men and women in uniform.

Let me turn for a moment to the cost of educating doctors at USUHS. When you consider years of service provided and the Federal dollars that go to medical schools across our Nation, it becomes very clear that sending a young man or woman through USUHS is no more expensive than providing them with a Armed Forces Health Professions Scholarship.

Many of the physicians needed by the services can be recruited through the Scholarship Program. However, USUHS allows us to develop a group of physician-leaders who are highly educated in military medical issues.

As I said in my November 19 letter, the Uniformed Services University serves our Nation by providing medical officers who excel in military medicine and public health during times of both peace and war. Closure of the university does not make sense from an economic or policy perspective.

Madam President, I urge the Senate to follow the wise advice of the distinguished chairman of the Defense Appropriations Subcommittee and retain the Uniform Services University of the Health Sciences.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 19, 1993.

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my strong opposition to pending proposals to close the Uniformed Services University of the Health Sciences (USUHS). This respected facility plays a critical role in training doctors in military medicine, a specialty not available at any other medical school in the United States.

The University is named the F. Edward Herbert School of Medicine in honor of our former Colleague whose vision led to its establishment in 1972. Since that time, it has graduated 1,836 regular medical officers who are required to serve seven years of active duty beyond the time they devote to internships and residencies. Of all graduates, 97 percent are serving today in the Air Force, the Army, the Navy, or the Public Health Service. Even more incredible is the fact that, of those who have completed their required commitment and could leave for private practice, 89 percent continue to serve our Nation.

These statistics reflect the high level of commitment that is characteristic of USUHS students. Approximately 50 percent of applicants have some type of prior military experience. After four years at the Bethesda campus, a remarkable 43 percent of graduates have chosen primary care in lieu of assignments considered more desirable by most medical school graduates. The number of students pursuing specialized degrees such as Master's degrees in public health and tropical medicine is further evidence that these students are interested in long-term service to our Nation.

In addition to military medicine, the curriculum at USUHS includes a heavy emphasis on disaster medicine, tropical medicine, preventive medicine, and on survival in extreme environments. It is imperative that our Armed Services have men and women trained in these specialty areas. In their fourth year, all students also complete advanced trauma life support, advanced cardiac life support, and a major field exercise. These additional requirements are one reason why the USUHS curriculum is about 25 weeks longer than that of the typical medical school. It is this important training that prepares USUHS graduates to be the leaders of the military health corps and the Public Health Service.

While the majority of physicians needed by the services can be recruited through the Armed Forces Health Professions Scholarship Program, USUHS provides, at a reasonable cost, a cadre of physician-leaders who are highly-educated in military medical issues. Based on data in the "Journal of the American Medical Association," USUHS graduates cost the government no more than doctors recruited through the scholarship program. I understand that the Federal government spends $98,396 on a scholarship program student for each year of obligated services. In comparison, USUHS students received an equal or better level of education for $66,212 per year of obligated service.

Estimates released on November 15th by the Congressional Budget Office suggest that the potential savings from closing the University are greatly overstated. Instead of the $350 million listed in the "National Performance Review" proposal, CBO estimates that five-year savings would total about $100 million. Even if other medical schools could and would assume the task of providing the specialized education now available through USUHS, there are serious questions about whether or not any savings would be achieved in the longrun.

Complementing the University's emphasis on training doctors is an extensive program to provide specialized medical support training to law enforcement officers, firefighters, and rescue personnel. These programs have been successfully run with Federal, state, and local governments across the country. USUHS medical expertise has proved important at several recent crises including the riots in Los Angeles and the tragedy at Waco, Texas. The University's Counter Narcotics Tactical Operations Medical Support program has provided medical support training to over 1,000 personnel and is widely regarded as a National standards for tactical emergency services. At the same time, USUHS is an accredited sponsor of a number of continuing medical education programs, including those required for Department of Defense physicians deployed overseas.

The Uniformed Services University serves our Nation by providing medical officers who excel in military medicine and public health during times of both peace and war. I am concerned that elimination of the University would be a step backwards in the quality of care offered to our armed services. Algeria, Belgium, Bulgaria, France, Germany, Greece, India, Indonesia, Iran, Italy, Japan, Korea, Mexico, Pakistan, the People's Republic of China, Poland, Russia, South Africa, Taiwan, and Turkey all recognize this need and operate government-run military medical schools.

As you may be aware, the Association of American Medical Colleges recently expressed its strong support for the unique role that the Uniformed Services University fulfills in our medical education system. In my view, there is a continuing role for USUHS even in a changing defense landscape.

Your strong past support for USUHS is very much appreciated and I urge you to again reject any proposals that come before the Committee to downsize or close this outstanding facility.

With best regards,
Sincerely,

PAUL S. SARBANES,
U.S. Senator.

Mr. PELL. Madam President, the Kerrey-Brown amendment is indeed laudable in its intent, whether it would indeed save $94 billion, as its proponents assert, or a lesser amount as the distinguished Senator from West Virginia suggests.

All of us want to save and all of us want to reduce the deficit, but this amendment, I submit, does not seem to proceed from a consistent basis of selectivity. Rather, it takes a scatter shot swipe at what appears to be a random collection of Federal programs without regard to merit or special circumstances.

For example:

It would, in my view, place an inordinate and unfair burden on the elderly, who already are on notice that they probably will have to share the burden of health care reform. The Kerrey-Brown amendment would require 20 percent coinsurance on Medicare lab services and 10 percent coinsurance on home health service for those below 150 percent of poverty level, which together would raise $30 billion—or 28 percent of the total savings—on the backs of the elderly.

It would prohibit Pell grants to prisoners, notwithstanding the fact that such grants are a major force for constructive rehabilitation of prisoners, at a time when we are trying to pursue all possible avenues for combatting crime.

It would cut funding for the Economic Development Administration by 10 percent—just as EDA is becoming a key component of the defense adjustment effort.

It would impose a 1 year freeze on funding the Defense Environmental Restoration Program—at a time when that program is most needed to accommodate base closures.

It would eliminate development of a Mag-Lev prototype at a time when we need to press forward with innovative concepts to promote mobility in megalopolitan areas and to do so with maximum sensitivity to environmental concerns.

It would provide for only partial consolidation of overseas broadcasting, undercutting the consolidation plan just approved by the Senate when it passed the State Department Authorization Bill.

These are a few of the many provisions of the Kerrey-Brown amendment which I find to be arbitrary and ill-considered.

As for the second degree amendment introduced by Mr. HATFIELD, I must say that I find his approach also to be arbitrary. While I share his belief that we could well cut defense spending even further, I believe we should do so on a more selective basis. I especially believe that it is imperative that we preserve unique and vital skills found in areas like the submarine industrial base.

For all of these reasons, Madam President, I support the motion to table the Kerrey-Brown amendment and the second degree Hatfield amendment.

Mr. COHEN. Madam President, I am pleased to join Senator KERREY and others in offering this amendment.

This amendment is the result of a long process that began last year when a bipartisan group of Senators met to develop a list of significant spending cuts.

Many of us felt that the deficit reduction plan passed last year relied too heavily on tax increases rather than on spending cuts to meet its goals. History has shown that, without strict limits on spending, tax increases will simply go to new spending rather than to reduce the deficit.

In early September, a number of Senators, led by Senator KERREY, began discussions about how to craft a list of spending cuts that was substantial enough to have a real impact on the deficit and balanced enough to have political support in the Congress. A similar effort, led by Congressman PENNY and Congressman KASICH, was underway in the House of Representatives.

While there are some important differences between the Kerrey-Brown plan and the Penny-Kasich plan in the House, both efforts grew out of the strong conviction that spending cuts must lead the way in reducing the deficit. Unfortunately, the House defeated the Penny-Kasich plan in October. The closeness of that vote, however, confirmed our view that now is the time for serious deficit reduction.

The list of about $100 billion cuts proposed in the Kerrey-Brown plan was not easy to craft. Many tough decisions were made in developing this list. Indeed, I do not support each and every cut proposed in this package. Taken together, however, I think it represents a fair and balanced approach to deficit reduction. If each Senator took from the list each cut he did not support, there would probably be little left to cut. Accordingly, we agreed to stand together in supporting cuts that, on their own, we may very well oppose.

And, it would be misleading to suggest that serious deficit reduction could be accomplished without taking some unpopular steps. Indeed, aversion to unpopular steps has created the fiscal problems this country faces. In the 1980's, the American people were told that taxes could be cut and spending increased without increasing the deficit. In the 1990's, the American people ought not be told that whole new entitlements can be created without raising taxes on the middle class or worsening the deficit.

The time for serious deficit reduction is well overdue. There is a public willingness to do what needs to be done to reduce the deficit. The grassroots support for groups like the Concord Coalition and United We Stand demonstrate the strong public sentiments for returning fiscal responsibility to the Federal Government.

We cannot continue to pass a growing national debt on to future generations. Every dollar the Federal Government borrows today is a dollar our children and grandchildren will have to repay. We should be willing to pay for the level of government services we want to consume. If today's taxpayers are not willing to pay for these services, the extent to which the public really wants this perplexing proliferation of government programs is questionable.

Cutting Federal spending by $100 billion over 5 years will not topple the government as some suggest. As the corporate sector discovered throughout the 1980's, belt-tightening is not necessarily a bad thing. It forces us to focus our efforts and to find ways of meeting these objectives in more efficient ways. The time has come for serious rethinking of what the Federal Government can and cannot do. I am convinced that this process would yield not only lower deficits but better government.

Finally, since the Senate will soon be considering the balanced budget amendment, I want to urge all of its supporters to support the amendment we are offering today. While I believe the time has come to adopt a balanced budget amendment, that amendment in itself will not cut a dime of Federal spending. It is merely a procedural tool. The amendment being offered today, on the other hand, will cut about $100 billion over the next 5 years. I strongly urge cosponsors of the balanced budget amendment to support the Kerrey-Brown plan.

I would also like to comment on another aspect of this vote. Senator HATFIELD has been successful in amending Kerrey-Brown in a fashion which seeks to intimidate those who support a strong national defense, as I do, into voting against the Kerrey-Brown amendment. The Hatfield amendment should be seen for the nefarious tactic that it is. I regret that a vote on a serious subject such as restraining government spending was clouded by the Hatfield substitute. Serious observers of this debate will understand that a bipartisan group of Senators is committed to reducing the deficit through significant spending cuts, and that any attempt to portray this vote as a blow against a strong national defense would be highly misleading.

Mr. SASSER. Madam President, I rise to express my opposition to the Kerrey-Brown amendment. I commend my colleagues for their concern about the federal budget deficit. I oppose their amendment because it does little to actually cut that deficit, and because most of the real cuts it makes would deprive us of funds needed to combat crime and reform our health care system.

Last year Congress enacted a comprehensive economic recovery plan designed to reduce the Federal budget deficit and lay the groundwork for economic growth. Today, we see the fruits of that difficult effort. There is a new vigor in the economy and the prospects are strong for long-term sustained growth. In 1993, 1.6 million private-sector jobs were created—more than the previous 4 years combined. Solid economic advances were recorded across the board.

A year ago, the deficit for 1995 was projected at $302 billion. Today, the forecast is for $176 billion. In fact, from 1994 through 1998, there is a 40 percent drop in the projected deficit numbers. Measured as a percentage of Gross Domestic Product, the 1996 deficit falls to 2.3 percent—the lowest share since 1979.

The proof is in the numbers—the economic plan was enacted struck the proper balance between sustained growth and deficit reduction. As Alan Greenspan recently said, we currently enjoy the best long-term economic outlook anytime in the last two or three decades, a result he termed an extraordinary achievement.

I do not take a back seat to any Member in this body when it comes to proposing specific spending cuts. I have helped lead the fight for cuts that went beyond the reductions enacted in the economic plan, and I intend to support some additional cuts this year. But the Kerrey-Brown amendment does little beyond what has already been proposed, and I simply cannot support many of the actual additional cuts it does include.

The distinguished chairman of the Appropriations Committee has already pointed out in detail the false savings claimed by this amendment, but let me take a few moments to reinforce his argument. According to the Office of Management and Budget, $60 billion—or 64 percent—of the savings in the Kerrey plan are already in the 1995 budget. These cuts are needed simply to stay within the existing cap on discretionary spending.

As my colleagues know, Senators BYRD and MITCHELL joined with me in sponsoring an amendment to the crime bill that uses that roughly $22 billion in savings gained through the planned reduction in the Federal work force of 250,000 to establish the Violent Crime Control Trust Fund. That amendment was approved by an overwhelming majority of 94 to 4. Its supporters included Senators KERREY and BROWN. Their amendment, however, seeks to use those savings for deficit reduction. How can those who voted for the crime bill amendment vote now to dedicate the savings to deficit reduction?

Senators KERREY and BROWN argue that if the crime bill becomes law, its funding provision will supersede this amendment. In the meantime, of course, Members who vote for both amendments can go home and claim credit both for fighting crime and for cutting spending. Do we wonder why the public is cynical about this institution? We took a stand to provide a stable, real funding source for more police and more prisons. We should not jeopardize that effort by claiming that same source of funding for another purpose.

Madam President, this amendment would go beyond the proposed 250,000 in Federal job cuts. Its proposed cuts in administrative overhead would require—in this year alone—an additional cut of 36,000 jobs. Almost one-half of those jobs losses would come in the Defense Department. This President has already taken historic steps to make the Federal Government more efficient and streamline the bureaucracy. Aiming a meat ax at Federal employees will hinder, not help, that effort.

And this amendment doesn't only eliminate the jobs of current Federal employees; it also limits benefits for military and civilian retirees. The amendment would go beyond the delay in their cost-of-living adjustments enacted as part of the deficit reduction plan and eliminate the COLA entirely for certain retirees. Haven't we already asked enough of the dedicated military retirees who sacrificed so much for their country?

The Kerrey-Brown amendment also proposes $30 billion in cuts in the Medicare program, over and above the substantial reductions included in last year's deficit reduction bill. As my colleagues realize, the enactment of meaningful and comprehensive health care reform depends in part on our ability to capture savings from existing Federal health care programs, including Medicare. I have not cosponsored any particular health care reform bill, but I am extremely reluctant to limit our ability at this time to finance any plan that ultimately comes to this floor for consideration.

I commend the sponsors of this amendment for their effort to identify wasteful programs. Taken individually, I would support many of the cuts they propose. Many of their proposals have been or will be adopted. I invite them to join me in an effort to limit spending for other programs. But make no mistake, Madam President, this Congress has already taken difficult and meaningful steps to cut spending and reduce the deficit. Adoption of this amendment would add little to that effort, and it would seriously jeopardize vital legislation to control crime and reform our health care system.

Mr. LAUTENBERG. Madam President, there should be no mistaking my opposition to the Hatfield amendment to cut $18 billion out of the defense budget.

One reason I oppose this amendment is because it would cut funding for the DDG–51 Aegis destroyers. In fiscal year 1994, the Congress appropriated the administration's full budget request for three destroyers. I worked hard as a member of the Senate Appropriations Defense Subcommittee to secure these funds. Although the House of Representatives initially did not provide funding for all three destroyers, the Senate position on the program was adopted and full funding was ultimately provided.

Madam President, the DDG–51 Aegis destroyer program is not the place to find savings. With the Navy decommissioning surface combat ships at a rapid pace due to force structure drawdowns, the need to maintain a strong DDG–51 destroyer program is even more pronounced. With a markedly diminished fleet, the power and versatility of DDG–51 destroyers will allow maximum fighting capability with a reduced number of ships and personnel.

With the ever changing security threat, the United States needs to maintain a strong Naval presence. We need to ensure that our destroyer fleet is modernized. The DDG–51 Aegis destroyers are an integral part of the Navy's efforts to modernize its destroyer fleet and keep the Navy's presence strong.

I urge my colleagues to preserve funding for this important program.

THE BIPARTISAN SPENDING CUT PACKAGE

Mr. BUMPERS. Madam President, the bill, as reported by the Appropriations Committee, already cuts title I of Public Law 480 by 10 percent. Title III is cut by 16 percent. The committee was very reluctant even to make these cuts, considering that this program is very important for feeding the world's hungry people. Currently, we are seeing increased concern about additional famines in Africa.

The Public Law 480 program is a unique foreign aid program which, for nearly 50 years, has helped hungry and malnourished people in poor countries, while directly benefiting U.S. agriculture and commerce. Nearly all of the funds are spent to purchase U.S. commodities and transportation services. Title I provides for the sale of commodities on concessional terms to food deficit countries that are potential markets or emerging democracies and title III provides for the donation of commodities to the poorest countries.

The Public Law 480 program level was already cut by $101 million in the 1994 agriculture appropriations bill. Further reductions would limit the U.S. ability to meet emergency food needs abroad, and arguably, to fulfill a humane duty by this Nation to help feed people in nations much less fortunate than we.

The proposal to cut titles I and III by an additional 20 percent would result in a total reduction in fiscal year 1994 Public Law 480 foreign food assistance of $155.3 million. The title I program, which provides agricultural commodities to developing countries and emerging democracies through concessional credit financing, would be reduced by $99.3 million. The title III program, which provides agricultural commodity assistance to least developed countries on grant terms, would be reduced by $56.0 million.

The proposal would result in a total reduction in fiscal year 1994 Public Law 480 commodity assistance of just over 800,000 metric tons. Title I assistance would decline by 550,000 metric tons, while title III assistance would be reduced by 250,000 metric tons. U.S. exports of the following commodities would be the most affected by reduced Public Law 480 programming: wheat and wheat products, corn and corn products, rice, vegetable oils, oilseeds and meals, and cotton. Reduced exports of these commodities could result in lower prices to farmers and higher costs for the domestic price and income support programs.

In recent years, Public Law 480 title I programming has become increasingly important to U.S. efforts to assist the Newly Independent States of the former Soviet Union as well as the countries of Eastern Europe. These efforts would be impaired by the proposed reduction in title I programming. Among these countries which have been allocated title I assistance for fiscal year 1994 are: Albania, Armenia, Belarus, Bulgaria, Croatia, Georgia, Kyrgystan, Latvia, Lithuania, Moldova, Poland, Romania, Tajikistan, and Turkmenistan.

The title I program also serves important market development objectives of the Department of Agriculture, with programming frequently carried out in conjunction with other USDA market development activities. The proposed reduction in title I programming would lessen the effectiveness of these efforts. For example, in the Philippines, the title I program is an integral part of a livestock improvement program that relies on title I soybean meal for feed stocks and GSM-103 intermediate-term export credit guarantees for breeding animal imports. The aim is to expand the Philippines' privatized livestock sector and ultimately United States exports of feed grains and protein meals. In Morocco and Yemen, title I wheat programming complements market development efforts for wheat that include GSM export credit guarantees and the Export Enhancement Program to meet EC competition. In Pakistan, title I assistance is a critical element in USDA efforts to maintain the largest overseas market for United States vegetable oil exports.

The title III program provides needed food assistance to countries which are among the poorest in Africa, Asia, and Latin America and the Caribbean. The program also helps to support U.S. development assistance activities through the generation of local currencies when the food is sold on the local market. United States assistance to these countries would be impaired as a result of the proposed reduction in title III programming. Among the countries receiving the largest allocations of title III assistance are: Bangladesh, Ethiopia, India, Peru, and Sri Lanka.

The United States has traditionally provided about 60 percent of total world food assistance and has been a leader in encouraging other countries to contribute to global food aid efforts. The proposed reduction in Public Law 480 titles I and III programming is likely to raise serious questions about the continued U.S. commitment to assist countries which are unable to meet their food import needs through commercial purchases.

REDUCE AGRICULTURAL RESEARCH BUILDINGS AND FACILITIES TO REQUESTED LEVEL

The Kerrey proposal eliminates funding for all buildings and facilities through USDA's Cooperative State Research Service.

These research facilities are an investment in the future of agriculture in this country and in the world. Numerous breakthroughs have been achieved because of our Federal research facilities, breakthroughs that have led to a significant increase of food production in this country, elimination and control of plant and animal pests and diseases, and a broader knowledge of human nutrition and health.

As the population of this country, and indeed of the world, continues to climb, we dare not be shortsighted by making insignificant spending cuts now in programs that will be instrumental in feeding these populations in the future.

Furthermore, if we cut back on funding for these projects that are in the works, and if we are compelled to complete funding for them at some future point, the costs will surely escalate, and in the long run, the budgetary impact will be greater than it is today.

REDUCE TRAVEL ACCOUNTS BY 15 PERCENT FOR SPECIFIC EXECUTIVE AGENCIES AND THE LEGISLATIVE BRANCH

A reduction of 15 percent in travel would severely impact on USDA's ability to carry out its programs. Travel is an integral part of some programs. For example: Meat and poultry inspectors travel to plants to provide inplant inspection of all domestic establishments preparing meat or poultry products; grain inspectors travel to provide mandatory inspection and weighing services in the United States and Canada; Agricultural Stabilization and Conservation Service county office staff travel is necessary to carry out assistance provided; Farmers Home Administration county office staff travel is necessary to make and service loans in rural areas; Rural Electrification Administration staff travel in connection with making and servicing of rural electric and telephone loans; Soil Conservation Service staff travel in connection with providing technical assistance for conservation activities; and Office of Inspector General travel would be impacted because auditors travel throughout the United States doing onsite audits of USDA programs.

TERMINATE THE HONEY PROGRAM

Already this year, the honey program has received considerable attention from Congress. The reconciliation bill lowered the spending caps per producer to $50,000 by 1998. The agriculture appropriations bill stopped funding for 1994 completely, although presumably, producers could still acquire loans on honey but no forfeitures of those loans would be permitted. Now this proposal is to terminate the program completely.

Why the honey program should be singled out for termination remains elusive. Like other farm commodities, honey producers in this country suffer from unfair competition from abroad, most notably China. This flood of cheap imports undercuts our honey program by undercutting the price of honey. Without some type of support, our producers cannot compete and stay in the business. It's like any other farm support program, the cost of production becomes too expensive for the return and the business goes under.

As has been pointed out by several of my colleagues on past occasions, the beekeeping industry's significance to the rest of agriculture is often overlooked. The program has been effective in maintaining sufficient honeybee populations to pollinate important agricultural crops. More than 140 cultivated crops either require or benefit from bee pollination, including millions of acres of fruits, vegetables, oilseeds, and legume seed crops. Pollination provided by honey bees has increased in importance to farmers in recent years as urbanization and other pressures on the environment have reduced the availability of other natural pollinators.

REQUIRE SPECIFIC ENDING-STOCKS-TO-USE RATIOS FOR SETTING ARPS FOR FEED GRAINS

This proposal would require the Secretary of Agriculture to set land idling requirements under the corn program so that projected stocks of corn do not exceed 18.6 percent of projected use. This approach to reducing program costs was considered but rejected during debate on the reconciliation bill this past summer.

Two major objections can be raised to the proposal. First, estimated outlay reductions may prove illusory. CBO estimates that the proposal would reduce outlays by the Commodity Credit Corporation by several hundred million dollars over the next 5 years. Those estimated savings occur because the proposal would require the Secretary to target a lower stock level than is assumed in CBO's baseline. Lower stocks would be obtained by increasing set-aside rates, which would raise market prices and thereby reduce Government deficiency payments made to producers.

Given the uncertainties of weather, world market demand, and secretarial discretion, it is not clear whether the proposed stock targets would actually change any program provisions. Indeed, it is possible that the proposed rules could actually result in lower set-aside rates and higher Government costs in some years.

The estimated savings are entirely dependent on CBO's baseline. The targeted stock level was not chosen for any policy purpose, but rather to obtain a certain level of CBO-estimated savings. Against a different baseline, the savings could be very different or nonexistent.

The second major problem is the potential negative effects on farm income are large. After a large crop that increases stock levels, the Kerry proposal would require the Secretary to set land-idling requirements high enough to reduce stocks to 18.6 percent of use. That may require much higher set-aside rates than the Secretary would otherwise choose. While higher set-aside rates do increase market prices, reduced production and deficiency payments generally mean that farm income is reduced. Higher grain prices increase the cost of producing livestock and make it more difficult to sell our grain in world markets.

Mr. GORTON. Madam President, I cannot support the Kerrey-Brown amendment despite my longstanding record of voting in favor of budget reduction efforts. I will briefly review my objections to some of the amendment's provisions.

First, I cannot support what I see as new taxes on senior citizens. The Kerrey-Brown amendment means tests several Medicare programs. President Clinton's budget unfairly affected these same people last summer. That budget included raises in Social Security taxes on income beyond $34,000 for single seniors. It is too soon to further increase the amount of money that the Federal Government takes from these people, many of modest means.

Second, I cannot support the provision regarding COLA freezes for current civilian or military retirees. I feel that it is fundamentally unfair to change the rules of the game after the playing of the game. We made promises to these people during the time that they worked for the Federal Government or served in the Armed Forces. In my view, we should not pull the rug out from under one specific group of people without asking for across-the-board COLA reductions.

Finally, I am concerned about the proposal to completely defer COLA's for military retirees before they turn 62. A major draw for those entering the military at a young age is the possibility to retire from the military at a relatively young age. The current practice allows military retirees a chance to start second careers at relatively young ages. These second careers start, however, only after 20 to 30 years of service to their country. Clearly, the lure of this benefit makes the armed services an attractive choice for some of the best of America's young adults. If we take this away, we do a disservice to those who might serve and hinder the recruiting activities of the Armed Forces.

Madam President, this Senator has taken the tough votes on the deficit in the past. I will take them in the future. This amendment is an unfair attempt to balance the budget on the wrong people.

Mr. DURENBERGER. Madam President, I rise to register my strong support for the deficit reduction amendment that has been offered by my distinguished colleagues from Nebraska and Colorado.

As a cosponsor of this amendment, I must also express my deep disappointment that this body will not have an opportunity to formally consider such an important and needed proposal as an amendment to a rescission bill, earlier promised for consideration by this body.

I want to begin Madam President, by applauding the leadership on this issue exhibited by Senators KERREY, BROWN, and others in this body, as well as by Congressmen PENNY, KASICH, and their allies in the House.

Cutting spending is not something we do either willingly or well in this body. Politicians have never been very good at saying "no." It is much easier to promise and deliver new or bigger programs, or, even better, to make new financial commitments we don't even have to explicitly renew each year.

So, it is no wonder that our total national debt has now grown to $4.7 trillion. And, despite all the legislative arms we saw twisted and broken over this year's budget bill, that huge obligation being placed on future generations will grow by another trillion dollars in the next 5 years.

I should note, Madam President, that those of us on this side of the aisle were not asked to help make that number smaller. And, when the budget bill came to the floor last year, we all voted "no."

A few brave colleagues on the other side voted with us and some, like our distinguished colleague from Nebraska, went along with the President's plan, but insisted that it not be the last chance we had this year to do even more. I am disappointed that a commitment to consider a rescission package has been ignored.

DEFICIT REDUCTION AND POWERFUL SPECIAL INTERESTS

As the revised Kerrey-Brown proposal was circulated this week, Madam President, one could quickly see why it is so difficult to take on the very tough job of reducing the Federal deficit.

Behind each of the dozens of programs being cut in this proposal is a long list of well-meaning interest groups, and powerful allies in the Congress and the administration. In fact, I could tell what programs were being cut just by looking at my incoming mail and the report my staff gives me each day on calls coming into my Washington and Minnesota offices.

AN IMPORTANT PLACE TO BEGIN TO MOVE AHEAD

Senators KERREY and BROWN have put together a $99.1 billion package of specific budget cuts. Sure, some are controversial, but the important thing is that Senators are willing to stand up and support a significant decrease in the deficit, despite all of the procedural and substantive reasons not to support this kind of proposal. There are specific cuts in this package that I would rather not have included, such as the cut in the legal services program. However, Madam President, all we need is an opportunity to consider this proposal. Then we can get down to the business of negotiating to achieve the best possible combination of cuts. The important thing is that a bipartisan group of Senators are committed to support $99.1 billion of additional cuts beyond what we have accomplished last year in the budget process and in addition to what will be submitted by the President in this year's budget request.

In my judgment, it is pure folly not to support this proposal just because there may be a few specific cuts that do not seem justifiable or which might be used as offsets for other proposals such as health care reform. The package can be adjusted as needed, as long as we stick to the $99 billion goal. The real challenge before us is to just find the opportunity to pursue this needed deficit reduction without the usual roadblocks.

FUTURE GENERATIONS ARE WATCHING AS WE REFUSE TO ACT

Unfortunately, Madam President, future generations cannot vote and do not lobby. So, I have not heard from a lot of stakeholders that I should support deeper cuts in Federal spending. Certainly, no one is stepping forward and offering to give up their piece of the pie.

That means we need to look to the President and the Congress for leadership—to place the collective public interest above selfish individual interests that so often stifle real change.

LESSONS NEED BE APPLIED FROM THE PAST

More than 15 years ago I was elected to this body on a wave of anger that started in places like Minnesota and that produced a Republican Senate and new Republican President 2 years later. Americans at that time were angry with a Government that cost too much and delivered too little.

And, we did deliver on at least half the assignment we were given. We cut taxes. We put more money in the hands and pockets of Americans. And, we produced the longest peacetime period of economic recovery in this Nation's history.

But, any child can understand that if you cut taxes, but do not cut spending, you only run up the deficit. And, that is exactly what we did.

It is not that some of us did not try to do otherwise. In fact, three of our colleagues became household words over a deficit reduction law that gave many Americans the impression we were cutting spending at the same time we were cutting their taxes.

But, even before there was Gramm-Rudman-Hollings, Madam President, there was a little known piece of legislation called Durenberger-Gorton. It required the President to submit a balanced budget each year, alongside his usual unbalanced budget. That would at least force all of us—both Congress and the administration—to see the kind of tough choices that enacting a balanced budget would require.

THE DAWN OF A NEW NATIONAL MOVEMENT—GENERATIONAL EQUITY

Unfortunately, Durenberger-Gorton was never enacted. And, even through three or four incarnations of its more famous cousin, deficit reduction all through the 1980's did little more than place a small bandage on a deep wound in America's jugular. And, as life continued to drain from America's future, my generation continued to live for today.

I saw all that happening, Madam President, at about the same time my own four sons were enacting adulthood. So, this preoccupation with the intergenerational injustice going on was, for me, as real as watching my own children being handed a life that held much less promise than the opportunities I was handed by my parents just 30 years earlier.

My personal turning point in dealing with that injustice was a speech I gave in the spring of 1984 to graduating seniors—and their parents and grandparents—at St. Olaf College in Northfield, MN. That speech was about debt—personal debt, corporate debt, and national debt—and how it represented an incredible and unfair burden being shifted from one generation to another.

During the rest of that year, I launched a new national organization called Americans for Generational Equity [AGE]—an organization to educate my generation and to give some hope to the next.

Like a lot of good ideas, AGE had trouble in today's conflict-conscious society in communicating its purpose. Much of the media immediately saw AGE as a wedge designed to turn one generation against another. Some interest groups representing older Americans saw AGE as a threat to the gains their generation had made—a means to shift wealth from one generation to another in the increasingly zero sum mentality of the 1980's.

But, despite these obstacles, AGE did have some impact on our understanding of the deficit and its meaning to future generations. And, through speeches and publications and conferences, many of us saw the same intergenerational implications of decisions we make about our physical infrastructure, how well we take care of our environment, and what priority we place on investments—like prenatal care, child immunizations, Head Start, or WIC—that we make in our Nation's youngest citizens.

As I prepared for what I hoped would be a real Senate debate on the Kerrey-Brown proposal, Madam President, I reviewed some of the speeches I gave during that period of the mid-1980's.

The only changes needed to use those speeches today are to double or triple the size of the numbers. And, therein lies the urgency of acting now—not next year or in some future year—to make the kind of real spending cuts that we as a nation must make.

In one of those speeches—a 1986 talk my staff still calls the "Fork in the Road Speech"—I warned of the evils of what was then a $2.1 trillion deficit and spoke optimistically of the new Gramm-Rudman-Hollings law that would bring the annual deficit down to zero by 1991.

I also suggested four important steps this nation must take—beyond Gramm-Rudman—if the goal were to ever be realized.

First, stop pointing fingers up and down Pennsylvania Avenue; stop blaming past policies; and start aiming ourselves toward a better government in the future.

Second, enact deeper spending cuts beyond Gramm-Rudman—including an immediate leveling off in our extraordinary defense build-up, and additional cuts and reforms or elimination of general government programs.

Third, reform our entitlement programs—including additional cuts or reforms in nonmeans-tested programs like Medicare.

And, finally, I said, there is simply no way we can get from a $220 billion deficit to zero without raising more revenue from tax reform than the President proposes.

That advice is just as valid today, Madam President, as it was in January 1986. And, the urgency of following that advice today is even greater.

REAL REFORM MEANS AGREEING ON NATIONAL PURPOSES

Gramm-Rudman-Hollings is not the only tool we have tried to use in reducing the deficit, Madam President. We also tried — and failed — to pass a balanced budget amendment, a line-item veto, and many other approaches designed to institutionalize greater discipline and restraint in Federal Government spending.

And, many of us remember that dramatic evening in 1985 when the now-Governor of California was wheeled into this Chamber to cast the deciding vote on a truly courageous deficit reduction package I'm proud that my party in the Senate was willing to put forward.

We lost that opportunity when the President and Speaker of the House cut us off at the knees. And, left politically exposed, enough of my Republican colleagues were turned out of office the next year to make a former Federal judge from Maine the majority leader of the U.S. Senate.

One reason all these good faith efforts have failed, Madam President, is that we have not collectively agreed on a meaningful set of national purposes that could be used as a guide.

Also in an earlier era—during the height of the Reagan revolution—I outlined my own guideposts for agreeing on national purposes.

"Just because potholes are a problem in every community in America," I was fond of saying in those days, "does not make 'pot hole filling' a national government responsibility."

To decide what is, I suggested a series of guideposts that included:

> The national government has the responsibility to secure the national rights and liberties guaranteed by the Constitution to all Americans.
>
> The national government has the responsibility to defend American interests and conduct foreign relations in the community of nations.
>
> The national government has the responsibility to promote economic growth and regulate interstate commerce.
>
> The national government has a responsibility where significant savings can be realized by operating a central program.
>
> The national government has a responsibility where significant benefits are realized by citizens in more than one state.
>
> The national government has a responsibility when national decisions impose extraordinary costs on some states or regions of the country.
>
> The national government has a responsibility when competition among the states keeps them from implementing programs that would make all better off.
>
> The national government has a responsibility to ease the disparities in fiscal capacity among the states.
>
> And, the national government has the responsibility to provide for the income security of all Americans.

This kind of a list—used to sort out responsibilities among various levels of government—is as needed today as it was a decade ago.

And, it is not just needed in cutting Federal spending or eliminating national Government programs.

Having a firm sense of national purposes must also be at the heart of any national program to reform health care, reform our Nation's welfare system, better prepare Americans for school or work, or any number of other proposals now on the Nation's political and legislative agenda.

LET US HAVE THE COURAGE TO MOVE FORWARD

I believe we can design a $99 billion deficit reduction package that is based on this proposal, Madam President. I would have preferred a more appropriate vehicle than this bill, but I would urge my colleagues to vote in favor of this important proposal.

I personally believe that deficit reduction is an abuse on which the American people are way ahead of their politicians. Because of the kind of grass roots leadership and education being done by groups like the Concord Coalition, I believe there will be a political safety net out there for those of us willing to take the plunge.

I have just 1 more year to make good on that opportunity, Madam President, an opportunity I saw a decade ago and an opportunity that our children must not let us ignore.

Let me conclude with a challenge I set down in a speech I gave to the Minnesota Jaycees annual convention in 1985.

> Dealing with generational equity, I told this group of young men and women, will take the very patient bringing together of grandparents and grandchildren, the facing of the realities of what we are doing to each other in our desire to have without paying. It doesn't mean that we've got to do without grandfolks. It does mean that we have a plan now for the kind of future we have an obligation to pass on to the next generation.
>
> These are difficult problems requiring tough solutions. But, history tells us that the safest course at difficult times in our lives is to tackle our problems head on. In this nation, there are more than enough ideas, and more than enough determined individuals like yourselves to meet these difficult challenges.
>
> We who have lived with these problems desperately need you, who are unwilling to live with them, to show us the way.

We still face that difficult challenge in 1993, Madam President. And, all of us need to be willing to pick up that challenge and to show the way.

I yield the floor.

Mr. BAUCUS. Madam President, today we face a difficult choice. It is a day when the wrong choice is the easy one, and the right choice is the painful one.

The bill before us, the emergency supplemental appropriations bill for 1994, provides aid for earthquake victims in Southern California. I have serious questions about the way we fund and prepare for disaster relief in general. But no one disputes that the families overwhelmed by this disaster need the help of the Federal Government. So I will, although with some reluctance, vote for the bill as a whole.

I will also vote for an amendment offered by Senator KERREY of Nebraska. The bill as is cuts $3.44 billion in previously approved spending. Senator KERREY's amendment will cut $7 billion in 1994 above and beyond the existing cut, and a total of $94 billion over 5 years.

This is a tough, perhaps even drastic amendment. My support for it as a whole does not indicate enthusiasm for each of its individual cuts. The cuts in Public Law 480 food aid and the honey program will cause real pain at home in Montana. Means-testing for Medicare part B will make wealthy senior citizens pay a bit more. But the amendment spreads the pain around the country fairly.

More important, we have a drastic problem with the Federal budget deficit. And if we are to solve it, we need to take some drastic measures. We all have to grit our teeth and take some pain, and Montana is no exception.

Madam President, it is time to followup words about wasteful spending and the budget deficits with acts that eliminate the waste and reduce the deficit. We must each of us take responsibility for putting the Federal Government's fiscal house in order. Each Montanan, each American, each Senator, must take responsibility.

In the next few weeks, the Senate will consider the balanced budget amendment to the Constitution. One of the most powerful arguments against this proposal is that it is a gimmick. It is no substitute for real spending cuts. The votes we cast today on the Kerrey amendment are the real thing. It is tough, but it is right for America, and right for Montana.

The PRESIDING OFFICER. The question now recurs on the motion to table amendment numbered 1440.

Who yields time?

Senators BROWN and KERREY have 10 minutes, collectively; Senator HATFIELD has 5 minutes; and Senator BYRD, not to exceed 10 minutes.

If time is not used, it will be deducted proportionately.

Mr. BYRD. Madam President, I think the order called for those speakers and the times allotted to them ad seriatim.

The PRESIDING OFFICER. The Chair has so announced.

Mr. BYRD. So the time is now being run and charged against Senators KERREY and BROWN?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERREY. Madam President, I call my colleagues' attention to the fact that this is a good faith effort that began last year during the budget reconciliation debate. Those of us who voted for it can now call attention to the significant deficit reduction that has occurred since that piece of legislation was enacted. But, we believe, those of us who have worked on this since that time, that this is merely one more step.

I voted in 1990 for President Bush's proposal that produced the now famous summit. I voted for President Clinton's proposal in 1993. Both of them, in my judgment, were taking steps toward the goal of having this Nation's fiscal account in balance.

That is where I believe we should be. It is a belief, Madam President. And I am willing to take action, take votes that will, in fact, bring this about.

This attempt, this motion to substitute the Hatfield substitute, creates some confusion because what it does is it presents Members now with a piece of legislation that has them wondering whether or not they can vote for deep cuts in defense and then the underlying Kerrey-Brown bipartisan amendment.

Madam President, I urge my colleagues to vote against this motion to table. A vote against the motion to table will allow us to vote on Kerrey-Brown up or down in a clean fashion and on the proposal of the Senator from Oregon up or down in a clean fashion. It seems to me that is a fair way to do it and an appropriate way to do it.

If you believe in reducing expenditures of the U.S. Federal Government, you are going to have two solid proposals to do so. We have a lousy mechanism that gives us the opportunity to debate in support of things. We have alluded to it several times. We can come very quickly to spend money, but when it comes time to spend less money, we have all kinds of reasons why it cannot be done.

In fact, I think the debate we have heard here today illustrates why we need to have this sort of thing. It would be very instructive to find out how well the amendment of the Senator from Oregon would do all by itself; how well the 11 Members who have signed onto our amendment would do all by itself. That would be very interesting, very informative to determine whether or not our spending priorities, in fact, are right.

I think our spending priorities are not right. Every Member of this body, or nearly every Member of this body, has stood at home in town hall meetings saying we need to balance our budget. We are going to debate a constitutional amendment that requires us to do it. That constitutional amendment, if we are serious, requires $600 billion over the next 5 years. This is $90 billion. We have heard that it is not $90 billion; it is $90 billion.

Even the 262,000 personnel reduction is not in law, Madam President. It is a smokescreen.

To say that we have deluded, we have not. We have disclosed fully what we intend to do. We are open to the possibility of adding to this. But what we find, instead, is a confusing motion to table, in my judgment, that should itself be rejected so that we can have a straight up-or-down vote on Kerrey-Brown as well as a straight up-or-down vote on the proposal offered by the Senator from Oregon.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I simply want to add this statement. The State of Colorado is a bit unusual in a way because we are blessed with residents from all over the Nation. People from West Virginia, Nebraska, Kansas, Iowa, and California come to Colorado. We are lucky to have them. It is a good cross-section, in a way.

One of the things I have done over the years is hold town meetings. In that time, I have had over 500 town meetings. There is not a single time in any one of those 500 town meetings when we brought up the subject of this debate, when Democrats, Republicans, Independents, liberals or conservatives have not expressed the need to face up to this problem.

Madam President, I have yet to find a single person in any of those 500 town meetings who was not willing to agree to a package that cut spending and got the deficit under control. But what they demanded was this: They wanted it fair, they wanted it balanced, and they wanted everybody to contribute. Every single one of them were willing to do their part.

I believe the American citizens who are watching tonight and will watch in the future want a package that is fair and evenhanded, that has real cuts in it, that treats people evenly and fairly.

That is what this does. It is balanced—28 percent discretionary; 37 percent management reforms; 35 percent entitlement savings. It is balanced in the backing of it—seven Democrats and five Republicans are the sponsors of it. It is a fair, evenhanded way to do it.

If we do not do it now, if we do not face up to it, when will we do it? The fact is, delay is all our enemy.

I urge the adoption of the Kerrey-Brown measure. I urge a vote against tabling that is before us at this time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Madam President, I ask unanimous consent that Senator KEMPTHORNE of Idaho be added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. How much time does the Senator from Colorado and I have remaining?

The PRESIDING OFFICER. One and a half minutes remain on the time of the Senator from Nebraska and 1½ minutes remain on the time of the Senator from Colorado.

Mr. KERREY. I ask unanimous consent that time of the Senator from Colorado be allocated to me.

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator is recognized for 3 minutes.

Mr. KERREY. Madam President, I am going to talk for 3 minutes. The Senator from Virginia has asked for a minute or two. If he arrives before my time expires, he will get that. If not, I will talk for the time that is left.

I say again that voting against this motion to table is the right vote. Those who want to cut defense can vote for the amendment of the Senator from Oregon. And there are some in this body who might think that that is an appropriate thing to do. I will vote against the amendment of the Senator from Oregon.

There will be others who do not like certain aspects of the now 12 Members who are on the bipartisan amendment that is called Kerrey-Brown, and they can vote against that, as well, or vote for it as they wish.

We do not have a good procedure to bring to the floor this kind of an amendment. As I have said on a number of occasions, it comes as a consequence of the culmination of the rescission package in the dire supplemental that we are even approaching the dire supplemental bill in this fashion. But it does illustrate the difference. If we want to move an appropriations bill very rapidly, particularly since we do not have to pay for it, we will just deficit finance it all. It moves relatively fast.

There was a swarm of interest last year when we funded the dire emergency for the Midwest disaster; there is, as I understand it, another $700 million added to the California disaster.

There is such bipartisan comradery, such ease with which we all get together and put aside our old differences and show the great spirit that made this country such a wonderful place to live. But when it comes time to put an amendment together to reduce spending, there just is not a procedure for us to do it. We find ourselves saying this is not the right time, this is not the right way.

Madam President, this has been an eye opener for me because it allows me to see that we have a flaw in our Budget Act, in the law that governs the deliberation of our budget. I think we need an expedited fashion in which to bring this sort of thing to the floor so we could have an open debate, because in the absence of that open debate I think we frustrate the will of the people. The close vote on Penny-Kasich last fall and perhaps the concern about the Kerrey-Brown amendment here indicates, in my judgment, there is likely to be a majority of people in this body who are willing to say we are prepared to make tough choices on entitlements, we are prepared to make tough choices on domestic discretionary, on the size and efficiency of the Federal Government. We are prepared to do that for the sake of what we believe is in the best interests of our country.

Madam President, I do not believe the distinguished Senator from Virginia is going to make it here. He is a cosponsor of this piece of legislation. I will, on his behalf, urge my colleagues to vote against the motion to table offered by the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the unanimous consent agreement, the Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Madam President, very briefly, I think you would not find a Member out of the 100-person body who would not be supportive of the objective that has been stated so clearly by the Senator from Nebraska, the Senator from Colorado, and their associates. But I point out again this is not a matter of whether we want to reduce, or we are capable of reducing the deficit. It is a matter of priorities, of where we make the cuts. Again, I emphasize the Kerrey-Brown, et cetera, amendment takes all of the reductions out of the nondefense discretionary programs.

Conversely, to make my point, my amendment as a substitute takes all of the reductions, and we get in fact to the same 5-year period, $96 billion as against $94 billion, exclusively from the defense discretionary funds, including the exotic weapons, the B-2, Trident submarine, aircraft carriers—all of these weapons systems that were designed, devised as a strategy during the cold war and during the threat of the Soviet Union.

I am suggesting that it is a matter of priority. That happens to be my priority. There may not be another Senator in this body who would agree to my priorities but those are as much my priorities as the priorities that have been embodied in the Kerrey-Brown proposal.

What I am suggesting is simply we ought to update the strategy of our defense and military weapons systems necessary to sustain that defense under a whole new world of geopolitics. We are still spending more for defense in our single United States budget than all of NATO—all the NATO countries, plus Japan, put together. And, therefore, it indicates the disproportionate share, it seems to me, of our bearing the world's sense of defense and the world's peacekeeping activity.

So my purpose in offering this is just to illustrate that particular difference of priority. Not in any way to demean or to denigrate the pending amendment that I provided my amendment as a substitute to, but merely to say it happens to be a set of priorities different than the ones that we heard first proposed.

Madam President, I am going to vote for the Byrd proposal of tabling the entire package, if you want to call it that. Then I think we have learned a great deal from this debate and we should go back to the drafting board and perhaps build a consensus a little broader than excluding all military reductions in order to reduce the deficit.

The PRESIDING OFFICER. Does the Senator yield time?

Mr. HATFIELD. Madam President, I yield to the Senator from West Virginia the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the distinguished Senator.

Madam President, we have two amendments now pending: The underlying amendment by Mr. KERREY and Mr. BROWN and other Senators, and the amendment in the second degree, the substitute, offered by the distinguished Senator from Oregon, [Mr. HATFIELD].

It is my understanding my motion to table, which has already been made, will be directed to the underlying amendment and that will carry with it, if the tabling motion is successful, the amendment in the second degree, also.

I yield 4 minutes to the distinguished Senator from Georgia.

Mr. NUNN. Madam President, I thank the distinguished Senator from West Virginia.

I heard the Senator from Oregon say this Kerrey amendment does not cut defense. He and I are on the same side of this. I plan to vote to table. But I have a different perception. Because it is my understanding—maybe I do not understand the Kerrey amendment correctly—but it is my understanding it takes a very large amount out of personnel and those personnel cuts have already been taken in the defense bill. So, again, I may be under a misimpression here. But it seems to me that a very large part of the Kerrey amendment is a double counting of cuts that have already been made.

I am not sure where that unwinds. But this really is the third time we have spent the same money. And in terms of savings, we took the personnel cuts last year that were anticipated in defense and we said we were paying for the crime bill with those cuts. That bill has passed the Senate. It has not passed the House. I do not know how that is going to be reconciled. I think the President addresses that in his budget.

The second time these savings are being made on the personnel—and 70 percent of the civilian personnel cuts are in the defense budget—is in the President's budget. Those reductions are being made in the President's budget. So this is the third time that I know of we are doing the same thing; we are cutting the same people. You do not save the money but one time, but we are claiming it three times.

If I understand also what the chairman of the Appropriations Committee has said—again, I defer to him on this one—but he has also said another big hunk of this savings comes out of overhead. Yet the overhead cuts in this Kerrey amendment, if I understand what the Senator said correctly, are not as much as the overhead cuts, the same overhead cuts that are taken out of the President's budget.

So the way I read this amendment, one half—if you count the military personnel cuts and the overhead cuts—one half of the total 5-year savings that are claimed here have already been done either by the President's budget or in the overall defense budget.

So as much as I would like to join my friend from Nebraska in this kind of effort, and I do think there are enough votes building here to come up with some overall approach, I would have to oppose the amendment at this point in time, based on my understanding of what it does. We cannot cut personnel but one time. We cannot count them but one time. We are drawing down the defense budget in a very large way.

We have reduced the defense budget every year since 1985. We now have cut about one-third out of the defense budget. The President's program calls for, over the next 2 or 3 years, getting that up to about 40 percent—1985 versus 1990, the late 1990's. So we are making significant cuts in the defense budget. But I think most people in this body do not want to see the defense budget just ripped apart, leaving us in the same position we have been in after every war, which in effect leads to the next vacuum in the world, which leads either to bloodshed or to the rebuilding of defense, with precious resources wasted.

So, Madam President, I thank the Senator for yielding. I would like to at some point join with my friend from Nebraska in taking an overall approach that would be balanced. But on this particular one, based on what I know of the amendment now, I cannot support it.

Mr. BYRD. Madam President, I thank the distinguished Senator from Georgia, Mr. NUNN.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 44 seconds remaining.

Mr. BYRD. I thank the Chair.

Madam President, as I pointed out earlier in my opposition to this amendment, a large amount of the claimed saving simply does not exist; $26.7 billion claimed as savings from cuts in the Federal work force have already been used in the Senate-passed crime bill to establish a Violent Crime Trust Fund. The vote on establishing that trust fund, which will be used to fully fund the crime bill, was 94 to 4. Moreover, the $21 billion claimed as a result of freezing Federal overhead costs for 2 years, and then allowing overhead costs to grow by the rate of inflation for the next 3 years, will not occur.

This is because the President, by Executive order, has already cut Federal overhead spending for each of the next 5 years.

Furthermore, the $30 billion claimed in the amendment from reforms in Medicare shall not be used now for deficit reduction purposes. All pending health care reform measures would use such savings in order to help finance improved health care for all Americans.

It follows that the overwhelming percentage of savings claimed by this amendment simply do not exist. Senators should be aware that if this amendment is adopted—and I hope Senators will listen—Senators should be aware that if this amendment is adopted, the conference on this bill will take days, if not weeks, to complete—I hope that Senators will pay close attention to that—take days, this conference will, if not weeks. Why? Because virtually every Senate and House committee will have to be directly involved in the conference, authorizing committees in addition to the appropriations committees.

This amendment makes changes under the jurisdiction of committees throughout the House and Senate. It makes changes under the jurisdiction of the Finance Committee, the Agriculture Committee, the Labor Committee, the Armed Services Committee, the Governmental Affairs Committee, the Veterans' Affairs Committee, as well. Each of these committees would want to have their input in the conference, and they ought to, on the issues in their jurisdictions, which are of a nonappropriations nature.

Now the House takes the position—and I honor that position—that in conference, the House conferees will not sit down with conferees on appropriations if conferees from authorizing committees are included. I share that feeling, but that would be most unfair to the authorizing committees—most unfair—if they were excluded. Each of these committees would want to have their input on the issues in their jurisdictions, which are of a non-appropriation nature.

I urge my colleagues not to adopt this amendment. We are sowing the dragon's teeth if we do so.

Now, hear me, hear me, a letter addressed to ROBERT C. BYRD, February 9, today, from AARP:

> Dear Senator BYRD: Older Americans support deficit reduction——

And, parenthetically, I do, too, and I am an older American as well.

> Provided that the sacrifices called for are fair. The Kerrey amendment is not fair.

My friend from Nebraska talked to me and talked to the Senate earlier about fairness; talked about fairness in the use of the Senate rules. Well, AARP in this letter addressed to me says:

> The Kerrey amendment is not fair. It singles out older Americans for particular pain and adds insult to the injury inflicted on older Americans in the 1993 budget by the $56 billion in Medicare cuts. Under the Kerrey amendment, nearly one-third of the proposed savings come at the expense of older Americans. No other group is asked to bear such a

disproportionate burden of deficit reduction. The plan metes out particular pain to those who are the most ill by increasing out-of-pocket costs for home health and laboratory services.

Worse yet, this amendment comes at a time when millions of Californians are awaiting disaster relief from the recent earthquake. Holding victims of the earthquake hostage in order to move a political agenda is truly a return to the worst gridlock that Washington has to offer. As a result, AARP strongly opposes the Kerrey amendment.

Let us be clear about what the Kerrey plan would do to near-poor older Americans. Those who use Medicare home health services would have to pay $425 more out of pocket for coinsurance, on average, in 1994; those age 85 and older, primarily women, would have to pay $560 more. In effect, the Kerrey proposal for a 10 percent coinsurance on home health services is a new "sick tax" on the elderly and disabled.

In addition, the Kerrey proposal would income-relate the Medicare part B premium. Such action does nothing to control spiraling health care costs, but simply shifts these costs on to Medicare beneficiaries. Moreover, the proposal is also unfair in that it treats beneficiaries receiving health care through Medicare differently from nonbeneficiaries at the same income levels. Non-Medicare higher-income Americans will continue to receive significant Government subsidies through their employers for their health care benefits, since their benefits remain fully tax deductible for their employers and do not count as taxable income for employees.

If Congress wants to impose income-related restrictions on tax subsidized health benefits, then it should do so across the board for everyone whose health care benefits are supported by the taxpayers. In short, if income-related health care for the elderly is a good idea, then it is a good idea for the rest of society.

As you will recall, we have been down this road before, but at least the Medicare Catastrophic Coverage Act included new benefits. The Kerrey amendment does not and the reaction from seniors will surely reflect this.

For over a decade, we have tried to control rising deficits by cutting Medicare spending. This has proven to be a profoundly unsuccessful strategy because it fails to address the root causes of escalating health care costs that are driving the deficit. Moreover, it has resulted in more cost-shifting to the private sector. Only comprehensive health care reform that addresses health care costs on a systemwide basis can achieve real and sustainable deficit reduction. The Kerrey plan will not only fail to achieve real long-term sustainable deficit reduction but will also jeopardize the best chance we have to get real long-term deficit reduction through comprehensive reform of our health care system.

AARP urges you to oppose the Kerrey amendment. If you have any questions, or if we can be of further assistance, please call me or ask your staff to call our Federal Affairs Department at (202) 434-3760. Sincerely,
Horace B. Deets.

Well, there is the record from AARP and it opposes the amendment by Mr. KERREY.

Finally, Madam President—I hope all Senators will listen to this because it is going to affect all Senators—it is my understanding that without additional funds, FEMA will be forced to suspend work on all non-people-related projects throughout the Nation—not just in California, but also throughout the Nation—in order to concentrate their remaining funds on the people-related needs of those affected by the earthquake.

Madam President, it is my understanding that the grants process for reconstruction and repair of the highways affected by the earthquake will cease if this bill is not enacted into law by the end of this week.

Furthermore, it is not just California. There is nearly $1 billion in here for Midwest flood victims—Midwest flood victims.

Madam President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate is not in order. The Senator has just 10 seconds remaining.

Mr. BYRD. I ask that the time to secure order not come out of my time.

The PRESIDING OFFICER. That is the regular order. The Senate will be in order.

Mr. BYRD. I thank the Chair. Madam President, I hope that Senators will vote for my motion to table the amendment. This bill needs to go to conference fast—tonight or tomorrow. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Madam President, I wonder if the distinguished President pro tempore will give me 60 seconds to make one last statement.

Mr. BYRD. Madam President, I do not have any time left, do I? But I ask unanimous consent——

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. I ask unanimous consent that the Senator from Nebraska may have 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Madam President, I merely say to my colleagues who are deciding to vote, I think their concerns about the supplemental are appropriate.

The distinguished Senator from Georgia raised concern about double counting. We have declared and disclosed the possibility of that double counting. Since nothing has been enacted, we include it. It was disclosed all the way along that if the crime bill is enacted, we will allow that money to go to it. We have made no intent to double count.

I urge my colleagues to listen to what the distinguished President pro tempore said both in the beginning and the end. In the beginning, there is nothing to this amendment, and in the end, there is so much that we are standing here with a letter from AARP saying vote against it.

It is a tough amendment. It requires us to have the courage, in my judgment, to finally say no to some people in order to get not only health care costs under control but get our deficit under control.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD], to lay on the table amendment No. 1440, offered by the Senator from Nebraska [Mr. KERREY].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

I also announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—65

Akaka
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Conrad
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Feinstein
Ford
Glenn
Gorton
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Leahy
Levin
Lott
Lugar
Mathews
McConnell
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—31

Baucus
Boren
Brown
Chafee
Cohen
Coverdell
Craig
Danforth
DeConcini
Durenberger
Exon
Faircloth
Feingold
Graham
Grassley
Gregg
Kassebaum
Kempthorne
Kerrey
Kohl
Lautenberg
Lieberman
Mack
McCain
Nickles
Packwood
Robb
Simon
Simpson
Smith
Specter

NOT VOTING—4

Bradley
Gramm
Hutchison
Mikulski

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only remaining first-degree amendments to H.R. 3759, other than those amendments which are now pending, and that they be subject to second-degree amendments if relevant to the subject matter of the first-degree amendment; that upon the disposition of these amendments, the bill be read a third time and the Senate vote on final passage of H.R. 3759; that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the preceding all occurring without any intervening action or debate. The amendments are contained in the list I now send to the desk.

The PRESIDING OFFICER (Mr. MATHEWS). Is there objection?

Mr. METZENBAUM. Reserving the right to object, Mr. President, I have an amendment, and I wanted to be certain that the majority leader's unanimous consent request would not preclude me from offering that amendment.

Mr. MITCHELL. Do I understand correctly that the Senator's is a second-degree amendment to a pending first-degree amendment?

Mr. METZENBAUM. No. I believe there is a first-degree amendment by Senator D'AMATO at the present time and a second-degree amendment by Senator MURKOWSKI to Senator D'AMATO's first-degree amendment. What I am trying to do is offer an amendment to Senator MURKOWSKI's amendment, which is agreeable, but I cannot do it because I cannot third degree it. So I have to work out that procedure. I am asking the majority leader—I do not think there is any controversy at all. But I cannot do it if the unanimous consent agreement is agreed upon.

Mr. D'AMATO. Mr. President, I have no objection if it is in the nature of a perfecting amendment. I guess we would have to get unanimous consent.

If there is no substantive change and it would be in the spirit which Senator METZENBAUM and I agreed to offer his amendment, I would be agreeable to his offering it.

Mr. BYRD. Reserving the right to object, if this is a third-degree amendment, I will, of course, object.

Mr. METZENBAUM. I understand the situation, but I am expecting a second degree to be adopted. So, thereafter, I might offer a second degree.

Mr. BYRD. I suggest to the distinguished majority leader that he include in the request that Mr. METZENBAUM be recognized for modification to the amendment, and it will not be a third-degree amendment.

Mr. MITCHELL. Mr. President, I ask that the proposal be so modified as suggested by the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I now ask unanimous consent that the Brown and Murkowski amendments be set aside and the Senate proceed to vote immediately on the pending D'Amato amendment.

Mr. METZENBAUM. Mr. President, I will send a second-degree amendment to the desk and ask for its immediate consideration.

Mr. MITCHELL. Has the Chair acted upon my request?

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The pending question is the Murkowski amendment No. 1443 and the D'Amato amendment No. 1442.

Mr. MITCHELL. Mr. President, I withdraw that last request. I now ask unanimous consent that the Murkowski and Brown amendments be set aside and that Senator METZENBAUM be recognized to offer an amendment modifying the D'Amato amendment and that the Senate then proceed to vote on the D'Amato amendment, as modified by the Murkowski amendment and the Metzenbaum amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1443 AS MODIFIED, TO AMENDMENT NO. 1442

Mr. METZENBAUM. Mr. President, I send a modification of the Murkowski amendment to the desk.

The PRESIDING OFFICER. The Senator has that right pursuant to the unanimous consent agreement.

The amendment (No. 1443), as modified, is as follows:

Delete lines 3 through 10 of D'Amato Amendment No. , and insert in lieu thereof the following:

"(a) Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995; or ending on the date of the termination of the corporation pursuant to section 21A(m)(I), whichever is later; or."

Mr. METZENBAUM. Mr. President, let me advise my colleagues what is going on.

Mr. BYRD. The Senator's colleagues cannot hear, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The pending question is the Murkowski amendment No. 1442, as modified by the amendment of the Senator from Ohio.

Mr. METZENBAUM. So that everybody understands what we are doing——

Mr. BYRD. Everybody cannot understand what we are doing because everybody cannot hear. I insist that the Chair get order. We are going to have order before we proceed on this amendment.

The PRESIDING OFFICER. There will be order in the Senate. Please take your conversations to the Cloakroom.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I want to make clear the course of action we are now following, and I wish to modify the unanimous-consent agreement in one respect.

My understanding is—and I present this as a parliamentary inquiry—that we now have pending a first-degree D'Amato amendment and a second-degree Murkowski amendment. Senator METZENBAUM will modify the Murkowski amendment. The Senate will then vote on that amendment and presumably adopt it by voice vote. Thereafter, we will seek a recorded vote on the D'Amato amendment, as modified by the Murkowski amendment, which, in turn, will have been modified by the Metzenbaum amendment. Am I correct?

The PRESIDING OFFICER. The Senator is correct, except that we have the yeas and nays on the Murkowski amendment, as modified, at this point.

Mr. MITCHELL. Well, when we get to that point, I am going to ask that we vitiate the yeas and nays on that amendment and have the yeas and nays on the D'Amato amendment.

With respect to the prior agreement relating to the amendments on the list, as I stated it, it provided that the only remaining first-degree amendments to the pending bill were those listed on the documents submitted to the desk, other than those now pending, and that they be subject to second-degree amendments, if relevant to the subject of first degree. That clause would be read narrowly to apply only to those second-degree amendments to be offered to the first-degree amendments on the list.

I want to make clear—and I ask that the agreement be stated and clarified in such a way—that the second-degree amendments to the pending amendments also be limited to those which are relevant to the subject matter of the first-degree amendments.

The PRESIDING OFFICER. Is there objection? Hearing none, that is the order.

The list of amendments is as follows:

Senator Feingold amendment—Peacekeeping money.

Senator Graham amendment—Relevant.

Senator Conrad amendment—Land transfer.

Senator DeConcini amendment—Bosnia.

Senator Ford amendment—Relevant.

Senator John Kerry amendment—Relevant.

Senator Levin amendment—Rail consolidation project.

Senator Byrd amendment—Relevant.

Senator Byrd amendment—Relevant.

Senator Levin amendment—Auxiliary flight service stations.

REPUBLICAN AMENDMENTS

Senator Dole amendment—Pay for it.

Senator Brown amendment—Strike pork programs.

Senator Brown amendment—Relevant.

Senator Bond amendment—Space.

Senator Hatfield amendment—Relevant.

Senator Hatfield amendment—Relevant.

Senator Bond/Harkin amendment—Tech. Re: SCS.

Senator Durenberger amendment—Future disaster fund.

Senator Gregg amendment—CBO study re: Health care on budget.

Senator McCain amendment—Relevant.

Senator McCain amendment—Relevant.

Senator McCain amendment—Relevant.

Senator Nickles amendment—President's contingency/slush fund.

Senator Cohen/Dole amendment—Government benefits.

Senator Gramm amendment—Relevant.

Senator Gramm amendment—Relevant.

Senator Grassley amendment—Relevant.

Senator Kassebaum amendment—Welfare reform.

Senator McConnell amendment—State Department.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, so we understand where we are on this matter, the Senator from New York has addressed the Senate for a number of days in connection with Madison Savings & Loan. The Senator from Ohio has addressed the Senate on 2 days indicating that if we were going to do something about the statute of limitations, we ought to make it applicable to all of the savings and loans where the FDIC may have a claim.

Yesterday in debate, Senator D'AMATO indicated a willingness to consider an amendment to extend it to all savings and loans. The fact is that I then sent that to him yesterday prior to 5 o'clock, as I said I would. The Senator from New York, with some minor modifications, agreed to the change.

The matter came to the floor today. The Senator from New York offered the amendment that I had sent to him.

The Senator from Alaska offered a protective amendment in the second degree. The Senator from Ohio has offered a modification to the second-degree amendment. The net result would be that the statute of limitations with respect to all savings and loans would be extended at least until December 31, 1995, or ending on the date of the termination of the corporation, whichever is later.

I think this amendment is fair. I think it is broad based. I think every Member of this body should be willing to vote for it. I think the Senator from New York will confirm my representations in that connection.

Mr. D'AMATO. Mr. President, let me thank my colleague from Ohio. I think we have worked out a fair compromise that seeks equal treatment of people that may find themselves with potential liability from these willful actions in connection with a failed savings and loan. This amendment will permit the RTC to bring suit, but after the RTC expires, the old statute of limitations will apply.

I urge my colleagues not only to support this—and I know the majority leader will ask for the yeas and nays on this—but, in addition, I hope that we will hold this in conference, because to do less than that would not be adequate and would be really a sham. So I hope that we will do that.

I thank those who have not offered any amendments or raised points of order, which they could have, which would have put us through another vote on this.

So I thank the majority leader, and I thank the Senator from Ohio as well as the manager of the bill, Senator BYRD.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, has the Metzenbaum modification been adopted?

The PRESIDING OFFICER. The modification has not yet been agreed to.

Mr. METZENBAUM. I ask unanimous consent that a modification of the Murkowski amendment by the Metzenbaum be agreed to.

Mr. MURKOWSKI. Mr. President, I would concur with the Senator.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the yeas and nays previously ordered on the Murkowski second-degree amendment be vitiated.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The question is on agreeing to amendment No. 1443, as modified.

The amendment (No. 1443), as modified, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, as modified, as amended.

Mr. MITCHELL. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I just wanted the majority leader to have a moment to clarify as to what the program is for the rest of the evening.

Mr. MITCHELL. Mr. President, this will be the last rollcall vote today. We will return to the bill tomorrow. There are many amendments remaining, as anyone can see who reads the list. Therefore, there will be votes throughout the day tomorrow.

So there can be no misunderstanding, I repeat again now what I have said several times publicly this week. The Senate will not leave session until this legislation is completed in a form to be sent to the President. We will complete action on this emergency supplemental appropriations bill prior to leaving this session. That means that, if necessary, the recess will be delayed or eliminated unless we complete action on this bill prior to the time when it is scheduled to begin so there can be no misunderstanding in that regard.

Mr. President, I thank my colleagues.

AMENDMENT NO. 1442

Mr. RIEGLE. I rise in support of amendment No. 1442, the D'Amato amendment, to H.R. 3759, the Supplemental Appropriations Act, which relates to the extension of the statute of limitations for tort actions at failed savings and loans. I support the efforts of Senator METZENBAUM and Senator D'AMATO to lengthen the statute of limitations at failed savings and loans which will assist the regulators in their efforts to recover money from wrongdoers for the American taxpayers. I have supported such efforts each time the issue has been raised in the Banking Committee or on the floor. However, I do wish to register my disappointment that this provision does not go as far as what had passed the Senate last session which would have extended the statute of limitations for all tort violations, not just for instances of fraud or intentional misconduct or certain other intentional offenses.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New York [Mr. D'AMATO].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

I also announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle

DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—5

Bingaman
Bradley
Gramm
Hutchison
Mikulski

So, the amendment (No. 1442), as amended, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. You do not need to reconsider something 95 to nothing. Not that many are going to change.

Mr. BYRD. Mr. President, I have five amendments that have been agreed to on both sides.

Mr. McCAIN. Will the Senator yield to allow me to make a 1-minute statement?

Mr. BYRD. I yield.

BOSNIA

Mr. McCAIN. Mr. President, I would like to make a comment concerning the events that have transpired today concerning Bosnia. I have frequently questioned the efficacy of air power to achieve a political settlement in Bosnia or even to relieve the siege of Sarajevo beyond the shortterm.

My views on that matter are well-known. I am uneasy with many of the assumptions underlying this policy and with at least one of its command features granting the United Nations Secretary General final authority over the launching of the first air strike.

However, the President has made his decision, and he has stated his objectives with admirable clarity. I sincerely hope that should NATO launch air strikes that they achieve their desired effect and the senseless slaughter in Sarajevo will cease.

I suspect that air strikes, and perhaps even the threat of air strikes, will provide temporary relief to the people of Sarajevo. I hope they may have a more enduring effect, but I am uncertain that they will.

I have great confidence that the men and women of the U.S. Armed Forces will execute the orders of their Commander in Chief to the letter and will do their utmost to achieve the objectives of their mission. I wish them all Godspeed and assure them that the Nation deeply appreciates the courage they will show as they again undertake grave risks on behalf of someone else's freedom.

Mr. President, I appreciate the Senator from West Virginia yielding to me. I yield the floor.

Mr. WARNER. Mr. President, I have joined Mr. McCain a number of times on the floor, and elsewhere, to address the serious concerns both of us have had about an expanded utilization of United States air power in this most complicated situation in Bosnia. I compliment my colleague, for he is a man without peer in terms of courage and expertise on the use of military air power. It was not easy for him to make this statement tonight; I commend him for his continued forthrightness and recognition of the constitutional role of the Commander in Chief, the President.

I myself continue to have concerns about the utilization of air power, but I want to pay great credit to our President. This is one of the most complex situations—politically, internationally, diplomatically, militarily—that has ever faced a President of the United States in this century. I have been privileged to be with President Clinton on a number of occasions during consultations, this year and last, at the White House, like the one we had earlier this evening. To date he has carefully weighed all options and made sound decisions.

Again, he is listening very carefully to all views on the limited number of options to deal with the tragic human carnage in Bosnia. I conclude my remarks by stating, in part, what I advised the leadership meeting today. The President should consult with the leadership of both the Senate and the House to determine a proper means by which to: first, have a full debate in the Congress so that we can more fully explain to the American people the complexity and risks of this proposed, added involvement of United States and NATO forces; and, second, whether the Congress should be on record, with a vote, such that we do not have a repetition of the situation—an open confrontation between the President and Congress—that followed the tragic loss of our troops in Somalia on October 3 and 4 of last year. The credibility of the United States as a reliable military leader and partner is on the line, now and for the future.

My position is that the Congress should be fully informed, should fully debate this matter so as to inform the American people, and should vote to support, or not support, the proposal before our military and the military of our NATO allies to undertake this dangerous extension of our collective military involvements in the Bosnian crisis.

I thank the Chair. I yield the floor.

THREAT OF AIR STRIKES IS NO SOLUTION TO BOSNIA CONFLICT

Mr. DURENBERGER. Mr. President, I rise today to challenge the widespread assertion that air strikes, or more specifically the threat of air strikes are a real solution to the deep-seated hatred that is the true cause of the current conflict in Bosnia-Herzegovina.

All Americans find repellent the brutal slaughter of civilians that occurred this weekend in Sarajevo. There can be no—repeat, no—justification for the killing of 68 innocent people in Sarajevo's marketplace. Indeed, there can be no justification for any of the needless bloodshed that has occurred in this prolonged conflict.

Our prayers today are with the victims of this most recent atrocity, and with the families of those victims. And we are all greatly concerned about the plight of every person—Moslem, Croat, and Serb—caught in this conflict.

It is ironic that this week marks the 10th anniversary of the Olympic Winter Games in Sarajevo. Those were happier times. One of the areas used for athletic contests during the 1984 Winter Olympics is now a graveyard.

The gravity of the events—the most recent of which we have read about in the newspapers this week—make us all want to take decisive action to bring an immediate resolution to this situation.

We all struggle with the desire to strike back—to make the aggressor pay for what has been done, and to teach the Serbs a lesson by unleashing retaliatory air strikes against the artillery positions located in the hills around Sarajevo or against other Serbian positions.

However, this is not the time to give in to the emotions of hatred and revenge. Instead, this is a time for leadership. A time for policies that will lead to a lasting and peaceful resolution of the present conflict.

Unfortunately, we are not getting this leadership from the White House. The President has threatened the Serbians on numerous occasions with air strikes—if they obstructed the United Nations peacekeeping forces, if they did not stop interfering with humanitarian efforts, and if they did not bargain in good faith to resolve the conflict.

These threats have fallen on deaf ears. The Serbs have not stopped their genocidal policies in response to these threats.

The administration's resort to threats of air strikes is not an effective policy. It will not lead to peace, because it is flawed in at least two fundamental ways.

First, in each instance in which we have threatened air strikes against the Serbians, we have not been ready to make good on the threat.

Second, air strikes are a limited tool. They cannot resolve the underlying issues that divide the combatants. And air strikes, even from a military viewpoint, cannot alone win a victory on the ground.

To give one example, the air strike against Libya during the Reagan administration did grave damage to various targets within that country. And it did provide some temporary relief from terrorist activities originating in that country. The air strike did not change Libya into a law-abiding and respected member of the international community.

Another example. In Operation Desert Storm, U.S. air power performed magnificently. Iraq's command and control system was destroyed, along with many elements of its basic infrastructure. However, it was not until United States ground forces routed the Iraqi army that the war was brought to a rapid termination.

Are we ready to commit ground troops to fight in Bosnia and Herzegovina? The answer to that question is a resounding no.

Are we ready to suffer casualties as a result of air strikes against the Serbs? Are we ready for the collateral damage—such as the destruction of schools or hospitals—that is the inevitable fallout from even precision bombing?

We should never threaten what we cannot and do not intend to deliver. Idle threats weaken our credibility in the community of nations.

The United States and other nations now have serious difference with North Korea on the issue of nuclear proliferation. Where is our credibility on that issue, if the North Koreans believe that we will simply not follow through on our commitment to back the International Atomic Energy Agency? How could the North Koreans possibly let us inspect their nuclear sites, if we are seen as an empty and blustering power in a conflict much less dangerous to U.S. forces?

I agree with the statement of the British Foreign Minister that appeared in the Washington Post on February 7. He warned that air strikes would result in—and I quote: "simply 1 day of satisfaction * * *. followed not by the lifting of the siege but by intensification."

I believe that air strikes will provide only temporary relief, and would actually lead to an escalation of the conflict.

What we need now is leadership, and a policy that will bring a permanent peace to the Balkans. To this end, the United States should pursue an initiative to bring the parties back to the peace negotiations. And the United States should take an active role in brokering a peaceful resolution.

Peace can only come when the combatants firmly believe that continued fighting is futile and unproductive. We all hope the warring factions will come to this realization quickly. And that is the process we should be helping—not merely engaging in toothless bluster that brings discredit in our country.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 1446, 1447, 1448, 1449, 1450, AND 1451, EN BLOC

Mr. BYRD. Mr. President, I have five amendments that have been agreed to on both sides. I ask unanimous consent that they be considered en bloc; that the reading of the amendments be dispensed with; that the amendments appear separately in the RECORD; that if any statements are appropriately put in the RECORD in explanation of the amendments that they appear as though read. I ask unanimous consent that the motions to reconsider, en bloc, be laid on the table.

Mr. HATFIELD. Mr. President, reserving the right to object, and I will not, I ask the Senator if he will amend his unanimous consent request to make it six? I have one cleared on both sides.

Mr. BYRD. Yes, I so amend the request.

Mr. HATFIELD. And statements accompanying.

Mr. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 1446

(Purpose: To assure that funds made available under the emergency appropriation for CDBG to areas damaged by the Midwest floods of 1993, for flood mitigation activities, will be utilized for permanent measures that reduce the potential for further flood losses)

Mr. BYRD offered amendment No. 1446 for Mr. HATFIELD, for himself, and for Mr. HARKIN and Mr. DANFORTH.

The amendment is as follows:

On page 70, line 24, after the colon, insert the following new proviso:

"*Provided further*, That with respect to funds made available by this head that are proposed to be used by recipients affected by the Midwest floods of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation, the Secretary shall secure assurances from grantees that such activities will be subject to the requirements of sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (Public Law 103–181, 107 STAT 2054–2056):"

Mr. HATFIELD. Mr. President, I ask unanimous consent that a memorandum that my staff has received from the Federal Emergency Management Agency regarding the issue of agricultural use of property acquired under the terms of the Hazard Mitigation and Relocation Assistance Act be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL EMERGENCY
MANAGEMENT AGENCY,
Washington, DC, February 9, 1994.

Memorandum for: Stephan Kohashi, Minority Staff Director, Sub-Committee on HUD, VA and Independent Agencies.

From: Martha Braddock, Director, Office of Congressional Affairs, Federal Emergency Management Agency.

Subject: Reuse of Property Acquired Under Section 404 of the Stafford Act for Agricultural Purposes.

The Hazard Mitigation and Relocation Assistance Act of 1993, S. 1670, at Section 3(2)(B)(i) stipulates that "any property acquired, accepted or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational or wetlands management practices."

FEMA interprets this stipulation to permit the reuse of land acquired under this program for certain agricultural purposes, such as pasture or cropland. Provided that no agricultural structures are erected or allowed to remain on such properties, agricultural uses are consistent with the "open space" requirement.

In its guidance, FEMA has indicated to the States that property acquired under this program may be leased by the State or local governmental owner to farmers for acceptable agricultural uses, or for the local government to acquire development rights or permit the retention of rights for uses such as agriculture which are consistent with open space uses.

If you have any questions concerning this policy interpretation, please do not hesitate to contact me at 646–4500.

CDBG FLOOD MITIGATION

Mr. DANFORTH. Mr. President, I rise in strong support of the Hatfield amendment. In the aftermath of the great midwestern flood, communities across Missouri are looking to a permanent solution to the repeated experience of devastating flood damage. They are seeking to help people who reside in flood plains and who experience repetitive flooding to relocate to safer territory. To me, providing Federal assistance to help with such relocations is a very wise investment. While it entails up-front costs, I am convinced it will lead to significant reductions in future Federal disaster assistance. It will also bring to an end for many the horrible cycle of confronting flood after flood.

I am grateful that the administration requested $250 million in Community Development Block Grant funds to help in this effort. I wish to commend Senators BYRD, HATFIELD, and HARKIN for their work in including the administration's request in this legislation.

The Hatfield amendment ensures that properties acquired with the CDBG funds appropriated in this bill will be restricted to uses which avoid the potential for future losses. I believe this to be an essential component to a successful buyout program and support the adoption of the amendment.

Mr. HARKIN. Mr. President, during the Appropriations markup, the Senator from Oregon [Mr. HATFIELD] raised the issue of whether the Federal Government might have to pay for future disaster payments on flood plain land that is purchased with the CDBG funds being provided in this measure. He does not want the Federal Government to buy land and buildings unless there are assurances that the Federal Government would not have to pay flood claims on that land in the future. He makes an excellent point. And, I am pleased to cosponsor the amendment that he has developed to make sure that will not happen. I have heard from a number of Senators in the affected States. And, they agree.

Clearly, the expectation is that a considerable portion of the $250 million in CDBG funds being provided for the midwest flood States will be used for whole town and home "buyouts." When I requested additional CDBG funds in a meeting with Leon Panetta, the Director of OMB, that was one of the three principal purposes of the requested funds. And, in the language which OMB proposed and which I offered in the committee, that was OMB's and my intent. So, a considerable sum is involved.

The Hatfield amendment is based on the provisions in the Hazard Mitigation and Relocation Assistance Act that I sponsored last year. And, the amendment coordinates the limitations of these funds with the restrictions in that act.

I do want to point out, as the Senator from Oregon did, that it is our understanding that agricultural uses such as grazing and row crop agriculture will be allowed on that land.

Mr. HATFIELD. Mr. President, the amendment that I am offering addresses the issue of flood disaster damage mitigation activities. This is a concern that must be more effectively addressed by our Nation in a comprehensive and concerted effort. Unfortunately, this issue arises all too often only after a disaster has struck, and frequently our commitment to invest the resources to actually prevent future losses ebbs almost as quickly as the receding flood waters.

Because of this past pattern of behavior, I was somewhat surprised that the States and localities devastated by last year's flood in the Midwest were actually engaged in a major effort to buy out homes and other properties in flood prone areas and relocate these residents and activities. In response, the supplemental appropriations bill before us contains an additional $250 million for the HUD Community Development Block Grant for these jurisdictions and anticipates such mitigation work as a significant use of these funds. These States and communities are to be commended for their perseverance and foresight in finally coming to grips with this long troubling issue.

I would add that these localities also have been assisted in their efforts by a recently enacted change in Federal disaster relief statute which authorizes an increase in the availability of funds through the Federal Emergency Management Agency for such disaster mitigation activities. That measure, the Hazard Mitigation and Relocation Act of 1993, became law only 2 months ago, but has become the focus of a significant and coordinated mitigation program. It is noteworthy that the principal sponsor of that legislation was the Senator from Iowa [Mr. HARKIN] who also sponsored the amendment in the Appropriations Committee markup yesterday which provides the additional CDBG funding.

During that markup, I raised the issue of whether the funding made available under the CDBG Program would be applied in a manner that assured that properties acquired would be permanently restricted to uses that avoid the potential for future flood losses. While I was assured that this was the intent of these States and localities, the underlying authorization of the CDBG Program is silent on this matter. It is for this reason, I am offering this amendment, along with Senator from Iowa and the Senator from Missouri [Mr. DANFORTH], to include in this act guidelines on how these funds should be applied.

Mr. President, I would like to thank the Senator from Iowa for his help and cooperation in the preparation of this amendment. In fact, the amendment utilizes the requirements and provisions of the Hazard Mitigation and Relocation Assistance Act of 1993 that he authored last year as the applicable standard for such mitigation activities under this HUD appropriation. Central to this is the requirement that "any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices."

I would also like to thank the Senator from Missouri [Mr. DANFORTH] for his assistance and support in the formulation of this amendment. I should note that the Senator's State has taken the lead to organize a comprehensive flood hazard mitigation program with State and local participation in close coordination with the Federal Emergency Management Agency. This effort is directed to the purpose of identifying the highest priority acquisitions and maximizing the mitigation benefits with these limited resources. I hope this program in Missouri will serve as a model for other States affected by the Midwest flood, and that the additional HUD assistance made available by this act will be used in close coordination with the existing FEMA sponsored program. To the extent possible, I would urge the Secretary of HUD to encourage and assist eligible states and localities to pool these funds with those available through the FEMA mitigation program.

I understand that a concern has been raised with respect to the requirements of the Hazard Mitigation and Relocation Assistance Act, that I quote previously, as it may apply to permissible agricultural uses. I have been assured by FEMA that the act does permit agricultural uses on lands acquired for flood mitigation purposes. These uses include grazing as well as row and field crops. Of course, erecting a barn on such land would be inconsistent with the intent of the act, but minor structures associated with agricultural use would be permissible. In addition, it should be emphasized that the act clearly specifies that any subsequent disaster damage would be ineligible for any future disaster assistance from any Federal source. So if such land was put to an agricultural use, as permitted by the act, it would be at the sole risk of that operator or such private insurance that the operator could secure.

Mr. President, I ask unanimous consent that sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 that are referenced in my amendment be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. HATFIELD. Mr. President, I again would like to express my appreciation to the Senators from Iowa and Missouri for their help to crafting this amendment and their cosponsorship. We are in agreement that the critical task of disaster hazard mitigation is long overdue and critical if we are ever to reduce the mounting cost of responding to these natural disasters. We are in agreement that property acquired for flood mitigation should be permanently reserved from disaster damage prone development. I urge adoption of the amendment.

[EXHIBIT 1]

EXCERPTS FROM THE HAZARD MITIGATION AND RELOCATION ASSISTANCE ACT OF 1993

SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.

Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

(2) by adding at the end the following new subsection: "(b) PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.—

"(1) GENERAL AUTHORITY.—In providing hazard mitigation assistance under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects that meet the requirements of paragraph (2).

"(2) TERMS AND CONDITIONS.—An acquisition or relocation project shall be eligible to receive assistance pursuant to paragraph (1) only if—

"(A) the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a); and

"(B) on or after the date of enactment of this subsection, the applicant for the assistance enters into an agreement with the Director that provides assurances that—

"(i) any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices;

"(ii) no new structure will be erected on property acquired, accepted or from which a structure was removed under the acquisition or relocation program other than—

"(I) a public facility that is open on all sides and functionally related to a designated open space;

"(II) a rest room; or

"(III) a structure that the Director approves in writing before the commencement of the construction of the structure; and

"(iii) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program—

"(I) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and

"(II) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.

"(3) STATUTORY CONSTRUCTION.—Nothing in this subsection is intended to alter or otherwise affect an agreement for an acquisition or relocation project carried out pursuant to this section that was in effect on the day before the date of enactment of this subsection.".

SEC. 4. TREATMENT OF REAL PROPERTY BUYOUT PROGRAMS

(a) INAPPLICABILITY OF URA.—The purchase of any real property under a qualified buyout program shall not constitute the making of Federal financial assistance available to pay all or part of the cost of a program or project resulting in the acquisition of real property or in any owner of real property being a displaced person (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).

(b) DEFINITION OF "QUALIFIED BUYOUT PROGRAM".—For purposes of this section, the term "qualified buyout program" means any program that—

(1) provides for the purchase of only property damaged by the major, widespread flooding in the Midwest during 1993;

(2) provides for such purchase solely as a result of such flooding;

(3) provides for such acquisition without the use of the power of eminent domain and notification to the seller that acquisition is without the use of such power;

(4) is carried out by or through a State or unit of general local government; and

(5) is being assisted with amounts made available for—

(A) disaster relief by the Federal Emergency Management Agency; or

(B) other Federal financial assistance programs.

AMENDMENT NO. 1447

Mr. BYRD offered amendment No. 1447 for Mr. BOND, for himself, and Mr. HARKIN.

The amendment is as follows:

On page 50, line 15, strike: "Provided, that not . . ." and all that follows through "size" in line 18, and insert in lieu thereof: "Provided, That notwithstanding any other provision of law (including any regulation), the eligibility to receive assistance from the Soil Conservation Service of a public sponsor of a primary levee located in the area that was affected by major, widespread flooding in the Midwest during 1993 shall not be affected by the status of participation (or the lack of participation) of the public sponsor in the U.S. Army Corps of Engineers Levee Rehabilitation Program. And provided further, that not more than $50,000,000 shall be made available for the repair of such levees regardless of drainage size".

AMENDMENT NO. 1448

Mr. BYRD offered amendment No. 1448 for Mr. HARKIN.

The amendment is as follows:

At the appropriate place under "Commodity Credit Corporation" in Title I, insert:

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be made available to fund crop loss disaster assistance as under the provisions of Public Law 101-624 for 1993 losses of nursery stock and inventory being grown for commercial sale, if such stock or inventory would normally have been sold in 1993, 1994 or 1995: *Provided*, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

AMENDMENT NO. 1449

(Purpose: To add a section to the bill)

Mr. BYRD offered amendment No. 1449 for Mr. CONRAD.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . REPEALS.

Except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act are repealed effective October 30, 1992.

Mr. CONRAD. Mr. President, I rise today to offer an amendment to H.R. 3759, the Emergency Supplemental Appropriations legislation. My amendment would repeal certain provisions of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act—title 35, Public Law 102-575.

The Equitable Compensation Act was enacted into law on October 30, 1992, after many years of hard work and careful negotiation. The primary purpose of this legislation was to correct a historic injustice by compensating two Indian tribes for land they lost to the Garrison and Oahe dam projects in the 1940's. To accomplish this, the act establishes two economic recovery trust funds, worth a total of $240 million, from which the tribes will be able to draw future interest payments for such purposes as economic development, education, health care improvement, or environmental management.

Secondary provisions in the act provide that excess Government lands purchased for construction of the reservoirs be sold back to former owners or their heirs. While this remains a worthwhile goal, the Federal agencies responsible for administering the sale of lands estimate the procedure will cost nearly $21 million, over five times the estimated value of the land involved. As I am sure you will agree, it would be impossible to justify spending that amount of money to return land worth so much less. Pursuing this land return would be particularly irresponsible in light of our current Federal budget crisis.

For the past year, I have worked diligently with the tribes, State officials, representatives from the Department of the Interior and Army Corps of Engineers, and other affected parties to develop technical amendments to reduce the cost of the land transfer. Several different approaches have been considered but, unfortunately, even under our most ambitious effort the land return was estimated to cost around $10 million, still more than double what the land is worth.

It is for this reason I am offering an amendment to repeal the land return provisions of the Equitable Compensation Act. I should emphasize that this amendment will not affect the economic recovery trust funds which we worked so hard to establish and which will help secure the economic viability of these tribes well into the future.

AMENDMENT NO. 1450

Mr. BYRD offered amendment No. 1450 for Mr. SARBANES, for himself, and Ms. MIKULSKI.

The amendment is as follows:

At the appropriate place in the bill add: "It is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not later than 45 days after enactment of this Act."

Mr. SARBANES. Mr. President, I am pleased to offer an amendment to require obligation of funding for a much-needed replacement facility for the Walter Reed Army Institute of Research.

I want to emphasize that this amendment will not have any budgetary impact on the legislation that we are considering today. It does not authorize or appropriate any additional funding for this important project. It simply directs the Department of Defense to proceed with construction using funds authorized and appropriated in fiscal 1993 and fiscal 1994.

Mr. President, in fiscal 1993 the Congress authorized and appropriated $13.3 million for the first increment of construction. For the current fiscal year, fiscal 1994, we authorized and appropriated an additional $15.0 million.

I want to quote from the conference report on military construction appropriations that we adopted last fall:

> The Committees on Appropriations have had a long standing interest in replacing the deplorable and inadequate facilities housing

the Walter Reed Institute of Research. * * * The conferees wish to point out that ground breaking and award has already been delayed twice from an original date of November 1992 and subsequently June 1993 while the OSD studied and restudied the issue. The conferees are firm in their belief that this issue has been studied enough and want to reiterate that no more delays in award will be tolerated. The conferees therefore direct that an award be made for a new WRAIR not later than December 25, 1993.

Mr. President, 6 weeks have passed since that deadline that was wisely specified by the conferees. I understand that the Corps of Engineers has estimated that each month of delay in starting this project adds about $400,000 to the total cost. Based on that figure, the delay past the December deadline adopted by both Houses of Congress has already cost the American taxpayers roughly $600,000.

Enough is enough. There is strong support in the Congress for this project. We need to direct the Department of Defense to move forward at once and I urge adoption of my amendment.

AMENDMENT NO. 1451

(Purpose: To provide a supplemental appropriation of $300,000 to continued necessary functions assigned by law to the Council on Environmental Quality as requested by the administration, offset by a rescission of funds previously provided for the Chemical Safety and Hazard Investigation Board. The amendment also repeals a limitation on OSTP staffing as requested by the administration and has no budgetary impact)

Mr. BYRD offered amendment No. 1451 for Ms. MIKULSKI.

The amendment is as follows:

On page 84, after line 7, insert the following:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103–124 is repealed.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $300,000.

On page 113, after line 19, insert the following:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $770,000 are rescinded.

Mr. BYRD. Mr. President, if any Senators have amendments they want to call up tonight and discuss, I have no problem with their doing that. May I inquire as to the Senators who wish to proceed with their amendments tonight?

Mr. KERRY. Mr. President, I say to the distinguished President pro tempore, I am prepared to proceed forward tonight. I do not need a great deal of time, nor do I think the amendment needs to take a great deal of time. I will be happy to lay it down tonight and temporarily set it aside.

Mr. BYRD. Very well. Is there another Senator?

Mr. FEINGOLD. Mr. President, I have an amendment I would like to take up tonight with only 15 minutes for myself and possibly one other speaker for 5 minutes dealing with the $1.2 billion amount for peacekeeping.

Mr. DURENBERGER. Mr. President, I, too, have an amendment creating a trust fund that I would like to lay down tonight. I understand there will be further debate on the amendment on the morrow, but I would like the opportunity to lay it down.

Mr. BYRD. Mr. President, are there other amendments to be laid down tonight? The Senator from Colorado?

Mr. BROWN. Mr. President, I have two amendments. One may be acceptable to both sides. The other one, I suspect, will take discussion. For the convenience of the Members, I thought it would be expeditious to lay them down tonight.

Mr. BYRD. Mr. President, are there other amendments?

Mr. President, I ask unanimous consent that Senators KERRY, FEINGOLD, the Senator from Minnesota [Mr. DURENBERGER], the Senator from Colorado [Mr. BROWN]—those four Senators be permitted to lay down their amendments tonight and those amendments, I believe, are on the list. All these amendments are on the list; that they be permitted to lay the amendments down tonight and discuss them, if they wish; that no action be taken on them today, and tomorrow then the Senate will proceed to consider and act on the amendments. The Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Colorado [Mr. BROWN], has two amendments. Very well, if we might do that. Is that agreeable with my friend and colleague, Mr. HATFIELD?

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

BOSNIA

Mr. KERRY. Mr. President, I thank the Senator from West Virginia.

Let me say at the outset, I wish to comment also on what Senator WARNER and Senator MCCAIN have said. I think the President has made a correct decision, and I salute him for helping to move forward the process with respect to our European allies. Many of us have felt for a long time that the United States needed to show leadership in respect to this complex issue. I believe the President has done that.

Obviously, there are risks, but I think there are much greater risks to NATO, to the United Nations, and to our own superpower status to leave the threats that we have made on many occasions about a stranglehold on Sarajevo simply lying on the table. I think finally we have made it clear that there are limits and that the United States is prepared to join with its allies in taking some action. I look forward to the debate that the Senator has suggested.

We have a serious interest in this. I have been listening to people for a long period of time say, "What is our interest? What is the European interest?" I even heard some Europeans saying that when I was there recently talking about the subject.

The fact is that Europe has a fundamental interest in not allowing civilians to be slaughtered on its doorstep, repeating a period of history where they know people are being killed and little or nothing is done about it.

Moreover, we all have an interest, after years of investing in NATO and years of investing in institutions that support international law, in not seeing NATO itself made into a paper tiger.

Moreover, we have the fundamental interest as the world's only superpower in guaranteeing that the threats we made are not idle and that we in fact follow through. I would suggest ultimately that if agreement is reached in Bosnia and we are called upon to provide peacekeepers, not peacemakers, our capacity to do so without violence will be greatly enhanced by our willingness to stand by the NATO structure and the threats we previously made.

There is nothing in life in foreign policy where you have to try to enforce your word that does not carry risks. We have learned a lot about that in the last half a century, sometimes winning, sometimes drawing, and sometimes even losing.

I respectfully suggest that the lesson is being well applied in the caution with which the President has approached this, and now with the clear determination we have shown to follow through in a sensible and meaningful way.

So I salute the President's decision, difficult as it may be, and I think Americans need to stop and consider hard what is really at stake and what risks we must take as a Nation to maintain our position in the world and ultimately to deter others from making choices that are adverse to our interests and, frankly, to the interests of basic human decency.

(Ms. MOSELEY-BRAUN assumed the Chair.)

Mr. KERRY. Madam President, I will be offering an amendment to title III of H.R 3759—the rescission title—on behalf of myself and Senators BUMPERS, LEAHY, BRADLEY, LAUTENBERG, WOFFORD, and FEINGOLD. Our amendment, on which we have worked over a number of months, makes 1994 rescissions and also reduces and eliminates a number of wasteful Federal programs for a 5-year deficit reduction of $43 billion.

I first must say that I was very tempted to vote for the amendment offered by my colleague from Nebraska. It was a very well designed, tough package. And my colleague made many points that needed to be made—most particularly about the difficulty of proposing cuts compared to the relative ease of proposing spending increases. But I did not in the end vote for that amendment because I do not feel that this is the place or the time to start tinkering with health care reform. Whether one supports the Clinton plan, the Chafee plan, the Cooper plan, or some other plan I think most would agree that real comprehensive health care reform is needed. When we stand poised to finally take on that challenge, I would hate to see us cripple our efforts by making marginal changes that would remove $30 billion in cost savings from the package—making the effective cost of any reform package $30 billion higher.

I also differ from a number of my colleagues in that I do not feel that all Federal disaster relief assistance should be fully paid for in the year in which it is funded. When an earthquake, a hurricane, a flood occur, Americans wish to respond as quickly as possible to help their fellow citizens. The reason we have a provision in budget law for emergencies is that we feel that we need flexibility in dealing with such disasters.

However, I do feel that in those circumstances we should do what is reasonable to reduce the affect of the disaster funding on the deficit. This is what the House did and what I believe we should do on this bill.

Further, Madam President, this bill is the only vehicle that the Senate will have to consider a rescission bill this year. When the Congress debated the President's budget last year and expressed disappointment that more cuts were not made, a promise was made to the House that they would be allowed an opportunity to consider a rescission bill last fall. They were given that opportunity. Well the remnants of that rescission bill are folded into this bill and it is the Senate's only opportunity to consider a rescission—and therefore our best chance to bring a package of cuts to the floor of the Senate.

Ever since we debated the President's budget, I have argued that there is more that we can—and must—do to eliminate waste from the Federal budget. Although my heart goes out to those whose homes, schools, roads, and neighborhoods were devastated by the California earthquake, I feel we must take advantage of this one opportunity to make further rescissions.

Finally, Madam President, this bill is not a pure disaster relief bill. If it were, I might feel more reluctant to amend it. Not only are there rescissions, but there are increases in spending that total approximately $3 billion. These increases have nothing to do with disaster relief; they include: $10 million to the National Railroad Passenger Corp. to enable a post office in New York City to be used as a train station; $1.3 million for assistance to 2 sugarcane mills on the Hilo-Hamakua Coast of Hawaii; an additional $1 million for the Office of the Secretary of the Senate; $12 million for construction on Indian reservations; an additional $60 million for NASA Research and Program Management; the bill provides funds for the Commodity Credit Corporation, to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory; $1.4 million for the Department of Agriculture extension service; an additional $10.1 million for a Labor Department survey; and $2.1 million for carrying out the forest plan in the Pacific Northwest.

This bill also includes a total of $1.2 billion in non-emergency military funding—

All this while we are readying ourselves to debate a balanced budget amendment and to consider the cuts included in the President's budget. Among the cuts the President has proposed in his budget and which we will surely debate here are a 40 percent cut to the subsidies for home heating oil will severely hit low-income Americans; the closing of 1,100 USDA field offices; a $260 million reduction in the Interior Department's budget, which will cause the loss of 1,400 jobs; and cuts in NASA which will result in the loss of jobs for numerous contractors throughout the country.

It is clear, from the fact that the President was forced to make these cuts, that we cannot afford to increase spending on nonemergency programs without an attempt to cut spending elsewhere. I know that there is a rescission portion of this bill which some will argue does pay for these nonemergency increases. But the rescission title of this bill is the Appropriations Committee's response to the President's rescission request. Those cuts were originally intended to reduce the deficit. Now they are paying for flower gardens.

In this issue of deficit reduction, as so many others, the American people are far ahead of those of us who live inside the beltway. They are telling us loudly and clearly that it is time to take a carving knife to the Federal budget. They are tremendously frustrated with what they see as our inability to eliminate even the smallest, the least defensible programs.

They know—and they are absolutely right—that there are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

My colleagues and I felt that the time had long since passed to dispense with rhetoric and achieve real results in cutting this pork from the Federal budget. In order to do so, we crafted a package of cuts around which we hope we will get maximum consensus—from the American people, from our colleagues, and from the President.

We followed three principles from the start.

First, we decided not to make changes to health care programs. A majority of our group—though certainly not all—decided that we should leave those changes to comprehensive health care reform. If we make piecemeal changes to the health care system now, we would jeopardize the comprehensive reform we as a nation are finally discussing.

Second, we decided we would use no gimmicks in order to claim savings. No across-the-board cuts; no vague proposals; no double-counting. For example, we decided we would not include in our package the elimination of the 252,000 Federal jobs proposed in the Vice President's national performance review—not because we did not feel that they should be eliminated but because we wanted to be conservative in our savings estimates and the savings from the elimination of these jobs have already been accounted for in the crime bill, the unemployment insurance bill, and the DOD budget.

Third, we decided to "let a thousand flowers bloom"—in other words, we would not compete with any other group that was seeking, as we were, to reduce the deficit. We would hope that the presence of a variety of plans and options would enhance the likelihood that the deficit would in fact be reduced. In fact, several members of our group participated in other efforts.

Putting together the package meant eliminating programs each of us would have preferred not to cut. But in this era of shrinking Federal resources and rising demands for those resources we must all make tough choices.

I know that none of my colleagues, if forced to actually choose, think they would support sending men into space over putting cops on the streets. But that is exactly the choice they make every year when they vote to continue funding for the space station.

Cutting programs that no longer serve more than a narrow subsection of the national interest is the only way to restore fiscal sanity to our Federal budget, restore the faith of the American people that their elected representatives can be responsible with their tax dollars, and free up funds for our real national priorities.

This morning's New York Times had an editorial which addressed the tradeoffs we make inadvertently. It points out the fact that despite the $4 trillion Federal debt and the sacrifices that the President's budget calls on Americans to make, the Pentagon is actually scheduled to get more money next year than this. The Clinton administration is seeking $264 billion in defense spending authority for 1995, up $2.8 billion from 1994. As the Times points out, "Unless Mr. Clinton finds the courage to trim defense, he will be forced to short-change domestic investment for years to come." Those are the same investments we need to make if we are going to create jobs and raise U.S. living standards. They are the investments we need to make to increase funding for education and to fight crime.

Almost half of the savings included in our amendment are achieved by cutting wasteful or bloated defense projects, such as the national aerospace plane, the Trident-II, the P–3 and others. But we have not stopped with defense spending. We cut the USDA's market promotion program so that instead of subsidizing advertising campaigns for large corporations we can subsidize salaries of teachers in our Nation's schools. We cut funding to the World Bank so that instead of providing first class airplane tickets for officials we can provide needed investment for our cities. And we cut back COLA's for Members of Congress because we feel that we too must share in the sacrifice that all citizens must make if we are to restore this Nation to fiscal sanity.

The madness must end, Madam President. It is time to make the tough choices. And we each must be willing to vote to eliminate programs that we know are not in the national interest. I hope that my colleagues will examine our package and join us in our efforts.

I ask unanimous consent that a table summarizing the amendment's provisions and Congressional Budget Office estimates of fiscal year 1994 and 5-year savings to be realized from each be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF CONTENTS OF DEFICIT REDUCTION AMENDMENT

[Outlays in millions of dollars]

Proposal	1st yr. savings	5-year savings
Totals from items below	3,087	42,488
Terminate high temperature gas reactor (HTGR), also known as the gas turbine-modular helium reactor. This proposal terminates HTGR research and development. The President has twice proposed to terminate the project. The National Academy of Sciences ranks this program as having the lowest priority of all civilian nuclear reactor research	3	54
Terminate the advanced liquid metal reactor (ALMR). Terminates research on the ALMR, which is a breeder-capable reactor which ranked 21st out of 23 in an internal 1991 DOE study of preferred electrical technologies. Retains funding for termination	23	310
Scale Back DOE's weapons production and maintenance activities to support an arsenal of only 4,000 warheads. Reducing the U.S. nuclear arsenal to 4,000 warheads. With this inventory limit, DOE would satisfy START while being able to economize its operations. This would reduce warhead production by two-thirds and also would permit DOE to shut down unneeded reactors which alone would result in immediate savings of $250 million	250	5,450
Limit termination expenditures for the superconducting super collider. The FY94 Energy and Water Appropriations bill included $640 million for SSC termination costs. Many people believe that this amount is far in excess of what is needed to shutdown the project. In fact, former Secretary of Energy Watkins estimated that termination would cost less than $300 million. This proposal reduces the amount appropriated for termination by $200 million	99	200
Align COLA compensation for Members of Congress with that for civil servants. Permanently change the formula for computing COLAs for Members to replicate the COLAs provided to all other Federal government employees	(1)	
Cap Senior Executive Service ability to accrue annual leave to 30 days. Most federal employees may accumulate and hold up to 30 days of unused vacation leave. There is no limit, however, on the amount of unused leave that members of the Senior Executive Service may accumulate. This affects about 8,000 people. This proposal would prospectively align the leave accrual policy of the SES with that for other federal employees, excepting overtime leave accrued by those involved in criminal investigation	2	55
Terminate Tennessee Valley Authority Fertilizer Program. Terminate the TVA's fertilizer research activities. Activities of the National Fertilizer and Environmental Research Center benefit the private sector and the fertilizer industry is capable of supporting such research	35	175
Eliminate the "dual subsidy" water subsidy (for growers whose crop subsidies are terminated). Agricultural producers participating in federal agricultural programs for crops for which an acreage limitation program is in effect are now able to receive below-cost water. If a producer is receiving federal payments in an acreage limitation program, that producer would not be eligible under the proposal to receive below-cost water from the federal government	0	40
Reduce funding for the USDA market promotion Program. The MPP funds both generic and brand-name advertising abroad for American agricultural products. The reconciliation bill reformed the program but further reductions in the program are possible. This proposal would reduce the MPP by $12 million per year beyond the reduction contained in legislation passed by Congress earlier in 1993	12	60
Restructure Department of Agriculture Field and Headquarters Offices. According to the National Performance Review, USDA should streamline its field operations to eliminate unnecessary offices, reduce costs and better serve farmers. Although USDA's mission has changed dramatically since the 1930s, its organizational structure and management practices have remained largely unchanged. Then, agriculture was dominated by small, widely-dispersed, family-owned farms that sold their products domestically. Communication and transportation systems were limited by geography. The conditions justified a county-based decentralized field office system. Today, agriculture is dominated by large operation, and the farm population has declined sharply. Only 16 percent of the nation's counties were designated as farm counties in 1986, down from 63 percent in 1950. Telephones, computers, and highways have increased farmers' access to various information and assistance programs. The USDA infrastructure and personnel should be cut back significantly to reflect these changes	12	848
Terminate Space Station. The FY94 VA/HUD bill provides $2.1 billion for the Space Station. This proposal will rescind $1.6 billion in FY94 in NASA's Research and Development Account and provide that $500 million left in the account be used for the "termination of the contracts relating to the space station program."	341	10,000
Establish a moratorium on purchase of Federal buildings. Immediately require the Administrator of General Services to suspend the acquisition by construction, purchase, or lease of new federal office space on which acquisition and construction have not yet begun	15	2,103
Terminate Uniformed Services University of Health Sciences. The USUHS is a medical school established in 1972 and run by the DOD. According to CBO, the cost for each physician from the school is $562,000, four times as much as physicians obtained under the health professions scholarship program and 10 to 40 times as much as physicians from other programs. Graduates of USUHS account for less than 9 percent of military physicians. Closing the school was recommended by the National Performance Review and the House Defense Appropriations Subcommittee. The school would be closed down effective on the graduation of the last class of students that enrolls on or before the date of enactment	0	163
Terminate Federal Information Center. The FIC provides information on federal agencies, programs, and services to the public, and answers approximately 6,000 calls a day through its toll free number. This proposal terminates the FIC on the grounds that the information it provides is available elsewhere	3	17
Restructuring and shrinkage of U.S. Information Agency activities. The Clinton Administration has proposed to consolidate and downsize overlapping U.S. taxpayer-funded overseas broadcasting. This proposal would codify key elements of a compromise that would allow Radio Free Europe/Radio Liberty to continue as a grantee, but would limit the grant to $75 million by FY96, as contemplated in the Administration's plan, and would impose new fiscal constraints on program operations	0	373
Reduce funding for the World Bank. The Administration requested $70.1 million for paid-in and a limitation on callable capital of $2.27 billion capital for the World Bank. The House appropriated $55.8 million for paid-in capital and a limitation on callable capital of $1.8 billion. The Senate recommended $27.9 million for paid-in capital and a limitation on callable capital of $902.4 million. The Foreign Operations conference report followed the House recommendation. This proposal would restore the funding levels to those originally approved by the Senate	3	107
Rescind all funding for Selective Service System except to terminate the program	11	116
Terminate Trident II/D–5 Program. This proposal rescinds all appropriated but unobligated funds for the program and terminates it. The navy now plans to procure 428 D–5 missiles and install 24 of them on each of the ten Atlantic fleet Trident submarines that are now either deployed or being built. This proposal stops procurement at 295 missiles. If each missile carries eight warheads rather than the four planned by the Navy, the warhead limit under the START II treaty will be reached	170	2,950
Terminate the Follow-On Early Warning System (FEWS Satellite). FEWS is intended to replace the current constellation of Air Force Defense Support Program (DSP) satellites used to provide early warning of ballistic missile attack. Although the FEWS system would have capabilities beyond an upgraded DSP system, in the current budget environment, the marginal increase in capability is not worth the cost. The DSP will continue to be adequate at least for the next few years until follow-on technology is developed	60	2,530
Reduce annual funding for Intelligence Activities by $ billion	1,000	5,000
Reduce funding for the Ballistic Missile Defense Organization (BMDO), limiting to theater missile defense. This proposal rescinds $900 million in FY94 appropriations for the BMDO and provides that of the remaining $2 billion, priority should be given for theater missile defense systems and technologies. Admiral William Crowe, formerly the head of the Joint Chiefs of Staff, contends that no more than $2 million in funding for BMDO is necessary	900	8,000
Consolidate and downsize DOD's Recruiting Program. DOD spends $2 billion and devotes 30,000 work-years at 6,600 recruiting stations, resulting in an average of 10 active recruits and 21 reserve recruits per recruiter. This proposal requires the DOD to introduce efficiencies so that its recruiting effort achieves the same results as during 1984–89, when the average was 14 active recruits and 27 reserve per recruiter	28	237
Reduction in P–3 antisubmarine warfare aircraft. The breakup of the Soviet Union has diminished the threat from enemy submarines. The P–3's mission is to locate the submarine and to destroy them by launching depth charges and torpedoes. This proposal reduces the number of P–3 anti-submarine aircraft squadrons from 37 to 18	0	1,950
Reduce Titan IV Military Launch Systems Acquisition by one per year. This proposal eliminates one Titan IV system acquisition per year, each of which costs $300–400 million	100	1,280
Terminate the National Aerospace Plane (NASP). The NASP was designed in 1987 by DOD and NASA to deliver civilian and military payloads into orbit from conventional runways. The program has encountered numerous problems, including technical difficulties, budget reductions, changes in management structure, and major adjustments to scope and schedule. None of the government entities involved with the program appear to be strongly committed to it. The NASP was originally estimated to cost $3.1 billion to develop. More recently, its cost estimates reached $15 billion; producing a minimum fleet of operational aircraft could cost an additional $20 billion. Given the current budget situation, it is extremely doubtful this plane will ever be completed. This proposal terminates the program	20	180

[1] Savings of under $1 million.

AMENDMENT NO. 1452

(Purpose: To reduce the deficit for fiscal years 1994 through 1998)

Mr. KERRY. Madam President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. BUMPERS, Mr. LEAHY, Mr. BRADLEY, Mr. LAUTENBERG, Mr. WOFFORD, and Mr. FEINGOLD, proposes an amendment numbered 1452.

Mr. KERRY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of amendment No. 1452 is printed in today's RECORD under "Amendments Submitted.")

Mr. KERRY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Madam President, let me, first of all, express my appreciation to the Senator from Massachusetts for his leadership on the amendment that he just sent to the desk. Through his leadership, I and other Senators had the opportunity to participate in what I consider to be a real effort to try to do some cutting of spending around here and reduce the Federal deficit.

We had the opportunity to contribute some of our own ideas, and by pooling those together, I think the Senator from Massachusetts has come up with one of the strongest and most honest packages for reducing the deficit I have had an opportunity to see. I am very happy to be a cosponsor of that provision.

Let me also, Madam President, begin my remarks by first expressing my concern for the victims of the earthquake in southern California and the tremendous suffering that has occurred. It is hard to imagine a more frightening experience for people to undergo. I think all Americans in their hearts feel we should respond to this situation as we are trying to do through this legislation.

I want to particularly praise the two Senators from California, Senator FEINSTEIN and Senator BOXER, who came here this year as freshmen and have done just a wonderful job in pursuing a number of issues of concern to the whole country. They have had the bad luck, though, of having a series of terrible disasters occur in their home State, all in the course of their first few months in office. I have watched them go back to their home State to devote enormous time dealing with the disaster situation and, at the same time, the work they have done here has continued. That has been very impressive to me and a role model of what a United States Senator should do. Both serve the country and their State, especially at a time when their State is going through one of the worst disasters in American history.

That same concern was shown for many of the States in my region of the country, the Midwest, when the flooding occurred last year.

And though I think the issue of reducing the Federal deficit is the most important we have here, I would like to think that I and others have shown this year, on the record, that there is a notion of an emergency, that there are emergencies in Government. However, I think the meaning should be limited.

I do not think the definition of emergency should be some sort of open-ended invitation to try to construct any kind of emergency you want. But I do think this emergency has merit and that this bill tries to address those problems.

But there is a significant piece of this bill not having to do with the earthquake or the flooding that I think does not belong in the emergency bill.

AMENDMENT NO. 1453

(Purpose: To strike out chapter 3 of title I, relating to appropriations for international peacekeeping)

Mr. FEINGOLD. Madam President, on behalf of myself, Senator DECONCINI, Senator LAUTENBERG, Senator KOHL, and Senator WELLSTONE, I now send an amendment to the desk and ask for its immediate consideration.

I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. DECONCINI, Mr. LAUTENBERG, Mr. KOHL, and Mr. WELLSTONE, proposes an amendment numbered 1453.

The amendment is as follows:

Strike out chapter 3 of title I.

Mr. FEINGOLD. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Madam President, this is a simple amendment. It deletes the $1.2 billion provided for in this bill for a so-called variety of emergency peacekeeping activities requested by the Department of Defense. My amendment leaves the funding for the earthquake and the funding that has to do with the floods intact.

This amendment is supported by the National Taxpayers Union. What it is about is the process. What it is about is the budget process.

The question that it asks is: Can we ever learn to actually pay for items that are nonemergency items?

Madam President, I have had the opportunity to participate in very vigorous debates on items that have to do with $25 million and $3 million, sometimes even smaller amounts. But what we are talking about here—$1.2 billion—is not spare change.

The question is: How did a $1.2 billion item not having to do with the disasters suddenly get into the earthquake bill as if it is part of the emergency that happened in southern California?

I realize, Madam President, that it is not really in vogue now for Members of the Senate to question the Department of Defense when it wants more money. But all of us entered into, in the last few months, I think, a good faith attempt to reduce the Federal deficit, and it has had some good results.

The President and the administration have every right to brag about the progress that has been made in just a few short months on reducing the Federal deficit, especially with the recent efforts. But we can never forget that those deficit cuts that we voted for last year hurt a lot of people. People lost their jobs in some cases. In some cases we had Federal military retirees losing or having their COLA's delayed. Those folks that count on the wool and mohair subsidy are going to find out that that benefit has been eliminated. Just about every American is paying a higher gas tax. Those in the area of agriculture—and I represent an agricultural State, and serve on the Agriculture Committee—in almost every area of Government-supported subsidies for agriculture, there were cuts up to $3 billion; 250 different areas of cuts. And, of course, we heard a lot on this floor about the fact, regardless of who pays for it, that we did put into effect $250 billion in new taxes.

That was a very painful process and everybody had to take a hit in the process.

So, given that process that we all participated in, how does the Department of Defense get to get out of the deal? How do they get to come in here and get another kick at the cat in the name of an emergency?

I thought we had all agreed to a process to share the pain in deficit reduction and once the deal was done, to stay within the bounds of that agreement. It reminds me a little bit of a book I read many years ago, a piece of it from George Orwell's "Animal Farm." As you recall there, the animals got together and took over the farm and they wrote a little constitution. The constitution said, at least at the beginning, that "All animals are equal."

But a little later on there was a little fine print added by the animals that were really running the farm. What they changed it to say is that "All animals are equal, but some animals are more equal than others."

Forgive me. I certainly do not mean to make any animal comparisons. So let us change it to, "We thought all Federal Government departments were equal under our agreement on the deficit, but it appears here that one Government department feels it is more equal than the others."

For me and for the cosponsors of this amendment, and I hope for many other Members of this body, this leaves a bad taste in the mouth, to have this kind of provision tacked onto an emergency bill for southern California.

This is to be a $1.2 billion item for peacekeeping, in part for the Bosnia action but also Somalia, Haiti, Iraq, and a number of other operations that have been going on for a few years. But what it really is, to me, is an attempt to turn the earthquake and flooding emergency bill into a gravy train. It is a gravy train that is on a fast track. In effect, the disasters that occurred are the engine of the train and this $1.2 billion is like the caboose that has been added on. But it is a caboose that does not look anything like the rest of the train. In fact, the disaster train, the attempt to provide relief for those victims of the earthquake, is really supposed to be an express train because it is trying to get help quickly to some people who are suddenly and tragically suffering.

The Department of Defense thinks they should be pulled by this train, too. But what they are slowing down is another train. They are slowing down the train that is sort of chugging along, the train to try to reduce the Federal deficit. This is in fact a step backward for reducing the Federal deficit.

I will be the first to admit that I would not be up here, taking the lead on this amendment, if I was not taken aback earlier in the week when I just took up the Washington Post and found out this large $1.2 billion item had been tacked on. Maybe for some Members of this body this is just business as usual, this is the way you do it. You wait for a natural disaster and then you have your items you want to spend money on, you tack them on there, and the bill has to pass because it is a disaster.

My reaction was that it was already difficult to vote for the disaster bill, even though it is a very compelling case. It is bad enough to spend anymore money at all. It is bad enough to have to spend more money on another disaster. This has been probably the worst year for disasters ever in the history of this country. It is bad enough we may not be able to offset all the funding for the disaster items in the bill, let alone additional items.

It is bad to realize you have to explain to your constituents we do not have a fund in our Federal Government to provide for disasters, or insurance. We just kind of wait for these things to happen and then come up with the money off budget.

All of those things were troubling to me, even before I learned about this $1.2 billion. But I still believe, and believed after I learned about those defense items, that there is a core notion of emergency and that on occasion an emergency, yes, it can outweigh all of those very important considerations that have to do with the deficit. I would always prefer we offset, but it is possible that we simply cannot. It is very likely that this California situation is such a compelling case.

Let me also acknowledge the concerns of the chairman of the Appropriations Committee, the senior Senator from West Virginia. I am by no means the only one who is troubled by the Defense Department's attempt to do this in this bill. In fact the Senator from West Virginia has indicated his concern. I yield to him, of course, on his expertise and also his commitment to proper budgeting. I can tell from his comments he does not really like that this $1.2 billion is in this bill at all.

He has his responsibilities as the Chair and I understand that. But I believe some of his own examples on pieces of legislation of this kind are instructive when it comes to the notion of what is or is not an emergency.

I also do not want to pretend there are not any arguments that can be made for the expenditure of these $1.2 billion. The point is there is another way to do it, without trying to pretend these are emergencies. You can have another nonemergency supplemental bill with no offsets, if you can persuade the body to do that. You can have a bill and completely offset it with other expenditures from other areas of the Government, other sources of revenue. Or another alternative would be to have it offset from within the Department of Defense itself. I believe the Department of Defense could reprioritize to take care of this amount without doing any great damage to what it is trying to accomplish in items of national security.

The point is this item should stand on its own merits. It should not be able to, in effect, bootstrap itself through this process on the back of the calamity in southern California.

I think we all know this kind of attempt is just exactly what the American people suspect is wrong with Congress. We say we are going to play by new rules when we reduce the Federal deficit, but people suspect we will not really do that. We tell them we have cut 250 programs or 150 programs, but they say back to me, you will find a way to delay or a way to fund it through the back door or, you will figure out some other way to not really cut the spending; "that is, that you will have tricks to pull and you will use those tricks to make people think you are prudent, but in fact you will use various legislative techniques to evade your responsibilities.

A lot of people say those kinds of things to me as I go around my State. And those who look at $1.2 billion item for any length of time will see it exactly for what it is. They will see it is an off-budget item that is not part of an emergency.

There was quite a reaction yesterday when the Congressional Budget Office tried to resolve the question of whether the President's proposals in health care were on-budget or off-budget. I happen to think they were wrong. I agree with our majority leader. I think those items were premiums and they were off budget. But they said they were on budget.

But in this case with the $1.2 billion, there is no question this is an off budget expenditure. And there are folks who will say we have to pay for this anyway, what is the difference, we might as well throw it into this bill and just be done with it.

But I think it is a problem. I think we have to remember this is not a defense cut we are talking about here, this is an add on. This is plain and simple an additional $1.2 billion that was not previously contemplated or appropriated.

Let us be clear, this does not have to do with anything the Department can really argue is an emergency. These are not unforeseen circumstances. These actions in some cases, in Somalia, Bosnia, the money for the Iraq situation, have been around for 1, 2, or even 3 years.

Let us also be clear that it is not as if the Department of Defense is trying to update some old Department of Defense budget that was created 10 years ago. We did this budget in August and September of this year. The Department of Defense knew about all of these items for which they are now asking for money. These situations are not any more urgent now than they were then.

I will tell you when they became urgent. They became urgent when somebody realized this earthquake bill was going to be coming through the U.S. Senate. I have a feeling if there were no earthquake, there would be no emergency request by DOD at this point for $1.2 billion.

Again, it is not that these programs have no merit. It is just they do not belong on the fast track. So, let it stand on its own merits in another nonemergency bill.

Let me finally say, Madam President, that some have said when there was an amendment like this in the other House, that this was the first test of a new doctrine that President Clinton enunciated in his State of the Union Address. That doctrine is that there should be no more defense cuts. Maybe this is the first test of whether we are going to follow that doctrine. I have to say, I stood up many times for the President during the State of the Union. I thought it was a wonderful speech, one of the best speeches I had ever heard from any public official, especially a President.

But there was one time when I did not stand. I could not stand when the President said "no more defense cuts." I do not understand the rationale for that position. I do not think there is any branch of our Government or any department of our Government that should simply be exempted from the kind of scrutiny we need if we are going to ever have our deficit eliminated.

Some of the best amendments that we heard out here during the reconciliation process and the appropriations process had to do with the Defense Department. We succeeded on some, such as the advanced solid rocket motor. Others were very eloquently argued, especially by the senior Senator from Arkansas. But we did not prevail: Items such as the Trident II Missile program, SDI, Project ELF, Project GWEN.

There is still much that could be cleaned up and should be cleaned up in terms of the Defense Department.

Of course we would not do those things, and I would not support doing those things, if it involved harming our national security. I do not support across-the-board cuts in defense. I do not support a meat-ax approach to defense expenditures, but I also do not believe the Defense Department, unlike other departments, should have in effect an impenetrable barrier around it so as to avoid rational, well-reasoned, well-researched cuts in its spending programs.

We need a line-by-line review of the Defense Department on a regular basis, just as we do for every other department of the Federal Government. That is the approach that Senator JOHN KERRY, of Massachusetts, took with his package—which is simply to say that we should not make a label, "Department of Defense endorsed," sufficient to turn something into new law and into a new expenditure.

That is no way to budget, and I think it is a formula for failure with regard to the deficit if we continue to give that kind of total exemption to any Department or cause.

Let us remember, this is not even an example of a defense cut. The President said no more defense cuts. What this amendment in effect suggests—if people do not oppose it vigorously—is that any increase the Defense Department suggests should not be opposed and should not be questioned. That cannot be.

So, Madam President, to conclude, I urge that we strike this $1.2 billion item. I urge it with great respect for the military and other peacekeeping operations that are underway. I say it with respect for what the Department of Defense is trying to do in each of those theaters, and I say it especially with respect for the real reason for this bill, the attempt to get some help to the people of southern California who have suffered greatly.

The American people know the difference between an unexpected emergency and an attempt to, in effect, grab onto that emergency to allow a certain department of the Federal Government to get more than it really deserves after the budget process has been concluded.

The American people know that just because the deficit has been reduced, the debt is still going up. We just reduced the deficit but until you eliminate the deficit, the debt keeps going upwards. Until we completely reverse that trend, we have to be very vigilant in making sure that this notion of emergency is not distorted any further.

So, Madam President I urge my colleagues to take the step of eliminating this $1.2 billion item so we can move forward with a clean effort to support those who have suffered so greatly throughout the country and especially in southern California.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Madam President, I ask unanimous consent that I be included as a cosponsor of the amendment of my colleague from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Madam President, on that subject, let me just say that I agree with everything he said, or practically everything he said. I figure peacekeeping is neither a disaster nor an emergency, if the decision that someone takes at a given point in time, and if we do not start planning in one way or some other appropriate way for these in advance, in effect we are going to give an excuse for peacekeeping that is not actually peacekeeping. So I compliment my colleague from Wisconsin.

Mr. DURENBERGER. Madam President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1454

(Purpose: To establish a natural disaster relief trust fund in the Treasury)

Mr. DURENBERGER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 1454.

Mr. DURENBERGER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the ——, insert the following:

SEC. . CREATION OF NATURAL DISASTER RELIEF TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end the following new section:

"§ 1115. Natural Disaster Relief Trust Fund

"(a) ESTABLISHMENT.—There is established a separate account in the Treasury, known as the 'Natural Disaster Relief Trust Fund', into which shall be deposited an amount equal to the average annual amount expended by the Federal Government for natural disaster relief during the preceding 5 full fiscal years (as determined under subsection (b)).

"(b) DETERMINATION OF AMOUNT.—The President shall submit with the President's fiscal year budget (beginning with the budget for fiscal year 1995) an estimate of the average annual cost to the Federal Government of providing assistance to State and local governments and private entities in recovering from natural disasters during the 5 full fiscal years preceding the submission of the budget.

"(c) TRANSFER.—

"(1) On the first day of each fiscal year, there shall be transferred from the general fund to the Natural Disaster Relief Trust Fund the amount necessary to bring the amount on deposit in the fund up to the amount determined under subsection (b).

"(2) The amounts in the Natural Disaster Relief Trust Fund may be appropriated exclusively for disaster relief.

"(d) BUDGET TREATMENT.—Notwithstanding any other provision of law—

"(1) amounts transferred pursuant to subsection (c)(1) shall be treated as discretionary appropriations for the fiscal year in which the transfer is made: and

"(2) appropriations under subsection (c)(2) (not to exceed the balances of the Natural Disaster Relief Trust Fund and amounts of outlays that flow through budget authority actually appropriated) shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.".

(b) LISTING OF THE NATURAL DISASTER RELIEF TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Natural Disaster Relief Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Natural Disaster Relief Trust Fund, including a separate statement of amounts in that Trust Fund.".

Mr. DURENBERGER. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DURENBERGER. Madam President, all Americans recognize that the earthquake in California is a national problem. We at the Federal level have to do what we can to help the citizens of the Los Angeles area rebuild their communities.

ADD IT TO THE DEFICIT—AGAIN?

But the time has long passed when we can continue to tack disaster aid onto the deficit. That would be tantamount to asking our children to pay for the immediate needs of this generation, and that would be unconscionable.

I know that that represents a practice of long standing in the Congress. But it was a foolish policy in the past, and we as a nation can no longer delude ourselves into the belief that we can get away with it.

The national debt today is $4.7 trillion, more than four times what it was 15 years ago. In 1994, we are paying $298 billion of interest on that debt. All of the spending increases we have made in the past—all of the "emergency" spending we have approved, all of the packages like this one—they all seemed very important to us at the time.

But look at what this spending did to the national debt. $4.7 trillion.

NO—WE HAVE TO PAY FOR IT

The 1992 election reflected the desire of the American people for change—and paying for what we spend is precisely the kind of change I believe they were demanding.

Last summer, when floods devastated my home State of Minnesota and much of the Midwest, I rose to amend the bill providing emergency Federal disaster relief to pay for the emergency funding that we so desperately needed.

Here we are again—another so-called "emergency" supplemental. Nobody will deny that this expenditure is necessary and justified. But I, along with some others, am here to ask the simple question: Why can we not pay for it?

A few days ago, we heard that the request would be about $6 billion. Now it is up to $11.2 billion—including funds to clean up past disasters, and $1.2 billion in funding for U.S. participation in the U.N. peacekeeping operations overseas. I understand that additional supplemental requests in the President's 1995 Budget request have been included by the committee in this bill. This has evolved from a disaster relief bill to a catchall request. Do we really need emergency treatment for U.N. peacekeeping operations?

What else is going to be included in this emergency package? Where does this process of considering all spending to be an emergency come to an end?

This year's $11.2 billion of off-budget expenses come on top of last year's $4.6 billion in flood relief. The administration was going to try to take all the federally-mandated costs of health care reform off the budget. There is even talk that the $11 billion cost of the Uruguay Round GATT agreement may be unfunded.

Did I miss something? Am I supposed to believe that just because the estimate for this year's deficit is lower than expected, it is suddenly OK to start piling everything onto the deficit again? Right onto the backs of our children and grandchildren?

A $176 billion deficit estimate for 1995 is not peanuts. The 1990 BEA set $83 billion as the target for 1995. Settling for more than twice that amount is not exactly a fiscal victory.

Concerned Minnesotans, and responsible groups like the Concord Coalition, continue to register alarm about the growing national debt. I am absolutely convinced that a great majority of our constituents would want us to pay for this relief, instead of getting back into our old practice of shifting the financial burden to the next generation. That was the message I heard—even last year, when the disaster was right back home in Minnesota.

To hold back the needed relief is the last thing I would ever want to do. But I believe it is equally important that we support an offset to this funding. Senator DOLE has an excellent package of spending cuts to offset the disaster relief. I think that supporting this offset is the only responsible thing to do.

The Appropriations Committee did include $3.44 in rescissions as a partial offset to the Supplemental. Certainly a partial offset is better than no offset, but was not this the rescission money committed to deficit reduction? Indeed, did not the President promise these cuts—as a follow-up to the inadequate cuts included in the 1993 Budget Reconciliation bill?

Are we now supposed to accept that there is going to be no vote this year on a rescission package? That the commitment to let Senators KERREY and BROWN offer their budget reduction package has been completely forgotten?

The rescission bill should not be abandoned. Both of the President's rescission lists should not be used for more spending. To do that would be to take the easy way out once again—claiming victory for only a partial offset, and one that was earlier dedicated for the very important purpose of deficit reduction. I contend that we ought to support the Dole amendment—because it is a full offset that includes new, real budget cuts.

We have an opportunity today to vote for some rescissions. It may be our only chance. The revised Kerrey-Brown deficit reduction package of $99.1 billion will be offered as an amendment today. I strongly urge my colleagues to support this effort.

When President Clinton was reviewing the disaster in California, he indicated that he was going to go back to Washington and figure out how to pay for this disaster. I was encouraged by that remark, and immediately communicated to the President that he should follow through on that notion. That is why I was very disappointed to learn that his advisers convinced him to take the easy way out—to just pile that amount onto the deficit.

That is what the administration proposal would do. And that is why it has to be rejected.

REINVENTING DISASTER RELIEF: BUDGETING FOR DISASTERS BEFORE THEY HAPPEN

Clearly, we have to rethink the whole way we handle disaster relief here in Congress. We need to start budgeting for disasters before they happen—and to ensure that much of the disaster relief is spent on preventive measures so that the next disaster costs less.

And make no mistake: There will be a next disaster. Over the last few years, we have had a whole series of them. The flood cost us $4.6 billion, plus the $435 billion we are spending this year. Before that, we spent $8.5 billion for Hurricanes Andrew and Iniki. There were further emergency supplementals for the Chicago floods and the Los Angeles riots and the 1989 California earthquake. Hurricane Bob, fires on the west coast, storms in the Northeast and various agricultural disasters cost us another $8 billion—and a grand total of $22 billion over 10 years—all loaded onto the deficit.

It is entirely possible that we will not have another disaster for a number of years. By the same token, it is entirely possible that we will have several in the next year alone. What I simply cannot fathom is why we in this chamber are so averse to preparing for these emergencies.

Why do we resist authorizing and appropriating funds for these disasters? Is it because we simply cannot give up the opportunity to have a middle-of-session Christmas tree called a supplemental? Is it because we know we can rely on emergency supplementals and choose to appropriate that money for other favored programs?

During the debate on the flood supplemental, I offered an amendment that would require the President to provide an offset for future disaster relief requests. I will shortly offer an amendment on this supplemental that would create a disaster emergency trust fund which would be set aside for future disasters and funded each year. This is a sensible, responsible way to handle the disasters we know will continue to occur.

I noted with interest—in a February 3 Hobart Rowen column in the Washington Post—that Senator SIMON may recommend a $15 billion emergency money pool the President could use during recessions. This could certainly include the disaster relief funds as well.

In the House of Representatives, our colleagues TIM PENNY, JOHN KASICH, JIM NUSSLE, and JOHN MYERS have recognized the need for change—and I salute them for it. I further salute Speaker FOLEY for finally acting on a promise to convene a task force to examine the whole question of disaster relief. I commend Senator BYRD as well for amending the supplemental yesterday to provide for a Senate Task Force to study this important matter.

I believe my trust fund amendment will give us the answer to the question of how best to prepare for the Federal response to these disasters. The Foley and the Byrd Task Forces must now examine the very difficult issue of how we can limit the Federal response to these crises—how we can encourage local and state governments to make the decisions necessary to avoid major damage in the future—and how we can privatize the granting of relief through reform of our insurance system.

I believe there is a clear and pressing need to rethink how we in the Federal Government deal with natural disasters. This amendment would make a very important and necessary reform in national disaster relief policy.

The amendment would establish a National Disaster Relief Trust Fund, patterned after the "Violent Crime Reduction Trust Fund" authored by Senator BYRD in the crime bill. My amendment, however, does not dedicate certain savings or provide for specific reprogramming of funds into this trust fund, as Senator BYRD did. I leave that decision to the appropriators—those who can best make these decisions. While the trust fund would be a mandatory expense, the funds would have to be appropriated under the discretionary cap. The initial appropriation to the fund would be determined by the President, in an amount equal to the average annual Federal spending on disaster relief over the last 5 years—a sum estimated to be about $4.7 billion. Each year the fund would be replenished to maintain that level of funding. If we are lucky enough to not have a natural disaster in 1 year, the following year the fund would not have to be replenished.

Dedication of the initial $4.7 billion to the Trust Fund will be difficult. Difficult choices will have to be made. But this is what this amendment is all about. We have to make those difficult choices now, rather than piling this spending onto the debt.

Indeed, one of the major reasons America is in a disastrous fiscal mess today is that we in Congress refuse to exercise the most elementary foresight. Why do we have to convene Congress to appropriate disaster relief funds every time there is a bulletin on CNN? Do we seek to delay funds to help those in need solely because we want to look like heroes? I contend that we would be greater heroes if we were able to respond immediately by releasing funds in the trust fund. This is the approach proposed in my amendment.

And this trust fund would be on budget. Remember, this year we are going to pay $298 billion in interest alone on our national debt. That is the legacy of all the urgent spending we have approved over the last 15 years, and it means we absolutely have to change course on fiscal policy. Just because the deficit figure is down for fiscal 1995 does not mean that our problems are over. We have a $4.7 trillion Federal debt lurking in the background. When constituents borrow and spend beyond their means, they must go through painful bankruptcy. Is our Government headed in that direction?

That seems to be the word I am getting from the people back in Minnesota—and they are more than willing to put their money where their mouth is. Last summer, when I tried to pay for the relief for Minnesota's flood disaster, the comments I heard from Minnesota were largely supportive. The people of Minnesota know that we can't go on just adding to the deficit, shifting our debt burden to our children and grandchildren. Why can we not in Congress learn that lesson?

We are going to pass this bill anyway. But my amendment has to do with the future. It would set a rational disaster-relief policy for next year and the year after. It will not delay the relief—I believe House conferees would accept this amendment in conference—but it will once and for all end the needless debate about the need for emergency spending on disasters when we know that sometime soon, somewhere in America, a disaster of some kind is going to happen.

I view this amendment as the beginning of an intelligent overall disaster policy for America. First, we establish this trust fund to start actually paying for disaster relief instead of just piling it on to the deficit.

Then we have to get to work on prevention.

Would it not be better if we could privatize much of the disaster funding through reform of our insurance system? Perhaps the most important role for the Foley and Byrd task forces is to explore efforts to privatize disaster relief—by improving our insurance system. Today, there is no incentive to buy flood, earthquake, or crop insurance—because Federal disaster relief is so readily available. At this point, I ask unanimous consent to print in the RECORD an editorial from the Washington Post which calls for a sound insurance system.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REINVENTING DISASTER INSURANCE

The Government has two methods of helping victims cope with the cost of natural disasters, and to some extent they conflict. The first is to provide what have come to be large amounts of aid itself, directly; the second, to set up insurance systems. Insurance is often the fairer way of allocating costs. The problem is getting the people at risk to subscribe so long as they have good reason to think the government will bail them out anyway.

There are certain costs of hurricanes, earthquakes, floods and the like that are plainly the government's to pay—restoring order, protecting public health, providing temporary shelter, repairing roads. But much of the cost when disasters strike has to do not with these public functions but with loss of private property—homes, businesses, crops. The insurance approach says the cost of restoring these should generally be borne by those at risk through premiums rather than by the public at large through taxes—and the government has both flood and crop insurance programs. But neither functions as it should, in part because the vulnerable groups have come to look to the government for aid instead.

You might think a Congress facing enormous spending constraints would want to discourage this, but not so. The emergency aid goes to people in genuine need; the supplemental appropriations through which it is generally given are almost the only times members can safely vote to spend money without being criticized. At the same time the bills are powerful locomotives to which the adroit can often attach a little not-quite-emergency aid for the folks back home. Presidents find it similarly advantageous to say yes, and awkward to say no. The Clinton administration is already preparing to spend some $7.5 billion to help hard-hit and vote-rich California recover from the earthquake of two weeks ago.

There is some contrary pressure, however. The government has already spent some $22 billion on disaster aid in the last 10 years; that's a huge sum. Insurers have been hard hit by some recent disasters and are looking for a broader-based system. And in some cases environmentalists would like to see costs borne through insurance as well, as a disincentive to development of wetlands, coastlines and other fragile areas.

The California earthquake has produced some interest in Congress and the insurance industry in a new national disaster insurance system that would spread risk more broadly. In partial response to last year's Mississippi River valley floods, the House Banking Committee has also approved a bill that would bar the making of mortgage loans on any flood-plain property in the country lacking flood insurance. The bill would also deny federal flood insurance to fragile oceanfront property subject to erosion. But similar legislation failed in the Senate in the last Congress—the opposition is almost always more concentrated than is the support—and the measures' prospects are uncertain.

An important difference this time around could be the budget. Congress is under tight appropriations caps, and conservatives have begun to argue that these should apply to disaster funds no less than to other appropriations. Then the price of giving disaster aid would be having less to spend for other purposes. The harder it becomes to appropriate, the stronger the case may become for a sound insurance system. If the Clinton administration and its assorted critics in Congress really want to reinvent government, maybe this is another place to start.

Mr. DURENBERGER. Madam President, the task force should examine questions like the following:

Should trailer parks be reestablished in hurricane areas?

Should homes and farms be built on flood plains?

Is there less damage in the long run if rivers are allowed to choose their own course, or should we continue to chart their courses through the use of levees?

Should we build—or rebuild—highways on faults without proper earthquake-proof structure?

How can we make all structures more earthquake proof?

On a related matter, I am encouraged that the administration is moving quickly on crop insurance reform—an issue I pressed in conjunction with the flood relief in 1993, and one on which I have spent a great deal of time over the last year. Fortunately, the administration appears to be incorporating many of the components of my own crop insurance reform legislation into its proposal, which should be released shortly. But insurance reform will not work if we continue to encourage the perception that the Federal Government has an easy way to pay for disasters.

The bottom line is that we have to seek an effective insurance system if we want to avoid huge Federal relief expenditures. What we do spend should be spent in a way that will make future disasters less costly, both in property and human lives. Perhaps the granting of future relief should be tied to commitments by State and local governments that much of the relief will be spent on efforts to promote the kind of rebuilding that will minimize the impact of future disasters. This was included in my amendment of last year.

Today, you will be challenged to respond immediately to this emergency—and to oppose an offset. To those who choose this path, I would say the following: Join us for the next step in the reform process—as we pursue efforts to budget for these disasters in advance. Support the Durenberger amendment to set up the disaster emergency trust fund we so desperately need. The time to do this is now—there may not be a more appropriate vehicle this year.

FENCES OR AMBULANCES

Madam President, let me remind my colleagues of the great truth contained in an old poem. The poem had to do with a steep cliff—and cars that would always drive off it toward certain death.

In the poem, the villagers consider increasing how much they pay for the ambulance service at the bottom of the cliff. After all, people are dying all the time as cars plummet off that cliff. To oppose funding for the ambulance service is seen as insanely stingy—until someone finally points out that maybe, just maybe, it would be wiser to build a fence at the top of the cliff.

Let us not abdicate our responsibility to make intelligent, forward-looking policy for America. A natural disaster is no excuse for a fiscal disaster—a budget policy that has no role for prudence, foresight, or intelligent planning. If we make the right choice today—if we set an intelligent precedent by paying for this disaster relief—we can earn the gratitude of many future generations of Americans.

Madam President, I am sure my colleague from West Virginia will comment that he has created a task force to study this, and this may just well be one of the recommendations that that task force comes up with.

I suggest to him a logical suggestion that has come to me from many people in my own State and many of my colleagues as well. I am sure the task force can help us decide exactly how to raise the first $4.7 billion, how exactly the program might work, how the appropriators might adjust it. But the concept is very, very difficult to argue with.

So, Madam President, I suggest that while there are lots of other things we can do, we have an amendment on the floor which is a $3 checkoff, we have a variety of other suggestions for how you pay for this. I have been through this on other disasters. I have tried to think of raising taxes, do this, do that, the other thing. This seems to be, after listening to all the arguments for and against paying for an emergency, this seems to be the most sensible kind of a way to go about this particular issue.

So I recommend it to all of my colleagues.

EARTHQUAKE RELIEF FUNDING FOR VA

Mr. ROCKEFELLER. Madam President, I am pleased to note that this emergency supplemental appropriations measure includes $45.6 million for cleanup at the Sepulveda, VA, Medical Center, as well as $21 million in new budget authority for medical care and other expenses related to the earthquake in southern California.

Madam President, the earthquake led to the closing of the Sepulveda, VA, Medical Center. Over 300 patients were moved from the Sepulveda facility to other VA facilities in southern California, all without incident. VA can and should be enormously proud of the way in which its employees have responded to the earthquake.

The appropriation of $21 million for medical care would allow VA to cover the cost of treating veterans who were affected by the earthquake and who are now at other VA hospitals, as well as those who will be seen at other facilities until the Sepulveda facility is restored to operation or other accommodations are made to replace the lost bed and clinic capacity.

Of this $21 million, VA would be authorized to transfer $802,000 to the Veterans Benefits Administration—to the general operating expenses account, the guaranty and indemnity program account, and the vocational rehabilitation loans program account. These funds would allow VA to make additional vocational rehabilitation subsistence loans to eligible veterans, assess damage to homes purchased with VA-guaranteed loans, and make veterans benefits counselors and vocational psychologists available at FEMA disaster assistance centers to assist veterans whose lives have been disrupted by the earthquake.

Madam President, the other portion of the earthquake related funds in this supplement—$45.6 million in construction funds—will be targeted to making some repairs at the Sepulveda VAMC, as well as to the West Los Angeles VAMC, which suffered some damage during the earthquake. These funds will be used to do cleanup work, repair utilities, and take other first steps toward restoring the Sepulveda facility. They will not, however, allow for the full restoration of that medical center. Without significant further funding—estimated at approximately $150 million—the bed facility at Sepulveda can not be reopened. I am quite concerned that the administration has not requested funding for the full restoration of the facility in this measure and fear that this may signal the start of a long, difficult process to restore the necessary VA presence in southern California, much like what has occurred in northern California in connection with the Palo Alto VA Medical Center, which was damaged in the Loma Prieta earthquake, and the Martinez VA Medical Center, which was closed following that earthquake because of concerns about its seismic safety.

Madam President, I intend to work closely with my counterpart in the House, Chairman SONNY MONTGOMERY of the House Committee on Veterans' Affairs, as well as the many Members of the Senate who are concerned about VA's ability to continue to meet the health care needs of veterans in southern California and elsewhere.

Although the amounts in this legislation will not cover all of the earthquake-related costs suffered by VA, they are a start and will allow VA to begin to pick up the pieces and to begin to repair the damage. These funds will also allow VA to reach out and assist those veterans who have been severely affected by the earthquakes—veterans whose VA-guaranteed homes were damaged or destroyed, those who need VA benefits and loans, and those who need counseling or other assistance.

VA is there, assisting in the aftermath, and must be provided with the means to continue its efforts. I will be paying close attention to all that the department is doing, and will be watching closely VA and the administration's activity relating to the future of the Sepulvada Medical Center.

TITLE VIII OF H.R. 3759

Mr. KERRY. Madam President, I would like to ask the distinguished chairman of the Appropriations Committee if he would be willing to discuss one provision of H.R. 3759 to clarify its interpretation.

Mr. BYRD. I would be happy to discuss the provision in question with the Senator from Massachusetts.

Mr. KERRY. My understanding is that chapter VIII of H.R. 3759 would appropriate $550 million to the President for unanticipated needs resulting from the Los Angeles earthquake and other disasters. Under chapter VIII, funds for emergency expenses could be transferred to any authorized Federal activity for which an official budget request has been made. My question is whether the fund would apply to Federal assistance related to the current disaster in the New England groundfish fishery.

Mr. BYRD. Before responding to the Senator's question it would be useful to understand the statutory basis for providing such assistance.

Mr. KERRY. Section 308(b) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) authorizes appropriations for "a commercial fisheries failure or serious disruption affecting future production due to a fishery resource disaster." The funds may be used "for any purpose that the Secretary of Commerce determines is appropriate to restore the fishery—or to prevent a similar failure in the future."

Mr. BYRD. What evidence is there of a commercial fishery failure?

Mr. KERRY. There has been a virtual collapse of groundfish stocks like haddock and cod in much of the Northwest Atlantic Ocean. The neighboring Canadian fishery will be shut down completely for at least 5 years. The U.S. Department of Commerce is proposing temporary reductions that will cut the permissible catch from the New England fishery in half.

In recent years, the groundfish fishery in New England has provided about $600 million annually and employed about 24,000 people. Coastal communities are just beginning to assess the implications of the disaster, but its effects will be felt immediately. For example, Gloucester expects to see a 33 percent decline in the industry in 1994 alone, with 50–60 vessels going out of business and facing foreclosures. Most lenders require boat owners to provide additional collateral, so many of the fishermen face the loss not only of their livelihood, but their homes as well. Not just for the individuals and their families, but also for the communities in which they live and base their fishing operations, and indeed, for the entire New England region, this fishery disruption is in fact a disaster—both in its effects and according to the definition of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107).

Mr. BYRD. As the Senator may know, the Appropriation for Unanticipated Needs is available for the Los Angeles Earthquake and "other disasters." Given the conditions you have outlined, which do sound quite severe, it would appear that Federal activities addressing the New England fishery crisis would be eligible for disaster assistance for which funding is provided by chapter VIII of the pending legislation if the President so determines.

Mr. KERRY. I thank the distinguished Chairman for that clarification.

Mr. SARBANES. Madam President, I rise in support of S. 3759, the Emergency Supplemental Appropriations Act of 1994.

In a few devastating moments in the early morning on January 17, 1994, 34,400 residential buildings were damaged or destroyed in the Los Angeles earthquake. Ninety-eight thousand people were forced out of their homes. Over 38 miles of roadway were closed, including the Santa Monica Freeway, the most heavily traveled highway in the country. The supplemental appropriations bill before us today will help the people of southern California begin the process of healing and rebuilding—a process that will take some time.

I would like to begin by commending my colleagues from California—Senators FEINSTEIN and BOXER—who ensured that all of us had an understanding of the magnitude of the losses in California and of the corresponding need for Federal assistance. Senators FEINSTEIN and BOXER have been tireless in moving this legislative relief package through the Senate.

As chairman of the Senate Subcommittee on Housing and Urban Affairs, I would particularly like to support the HUD and mass transit funding components of this bill and to praise the critical roles played by Transportation Secretary Federico Peña and HUD Secretary Henry Cisneros. The prompt responses initiated by these two leaders demonstrate that the Federal Government works and has the ability to respond quickly to the needs of our people.

Shortly after the quake ended, Secretary Cisneros and his staff were in Los Angeles coordinating the distribution of Federal relief to victims. HUD provided immediate relief in the form of housing vouchers for families rendered homeless, accelerated release of Community Development Block Grant and HOME Program funding that had already been appropriated, and expedited processing of FHA mortgage applications.

The supplemental package before us provides an additional $575 million in resources for HUD's programs. The relief provided in this package will not repair all the damage caused by the earthquake, but it is essential for housing the homeless, repairing homes, and rebuilding and strengthening communities.

I would also like to highlight a small, but important piece of this legislation. The supplemental appropriations before us also provides $315 million emergency mass transit funding to address the immediate needs of Californians affected by the earthquake.

While California fixes its highways, working people are getting to their jobs via public transportation. In the days immediately after the earthquake, the State concentrated its efforts on expanding mass transit capacity. A significant number of extra buses, locomotives and rail cars were secured from places as far away as Canada and Texas. Two temporary rail stations were opened to accommodate new riders. A freight rail line was converted to passenger use. Temporary satellite parking areas were set up to encourage commuters to park their cars outside the city and to take buses to work. California also began expeditious implementation of alternative mass transit programs such as telecommuting, establishing HOV lanes, providing expanded travel information, and rerouting commercial traffic.

I want to highlight the transit portion of this supplemental budget request. We can learn from this emergency. The emergency and the reaction in California allow us to refocus our attention on the role of transit and the budget for these programs.

The larger public policy issue was raised in an article by Jessica Mathews in the Washington Post on January 30, entitled, "The Earthquake's Silver Lining." Ms. Mathews writes: "By the year 2010, average speed on its [Los Angeles'] freeways is projected to drop to 11 mph. . . . Los Angeles is living proof—if only Americans could open their eyes and see it—that there will never be enough dollars to meet transportation needs by only, or mostly, building roads. New roads generate new traffic. The new traffic grows faster than new roads can be built." In sum, Ms. Mathews suggests that our response to the earthquake provides an opportunity to test out different transportation policies that better utilize mass transit. Mr. President, I ask that the full text of this article appear in the RECORD after my remarks.

In testimony before the Senate Committee on Environment and Public Works on January 27, Secretary of Transportation Pena presented similar themes. Secretary Pena testified that the Department of Transportation is working to provide both a short-term solution to the transportation problems caused by the earthquake, and to learn transportation lessons from this disaster. Secretary Pena stated: "The economic effects of the earthquake will be felt long after the debris is cleared and the reconstruction of damaged homes, businesses, and highways has begun. Therefore, we must continue to employ the tools that we have used in these days immediately following the quake, such as increased use of public transportation, carpools, and telecommuting."

I find it ironic, then, that at the same time that the Administration is so aware of the current and long-term benefits of mass transit in southern California, that the 1995 budget request for mass transit severely cuts operating assistance. The proposed 25 percent cut in operating assistance for transit systems will greatly affect transit operators' ability to provide services at current levels. The American Public Transit Association surveyed 120 systems and found that 88 percent said they would have to increase fares and reduce passenger service if a 25 percent reduction in operating assistance was implemented. The proposed across-the-board cut to operating assistance will devastate mass transit systems throughout the country, and the people who depend upon them. I strongly encourage my colleagues to support more appropriate funding for operating assistance to transit systems during the upcoming appropriations process.

In closing, Madam President, I would like to reiterate my support for the earthquake relief funding in the package before us and urge its passage by the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 1994]

THE EARTHQUAKE'S SILVER LINING

(By Jessica Mathews)

After San Francisco's 1989 earthquake, the city's rapid transit system shut down for one hour. It's four years and counting for the damaged freeways.

The two-level Embarcadero Freeway, which barricaded downtown from the bay, was not repaired but replaced by a street-level boulevard with a trolley line. Together, the street and trolley carry as much traffic as did the freeway. Opening up the waterfront has sparked a local real estate boom.

Los Angeles would do well to ponder its northern neighbor's experience, good and bad. Not only does it need a transportation system able to withstand a much stronger quake than the one of Jan. 17, but it also now has one of those rare postwar moments to rethink its infrastructure. Heaven knows, no American city needs it more. By 2010, average speed on its ever-expanding freeways is projected to drop to 11 mph.

Los Angeles is living proof—if only Americans could open their eyes and see it—that there will never be enough dollars to meet transportation needs by only, or mostly, building roads. New roads generate new traffic. The new traffic grows faster than new roads can be built.

This is no recent insight. Planners debated it in the 1930s as bridge after bridge was built into Manhattan and each became as congested as the one before. Sen. Daniel Patrick Moynihan described it brilliantly in a prescient piece titled "New Roads and Urban Chaos" written 34 years ago. We've lived it for the past 20 years as nearly every transportation dollar went to building roads. In that time, urban highway capacity rose by 4 percent. Road use nearly doubled. The resulting congestion costs $100 billion a year. What does it take to try something different?

Perhaps an earthquake. If so, the disaster could prove to have a silver lining for Angelenos and provide a beacon for the rest of the country.

There are plenty of options. In the 1940s, Los Angeles was robbed of one of the world's best electric rail systems, a sprawling network of quiet, pollution-free trains that carried 80 million people a year. It was bought up and scrapped by American City Lines, a front financed by General Motors and Standard Oil of California, to make way for GM buses fueled by Standard Oil diesel fuel. Soon the buses gave way to cars, but some of the abandoned rail lines still exist. One runs parallel to the country's busiest road, the downed Santa Monica Freeway. Light rail service could be quickly brought back.

Reversible and HOV lanes can be easily built while the roads are already out of service. West Los Angeles has long-vetted but never built plans for a veloway, a bicycle freeway. The public utility commission could open access to private jitney companies like the already popular Super Shuttle. And the city's new commuter rail service can be expanded with new track, new feeder buses and unused freight lines.

Revolutionary possibilities are in the offing. Chicago is testing a personal rapid transit system that bears watching. PRT's three-passenger cars are designed to zip along at 30 mph on a raised 3-foot wide track that can carry as much traffic as a multilane highway. No operators are needed for this 24-hour a day service. The cars wait at the station instead of passengers. There are no stops—service is direct because stations are off the track. The anticipated construction cost is a fraction of heavy rail systems'. Speed, safety, energy efficiency, immediate service and privacy: On paper, at least, it's a commuter's dream.

Many of these options could shorten Los Angeles's commuting nightmare and cut its economic losses while the roads are being rebuilt. But when the roads are reopened, will the passengers disappear?

The answer depends on money. Americans are not irrationally car-crazed. We seem wedded to the automobile because policy after government policy—many of them heavy subsidies—encourages us to be. The gas tax and the other charges drivers pay cover less than two-thirds of the cost of building and maintaining roads. These and other costs not borne by drivers (including the value of tax-subsidized parking, health and environmental costs of auto-generated pollution, a share of military costs in the Middle East, the loss in property values from noise etc.) amount to something in the neighborhood of $300 billion a year, a staggering 5 percent of GNP. On a more personal scale, it has been estimated that drivers going alone to work in major, downtown business districts pay only 25 percent of the cost of their commute. No wonder we like it.

If automobile use bore even a healthy share of its full costs, public and household funds would be spent quite differently. Our choices would not be, as now, between well-funded roads, fragments of a transit system and practically nothing else. The options would include high-speed intercity rail, convenient transit (including new types that could serve suburbs), walking or biking in hospitable surroundings and, as a consequence of these alternatives, congestion-free auto travel that served our convenience instead of ruling our lives.

Consumers spend more on transportation than on anything but housing (three times more than health care). The mystery is why we have doggedly pursued the same self-defeating policy—feed autos, starve the alternatives—no matter what the cost in pollution, oil imports, immobility for the young and the old, and consumption of land for parking and roads that lead us back to the same traffic jams. There is a different future out there, all we have to do is choose it. Los Angeles could be the place to begin.

Mr. DODD. Madam President, I rise today in support of the supplemental appropriations bill before us. We must act quickly to extend relief to the victims of the devastating earthquake that hit southern California on January 17th. These people need our help to rebuild their homes and businesses and to put their lives back together.

This bill also contains a less-publicized provision intended to respond to a natural disaster that has rolled through much of the rest of the country: record cold weather. The bill before us would give the Secretary of Health and Human Services the authority to target $300 million in emergency low-income home energy assistance funds to States that have suffered through the recent cold snap. Millions of people rely on this program to heat their homes during the winter.

This extra assistance is especially important in Connecticut and other cold weather States in the Northeast and Midwest that were hit hard by the cold weather in January. This weather came at a time when the Low-income Home Energy Assistance Program was poorly equipped to cushion the blow for poor families. Taking inflation into account, the purchasing power of the program has been cut in half during the last 9 years. The program now reaches only 25 percent of eligible households.

In my own State of Connecticut, benefits were cut by 10 percent this year, and applications are up 7 percent. These are not just numbers: there are human faces behind them. This week I had the pleasure of visiting with a number of senior citizens in New Haven, CT, who depend on this program.

Rose Depalma is a 74-year-old retiree who lives on $600 a month from Social Security. Her husband is diabetic and recently had heart bypass surgery. Even in normal times, they just get by, but this winter's cold weather has hit them particularly hard.

"You pay electric, gas, utilities and you're out of money," she says. "You have to cut out any amount of social life you have. What's the sense of living after 65? We're supposed to be happy. We're not."

Federal home energy assistance is critical to people like Rose Depalma. The majority of households receiving help through this program have elderly or disabled members. Nearly three-quarters of the program's recipients have annual household incomes under $8,000.

This program targets the truly needy, and it is the truly needy who need extra help paying their heating bills this winter. I am glad that the Appropriations Committee recognized this need and included $300 million in emergency spending authority for this program. After this bill goes to conference, I hope the administration will move quickly to get this assistance to the people who need it most.

AVLIS RESCISSION

Mr. FORD. Madam President, I rise for the purpose of engaging the distinguished chairman of the Energy and Water Development Appropriations Subcommittee in a colloquy. Would the chairman please explain the $42 million rescission under the uranium supply and enrichment activities heading the title III of the bill?

Mr. JOHNSTON. These are funds that the Department of Energy has retained for purposes of terminating AVLIS—the atomic vapor laser isotope separation program—if the United States Enrichment Corporation decides not to build a commercial AVLIS plant. Under the Energy Policy Act of 1992, the decision on whether to build a commercial AVLIS plant or not rests with the Enrichment Corporation. The Corporation plans to make that decision in April.

The Energy Policy Act also transferred certain funds from the Department of Energy to the Corporation effective last July. The Department and the Corporation agreed, however, for the Department to retain $42 million of the Corporation's funds to pay any AVLIS termination expenses incurred by the Department.

Mr. FORD. What happens then if these funds are rescinded and the Corporation decides not to build AVLIS? Who pays the termination costs?

Mr. JOHNSTON. The Department of Energy. Research and development on AVLIS have been the Department's responsibility. Any termination expenses will be the Department's liability.

Mr. FORD. But what happens if Congress rescinds the funds? Where will the Department get the money?

Mr. JOHNSTON. When we wrote to Mr. Panetta, the Director of the Office of Management and Budget, about this last November, he assured us that "The administration feels that there are considerable balances remaining on the DOE account that have not been outlayed * * *." So presumably, the Department of Energy will pay for any termination expenses out of other appropriated funds available to the Department.

Mr. DOMENICI. If the Senator will yield, I would like to join this colloquy. I share the concern of the Senator from Kentucky. Mr. Panetta's letter goes on to talk about the Enrichment Corporation's cash-flow. Does the administration intend to pass on the termination costs to the Corporation?

Mr. JOHNSTON. The Corporation has no legal obligation to pay the termination costs. The Energy Policy Act is clear on these matters. The Department of Energy remains responsible for liabilities attributable to the operation of the uranium enrichment enterprise before the business was transferred to the Corporation. AVLIS has never been transferred. The preexisting research and development program remains the Department's responsibility. The act sharply limits the Corporation's ability to spend money on AVLIS. The act gives the Corporation neither the responsibility nor the authority to pay these expenses.

Mr. DOMENICI. The Department has already held back $42 million that the law said should have been transferred to the Corporation. I remain very concerned that as soon as we approve this rescission, the Department will take a second $42 million from the Corporation to pay these expenses.

Mr. JOHNSTON. I appreciate the Senator's concern, but I do not see how this rescission can be read to transfer the liability from the Department to the Corporation.

Mr. FORD. If the chairman of the subcommittee agrees that neither the pending rescission nor the Energy Policy Act permits either the Department or the Office of Management and Budget to withhold funds from the Enrichment Corporation to pay for AVLIS termination, will he and the Senator from New Mexico join me in opposing any future effort to pass on these costs to the Corporation.

Mr. JOHNSTON. Yes.

Mr. DOMENICI. Yes.

GULF WAR VETERANS

Mr. WOFFORD. Madam President, I want to associate myself with the remarks of my distinguished colleague from Michigan, Senator RIEGLE, in expressing my deep concern that veterans of the gulf war, like there Vietnam veteran predecessors, may be forced to wait years before a serious, comprehensive effort is made to deal with their exposure to toxic chemicals and biologically harmful substances in the course of their combat service. Their problem is real; it is immediate.

Large numbers of Desert Storm veterans are suffering from health conditions which, by evidence I have heard, are due to exposure incurred during their service in the gulf war. Specifically, these symptoms include memory loss, muscle pain, chronic coughing, tremor and abnormal bleeding, and other problems which Senator RIEGLE has outlined. I understand that there is a plan to conduct a study to consider the possibility that nerve agents may be to blame for these unexplained health problems among Desert Storm veterans. However, Mr. President, I have yet to see our Government truly address the human element in all this, the men and women who are suffering today, and their families who watch helplessly as these veterans suffer. This is an urgent problem and needs to be treated as such.

The Department of Defense, the Veterans Administration, and other agencies of our Government must act with speed and vigor to get to the bottom of this situation quickly. I know that veterans' organizations have come forward with a range of approaches and the Veterans Administration has its own ideas. The important thing is that we not allow a repetition of the mistakes made in the case of agent orange and allow these veterans to linger in uncertainty over their health. Not only do they deserve better, they are entitled to their country's support. I addressed these concerns to Secretary Brown in a letter I sent to the Department of Veterans Affairs on November 8, 1993.

We must deal with this urgent matter quickly and in a forthright manner that will win the confidence and trust of veterans across the country. We can do no less.

1994 SUPPLEMENTAL AND RESCISSION BILL

Mr. BUMPERS. Madam President, the agriculture chapters of titles I and II of this bill contain the supplementals exactly as proposed by the President. We are providing $340,500,000 for the Soil Conservation Service and $25,000,000 for the Agricultural Stabilization and Conservation Service. Most of these funds are for further repair of damage caused by the Midwest floods last year. Two additional supplementals for the Extension Service and the Food and Drug Administration are included as proposed by the President.

Madam President, the agriculture chapter of the rescission title of this bill contains $255,668,000 in rescissions, the same amount as the President proposed. My recommendation takes some of the President's cuts, rejects others, and proposes some new rescissions. I will summarize the highlights.

Of primary concern to members of the Committee and other Senators are the research rescission proposals. The President proposed rescinding $16.2 million in the Agricultural Research Service, $8.5 million in Federal research facilities construction, $30.0 million in Cooperative State Research Service grants and $34.0 million in construction of State research facilities. The President's proposal, however, did not specify which grants would be cut or which facilities would not be funded. Rather, he asked for blanket authority for USDA to decide where to make the cuts.

Madam President, I have listened to your speeches on the power of the purse and that power lies with Congress. I cannot see why, after we have spent the year determining what to fund and what not to fund, we would now throw that work out the window and let the administration decide how to spend the money.

Therefore, in the research area, the bill before us recommends that each and every special research grant under the Cooperative State Research Service be cut by 6 percent. In addition, for the State-owned research facilities, we are cutting 6 percent of the appropriation for every facility with the exception of the 10 facilities for which we provided a final appropriation this year. In other words, the completed facilities will remain completed so that no additional funds will be needed next year. No rescission is recommended for the Federal facilities account because that account is already below the funding level for 1993.

The President proposed rescinding $12,167,000 in salaries and expenses for three agencies. They are: First, the Agricultural Stabilization and Conservation Service, second, the Soil Conservation Service, and third, the Farmers Home Administration. This bill would accept these recommendations in full.

In addition, this bill recommends rescinding $21,158,000 for the watershed program and $25,000,000 for the rural housing voucher program. This voucher program was to be started this year. Funding would not have been available for some time because the Department would have to write and issue regulations. We had also provided a significant 10.6-percent increase for the rental assistance program for 1994 that would serve a similar purpose by providing a rent subsidy for low-income individuals. In light of the increased need to make further cuts, I recommend that we not begin this new program at this time, and thereby save $25 million.

The President proposed cutting the subsidies for the rural housing and rural electric and telephone direct loan programs. I concur with cutting the housing and electric subsidies because they reflect lower interest rates. The full loan amounts should still be made. My recommendation is to cut the telephone loan level by $25,000,000 which takes it back to the original $75,000,000 level that was proposed in the Senate bill earlier this year.

Madam President, the nutrition area merits some discussion. The President proposed to cut the Commodity Supplemental Food Program by $12.6 million. This program provides food to women, infants, and children, and to low-income elderly in approved project areas. I am recommending a cut of $6.1 million, 48 percent of the request. While the $12.6 million is a carryover from 1993, USDA has dragged its feet in granting caseload increases for this program. Funds remaining will allow USDA to add several sites to the program.

I also recommend rescinding $5.2 million in the Needy Family Program which provides agricultural commodities to eligible needy persons residing on or near Indian reservations or in the Trust Territories of the Pacific. This amount was carried over from 1993 into 1994.

Finally, a 25-percent cut—or $30 million—is proposed for the emergency food assistance program [TEFAP]. This program began as a temporary program in order to donate and dispose of surplus commodities in the Commodity Credit Corporation's inventory. Since the 1985 farm bill, surplus commodities have dwindled, and in some cases, dried up. So in the 1990 farm bill, Congress authorized the purchase of commodities for this program in order to keep it going.

I am just not sure we should be appropriating money to purchase commodities to maintain a program whose purpose was to dispose of surplus commodities. We need to consider phasing this program out. We have the food stamp program, we have the soup kitchen program, we have the elderly feeding program, we have WIC, and we have the Commodity Supplemental Food Program—all of which received significant increases in the regular 1994 bill. The TEFAP program simply overlaps these programs. I note also, Madam President, that the President proposed no funding for TEFAP in his 1995 budget.

FUTURE OF THE U.S. LAND REMOTE SENSING PROGRAM

Mr. ROCKEFELLER. Madam President, I oppose the decision to rescind the defense funding from the joint DOD/NASA Landsat program in H.R. 3759, the emergency supplemental appropriations act. This rescission jeopardizes our land remote sensing program, a program the United States has developed for over 20 years and has greatly enriched our understanding of the Earth and its resources.

NASA launched the first land remote sensing satellite back in 1972. Today, archived and current Landsat data are used by Federal, State, and local governments, universities, and businesses for environmental monitoring, land use management, global change research, and even national disaster assessments. Landsat is an excellent example of how outer space can be a valuable tool for not only research scientists, but farmers and urban planners. Because the United States has invested in this technology for over 20 years and has ensured the continuity of Landsat data, we can detect global changes in the environment and better manage our natural resources.

Under the Land Remote Sensing Policy Act of 1992, Congress directed the Department of Defense [DOD] and the National Aeronautics and Space Administration [NASA] to continue the Landsat program through the development of Landsat 7. Much to my disappointment, the Department of Defense has recently concluded that it cannot pursue its portion of the Landsat 7 program due to severe budget constraints.

Just 2 days ago, the administration, through its newly established National Science and Technology Council, decided to transfer the responsibilities of developing Landsat 7 to NASA. All participants of this interagency decision-making body, which include DOD and NASA, agreed that transferring the program and remaining fiscal year 1994 funds to NASA would be the best solution to ensure continuity of data for the civilian users of Landsat data.

The administration has a plan to ensure the future of the U.S. land remote sensing program and ensure the continuity of Landsat data. NASA can assume total responsibility to develop Landsat 7 but it needs the $103 million remaining in fiscal year 1994 appropriations to DOD. DOD, NASA, and all the other agencies participating on the National Science and Technology Council agree that this is the best way to resolve DOD's budget problems and deliver the Landsat 7 program.

The administration did not propose this rescission. In fact, the Statement of Administration Position [SAP] on this emergency supplemental bill specifically requests that these funds be restored because continuation of the Landsat program is so important to our defense as well as civilian communities.

I urge my colleagues in the Appropriations Committee to restore the funds for the Landsat 7 program in conference.

Mr. LEVIN. Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, each of these unanimous consent requests have been cleared by the Republican side.

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAROLE F. HOOVER, NEW PRESIDENT, GREATER CLEVELAND GROWTH ASSOCIATION

Mr. GLENN. Madam President, on behalf of my colleague from Ohio, Senator METZENBAUM, and myself, I rise today to commend the selection of Carole F. Hoover as president of the Greater Cleveland Growth Association. The Greater Cleveland Growth Association with its 14,000 members is the Nation's largest chamber of commerce.

Carole Hoover is currently the executive vice president of the Greater Cleveland Growth Association and will succeed retiring president William H. Bryant in July.

Carole Hoover has had a long and distinguished career as a leader in the Cleveland community. She has served with the Greater Cleveland Growth Association since 1971 and is one of the unsung heroes directly responsible for greater Cleveland's remarkable economic comeback in recent years. As executive vice president of the association with responsibility for day to day administration, Carole Hoover directly manages its five major divisions. She has provided much of the leadership for private sector involvement in economic development, infrastructure funding, expanded air service, international trade expansion and other vital issues. Her ability to play key roles in uniting public officials in a bipartisan fashion with the goal of bettering Cleveland is unequaled in our State. She has had direct responsibility for such outstanding initiatives as the Build-Up Greater Cleveland Campaign, Leadership Cleveland, the Air Service Development Committee, and efforts to expand Cleveland's Defense Financial and Accounting Service Center.

Carole Hoover is very active in a number of Cleveland community organizations and has numerous business affiliations. These include serving as president of Concessions International of Cleveland, a board member of Shoney's, Inc., and Original Cookie Airports, Inc., and a partner in the host Marriott Corp.

Carole Hoover is not only one of Cleveland's most outstanding business leaders, she is a well-known and highly respected advocate of civil and human rights. She served as executive assistant to Dr. Martin Luther King. As a board member of the King Center in Atlanta, GA, she has been a successful fundraiser and has worked extensively with national and international corporations in the support of the center. Corporate boards have actively recruited her unusual combination of business acumen and community concern.

Madam President, it is important not to understate the significance of this latest appointment. Carole Hoover is one of the first women and the first African-American woman to hold such a position in any of our major cities. It is certainly a tribute to Cleveland's business leadership that it placed merit, qualification and leadership above color in making such an historic appointment. The Greater Cleveland Growth Association is an active and important partner in community development in northeast Ohio. The association has again shown its ability to contribute to our future through the selection of Carole F. Hoover as president of the Greater Cleveland Growth Association.

TRIBUTE TO DENNY CRUM—UNIVERSITY OF LOUISVILLE BASKETBALL COACH IS NAMED TO THE BASKETBALL HALL OF FAME

Mr. McCONNELL. Madam President, it is with a great deal of pride that I rise today to pay tribute to a fellow Kentuckian. Denny Crum, head basketball coach at the University of Louisville, was named to the Basketball Hall of Fame yesterday and will be inducted on May 9 of this year. Anyone who has followed college basketball during the last 20 years knows that this is an honor which is richly deserved by a man known as much for his class and calm demeanor as for his outstanding won-loss record.

Coach Crum has been at U of L for 23 years and is currently enjoying one of his most successful seasons. This edition of the Cardinals currently posts an impressive 18-2 record and is leading the Metro Conference. Television analyst Dick Vitale said just last weekend that Coach Crum's team boasts the most talented starting five of any team in the Nation. Fans of the game should not be surprised however, Coach Crum has won 11 regular season Metro Conference championships and 9 Metro Tournament titles.

Coach Crum comes by his basketball prowess through strong bloodlines. Originally from California, Coach Crum learned the game from one of its giants, the wizard of Westwood, John Wooden of UCLA. He played for Coach Wooden at UCLA for 3 years and later coached for him until taking the Louisville job in 1971. Coach Wooden paid his pupil some high praise recently—when asked to describe the future Hall of Famer he said, "He was born to coach."

Madam President, Denny Crum's record is more than just statistics, though his statistics speak for themselves. He was the second fastest college coach to reach 500 victories. He has coached more NCAA Final Four teams—six—than all other coaches except Wooden and Dean Smith of UNC. His teams have qualified for the NCAA tournament 17 times and came away champions in both 1980 and 1986. In fact, the University of Louisville was widely regarded as the team of the 1980's when they appeared in four Final Fours.

Coach Crum, as is his style, would be the first to point out that a large number of people have helped him achieve his many successes. He has been blessed to have wonderful assistant coaches as well as an abundance of talent during his time at Louisville. What Cardinal fan could forget Darrell Griffith who led the "Doctors of Dunk" to the 1980 title, or "Never Nervous" Pervis Ellison, who as a freshman helped the Cards win the 1986 crown. Coach Crum has had 22 former players go on to the next level and play in the NBA.

But he has not won with talent alone. It has been his ability to take the non all-stars and make them produce that has made him a winner. Cardinal fans cannot forget Poncho Wright, Roger Burkman, Charles Jones, Tony Branch, Jerry Eaves, or Jeff Hall, solid players all, who Crum helped achieve success beyond their abilities as they contributed greatly to some of Louisville's finest teams. This is truly the mark of a great coach and leader.

Madam President, I ask my colleagues to join me in honoring Coach Crum as he goes to Springfield, MA, to accept this wonderful honor. In addition, I ask that an article from the Louisville Courier Journal be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U OF L COACH WINS SPOT AMONG BASKETBALL ELITE

(By Russ Brown)

University of Louisville basketball coach Denny Crum finally blew his long-standing image as Cool Hand Luke yesterday.

It happened during a combination news conference/celebration in front of the media, members of the U of L athletic department, close friends and his wife as Crum answered questions about his election to the Basketball Hall of Fame.

Crum, who earned the "Cool Hand" nickname for his ability to remain unruffled under pressure during 23 years at U of L, uncharacteristically lost control of his emotions as he started to speak to the group of about 75 at the Student Activities Center.

His voice cracking and his eyes welling with tears, Crum said: "I can't tell you how nice it is to have you here to share this special time. I guess it's normal to get emotional at a time like this because it's not something that happens every day."

And Crum admitted that, contrary to his earlier statements, he was nervous about whether he would be elected after being one of 11 nominated in November.

"I was anxious, I don't mind telling you now," he said. "I was trying to pretend like I wasn't, but you can't help but be. Right now I just feel great."

Crum got official word of his election at 10:15 a.m. yesterday in a phone call from a Hall of Fame official. Crum joined two other coaches, Chuck Daly and Cesare Rubini, and a pair of players, Carol Bizejowski and Harry "Buddy" Jeannette, as members of the 1994 induction class.

For induction, a nominee needed 18 of 24 votes from the Honors committee. Enshrinement ceremonies will be May 9 at the Springfield (Mass.) Civic Center.

Crum will become one of only three active college coaches in the Hall, joining North Carolina's Dean Smith and Indiana's Bob Knight.

Asked about his reputation of being calm, cool and collected, Crum replied that his demeanor is misleading, and his wife, Joyce, agreed.

"I'm not that cool, although it might appear that way," said Crum, 56, who was given the Cool Hand Luke tag early in his career by former Marquette coach and TV commentator Al McGuire. "Everybody shows their emotions in different ways, and I usually don't show mine outwardly. But that doesn't mean I don't have emotions. I do."

Joyce Crum said her husband has "mellowed" over the years.

"One of his assets has always been that he is able to tune everything else out and really focus," she said. "Now he's still able to focus but have fun too. I don't know anyone who wouldn't have been a little emotional today."

True to form, Crum accepted the honor with humility, crediting his assistant coaches, former players and U of L administrators.

"No one could ever achieve this by himself," Crum said. "I'm very, very appreciative to everyone who has helped me, and I'm thankful for all the good fortune I've had. I've been really lucky over the years."

Each new Hall of Famer is required to walk to the podium during the induction ceremonies with a current member, and Crum said he will invite his former coach at UCLA, John Wooden, to accompany him. Wooden, 84 said from his Los Angeles home that he will try to attend if he is healthy enough to make the trip.

Crum, a native of Los Angeles, played for Wooden from 1956–58, and was his top assistant coach and chief recruiter from 1968–71 when he moved to U of L to succeed John Dromo. Crum helped the Bruins win three of their seven consecutive national championships.

Wooden said he always suspected that Crum was ticketed for greatness.

"He was born to coach," Wooden said recently: "Even at the time he was playing, it was evident he was going to be an outstanding coach. He was the most inquisitive player I ever had and was always learning."

Two veteran Metro Conference coaches, M.K. Turk of Southern Mississippi and Sonny Smith of Virginia Commonwealth, said Crum's election was long overdue.

"I think it was an automatic," Turk said. "He is admired throughout the coaching ranks. I can't think of anybody who doesn't think Denny Crum is one of the finest coaches we've had in our profession since Dr. Naismith hung up the peach basket."

"Denny Crum is one of the all-time greats in this business, and I'm tickled to death for him," Smith said. "He does everything involved in coaching—on the practice floor, during a game, recruiting and motivating—extremely well."

Crum, whose current team is 18–2 and ranked seventh in the nation, was also complimented by one of his biggest rivals, Kentucky coach Rick Pitino, who said: "I think it's terrific. Anybody who can sustain that excellence for as long a period of time as he has certainly deserves the Hall of Fame."

U of L sophomore forward Brian Kiser said Crum deserves the honor and that the players appreciate his low-key coaching style.

"He's one of the most levelheaded persons around," Kiser said. "It's great to play for somebody like that who doesn't rant and rave and bring a lot of attention to himself. He just coaches; he's not in it for his own personal glory."

Center Clifford Rozier added his congratulations, too, but couldn't resist a good-natured jab.

"He may use this as some leverage to get us to pay more attention to his instructions," Rozier said, grinning. "It will be like, 'Hey, I'm in the Hall of Fame, y'all need to listen to me.'"

U of L athletic director Bill Olsen spoke of Crum's generous donations of time to civic, charitable and university causes and called him a "Hall of Fame person," not just a Hall of Fame coach.

"Denny's coaching record speaks for itself, but his accomplishments go well beyond victories and championships," Olsen said. "He has quietly and generously given his time and efforts off the court without seeking self-promotion."

Crum's contract at U of L takes him through the 1997–98 season. His first coaching assignment as a Hall of Famer will come tomorrow night against south Florida in Tampa, which is where he notched his 500th career victory last season.

WINNINGEST ACTIVE COACHES

[NCAA division I men's basketball, through Monday's games]

Coach	Years	Wins
1. Dean Smith, North Carolina	33	793
2. James Phelan, Mt. St. Mary's (Md.)	40	718
3. Don Haskins, Texas El Paso	33	640
4. Bob Knight, Indiana	29	633
5. Lefty Driesell, James Madison	32	630
6. Norm Stewart, Missouri	33	628
7. Lou Henson, Illinois	32	621
8. Gene Bartow, Alabama-Birmingham	33	612
9. Gary Colson, Fresno State	33	542
10. Denny Crum, Louisville	23	536

MOST NCAA TOURNEY WINS

Number and coach	Tournament	
	First	Latest
55 Dean Smith, North Carolina	1967	1993
47 John Wooden, UCLA	1950	1975
38 Bob Knight, Indiana	1973	1993
35 Denny Crum, Louisville	1972	1993
35 Mike Krzyzewski, Duke	1984	1993

SCHOOL-TO-WORK OPPORTUNITIES ACT, S. 1361

Mr. CHAFEE. Madam President, yesterday the Senate adopted a substitute version of the School-To-Work Opportunities Act, S. 1361. This is a positive step in our efforts to develop a national strategy to train noncollege bound students in the job skills needed to keep America competitive. It is good news for our young people, who need the skills and training to market themselves in this tight economy. Moreover, it is good for industry, which is struggling with a skills gap that is hampering its competitive posture in the global marketplace.

The School-To-Work Opportunities Act would establish a program of grants to States and to eligible private partnerships to implement school-to-work programs. The legislation emphasizes the need for active employer involvement in the training of our young people through the establishment of partnerships between educational and business interests. To be successful, a strong training program must include school-based learning, work-based learning and connecting activities that bring the two experiences together. S. 1361 takes a needed step in this direction by providing Federal guidance and direction to the States—not mandates.

Madam President, I would offer only two additional observations. First, I was pleased Senator THURMOND and I were able to work out language with the managers of S. 1361 and the administration to drop the paid work requirement. This provision would have precluded many existing programs from participating in school-to-work partnerships that will result with this legislation. Not all programs in place today have paid work participation from employers. In fact, many employers lack the resources to make such a commitment, despite their willingness to provide critically-needed training to our young people.

In my State, the Rhode Island Tech Prep Program is a partnership that includes the Community College of Rhode Island [CCRI], 32 secondary high schools and vocational technical facilities, and representatives from industry. This program serves 1,400 students, and has both a secondary and postsecondary component. While the high school component has no paid work participation, there is some at the postsecondary level.

Given the lack of employers with the resources to satisfy a paid work requirement, Senator THURMOND and I felt this provision should be deleted. Again, I want to thank the managers of this bill, and the administration for working with us to remove this obstacle. With the acceptance of the Thurmond-Chafee amendment, programs like Rhode Island Tech Prep will be able to take full advantage of this new program.

Second, I share Senator KASSEBAUM's concern about the proliferation of job training programs and the lack of a comprehensive strategy. As the distinguished ranking member of the Labor and Human Resources Committee correctly pointed out, we currently have some 154 separate training programs. While school-to-work is an excellent and needed step, it falls short of the real consolidation needed. It is my recommendation that we revisit this issue of consolidation to ensure the most effective use of our scarce budgetary resources.

In the interim, I hope the waiver provisions contained in S. 1361 will give States the needed flexibility to combine funds and consolidate activities where it is logical to do so.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that Reagan ran up the Federal debt or that Bush ran it up, bear in mind that it was, and is, the Constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,516,106,312,578.34 as of the

close of business yesterday, Tuesday, February 8. Averaged out, every man, woman and child in America owes a share of this massive debt, and that per capita share is $17,322.27.

THE RETIREMENT OF DEWITT REAMS

Mr. HEFLIN. Madam President, I want to commend and congratulate long-time Mobile, AL, attorney DeWitt Reams, who retired in December 1993 after 53 years of law practice. During that time, he became one of the Mobile area's top corporate lawyers and civic leaders.

Although he will be away from legal circles, DeWitt Reams will long be remembered as one of the giants of his profession. I wish him all the best for a long, healthy, and happy retirement. I ask unanimous consent that an article announcing DeWitt's retirement and summarizing his life and career from the December 16, 1993, edition of the Mobile Register be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ATTORNEY RETIRING AFTER 53 YEARS

(By George Werneth)

As a youngster, Dewitt Reams was the son of poor tenant dirt farmer in Elmore County during the depression.

Although his mother Minnie had only a sixth-grade education, she read avidly to her seven children by the light of a kerosene lamp in their modest home. She urged Dewitt and his six brothers and sisters "to go somewhere and be somebody" when they grew up.

They did. All seven children obtained college educations.

Today, Reams—one of Mobile's most prominent lawyers—is retiring after 53 years of law practice.

Now 77, he worked his way through the University of Alabama and the university's law school by selling candy and sodas. He began practicing law in Mobile in 1940 and became one of the area's top corporate lawyers and civic leaders.

"One of the most challenging and interesting undertakings I've had as a lawyer was representing Mobil Oil (as chief counsel) in their efforts to obtain a permit to drill for oil and gas in Mobile Bay," Reams said in an interview Wednesday.

"It took us nine years from the time the first lease was obtained from the state to the time of getting the first well drilled," he said.

This legal battle over getting drilling permits began back in the 1970s, and continued into the 1980s. Reams said environmentalists fought to keep the permits from being issued, but Mobile Oil prevailed in the federal courts.

"The first well was successful," he said, noting, "It was capable of producing in excess of 56 million cubic feet of gas per day, and after that well was completed, there was a rush of leasing water bottoms" in Alabama waters in the lower bay and Gulf of Mexico, as well as in federal waters off the Alabama coast.

"Monies that have come to the state from leasing and production (from Alabama waters) amount to almost $1 billion now," said Reams, who added, "I consider that to be my biggest contribution from my practice of law."

Reams has served as chief Alabama counsel for a number of large corporations and he represented the University of South Alabama when it was formed in the early 1960s.

Today Reams is senior partner in the firm of Reams, Philips, Brooks, Schell, Gaston & Hudson, P.C.

He is a former president of the Mobile Area Chamber of Commerce. He is an original incorporator and former board member and former president of the Mobile Area Chamber of Commerce Foundation.

He was a member of the Alabama Alcoholic Beverage Control Board from 1963 to 1967 and served as chairman of that board from 1967 to 1970. Reams was a member of the board of the National Alcoholic Beverage Control Association from 1967 to 1970. He served as a vice president of that board in 1969 and 1970.

TRIBUTE TO CHARLIE BRITNELL

Mr. HEFLIN. Madam President, Charlie Britnell, Past president of Northwest Community College, retired from the Alabama State School Board effective February 1, 1994. Charlie, a former Alabama State legislator, spent 28 years in the field of education.

I wish Charlie all the best for a long, happy, and healthy retirement, and ask unanimous consent that an article from the January 6 edition of the Florence, AL TimesDaily announcing his retirement and outlining his distinguished career be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the TimesDaily, Jan. 6, 1994]

BRITNELL LEAVING STATE SCHOOL BOARD

(By Tom Smith)

RUSSELLVILLE.—Charlie Britnell said he's ready for fishing and relaxation.

Britnell, a former state legislator and past president at Northwest Community College, turned in his resignation Tuesday to the state school board. His resignation will be effective Feb. 1.

"I just decided it was the time to retire, and I'm looking forward to it," Britnell said. "I'm getting close to 63, and I've just had my 13th grandchild. That, plus some lingering health problems, helped me make the decision."

Britnell, who has spent 28 years in the education field, said his retirement plans are flexible but he plans to do a lot of fishing and more traveling with his wife.

He said it's been more than 20 years since he "set a hook" on the lakes of Franklin County.

"I plan on doing something about that," he said. "I'm ready to do some fishing and just stay active. I plan to be active in church work and in community activities. The community has been very supportive of me and my family over these years, and I want to give something back to them."

Britnell, who has traveled to Russia on mission work, said he plans to return to Russia and Siberia during retirement.

"It's a new phase in my life, and I'm looking forward to it," he said.

Britnell has worked five years in the Franklin County school system and 22 at Northwest Community College, including 12 as the school's president. He spent last year working as the executive assistant to Dr. Fred Gainous, chancellor of the Alabama Department of Postsecondary Education.

"During more than two decades of service in the Alabama college system as a counselor, instructor, president and executive assistant to the chancellor, Dr. Britnell has demonstrated exemplary service and leadership," Gainous said. "As president of Northwest Community College for over 12 years, the college experienced sustained growth and three reaffirmations for accreditation were granted."

Gainous said Britnell was "a dedicated and invaluable asset" to the Alabama college system and will be missed.

"Throughout his tenure he has always maintained a clear and focused commitment to students," Gainous said. "Students who have matriculated at Northwest have indeed had an asset in Dr. Britnell for a number of years. I am certain that he will be missed by students, faculty and administrators alike."

Britnell, a native of Franklin County, served in the state Legislature for three terms. He was elected to the state Senate in 1978 and then elected to the state House in 1983, where he served two terms.

In February 1992, Britnell was replaced as president of Northwest's Phil Campbell and Hamilton campuses by Dr. Larry McCoy and Dr. Harold Wade after Britnell requested a reassignment following heart bypass surgery.

ALL SAINTS EPISCOPAL CHURCH CHANCEL CHOIR

Mr. HEFLIN. Madam President, the All Saints Episcopal Church Chancel Choir of Homewood, AL, a suburb of Birmingham, performed a 25-minute a capella choral prelude last fall at the Washington National Cathedral of Saint Peter and Saint Paul. Their stirring performance came on the first Sunday of Advent, November 28, which was also Alabama Day at the cathedral. The choir's prelude came before the 11 a.m. Eucharist.

I am proud of this dedicated group of singers, and am pleased to extend my congratulations to them for having had the opportunity to perform at the Washington National Cathedral. Members of the choir are:

Pat King, Katy Smith, Cindi Eastwood, Mike Morris, Rick Vise, Fran Robins, Jane Pochran, Roseanne Croft, Jerry Smith, Gail Smith, Newell Baker, Carol Baker, Ron May, Mike Bradley, Mike Kellum, Kay Kellum, Stuart Richeson, Paula Richeson, Buddy Gaines, and Billy Hecker.

Anita Dickerson, Virginia Beckworth, Susan Dean, Nan Wingo, Mary Lyle McGuire, Martha Miller, Carol Hudson, Judi Nelson, Jan Gentry, Cindy Haddock, Chris Kelly, Bill Braden, B.J. Braden, Terry Martin, Bill Funderburk, Elise Keddie, Cassandra Lewis, Paul Foreman, Lynn Hendricks, and Evan Thayer.

THE RETIREMENT OF VICTOR POOLE FROM THE ALABAMA BOARD OF EDUCATION

Mr. HEFLIN. Madam President, Victor Poole, the senior member of the

Alabama State Board of Education, announced in December that he will not be a candidate for reelection this year. Victor is known throughout the State as a tenacious advocate for his constituents in district 7 and for the overall best interests of the students enrolled in public schools and their teachers. He has been a true leader in the field of education during his 10 terms on the board, committed totally to improving Alabama's public schools.

I wish Victor every success as he finishes his current term on the board, and extend my congratulations for a job well done. I ask unanimous consent that an article announcing Victor's retirement from the board of education which appeared in the December 10, 1993, edition of the Florence, AL TimesDaily be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the TimesDaily, Dec. 10, 1993]

POOLE RETIRING AFTER 10 TERMS

(By Lisa Singleton-Rickman)

Victor Poole, the senior member of the state board of education, will not seek re-election in 1994.

"It's time to start making some retirement plans" after serving 10 terms on the board, he said.

Poole, 62, who represents District 7 on the board, is chairman of the Bank of Moundville and is known across the state for standing up to challenges and creating a few of his own.

"I prefer to think of my job on the school board as to keep projects ongoing," Poole said. "I always had a project of some type going, and usually they were 10-year projects such as building vocational schools or test-score improvements. Now I don't have any projects, and I just think this would be a good time to bring new people in with (education reform) happening now."

Perhaps Poole is equally known for his trademark catchphrases and terminology.

In a telephone interview with the Times Daily on Thursday, he once again proved true to his reputation when he summarized his retirement as "a situation where my garden is grassy."

Poole said the thing he'll miss most about working on the school board is the association with people.

"It's going to be hard for me to not be a part of that board, because it's been my life all these years," Poole said. "But I don't think anybody is indispensable. As we say around here, the monkey don't stop the show."

He said he appreciates the support he has had from his constituents in his district as well as his opponents in previous elections. "That shows there is great concern and interest in education."

In the 1990 election Poole's opposition, Earl Gardner of Florence, ran a close race and once again plans to seek the District 7 seat, which will represent the largest district in the state with 12 counties instead of 10.

"Mr. Poole was a very tough competitor in the last campaign, and this (election) will be much different because there won't be an incumbent," Gardner said. "Anytime there's no incumbent, there's no record to attack. I didn't do that in the last election, but even if he was running it wouldn't happen this time, either."

Poole has not shied from controversial issues during his time on the school board. Gardner, a University of North Alabama official, said that legacy will continue if he is elected.

"With the status of education reform now, I wouldn't think this would be a position for anyone who was worried about heated discussions," Gardner said.

"This would be one of the most exciting times I can think of to be there."

Poole said that, all in all, he feels good about leaving the post at this time because he's done his best to further education in the state.

"I've had opposition seven times and won seven times, so that tells me folks in the district have a good feeling about my years of service."

Poole would not elaborate on how he will fill the time he customarily spends traveling around the state visiting various schools and educators.

"But he said he will always stay abreast of what's happening in education because "education is obviously very near and dear to my heart."

TRIBUTE TO SAMUEL ALEX CHERRY

Mr. HEFLIN. Madam President, the people of Dothan, AL, were terribly saddened by the loss of former city commissioner and community leader Samuel Alex Cherry, who died on December 31, 1993, following an extended illness. Known by his many friends as "S.A.," he was an idealist who truly had the pulse of the people, and will long be remembered for trying to make Dothan a better place to live.

S.A. was widely known for his work on behalf of the police and fire departments. He was always keenly interested in securing the best equipment and personnel for these departments, reflecting his deep belief that what a government could do best was protect its people and keep them safe and secure.

S.A. Cherry was a lifelong resident of Dothan. He owned and operated Allied Furniture Sales and Cherry Super Foods for more than 20 years. He was actively involved in other organizations, including the Dothan-Houston County Chamber of Commerce, the Dothan Civitan Club, and the Dothan-Houston County Association for Retarded Citizens. Even when he reached a phase of his life when he could have cut back and spent more time on his own personal enjoyment, he continued to serve the city he loved so dearly. His influence, dedication, and wise counsel on community affairs will be sorely missed by the city leaders.

I extend my deepest condolences to S.A.'s wife, Annie Lee Cherry, and to their entire family in the wake of their loss. I also ask unanimous consent that an editorial appearing in the January 2, 1994, edition of the Dothan Eagle commenting on S.A.'s life and career of public service be printed in the RECORD immediately following my remarks. It captures the essence of what S.A. Cherry was all about.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

S.A. CHERRY

Although already retired from public service at the time of his death, public service was redefined because Samuel Alex (S.A.) Cherry chose to serve his community.

Mr. Cherry died Friday after a lengthy illness at age 71. Funeral services will be today at 2 in Lafayette Street United Methodist Church with burial in Memory Hill Cemetery.

Mr. Cherry probably was best known for his service to the community as a member of the Dothan City Commission. He served three terms between the year 1978 and 1990. During those three terms, he missed only three commission meetings. Each time he was hospitalized.

Mr. Cherry's service did not stop there, though. He was a charter member of Lafayette Street United Methodist Church's Men's Bible Class, serving as president, had served as chairman of the Official Board, as a Sunday School teacher and superintendent of Sunday School.

He was a charter member and former president of the Dothan Civitan Club, an active member of the Dothan-Houston County Association for Retarded Citizens and was a member of the State and National League of Cities as well as a member of the Dothan Planning Commission.

He was a Chamber of Commerce member, was on the National Peanut Festival's Board of Directors, was a member of the advisory board of Foster Grandparents and was a former member of the RSVP advisory board.

He formerly operated Cherry's Super Foods for more than 20 years, beginning on East Main Street in 1941, and had owned Allied Furniture Sales.

Mr. Cherry was a lifelong resident of Dothan and was a 1939 graduate of Dothan High. He knew Dothan. He knew its needs. When he decided to enter politics in 1978 it was with the aim of improving his community.

He did that. He played a major part in the growth of this city and in the process earned the respect of his constituents.

"He's his own man," was the oft-used phrase describing S.A. Cherry. We sincerely believe his every decision while on the commission was geared toward making Dothan a better place to live.

He cast the mold, then, for commission members who followed him.

S.A. Cherry—truly a public servant.

RECOGNITION OF DR. CHARLES BUGG

Mr. HEFLIN. Madam President, I want to take a moment to congratulate Dr. Charles Bugg, who recently became chief executive officer and chairman of the board of the Birmingham, Alabama-based pharmaceutical company, BioCryst Pharmaceuticals, Inc. He took over his new posts at BioCryst, a direct spin-off from the University of Alabama at Birmingham's health research activities, on January 1, after serving as a top scientist at UAB for 26 years.

I wish Dr. Bugg every success in his new position. Thankfully for UAB, he will continue to devote about 10 percent of his time to the university throughout this year. I ask unanimous consent that an article appearing in the Birmingham News on December 13, 1993 announcing Dr. Bugg's move and detailing the important work done by BioCryst be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOP UAB RESEARCHER TO HEAD BIOCRYST

(By Jeffrey Hansen)

A top University of Alabama at Birmingham scientist is moving from gown to town, going from the academic research lab to the business suite.

Observers say this could signal a coming of age in a decade-long effort to spin science-related companies off from the UAB research colossus.

Specifically, Charlie Bugg—who two weeks ago gave the distinguished faculty lecture on his work in X-ray crystallography—is leaving to head the Birmingham-based pharmaceutical company, BioCryst Pharmaceuticals Inc.

He will become chief executive officer and chairman of the board, effective Jan. 1.

The start-up biotechnology company hired its first employee in 1987 and now has 33, making it the largest spin-off to date from UAB health research activities, Bugg said. In clinical trial is one potential drug for treating a rare form of cancer, a drug that may also fight the skin disease psoriasis.

If the trials go well, BioCryst could start to make money in several years.

"I hope we can," said William Spencer III, board member and one of BioCryst's cofounders. "We need a success in this area."

Spencer said Birmingham investors have provided about $5 million of BioCryst's capitalization so far, some of them 10 years ago. "I want for those people who had faith in the thing to come out with a profit. It's certainly been a long time."

BioCryst's niche is structure-based drug design, an approach to developing new drugs that promises faster, less expensive development. As reviewed most recently by Bugg and colleagues in "Drugs by Design" in the December issue of Scientific American, the approach means learning the molecular structure of a target enzyme in the human body and then tailor-making drugs to impede that enzyme.

The enzyme chosen as target in BioCryst's first round of developmental drugs was purine nucleoside phosphorylase. One inhibitor of this enzyme, made by Southern Research in contract work, shows promise in early clinical trials with psoriasis and the life-threatening cancer called T-cell lymphoma.

Since the PNP enzyme participates in a variety of ailments known as "auto-immune diseases"—where the body's immune system attacks the body—further markets may exist. Ciba-Geigy has licensed another PNP inhibitor designed by BioCryst to test on the auto-immune disease, rheumatoid arthritis. This is potentially a $2 billion market, Bugg said.

The psoriasis drug, which BioCryst is developing itself, has a potential market of several million dollars, Bugg said.

The potential exists to also attack other auto-immune problems, such as rejection of transplanted organs—where another drug already has a $700 million market, juvenile diabetes, multiple sclerosis and lupus, Bugg said.

Bugg, who has been at UAB 26 years, will continue to spend 10 percent of his time at the university next year.

"This is critical," he said. "All the major products at BioCryst have come out of the university."

UAB holds equity in BioCryst—originally 10 percent of the company, but now down to about 2 to 4 percent. In return, BioCryst gets first rights to UAB research done by scientists who contract as BioCryst consultants.

Fostering the success of BioCryst and other start-ups fits a university mission to commercialize technology and make a local contribution to the state economy, Bugg said.

Bugg contrasted Birmingham with other hotbeds of academic health-related research.

"You go to San Diego and there are 150 biotechnology companies there," Bugg said. "But the technology there is no better than the science coming out of UAB."

Similarly, Birmingham has been slow to invest venture capital, Spencer said.

"We've been told that if this thing was in the Boston area or California, there'd be no trouble financing it." he said.

Frederick Dechow, BioCryst president and chief executive officer, will continue as president of the company next year. At UAB, scientists and former shuttle astronaut Larry DeLucas will take over Bugg's major academic appointment as director of the Center for Macromolecular Crystallography.

THE RETIREMENT OF DOROTHY MITCHELL FROM THE LAUDERDALE COUNTY BOARD OF EDUCATION

Mr. HEFLIN. Madam President, I ask unanimous consent that an article from the January 6, 1994 edition of the Florence, AL Times Daily announcing the retirement of Dorothy Mitchell from the Lauderdale County Board of Education be printed in the RECORD.

Dot, as she is known to her many friends, colleagues, and students, was actively involved in the field of education for 40 years, and will be sorely missed by those who knew and worked with her over the years. I wish her all the best for a long, happy, and healthy retirement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"IT'S THE MOST IMPORTANT JOB"; MITCHELL COMPLETES 40-YEAR CAREER IN PUBLIC EDUCATION

(By Vicki Pounders)

FLORENCE—Children and their education have been a major part of Dorothy "Dot" Mitchell's life for the past 40 years.

"All my life I've been concerned with children," said Mitchell, who is retiring from the Lauderdale County Board of Education. "I love children. I love being around them. It was just born with me."

Mitchell, a Franklin County native, graduated from Florence State Teachers College in 1952 with a degree in elementary education. She begin teaching first grade at Central Elementary School in the fall of 1952. She taught in various capacities in the Lauderdale County and Florence school systems.

When Osbie J. "Hot" Linville became superintendent of the Lauderdale County Schools in 1969, he wanted Mitchell to work in the central office.

"I knew Dot from years past when I was coaching out at Central High School," Linville said, "I knew that she had an excellent relationship with the students she taught at Powell School back then."

Linville said he knew Mitchell was devoted to the people she worked with—both the students, parents and fellow teachers.

"She has been and still is dedicated to serving people," he said. "She's always doing for other people."

Those qualities were among many that inspired Linville to bring Mitchell into administration. "Personally, I had made up my mind that I was going to recommend her for the first position that came open," he said.

That position was supervisor of instruction, a job as equally important to Mitchell as the time she spent in the classroom.

"I enjoyed both segments," said Mitchell who received the education specialist degree at the University of North Alabama after her move to the central office. "I loved working with the boys and girls, and working with teachers. The teachers and administrators have been very good to me. I certainly feel that I've been able to help someone every day, whether they were teachers or janitors."

MANY CHANGES

As one might expect, Mitchell has seen many changes in education during her career.

"The biggest change is scheduling," she said. "We're trying to schedule so many things in the same amount of time. We need to slow down, take more time to concentrate."

Mitchell said that in addition to having so many new subjects added to the basics—computer science, for example—students now have more outside interests such as sports and other extracurricular activities.

"They all have more global opportunities to keep them from learning," Mitchell said. "A good teacher uses these opportunities to teach, and a bad teacher blames these opportunities for their failure to teach."

But there are other things that never change.

"Many things have changed during my 40 years in education, but there is still nothing like the excitement of seeing a child solve a problem or beam with pride over getting the right answer," Mitchell said. "Children today are no different from children 40 years ago."

RECEPTION PLANNED

A reception for Mitchell will be held 2–4 p.m. today at the board of education office on Middle Road. The public is invited, and a special invitation is extended to all the students Mitchell taught over the years.

Mitchell also serves as a Lauderdale County Commissioner, a member of the board of directors of E–911 and Central Heights United Methodist Church. She has also served on the boards of Riverbend, the American Heart Association and the American Cancer Society.

She has some plans for her retirement, too.

"We plan to do some traveling and I want to do some things with my church," she said. "I'm also going to spend more time with my three grandchildren."

But just because Mitchell will be out of the day-to-day goings-on in education doesn't mean she'll stop being interested in the students or those who teach them.

"I hope they will begin each day with a new slate and challenge and encourage each child and each person that they come into contact with," Mitchell said.

"These children are our future, and they're helping to shape them. It's the most important job in the world."

TRIBUTE TO WELLS C. KLEIN

Mr. SIMPSON. Madam President, I am very pleased to join my colleague in paying tribute to Wells Klein.

I have not known Wells as long as Senator KENNEDY has, but when I became chairman of the Immigration and Refugee Policy Subcommittee in 1981, Wells Klein was among the first to offer his able assistance and counsel to me on matters involving our refugee and immigration policy.

Wells formally provided the Members with his views and recommendations at subcommittee hearings, and was always ready to assist informally in meetings in my office. His wide experience, which Senator KENNEDY has well described, and even more significant, his good common sense and genial urgings regarding a very difficult issue, gave his recommendations special importance to me, and I believe to the others of us on the Subcommittee.

Madam President, many refugees and immigrants in the United States have benefited from Wells' efforts. An even greater number of refugees in camps around the world whom we have assisted have benefited from his many years of service as the executive director of the American Council for Nationalities Service.

We wish the best for this fine man in his retirement, though I seriously doubt that his interest in the cause for which he spent so much of his life will wane with his leaving his leadership post. He will always be at the fore. Refugees and immigrants around our Earth will continue to gain from his contributions.

TRIBUTE TO WELLS C. KLEIN

Mr. KENNEDY. Madam President, late last month the Board of Directors of the National Migration Forum and the Inter-Action's Committee on Migration and Refugee Affairs attempted to pay tribute to the long and distinguished service of Wells Klein, a longtime servant and advocate for refugees around the world.

Unfortunately, the event was canceled because of the winter storm over Washington. But no storm can diminish his record of service, and I am pleased to join with Senator SIMPSON in offering these brief words of tribute.

Wells Klein is retiring after 20 years as executive director of the American Council for Nationalities Service. However, those of us who have served on the Senate Refugee Subcommittee knew of his work and valued his counsel long before he joined the Council.

On repeated occasions during the Vietnam war, when we were trying to highlight the need and increase support for refugees and civilian war casualties, Wells served as a special consultant—traveling to the field, reviewing the situation on the front lines, and reporting the enormous human costs involved in that tragic conflict. And repeatedly he returned to our Subcommittee to outline his findings and recommendations and, in the process, to advance the cause of Vietnam's war victims. Countless thousands were saved through his work during those difficult years.

Madam President, he has remained true to this commitment since then, working to help resettle tens of thousands of Indochinese refugees, striving to highlight the needs of refugees and war victims around the world—in Cambodia, Central America, and, most recently, the human victims of the conflict in Bosnia.

In addition, Wells has always been ready to help us wrestle with legislation to help resettle refugees, to do it better, and to do it so we could help more refugees. Over the years he has spent many hours testifying before our subcommittee and others in the House and Senate. We will always be grateful for his leadership in promoting wiser, more generous and more effective legislative tools for assisting refugees.

Madam President, I simply want to join his colleagues in the voluntary agency community in paying tribute to Wells—for his years of service with refugees, his many contributions to war victims, and for his steadfast leadership of humanitarian causes.

The world—even a world in conflict—is a better one today for Wells Klein having been here, and will continue to be, I am confident, in the years ahead as he continues his life-long work.

TWO ARTICLES FROM THE WASHINGTON POST ON CORRECTIONS EDUCATION

Mr. PELL. Madam President, I would like to bring to the attention of my colleagues two articles regarding corrections education which appeared in the Washington Post on January 29 and 30, 1994, and I would ask that they appear in the RECORD immediately following my remarks.

As I have often said, education is our primary hope for rehabilitating prisoners. Without education, I am afraid most inmates leave prison only to return to a life of crime. As George Will notes in his column, entitled "Peanut's Prison Tale," 97 percent of all persons now incarcerated will someday leave prison. Two-thirds of those individuals, however, will be returned to prison within the first 3 years.

It is for this reason that we must look to education. As Colman McCarthy asserts in his article, "Better 100,000 More Teachers Than 100,000 More Police," education equals crime prevention. Diplomas are crime stoppers. We must recognize that education dramatically reduces recidivism rates and that it costs much less to educate a prisoner than it does to keep one behind bars.

With respect to Pell grants for incarcerated students, recent changes in law made through the 1992 higher education reauthorization have provided strong mechanisms to crack down on any abuse in this program. For example, Pell grants cannot be used at any school which offers more than 50 percent of its courses by correspondence, has a student enrollment in which more than 25 percent of the students are incarcerated, or has an enrollment in which more than 50 percent of the students are admitted under ability-to-benefit provisions. In addition, no prisoner under sentence without a possibility of parole can obtain a Pell grant. These and other changes help ensure that the Pell grant will not be misused and will, instead, be an important tool for rehabilitation.

Madam President, I know this is still a controversial issue, but we must maintain our commitment to corrections education. Criminals should be sentenced and incarcerated, but let us also be concerned with their rehabilitation so that prison does not remain a revolving door.

Madam President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 29, 1994]

BETTER 100,000 MORE TEACHERS THAN 100,000 MORE POLICE

(By Colman McCarthy)

America's wardens and parole officers know what few in the Senate and House are willing to acknowledge in the crime bill debate: The more education inmates receive while in prison, the less likely it is they will commit crimes on release.

Recidivism rates, which range between 60 and 70 percent in most states, are cut by as much as 80 percent among men and women who completed high school or college courses while in prison. Education equals prevention. Diplomas are crime stoppers.

As Congress finishes work on what is expected to be a $22 billion crime bill, no increased funding for education programs is in the legislation. It's the other way. The Senate backed an amendment—sponsored by Kay Bailey Hutchison (R-Texas), who is currently under felony indictment for political abuses—to deny prisoners college courses under Pell grants.

For state programs, the same holds. In Florida, Gov. Lawton Chiles proposed a 20 percent increase in his prison budget while decreasing money for prison education: from $14.2 million to $13.5 million next year. The Florida Correctional Education School Authority had asked for $35 million, a meager amount in itself that would have amounted to less than 2 cents of every prison dollar.

America's prisons are centers of illiteracy. The Correctional Educational Association, a Laurel, Md., organization with 2,800 members, estimates that of the 1.2 million people currently caged, more than 70 percent are functionally illiterate. Only 20 percent are in education programs. Some 98 percent of those now locked away will be freed eventually, most within five years. If they can't read or add, they have a dog's chance of getting even an unskilled job.

On the last go-'round of a federal crime bill—in the summer of 1991—a crime-prevention amendment was offered to establish required literacy programs in state prisons. Funded for $25 million over two years, it lost 55-39. Sen. Strom Thurmond (R-S.C.) led the opposition, arguing that the amendment would force "states to spend their limited dollars on teaching rapists and murderers rather than children."

Those who are closer than Strom Thurmond to the realities of illiteracy and criminals look bemusedly at the anti-crime posturings of politicians, now on profuse display. One of them is Jody Spertzel, an assistant editor of Corrections Today, the monthly magazine of the American Correctional Association. She had never visited a maximum security prison until last summer. To interview some inmates for a story about an education program in a state prison, she traveled to an 1,100-prisoner facility in Craigsville, Va., about 150 miles southwest of Washington.

Of that journey and the time spent speaking with some prisoners, Spertzel, 27, a Penn State graduate and a person graced with an open mind, recalled last week: "It's a day I think of often. I believe it has influenced my life and outlook. The reception I received, both by the staff and by the inmates, has remained in my mind. Often I wonder if we on the outside can't be doing more to ensure that prisoners have better options and opportunities awaiting them when they are released. I also wonder what I can do individually to ensure that others do not join them. This is one of the reasons I am choosing to change careers right now, to become a teacher."

Spertzel has begun looking into job possibilities as a prison teacher. Let's wish her luck—tons of it. Because luck is about all that's available.

Others who are committed to the rational and effective include Gail Schwartz, who is 50 percent of the Office of Correctional Education in the Department of Education. Only three years old and funded for $11 million, Schwartz's office has awarded small-sum demonstration grants to 41 programs—out of 329 applications. "Enormous interest is present," she says.

Schwartz represents an enlightened kind of anti-crime advocacy: getting genuinely tough on criminals by exposing them to the rigor and discipline of the classroom. If calls from the Justice Department were as loud for 100,000 prison teachers as they are for 100,000 more police, a decrease in crime would be in sight.

[From the Washington Post, Jan. 30, 1994]

PEANUT'S PRISON TALE

(By George F. Will)

JESSUP, MD.—Peanut is a man of few words but his gaze can peel paint, and he frowns eloquently about something Congress may do regarding Pell grants.

Peanut's given name is Eugene Taylor. He has spent about half of his 42 years situated as he now is, behind bars and barbed wire, sentenced to be plus 25 years for murder and armed robbery. He dropped out of school in the 9th grade. The school, he indicates, had no strong objection. Sentimentalists who think there is no such thing as a bad boy never met Peanut in his misspent youth.

In his well-spent years in prison he has passed the eight-hour examination for a high school equivalency certification, and using Pell grants he has taken enough courses for a community college degree. But a provision of the crime bill the Senate has passed would make prisoners ineligible for such grants, which subsidize post-secondary education for low- and moderate-income students.

The day Sheriff Clinton addressed Congress, which is chock full of would-be Wyatt Earps hot to be deputized for this latest fight-to-the-finish against crime, Peanut and some other prisoners who have benefited from Pell grants sat around a table expressing emphatic disagreement with the Senate. Douglas Wiley (first-degree accessory, rape and burglary and armed robbery), Willie Marshallel (drug possession), Olin Fisher Bey (rape), Michael Postlewaite (rape), William Blackston (drug distribution), and Tim Sweeney (murder and armed robbery) are where they belong, serving long sentences. But most of them will be paroled someday, some of them soon, as they think of soon: before the year 2000.

Before intellectual fashion changed, prisons were called penitentiaries. They were places for doing penance and not much else. Today Peanut and his associates are in what Maryland calls a "correctional institution." But "correcting" criminals is hardly a science and not frequently a success. Nationally the recidivism rate three years after release is about two-thirds.

In withdrawing Pell grants from prisoners the Senate may have been grandstanding and chest-thumping, but it also was responding to scarcity. Demand for grants exceeds supply, so why should convicts be served when young people on the outside, whose parents pay taxes to pay for prisons, are not served? An answer may flow from this fact: 97 percent of all persons now incarcerated will someday leave prison.

Do Pell grants for prisoners "work"? Is educational attainment in prison a predictor of post-prison success? That is hard to say.

The prisoners joining Peanut around the table are a self-selected set of achievers, not a representative sample of the prison population. There are data showing that education in prison-correlates with reduced recidivism. But that data may show only that the character traits that cause a prisoner to take advantage of prison opportunities would in any case dispose those persons to re-enter society successfully.

Furthermore, the culture of a prison is complex. In a spirited essay, prisoner Postlewaite suggests, as the other long-term prisoners at the table do this day, that short-termers are giving convicts a bad name. Many short-termers regard prison as a rite of passage, a mere hiatus in a career of crime. They have no incentive—the incentive of long sentences—to buckle down to self-improvement.

"Look at the behavior of the majority of inmates," writes Postlewaite. "You would think that they were at the community recreation center. All of their friends, relatives and homeboys are right there with them, and they are just as cheerful as they were in the streets." Having spent their short sentences watching television, playing basketball and making collect phone calls, they leave prison having "no fear on bad feelings about coming back."

The logic of Postlewaite's argument is that the most promising candidates for Pell grants are serving long sentences. But they are often in for the worst crimes. That is not politically congenial logic.

Prisoners who enroll in education programs get time cut from their sentences. Some acquire a disquieting fluency with the patios of pop sociology—"enhancing self-esteem" and "understanding societal norms"—that parole boards may find soothing. One feels at best ambivalent when someone convicted of a heinous crime says that education "has made me feel good about myself."

But Peanut does not talk like that. And Congress should consider the fact that Peanut may be at large in a few years, at which time Baltimore's streets, which he left long ago, may be a bit safer than they would be if he had not acquired some social skills with the help of his Pell grant.

DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993

The text of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes, passed by the Senate on November 20, 1993, is as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "Department" means the United States Department of Energy; and

(2) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 3. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other Federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other Federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the Nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, in implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other Federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) 'cooperative research and development agreement' has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

"(2) 'core competency' means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) 'critical technology' means a technology identified in the Report of the National Critical Technologies Panel;

"(4) 'departmental laboratory' means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) 'disadvantaged' has the same meaning as that term has in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6));

"(6) 'dual-use technology' means a technology that has military and commercial applications;

"(7) 'educational institution' means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) 'minority college or university' means a historically Black college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a 'minority institution' as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

"(9) 'multi-program departmental laboratory' means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho Nation Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) 'partnership' means any arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other Federal agencies;

"(11) 'Report of the National Critical Technologies Panel' means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) 'small business' means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and techniques needed for the effective negotiation and verification of international arms control agreements and for the containment of the proliferation of nuclear, chemical, and biological weapons and delivery vehicles of such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the nation's understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the missions identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes;

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to United States technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary, and the directors of the departmental laboratories, shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other Federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to allocate to cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be committed to cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multiyear critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multiyear partnership and shall condition continued Federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the appropriate Committees of the House of Representatives. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by areas of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a Federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a Federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the "Laboratory Partnership Advisory Board", to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other Federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multiprogram departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10, of the United States Code, and section 2513 of title 10, of the United States Code, and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l), and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application of dual-use technologies within the Department's atomic energy defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a Federal contribution in excess of $5,000,000, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of a United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-Federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

(b) CONFORMING AMENDMENT—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by adding at the end thereof the following items:

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, Purposes and Definitions.
"Sec. 1102. General Authority.
"Sec. 1103. Establishment of Goal for Partnerships Between Departmental Laboratories and United States Industry.
"Sec. 1104. Role of the Department in the Development of Critical Technology Strategies.

"Sec. 1105. Partnership Preferences.
"Sec. 1106. Evaluation of Partnership Programs.
"Sec. 1107. Annual Report.
"Sec. 1108. Partnership Payments.
"Sec. 1109. Laboratory Partnership Advisory Board and Industrial Advisory Groups at Multi-Program Departmental Laboratories.
"Sec. 1110. Fellowship Program.
"Sec. 1111. Cooperation with State and Local Programs for Technology Development and Dissemination.
"Sec. 1112. Availability of Funds for Partnerships.
"Sec. 1113. Protection of Information.
"Sec. 1114. Fairness of Opportunity.
"Sec. 1115. Product Liability.
"Sec. 1116. Intellectual Property.
"Sec. 1117. Small Business.
"Sec. 1118. Minority College and University Report.
"Sec. 1119. Minority College and University Scholarship program.".

SEC. 4. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

The Secretary is encouraged to use partnerships to expedite the private sector deployment of advanced manufacturing technologies as required by section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

SEC. 5. NOT-FOR-PROFIT ORGANIZATIONS.

The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development of Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

SEC. 6. CAREER PATH PROGRAM.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. section 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

SEC. 7. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

SEC. 8. DOE MANAGEMENT.

(a) Section 202(a) of the Department of Energy Organization Act (42 U.S.C. 7132(a)) is amended by striking "Under Secretary" and inserting in its place "Under Secretaries".

(b) Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 9. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

(a) Section 12(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is amended by striking ", to the extent provided in any agency-approved joint work statement,".

(b) Section 12(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended by striking ", to the extent provided in any agency-approved joint work statement,".

(c) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by amending subparagraph (C)(i) to read as follows:

"(C)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a cooperative research and development agreement that is submitted by the director of such laboratory within thirty days after such submission. If an agency has requested specific modifications to a cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such cooperative research and development agreement within fifteen days after such resubmission. Except as provided in subparagraph (D), no agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before approval of the cooperative research and development agreement.";

(2) by amending subparagraph (C)(ii) to read as follows:

"(ii) If an agency that has contracted with a non-Federal entity to operate a laboratory disapproves or requests the modification of a cooperative research and development agreement submitted under clause (i), the agency shall promptly transmit a written explanation of such disapproval or modification to the director of the laboratory concerned.";

(3) by amending subparagraph (C)(iii) to read as follows:

"(iii) Any agency that has contracted with a non-Federal entity to operate a laboratory shall develop and provide to such laboratory a model cooperative research and development agreement, and guidelines for using such an agreement, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling negotiation and review of a cooperative research and development agreement to be carried out in a routine and prompt manner.";

(4) by striking subparagraph (C)(iv);

(5) by amending subparagraph (C)(v) to read as follows:

"(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within 10 days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure.";

(6) by striking subparagraph (C)(vi); and

(7) by amending subparagraph (D) to read as follows:

"(D)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory may permit the director of a laboratory to enter into a cooperative research and development agreement without the submission, review, and approval of the agreement under subparagraph (C)(i) if: the Federal share under the agreement does not exceed $500,000 per year, or any amount the head of the agency may prescribe; the text of the cooperative research and development agreement is consistent with a model agreement under subparagraph (C)(iii); the agreement is entered into in accord with the agency's guidelines under subparagraph (C)(iii); and the agreement is consistent with and furthers an assigned laboratory mission.

"(ii) The director of a laboratory shall notify the head of the agency of the purpose and scope of an agreement entered into under this subparagraph. The agency shall include in its annual report required by section 11(f) of this Act (15 U.S.C. 3710(f)) an assessment of the implementation of this subparagraph including a summary of agreements entered into by laboratory directors under this subparagraph.".

(d) Section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (1) by inserting "and" after the second semicolon;

(2) in paragraph (2)—

(A) by striking "substantial" before "purpose" in subparagraph (B);

(B) by striking "the primary purpose" and inserting "one of the purposes" in subparagraph (C); and

(C) by striking "; and" the second time it appears and inserting a period; and

(3) by striking paragraph (3).

SEC. 10. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3 of this Act.

SEC. 11. AUTHORIZATION.

(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary—

(1) for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997; and

(2) for partnership activities with industry involving dual-use technologies within the Department's atomic energy defense activities $240,000,000 for fiscal year 1994, $290,000,000 for fiscal year 1995, $350,000,000 for fiscal year 1996 and $400,000,000 for fiscal year 1997.

(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3 of this Act $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

(c) There is authorized to be appropriated to the Secretary for research or educational programs, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate Proceedings.)

REPORT ENTITLED "SCIENCE AND ENGINEERING INDICATORS, 1993"—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

Pursuant to 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled *Science and Engineering Indicators—1993*. This report is the 11th in a series examining key aspects of the status of American science and engineering.

The science and technology enterprise is key to the future of our Nation. The United States must sustain world leadership in science, mathematics, and engineering if we are to meet the challenges of today and tomorrow.

I commend *Science and Engineering Indicators—1993* to the attention of the Congress and those in the scientific and technological endeavor.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1994*.

MESSAGES FROM THE HOUSE

At 12:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution:

S.J. Res. 119. To designate the month of March 1994 as "Irish-American Heritage Month."

The message also announced that pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211) and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the second session of the 103d Congress on the part of the House: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. MATSUI, Mr. ARCHER, and Mr. CRANE.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-366. A resolution adopted by the Senate of the State of Iowa; to the Committee on Environment and Public Works.

"SENATE RESOLUTION NO. 101

"Whereas, the production and processing of agricultural commodities and products represents the foundation of this nation's economy, and the economic viability of this nation is contingent upon the production of wealth generated primarily from materials, including food and fiber, produced on farms and ranches; and

"Whereas, it is increasingly necessary to support industries in this nation which rely upon agricultural commodities to manufacture value-added products; and

"Whereas, this nation is dependent upon the consumption of rapidly depleting domestic oil reserves, with the United States annually importing foreign petroleum products which have been valued at more than 25 percent of this nation's trade deficit; and

"Whereas, more than 40 percent of this nation's air pollution is caused by vehicles emitting a variety of petroleum-based pollutants which endanger the public's health, including carcinogenic organic vapors, benzene and other aromatics, nitrogen oxides, particulate matter in the form of smoke and soot, carbon monoxide, and carbon dioxide; and

"Whereas, the United States Congress, in supporting the need to reduce this nation's dependence upon foreign oil, to provide additional markets for domestic corn and other grains, to protect the public health, and to preserve the nation's environment, has encouraged ethanol production and consumption; and

"Whereas, one acre of corn produces an amount of ethanol equivalent to 10 barrels of oil; and

"Whereas, 1.15 billion gallons of ethanol produced in the United States in 1992 reduced foreign oil imports by more than 58 million barrels; and

"Whereas, motor vehicle fuel which includes a blend of 10 percent ethanol enhances octane levels and provides more oxygen for fuel combustion resulting in reduced levels of carbon monoxide; and

"Whereas, more than 416,000 bushels of corn representing the average harvest of more than 3,400 Iowa crop acres are processed each day into ethanol; and

"Whereas, at current stock levels corn utilization by the Iowa corn processing industry provides a 15 to 20 cent per bushel support to the national average price of corn; and

"Whereas, blending 10 percent ethanol with all gasoline sold in the United States would require four billion bushels of corn; and

"Whereas, coproducts derived from ethanol production provide a valuable high protein feed for livestock; and

"Whereas, the corn milling and ethanol production industries are high-quality employers of skilled labor which is a critical component of state rural revitalization efforts; and

"Whereas, more than 12,000 Iowa jobs are affected by Iowa ethanol production, including 2,500 in the corn processing industry associated with ethanol production, with the average annual wage for persons employed in the wet corn milling industry in Iowa equaling $37,000; and

"Whereas, in 1990 the United States Congress enacted and the President of the United States signed into law Pub. L. No. 101-549, including major amendments to the federal Clean Air Act, 42 U.S.C. §7401 et seq., which represents a landmark effort to protect this nation's atmosphere from contamination by hazardous pollutants in part caused by vehicle emissions; and

"Whereas, the United States Environmental Protection Agency in implementing amendments to the federal Clean Air Act has conducted tests of oxygenates including organic and petroleum-based products for purposes of establishing standards for reformulating motor vehicle fuel used in nonattainment areas designated in the United States; and

"Whereas, the United States Environmental Protection Agency has proposed a renewable oxygenate standard which requires the use of renewable oxygenates in reformulated gasoline; and

"Whereas, ethanol is a renewable oxygenate and the proposed standard could mean an increased demand for Iowa corn used in ethanol production; and

"Whereas, ethanol's full market potential can be realized under the renewable oxygenate standard if the rules are finalized, as scheduled, in June 1994; Now therefore,

"Be it Resolved by the Senate, That the Iowa Senate urges the United States Environmental Protection Agency to adopt the proposed renewable oxygenate standard in a manner and form which allows ethanol to fully compete in the marketplace; and

"Be it Further Resolved, That the Iowa Senate supports the efforts of the Honorable Terry E. Branstad, Governor of the State of Iowa, in presenting the case for ethanol at hearings sponsored by the United States Environmental Protection Agency and held in Crystal City, Virginia; and

"Be it Further Resolved, That copies of this Resolution be delivered to the Governor; and

"Be it Further Resolved, That a copy of this Resolution be delivered to the Environmental Protection Agency for inclusion within the record, Docket A-93-49; and

"Be it Further Resolved, That copies of this Resolution be delivered to the President of the United States, the Administrator of the United States Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairperson of the Committee on Agriculture, Nutrition, and Forestry of the United States Senate, the Chairperson of the Committee on Agriculture of the United States House of Representatives, and member of Iowa's congressional delegation."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2147. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the plan to streamline the National Transportation Safety Board; to the Committee on Commerce, Science and Transportation.

EC-2148. A communication from the Deputy Associate Director for Compliance of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2149. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the study of the Baca Location No. 1, Santa Fe National Forest, New Mexico; to the Committee on Energy and Natural Resources.

EC-2150. A communication from the Commissioner of the Bureau of Reclamation, transmitting, pursuant to law, the report on the Ochoo Dam, Crooked River Project, Oregon; to the Committee on Energy and Natural Resources.

EC-2151. A communication from the Acting Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on Safeguards information for the period October 1, 1993 through December 31, 1993; to the Committee on Environment and Public Works.

EC-2152. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "International Anthropogenic Methane Emissions: Estimates for 1990"; to the Committee on Environment and Public Works.

EC-2153. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to reimbursements under Medicare Part B; to the Committee on Finance.

EC-2154. A communication from the Assistant Secretary of State (Legislative Affairs) transmitting, pursuant to law, a report relative to the implementation of the Nairobi Strategies; to the Committee on Foreign Relations.

EC-2155. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to the procurement status of defense articles or services; to the Committee on Foreign Relations.

EC-2156. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the annual report of the Board relative to the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2157. A communication from the Chief Administrative Officer of the Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission relative to the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2158. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report relative to proposed rescissions of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Appropriations, to the Committee on Armed Services, to the Committee on Banking, Housing and Urban Affairs, to the Committee on the Budget, to the Committee on Commerce, Science and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and an amended preamble:

S. Res. 94. A resolution expressing the Sense of the Senate with respect to the tragic humanitarian crisis in Sudan.

EXECUTIVE REPORT OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works:

To be a Member and President of the Mississippi River Commission Brig. Gen. Eugene S. Witherspoon, [redacted], U.S. Army;

William W. Ginsberg, of Connecticut, to be an Assistant Secretary of Commerce;

Jesse L. White, Jr., of North Carolina, to be Federal Cochairman of the Appalachian Regional Commission; and

Richard Thomas Moore, of Massachusetts, to be an Associate Director of the Federal Emergency Management Agency;

By Mr. PELL, from the Committee on Foreign Relations:

Jill B. Buckley, of Washington, to be an Assistant Administrator of the Agency for International Development;

Thomas A. Dine, of Ohio, to be an Assistant Administrator of the Agency for International Development;

James H. Scheuer, of New York, to be U.S. Director of the European Bank for Reconstruction and Development;

Alice Marie Dear, of New York, to be U.S. Director of the African Development Bank for a term of 5 years;

Strobe Talbott, of Ohio, to be Deputy Secretary of State;

Esther Peterson, of the District of Columbia, to be a Representative of the United States of America to the 48th Session of the General Assembly of the United Nations;

Robert H. Pelletreau, Jr., of Connecticut, to be an Assistant Secretary of State; and

Wesley William Egan, Jr., of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Wesley William Egan, Jr.

Post: Jordan.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, Wesley M. Egan, Kimberly K. Egan, none.
4. Parents names, Wesley W. Egan Sr. (see enclosure), Ruth S. Egan, none.
5. Grandparents names, none living.
6. Brothers and spouses names, Bruce David Egan, Christine M. Egan, none.
7. Sisters and spouses names, none.

Political Contributions by Wesley W. Egan, Sr. (father):

In the Spring of 1992 Wesley W. Egan, Sr. made the following political contributions:

Republican National Committee: $100.

Republican Senatorial Committee: $100.

The Jack Kemp Campaign Committee: $100.

Lauch Faircloth Senate Campaign Committee: $100.

David Nathan Merrill, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: David Nathan Merrill.

Post: Bangladesh.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Darlene J. Merrill, none.
3. Children and spouses names, Nathan Merrill, Melissa Merrill, none.
4. Parents names, Ann Merrill Berman, mother, $25, January 1993, Presidential Transition Planning Foundation; $20, September 1992, Democratic National Committee; Father, deceased.
5. Grandparents names, deceased.
6. Brothers and spouses names, Richard L. Merrill, deceased brother, Aida Merrill (spouse), none.
7. Sisters and spouses names, none.

Sandra Louise Vogelgesang, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Sandra Louise Vogelgesang.

Post: Kingdom of Nepal.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, Christopher Glenn Wolfe, Carolyn Louise Wolfe, none.
4. Parents names, Glenn Wesley Vogelgesang, none. Louise Forry Vogelgesang (deceased).
5. Grandparents names, deceased.
6. Brothers and spouses names, Mark and Susan Vogelgesang, none.
7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Three Foreign Service lists which appear in full in the CONGRESSIONAL RECORD of January 26, 1994:

Foreign Service list beginning Robert John McAnneny.

Foreign Service list beginning Victor B. Olason (list reported minus one name).

Foreign Service list beginning Suzanne K. Hale.

By Mr. MOYNIHAN, from the Committee on Finance:

Mary Ellen Withrow, of Ohio, to be Treasurer of the United States.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Federick Gilbert Slabach, of Mississippi, to be an Assistant Secretary of Agriculture.

By Mr. GLENN, from the Committee on Governmental Affairs:

Anna K. Nelson, of the District of Columbia, to be a member of the Assassination Records Review Board;

Henry F. Graff, of New York, to be a member of the Assassination Records Review Board;

John R. Tunheim, of Minnesota, to be a member of the Assassination Records Review Board;

William L. Joyce, of New Jersey, to be a member of the Assassination Records Review Board;

Edward Jay Gleiman, of Maryland, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1998; and

Kermit L. Hall, of Oklahoma, to be a member of the Assassination Records Review Board.

By Mr. BIDEN, from the Committee on the Judiciary:

Michael David Skinner, of Louisiana, to be U.S. Attorney for the Western District of Louisiana for the term of 4 years;

James Robert Oakes, of Louisiana, to be U.S. Marshal for the Western District of Louisiana for the term of 4 years;

Alan D. Lewis, of Pennsylvania, to be U.S. Marshal for the Eastern District of Pennsylvania for the term of 4 years;

Rosa Maria Melendez, of Washington, to be U.S. Marshal for the Western District of Washington for the term of 4 years;

Robert Dale Ecoffey, of South Dakota, to be U.S. Marshal for the District of South Dakota for the term of 4 years;

Hugh Dinsmore Black, Jr., of Arkansas, to be U.S. Marshal for the Western District of Arkansas for the term of 4 years;

Marjorie O. Rendell, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

Lesley Brooks Wells, of Ohio, to be U.S. District Judge for the Northern District of Ohio;

Michael A. Ponsor, of Massachusetts, to be U.S. District Judge for the District of Massachusetts;

Tucker L. Melancon, of Louisiana, to be U.S. District Judge for the Western District of Louisiana;

Thomas I. Vanaskie, of Pennsylvania, to be U.S. District Judge for the Middle District of Pennsylvania;

Conrad S. Patillo, of Arkansas, to be U.S. Marshal for the Eastern District of Arkansas for the term of 4 years;

James Lamar Wiggins, of Georgia, to be U.S. Attorney for the Middle District of Georgia for the term of 4 years;

Patrick J. Wilkerson, of Oklahoma, to be U.S. Marshal for the Western District of Oklahoma for the term of 4 years;

Deaniel J. Horgan, of Florida, to be U.S. Marshal for the Southern District of Florida for the term of 4 years;

David Lee Lillehaug, of Minnesota, to be U.S. Attorney for the District of Minnesota for the term of 4 years;

Harry Donival Dixon, Jr., of Georgia, to be U.S. Attorney for the Southern District of Georgia for the term of 4 years;

Larry Herbert Colleton, of Florida, to be U.S. Attorney for the Middle District of Florida for the term of 4 years;

Mark Timothy Calloway, of North Carolina, to be U.S. Attorney for the Western District of North Carolina for the term of 4 years;

Paul Michael Gagnon, of New Hampshire, to be U.S. Attorney for the District of New Hampshire for the term of 4 years;

James Howard Benham, of Idaho, to be U.S. Marshal for the District of Idaho for the term of 4 years;

Michael Hayes Dettmer, of Michigan, to be U.S. Attorney for the Western District of Michigan for the term of 4 years;

Stephen Lawrence Hill, of Missouri, to be U.S. Attorney for the Western District of Missouri for the term of 4 years;

Robert Charles Bundy, of Alaska, to be U.S. Attorney for the District of Alaska for the term of 4 years;

Rebecca Aline Betts, of West Virginia, to be U.S. Attorney for the Southern District of West Virginia for the term of 4 years;

Donald R. Moreland, of Florida, to be U.S. Marshal for the Middle District of Florida for the term of 4 years;

Richard Rand Rock II, of Kansas, to be U.S. Marshal for the District of Kansas for the term of 4 years;

Cleveland Vaughn, of Nebraska, to be U.S. Marshal for the District of Nebraska for the term of 4 years;

Robert James Moore, of Alabama, to be U.S. Marshal for the Southern District of Alabama for the term of 4 years;

Nancy J. McGillivray-Shaffer, of Massachusetts, to be U.S. Marshal for the District of Massachusetts for the term of 4 years;

G. Ronald Dashiell, of Washington, to be U.S. Marshal for the Eastern District of Washington for the term of 4 years;

Stephen John Rapp, of Iowa, to be U.S. Attorney for the Northern District of Iowa for the term of 4 years;

Don Carlos Nickerson, of Iowa, to be U.S. Attorney for the Southern District of Iowa for the term of 4 years;

Charles M. Adkins, of West Virginia, to be U.S. Marshal for the Southern District of West Virginia for the term of 4 years;

Phylliss Jeanette Henry, of Iowa, to be U.S. Marshal for the Southern District of Iowa for the term of 4 years;

John Patrick McCaffrey, of New York, to be U.S. Marshal for the Western District of New York for the term of 4 years;

Joe Russell Mullins, of Kentucky, to be U.S. Marshal for the Eastern District of Kentucky for the term of 4 years;

James J. Molinari, of California, to be U.S. Marshal for the Northern District of California for the term of 4 years;

Janice McKenzie Cole, of North Carolina, to be U.S. Attorney for the Eastern District of North Carolina for the term of 4 years;

Terrence Edward Delaney, of Illinois, to be U.S. Marshall for the Southern District of Illinois for the term of 4 years;

William Stephen Strizich, of Montana, to be U.S. Marshall for the District of Montana for the term of 4 years;

James Douglas, Jr., of Michigan, to be U.S. Marshall for the Eastern District of Michigan for the term of 4 years;

Stephen Simpson Gregg, of California, to be U.S. Marshall for the Southern District of California for the term of 4 years;

Wesley Joe Wood, of Tennessee, to be U.S. Marshall for the Western District of Tennessee for the term of 4 years;

James V. Serio, of Louisiana, to be U.S. Marshall for the Eastern District of Louisiana for the term of 4 years;

John Steven Sanchez, of New Mexico, to be U.S. Marshall for the District of New Mexico for the term of 4 years;

James Marion Hughes, Jr., of Oklahoma, to be U.S. Marshall for the Northern District of Oklahoma for the term of 4 years;

Charles William Logsdon, of Kentucky, to be U.S. Marshall for the Western District of Kentucky for the term of 4 years;

Floyd A. Kimbrough, of Missouri, to be U.S. Marshall for the Eastern District of Missouri for the term of 4 years;

Brian C. Berg, of North Dakota, to be U.S. Marshall for the District of North Dakota for the term of 4 years;

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee to the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 18, 1993, November 19, 1993, January 26, 1994, January 27, 1994, January 31, 1994, February 2, 1994, and February 3, 1994, at the end of the Senate proceedings.)

*Colonel James A. Lassart, USAR to be brigadier general (Reference No. 884).

**In the Army there are 18 promotions to the grade of colonel (list begins with Garth K. Chandler) (Reference No. 885).

**In the Marine Corps there is 1 appointment to the grade of colonel (Guy B. Roberts) (Reference No. 886).

**In the Marine Corps Reserve there is 1 appointment to the grade of colonel (James R. Sandberg) (Reference No. 887).

**In the Marine Corps there are 5 appointments to the grade of lieutenant colonel (list begins with William F. Campbell) (Reference No. 888).

**In the Marine Corps Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Wallace J. Huggins, Jr.) (Reference No. 889).

**In the Marine Corps there are 6 appointments to the grade of major (list begins with Kelly D. Cross) (Reference No. 890).

**In the Navy there is 1 promotion to the grade of commander (Charles M. Clopton) (Reference No. 891).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Floyd A. Doughty) (Reference No. 892).

**In the Navy there are 42 appointments to the grade of lieutenant (junior grade) and below (list begins with Dwayne Lindsey) (Reference No. 893).

**In the Navy and Naval Reserve there are 37 appointments to the grade of commander and below (list begins with Steven Harlow Demoss) (Reference No. 894).

**In the Navy and Naval Reserve there are 30 appointments to the grade of commander and below (list begins with William J. Kramer) (Reference No. 895).

**In the Navy there are 289 appointments to the grade of lieutenant (list begins with Johnny R. Adams) (Reference No. 896).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Noel B. Bergeron) (Reference No. 944).

**In the Army Reserve there are 35 promotions to the grade of colonel and below (list begins with Roger H. Blythe) (Reference No. 945).

**In the Army there are 52 appointments to the grade of colonel and below (list begins with Marilyn H. Brooks) (Reference No. 946).

**In the Navy and Naval Reserve there are 27 appointments to the grade of commander and below (list begins with Anthony M. Ellis) (Reference No. 947).

**In the Navy and Naval Reserve there are 18 appointments to the grade of commander and below (list begins with Thomas D. Barber) (Reference No. 948).

**In the Navy and Naval Reserve there are 48 appointments to the grade of commander and below (list begins with Mark R. Asuncion) (Reference No. 949).

*General George L. Butler, USAF to be placed on the retired list in the grade of general (Reference No. 991).

*Lieutenant General Barry R. McCaffrey, USA to be general (Reference No. 992).

*Brigadier General Robert L. DeZarn, USANG to be major general (Reference No. 993).

*Colonel Harry I. Waddle, USAR to be brigadier general (Reference No. 996).

*Rear Admiral Richard C. Allen, USN to be vice admiral (Reference No. 997).

*Rear Admiral (lower half) Arthur K. Cebrowski, USN to be vice admiral (Reference No. 1015).

**In the Air Force there are 17 appointments to the grade of second lieutenant (list begins with Shawn M. Baker) (Reference No. 1017).

**In the Army Reserve there are 7 appointments to the grade of colonel and below (list begins with James A. Breitweser) (Reference No. 1018).

**In the Army there are 40 promotions to the grade of lieutenant colonel (list begins with John H. Belser) (Reference No. 1019).

**In the Marine Corps there is 1 promotion to the grade of colonel (John A. Tempone) (Reference No. 1020).

**In the Marine Corps there are 265 appointments to the grade of captain and below (list begins with Karl E. Altergott) (Reference No. 1021).

*In the Air Force Reserve there are 17 appointments to the grade of major general and below (list begins with Almon B. Ballard) (Reference No. 1062).

*Admiral David E. Jeremiah, USN to be placed on the retired list in the grade of admiral (Reference No. 1065).

*Admiral William A. Owens, USN to be Vice Chairman of the Joint Chiefs of Staff and for reappointment to the grade of Admiral (Reference No. 1066).

**In the Navy there are 464 appointments to the grade of commander and below (list begins with Lawrence A. Burnett) (Reference No. 1068).

**In the Air Force Reserve there are 220 promotions to the grade of colonel (list begins with Ronald H. Allen) (Reference No. 1069).

**In the Air Force there are 1,799 promotions to the grade of lieutenant colonel (list begins with Joseph A. Abbott) (Reference No. 1070).

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Joseph J. Kahoe) (Reference No. 1081).

**In the Navy there are 7 promotions to the grade of captain (list begins with Peter L. Fagan) (Reference No. 1083).

**In the Navy there are 2 promotions to the grade of commander (list begins with Peter Michael Hyers) (Reference No. 1084).

**In the Navy there are 271 appointments to the grade of captain and below (list begins with Robert O. Ward) (Reference No. 1085).

**In the Army Reserve there are 408 promotions to the grade of colonel (list begins with Harry E. Ackroyd) (Reference No. 1086).

**In the Air Force there are 1,031 appointments to the grade of second lieutenant (list begins with John T. Aalborg Jr.) (Reference No. 1087).

**In the Air Force Reserve there are 17 promotions to the grade of lieutenant colonel (list begins with Andrew P. Brakora) (Reference No. 1098).

**In the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with Dwight D. Duckett) (Reference No. 1099).

**In the Navy there are 397 appointments to the grade of lieutenant (list begins with Daniel A. Abrams) (Reference No. 1101).

*Lieutenant General Neal T. Jaco, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1105).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with William P. Albro) (Reference No. 1108).

**In the Air Force Reserve there are 17 promotions to the grade of lieutenant colonel (list begins with Daniel A. Bechdolt) (Reference No. 1109).

**In the Navy there are 177 appointments to the grade of ensign (list begins with Mark T. Adamy) (Reference No. 1111).

**In the Navy there are 572 appointments to the grade of commander and below (list begins with Mary C. Jacobsen) (Reference No. 1112).

**In the Navy there are 1,164 appointments to the grade of ensign (list begins with Jeffrey M. Abbruzzi) (Reference No. 1113).

*Vice Admiral Henry G. Chiles, Jr., USN, to be admiral (Reference No. 1115).

**In the Army there are 2 appointments to the grade of lieutenant colonel and below (list begins with Marshall R. Cox) (Reference No. 1121).

**In the Navy there are 6 promotions to the grade of captain and below (list begins with Kris Timerman Ackerbauer) (Reference No. 1122).

**In the Army Reserve there are 1,610 promotions to the grade of lieutenant colonel (list begins with Michael S. Abbott) (Reference No. 1123).

Total: 9,185.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1838. A bill to liberalize controls on the export of telecommunications equipment and technology in order to promote democracy and free communication and enhance economic competitiveness; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN:

S. 1839. A bill to authorize the study of the equity of Forest Service regional funding allocations, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself and Mr. BROWN):

S. 1840. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for businesses participating in gun exchange programs, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1841. A bill to amend the Public Health Service Act to prohibit discrimination, on the basis of race, color, or national origin, in programs and activities relating to occupational and other exposure to hazardous substances; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL (for himself, Mr. DURENBERGER, Mr. KOHL, Mr. LUGAR, Mr. BURNS, Mr. SIMPSON, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. GREGG, Mr. COATS, Mr. SMITH, and Mr. MURKOWSKI):

S. 1842. A bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. SIMON, Mr. WOFFORD, Mr. BIDEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BYRD, Mr. COCHRAN, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. EXON, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Ms. MIKULSKI, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SHELBY, and Mr. WARNER):

S.J. Res. 162. A joint resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 180. A resolution to direct the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices in Betty Johnson v. Office of Senate Fair Employment Practices, No. 94-6002 (Fed. Cir.); considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1838. A bill to liberalize controls on the export of telecommunications equipment and technology in order to promote democracy and free communication and enhance economic competitiveness; to the Committee on Banking, Housing, and Urban Affairs.

TELECOMMUNICATIONS FACILITATION ACT OF 1994

Mr. SHELBY. Mr. President, today I am introducing legislation to bring some common sense to the controls governing the export of telecommunications equipment.

It is time for our system of export controls to acknowledge the New World Order. Cocom, the Coordinating Committee on Multilateral Export Controls, is dissolving, to be replaced with a regime of multilateral controls, whose strength will be subject to national discretion.

Cocom is disbanding because its members are no longer willing to abide by controls that were developed during the cold war. The dissolution of Cocom raises serious questions about the future effectiveness of a multilateral control system.

However, one thing is certain. Any accord reached on export controls will dramatically reduce the quantity and categories of restricted items.

This is the direction in which our trading partners are moving. In order to ensure that U.S. companies maintain their ability to compete in these new markets, we must take steps to reduce unnecessary export restrictions.

One sector in which tight controls are no longer necessary and are in fact counterproductive is telecommunications. Telephones, fax machines, and computer links facilitate the exchange of ideas and information. Free communication makes political repression more difficult and fosters the movement toward democracy.

For this reason, I propose legislation that would remove licensing requirements for telecommunications equipment intended for civil end uses in any of the republics of the former Soviet Union, the People's Republic of China, Poland, the Czech Republic, Slovakia, Bulgaria, Romania, Albania, Estonia, Lithuania, or Latvia.

Most of these countries are new democracies. Assisting these countries in updating their telecommunications equipment will help foster the economic growth and development necessary for democracy to take hold.

Considering the former Soviet Union. Telecommunications are essential to modern business. Yet economic growth is stymied by an archaic telecommunications system. The telephone system, even in Moscow, is unreliable. Think how heavily we in this country rely on telephones and fax machines. Consider how difficult it would be to complete the simplest transaction if your calls and faxes went through only sporadically.

The former Soviet republics stand at a crossroads with one path toward a future of democracy and capitalism and another toward the past. We in the west can make the choice between these paths easier by providing access to the technology that will bring change. Our European allies will not be held back by indecision and uncertainty. With the dissolution of Cocom, they will enter these new markets aggressively. Passage of this legislation would ensure that U.S. companies will not be left behind.

In China, change is only possible if people can communicate with each other. These Chinese have a telephone system based on 1950's technology. In some regions of the country, there are two telephone lines per 100 people. In comparison, the U.S. has 50 lines per 100 people.

Decontrolling telecommunications technology makes sense for America as well. Under present Cocom restrictions, U.S. companies are limited to exporting equipment three generations behind what is currently used in the United States. China has already developed telecommunications technology that exceeds current Cocom restrictions. Non-Cocom countries also have developed technology that exceeds Cocom restrictions and are selling it to China. There is no reason then for U.S. companies not to share in the benefits of updating a telecommunications market serving a billion customers. If telecommunications equipment were decontrolled, one U.S. company estimates its share of this market at $500 million dollars over the next 5 years.

Mr. President, it is time to recognize substantial change in the world around us. The cold war is over but the battle for democracy is not yet won. We must help countries like the former Soviet Union catch up with the West if we are to see democracy succeed. In China, the only hope for democracy is in facilitating communication and the free exchange of ideas.

I urge my colleagues to join me in sponsoring this important legislation.

By Mr. BINGAMAN:

S. 1839. A bill to authorize the study of the equity of Forest Service regional funding allocations, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOREST SERVICE EQUITY STUDY ACT OF 1994

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would authorize and direct a study of the Forest Service's regional funding allocations to determine whether funding is being distributed around the country in a way that makes sense. For the last year or so, I have heard complaints from New Mexicans that region 3 of the Forest Service, which includes New Mexico and Arizona, does not receive its fair share of Forest Service funding. People have been telling me that region 3 is funded at a lower level than most of the other eight Forest Service regions—not simply on an absolute dollar basis but in terms of what the region is expected to accomplish with its allocation.

We looked into this situation, Mr. President, and the situation turned out to be pretty much as it had been described to us. In fact, we have received data from the Forest Service itself that corroborates these complaints. On a per acre basis, from 1982-94, region 3 was funded at $23 below the national average. And for the record, Mr. President, region 4 was funded at an even lower rate. So you see, this is not only a problem for New Mexico and Arizona.

The Forest Service should allocate funding based on the demands the regions face. For example, in fiscal year 1992, region 3 maintained 53,400 miles in its 10 national forests—more miles of roads than every other region except one. But seven out of the eight other regions received more money for roads. So region 3 is No. 2 in miles of roads, and No. 8 in funding for road maintenance.

The situation is similar for recreation dollars. In 1993, the forests in region 3 hosted almost 12 percent of the Nation's visitors to national forests—but were allotted only 7.5 percent of the Forest Service's recreation budget.

Mr. President, I could continue in this vein, but let me say at this point that my intention here is not to diminish the need of other regions. We all know that every Forest Service region needs every dollar it gets and could use many more. That is not in question. I am not trying to beggar my neighbors when I say that the Forest Service should take a look at its funding allocation system and ascertain that it accurately reflects its priorities and the diverse needs of the Forest Service regions. We have heard varying explanations of why region 3 in particular fairs poorly in the funding allocation game, based on historical budgetary decisions made at the regional level. How we got here is not what is at issue today. What I want to address is how to realign the system.

What I am proposing in this bill is that the Forest Service conduct a study of its regional funding allocation system in order to get an overall view of how these decisions are made and whether they accurately reflect policy decisions. This legislation directs the Secretary of Agriculture to analyze the methodology and rationale behind regional funding decisions; to examine the fairness of allocations among regions, taking into account the unit burdens of each region; and to examine the relationships between funding allocations, Forest Service goals, the diverse needs of the regions based on ecological factors, and public demand for services.

When this study is completed, the Forest Service is to submit a report to Congress that includes recommendations for changes and improvements in regional funding patterns and methodology to eliminate funding disparities among regions and to reflect Forest Service goals and regional needs.

Mr. President, I hope that this bill will shed some light on how these decisions are made and enable the Forest Service and Congress to work together to ensure that its budget is being allocated in a way that reflects the diversity of the National Forest system.

I ask unanimous consent that the text of this bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Service Equity Study Act of 1994".

SEC. 2. FINDINGS.

Congress finds that—

(1) data supplied by the Forest Service documents that some National Forest System regions receive more funding on a per unit basis than others for recreation management, wildlife and fish management, road maintenance, and other activities;

(2) the ecological integrity of some regions is compromised by the funding disparity;

(3) the regional funding of the Forest Service should be equitable, and significant disparities should be eliminated;

(4) the funding methodology and practices of the Forest Service should support the policy goals of the National Forest System, particularly ecosystem management; and

(5) the regional funding methodology and practices of the Forest Service should reflect the diverse needs of the national forests.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "funding" means the annual fiscal year allocation received by each region;

(2) the term "region" refers to the 9 regions into which the Forest Service divides the country for purposes of planning and implementing activities in the National Forest System;

(3) the term "Secretary" means the Secretary of Agriculture; and

(4) the term "unit" refers to measures of use or activity in the National Forest System, including—

(A) visitor days;

(B) nontimber acreage;

(C) miles maintained;

(D) animal unit months;

(E) people at one time (PAOT) days; and

(F) any other measure of use or activity commonly associated with the regions.

SEC. 4. EQUITY STUDY.

(a) AUTHORIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study detailing the regional funding allocation system of the National Forest Service.

(b) SUBJECT OF STUDY.—As part of the study, the Secretary shall—

(1) analyze the methodology and rationale behind regional funding decisions made prior to the date the study is conducted;

(2) examine the fairness of allocations among regions, taking into account the unit burdens of each region; and

(3) examine the relationships between funding allocations, Forest Service goals, and the diverse needs of the regions based on ecological factors, such as threatened, endangered, and sensitive species, forest health, rangeland and watershed conditions, and public demand for multiple use services.

(c) CONTRACT.—The Secretary may enter into a contract with an independent entity to carry out the study pursuant to subsection (a).

(d) REPORT.—Upon completion of the study authorized under subsection (a), the Secretary shall submit a report to Congress that includes—

(1) recommendations for changes and improvements in regional funding patterns and methodology to eliminate funding disparities among regions;

(2) recommendations for changes in regional funding patterns to reflect Forest Service goals and regional needs;

(3) an assessment of whether the recommended changes can be implemented administratively or will require congressional action; and

(4) a plan for implementation of the recommended changes.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mrs. BOXER (for herself and Mr. BROWN):

S. 1840. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for businesses participating in gun exchange programs, and for other purposes; to the Committee on Finance.

GUN EXCHANGE TAX INCENTIVE ACT OF 1994

Mrs. BOXER. Mr. President, as we watch too many young lives being stopped short by too many guns, the life of an American youth has changed from a carefree dream to a deadly nightmare. It used to be that our children imagined their weddings and graduations. Now too many plan their funerals. It used to be that our children complained about the long and cold walks to school. Now too many worry that they may not arrive there alive. And, it used to be that our children feared the shoving and pushing of the class bully. Now all too many of them worry about the Uzi that he might have in his locker. As a parent, I mourn for these young people who have basically had their childhoods stripped away.

Mr. President, the stakes in this battle are high. This is a problem that is going to take all of our creativity to solve. It is going to take a strong partnership between businesses, schools, families, community groups, the governments and religious institutions to find innovative ways to curb the wave of gun violence.

Today, I am introducing legislation that builds on the leadership, strength, and spirit of American business by rewarding those companies that donate to guns-for-goods exchange programs.

The Gun Exchange Tax Incentive Act of 1994 does this by increasing the amount of charitable tax deduction available to these businesses. Without my legislation, businesses that donate goods for guns can deduct only the cost of those goods. With my bill, they'll be able to deduct the fair market value. Without my legislation, these businesses can deduct 10 percent of their yearly taxable income. With my bill, they'll be able to deduct up to 15 percent.

And, I want to be perfectly clear about two points. Only a police officer may collect the guns and no cash will be exchange for them.

So, is this bill a cure all for gun violence? Of course not. But, it takes an important step in that direction. We understand that a gun in the wrong hands at the wrong time can, with just one pull of the trigger, shatter families and destroy lives. We know that the risk of being murdered is almost three times higher if you have a gun in your home. So, this bill starts from a very simple and very important premise. Every gun that we get out of our communities is one fewer gun that can be stolen, one fewer gun that can be used to settle a dispute and one fewer gun that can claim an innocent life.

I've heard gun exchange success stories from California and all over the Nation. In New York, we all heard about Fernando Mateo, a businessman who received national attention when his donation led to the collection of almost 1,500 weapons at one precinct.

In California, I've heard about the father and son in San Jose, who exchanged not only the man's semiautomatic weapon, but the son's toy gun as well. I've heard about the Oakland woman who brought in a rifle, saying that it belonged to her brother, who was in jail. And, I've heard about the California man who had bought a gun for protection, but then changed his mind when his 9-year old child found it and pointed it at his wife's head.

Through gun-exchange programs in city after city, California businesses like BASS tickets and ticketmaster are leading the charge by joining with their communities to call attention to and ultimately solve this problem. To companies like these, gun exchange programs are about increasing public safety and maintaining attendance at their entertainment events. As BASS General Manager Doug Levinson said, "Our clients are afraid to go out at night."

Mr. President, their efforts have paid off. Late last year, in just 3 weekends, BASS collected over 700 guns at exchanges in San Francisco, Oakland, Fresno, and San Jose. And, last December, ticketmaster worked with the city of Los Angeles to collect over 400 handguns, rifles, shotguns, and assault weapons.

Finally, I really want to thank Congressman SCHUMER for his incredible leadership on this issue and my Senate cosponsor, Senator HANK BROWN for working with me to pass this important legislation.

This is a commonsense no frills piece of legislation and the time for us to act on it is now. So, let's move quickly to pass this bill, join forces with the private sector and our local communities and make America a safer place.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Exchange Tax Incentive Act of 1994".

SEC. 2. MODIFICATIONS TO CERTAIN LIMITATIONS ON CHARITABLE DEDUCTION.

(a) GENERAL RULE.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR GUN EXCHANGE PROGRAM CONTRIBUTIONS.—

"(A) DEDUCTION ALLOWED FOR FULL MARKET VALUE.—The deduction under subsection (a) for any qualified gun exchange program contribution shall be an amount equal to its fair market value and no reduction under paragraph (1)(A) shall be made in the amount of such contribution.

"(B) INCREASE IN CORPORATE PERCENTAGE LIMITATION.—The limitation of subsection (b)(2) shall be increased by the lesser of—

"(i) the aggregate amount of qualified gun exchange program contributions made by the taxpayer during the taxable year, or

"(ii) 5 percent of the taxpayer's taxable income computed as provided in subsection (b)(2).

"(C) QUALIFIED GUN EXCHANGE PROGRAM CONTRIBUTION.—For purposes of this paragraph, the term 'qualified gun exchange program contribution' means any charitable contribution of property described in paragraph (1) of section 1221 or of a coupon or similar instrument which may be used to acquire property so described if—

"(i) such contribution is to a governmental unit described in subsection (c)(1) or to an organization described in subsection (c)(2) which is designated by a governmental unit as a qualified recipient of gun exchange program contributions,

"(ii) the property (or coupon or similar instrument) is to be transferred in exchange for firearms to persons surrendering firearms to a governmental unit in a gun exchange program established and administered by such governmental unit, and

"(iii) the taxpayer received from the governmental unit or organization designated under clause (i) a written statement that the property (or coupon or similar instrument) was transferred as provided in clause (ii)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

SEC. 3. MODEL PROGRAM.

(a) MODEL PROGRAM.—The Attorney General shall develop a written model program for business-sponsored gun exchange programs.

(b) DISTRIBUTION.—Not later than 3 months after the date of the enactment of this Act, the Attorney General shall make available such model to States, units of local governments, and businesses.

By Mr. WELLSTONE:

S. 1841. A bill to amend the Public Health Service Act to prohibit discrimination, on the basis of race, color, or national origin, in programs and activities relating to occupational and other exposure to hazardous substances; to the Committee on Labor and Human Resources.

PUBLIC HEALTH EQUITY ACT OF 1994

Mr. WELLSTONE. Mr. President, today I am introducing the Public Health Equity Act of 1994 to assert the right of all Americans, regardless of race, color or national origin, to work and live in places that are safe from toxic chemicals that endanger human health.

We all deserve the same protection from these workplace and environmental poisons, but for many Americans, environmental justice is only a dream, not reality.

The fact is, the greatest risk of exposure to hazardous pesticides and industrial pollutants falls on poor and minority workers stuck with the so-called dirty jobs. The fact is, most of the Nation's pollution is concentrated in neighborhoods whose residents have the least political and economic clout.

How does this happen?

It's simple. When the well-off majority says "not in my back yard," polluters seek the path of least resistance and dump the pollution on poor and minority communities. When the poor cry "NIMBY," no one listens.

The environmental rights of these Americans are being violated because their civil rights are being violated.

The bill I am introducing will help level the playing field by doing one simple but fundamental thing: It uses the same language as in title VI of the Civil Rights Act of 1964 to require that federally financed programs or activities that protect the public health from, or affect the public health with, toxic chemicals must be conducted in a nondiscriminatory fashion.

In the 30 years since its enactment, title VI has been used successfully to assure equal treatment in an array of taxpayer-financed programs. It has guaranteed equal education for our children, equal access to jobs and equal levels of municipal services. Isn't it elemental, then, that it should also guarantee us equal protection of the very air we breathe?

Application of title VI to actions and decisions that affect the public health through the control of toxic chemicals will give communities overburdened with pollution a valuable tool. Inherent in title VI is a private right of action: the right to sue to remedy discrimination. Under my bill, such discrimination would include disparate pollution.

Victims of disparate pollution who have brought their cases to court thus far have not had much success in relying on civil rights law in their arguments, mainly because the courts say you have to prove discriminatory intent. But not with title VI. It says that if you run a program or activity receiving Federal money, you have to prevent discriminatory effects, as well as intentionally discriminatory acts.

Yes, I know you're saying that this may be good, but it's limited to programs that get Federal money. Well, in the case of programs that protect the public health against toxic chemicals, a huge chunk of them is funded by Federal taxpayers. For example, a recent article in the Northwestern Law Review stated that in 1986, Federal grants made up 46 percent of State budgets for clean air programs, 33 percent of State budgets for clean water programs, and 40 percent of State budgets for hazardous waste programs.

My bill would give the Environmental Protection Agency a mandate to ensure that Federal funds for these programs that affect the public health are spent equitably. The EPA would be able to demand that States show that Federal pollution control funds are being spent in a racially neutral manner. And it could even demand that States prove that ethnic minority groups are proportionately represented in the spending of Federal funds for beneficial programs—such as connections to sewage treatment plants.

But my bill goes beyond just the EPA. It also requires that every Federal agency that affects the public health must also work to prevent disparate pollution. It further requires each of these agencies to issue regulations that bar acts with discriminatory effects, as well as intentionally discriminatory acts.

Providing a legal foundation to build a case in court is a powerful tool, because only when confronted with the prospect of paying damages and court costs will the polluters stop dumping on the little guy. Only when faced with such sanctions will government do what it's supposed to do to protect everyone equally.

We're not making new law here. We're simply taking the law that says "Thou shalt not discriminate and making sure that government and the courts know it applies to the law that says "Thou shalt not pollute." It's only fair that both laws should apply equally to everyone.

The goal of environmental justice is not to spread pollution around more equitably. The goal is to empower those who happen to be on the path of least resistance and force polluters to reduce or prevent pollution in the first place.

If we can give people the power to fight for environmental justice, they can win. I've seen it happen in the Phillips neighborhood in Minnesota. This community in south-central Minneapolis is the poorest and most culturally diverse neighborhood in my home State. When plans were made for putting a garbage transfer station in the area, the native Americans, African-Americans, and Asian-Americans living together there joined forces to stop the project.

Now the Phillips community has access to a valuable piece of land in the heart of the city, where they plan to form the Green Institute. The goal of the institute is to bring well-paying, environmentally friendly jobs to the neighborhood by fostering clean, green technologies and training youth to give them skills in recycling, energy efficiency, sustainable energy production, and reducing the use of toxics in manufacturing.

We can't ignore environmental justice any longer. It's been 20 years since the first study documented the fact that the poor and minorities have to swallow a larger slice of the pollution pie. The environmental justice movement deserves our attention now.

Congress has a chance to strike while the iron is hot, both on my bill and another environmental justice measure—S. 1161, sponsored by Senator BAUCUS. His bill will go a long way toward empowering poor and minority communities burdened with the lion's share of society's pollution. To take it even further, I will be proposing to the Environment and Public Works Committee a number of strengthening amendments that would give these communities additional tools to stop the poisoning of their neighborhoods and workplaces.

Through the Public Health Equity Act and these additional measures, we can achieve environmental justice. I urge my colleagues to cosponsor this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health Equity Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) all communities and individuals are entitled to protection from occupational and other exposure to substances that are hazardous to the public health;

(2) hazardous substances have had a disproportionate impact on the public health of poor and ethnic minority communities and individuals, resulting in exclusion from participation in, denial of benefits under, and discrimination under, programs and activities receiving Federal financial assistance; and

(3) each Federal agency has an obligation to ensure that all federally assisted programs and activities that affect human health do not directly or through contractual arrangements use criteria, methods, or practices that cause discrimination on the ground of race, color, or national origin.

SEC. 3. PUBLIC HEALTH EQUITY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXVII—PUBLIC HEALTH EQUITY

"SEC. 2701. DEFINITIONS.

"As used in this title:

"(1) ACTIVITY; PROGRAM.—The term 'program or activity' means any operation of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance relating to a covered substance.

"(2) ADMINISTRATOR.—The term 'Administrator' has the meaning given the term in section 511(7) of the Education for Economic Security Act (20 U.S.C. 4020(7)).

"(3) COVERED SUBSTANCE.—The term 'covered substance' means—

"(A) any material subject to the requirements concerning material safety data sheets for chemicals under the Occupational and Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

"(B) any contaminant identified in title XIV;

"(C) any substance described in section 201(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)), and any material registered pursuant to the Act referred to in such section;

"(D) any chemical listed by the National Toxicology Program of the Department of Health and Human Services as a known or probable human carcinogen; and

"(E) any substance defined in section 101(14) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) and any chemical subject to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"SEC. 2702. NONDISCRIMINATION.

"(a) PROHIBITION OF DISCRIMINATION.—The President shall ensure that no person shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity, on the ground of race, color, or national origin.

"(b) PROMULGATION OF REGULATIONS.—

"(1) SUBJECT.—Subject to paragraph (2), the Secretary of Labor, the Secretary of Health and Human Services, the Administrator, and any other head of a Federal agency with responsibility for providing Federal financial assistance to a program or activity shall issue regulations implementing the nondiscrimination requirements described in subsection (a) in accordance with any applicable law. The regulations shall bar acts with discriminatory effects as well as intentionally discriminatory acts. The regulations shall address actions of programs or activities that result in disproportionate exposure to a covered substance on the basis of race, color, or national origin.

"(2) TIMETABLE.—In issuing regulations under paragraph (1)—

"(A) not later than 180 days after the date of enactment of this Act, each individual described in paragraph (1) shall publish a notice of proposed rulemaking in the Federal Register;

"(B) each individual described in paragraph (1) shall provide a public comment period, subject to section 553 of title 5, United States Code, of 60 days after the publication of the notice of proposed rulemaking required under subparagraph (A); and

"(C) not later than 45 days after the close of the public comment period required under subparagraph (B), each individual described in paragraph (1) shall publish final regulations.".

By Mr. CAMPBELL (for himself, Mr. DURENBERGER, Mr. KOHL, Mr. LUGAR, Mr. BURNS, Mr. SIMPSON, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. GREGG, Mr. COATS, Mr. SMITH, and Mr. MURKOWSKI):

S. 1842. A bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes; to the Committee on Environment and Public Works.

VEHICLE SAFETY ACT OF 1994

Mr. CAMPBELL. Mr. President, today Senators DURENBERGER, KOHL, LUGAR, BURNS, SIMPSON, HATCH, MOSELEY-BRAUN, GRASSLEY, GREGG, COATS, SMITH, MURKOWSKI, and I are introducing legislation which will provide options and relief to the 29 States which have been financially penalized under the Intermodal Surface Transportation Act of 1991 for not having passed laws mandating helmet and seatbelt use by the deadline of October 1, 1993. This is not only a burdensome Federal mandate placed on the backs of State legislatures, but also an erosion of civil liberties and personal freedom.

These States face penalties in fiscal years 1995, 1996, and 1997. In accordance with ISTEA, they will be required to transfer scarce transportation and construction dollars to section 402 safety programs.

This shift will force States to spend 10 to 20 times the amount they are currently spending on section 402 safety programs. These penalties are assessed regardless of whether the State already has funds dedicated to helmet and seatbelt safety programs and regardless of the States' individual safety record.

Initially, these States are being forced to shift 1.5 percent of their Federal highway dollars. This transfer affects three programs: the National Highway System, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program. After September 30, 1994, if a State has still not enacted seatbelt and helmet laws, they are required to shift 3 percent of their Federal highway funds from these important programs into safety programs.

My bill which is cosponsored by my colleague Senator DURENBERGER, would delay for 2 years the effective date of these penalties and give States the option of either passing helmet and seatbelt laws, or establishing motor safety programs, exempting those States which already have safety programs in place.

Mr. President, let me be clear. I am not opposed to safety programs. Quite the contrary. What I am opposed to is the Federal Government blackmailing States to pass laws. It simply is not good policy to force States to funnel funds from one State transportation activity to another. It should be pointed out that the money the Federal Government wants to redirect, is tax revenue already paid by State residents.

Safety education programs are desirable and work. That is the point of my bill. I firmly believe, and I'm sure my colleagues would agree, that we must do everything we can to make our roads and highways safer.

My bill would give States the option of implementing safety programs, instead of mandating the use of helmet and seatbelts, and remove the section 153 penalties.

My own State of Colorado has no helmet law. In fact, a bill to implement a helmet law recently introduced in the State legislature went down in flames.

Colorado, however, has a motorcycle fatality rate almost 30 percent below the average for States with mandatory helmet laws. Of the top 12 States with the best motorcycle safety records, only one has a helmet law. On the other hand, half of the 12 States with the worst safety records have helmet laws.

Comparing States with and without mandatory helmet laws as a whole, figures show that for the 14-year-period between 1977 and 1990, States with mandatory helmet laws had 12.5 percent more accidents and 2.3 percent more fatalities than States that did not mandate helmet usage.

In the past decade, motorcycle fatalities have decreased 38 percent and accidents have plummeted 41 percent. These figures are particularly impressive because the Federal Highway Administration estimates that the average vehicle miles traveled by motorcyclists has increased 85 percent since 1975. These statistics are unmatched by any other category of road user—passenger or commercial.

What can account for this decrease in accidents and fatalities? Evidence clearly indicates that the most effective way to reduce motorcycle accidents and motorcycle fatalities is through comprehensive education programs, as opposed to mandating helmet usage. Currently 42 States have established and funded some sort of safety program.

The national average of motorcycle fatalities per 100 accidents is 2.95. States with rider education programs and no helmet laws, however, have the lowest average death rate, 2.56 fatalities per 100 accidents. States with mandatory helmet laws and no rider education programs have a significantly higher rate of 3.09 fatalities per 100 accidents.

Police accident reports indicate that well over 45 percent of motorcyclists involved in accidents did not have a motorcycle license, 92 percent did not have any rider training and more than half had less than 6 months riding experience. 62 percent of the accidents and 50 percent of the fatalities involved riders between the ages of 17–26. Clearly, mandating helmet use will not address the real problem of rider inexperience and lack of training.

I believe that encouraging and providing support to States and local communities to establish motorcycle training programs would be a much more effective means of improving motorcycle safety on our roads and highways. The Federal Government should redirect its role to providing uniform national guidelines regarding these safety programs, rather than mandating where the money to pay for them should come from.

I realize the motivations behind ISTEA and those who wish to force States into passing helmet and seatbelt laws are doing so out of concern for the safety of the traveling public, but I think their efforts are misguided.

Forcing States to pass laws, or throwing money at safety programs is not the answer. Throughout my career in politics, I have always strived to protect the interests of States and communities by allowing them to make the important decisions on how their affairs should be conducted. When Congress blackmailed the States regarding highway speed limits, I thought that was wrong. The same for seatbelt and helmet laws. I have stuck with the philosophy that each State and each community should, to the best of their ability, be allowed to make its own policy decisions.

When the National Governor's Association had their annual meeting in Washington recently, they begged for relief from burdensome Federal mandates. My bill, Mr. President, would do just that.

I own a motorcycle; that's no secret. Where helmets are required to be worn, I wear them, where they are not, I do not. I make no bones about the fact that my dislike for the Federal mandate requiring States to pass helmet laws is in part inspired by my interest in motorcycling. But, I also think personal freedom is an issue. I am prochoice. I do not think the Federal Government should dictate to the States, or its citizens, on matters of individual liberty. The choice of wearing of a helmet, or not doing so should be left up to the individual—not forced by Government extortion. And those who contend that it is not simply a personal responsibility because motorcyclists who choose not to wear helmets can become a public burden, are using faulty logic. It would then follow that we should mandate helmets for skiers, horsemen, skateboarders, and automobile drivers.

Mr. President, in closing, I want to strongly encourage my colleagues to reconsider the position Congress took in ISTEA in mandating that States pass helmet and seatbelt laws. It is wrong to blackmail the States into passing laws. And, if motorcycle safety programs are desired, we should work toward establishing effective program guidelines, rather than force States to dip from one transportation pot to fill another.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

Section 1539(h) of title 23, United States Code, is amended—

(1) in paragrah (1)—

(A) in the heading, by striking "1994" and inserting "1996",

(B) by striking "1994" and inserting "1996",

(C) by inserting after "subsection (a)(1)" the following "or a motorcycle safety program administered by the State to reduce motorcycle accidents and fatalities,", and

(D) by striking "1995" and inserting "1997", and

(2) in paragraph (2)—

(A) by striking "1994" and inserting "1996", and

(B) by inserting after "subsection (a)(1)" the following "or a motorcycle safety program administered by the State to reduce motorcycle accidents and fatalities,".

LANGUAGE OF NEW LAW IF THIS PROPOSED BILL IS ENACTED:

"(h) PENALTY—

"(1) FISCAL YEAR 1996.—If, at any time in fiscal year 1996, a State does not have in effect a law described in subsection (a)(1) or a motorcycle safety program administered by the State to reduce motorcycle accidents and fatalities, and a law described in (a)(2), the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1997 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(2) THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1996, a State does not have in effect a law described in subsection (a)(1) or a motorcycle safety program administered by the State to reduce motorcycle accidents and fatalities and a law described in (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsection (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

Mr. DURENBERGER. Mr. President, almost 2 years have passed since we enacted the Intermodal Surface Transportation Efficiency Act of 1991. Included in that bill were provisions which required States to enact laws mandating safety belt and helmet use. States which did not enact such laws as of October 1, 1993, would be required to shift already scarce transportation funds to section 402 safety programs.

That date has come and gone—but even in the face of the penalties laid out by the section 153 provisions, only 2 States have complied.

The Minnesota Legislature considered several bills that would have implemented some type of mandate on helmet use, including one that would have required helmets for riders under 21 years of age. None of these bills even made it out of committee.

At least 11 other States have rejected mandatory helmet laws this year, despite the sanctions that will be imposed upon them by the Federal Government.

Right now, 26 States—more than half of the country—will be penalized for not responding to what amounts to blackmail by the Federal Government.

Of course, supporters of the penalty provision will tell you that it is not a mandate. The penalty merely directs States to spend additional moneys on the section 402 program if they choose not to pass the laws.

But it's important to note that 42 State legislatures have already established and funded rider education programs—independently of any penalty system.

So let us get to the heat of the issue raised by the mandate. Its authors want to mandate helmet use, not biker safety education and injury prevention.

When it comes to injury prevention, education is a more effective strategy than mandating helmets. States with laws establishing motorcycle rider education programs average fewer fatalities compared to States without education programs.

Minnesota motorists and motorcyclists have demonstrated a strong commitment to improving traffic safety. They have requested, supported, and prodded the Minnesota Legislature to honestly and competently meet their demands for safer roadways.

Minnesota motorcyclists lobbied the State legislature to enact the toughest licensing standards in the Nation. They also implemented self-funded comprehensive rider education programs and public awareness programs which have won over 20 national awards and can now serve as a model for other States.

In Minnesota, bikers do it because good behavior is rewarded by good health—not because someone in Washington is trying to force them to. That is why the Motorcycle Industry Council rated Minnesota the second safest State in the Nation in which to ride a motorcycle.

Since the repeal of its mandatory helmet law, the number of licensed motorcyclists in Minnesota has doubled. Today, Minnesota has experienced a 77-percent reduction in cyclist fatalities from the record high numbers which were recorded in 1980—all that in only 25 years. All this happened because Minnesota motorcyclists and lawmakers realized that there is no substitute for ongoing traffic safety education and tough licensing provisions.

I have long been committed to reforming our health care delivery system. Critical to real reform is accountability. For people it means greater personal responsibility for lifestyle, habits, and behavior. Minnesota's motorcyclists have already demonstrated that they take their personal responsibilities very seriously.

Furthermore, they have proven conclusively that the best approach to enforcing good behavior is through positive incentives and education. The positive results have been felt throughout the State—and it's not because of a mandatory helmet law.

We need to remember that the penalty provision in ISTEA only applies to those States that have chosen not to pass mandatory helmet and seatbelt laws. The Federal Government should redirect its role to make sure that safety programs are of the highest standard—instead of mandating where the money for the program should come from.

Mr. President, that is why I join my colleague from Colorado in introducing legislation which would delay the effective date of the section 153 penalties, and exempt States which already have motorcycle safety programs in place. I ask my colleagues to join me in cosponsoring this important legislation.

Mr. President, we all believe in safety. And it is good sometimes to remind ourselves that very often, it is the people—not Federal officials—who have figured out the best way to do it.

By Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. SIMON, Mr. WOFFORD, Mr. BIDEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BYRD, Mr. COCHRAN, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. EXON, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Ms. MIKULSKI, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SHELBY, and Mr. WARNER):

S.J. Res. 162. A joint resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

• Mr. SPECTER. Mr. President, today, I, along with 35 cosponsors, introduce a joint resolution to designate March 25, 1994, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and seventy-three years ago the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their effort to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this joint resolution in Congress will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar legislation has been signed into law each of the past 7 years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my colleagues to join us in supporting this important resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 162

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily upon the political experience and philosophy of ancient Greece in forming the representative democracy of the United States;

Whereas these and other ideals have forged a close bond both between the United States and Greece and between their peoples;

Whereas March 25, 1994, marks the 173rd anniversary of the beginning of the revolution that freed Greek people from the Ottoman Empire and enabled the re-establishment of democracy in Greece; and

Whereas it is proper and desirable to celebrate that anniversary with the Greek people and to reaffirm the democratic principles from which the United States and Greece were born: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1994, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 1043

At the request of Mr. GLENN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1043, a bill to extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes.

S. 1227

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1227, a bill to make technical correction to emergency unemployment benefits provisions.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1541

At the request of Mr. COVERDELL, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from New Hampshire [Mr. GREGG], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1541, a bill to provide that a nongovernmental person may use a private express carriage of certain letters and packets without being penalized by the Postal Service, and for other purposes.

S. 1791

At the request of Mr. KEMPTHORNE, the names of the Senator from New York [Mr. D'AMATO], the Senator from Colorado [Mr. BROWN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1791, a bill to provide for mandatory life imprisonment of a person convicted of a second offense of kidnapping a minor.

S. 1805

At the request of Mr. WARNER, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1814

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1814, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Alabama [Mr. SHELBY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 161

At the request of Mr. BUMPERS, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Illinois [Mr. SIMON], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate April 1994, as "Civil War History Month."

SENATE RESOLUTION 180—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. LEVIN (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 180

Whereas, in the case of *Betty Johnson v. Office of Senate Fair Employment Practices*, No. 94-6002, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §§288, *et seq.*;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Betty Johnson v. Office of Senate Fair Employment Practices.*

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

REID AMENDMENT NO. 1436

Mr. REID proposed an amendment to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, as follows:

In Title IV, Section 403; insert at the end the following paragraph:

"Any federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual seeking to obtain such funds is lawfully within the United States."

DURENBERGER AMENDMENT NO. 1437

(Ordered to lie on the table.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the bill H.R. 3759, supra, as follows:

At the appropriate place, insert the following:

SEC. . CREATION OF NATURAL DISASTER RELIEF TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end the following new section:

"§ 1115. Natural Disaster Relief Trust Fund

"(a) ESTABLISHMENT.—There is established a separate account in the Treasury, known as the 'Natural Disaster Relief Trust Fund', into which shall be deposited an amount equal to the average annual amount expended by the Federal Government for natural disaster relief during the preceding 5 full fiscal years (as determined under subsection (b)).

"(b) DETERMINATION OF AMOUNT.—The President shall submit with the President's fiscal year budget (beginning with the budget for fiscal year 1995) an estimate of the average annual cost to the Federal Government of providing assistance to State and local governments and private entities in recovering from natural disasters during the 5 full fiscal years preceding the submission of the budget.

"(c) TRANSFER.—

"(1) On the first day of each fiscal year, there shall be transferred from the general fund to the Natural Disaster Relief Trust Fund the amount necessary to bring the amount on deposit in the fund up to the amount determined under subsection (b).

"(2) The amounts in the Natural Disaster Relief Trust Fund may be appropriated exclusively for disaster relief.

"(d) Budget Treatment.—Notwithstanding any other provision of law—

"(1) amounts transferred pursuant to subsection (c)(1) shall be treated as discretionary appropriations for the fiscal year in which the transfer is made: and

"(2) appropriations under subsection (c)(2) (not to exceed the balances of the Natural Disaster Relief Trust Fund and amounts of outlays that flow through budget authority actually appropriated) shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.".

(b) LISTING OF THE NATURAL DISASTER RELIEF TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Natural Disaster Relief Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Natural Disaster Relief Trust Fund, including a separate statement of amounts in that Trust Fund.".

REID (AND OTHERS) AMENDMENT NO. 1438

Mr. REID (for himself, Mr. STEVENS, Mrs. FEINSTEIN, Mrs. BOXER, Mr. BYRD, Mr. KERREY, Mr. EXON, and Mr. SASSER) proposed an amendment to amendment No. 1436 proposed by Mr. REID to the bill H.R. 3759, supra, as follows:

In the amendment, strike all after the first word and insert the following: "federal entity or official who makes available funds under this Act other than for the purposes set forth in subsection (2) above shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States."

KERREY (AND ROBB) AMENDMENT NO. 1439

Mr. KERREY (for himself and Mr. ROBB) proposed an amendment to the bill H.R. 3759, supra, as follows:

At the appropriate place in the , insert the following:

SEC. . It is the sense of the Senate that disaster relief assistance provided by this bill should be funded through the enactment of a temporary Federal tax on gasoline.

KERREY (AND OTHERS) AMENDMENT NO. 1440

Mr. KERREY (for himself, Mr. GRAHAM, Mr. BROWN, Mr. LIEBERMAN, Mr. ROBB, Mr. GREGG, Mr. BRADLEY, Mr. COVERDELL, Mr. FEINGOLD, Mr. KOHL, Mr. COHEN, Mr. KEMPTHORNE, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 3759, supra, as follows:

On page 114, strike line 9 and insert the following:

TITLE IV—BIPARTISAN BUDGET CUTTING

SEC. 4001. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Bipartisan Budget Cutting Act of 1994".

(b) RULE OF CONSTRUCTION; IDENTICAL PROVISIONS.—Any provision in this title which is identical to any provision in this Act that is not in this title shall not take effect. Any provision of this title that amends any provision of law which is also amended by a provision in this Act that is not in this title shall not take effect.

(c) TABLE OF CONTENTS.—

Sec. 4001. Short title and table of contents.

CHAPTER 1—NATIONAL SECURITY

Sec. 4101. Reduction in Public Law-480 Food for Peace Program.
Sec. 4102. Rescission of funds for World Bank.
Sec. 4103. Reduction in funding for international development association.
Sec. 4104. Rescission of funds for foreign military financing.
Sec. 4105. Overseas broadcasting.
Sec. 4106. Rescission of funds for Agency for International Development, Department of State, and United States Information Agency.

CHAPTER 2—PHYSICAL CAPITAL, NATURAL RESOURCES, AND SCIENCE

Sec. 4201. Termination of Spacelifter program.
Sec. 4202. Elimination of funding for Maglev prototype development program.
Sec. 4203. Limitation on eligibility for emergency unemployment compensation.
Sec. 4204. Termination of Modular High-Temperature Gas-Cooled Reactor Project.
Sec. 4205. Defense environmental restoration and waste management activities.
Sec. 4206. Alaska Power Administration sale.
Sec. 4207. Federal-private cogeneration of electricity.
Sec. 4208. Rescission of funds from SPR petroleum account.
Sec. 4209. Elimination of Weather Office closure certification procedures.
Sec. 4210. Rescission of funds for agriculture building and facilities account.
Sec. 4211. Rescission of funds for EDA.
Sec. 4212. Elimination of funding for public telecommunications facilities.
Sec. 4213. Moratorium on construction and acquisition of new Federal buildings.

CHAPTER 3—GOVERNMENT MANAGEMENT

Sec. 4301. Reduction in pay for members of Congress and certain senior Federal officers.
Sec. 4302. Streamlining of Department of Housing and Urban Development.
Sec. 4303. Rescission of funds from Tennessee Valley Authority Fund.
Sec. 4304. Rescission of funds for Appalachian Regional Commission.
Sec. 4305. Improvements to management of veterans' hospitals.
Sec. 4306. Rescission of funds for Legal Services Corporation.
Sec. 4307. Improvement of U.S. Marshals Service.
Sec. 4308. Reversion of funds for Federal construction projects.
Sec. 4309. Department of Housing and Urban Development appropriations.
Sec. 4310. Limitation on office equipment and furnishings purchases by departing Senators.
Sec. 4311. Rescission of funds for Executive Office of the President.
Sec. 4312. Rescission of funds for legislative branch.
Sec. 4313. Rescission of funds for Senate franking.
Sec. 4314. Provisions relating to annual pay adjustments for Members of Congress.
Sec. 4315. SES annual leave accumulation.
Sec. 4316. Reduction of Federal full-time equivalent positions.
Sec. 4317. Limitation on amounts expended by certain Government entities for overhead expenses.

Sec. 4318. Rescission of funds for travel accounts.
Sec. 4319. Termination of Federal advisory committees.
Sec. 4320. Elimination of certain reports required on contracts covered by Davis-Bacon Act.
Sec. 4321. Funding of SBA provision.
Sec. 4322. Unemployment compensation for members of the Armed Forces.

CHAPTER 4—HUMAN RESOURCES

Sec. 4401. Reduction in funding for arts and humanities programs.
Sec. 4402. Elimination of operating subsidies for vacant public housing.
Sec. 4403. Substitution of voucher assistance for public housing new construction.
Sec. 4404. Termination of annual direct grant assistance.

CHAPTER 5—SOCIAL SERVICES, RETIREMENT, AND HEALTH CARE

Sec. 4501. Termination of the Uniformed Services University of the Health Sciences.
Sec. 4502. Provision relating to Government contributions to the Thrift Savings Plan.
Sec. 4503. Deferral until age 62 of cost-of-living adjustments for military retirees who first entered military service on or after January 1, 1994.
Sec. 4504. Limitation on cost-of-living adjustments for Federal annuities.
Sec. 4505. Awards of Pell Grants to prisoners prohibited.
Sec. 4506. Elimination of public library construction, follow through, law-related education, and law school clinical experience programs.
Sec. 4507. Imposition of 20 percent coinsurance on clinical laboratory services under medicare.
Sec. 4508. Imposition of 10 percent copayment on home health services under medicare.
Sec. 4509. Establishment of standard payment rates for home health services.
Sec. 4510. Increase in medicare part B premium for higher-income individuals.

CHAPTER 6—AGRICULTURE

Sec. 4601. Elimination of Honey Price Support program.
Sec. 4602. Acreage limitation programs for 1995 through 1998 crops of corn.

CHAPTER 1—NATIONAL SECURITY

SEC. 4101. REDUCTION IN PUBLIC LAW 480 FOOD FOR PEACE PROGRAM.

(a) IN GENERAL.—Section 103 of title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end the following:

"(f) MODIFICATION OF TERMS AND CONDITIONS DURING CERTAIN YEARS.—The Secretary shall set the terms and conditions of agreements entered into under this title after the date of the enactment of this subsection so that—

"(1) the length of the loan does not exceed 20 years;

"(2) the length of the grace period does not exceed 5 years;

"(3) the interest rate during the grace period is not less than 3 percent; and

"(4) the interest rate during the payback period is not less than 5 percent.".

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Public Law 480 Program Account" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111)—

(1) $69,378,000 is rescinded from the amounts provided for programs under title I of the Agricultural Trade Development and Assistance Act of 1954 and the Food for Progress Act of 1985; and

(2) $56,017,000 is rescinded from the amount provided for commodities supplied in connection with dispositions abroad pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954.

SEC. 4102. RESCISSION OF FUNDS FOR WORLD BANK.

Of the funds made available under the heading "Contribution to the International Bank for Reconstruction and Development" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

SEC. 4103. REDUCTION IN FUNDING FOR INTERNATIONAL DEVELOPMENT ASSOCIATION.

(a) IN GENERAL.—Section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87) is amended by inserting before the period at the end ", of which not more than $957,142,857 shall be available for fiscal year 1994, and not more than $957,142,857 shall be available for fiscal year 1995".

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Contribution to the International Development Association" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $67,189,143 is rescinded.

SEC. 4104. RESCISSION OF FUNDS FOR FOREIGN MILITARY FINANCING.

Of the funds made available under the heading "Foreign Military Financing Program" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $25,721,000 is rescinded, to be derived from grants.

SEC. 4105. OVERSEAS BROADCASTING.

(a) IN GENERAL.—Notwithstanding any other provision of law, no grant may be made by the Board for International Broadcasting, or any successor entity that may hereinafter be established, for the purpose of operating Radio Free Europe and Radio Liberty except under the terms and conditions set forth under this section.

(b) LIMITATION ON GRANT AMOUNT.—No grant may be made to operate Radio Free Europe and Radio Liberty after September 30, 1995, in excess of $75,000,000.

(c) COMPETITIVE GRANT REQUIREMENT.—Any grant made to operate Radio Free Europe and Radio Liberty shall be awarded on the basis of full and open competition.

(d) GRANT AGREEMENT.—(1) Any grant agreement entered into by the Board for International Broadcasting, or its successor, for the purpose of operating Radio Free Europe and Radio Liberty shall require that grant funds shall only be used for activities set forth in the grant agreement, which shall provide, in detail, the purposes for which grant funds may be used and shall include conditions designed to reduce overlapping language services and broadcasting services with other broadcasting services funded by the United States Government.

(2) The grant agreement shall provide that failure to comply with the requirements of the agreement shall permit the grant to be terminated without fiscal obligation to the United States.

(e) PROHIBITED USES OF THE GRANT FUNDS.—No grant funds may be used—

(1) to pay any salary or other compensation, or enter into any contract providing for the payment thereof in excess of the rates established for comparable positions under chapter 51 and subchapter II of chapter 53 of title 5, United States Code;

(2) to pay for any activity for the purpose of influencing the passage or defeat of legislation being considered by the Congress of the United States;

(3) to enter into a contract or obligation to pay severance payments beyond those required by United States law or the laws of the country where the employee is stationed;

(4) to pay for first class travel for any employee of the grantee or the employee's spouse; or

(5) to compensate freelance contractors except as provided for, in detail, in the grant agreement or with the written approval of the grantor agency or its agent.

(f) REPORT ON MANAGEMENT PRACTICES.—Not later than March 31 and September 30 of each calendar year, the Inspector General of the Board for International Broadcasting or its successor, shall submit to the Board, or its successor, and to the Congress, a report on management practices of the grantee, during the preceding 6-month period.

(g) REPORTS ON PERSONNEL CLASSIFICATION.—(1) Not later than April 1, 1994, the Board for International Broadcasting shall submit a report to the Office of Personnel Management containing justification, in terms of the types of duties performed at specific rates of compensation, of the classification of personnel employed by the grantee.

(2) Not later than September 30, 1994, the Office of Personnel Management shall submit to Congress a report containing an evaluation of the system of personnel classification used by the grantee with respect to its employee, including identification of any disparity between the rate of compensation provided to employees of the grantee and that provided to employees of the Voice of America stationed overseas in comparable positions.

(h) PLAN FOR RELOCATION.—Before relocating the headquarters of RFE/RL, Incorporated, in the Federal Republic of Germany to another site, the grantee shall submit to the appropriate congressional committees a detailed plan for such relocation, including cost estimates. No funds may be made available for such relocation unless explicitly provided in an appropriation act or pursuant to a reprogramming notification.

SEC. 4106. RESCISSION OF FUNDS FOR AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE, AND UNITED STATES INFORMATION AGENCY.

(a) AID.—Of the funds made available under the heading "Agency for International Development—Development Assistance Fund" in appropriations Acts for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $160,000,000 is rescinded.

(b) DEPARTMENT OF STATE.—Of the funds made available under the heading "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $600,000 is rescinded.

(c) USIA.—

(1) SALARIES AND EXPENSES.—Of the funds made available under the heading "United States Information Agency—Salaries and Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $3,000,000 is rescinded.

(2) NORTH/SOUTH CENTER.—Of the funds made available under the heading "United States Information Agency—North/South Center" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $8,700,000 is rescinded.

CHAPTER 2—PHYSICAL CAPITAL, NATURAL RESOURCES, AND SCIENCE

SEC. 4201. TERMINATION OF SPACELIFTER PROGRAM.

(a) IN GENERAL.—The United States shall not obligate any funds for the acquisition or operation of any space launch system not in operation as of the date of enactment of this Act.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Research, Development, Test and Evaluation, Defense-Wide" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $10,000,000 is rescinded, to be derived from the new medium lift vehicle (Spacelifter) program.

SEC. 4202. ELIMINATION OF FUNDING FOR MAGLEV PROTOTYPE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 1036(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. 309 note; 105 Stat. 1986) is amended—

(1) in paragraph (1) by striking "the following" and all that follows through "DEMONSTRATION PROGRAM.—For" and inserting "for"; and

(2) in paragraph (2) by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Federal Railroad Administration—Railroad Research and Development" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $20,000,000 is rescinded, to be derived from magnetic levitation research and analysis activities.

SEC. 4203. LIMITATION ON ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—The Unemployment Compensation Amendments of 1993 (Public Law 103-152) is amended by adding at the end thereof the following new section:

"SEC. 10. LIMITATION ON ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.

"Notwithstanding any other provision of law, the amendments made by sections 2 and 8 of this Act shall not apply to any individual whose taxable income (as defined in section 63 of the Internal Revenue Code of 1986) for any taxable year ending in 1992 exceeds $120,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the Unemployment Compensation Amendments of 1993.

SEC. 4204. TERMINATION OF MODULAR HIGH-TEMPERATURE GAS-COOLED REACTOR PROJECT.

(a) IN GENERAL.—The United States shall not obligate any funds for the Modular High-Temperature Gas-Cooled Reactor program.

(b) AMENDMENTS.—Section 2122(b) of the Energy Policy Act of 1992 (42 U.S.C. 13492(b)) is amended—

(1) in paragraph (1)(B), by striking "the modular high-temperature gas-cooled reactor technology and"; and

(2) in paragraph (2)(C)—

(A) by striking "high-temperature gas-cooled reactor technology and"; and

(B) by striking "one or both of those technologies" and inserting in lieu thereof "that technology".

(c) RESCISSION OF FUNDS.—Of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $12,000,000 is rescinded, to be derived from the gas turbine-modular helium reactor program.

SEC. 4205. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

(a) RESCISSION.—Of the funds appropriated by the Energy and Water Development Appropriations Act, 1994, for activities relating to defense environmental restoration and waste management, $350,308,000 are hereby rescinded.

(b) REPORT.—Not later than October 1, 1994, the Secretary of Energy shall submit to Congress a report on the defense environmental restoration and waste management activities of the Department of Energy. The report shall include the following:

(1) A statement of the anticipated budget of the Department of Energy for defense environmental restoration and waste management activities for each of fiscal years 1995 through 2000.

(2) A description of the defense environmental restoration and waste management goals of the Department, setting forth the goals for each site at which defense environmental restoration activities or defense waste management activities are on-going or anticipated on the date of the report.

(3) A description of the progress achieved by the Department in carrying out such activities during the period beginning on October 1, 1989, and ending on the date of the report, and of the cost incurred by the Department in carrying out such activities during that period.

SEC. 4206. ALASKA POWER ADMINISTRATION SALE.

(a) SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.—(1) The Secretary of Energy may sell the Snettisham Hydroelectric Project (referred to in this section as "Snettisham") to the State of Alaska Power Authority (now known as the Alaska Industrial Development and Export Authority, and referred to in this section as the "Authority"), or its successor, in accordance with the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the United States Department of Energy and the Authority.

(2) The Secretary of Energy may sell the Eklutna Hydroelectric Project (referred to in this section as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this section as "Eklutna Purchasers") in accordance with the August 2, 1989, Eklutna Purchase Agreement between the United States Department of Energy and the Eklutna Purchasers.

(3) The heads of other affected Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized by this title.

(4) The Secretary of Energy shall deposit sale proceeds in the Treasury of the United States to the credit of miscellaneous receipts.

(5) There are authorized to be appropriated such sums as are necessary to prepare or acquire Eklutna and Snettisham assets for sale and conveyance, such preparations to provide sufficient title to ensure the beneficial use, enjoyment, and occupancy to the purchasers of the assets to be sold.

(6) No later than one year after both of the sales authorized in this subsection have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(A) complete the business of, and close out, the Alaska Power Administration; and

(B) prepare and submit to Congress a report documenting the sales.

(b) ASSESSMENT OF ALTERNATIVE OPTIONS.—Before taking any action authorized in subsection (a), the Secretary shall assess the feasibility of alternative options for maximizing the return to the Treasury from the sale of the Alaska Power Marketing Administration.

SEC. 4207. FEDERAL-PRIVATE COGENERATION OF ELECTRICITY.

Section 804(2)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)(B)) is amended by striking ", excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities".

SEC. 4208. RESCISSION OF FUNDS FROM SPR PETROLEUM ACCOUNT.

The unobligated balance of the funds in the SPR petroleum account on the date of the enactment of this Act is rescinded.

SEC. 4209. ELIMINATION OF WEATHER OFFICE CLOSURE CERTIFICATION PROCEDURES.

(a) IN GENERAL.—Title VII of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the repeal made by subsection (a) will not result in a degradation of weather forecasting service.

(c) RESCISSION OF FUNDS.—Of the funds made available under the heading "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $20,000,000 is rescinded, to be derived from the National Weather Service.

SEC. 4210. RESCISSION OF FUNDS FOR AGRICULTURE BUILDING AND FACILITIES ACCOUNT.

Of the funds made available under the heading "Cooperative State Research Service—Buildings and Facilities" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $1,000,000 is rescinded.

SEC. 4211. RESCISSION OF FUNDS FOR EDA.

Of the funds made available under the heading "Economic Development Administration—Economic Development Assistance Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $79,946,000 is rescinded.

SEC. 4212. ELIMINATION OF FUNDING FOR PUBLIC TELECOMMUNICATIONS FACILITIES.

(a) REPEAL OF AUTHORIZATION OF APPROPRIATIONS.—Subpart A of Part IV of title III of the Communications Act of 1934 (47 U.S.C. 390-393a) is repealed.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "National

Telecommunications and Information Administration—Public Telecommunications Facilities, Planning and Construction" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $24,000,000 is rescinded.

SEC. 4213. MORATORIUM ON CONSTRUCTION AND ACQUISITION OF NEW FEDERAL BUILDINGS.

(a) General Rule.—After the date of the enactment of this Act and before October 1, 1998, the Administrator of General Services may not obligate any funds for construction or acquisition of any public building under the authority of the Public Buildings Act of 1959 or any other provision of law (other than a public building under construction or under contract for acquisition on such date of enactment).

(b) Public Building Defined.—In this section, the term "public building" has the meaning such term has under the Public Buildings Act of 1959.

CHAPTER 3—GOVERNMENT MANAGEMENT

SEC. 4301. REDUCTION IN PAY FOR MEMBERS OF CONGRESS AND CERTAIN SENIOR FEDERAL OFFICERS.

(a) Reduction in Rate of Pay.—Effective on the first day of the first applicable pay period that begins on or after January 1, 1995, the rate of pay of each position described under subsection (b) shall be reduced by 5 percent.

(b) Positions.—Subsection (a) applies to—

(1) each Senator and Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate and the House of Representatives;

(2) each position on the Executive Schedule described under sections 5312 through 5316 of title 5, United States Code; and

(3) each Senior Executive Service position (as defined under section 3132(a)(2) of title 5, United States Code).

SEC. 4302. STREAMLINING OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) In General.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall streamline the headquarters, regional, and field office structure of the Department of Housing and Urban Development by consolidating various of such offices and reducing the size of the Department, without regard to the requirements of section 7(p) of the Department of Housing and Urban Development Act.

(b) Work Force Reductions.—In carrying out subsection (a), during the period referred to in such subsection, the Secretary of Housing and Urban Development shall eliminate not less than 1,500 full-time employment positions in the Department of Housing and Urban Development.

SEC. 4303. RESCISSION OF FUNDS FROM TENNESSEE VALLEY AUTHORITY FUND.

Of the funds in the Area and Regional Account of the Tennessee Valley Authority Fund, $23,000,000 is rescinded.

SEC. 4304. RESCISSION OF FUNDS FOR APPALACHIAN REGIONAL COMMISSION.

Of the funds made available under the heading "Appalachian Regional Commission" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $59,000,000 is rescinded.

SEC. 4305. IMPROVEMENTS TO MANAGEMENT OF VETERANS' HOSPITALS.

The Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall implement for the Veterans Health Administration a financing system known as a "Prospective Payment System". In implementing such a system, the Secretary shall classify each individual receiving health care and services under chapter 17 of title 38, United States Code, in a Diagnosis-Related Group (DRG). The Prospective Payment System implemented by the Secretary shall be modeled as closely as is practicable on the Prospective Payment System in use for the Medicare program under title XVIII of the Social Security Act. The Secretary may, to the extent necessary to implement this section, waive any provisions of law inconsistent with this section. In implementing this section, it shall be a goal of the Secretary to achieve savings in outlays for the Department of Veterans Affairs medical system of not less than $1,000,000,000 over the five-year period of fiscal years 1994 through 1998.

SEC. 4306. RESCISSION OF FUNDS FOR LEGAL SERVICES CORPORATION.

Of the funds made available under the heading "Legal Services Corporation—Payment to the Legal Services Corporation" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $20,000,000 is rescinded.

SEC. 4307. IMPROVEMENT OF U.S. MARSHALS SERVICE.

(a) Phasing Out of Political Appointees.—

(1) Unconfirmed appointees.—Any individual serving as a United States marshal to whose appointment to such office the Senate has not given its advice and consent as of the date of the enactment of this Act, may no longer serve in such position on or after such date of enactment, except pursuant to appointment by the Attorney General under the amendments made by this section. The Attorney General shall, before appointing any other individual to such vacated position, offer such vacated position to the individual then serving as deputy marshal in that office of United States marshal. The individual appointed to fill such vacated position shall be appointed for the remainder of the unexpired term of his or her predecessor.

(2) Confirmed appointees.—Any individual who, on the date of the enactment of this Act, is a United States marshal to whose appointment the Senate has given its advice and consent, may not serve in such position on or after December 31, 1994, except pursuant to appointment by the Attorney General under the amendments made by this section. The Attorney General shall, before appointing any other individual to such vacated position, offer such vacated position to the individual then serving as deputy marshal in that office of United States marshal. The individual appointed to fill such vacated position shall be appointed for the remainder of the unexpired term of his or her predecessor.

(b) Appointment of United States Marshals.—Section 561 of title 28, United States Code, is amended—

(1) in subsection (c) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(2) in subsection (d) by striking "President" and inserting "Attorney General".

(c) Overall Reduction in Number of Positions.—

(1) Elimination of positions of deputy marshal.—The position of deputy marshal in the 70 judicial districts having the least population of all judicial districts shall be abolished, as of—

(A) the date of the enactment of this Act, in a case in which subsection (a)(1) applies; or

(B) the date on which the United States marshal leaves office under the first sentence of subsection (a)(2), in a case in which such subsection applies;

and no equivalent position in such districts shall thereafter be created.

(2) Overall reduction.—The number of full-time equivalent positions in the United States Marshals Service as of January 1, 1995, may not exceed the number of full-time equivalent positions in the United States Marshals Service on the date of the enactment of this Act, minus 70.

(d) Conforming Amendments.—(1) Section 562 of title 28, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 37 of such title, are repealed.

(2) Section 569 of such title is amended—

(A) by striking "(a)"; and

(B) by striking subsection (b).

SEC. 4308. REVERSION OF FUNDS FOR FEDERAL CONSTRUCTION PROJECTS.

Any amount that is appropriated for a Federal construction project that has not been obligated through a binding contract or a general construction contract by the date that is 2 years after the amount is made available to carry out the project shall revert on that date to the fund from which the appropriation was made and shall be available for reappropriation.

SEC. 4309. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS.

Of the funds made available in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994, for carrying out a community development grants program, as authorized by title I of the Housing and Community Development Act of 1974, $176,000,000 are hereby rescinded.

SEC. 4310. LIMITATION ON OFFICE EQUIPMENT AND FURNISHINGS PURCHASES BY DEPARTING SENATORS.

Section 2 of the Act entitled "An Act to authorize the disposition of certain office equipment and furnishings, and for other purposes", enacted October 20, 1974 (2 U.S.C. 59b) is repealed.

SEC. 4311. RESCISSION OF FUNDS FOR EXECUTIVE OFFICE OF THE PRESIDENT.

(a) In General.—Of the funds made available for each account under the heading "Executive Office of the President and Funds Appropriated to the President" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), there is rescinded an amount equal to 5 percent of such funds.

(b) Additional Offices.—Of the funds made available for each account under the heading "Executive Office of the President" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), there is rescinded an amount equal to 5 percent of such funds.

SEC. 4312. RESCISSION OF FUNDS FOR LEGISLATIVE BRANCH.

(a) In General.—Of the funds made available for each account in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), there is rescinded an amount equal to 7.5 percent of such funds.

(b) Exceptions.—Subsection (a) shall not apply to—

(1) funds made available under the heading "Congressional Operations—House"; or

(2) funds for which amounts are rescinded by sections 4313 and 4315.

SEC. 4313. RESCISSION OF FUNDS FOR SENATE FRANKING.

Of the funds made available under the heading "Senate—Official Mail Costs" in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), $6,000,000 is rescinded.

SEC. 4314. PROVISIONS RELATING TO ANNUAL PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) Calendar Year 1994.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) Limitation on Future Adjustments.—Effective as of December 31, 1994, paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 is amended—

(1) by striking "(2) Effective" and inserting "(2)(A) Subject to subparagraph (B), effective"; and

(2) by adding at the end the following:

"(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule.".

SEC. 4315. SES ANNUAL LEAVE ACCUMULATION.

(a) In General.—Effective on the last day of the last applicable pay period beginning in calendar year 1994, subsection (f) of section 6304 of title 5, United States Code, is repealed.

(b) Savings Provision.—Notwithstanding the amendment made by subsection (a), in the case of an employee who, on the effective date of subsection (a), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304, such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.

(c) Conforming Amendment.—Section 6304(a) of title 5, United States Code, is amended by striking "(e), (f), and (g)" and inserting "(e) and (g)", effective as of the effective date of subsection (a).

(d) Rescission of Funds.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of payments for accrued leave upon termination of employment, $2,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 4316. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) Definition.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) Limitations on Full-Time Equivalent Positions.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,053,600 during fiscal year 1994;

(2) 1,999,600 during fiscal year 1995;

(3) 1,945,600 during fiscal year 1996;

(4) 1,895,600 during fiscal year 1997; and

(5) 1,851,600 during fiscal year 1998.

(c) Monitoring and Notification.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) Compliance.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) Waiver.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn; or (3) the enactment at new federal crime legislation that contains an identical or similar provision; or

(3) the enactment of new federal crime legislation that contains an identical or similar provision.

(f) Rescission of Funds.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of employee compensation, $2,122,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 4317. LIMITATION ON AMOUNTS EXPENDED BY CERTAIN GOVERNMENT ENTITIES FOR OVERHEAD EXPENSES.

(a) Definitions.—In this title—

"covered government entity" means an entity of the executive or judicial branch of Government.

"overhead expenses" means the items specified in the following object classifications set forth in Circular No. A-11, Office of Management and Budget, July 1990:

(1) Contractual services and supplies (object class 20):

(A) Travel and transportation of persons (object class 21.0).

(B) Transportation of things (object class 22.0).

(C) Rental payments to GSA (object class 23.1).

(D) Rental payments to others (object class 23.2).

(E) Communications, utilities, and miscellaneous charges (object class 23.3).

(F) Printing and reproduction (object class 24.0).

(G) Other services (object class 25.0), excluding funds for research and development contracts, and operation of Government-owned contractor-operated facilities.

(H) Supplies and materials (object class 26.0).

(2) Acquisition of capital assets (object class 30.0):

(A) Equipment (object class 31.0), excluding funds for foreign assistance.

(B) Land and structures (object class 32.0).

(C) Investments and loans (object class 33.0), excluding funds for foreign assistance.

(b) Rule for First 2 Fiscal Years.—Notwithstanding any other law, for each of fiscal years 1994 and 1995, a covered government entity may not obligate or expend for overhead expenses more than amounts obligated and expended by that entity for such expenses for fiscal year 1993 or the fiscal year in which the date of enactment of this Act occurs, whichever is lower.

(c) Rule for 3 Subsequent Fiscal Years.—Notwithstanding any other law, for each of fiscal years 1996, 1997, and 1998, a covered government entity may not obligate or expend for overhead expenses more than amounts obligated and expended by that entity for such expenses for the previous year increased by the projected percentage rate of inflation for that fiscal year as determined by the Director of the Office of Management and Budget.

(d) Application of Rules.—The rules stated in subsections (b) and (c) shall not apply to the Department of Defense or the United States Postal Service.

SEC. 4318. RESCISSION OF FUNDS FOR TRAVEL ACCOUNTS.

(a) In General.—Of the funds made available in any appropriations Act for fiscal year 1994 to any executive department or agency, or any entity in the legislative branch, for purposes of official travel, 15 percent is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

(b) Exceptions.—Subsection (a) shall not apply to—

(1) the Department of Defense, the Department of Justice, the Department of State, the Department of the Treasury, the Department of Veterans Affairs, or any agency or office within any such department; or

(2) the Office of Personnel Management in carrying out its responsibilities under the Voting Rights Act of 1965.

SEC. 4319. TERMINATION OF FEDERAL ADVISORY COMMITTEES.

(a) Termination.—The entities described in subsection (b) are terminated.

(b) Entities Described.—The entities referred to in subsection (a) are the following:

(1) Preservation of Jazz Advisory Commission.

(2) Mt. Saint Helen's Scientific Advisory Board.

(3) Advisory Panel for the Dictionary of Occupational Titles.

(4) U.S. Army Medical Research and Development Advisory Board.

(5) Secretary of the Navy's Advisory Committee on Naval History.

(6) Scientific Advisory Committee on Effects.

(7) Advisory Committee on Publications Subvention.

(8) National Advisory Council on Educational Research and Improvement.

(9) Advisory Panel for the Decontamination of TMI-2.

(10) Technical Advisory Group on Cigarette Fire Safety.

(11) Advisory Commission of Swine Health Protection.

(12) Tea Tasters Board.

(c) Savings Provisions.—

(1) Continuation of Agreements, Grants, Contracts, Privileges, and Other Administrative Actions.—All agreements, grants, contracts, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by an entity described in subsection (b) in the performance of its functions or by a court of competent jurisdiction with respect to those functions, and

(B) which are in effect on the date of the enactment of this Act, or were final before that date of enactment and are to become effective on or after that date of enactment, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(3) SUITS INVOLVING COUNCIL OR OFFICE.—No suit, action, or other proceeding commenced by or against an entity described in subsection (b), or by or against any individual in the official capacity of such individual as an officer or employee of such an entity, shall abate by reason of the enactment of this section.

SEC. 4320. ELIMINATION OF CERTAIN REPORTS REQUIRED ON CONTRACTS COVERED BY DAVIS-BACON ACT.

(a) IN GENERAL.—The first sentence of section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) (commonly known as the "Copeland Act") is amended by striking "shall furnish weekly a statement with respect to the wages paid each employee during the preceding week" and inserting "shall furnish, at least once per month, a statement of compliance with the labor standards provisions of applicable law, certifying the payroll with respect to the wages paid employees during the preceding period for which the statement is furnished, covering each week any contract work is performed".

(b) RESCISSION OF FUNDS.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of construction activities submitted under section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) (known as the "Copeland Act"), $55,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 4321. FUNDING OF SBA PROVISION.

No funds shall be appropriated for fiscal year 1994 or any fiscal year thereafter to carry out section 24 of the Small Business Act (relating to the planting of trees on land owned or controlled by State or local governments).

SEC. 4322. UNEMPLOYMENT COMPENSATION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 8521(a)(1)(B) of title 5, United States Code, is amended to read as follows:

"(B) the individual was discharged or released—

"(i) for the convenience of the Government under an early release program,

"(ii) because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability,

"(iii) because of hardship, or

"(iv) because of personality disorders but only if the service was continuous for 365 days or more;".

(b) EFFECTIVE DATE.—The amendment made by this section applies to weeks of unemployment beginning on or after the date of the enactment of that Act.

CHAPTER 4—HUMAN RESOURCES

SEC. 4401. REDUCTION IN FUNDING FOR ARTS AND HUMANITIES PROGRAMS.

(a) NATIONAL ENDOWMENT FOR THE ARTS.—Section 11(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)(1)) is amended by striking subparagraphs (A), (B), and (C), and inserting the following:

"(A) for fiscal year 1994, $166,823,000,

"(B) for fiscal year 1995, $163,487,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1994 to carry out the activities of the Endowment, whichever is less,

"(C) for fiscal year 1996, $160,217,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1995 to carry out the activities of the Endowment, whichever is less,

"(D) for fiscal year 1997, $157,012,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1996 to carry out the activities of the Endowment, whichever is less, and

"(E) for fiscal year 1998, $153,872,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1997 to carry out the activities of the Endowment, whichever is less.".

(b) NATIONAL ENDOWMENT FOR THE HUMANITIES.—Section 11(d)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)(2)) is amended by striking subparagraphs (A), (B), and (C), and inserting the following:

"(A) for fiscal year 1994, $173,941,000,

"(B) for fiscal year 1995, $170,462,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1994 to carry out the activities of the Endowment, whichever is less,

"(C) for fiscal year 1996, $167,053,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1995 to carry out the activities of the Endowment, whichever is less,

"(D) for fiscal year 1997, $163,712,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1996 to carry out the activities of the Endowment, whichever is less, and

"(E) for fiscal year 1998, $160,438,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1997 to carry out the activities of the Endowment, whichever is less.".

(c) SMITHSONIAN INSTITUTION.—Notwithstanding any other law, the funds appropriated for the Smithsonian Institution for fiscal year 1994, 1995, 1996, 1997, or 1998 may not be obligated in an amount that exceeds 98 percent of the funds appropriated for such purpose for the preceding fiscal year.

(d) NATIONAL GALLERY OF ART.—Notwithstanding any other law, the funds appropriated for the National Gallery of Art for fiscal year 1994, 1995, 1996, 1997, or 1998 may not be obligated in an amount that exceeds 98 percent of the funds appropriated for such purpose for the preceding fiscal year.

(e) CORPORATION FOR PUBLIC BROADCASTING.—Notwithstanding any other law, the funds appropriated for the Corporation for Public Broadcasting for fiscal year 1995, 1996, 1997, or 1998 may not be obligated in an amount that exceeds 98 percent of the funds appropriated for such purpose for the preceding fiscal year.

(f) RESCISSION OF FUNDS.—Of the funds made available under each of the headings "National Endowment for the Arts", "National Endowment for the Humanities", "Smithsonian Institution", and "National Gallery of Art" in the Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138), 2 percent is rescinded.

SEC. 4402. ELIMINATION OF OPERATING SUBSIDIES FOR VACANT PUBLIC HOUSING.

(a) IN GENERAL.—Section 9(a)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437g(a)(3)(B)) is amended—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(vi) no payment may be provided under this section for any dwelling unit that has been vacant for a period of 180 days or more unless such unit is vacant because of comprehensive modernization, major reconstruction, demolition, or disposition activities that have been funded or approved.".

(b) ELIMINATION OF ANNUAL CONTRIBUTION RESERVE.—Section 14(p) of the United States Housing Act of 1937 (42 U.S.C. 1437l(p)) is amended by striking paragraph (3).

(c) RECAPTURE OF ANNUAL CONTRIBUTION RESERVE.—The Secretary of Housing and Urban Development shall recapture any amounts reserved from annual contributions for public housing agencies and deposited in accounts established on behalf of the agencies pursuant to paragraph (3) of section 14(p) of the United States Housing Act of 1937 (as in effect immediately before the date of the enactment of this Act).

(d) RESCISSION OF FUNDS.—Of the funds made available under the heading "Department of Housing and Urban Development—Housing Programs—Payments for Operation of Low-Income Housing Projects" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), $54,000,000 is rescinded.

SEC. 4403. SUBSTITUTION OF VOUCHER ASSISTANCE FOR PUBLIC HOUSING NEW CONSTRUCTION.

(a) TERMINATION OF ASSISTANCE FOR CONSTRUCTION OF PUBLIC HOUSING.—

(1) LOAN AUTHORITY.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may not enter into any new commitment to make loans under section 4 of the United States Housing Act of 1937 to public housing agencies for the development or acquisition of public housing projects by such agencies.

(2) CONTRIBUTION AUTHORITY.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may not enter into any new contract to make contributions under section 5 of the United States Housing Act of 1937 to public housing agencies for the development or acquisition of public housing projects by such agencies.

(3) EXISTING COMMITMENTS.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may make contributions and loans for the development or acquisition of public housing projects only pursuant to legally binding commitments to make such loans or contracts for such contributions entered into on

or before the date of the enactment of this Act.

(4) INAPPLICABILITY TO INDIAN HOUSING.—The provisions of this section shall not apply to public housing developed pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(5) DEFINITIONS.—For purposes of this section, the terms "Indian housing authority", "project", "public housing", and "public housing agency" have the meanings given the terms in section 3(b) of the United States Housing Act of 1937.

(b) PERMISSIBLE USES.—Vouchers for rental assistance provided with the amounts made available under this section may be used for the rental of dwelling units or costs of residency, as determined by qualified voucher recipients.

(c) RESCISSION AND TRANSFER OF FUNDS.—Of the funds made available under the heading "Department of Housing and Urban Development—Housing Programs—Annual Contributions for Assisted Housing" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103–124)—

(1) $367,000,000 is rescinded from the total amount under such heading and from the amount specified under such heading for the development or acquisition cost of public housing; and

(2) $230,701,000 of the amount specified under such heading for the development or acquisition cost of public housing shall be reallocated to and merged with the amount specified under such heading for the housing voucher program under section 8(o) of the United States Housing Act of 1937.

SEC. 4404. TERMINATION OF ANNUAL DIRECT GRANT ASSISTANCE.

(a) TERMINATION.—Pursuant to section 704(d) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note), the annual payments under section 702 of the Covenant shall terminate as of September 30, 1993.

(b) REPEAL.—Sections 3 and 4 of the Act of March 24, 1976 (Public Law 94-241; 48 U.S.C. 1681 note), as amended, are repealed, effective October 1, 1993.

CHAPTER 5—SOCIAL SERVICES, RETIREMENT, AND HEALTH CARE

SEC. 4501. TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) TERMINATION.—(1) The Uniformed Services University of the Health Sciences is terminated.

(2)(A) Chapter 104 of title 10, United States Code, is repealed.

(B) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(b) EFFECTIVE DATE.—The termination referred to in subsection (a), and the amendments made by such subsection, shall take effect on the date of the graduation from the Uniformed Services University of the Health Sciences of the last class of students that enrolled in such university on or before the date of the enactment of this Act.

SEC. 4502. PROVISION RELATING TO GOVERNMENT CONTRIBUTIONS TO THE THRIFT SAVINGS PLAN.

Section 8432(c)(2)(B) of title 5, United States Code, is amended by adding at the end the following:

"Clause (ii) shall not apply with respect to any employee or Member described in section 8481(a).".

SEC. 4503. DEFERRAL UNTIL AGE 62 OF COST-OF-LIVING ADJUSTMENTS FOR MILITARY RETIREES WHO FIRST ENTERED MILITARY SERVICE ON OR AFTER JANUARY 1, 1994.

Section 1401a(b)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the case of a member or former member under age 62 (other than a member retired under chapter 61 of this title) who first became a member on or after January 1, 1994, such increase shall not become payable as part of the retired pay of the member or former member until the month in which the member or former member becomes 62 years of age.".

SEC. 4504. LIMITATION ON COST-OF-LIVING ADJUSTMENTS FOR FEDERAL ANNUITIES.

(a) CIVILIAN FEDERAL RETIREMENT SYSTEMS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8340 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other provision of this section and subject to the provisions of paragraphs (2) and (3), the cost-of-living adjustment for any annuity under this section shall be computed by multiplying the percentage adjustment that would apply to such annuity if not for the provisions of this subsection by the amount of such annuity not in excess of $30,000.

"(2) The cost-of-living adjustment for an annuity under this section shall be computed—

"(A) for the adjustment effective on December 1, 1993, in the manner described under paragraph (1); and

"(B) for adjustments effective on December 1, 1994, 1995, 1996, and 1997, by adjusting the $30,000 amount described under paragraph (1) by the percentage increase in the applicable price index in each such year.

"(3) The provisions of this subsection shall cease to be effective on January 1, 1998.".

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8462 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of this section and subject to the provisions of paragraphs (2) and (3), the cost-of-living adjustment for any annuity under this section shall be computed by multiplying the percentage adjustment that would apply to such annuity if not for the provisions of this subsection by the amount of such annuity not in excess of $30,000.

"(2) The cost-of-living adjustment for an annuity under this section shall be computed—

"(A) for the adjustment effective on December 1, 1993, in the manner described under paragraph (1); and

"(B) for adjustments effective on December 1, 1994, 1995, 1996, and 1997 by adjusting the $30,000 amount described under paragraph (1) by the percentage increase in the applicable price index in each such year.

"(3) The provisions of this subsection shall cease to be effective on January 1, 1998.".

(3) OTHER CIVILIAN FEDERAL RETIREMENT SYSTEMS.—(A) The President shall promulgate regulations to apply the limitation on cost-of-living adjustments under the amendments made by paragraphs (1) and (2) to any retirement system established by a law of the United States for employees of the Federal Government (other than members of the uniformed services).

(B) The provisions of this paragraph shall not apply to any system under the Social Security Act.

(b) UNIFORMED SERVICES RETIRED PAY.—Section 1401a(b) of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) MAXIMUM ADJUSTABLE BASE FOR FISCAL YEARS 1994 THROUGH 1998.—

"(1) COMPUTATION OF INCREASE.—In the case of an increase in the retired pay of a member or former member that, pursuant to subsection (b), (c), (d), or (e), becomes effective on December 1 of 1993, 1994, 1995, 1996, 1997, or 1998, the amount of the increase under subsection (b)(2), (b)(3), (c), (d), or (e) in such year shall, instead of the amount computed under such subsection, be the amount determined by multiplying the percent applicable under such subsection for such year times the lesser of the amount of the retired pay or the maximum adjustable base.

"(2) MAXIMUM ADJUSTABLE BASE DEFINED.—For the purposes of paragraph (1), the maximum adjustable base is $30,000, except that the amount of the maximum adjustable base shall be increased as of December 1 of each year after 1993 by the same percent as is computed under subsection (b)(2)(A) for such year after 1993. In the application of this subparagraph in any year, the maximum adjustable base shall be considered increased under the preceding sentence before the amount of the increase in retired pay is computed for such year.

"(3) INAPPLICABILITY TO DISABILITY RETIREES.—This subsection does not apply with respect to retired pay of a member retired under chapter 61 of this title.".

SEC. 4505. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

(a) IN GENERAL.—Section 401(b)(8) the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

SEC. 4506. ELIMINATION OF PUBLIC LIBRARY CONSTRUCTION, FOLLOW THROUGH, LAW-RELATED EDUCATION, AND LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS.

(a) PUBLIC LIBRARY CONSTRUCTION.—

(1) REPEAL.—Title II of the Library Services and Construction Act (20 U.S.C. 355a et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 4(a)(2) of such Act (20 U.S.C. 351b(a)(2)) is repealed.

(b) FOLLOW THROUGH PROGRAM.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(c) LAW-RELATED EDUCATION.—Section 1565 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2965) is repealed.

(d) LAW SCHOOL CLINICAL EXPERIENCE PROGRAM.—Part G of title IX of the Higher Education Act of 1965 (20 U.S.C. 1132u et seq.) is repealed.

(e) RESCISSION OF FUNDS.—

(1) LIBRARY CONSTRUCTION.—Of the funds made available under the heading "Department of Education—Libraries" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103–112), $17,792,000 is rescinded, to be derived from public library construction.

(2) SCHOOL IMPROVEMENT PROGRAMS.—Of the funds made available under the heading "Department of Education—School Improvement Programs" in the Departments of

Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103–112)—

(A) $8,478,000 is rescinded, to be derived from the follow through program; and

(B) $5,952,000 is rescinded, to be derived from the law-related education program.

(3) LAW SCHOOL CLINICAL EXPERIENCE.—Of the funds made available under the heading "Department of Education—Higher Education" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103–112), $14,920,000 is rescinded, to be derived from the law school clinical experience program.

SEC. 4507. IMPOSITION OF 20 PERCENT COINSURANCE ON CLINICAL LABORATORY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Paragraphs (1)(D) and (2)(D) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) are each amended—

(1) by striking "(or 100 percent" and all that follows through "the first opinion))"; and

(2) by striking "100 percent of such negotiated rate" and inserting "80 percent of such negotiated rate".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to tests furnished on or after January 1, 1994.

SEC. 4508. IMPOSITION OF 10 PERCENT COPAYMENT ON HOME HEALTH SERVICES UNDER MEDICARE.

(a) IN GENERAL.—

(1) PART A.—Section 1813(a) of the Social Security Act (42 U.S.C. 1395e(a)) is amended by adding at the end the following new paragraph:

"(5)(A) The amount payable for a home health service furnished to an individual under this part shall be reduced by a copayment amount equal to 10 percent of the average nationwide per visit cost for such a service furnished under this title (as determined by the Secretary on a prospective basis for services furnished during a calendar year).

"(B) Subparagraph (A) shall not apply to individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved.".

(2) PART B.—

(A) IN GENERAL.—Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended by adding at the end the following new sentence: "If the total amount of the expenses incurred by an individual as determined under the preceding provisions of this subsection include expenses for a home health service, such expenses shall be further reduced by a copayment amount equal to 10 percent of the average nationwide per visit cost for such a service furnished under this title (as determined by the Secretary on a prospective basis for services furnished during a calendar year). The preceding sentence shall not apply to individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved.".

(B) CONFORMING AMENDMENT.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (A), by striking "to home health services," and by striking the comma after "opinion)";

(ii) in subparagraph (D), by striking "and" at the end;

(iii) in subparagraph (E), by striking the semicolon at the end and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(F) with respect to any home health service—

"(i) the lesser of —

"(I) the reasonable cost of such service, as determined under section 1861(v), or

"(II) the customary charges with respect to such service,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), or

"(ii) if such service is furnished by a public provider of services, or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this clause), free of charge or at nominal charges to the public, the amount determined in accordance with section 1814(b)(2).".

(3) PROVIDER CHARGES.—Section 1866(a)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)(i)) is amended—

(A) by striking "deduction or coinsurance" and inserting "deduction, coinsurance, or copayment"; and

(B) by striking "or (a)(4)" and inserting "(a)(4), or (a)(5)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to home health services furnished on or after January 1, 1994.

SEC. 4509. ESTABLISHMENT OF STANDARD PAYMENT RATES FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—

(1) STANDARD PAYMENT RATES DESCRIBED.—Title XVIII of the Social Security Act is amended by inserting after section 1889 the following new section:

"STANDARD PAYMENT RATES FOR HOME HEALTH SERVICES

"SEC. 1890. (a) IN GENERAL.—Notwithstanding section 1814(b)(1), section 1833(a)(2)(A), or any other provision of this title, the amount of payment made under this title for home health services furnished by a home health agency on or after January 1, 1994, shall equal the adjusted standard per visit payment rate determined under subsection (b) for the category of home health services involved (as defined in subsection (d)(1)) for the fiscal year during which the services are furnished.

"(b) DETERMINATION OF ADJUSTED STANDARD PER VISIT PAYMENT RATES.—

"(1) IN GENERAL.—The adjusted standard per visit payment rate for home health services furnished in a fiscal year is equal to—

"(A) the base per visit rate for the category of home health services involved for the fiscal year determined under paragraph (2), adjusted for area wage differences under paragraph (3); and

"(B) in the case of home health services in the category of services described in subsection (d)(1)(A) that involve the furnishing of non-routine medical supplies directly identifiable as services for an individual patient (but not including durable medical equipment, prosthetic devices, or orthotics and prosthetics), the amount described in subparagraph (A) increased by the medical supply add-on described in paragraph (4).

"(2) BASE PER VISIT RATE.—

"(A) INITIAL RATE.—The base per visit rate for a category of home health services furnished by a home health agency in fiscal year 1994 shall be an amount equal to 93 percent of the mean of the labor-related and nonlabor costs for that category of services utilized for purposes of computing limits under section 1861(v)(1)(L) for cost reporting periods beginning on or after July 1, 1993, and before July 1, 1994, increased by the cost reporting period adjustment factor for January 1994 (as specified in the regulation setting forth such limits).

"(B) SUBSEQUENT YEARS.—The base per visit rate for a category of home health services furnished by a home health agency in a fiscal year beginning on or after October 1, 1994 is the base per visit rate for that category of services for the preceding fiscal year increased by the home health market basket percentage increase (as defined in subsection (d)(2)) for such fiscal year.

"(3) ADJUSTING FOR AREA WAGE LEVELS.—The Secretary shall adjust the base per visit rate determined under paragraph (2) for home health services furnished by a home health agency for a fiscal year by utilizing the area wage index applicable during the fiscal year under section 1886(d)(3)(E) to hospitals located in the geographic area in which the agency is located (determined without regard to whether such hospitals have been reclassified to a new geographic area pursuant to section 1886(d)(8)(B), a decision of the Medicare Geographic Classification Review Board or the Secretary under section 1886(d)(10)).

"(4) MEDICAL SUPPLY ADD-ON DESCRIBED.—The medical supply add-on described in this paragraph is equal to—

"(A) for fiscal year 1994, the estimated national average cost of non-routine medical supplies directly identifiable as services for an individual patient (but not including durable medical equipment, prosthetic devices, or orthotics and prosthetics) associated with a home health visit, as estimated by the Secretary based upon the best data available and updated through fiscal year 1994 by the Secretary's estimate of the increase in the medical equipment and supplies component of the supplies and rental consumer price index for all urban consumers (U.S. city average), from the end of the period from which the data was drawn through fiscal year 1994; and

"(B) for a subsequent fiscal year, the add-on for the preceding fiscal year increased by the Secretary's estimate of the percentage increase in the index referred to in subparagraph (A) for the fiscal year involved.

"(c) COST REPORTING REQUIREMENTS.—

"(1) IN GENERAL.— Not later than January 1, 1994, the Secretary shall implement a system under which a random sample of home health agencies shall submit cost reports. Cost reports submitted under such system shall be used solely for purposes of comparing the costs of home health agencies with the adjusted standard payment rates established under subsection (b).

"(2) SYSTEM DESCRIBED.—The system developed under paragraph (1) shall—

"(A) utilize a different random sample of agencies for each 12-month period,

"(B) include in such random sample 5 percent of all home health agencies, and

"(C) to the greatest extent practicable and consistent with the preceding provisions of this paragraph, avoid requiring a home health agency to submit a cost report pursuant to paragraph (1) more than once in any 5-year period.

"(3) REPORTS OF ADDITIONAL AGENCIES.—Any home health agency that is not required to submit a cost report pursuant to paragraph (1) for a cost reporting period may be required by the Secretary to submit a simplified cost report for such period, in accordance with regulations issued by the Secretary. The Secretary may use such reports solely for the purposes described in such paragraph.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'category of home health services' means any one of the following home health services:

"(A) Skilled nursing services.

"(B) Physical therapy services.

"(C) Occupational therapy services.

"(D) Speech therapy services.

"(E) Medical social services.

"(F) Home health aide services.

"(2) The term 'home health market basket percentage increase' means, with respect to a fiscal year, the percentage by which the cost of the mix of goods and services comprising home health services will exceed the cost of such mix of goods and services for the preceding fiscal year, as estimated by the Secretary before the fiscal year begins.".

(2) EXCEPTIONS AND ADJUSTMENTS FOR COSTS SIGNIFICANTLY IN EXCESS OF PAYMENTS.—The Secretary of Health and Human Services shall provide by regulation for such exceptions and adjustments to the payment amounts established for home health services under section 1890(a) of the Social Security Act (as added by paragraph (1)) as the Secretary deems appropriate for services for which a home health agency incurs costs that significantly exceed such payment amounts for reasons beyond the agency's control, subject to any limits the Secretary may establish to ensure that such an exception or adjustment does not result in the reimbursement of any costs that the Secretary does not find to be reasonable.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO PART A.—(A) Section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) is amended in the matter preceding paragraph (1) by striking "1813 and 1886" and inserting "1813, 1886, and 1890".

(B) Section 1813(a)(5) of the Social Security Act, as added by section 4508(a)(1), is amended by striking "the average of all the per visit costs" and all that follows and inserting "the payment amount determined for such services under section 1890(a).".

(2) AMENDMENTS RELATING TO PART B.—(A) Section 1833(a)(2)(F)(i) of the Social Security Act, as added by section 4508(a)(2)(B)(iv), is amended to read as follows:

"(i) the payment amount determined for such service under section 1890(a), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A);".

(B) Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following new clause:

"(iv) Clauses (i), (ii), and (iii) shall not apply to any services furnished on or after January 1, 1994.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished during cost reporting periods beginning on or after January 1, 1994.

SEC. 4510. INCREASE IN MEDICARE PART B PREMIUM FOR HIGHER-INCOME INDIVIDUALS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART VIII—MEDICARE PART B PREMIUMS FOR HIGHER-INCOME INDIVIDUALS

"Sec. 59B. Medicare part B premium tax.

"SEC. 59B. MEDICARE PART B PREMIUM TAX.

"(a) IMPOSITION OF RECAPTURE AMOUNT.—In the case of an individual, if the modified adjusted gross income of the taxpayer for the taxable year exceeds the threshold amount, such taxpayer shall pay (in addition to any other amount imposed by this subtitle) a recapture amount for such taxable year equal to the sum of the aggregate of the medicare part B recapture amounts (if any) for months during such year that a premium is paid under part B of title XVIII of the Social Security Act for the coverage of the individual under such part.

"(b) MEDICARE PART B PREMIUM RECAPTURE AMOUNT FOR MONTH.—For purposes of this section, the medicare part B premium recapture amount for any month is the amount equal to the excess of—

"(1) 200 percent of the monthly actuarial rate for enrollees age 65 and over determined for that calendar year under section 1839(a) of the Social Security Act, over

"(2) the total monthly premium under section 1839 of the Social Security Act (determined without regard to subsections (b) and (f) of section 1839 of such Act).

"(c) PHASE-IN OF RECAPTURE AMOUNT.—If the modified adjusted gross income of the taxpayer for any taxable year exceeds the threshold amount by less than $50,000, the recapture amount imposed by this section for such taxable year shall be an amount that bears the same ratio to the recapture amount that would (but for this subsection) be imposed by this section for such taxable year as such excess bears to $50,000.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) THRESHOLD AMOUNT.—The term 'threshold amount' means—

"(A) except as otherwise provided in this paragraph, $50,000,

"(B) $65,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married (as determined under section 7703) but does not file a joint return for such year, and

"(ii) does not live apart from his spouse at all times during the taxable year.

"(2) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 135, 911, 931, and 933, and

"(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(3) JOINT RETURNS.—In the case of a joint return—

"(A) the recapture amount under subsection (a) shall be the sum of the recapture amounts determined separately for each spouse, and

"(B) subsections (a) and (c) shall be applied by taking into account the combined modified adjusted gross income of the spouses.

"(4) COORDINATION WITH OTHER PROVISIONS.—

"(A) TREATED AS TAX FOR SUBTITLE F.—For purposes of subtitle F, the recapture amount imposed by this section shall be treated as if it were a tax imposed by section 1.

"(B) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The recapture amount imposed by this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(i) the amount of any credit allowable under this chapter, or

"(ii) the amount of the minimum tax under section 55.".

(b) TRANSFERS TO SUPPLEMENTAL MEDICAL INSURANCE TRUST FUND.—

(1) IN GENERAL.—There are appropriated to the Supplemental Medical Insurance Trust Fund amounts equivalent to the aggregate increase in liabilities under chapter 1 of the Internal Revenue Code of 1986 that are attributable to the application of section 59B(a) of such Code, as added by this section.

(2) TRANSFERS.—The amounts appropriated by paragraph (1) to the Supplemental Medical Insurance Trust Fund shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1). Any quarterly payment shall be made on the first day of such quarter and shall take into account the recapture amounts referred to in such section 59B(a) for such quarter. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) REPORTING REQUIREMENTS.—

(1)(A) Paragraph (1) of section 6050F(a) of the Internal Revenue Code of 1986 (relating to returns relating to social security benefits) is amended—

(i) by striking "and" at the end of subparagraph (B); and

(ii) by inserting after subparagraph (C) the following new subparagraph:

"(D) the number of months during the calendar year for which a premium was paid under part B of title XVIII of the Social Security Act for the coverage of such individual under such part, and".

(B) Paragraph (2) of section 6050F(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) the information required to be shown on such return with respect to such individual.".

(C) Subparagraph (A) of section 6050(c)(1) of the Internal Revenue Code of 1986 is amended by inserting before the comma "and in the case of the information specified in subsection (a)(1)(D)".

(D) The heading for section 6050F of the Internal Revenue Code of 1986 is amended by inserting "and medicare part b coverage" before the period.

(E) The item relating to section 6050F in the table of sections for subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting "and medicare part B coverage" before the period.

(d) WAIVER OF ESTIMATED TAX PENALTIES FOR 1995.—No addition to tax shall be imposed under section 6654 of the Internal Revenue Code of 1986 (relating to failure to pay estimated income tax) for any period before April 16, 1996, with respect to any underpayment to the extent that such underpayment resulted from section 59B(a) of the Internal Revenue Code of 1986, as added by this section.

(e) TECHNICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Part VIII. Medicare Part B Premiums for Higher-Income Individuals.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1994, in taxable years ending after that date.

CHAPTER 6—AGRICULTURE

SEC. 4601. ELIMINATION OF HONEY PRICE SUPPORT PROGRAM.

(a) IN GENERAL.—Sections 207 and 405A of the Agricultural Act of 1949 (7 U.S.C. 1446h and 1425a, respectively) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) is amended—

(A) in subparagraph (B)(iii), by striking "(other than honey)"; and

(B) by striking subparagraph (C).

(2) Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking "honey,".

(3) Section 301 of the Agricultural Act of 1949 (7 U.S.C. 1447) is amended by inserting after "nonbasic agricultural commodity" the following: "(other than honey)".

(4) Section 408(k) of the Agricultural Act of 1949 (7 U.S.C. 1428(k)) is amended by striking "honey," each place it appears.

(5) Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting after "agricultural commodities" the following: "(other than honey)".

(c) Liability of Producers.—A provision of this section may not affect the liability of any person under any provision of law as in effect before the effective date of the provision.

(d) Effective Dates.—This section and the amendments made by this section shall become effective on December 31, 1995.

SEC. 4602. ACREAGE LIMITATION PROGRAMS FOR 1995 THROUGH 1998 CROPS OF CORN.

Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444f(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G)—

(i) in the subparagraph heading, by striking "1995" and inserting "1994";

(ii) by striking "1995" and inserting "1994"; and

(iii) by striking the second sentence; and

(B) by adding at the end the following new subparagraphs:

"(I) Acreage limitation programs for 1995 through 1998 crops of corn.—In the case of each of the 1995 through 1998 crops of corn, the Secretary shall carry out an acreage limitation program described in paragraph (2) in a manner that will result in a ratio of ending stocks of corn to total disappearance of 18.6 percent, based on the Secretary's most recent projection of ending stocks and total disappearance at the time of announcement of the acreage limitation program.

"(J) Total disappearance defined.—For the purpose of this paragraph, the term 'total disappearance' means all corn utilization, including total domestic, total export, and total residual disappearance."; and

(2) in paragraph (2)(H), by striking "1995" and inserting "1998".

TITLE V—GENERAL PROVISIONS

HATFIELD AMENDMENT NO. 1441

Mr. HATFIELD proposed an amendment to amendment No. 1440 proposed by Mr. Kerrey to the bill H.R. 3759, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Sec. . Of the funds provided in P.L. 103–139 to the Department of Defense, $18,620,000,000 is rescinded only from Title III and Title IV: Provided, that none of the funds provided in this or any other Act shall be available for research, development, testing and evaluation or procurement of the F–22 aircraft program, the F–18 aircraft program, the C–17 aircraft program, the JSTARS aircraft program, the Comanche helicopter program, the DDG–51 ship program, the CVN–76 ship program, the TRIDENT IID–5 missile program, the Ballistic Missile Defense program, the New Attack Submarine program, and the B–2 aircraft program.

D'AMATO AMENDMENT NO. 1442

Mr. D'AMATO proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place insert the following new section:

SEC. . EXTENSION OF RTC CIVIL STATUTE OF LIMITATIONS.

Section 21A(b)(14(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14(C) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14(B) of the Federal Deposit Insurance Act) and ending on the date the Corporation is terminated pursuant to section 21A(m)(1); or".

MURKOWSKI AMENDMENT NO. 1443

Mr. MURKOWSKI proposed an amendment to amendment No. 1442 proposed by Mr. D'Amato to the bill H.R. 3759, supra; as follows:

Delete lines 3 through 10 of D'Amato Amendment No. , and insert in lieu thereof the following:

"(a) Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995; or."

BROWN AMENDMENT NO. 1444

Mr. BROWN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 81, strike lines 8 through line 14.

MURKOWSKI AMENDMENT NO. 1445

Mr. MURKOWSKI proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISASTER ASSISTANCE FUNDING.

(a) Findings.—The Congress finds that—

(1) during the past 5 years, the United States has suffered a series of natural disasters, including earthquakes, floods, and hurricanes;

(2) the Federal Government has responded to these events by providing disaster victims with various types of assistance, including temporary shelter and financial assistance;

(3) in order to meet the costs of providing such assistance, the Congress has enacted 6 emergency supplemental appropriation bills;

(4) the cost of—

(A) the 1993 emergency appropriations Act was $5,141,000,000,

(B) 2 emergency appropriations Act adopted in 1992 was $5,429,000,000,

(C) the 1991 emergency appropriations Act was $943,000,000,

(D) the 1990 emergency appropriations Act was $2,682,000,000, and

(E) the 1989 emergency appropriations Act was $2,827,000,000;

(5) the total cost of the emergency appropriations Acts adopted in response to these disasters is more than $17,000,000,000;

(6) the Congress has failed to offset the cost of these emergency appropriations Acts by reducing other discretionary spending;

(7) the cost of these emergency appropriations Acts has increased the Federal deficit and added to the $4,515,000,000,000 national debt;

(8) until 1993, individual taxpayers were permitted to designate that $1 of their Federal tax liability would go into the Presidential Election Campaign Fund;

(9) the number of taxpayers funding for the Presidential Election Campaign Fund has been declining in every year since 1976;

(10) in 1976, slightly more than 1 in 4 tax returns (27.5 percent) contained a checkoff in favor of financing the Presidential Election Campaign Fund;

(11) in 1992, less than 1 in 5 tax returns (17.7 percent) contained a checkoff in favor of such financing;

(12) the failure of the overwhelming majority of taxpayers to support the checkoff has resulted in the Congress raising the amount of the checkoff from $1 to $3; and

(13) the Congress should reevaluate our Federal spending priorities in light of the recent Northridge Earthquake in California and the frequently occurring disasters nationwide, including replacing the Presidential Election Campaign Fund checkoff with a checkoff for Federal disaster relief assistance.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Presidential Election Campaign Fund checkoff should be eliminated and replaced with a checkoff to allow funds to be directed to a dedicated natural disaster trust fund set aside to assist victims of natural disasters;

(2) such funds should supplement, not supplant, current appropriations for natural disaster assistance;

(3) caps on allowable discretionary spending should be reduced by the amount of funds directed into a natural disaster trust fund; and

(4) any funds set aside for natural disaster assistance should be spent before the Congress considers additional emergency spending for natural disaster assistance not subject to offset.

HARKIN (AND OTHERS) AMENDMENT NO. 1446

Mr. BYRD (for Mr. Hatfield for himself, Mr. Harkin, and Mr. Danforth) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 70, line 24, after the colon, insert the following new proviso:

"*Provided further*, That with respect to funds made available by this head that are proposed to be used by recipients affected by the Midwest floods of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation, the Secretary shall secure assurances from grantees that such activities will be subject to the requirements of sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (Public Law 103–181, 107 STAT 2054–2056):".

BOND (AND HARKIN) AMENDMENT NO. 1447

Mr. BYRD (for Mr. Bond for himself and Mr. Harkin) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 50, line 15, strike: *Provided*, that not" and all that follows through "size" on line 18, and insert in lieu thereof: *Provided*, That notwithstanding any other provision of law (including any regulation), the eligibility to receive assistance from the Soil Conservation Service of a public sponsor of a primary levee located in the area that was affected by major, widespread flooding in the Midwest during 1993 shall not be affected by the status of participation (or the lack of participation) of the public sponsor in the U.S. Army Corps of Engineers Levee Rehabilitation Program: *Provided further*, that not more than $50,000,000 shall be made available for the repair of such levees regardless of drainage size".

HARKIN AMENDMENT NO. 1448

Mr. BYRD (for Mr. HARKIN) proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place under "Commodity Credit Corporation" in Title I, insert:

Funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be made available to fund crop loss disaster assistance as under the provisions of Public Law 101–624 for 1993 losses of nursery stock and inventory being grown for commercial sale, if such stock or inventory would normally have been sold in 1993, 1994 or 1995: *Provided*, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CONRAD AMENDMENT NO. 1449

Mr. BYRD (for Mr. CONRAD) proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . REPEALS.

Except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act are repealed effective October 30, 1992.

SARBANES (AND MIKULSKI) AMENDMENT NO. 1450

Mr. BYRD (for Mr. SARBANES for himself and Ms. MIKULSKI) proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place in the bill add:

"It is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not later than 45 days after enactment of this Act."

MIKULSKI AMENDMENT NO. 1451

Mr. BYRD (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 84, after line 7, insert the following:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103–124 is repealed.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $300,000.

On page 113, after line 19, insert the following:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $770,000 are rescinded.

KERRY (AND OTHERS) AMENDMENT NO. 1452

Mr. KERRY (for himself, Mr. BUMPERS, Mr. LEAHY, Mr. BRADLEY, Mr. LAUTENBERG, Mr. WOFFORD, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 3759, supra; as follows:

At the end of Title III add the following:

RESCISSIONS OF FISCAL YEAR 1994 SPENDING

Subtitle A—Agriculture

SEC. 5101. RESCISSION OF FUNDS FOR FIELD OFFICES OF DEPARTMENT OF AGRICULTURE.

Of the aggregate funds made available to the Department of Agriculture in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103–111) $13,000,000 is rescinded, to be derived from restructuring and reinventing the Department of Agriculture.

Subtitle B—National Defense

SEC. 5201. RESCISSION OF FUNDS FOR NUCLEAR WEAPONS ACTIVITIES.

Of the funds appropriated under the heading "Atomic Energy Defense Activities, Weapons Activities" in the Department of Energy and Water Development Appropriations Act, 1994 (Public Law 103–126), $400,000,000 is rescinded, to be derived from weapons research and development activities and weapons testing activities used for national security programs.

SEC. 5202. RESCISSION OF FUNDS FOR THE SELECTIVE SERVICE SYSTEM.

Of the funds made available under the heading "Selective Service System" in the VA, HUD, and Independent Agencies Appropriations Act, 1994 (Public Law 103–124), $15,000,000 is rescinded, to be derived from the Selective Service System.

SEC. 5203. D5 (TRIDENT II) MISSILE PROGRAM.

Of the funds made available under the heading "Weapons Procurement, Navy" in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $1,130,000,000 is rescinded, to be derived from the D5 (trident II) Missile Program.

SEC. 5204. RESCISSION OF FUNDS FOR THE FOLLOW-ON EARLY WARNING SYSTEM PROGRAM.

Of the funds made available under the heading "Research, Development, Test, and Evaluation, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $110,000,000 is rescinded, to be derived from the Follow-On Early Warning System Program.

SEC. 5205. RESCISSION OF FUNDS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION PROGRAMS.

Of the funds appropriated by the Department of Defense Appropriations Act, 1994 (Public Law 103–139), for research, development, test, and evaluation for Defense-wide and Air Force activities that are available for programs managed by the Ballistic Missile Defense Organization, $900,000,000 is rescinded.

SEC. 5206. RESCISSION OF FUNDS FOR RECRUITING ACTIVITIES OF THE ARMED FORCES.

Of the funds made available under the heading "Operations and Maintenance, Defense Agencies" in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $16,000,000 is rescinded and of the funds made available under the heading "Military Personnel" in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $17,000,000 is rescinded, to be derived from recruiting activities of the Armed Forces.

SEC. 5207. RESCISSION OF FUNDS FOR TITAN IV MISSILE LAUNCH SYSTEMS.

Of the funds made available under the heading "Missile, Procurement, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $350,000,000 is rescinded, to be derived from Titan IV missile launch systems.

SEC. 5208. RESCISSION OF FUNDS FOR THE NATIONAL AEROSPACE PLANE PROGRAM.

Of the funds made available under the heading "Research, Development, Test and Evaluation, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $40,000,000 is rescinded, to be derived from the National Aerospace Plane Program.

Subtitle C—Foreign Relations and Intelligence

SEC. 5301. RESCISSION OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Of the funds made available in the Department of Defense Appropriations Act, 1994 (Public Law 103–139), $1,000,000,000 is rescinded, to be derived from programs and activities of the National Foreign Intelligence Program and the Tactical Intelligence and Related Activities.

SEC. 5302. RESCISSION OF FUNDS FOR THE WORLD BANK.

Of the funds made available under the heading "Contribution to International Bank for Reconstruction and Development" in the Foreign Operations Appropriations Act, 1994 (Public Law 103–87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

Subtitle D—Government Employees and Government Operations

SEC. 5401. RESCISSION OF FUNDS FOR SENIOR EXECUTIVE SERVICE ANNUAL LEAVE.

Of the aggregate funds made available to executive departments and agencies in appropriations act for fiscal year 1994 for purposes of payments for accrued leave upon termination of employment, $2,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 5402. RESCISSION OF FUNDS FOR FEDERAL BUILDINGS.

Of the funds made available under the heading "Federal Buildings Fund" in the Treasury, Postal Service, General Government Appropriations Act, 1994 (Public Law 103–123), $160,300,000 is rescinded, to be derived from acquisition of new Federal buildings.

SEC. 5403. RESCISSION OF FUNDS FOR THE FEDERAL INFORMATION CENTER.

Of the funds made available under the heading "Information Resources Management Services, Operating Expense" in the

Treasury, Postal Service, General Government Appropriations Act, 1994 (Public Law 103–123), $3,000,000 is rescinded, to be derived from the Federal Information Center.

Subtitle E—Energy and Commerce

SEC. 5501. RESCISSION OF FUNDS FOR THE SUPERCONDUCTING SUPER COLLIDER.

Of the funds made available under the heading "General Science, Research" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103–126), $200,000,000 is rescinded, to be derived from the Superconducting Super Collider.

SEC. 5502. RESCISSION OF FUNDS FOR THE TENNESSEE VALLEY AUTHORITY FERTILIZER PROGRAM.

Of the funds made available under the heading "TVA Fund" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103–126), $35,000,000 is rescinded, to be derived from the Tennessee Valley Authority Fertilizer Program.

SEC. 5503. RESCISSION OF FUNDS FOR THE UNITED STATES SPACE STATION FREEDOM PROGRAM.

Of the funds made available under the heading "NASA, R&D" in the VA, HUD, and Independent Agencies Appropriations Act, 1994 (Public Law 103–111), $900,000,000 is rescinded, to be derived from the United States Space Station Freedom Program.

SEC. 5504. RESCISSION OF FUNDS FOR THE MODULAR HIGH-TEMPERATURE GAS REACTOR.

Of the funds made available under the heading "Energy Supply R&D" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103–126), $12,000,000 is rescinded, to be derived from the Modular High-Temperature Gas Reactor program.

SEC. 5505. RESCISSION OF FUNDS FOR THE ADVANCED LIQUID METAL REACTOR.

Of the funds made available under the heading "Energy Supply R&D" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103–126), $45,000,000 is rescinded, to be derived from the Advanced Liquid Metal Reactor Program.

TITLE VI—PERMANENT PROGRAM CHANGES FOR FISCAL YEARS AFTER 1994

Subtitle A—Agriculture

SEC. 6101. PAYMENT OF CERTAIN COSTS UNDER ACREAGE LIMITATION PROGRAMS.

Title I of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended by adding at the end the following new section:

"**SEC. 116. PAYMENT OF CERTAIN COSTS UNDER ACREAGE LIMITATION PROGRAMS.**

"(a) IN GENERAL.—If an acreage limitation program is announced for a crop of a commodity under this title, as a condition of eligibility for loans, purchases, and payments for the crop under this title, the producers on a farm shall pay to the Secretary of the Interior an amount that is equal to the full cost incurred by the Federal Government of the delivery to the farm of water that is used in the production of the crop, as determined by the Secretary of the Interior.

"(b) APPLICATION.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the delivery of water pursuant to a contract that is entered into before the date of enactment of the Deficit Reduction Act of 1994, under any provision of Federal reclamation law.

"(2) RENEWAL OR AMENDMENT.—If a contract described in paragraph (1) is renewed or amended on or after the date of enactment of the Deficit Reduction Act of 1994, subsection (a) shall apply to the delivery of water beginning on the date of renewal or amendment.".

SEC. 6102. REDUCTION OF FUNDING LEVEL FOR MARKET PROMOTION PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking "$110,000,000 for each of the fiscal years 1994 through 1997" and inserting "$98,000,000 for each of the fiscal years 1994 through 1998".

SEC. 6103. CONSOLIDATION OF FIELD OFFICES OF DEPARTMENT OF AGRICULTURE.

Pursuant to authorities proposed in the "Department of Agriculture Reorganization Act of 1993" (H.R. 3171) and current legal authorities, the Secretary of Agriculture shall take action to restructure and reinvent the Department of Agriculture by reducing the number of agencies in the Department, reducing headquarters and administrative staffing and overhead, closing or consolidating unnecessary field locations, and taking such other actions as may be necessary to reduce the staffing of the Department by not less than 7,500 staff years and save a total of not less than $1,640,000,000 during the period fiscal years 1995 through 1999.

Subtitle B—National Defense

SEC. 6201. LIMITATION ON THE NUMBER OF NUCLEAR WARHEADS MAINTAINED BY THE UNITED STATES.

(a) IN GENERAL.—Effective on and after September 30, 1998, the number of nuclear warheads maintained by the United States may not exceed the lesser of—

(1) 4,000; or

(2) the maximum number of nuclear warheads permitted under applicable international agreements to which the United States is a party.

(b) WAIVER AUTHORITY.—The President may waive the limitation in subsection (a) if the President determines that—

(1) the limitation would adversely affect arms control negotiations with foreign governments; or

(2) the waiver is necessary in the national security interests of the United States.

(c) LIMITATION ON EXPENDITURES FOR NUCLEAR WEAPONS RESEARCH, DEVELOPMENT, AND TESTING ACTIVITIES OF THE DEPARTMENT OF ENERGY.—Notwithstanding any other provision of law, the total amount that may be expended by the Department of Energy for operating expenses incurred in carrying out weapons research and development activities and weapons testing activities necessary for national security programs during—

(1) fiscal year 1995, may not exceed $5,016,800,000;

(2) fiscal year 1996, may not exceed $4,724,000,000;

(3) fiscal year 1997, may not exceed $4,483,000,000; and

(4) fiscal year 1998, may not exceed $4,195,000,000.

SEC. 6202. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) PHASED TERMINATION.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"**§ 2116. Admissions after 1993 prohibited**

"No student may be admitted for enrollment in a program of the University after December 31, 1993.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2116. Admissions after 1993 prohibited.".

SEC. 6203. THE SELECTIVE SERVICE SYSTEM.

(a) TERMINATION.—Effective April 1, 1994, section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is repealed.

(b) USE OF FUNDS FOR TERMINATION.—Funds available for operation of the Selective Service System established under section 10 of the Military Selective Service Act shall be available on and after the date of the enactment of this Act only for payment of the costs associated with the termination of the Selective Service System.

(c) TERMINATION OF REGISTRATION REQUIREMENT.—Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) is amended by adding at the end the following new subsection:

"(c) Effective on the date of the enactment of the Deficit Reduction Act of 1993, no person shall be required to present himself for and submit to registration under this section.".

(d) SUSPENSION OF SANCTIONS.—Subsection (g) of section 12 of such Act (50 U.S.C. App. 462) is amended to read as follows:

"(g) A person may not be denied a right, privilege, benefit, or employment position under Federal law by reason of the failure of such person to present himself for and submit to registration under section 3 if the requirement for the person to so register has terminated or become inapplicable to the person.".

SEC. 6204. D5 (TRIDENT II) MISSILE PROGRAM.

(a) ADDITIONAL PROCUREMENT TERMINATED.—

(1) PROHIBITION ON USE OF FUNDS.—No funds appropriated or otherwise made available to the Department of Defense may be obligated after the date of the enactment of this Act for procurement of D5 (Trident II) missiles.

(2) PAYMENT OF TERMINATION COSTS.—Funds referred to in paragraph (1) that, except for paragraph (1), would be available for procurement of D5 (Trident II) missiles may be obligated for payment of the costs associated with the termination of D5 (Trident II) missile procurement.

(b) TERMINATION OF BACKFITTING.—The Secretary of the Navy may not modify any submarine configured for carrying the C4 missile in order to configure such submarine for carrying the D5 (Trident II) missile.

(c) TEST FLIGHTS.—The number of test flights of D5 missiles conducted in a year may not exceed 6.

SEC. 6205. TERMINATION OF THE FOLLOW-ON EARLY WARNING SYSTEM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Air Force shall terminate the Follow-on Early Warning System (FEWS) program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the Follow-on Early Warning System program may be obligated for that program only for payment of the costs associated with the termination of such program.

SEC. 6206. BALLISTIC MISSILE DEFENSE ORGANIZATION PROGRAMS.

Notwithstanding any other provision of law, with regard to the funds available for obligation after fiscal year 1993 for programs managed by the Ballistic Missile Defense Organization, preference shall be given to programs, projects, and activities under the Theater Missile Defense program element.

SEC. 6207. CONSOLIDATION AND REDUCTION OF RECRUITING ACTIVITIES OF THE ARMED FORCES.

(a) CONSOLIDATION AND REDUCTION OF RECRUITING ACTIVITIES.—The Secretary of Defense shall consolidate and reduce the recruiting activities of the Armed Forces of the United States.

(b) LIMITATION.—

(1) MAXIMUM AVERAGE RECRUITING COST PER RECRUIT.—

(A) ACTIVE COMPONENTS.—The average cost per enlisted recruit for the active components of the Armed Forces for fiscal year 1995 may not exceed the average cost per enlisted recruit for the active components of the Armed Forces for the period beginning on October 1, 1983, and ending on September 30, 1989.

(B) RESERVE COMPONENTS.—The average cost per enlisted recruit for the reserve components of the Armed Forces for fiscal year 1995 may not exceed the average cost per enlisted recruit for the reserve components of the Armed Forces for the period beginning on October 1, 1983, and ending on September 30, 1989.

(2) AVERAGE COST PER RECRUIT DEFINED.—In this subsection, the term "average cost per enlisted recruit", with respect to a period, means the average cost incurred by the Department of Defense during that period for the recruitment of a person for an initial enlistment in the active components or the reserve components, as the case may be, of the Armed Forces of the United States during that period.

(3) CONSTANT DOLLAR COMPARISONS.—For the purposes of paragraphs (1) and (2), average costs shall be computed and compared on a constant dollar basis.

(c) PHASE-IN REQUIREMENT.—The Secretary of Defense shall take such actions under subsection (a) as are necessary to achieve during fiscal year 1994 a reduction in recruiting costs of not less that $33,000,000.

(d) WAIVER AUTHORITY.—The President may waive the limitation in subsection (b) in the event of a war declared by Congress or a national emergency declared by Congress or the President.

SEC. 6208. ANTISUBMARINE WARFARE AIRCRAFT SQUADRONS OF THE NAVY.

(a) REDUCTION IN NUMBER OF P-3 AIRCRAFT SQUADRONS.—Funds may not be expended—

(1) after September 30, 1995, to support more than 31 P-3 aircraft squadrons in the Navy;

(2) after September 30, 1996, to support more than 26 P-3 aircraft squadrons in the Navy;

(3) after September 30, 1997, to support more than 23 P-3 aircraft squadrons in the Navy; and

(4) after September 30, 1998, to support more than 18 P-3 aircraft squadrons in the Navy.

(b) WAIVER AUTHORITY.—The President may waive the limitation in subsection (a) to the extent that the President determines necessary in the national security interests of the United States.

SEC. 6209. REDUCTION IN NUMBER OF TITAN IV MISSILE LAUNCH SYSTEMS ACQUIRED.

(a) LIMITATION.—The number of Titan IV missile launch systems acquired for the performance of missions that include missions for the Department of Defense may not exceed two in any fiscal year.

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), a missile launch system is acquired when the complete system is accepted.

SEC. 6210. TERMINATION OF THE NATIONAL AEROSPACE PLANE PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the National Aerospace Plane (NASP) program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the National Aerospace Plane program may be obligated for that program only for payment of the costs associated with the termination of such program.

Subtitle C—Foreign Relations and Intelligence

SEC. 6301. FUTURE APPROPRIATIONS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

The total amount authorized to be appropriated for each of fiscal years 1995 through 1998 for the National Foreign Intelligence Program and for Tactical Intelligence and Related Activities may not exceed the amount (adjusted for monetary inflation after fiscal year 1994) that is made available for fiscal year 1994 for such program and activities (taking into account the rescission in section 301).

SEC. 6302. BROADCASTING ACTIVITIES OF RADIO FREE EUROPE AND RADIO LIBERTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, no grant may be made by the Board for International Broadcasting, or any successor entity that may hereinafter be established, for the purpose of operating Radio Free Europe and Radio Liberty except under the terms and conditions set forth under this section.

(b) LIMITATION ON GRANT AMOUNT.—No grant may be made to operate Radio Free Europe and Radio Liberty after September 30, 1995, in excess of $75,000,000.

(c) COMPETITIVE GRANT REQUIREMENT.—Any grant made to operate Radio Free Europe and Radio Liberty may be awarded on the basis of full and open competition if the grantor determines the grantee is not carrying out the grant in an effective and economic manner.

(d) GRANT AGREEMENT.—(1) Any grant agreement entered into by the Board for International Broadcasting, or its successor, for the purpose of operating Radio Free Europe and Radio Liberty shall require that grant funds shall only be used for activities set forth in the grant agreement, which shall provide, in detail, the purposes for which grant funds may be used and shall include conditions designed to reduce overlapping language services and broadcasting services with other broadcasting services funded by the United States Government.

(2) The grant agreement shall provide that failure to comply with the requirements of the agreement shall permit the grant to be terminated without fiscal obligation to the United States.

(e) PROHIBITED USES OF THE GRANT FUNDS.—No grant funds may be used—

(1) to pay any salary or other compensation, or enter into any contract providing for the payment thereof in excess of the rates established for comparable positions under chapter 51 and subchapter II of chapter 53 of title 5, United States Code, except that this limitation shall not be imposed prior to January 1, 1995 with respect to any employee covered by a union agreement requiring a different salary or other compensation;

(2) to pay for any activity for the purpose of influencing the passage or defeat of legislation being considered by the Congress of the United States;

(3) to enter into a contract or obligation to pay severance payments beyond those required by United States law or the laws of the country where the employee is stationed;

(4) to pay for first class travel for any employee of the grantee or the employee's relation; or

(5) to compensate freelance contractors except as provided for, in detail, in the grant agreement or with the written approval of the grantor agency or its agent.

(f) REPORT ON MANAGEMENT PRACTICES.—Not later than March 31 and September 30 of each calendar year, the Inspector General of the Board for International Broadcasting or its successor, shall submit to the Board, or its successor, and to the Congress, a report on management practices of the grantee, during the preceding 6-month period.

(g) REPORTS ON PERSONNEL CLASSIFICATION.—(1) Not later than 3 months after the date of enactment of this Act, the Board for International Broadcasting shall submit a report to the Office of Personnel Management containing justification, in terms of the types of duties performed at specific rates of compensation, of the classification of personnel employed by the grantee.

(2) Not later than 9 months after submission of the report referred to in paragraph (1), the Office of Personnel Management shall submit to Congress a report containing an evaluation of the system of personnel classification used by the grantee with respect to its employee, including identification of any disparity between the rate of compensation provided to employees of the grantee and that provided to employees of the Voice of America stationed overseas in comparable positions.

(h) PLAN FOR RELOCATION.—Before relocating the headquarters of RFE/RL, Incorporated, in the Federal Republic of Germany to another site, the grantee shall submit to the appropriate congressional committees a detailed plan for such relocation, including cost estimates. No funds may be made available for such relocation unless explicitly provided in an appropriation Act or pursuant to a reprogramming notification.

Subtitle D—Government Employees and Government Operations

SEC. 6401. UNIFORM PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS AND CIVIL SERVICE EMPLOYEES.

(a) CALENDAR YEAR 1994.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost-of-living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) LIMITATION OF FUTURE ADJUSTMENTS.—Effective as of December 31, 1994, paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 is amended—

(1) by striking "(2) Effective" and inserting "(2)(A) Subject to subparagraph (B), effective"; and

(2) by adding at the end the following:

"(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule.".

SEC. 6402. LIMITATION ON ACCUMULATION OF SENIOR EXECUTIVE SERVICE ANNUAL LEAVE.

(a) IN GENERAL.—Effective on the last day of the last applicable pay period beginning in calendar year 1993, subsection (f) of section 6304 of title 5, United States Code is repealed.

(b) SAVINGS PROVISION.—Notwithstanding the amendment made by subsection (a), in the case of an employee who, on the effective date of subsection (a), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304, such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.

(c) CONFORMING AMENDMENT.—Section 6304(a) of title 5, United States Code, is amended by striking "(e), (f), and (g)" and inserting "(e) and (g)", effective as of the effective date of subsection (a).

SEC. 6403. MORATORIUM ON THE ACQUISITION OF NEW FEDERAL BUILDINGS.

(a) GENERAL RULE.—After the date of enactment of this Act and before October 1, 1998, the Administrator of General Services may not obligate any funds for construction or acquisition of any public building under the authority of the Public Buildings Act of 1959 or any other provision of law (other than a public building under construction or under contract for acquisition on such date of enactment).

(b) PUBLIC BUILDING DEFINED.—In this section, the term "public building" has the meaning such term has under the Public Buildings Act of 1959.

SEC. 6404. TERMINATION OF THE FEDERAL INFORMATION CENTER.

Effective July 1, 1994, the Federal Information Center is terminated.

Subtitle E—Energy and Commerce

SEC. 6501. ELIMINATION OF SUPERCONDUCTING SUPER COLLIDER.

(a) FUNDING PROHIBITION.—Beginning on the date of enactment of this Act, the United States may not obligate any funds for the Superconducting Super Collider described in section 7 of Appendix A to part 605 of title 10, Code of Federal Regulations.

(b) EXPENDITURE OF FUNDS PROHIBITED.—Except as provided in subsection (d), and except in the case of a contract or agreement entered into before the date of enactment of this Act, or moneys obligated prior to such date, no funds appropriated by Congress shall be expended on or after the date of enactment of this Act, in any fiscal year, in connection with the Superconducting Super Collider.

(c) CONTRACT AND AGREEMENT PROHIBITION.—Except as provided in subsection (d), beginning on the date of enactment of this Act, no department, agency, or other instrumentality of the United States, or any officer or employee of the department, agency, or instrumentality, shall enter into any contract or other agreement in connection with the Superconducting Super Collider.

(d) EXCEPTION.—Subsections (b) and (c) shall not be applicable to any funds appropriated, or any contract or agreement entered into, solely for the purpose of terminating, pursuant to this title, any action or activity involving the Superconducting Super Collider.

SEC. 6502. TERMINATION OF TENNESSEE VALLEY AUTHORITY FERTILIZER PROGRAM.

Section 5(h) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831d(h)) is amended—

(1) by striking "To establish" and inserting "(1) Subject to paragraph (2), to establish"; and

(2) by adding at the end the following new paragraph:

"(2) The board may not use Federal funds to establish or maintain the National Fertilizer and Environmental Research Center or any comparable entity.".

SEC. 6503. TERMINATION OF UNITED STATES SPACE STATION FREEDOM PROGRAM.

(a) PROHIBITION.—Beginning on the date of enactment of this Act, the United States may not obligate any funds to carry out the provisions of section 106 of the National Aeronautics and Space Administration Authorization Act of 1988 (42 U.S.C. 2451 note).

(b) EXPENDITURE OF FUNDS PROHIBITED.—Except as provided in subsection (d), and except in the case of a contract or agreement entered into before the date of enactment of this Act, or moneys obligated prior to such date, no funds appropriated by Congress shall be expended on or after the date of enactment of this Act, in any fiscal year, in connection with the United States Space Station Freedom Program.

(c) CONTRACT AND AGREEMENT PROHIBITION.—Except as provided in subsection (d), beginning on the date of enactment of this Act, no department, agency, or other instrumentality of the United States, or any officer or employee of the department, agency, or instrumentality, shall enter into any contract or other agreement in connection with the United States Space Station Freedom Program.

(d) EXCEPTION.—Subsections (b) and (c) shall not be applicable to any funds appropriated, or any contract or agreement entered into, solely for the purpose of terminating, pursuant to this title, any action or activity involving the United States Space Station Freedom Program.

SEC. 6504. TERMINATION OF GAS TURBINE-MODULAR HELIUM REACTOR PROJECT.

(a) PROHIBITION.—No appropriated funds that remain unobligated on the date of enactment of this Act shall be available for the gas turbine-modular helium reactor project (GT-MHR) (formerly known as the high temperature gas reactor).

(b) PAYMENT OF TERMINATION COSTS.—Notwithstanding subsection (a), funds that are available on the date of enactment of this Act for the gas turbine-modular helium reactor project may be obligated for the project only for payment of the costs associated with the termination of such project.

SEC. 6505. ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) IN GENERAL.—No amount of funds provided for any fiscal year may be obligated by the Secretary of Energy after the date of the enactment of this Act for the civilian portion of the advanced liquid metal reactor program, including—

(1) the program's promotion of the use of such reactors for the disposal of high-level radioactive waste; and

(2) Department of Energy support for regulatory applications to the Nuclear Regulatory Commission for design certification for advanced liquid metal reactors or related licensed facilities.

(b) PROHIBITION OF OTHER USES.—The amount of funds available on the date of the enactment of this Act for obligation for the program described in subsection (a) shall not be available for obligation by the Secretary of Energy after such date for any other purpose.

(c) EXCEPTION.—Subsections (a) and (b) shall not apply to obligations required to be incurred in terminating the program described in subsection (a).

FEINGOLD (AND OTHERS) AMENDMENT NO. 1453

Mr. FEINGOLD (for himself, Mr. DECONCINI, Mr. LAUTENBERG, Mr. KOHL, Mr. DURENBERGER and Mr. WELLSTONE) proposed an amendment to the bill H.R. 2759, supra; as follows:

Strike out chapter 3 of title I.

DURENBERGER AMENDMENT NO. 1454

Mr. DURENBERGER proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. CREATION OF NATURAL DISASTER RELIEF TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end the following new section:

"§ 1115. Natural Disaster Relief Trust Fund

"(a) ESTABLISHMENT.—There is established a separate account in the Treasury, known as the 'Natural Disaster Relief Trust Fund', into which shall be deposited an amount equal to the average annual amount expended by the Federal Government for natural disaster relief during the preceding 5 full fiscal years (as determined under subsection (b)).

"(b) DETERMINATION OF AMOUNT.—The President shall submit with the President's fiscal year budget (beginning with the budget for fiscal year 1995) an estimate of the average annual cost to the Federal Government of providing assistance to State and local governments and private entities in recovering from natural disasters during the 5 full fiscal years preceding the submission of the budget.

"(c) TRANSFER.—

"(1) On the first day of each fiscal year, there shall be transferred from the general fund to the Natural Disaster Relief Trust Fund the amount necessary to bring the amount on deposit in the fund up to the amount determined under subsection (b).

"(2) The amounts in the Natural Disaster Relief Trust Fund may be appropriated exclusively for disaster relief.

"(d) Budget Treatment.—Notwithstanding any other provision of law—

"(1) amounts transferred pursuant to subsection (c)(1) shall be treated as discretionary appropriations for the fiscal year in which the transfer is made; and

"(2) appropriations under subsection (c)(2) (not to exceed the balances of the Natural Disaster Relief Trust Fund and amounts of outlays that flow through budget authority actually appropriated) shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.".

(b) LISTING OF THE NATURAL DISASTER RELIEF TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Natural Disaster Relief Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Natural Disaster Relief Trust Fund, including a separate statement of amounts in that Trust Fund.".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office

Building, on Thursday, February 24, 1994, to receive testimony on S. 1824, the Legislative Reorganization Act of 1994. This hearing is limited to Senators and will be general in nature. It is the first in a series of hearings on this legislation. Subsequent hearings will be held on specific proposals contained in S. 1824.

Senators who wish to appear as a witness or to submit a statement for the record should have their staffs contact Carole Blessington of the Rules Committee staff on x40278. For further information regarding this hearing, please contact Ms. Blessington.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Thursday, March 3, 1994, to received testimony and view demonstrations on emerging and current state-of-the-art technology which may have an impact on the future operations of the Senate.

For further information regarding this hearing, please contact Bob Harris of the Rules Committee staff on 202-224-0285.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, February 9, 1994, after the first vote, to hold a business meeting to vote out the nomination of Frederick G. Slabach to be Assistant Secretary of Congressional Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 9, 1994, at 9:30 a.m., in open session to consider certain pending military nominations, including Vice Admiral William A. Owens, USN, to be the Vice Chairman of the Joint Chiefs of Staff and Lieutenant General Barry R. McCaffrey, USA, to be the Commander in Chief, United States Southern Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on the nomination of Ann Brown to be Commissioner and Chairman of the Consumer Product Safety Commission on Wednesday, February 9, 1994, beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from CBO Director Robert Reischauer regarding the administration's health care reform proposal; and further that the committee be permitted to meet immediately following the conclusion of Dr. Reischauer's testimony to hear and consider the nomination of Mary Ellen Withrow to be Treasurer of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, February 9, 1994, at 10:30 a.m. to conduct a business meeting to vote on pending nominations and a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, February 9, for a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, February 9, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on OSHA Reform, during the session of the Senate on February 9, 1994, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on VA participation in State health care programs at 2 p.m. on Wednesday, February 9, 1994. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on East Asia and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, February 9, 1994, at 3 p.m. to hold a hearing on the post-embargo status of Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Ocean and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, February 9, 1994, at 2 p.m. to hold a hearing on the foreign aid reform proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, February 9, 1994, at 10:30 a.m., to hold a hearing on "The Gang Problem in America: Formulating an Effective Federal Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SCHOOL-TO-WORK

THE PRESSLER AMENDMENT

• Mr. DORGAN. Mr. President, I am happy to cosponsor Senator PRESSLER'S amendment to S. 1365, the school-to-work bill. This amendment will help address the unique needs of students from America's rural States.

Mr. President, throughout my congressional career I have generally supported Federal assistance for our Nation's educational system, and will continue to do so. However, I am concerned that, all too often, Federal education programs do not address the unique needs of students from rural States.

The legislation before us is an example of this problem. S. 1365 provides for a 10 percent set-aside for "high poverty areas" that have an unemployment rate of at least 30 percent. By focusing solely on unemployment figures, this set-aside would exclude many hard-pressed areas in States like North Dakota.

While many areas of my State may not have a 30 percent unemployment rate, the distress of economic hard times manifests itself in other ways. For example, a number of counties in North Dakota are experiencing an out-migration of over 60 percent of young adults between the ages of 20 and 29. Instead of a high unemployment rate, out-migration creates social and economic stress from the loss of some of the most productive, hard working people in the Nation. In other words, when jobs fade away, many young North Dakotans simply move away to find work.

This amendment will address this problem by broadening the 10 percent set-aside for high poverty areas to include States with low population densities. It will authorize funding for a model school-to-work program for rural America, which is being developed by a consortium of State schools in Wyoming, Iowa, North Dakota, South Dakota, and Montana. The development of this model will require educators and business leaders to develop a school-to-work training program that tackles the particular needs of rural America.

Mr. President, if we really want to establish a school-to-work system that will help students enter the new economic world, we must include the real needs of rural America in that system. This amendment will further the goal, and I support it.•

GOALS 2000, S. 1150

• Mr. McCAIN. Mr. President, there are several reasons that I was not able to support the Goals 2000 legislation. While I have always been a strong supporter of education initiatives, and I believe that we should codify the six National Educational Goals initially developed under the Bush administration, important aspects of this bill are problematic.

I am very concerned with the expanded role of the Federal Government in developing educational standards, and particularly opportunity-to-learn standards. While we all want our students to satisfy high standards and have full educational opportunity, I do not believe that this is what the bill's standards will achieve. Instead, I believe that they will be a means by which the Federal Government will further impose its will on State and local governments, thereby usurping their traditional authority. I applaud the efforts of Committee members and other Senators to ensure that the standards are purely voluntary. However, the practical effect will be that States will feel compelled to adopt the standards in order to receive the bill's grant funds.

The expanded Federal role in education is reflected in the new Federal Bureaucracy that is created by Goals 2000. The bill establishes several new boards to achieve its goals, including the National Education Goals Panel, the National Education Standards and Improvement Council, and the National Skill Standards Board. We already have an enormous taxpayer-funded Department of Education that, in consultation with State and local agencies and organizations, is fully capable of conducting the tasks that these boards must now do. I believe that we should be empowering families and local school boards, rather than building additional remote Federal bureaucracies. Despite several amendments intended to maintain local control, I continue to be very concerned that Goals 2000 will have the practical effect of limiting the autonomy of localities in making decisions concerning their educational standards and methodologies.

During the amendment process, Goals 2000 increased substantially in its cost to the taxpayer, by about twofold. This does not even include the small, though symbolically significant, unfunded State and local mandates included in the bill, such as unfunded requirements to provide information to the Department of Education. States and localities are already unduly burdened by unfunded Federal requirements. I believe that we can achieve the goals of this legislation without the loss of local autonomy, the increased bureaucracy, or the unnecessary and unfunded costs. For these reasons, I decided to vote against the bill.•

CONFIRMATION OF LARRY LAWRENCE TO BE U.S. AMBASSADOR TO SWITZERLAND

• Mr. DECONCINI. Mr. President, I am pleased the Senate acted yesterday to confirm Larry Lawrence to be U.S. Ambassador to Switzerland. I believe Mr. Lawrence has qualifications which will serve him well as Ambassador including his highly successful business career, his extensive involvement with civic and philanthropic organizations and his active interest and involvement in foreign affairs issues.

Our country can be justifiably proud of its foreign service officers—a group of highly intelligent and competent public servants. I have stated previously on the Senate floor when speaking of nominees of both parties, however, that we cannot fill ambassadorial positions solely with foreign policy experts or the people from foggy bottom.

During the recent consideration of the State Department authorization bill, some Members of this body expressed their view that we need to ensure that the State Department promotes American interests abroad. Who better for this role than Mr. Lawrence? First, he has had a highly successful business career in the hotel business as well as in commercial and residential real estate development. He has been CEO or director of a number of corporations and he has experience in finance, banking, and international trade. Second, he has a familiarity with Switzerland. He has travelled to Switzerland many, many times and has many business contacts in the country. Third, Mr. Lawrence enjoys the personal friendship of the President which not only assures the President that his policies are being implemented but will also be valued by the Swiss. Mr. Lawrence's qualifications will help ensure the promotion of our country's interests abroad, particularly in a country like Switzerland where our relationship is mainly commercial. In an era when promoting American business interests abroad is an increasingly important part of our foreign policy, Mr. Lawrence's business success and business contracts are vital to promoting these goals.

This certainly is not the first this body has raised concerns over nominees whose credentials in international affairs have been questioned. As I have stated, I reject the idea that people successful in other walks of life do not make fine appointments. Indeed, many nominees who were challenged on the basis of being political appointments have turned out to be outstanding diplomats.

Anthony Motley was considered to be just another political appointee when he went through the confirmation process in 1981 to be Ambassador to Brazil. Mr. Motly had no prior experience in foreign policy and had strongly backed Ronald Reagan's campaigns. Mr. Motly was recognized as an extraordinary Ambassador not only by Brazilians but also by traditional diplomats in his own Embassy. His service as Ambassador earned him an appoinment to be Assistant Secretary of State for Latin American Affairs in the Reagan administration.

Another example is Clara Booth Luce. A well-known playwright and politician, her appointment was similarly questioned because of her past assistance and support for the Republican Party. A Washington Post editorial summed up her tenure:

> When she began her post in Rome more than 3 years ago, she had to combat Italian fears and suspicions of a woman ambassador and amateur diplomat. When she left, she had the respect and admiration of the Italian people, if not always their agreement.

Clearly, we must not discount individuals simply because they are not policy wonks, but are otherwise successful.

But while some have said that Mr. Lawrence lacks foreign policy credentials, I want to point out that he has had a long and active interest in foreign affairs which is shown by his service in groups focussing on international affairs. He was a founding member of the San Diego World Affairs Council as well as the School of International Relations at the University of

California at San Diego. San Diego Mayor Susan Golding wrote to Senator PELL on November 17, 1993,

> I have relied on his expertise as a businessman in my interaction with Pacific Rim countries and the Mexican government. He was instrumental in facilitating international and regional cooperation between the City of San Diego, the City of Tijuana and the State of Baja California.

The Senate plays an important part in the confirmation process through its constitutional role of advice and consent. This is a case, however, where the President should be allowed his discretion to choose whom I believe will make a fine Ambassador to Switzerland. He is one of California's most successful businessmen, he has a strong and extensive history of involvement in community affairs and he has a close relationship to the President. I think he has the credentials which will ensure his success as Ambassador to Switzerland and I am pleased the Senate has acted to confirm Mr. Lawrence.•

RULES OF PROCEDURE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

• Mr. RIEGLE. Mr. President, as chairman of the Senate Banking, Housing, and Urban Affairs Committee for the 103d Congress, 2d session, I ask that a copy of the committee rules be included in the RECORD as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

[Adopted in executive session, January 21, 1993]

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in the Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. . . . This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to markup a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcomittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote or the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE. 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

Rule XXV, standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

TRIBUTE TO SHERIFF DON OMODT

● Mr. WELLSTONE. Mr. President, I rise to pay tribute to a distinguished Minnesotan. He is Don Omodt, Hennepin County Sheriff. Sheriff Omodt has had a long career in law enforcement and is retiring on February 19, 1994.

He has served as Hennepin County Sheriff for 28 years since he was first elected in 1966. Don's late father, Detective Hugh M. Omodt was a member of the St. Paul Police Department and today Don's oldest son, Chris, a Hennepin County deputy sheriff, carries on the proud tradition of serving in law enforcement.

Don graduated from the FBI Academy in 1956 and received his juris doctor from the William Mitchell College Law and his B.S.L. and LL.B. with honors from the Minneapolis College of Law. He was with the Federal Bureau of Investigation for 7 years and served as Assistant Hennepin County Attorney for 7 years. An instructor in criminal and constitutional law and police related subjects at Normandale Community College for 14 years, he taught for 17 years at police training schools.

Well respected in the community, Don is a member of many professional and business and civic organizations. Under his leadership, the Hennepin County Sheriff's Department has been accredited in three major national areas and is the only sheriff's department in Minnesota that has achieved this distinction. They include the Commission on Accreditation for Law Enforcement Agencies, the Commission on Accreditation for Correction, and the National Commission on Correctional Health Care.

Sheriff Omodt has diligently worked over the years to protect the lives and property of the citizens of Hennepin County, MN by confronting many law enforcement challenges. I commend his years of dedicated and exemplary service and let me say that all of us owe him a debt of gratitude.

As Don commemorates this significant milestone, it is indeed an honor for me to join his wife Helen Ann and his eight children, his many friends, and colleagues in wishing him all the best for a well-deserved, happy and healthy retirement.•

CBO REPORT ON THE CLINTON HEALTH CARE PLAN

• Mr. McCAIN. Mr. President, I am pleased that the Congressional Budget Office has maintained its credibility as an objective nonpartisan agency in its report assessing the Clinton health reform plan. The report concludes that the plan will increase the Federal deficit by over $74 billion from 1995–2000, contradicting the administration's contention that it will decrease the deficit by $58 billion over that period. The report therefore supports what we have been saying all along—that the President's plan is inadequately financed. It will harm our economy.

I am particularly pleased that the CBO report recognizes that truth-in-budgeting requires that the Clinton plan must be considered on-budget. If not, the American people would not have an accurate assessment of the economic effect of the plan. The report concludes that our Government will grow by about 20 percent as a result of the Clinton plan. It confirms what should be very clear—that, when the Government requires private entities to pay health insurance premiums, this is effectively a tax that must be considered as part of the Federal budget.

Yet, President Clinton dismisses the CBO treatment of his plan as a gimmick by policy experts, and says that "No serious person out here in the real world will be troubled by it." Well, many of my constituents in Arizona are very troubled by his proposed enormous and unprecedented growth in Government and the Federal debt. I am offended that the President does not consider them, or millions of other Americans who disagree with his approach, "serious people." If anything, it is the President and his administration who are out of touch with serious real world people who believe that big Government is not the answer to our Nation's problems and that we must live within our means.

There are aspects of the CBO report with which I differ. For example, I do not agree with the characterization that the difference between its deficit projection and the administration's projection is relatively "small." A difference of $132 billion is not small. Similarly, I do not agree that the overall economic impact of the plan "might not be large." You cannot impose the equivalent of a large new payroll tax accompanied by a large increase in the deficit without adversely affecting the economy and employment. However, overall, the CBO should be commended for not caving in to administration pressure in its analysis of the Clinton plan.

I hope that this CBO report marks the beginning of an honest, real world debate on the merits of different approaches to health care reform. Such a debate will demonstrate to the American people that our Republican market-oriented approach to reform will be best for our country.•

TAXPAYERS OF THE FUTURE

• Mr. D'AMATO. Mr. President, I rise today to discuss the long-term impact of deficit spending.

Next year, the Federal Government will spend $165 billion more than it takes in. It's losing money every year, and piling the deficits onto our already enormous national debt.

The President's proposed health care plan will add a huge new bureaucracy that will add hundreds of billions of dollars more to our national debt. Indeed, our spending on entitlement programs is out of control.

And who winds up stuck with the check? Who pays off the debt? Not you and I. No. The people stuck with the bill are my grandchildren and your grandchildren, and their children—they will have to pay our bills.

That is just wrong. It is time to cut spending and balance the budget. Our grandchildren cannot afford for us not to.

Mr. President, I would also like to ask that an article from today's New York Post entitled, "Taxpayers of Future Face 82% Wallop," be placed in the RECORD following my remarks. I think this article illustrates clearly how tax burdens for our next generations will get higher and higher, and worse and worse.

The article follows:

TAXPAYERS OF FUTURE FACE 82% WALLOP—NIGHTMARE FOR NEXT GENERATION

(By Jonathan Karl)

Americans born after 1992 will be saddled with a whopping 82 percent tax rate, according to a little-noticed appendix in President Clinton's 2,038-page budget.

The appendix, entitled "Generational Accounting," looks at what each generation can expect to pay in average net lifetime tax rates.

It tells a startling story of lifetime tax rates getting higher for each generation—and shows that Clinton's budget continues a trend that threatens to turn future generations into indentured servants to the national debt.

Americans born in 1900, for example, faced an average net tax rate of 23.6 percent over the course of their working lives, while those born in 1940 can expect to pay 31.9 percent.

For those born in 1970, the average rate climbs to 36.5 percent.

Lawrence Kotlikoff, a Boston University economist who helped devise the generational-accounting section, says the first to feel the squeeze will be the baby-boom generation, born between 1941 and 1961.

"Baby-boomers can anticipate substantial benefits cuts and tax hikes if we continue with the present level of government spending," he said.

But the dire news is for Americans born after 1992.

The burden of an aging population, runaway government spending and a huge national debt will leave them with an average net tax rate of 82 percent.

Net taxes represent federal, state and local taxes paid minus direct benefits received.

"The reality is that we are bankrupting the next generation," Kotlikoff told The Post.

He called the generational-accounting section the most important part of the budget.

"It says that we are producing a fiscal disaster for our kids and our future kids," he said.

Kotlikoff said the cause of the coming "generational nightmare" is the unwillingness to confront "the coming crises in America's out-of-control entitlement programs." Republican Presidents Reagan and Bush also failed to control these programs.

The two largest entitlement programs—Social Security and Medicare—represent 37.6 percent of the proposed 1995 budget.

"The Clinton budget leaves entitlement programs untouched," said Minnesota Rep. Tim Penny, a Democrat. "And it is impossible to deal with the deficit without attacking entitlement spending."

But the generational-accounting numbers have been buried amid press reports about Clinton's "lean" budget, praise for "tough choices," and bipartisan complaints about cuts in politicians' pet programs.

Sen. Jim Sasser (D-Tenn.) expressed the widespread view that the spending plan is "one of the most penny-pinching budgets we've seen."

And the administration has sought to focus attention on the short-term "good news" that next year's annual deficit, at $165 billion, will be slightly less than this year's.

In presenting his budget, Clinton boasted, "It will be the first time deficits have declined for three years running since Harry Truman occupied the Oval Office."

But Rep. John Kasich (R-Ohio) said, "To say that a $165 billion deficit is a reason to pop the champagne corks shows we are almost anesthetized by deficits now."

Kotlikoff said the long-range numbers make it clear that the annual deficits show merely how much the government is adding to the debt in the short term.

As Clinton "cuts" the deficit, he follows Reagan and Bush in pushing up the national debt.

His budget proposal would cause the national debt to soar from $4.35 trillion to $6.3 trillion by 1999.

But for now, even most Republicans grudgingly credit Clinton for "deficit reduction."

Instead of attacking Clinton based on the generational-accounting data, Republicans like Rep. Dan Coats (R-Ind.) complain that Clinton has cut military spending "too far and too fast."

In light of the long-range news, Penny is not impressed with Clinton's new deficit numbers.

"It's all tactical. [The administration] just wants to get the deficit out of the news so they won't have to deal with it as they proceed with health care,"he told The Post.

Penny said he would fight for deep cuts in entitlements during the coming budget battle. But it won't be easy.

"It's a tough sell," he said. "Budget-cutters have to point to the long-term crisis, but most politicians are notoriously shortsighted."

Kotlikoff pointed to another problem. "The people who are really going to get hurt are either too young to vote or simply not born yet.●

EXECUTIVE SESSION

Mr. LEVIN. I now ask unanimous consent that the Senate proceed to executive session to consider the military nominations reported today by the Committee on Armed Services, and I ask further unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Colonel James A. Lassart, USAR to be brigadier general (Reference No. 884).

In the Army there are 18 promotions to the grade of colonel (list begins with Garth K. Chandler) (Reference No. 885).

In the Marine Corps there is 1 appointment to the grade of colonel (Guy B. Roberts) (Reference No. 886).

In the Marine Corps Reserve there is 1 appointment to the grade of colonel (James R. Sandberg) (Reference No. 887).

In the Marine Corps there are 5 appointments to the grade of lieutenant colonel (list begins with William F. Campbell) (Reference No. 888).

In the Marine Corps Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Wallace J. Huggins, Jr.) (Reference No. 889).

In the Marine Corps there are 6 appointments to the grade of major (list begins with Kelly D. Cross) (Reference No. 890).

In the Navy there is 1 promotion to the grade of commander (Charles M. Clopton) (Reference No. 891).

In the Navy there is 1 promotion to the grade of lieutenant commander (Floyd A. Doughty) (Reference No. 892).

In the Navy there are 42 appointments to the grade of lieutenant (junior grade) and below (list begins with Dwayne Lindsey) (Reference No. 893).

In the Navy and Naval Reserve there are 37 appointments to the grade of commander and below (list begins with Steven Harlow Demoss) (Reference No. 894).

In the Navy and Naval Reserve there are 30 appointments to the grade of commander and below (list begins with William J. Kramer) (Reference No. 895).

In the Navy there are 289 appointments to the grade of lieutenant (list begins with Johnny R. Adams) (Reference No. 896).

In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Noel B. Bergeron) (Reference No. 944).

In the Army Reserve there are 35 promotions to the grade of colonel and below (list begins with Roger H. Blythe) (Reference No. 945).

In the Army there are 52 appointments to the grade of colonel and below (list begins with Marilyn H. Brooks) (Reference No. 946).

In the Navy and Naval Reserve there are 27 appointments to the grade of commander and below (list begins with Anthony M. Ellis) (Reference No. 947).

In the Navy and Naval Reserve there are 18 appointments to the grade of commander and below (list begins with Thomas D. Barber) (Reference No. 948).

In the Navy and Naval Reserve there are 48 appointments to the grade of commander and below (list begins with Mark R. Asuncion) (Reference No. 949).

General George L. Butler, USAF to be placed on the retired list in the grade of general (Reference No. 991).

Lieutenant General Barry R. McCaffrey, USA to be general (Reference No. 992).

Brigadier General Robert L. DeZarn, USANG to be major general (Reference No. 993).

Colonel Harry I. Waddle, USAR to be brigadier general (Reference No. 996).

Rear Admiral Richard C. Allen, USN to be vice admiral (Reference No. 997).

Rear Admiral (lower half) Arthur K. Cebrowski, USN to be vice admiral (Reference No. 1015).

In the Air Force there are 17 appointments to the grade of second lieutenant (list begins with Shawn M. Baker) (Reference No. 1017).

In the Army Reserve there are 7 appointments to the grade of colonel and below (list begins with James A. Breitweser) (Reference No. 1018).

In the Army there are 40 appointments to the grade of lieutenant colonel (list begins with John H. Belser) (Reference No. 1019).

In the Marine Corps there is 1 promotion to the grade of colonel (John A. Tempone) (Reference No. 1020).

In the Marine Corps there are 265 appointments to the grade of captain and below (list begins with Karl E. Altergott) (Reference No. 1021).

In the Air Force Reserve there are 17 appointments to the grade of major general and below (list begins with Almon B. Ballard) (Reference No. 1062).

Admiral David E. Jeremiah, USN to be placed on the retired list in the grade of admiral (Reference No. 1065).

Admiral William A. Owens, USN to be Vice Chairman of the Joint Chiefs of Staff and for reappointment to the grade of Admiral (Reference No. 1066).

In the Navy there are 464 appointments to the grade of commander and below (list begins with Lawrence A. Burnett) (Reference No. 1068).

In the Air Force Reserve there are 220 promotions to the grade of colonel (list begins with Ronald H. Allen) (Reference No. 1069).

In the Air Force there are 1,799 promotions to the grade of lieutenant colonel (list begins with Joseph A. Abbott) (Reference No. 1070).

In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Joseph J. Kahoe) (Reference No. 1081).

In the Navy there are 7 promotions to the grade of captain (list begins with Peter L. Fagan) (Reference No. 1083).

In the Navy there are 2 promotions to the grade of commander (list begins with Peter Michael Hyers) (Reference No. 1084).

In the Navy there are 271 appointments to the grade of captain and below (list begins with Robert O. Ward) (Reference No. 1085).

In the Army Reserve there are 408 promotions to the grade of colonel (list begins with Harry E. Ackroyd) (Reference No. 1086).

In the Air Force there are 1,031 appointments to the grade of second lieutenant (list begins with John T. Aalborg Jr.) (Reference No. 1087).

In the Air Force Reserve there are 17 promotions to the grade of lieutenant colonel (list begins with Andrew P. Brakora) (Reference No. 1098).

In the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with Dwight D. Duckett) (Reference No. 1099).

In the Navy there are 397 appointments to the grade of lieutenant (list begins with Daniel A. Abrams) (Reference No. 1101).

In the Army Lieutenant General Neal T. Jaco, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1105).

In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with William P. Albro) (Reference No. 1108).

In the Air Force Reserve there are 17 promotions to the grade of lieutenant colonel (list begins with Daniel A. Bechdolt) (Reference No. 1109).

In the Navy there are 177 appointments to the grade of ensign (list begins with Mark T. Adamy) (Reference No. 1111).

In the Navy there are 572 appointments to the grade of commander and below (list begins with Mary C. Jacobsen) (Reference No. 1112).

In the Navy there are 1,164 appointments to the grade of ensign (list begins with Jeffrey M. Abbruzzi) (Reference No. 1113).

Vice Admiral Henry G. Chiles, Jr., USN, to be admiral (Reference No. 1115).

In the Army there are 2 appointments to the grade of lieutenant colonel and below (list begins with Marshall R. Cox) (Reference No. 1121).

In the Navy there are 6 promotions to the grade of captain and below (list begins with Kris Timerman Ackerbauer) (Reference No. 1122).

In the Army Reserve there are 1,610 promotions to the grade of lieutenant colonel (list begins with Michael S. Abbott) (Reference No. 1123).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AUTHORIZATION FOR SENATE LEGAL COUNSEL REPRESENTATION

Mr. LEVIN. Madam President, on behalf of the majority leader and the Republican leader, I send a resolution to the desk authorizing the Senate legal counsel to represent the Office of Senate Fair Employment Practices in a case in the U.S. Court of Appeals and ask unanimous consent that the Senate proceed to its immediate consideration; that the resolution be adopted; that the preamble be agreed to; that

the motion to reconsider be laid upon the table; that a statement by the majority leader be placed in the report at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, in title III of the Civil Rights Act of 1991, the Congress created a process for the adjudication of employment discrimination claims with respect to Senate employment. Following an effort to resolve grievances through counseling and mediation, the process involves three levels of adjudication. The first stage is adjudication before an independent hearing board appointed by the Director of the Office of Senate Fair Employment Practices. The second stage is appellate review of the hearing board decision by the Ethics Committee, following which a final decision is entered in the records of the Office of Senate Fair Employment Practices. The entry of a final decision in that office paves the way for the third and final stage, which is judicial review of the final Senate decision by the U.S. Court of Appeals for the Federal Circuit.

Betty Johnson versus Office of Senate Fair Employment Practices is the first case to reach the judicial review stage of the process created by title III to resolve claims of discrimination in Senate employment. The petitioner, who has been employed by the Architect, is covered by title III because she is assigned to the Superintendent of the Senate Office Buildings. She is seeking review of a final decision holding that she neither proved discrimination on the basis of religion in being denied a promotion, nor proved discrimination on the basis of sex in being denied overtime opportunities.

Under the procedures created by title III, the Office of Senate Fair Employment Practices is required by law to be the respondent in all appeals from final decisions in Senate fair employment proceedings. The Office of Senate Fair Employment Practices itself does not adjudicate any cases. Rather, cases are adjudicated by independent hearing boards and subsequently reviewed by the Ethics Committee. However, when a decision has been reviewed by the Ethics Committee, whatever the outcome, the statute requires that the decision be entered in the records of the Office of Senate Fair Employment Practices as the final decision in the matter.

Because a petition to the Federal Circuit under title III challenges a final decision of a Senate adjudicatory process, under title III the Senate may authorize the Senate legal counsel to defend that decision through representation of the Office of Senate Fair Employment Practices in court (2 U.S.C. 1203(f).

Accordingly, this resolution would authorize the Senate legal counsel to represent the Office of Senate Fair Employment Practices in Betty Johnson versus Office of Senate Fair Employment Practices.

The resolution was considered and agreed to.

The resolution (S. Res. 180), with its preamble, is as follows:

S. RES. 180

Whereas, in the case of *Betty Johnson* v. *Office of Senate Fair Employment Practices*, No. 94-6002, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §§288, *et seq.*;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Betty Johnson* v. *Office of Senate Fair Employment Practices*.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Illinois, Ms. MOSELEY-BRAUN, to read Washington's Farewell Address on Tuesday, February 22, 1994.

Mr. LEVIN. I cannot think of a better choice, Madam President.

CONFEREES FOR H.R. 2333, THE FOREIGN RELATIONS AUTHORIZATIONS ACT

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN), pursuant to the order of February 2, 1994, appointed Senators KERRY of Massachusetts, PELL, BIDEN, SARBANES, DODD, SIMON, MOYNIHAN, HELMS, LUGAR, KASSEBAUM, PRESSLER, MURKOWSKI, and BROWN conferees on the part of the Senate.

ORDERS FOR TOMORROW

Mr. LEVIN. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 o'clock, Thursday, February 10, and that following the prayer the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each with the time from 9 a.m. until 9:30 a.m. under the control of the Republican leader or his designee; that the time from 9:30 a.m. until 10 a.m. be under the control of the majority leader or his designee; and, that at 10 a.m. the Senate resume consideration of H.R. 3759, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. LEVIN. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:07 p.m., recessed until tomorrow, Thursday, February 10, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 9, 1994:

THE JUDICIARY

GUIDO CALABRESI, OF CONNECTICUT, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE THOMAS J. MESKILL, RETIRED.

ROBERT HARLAN HENRY, OF OKLAHOMA, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE WILLIAM J. HOLLOWAY, JR., RETIRED.

FRANK M. HULL, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE MARVIN SHOOB, RETIRED.

W. LOUIS SANDS, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

NATIONAL LABOR RELATIONS BOARD

CHARLES I. COHEN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 1996, VICE MARY CRACRAFT, TERM EXPIRED.

DEPARTMENT OF JUSTICE

RAYMOND GERARD GAGNON, OF NEW HAMPSHIRE, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF 4 YEARS, VICE ROBERT F. GILBERT.

SHELDON WHITEHOUSE, OF RHODE ISLAND, TO BE U.S. ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF 4 YEARS, VICE LINCOLN C. ALMOND, RESIGNED.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ANTHONY A. LESS, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE NAVY AND REAPPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5148(B):

To be judge advocate general of the Navy

To be rear admiral

READ ADM. HAROLD E. GRANT, [redacted] JUDGE ADVOCATE GENERAL'S CORPS, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5149(A):

To be deputy judge advocate general of the Navy

To be rear admiral

CAPT. CARLSON. M. LEGRAND, [redacted] JUDGE ADVOCATE GENERAL'S CORPS, U.S. NAVY.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 1994:

DEPARTMENT OF DEFENSE

THE FOLLOWING—NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 154 AND 601:

To be Vice Chairman of the Joint Chiefs of Staff

To be admiral

ADM. WILLIAM A. OWENS, [redacted] U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. GEORGE L. BUTLER, [redacted] U.S. AIR FORCE.

THE FOLLOWING—OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. ALMON B. BALLARD, [redacted] AIR FORCE RESERVE.
BRIG. GEN. WILLIAM A. COHEN, [redacted] AIR FORCE RESERVE.
BRIG. GEN. WALTER J. GILLER, JR. [redacted], AIR FORCE RESERVE.
BRIG. GEN. JOHN M. MILLER, [redacted] AIR FORCE RESERVE.
BRIG. GEN. FRANK D. WATSON, [redacted] AIR FORCE RESERVE.

To be brigadier general

COL. BOYD L. ASHCRAFT, [redacted] AIR FORCE RESERVE.
COL. JOHN J. BATBIE, JR., [redacted] AIR FORCE RESERVE.
COL. WINFRED N. CARROLL, [redacted] AIR FORCE RESERVE.
COL. DENNIS M. GRAY, [redacted] AIR FORCE RESERVE.
COL. JAMES E. HAIGHT, JR., [redacted] AIR FORCE RESERVE
COL. JOSEPH A. MCNEIL, [redacted] AIR FORCE RESERVE.
COL. GRANT R. MULDER, [redacted] AIR FORCE RESERVE.
COL. JOSEPH H. PENKAUL, [redacted] AIR FORCE RESERVE.
COL. DAVID B. POYTHRESS, [redacted] AIR FORCE RESERVE.
COL. RICHARD S. RITCHIE, [redacted] AIR FORCE RESERVE.
COL. DAVID S. SIBLEY, [redacted] AIR FORCE RESERVE.
COL. ROBERT B. STEPHENS, [redacted] AIR FORCE RESERVE.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371, AND 3384:

To be brigadier general

COL. JAMES A. LASSART [redacted].

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. BARRY R. MCCAFFREY, [redacted] U.S. ARMY.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385, AND 3392:

To be major general

BRIG. GEN. ROBERT L. DEZARN, [redacted].

THE FOLLOWING U.S. ARMY RESERVE OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371, AND 3384:

To be brigadier general

COL. HARRY I. WADDLE, [redacted].

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST N THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. NEAL T. JACO, [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RICHARD C. ALLEN, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (1H) ARTHUR K. CEBROWSKI, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. DAVID E. JEREMIAH, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. HENRY G. CHILES, JR., [redacted] U.S. NAVY.

IN THE ARMY

ARMY NOMINATIONS BEGINNING GARTH K. CHANDLER, AND ENDING MICHAEL D. WARREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

GUY B. ROBERTS, [redacted]

THE FOLLOWING-NAMED OFFICER OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

JAMES R. SANDBERG, [redacted]

MARINE CORPS NOMINATIONS BEGINNING WILLIAM F. CAMPBELL, AND ENDING JAMES H. O'DONNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

MARINE CORPS NOMINATIONS BEGINNING WALLACE J. HUGGINS, JR., AND ENDING CHARLES W. STRONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

MARINE CORPS NOMINATIONS BEGINNING KELLY D. CROSS, AND ENDING ROBERT E. TURNER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

JUDGE ADVOCATE GENERAL'S CORPS

To be commander

CHARLES M. CLOPTON

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be lieutenant commander

FLOYD A. DOUGHTY

NAVY NOMINATIONS BEGINNING DWAYNE LINDSEY, AND ENDING SCOTT Y. YAMAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

NAVY NOMINATIONS BEGINNING STEVEN HARLOW DEMOSS, AND ENDING PATRICK M. MCQUILLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

NAVY NOMINATIONS BEGINNING WILLIAM J. KRAMER, AND ENDING JAMES B. ANNIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

NAVY NOMINATIONS BEGINNING JOHNNY R. ADAMS, AND ENDING KEVIN D. STAMPHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 18, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING NOEL B. BERGERON, AND ENDING *SHEILA J. THURBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1993.

ARMY NOMINATIONS BEGINNING ROGER H. BLYTHE, AND ENDING KAREN A. SMELTZER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1993.

ARMY NOMINATIONS BEGINNING MARILYN H. BROOKS, AND ENDING DAVID W. WHITMIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1993.

IN THE NAVY

NAVY NOMINATIONS BEGINNING ANTHONY M. ELLIS, AND ENDING PAULETTE R. NESHIEM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1993.

NAVY NOMINATIONS BEGINNING THOMAS D. BARBER, AND ENDING DENNIS A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1993.

NAVY NOMINATIONS BEGINNING MARK R. ASUNCION, AND ENDING JANE D. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1993.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING SHAWN M. BAKER, AND ENDING CARL D. TERNES, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1994.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAMES A. BREITWESER, AND ENDING STEPHEN W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1994.

ARMY NOMINATIONS BEGINNING *JOHN H. BELSER, AND ENDING STEPHANIE WILLSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1994.

IN THE MARINE CORPS

THE FOLLOWING-NAMED LIEUTENANT COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF COLONEL, UNDER THE PROVISIONS OF SECTION 628 OF TITLE 10, UNITED STATES CODE:

LT. COL. JOHN A. TREMPONE, [redacted]

MARINE CORPS NOMINATIONS BEGINNING KARL E. ALTERGOTT, AND ENDING DAVID C. FADDEN, SR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1994.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING RONALD H. ALLEN, AND ENDING RICHARD D. WHEATLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 1994.

AIR FORCE NOMINATIONS BEGINNING JOSEPH A. ABBOTT, AND ENDING HENRY C. WOODCOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 1994.

AIR FORCE NOMINATIONS BEGINNING JOSEPH J. KAHOE, [redacted] AND ENDING JESS B. PITTES, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING PETER F. FAGAN, AND ENDING CHRISTINE MARIA YUHAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 1994.

NAVY NOMINATIONS BEGINNING PETER MICHAEL HYERS, AND ENDING REEVES RAMSEY TAYLOR, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 1994.

NAVY NOMINATIONS BEGINNING ROBERT O. WARD, AND ENDING MARY K. WILCOX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 1994.

IN THE ARMY

ARMY NOMINATIONS BEGINNING HARRY E. ACKROYD, AND ENDING JOHN C. ZIMMERMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 1994.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JOHN T. AALBORG, AND ENDING WILLIAM A. ZUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. ANDREW P. BRAKORA, [redacted] AND ENDING MAJ. PETRO S. KRAFCISIN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. DWIGHT D. DUCKETT, [redacted] AND ENDING MAJ. LEE E. FREIDMAN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING DANIEL A. ABRAMS, AND ENDING LINDA M. VIGIL, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 1994.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MAJ. WILLIAM P. ALBRO, [redacted] AND ENDING MAJ. HARVEY K. YEE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. DANIEL A. BECHDOLT, [redacted] AND ENDING MAJ. TERESA M. MORRIS, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MARK T. ADAMY, AND ENDING JON F. ZREMBSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

NAVY NOMINATIONS BEGINNING MARY C. JACOBSEN, AND ENDING WILLIAM BOYD ALLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

NAVY NOMINATIONS BEGINNING JEFFREY M. ABBRUZZI, AND ENDING HARALD ZUNDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MARSHALL R. COX, AND ENDING JEFFREY J. SOLDATIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING KRIS TIMERMAN ACKERBAUER, AND ENDING JOHN H. HEALEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MICHAEL S. ABBOTT, AND ENDING RICHARD L. ZIRKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING LAWRENCE A. BURNETT, AND ENDING JOHNNY L. PHILLIPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 1994.

EXTENSIONS OF REMARKS

THE ECONOMIC OUTLOOK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 24, 1993 into the CONGRESSIONAL RECORD:

THE ECONOMIC OUTLOOK

As I travel around the Ninth District, I am frequently asked questions about the economy and the economic outlook. Hoosiers are concerned about the budget deficit, our international competitiveness, and especially the outlook for jobs. They are asking about the impact of President Clinton's economic program.

ECONOMIC OUTLOOK

In several respects, the economy has been improving.

Economic Growth: The economy expanded at a 2.8% rate during July, August, and September, after rising at a rate of only 1.3% in the first half of the year. Most analysts expect even stronger growth in the fourth quarter, to a rate of 3.5-4.0%. This would be a major and very welcome improvement in the performance of the U.S. economy.

Jobs: During recent months job growth has also strengthened. Despite widely-publicized announcements of layoffs by some large companies, U.S. businesses have actually been adding an average of 156,000 workers a month to their payrolls this year, compared to less than 35,000 a month during 1991 and 1992. Many Hoosiers are benefiting from the improved job picture. In September more than 2.8 million Hoosiers held jobs, up 200,000 from the end of 1992, and the unemployment rate in Indiana was 4.7%, two points below the national average of 6.7%.

U.S. Industry: After years of struggling, U.S. manufacturing industries seem to be making a comeback. Industrial production has risen for the last five months and is now 4.4% higher than a year ago. New orders for durable goods and business investment spending both show significant increases over last year. This growth is starting to mean new jobs. In October, factory payrolls rose 12,000, the first increase since February, while the average factory workweek has risen to record levels.

Consumer Spending and Homebuilding: A number of indicators—including retail sales and new installment debt—suggest that consumer confidence in the economy is starting to improve. Indeed, much of the strong economic growth in the third quarter came from consumer spending, which rose at an annual rate of 4.2%. One of the brightest spots in the economy is housing. New home sales rose more than 20% in September to the highest level in seven years, and housing starts are at their highest level in nearly four years.

Inflation: During the past six months, prices of most consumer goods and services have risen at an annual rate of less than 2%, the lowest inflation rate in almost 30 years. Wholesale prices have actually fallen for five of the last six months. Despite the recent pickup in economic growth, most economists believe we will have low inflation for months and even years to come.

Interest Rates: Since last November, long-term interest rates (such as the rate on a home mortgage) have declined by more than a percentage point and are now lower than they have been in more than 20 years.

The Trade Deficit: Since the mid-1970s, the U.S. has been importing more goods than it has been exporting. The trade deficit, which peaked at $152 billion in 1987, fell to $66 billion in 1991. Since then, severe recessions in Europe and Japan, two of our major trading partners, have reduced their ability to buy U.S.-made goods, raising our trade deficit to $84 billion last year and more than $100 billion this year.

The Budget Deficit: The deficit hit $290 billion in 1992, a postwar record. But stronger economic growth this year and some modest changes in economic policy reduced the deficit to $255 billion in 1993. Under the President's economic program enacted earlier this year, the deficit is projected to fall to $200 billion or even less by 1998. Additional spending reductions currently under consideration in Congress could bring the deficit down even further.

HOW MUCH OF THE GOOD NEWS IS DUE TO THE PRESIDENT'S ECONOMIC PLAN?

President Clinton's economic recovery plan has focused primarily on reducing the federal budget deficit, bringing down long-term interest rates to stimulate homebuilding and business investment, and increasing public investment in infrastructure, job training, and research and development to help make the U.S. economy more competitive. As the President rounds out his first year in office, the first two parts of the program has been substantially accomplished, but Congress rejected his call for more spending on public investment.

Certainly not every bit of good economic news can be credited to the Clinton plan, and some changes, such as the recovery from the 1990-91 recession and renewed job growth, were underway when he took office. But his efforts have led to a smaller deficit, which in turn has helped bring down long-term interest rates and stimulate major improvements in housing starts and business investment. As a result, economic growth has accelerated and job growth has improved substantially throughout the year.

HOW LONG CAN THE GOOD NEWS LAST?

Much of the answer to that depends on the strength of private business and industry in the United States. It could last for some time. But I have two concerns:

First, cuts in government spending and tax increases that reduce the deficit help the economy in the long run by freeing up resources for private investment, but they depress economic activity in the short run. The President's program included significant cuts in federal spending, both for defense and non-defense programs, which will reduce output and jobs in the affected industries. Tax increases will cut consumer spending, but that should be minimized by the concentration of new taxes among the wealthiest taxpayers. Most of the spending cuts will occur when the economy should be growing faster than it is today, so they should not hurt growth this year or next. But another round of deficit reduction that cuts too deeply, too quickly could dampen the immediate economic outlook.

Second, the strength and length of the pickup in economic activity also depends on the Federal Reserve (Fed). For the last 4½ years, the Fed has focused monetary policy on reducing inflation, and they have largely succeeded. With inflation under control, the Fed should now focus on strengthening the economy and job growth. The low interest rate policy of the past year is helping. But if fear of inflation leads the Fed to raise interest rates just as the economy starts showing stronger economic growth and job growth, I am concerned that the economy could move back into a new period of anemic growth and possibly another recession.

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT ATTORNEYS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to add a new section to the act that would require the Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department attorneys engaged in prosecutorial misconduct, corruption, or fraud.

The independent counsel provisions of the Ethics in Government Act of 1978 require the Attorney General to conduct a preliminary investigation when presented with credible information alleging criminal wrongdoing by high-ranking executive branch officials. If the Attorney General finds that further investigation is warranted or makes no finding within 90 days, the act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The act also gives the Attorney General of the United States broad discretionary authority to seek the appointment of independent counsel with regard to individuals other than high executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill would amend the act to treat allegations of misconduct, corruption, or fraud on the part of Justice Department attorneys in the same manner as allegations made against high-ranking Cabinet officials. In effect, the amendment would require the Attorney General to follow the procedures of the independent counsel law when presented with specific and credible allegations of criminal wrong-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

doing on the part of Justice Department attorneys. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department attorneys have been accused of misconduct, corruption, or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt Federal prosecutors. The Justice Department has a poor record of aggressively and objectively investigating these cases. The only way to uncover all the facts and guarantee that innocent lives are not destroyed, is to have a truly independent counsel appointed to investigate. The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. Unfortunately, there are instances where this is not always the case. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department attorneys be treated with the same seriousness as allegations made against high-ranking Cabinet officials.

The text of my bill was presented yesterday to the Rules Committee as a proposed amendment to the Independent Counsel Reauthorization Act. Unfortunately, the Rules Committee did not allow this amendment to be considered by the House. That is why I am introducing this legislation today. I hope to work with the members of the Judiciary Committee to have the measure reviewed and approved as soon as possible. I urge all of my colleagues to support this bill, the test of which is as follows:

H.R.——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.

Section 592(c) of title 28, United States Code, is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following:

"(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

"(i) attorneys of the Department of Justice have engaged in prosecutorial misconduct, corruption, or fraud, and

"(ii) further investigation.".

VIEQUES LANDS TRANSFER ACT OF 1994

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. ROMERO-BARCELÓ. Mr. Speaker, today I introduced the Vieques Lands Transfer Act of 1994. The purpose of this legislation is to authorize and direct the transfer of certain lands on the island of Vieques, PR, to the municipality of Vieques for public purposes that benefit the people of the island.

The island of Vieques is located in the Caribbean Sea, approximately 6 miles east from the eastern coast of Puerto Rico and 22 miles southwest of St. Thomas, U.S. Virgin Islands. Vieques is a long narrow island nearly 20 miles long and 4.5 miles wide at its widest point. It has an area of about 33,000 acres of 51 square miles of land and, according to the 1990 census, a population of 8,602. The island's 2 towns, Isabel Segunda and Esperanza, have populations of 1,702 and 1,656, respectively. The other residents are classified as rural inhabitants. Vieques is a civilian municipality of the Commonwealth of Puerto Rico and is divided into seven wards—barrios.

The Navy and Marine Corps conduct Atlantic Fleet training and readiness exercises at the Puerto Rico-Virgin Island complex known as the Atlantic Fleet Weapons Training Range [AFWTR]. Headquartered at Roosevelt Roads Naval Station in Ceiba, PR, the complex consists of four ranges: the inner range on the east end of Vieques; the outer range which is an easterly ocean range extending both north and south of Puerto Rico; the underwater tracking range at St. Croix, VI, and an electronic warfare range which overlaps all of the ranges.

On Vieques, but outside the inner range, is the naval ammunition facility [NAF] which occupies the entire area west of the civilian zone—approximately 8,000 acres. The Navy uses this facility for deep storage of conventional ammunition. Ships delivering the ordnance dock at Mosquito Pier, located on the northern coast of the NAF. From there, it is transported by truck to bunkers distributed throughout the NAF. Most of the ammunition is destined for off-island use by the Navy, the Marines, and the Puerto Rican National Guard. Occasionally, ammunition is transferred overland from the NAF to the ground maneuver area located east of the civilian zone. At present, training exercises are not carried out at the NAF.

Since the 1940's, when the U.S. Navy acquired 78 precent—approximately 26,000 of 33,000 acres—of Vieques' territory, the island has suffered a prolonged and ever-increasing economic crisis and a massive out-migration. From a population of around 15,000 in the 1940's, Vieques currently has 8,602 inhabitants according to the 1990 census. An unemployment rate higher than 50 percent, lack of adequate housing, health, educational facilities, and a growing crime rate are among the clearest manifestations of the critical economic situation on Vieques. According to the 1990 census the per capita income in the island was $2,997, and the Viequense families with an income below the established poverty level reached 70 percent in 1989.

Women must be flown by emergency plane to the main island of Puerto Rico to give birth due to the poor condition of Vieques' hospital. The island also suffers from the highest rate of broken families among Puerto Rico's 78 municipalities.

In the late 1970's, Viequense fishermen spearheaded a drive to stop the bombing on the island and end restrictions on fishing. Many of them were arrested.

In 1980, my colleague from California, Congressman RON DELLUMS, directed a House Armed Services Committee panel review of the naval training activities on the Island of Vieques. This panel concluded in its final report to the Committee that the Navy "should locate an alternative site" and that "[i]n the interim, the Navy should make every effort to work closely with the Commonwealth of Puerto Rico in implementing programs to alleviate the impact of its activities and in particular explore turning over additional land to the island for civilian use."

In 1983, while Governor of Puerto Rico, I signed an agreement with the Department of the Navy whereby the Puerto Rican Government agreed to drop all litigations in court against the military for ecological and economic damage on Vieques in exchange for a Navy commitment to mitigate the ecological impact of their activities and help with local economic development. All of the economic projects set up in Vieques with assistance from the Navy closed down within 1 or 2 years after initiating operations.

Lack of control of over two-thirds of the island by the municipal government is widely recognized as the principal cause of Vieques' economic and social woes. Trying to find a solution to the current problems, the local planning board and the municipal government, in close coordination with the Government of Puerto Rico and the state legislature have designed and commenced the implementation of a tourism industry strategy. But the truth of the fact is that this gloomy economic picture can only be improved if and when the municipal government of Vieques acquires sufficient lands to develop the required infrastructure for the implementation of the tourism industry strategy.

I strongly believe that this bill provides a solution that will beneficial for both the people of Vieques and the U.S. Navy, and I am hopeful that it will receive favorable congressional action at an early date.

SERVING NOTICE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. FORD of Michigan. Mr. Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice on my colleagues that I may seek less than an open rule for the consideration by the House of Representatives of the bill H.R. 6, "Improving America's Schools Act of 1994."

TRIBUTE TO TOM LEA

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. COLEMAN. Mr. Speaker, I am pleased to join the El Paso Museum of Art, the University of Texas at El Paso, and the Adair Margo Gallery in paying tribute to Tom Lea. His work as an artist and author is renown throughout the world. I recently had the opportunity to view his art featured in the permanent collection at the Pentagon, for example.

On February 19, 1994, the community of El Paso will honor Tom Lea with a reception and dinner inaugurating the exhibition "Dignity Beyond Borders: The Art of Tom Lea." I would like to include in the RECORD a brief history of Tom Lea prepared for the exhibit:

Over the last 50 years Tom Lea, 82, has become well known as a World War II artist-correspondent for *Life* magazine, a muralist, painter, historian, and novelist. A realist, Lea has painted scenes of the American Southwest, Australian ranches, Indians, pioneers, battle scenes and portraits to include portraits of Generalissimo Chiang Kai-shek and Madam Chiang.

Lea's father, Tom Lea II came to El Paso in 1901 and became the borderland's most famous trial lawyer. He served as mayor of El Paso while the Mexican Revolution was in progress. Pancho Villa put a price of a thousand gold pesos on his head in retaliation for the mayor threatening the Mexican outlaw with arrest if found in El Paso. As a result, young Tom and his brothers were escorted to school by an armed guard. Young Lea observed the Mexican Revolution from the slopes of Mt. Franklin. He saw Mexicans shooting each other and dying in the streets of Juarez. General John J. Pershing, then stationed at Fort Bliss, was a family friend who often visited the Lea home.

Tom Lea started drawing at the age of three. Art has always been his first impulse. His father wisely encouraged him to attend the Chicago Art Institute after his graduation from El Paso High School in the early 1920s. Lea also gives credit for his inspiration to his high school art teacher Gertrude Evans, and to El Paso librarian Maude S. Sullivan who had built up a fine collection of books on art and art history.

While studying at the Chicago Art Institute, Lea spent many hours in the Ryerson Library taking advantage of the wealth of art books there. As an art student in Chicago Lea developed a dislike for Bohemianism and artiness which has remained with him. His skill with pencil, pen and brush attracted the attention of a great Chicago muralist John Norton. Lea became his student, assistant, and protege. He married a fellow art student, Nancy Taylor. With money earned from a commission to design murals for the refurbishing of the Chicago "College Inn" the Leas were able to travel and study art in Paris, France and Florence, Italy. In Florence Lea was greatly impressed and influenced by the works of Delacroix and Piero della Francesca.

Soon after returning from Europe, the Leas moved from Chicago to New Mexico where they built a one-room adobe house/studio in the mountains outside Santa Fe. Lea got work as a staff artist for the Laboratory of Anthropology. Life was not easy but they enjoyed their life among the pinions and cedars. Later they moved to El Paso where Nancy died in 1936 from complications from an appendectomy.

Lea began to get mural commissions through the Federal government's Fine Arts program. His murals are in buildings such as the Washington, D.C. Post Office Department; the United States Court House building, El Paso, Texas; Post Office buildings in St. Louis, Missouri and San Antonio, Texas.

In 1938 Lea married the former Sarah Dighton Beane, a woman who through the years in her own rights and through her own works has greatly enhanced the quality of life in El Paso. Tom and Sarah Lea have one son, Jim Lea. In 1947, Lea painted a full size portrait on Sarah titled "Sarah in the Summertime". This portrait hangs in the Lea home.

Lea did illustrations for books and magazines collaborating with two men, Carl Hertzog and J. Frank Dobie, who became close friends. Illustration work has become an important part of Lea's career.

In 1941, Lea was commissioned by "Life" magazine to do a series of portraits of American soldiers. He became actively involved in World War II traveling over one hundred thousand miles in the next four years. His combat scenes showed his empathy with the American fighting man and his understanding of the hellishness of the battlefield. Of the 200 paintings that "Life" presented to the War Department from nine artists, the greatest number were by Lea. He spent time with the United States forces in England, North Africa, Italy, and China. He spent time on the aircraft carrier *Hornet* just before it was sunk and was with the assault wave of the first Marines on the island of Peleliu.

After the war "Life" commissioned Lea to another assignment on the beef cattle industry. This assignment took him into Mexico where he became interested in the "toros de lidia" or fighting bulls. From this interest came the portrait of the great Spanish matador Manolete and other works such as the crayon and pastel, "Toro Caliente"; oil on canvas "Unloading the First Cattle in North America, Vera Cruz, 1521" and his first novel "The Brave Bulls," a best seller, and made into a movie in the 1950s. Other novels followed: "The Wonderful Country," made into a movie; "The Hands of Cantu"; and "The Primal Yoke." There was also a two-volume illustrated history of the King Ranch. Several of these dozen novels were translated into other languages.

For the last 30 years Tom Lea has portrayed scenes of the Southwest; Indians, Mexicans, Spaniards, and Anglos.

He makes his home and studio in El Paso at the foot of the Franklin Mountains which has been an inspiration to him all of his life.

INTRODUCTION OF LEGISLATION TO PROVIDE DISASTER ASSISTANCE FOR TREE LOSSES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mrs. MINK. Mr. Speaker, today I am introducing a bill to correct a Department of Agriculture policy which has prevented certain farmers from receiving disaster assistance provided by the Congress for the victims of Hurricane Iniki.

Last year the Congress enacted P.L. 103–50 which sought to compensate farmers affected by Hurricane Iniki for crop losses in FY 1993, 1994 and 1995. However, contrary to the intent of the law, the Department of Agriculture initiated its own policy that payments would not be made for losses of crops grown on trees.

In other words, a farmer would be compensated for the loss of taro, potatoes, and other vegetables, but not for papayas or bananas, which are grown on trees.

It was not the intention of Congress to apply such an unfair policy which denies a certain type of farmer the much needed disaster assistance.

The result of this policy is that the papaya farmers on Kauai were denied crop assistance. Many of these farmers were not compensated for the original loss, because there were no fruit on the trees. However, papaya trees bear fruit more than once. These trees can produce for several years. When Hurricane Iniki destroyed the papaya trees they destroyed several years worth of crops.

It is difficult to understand how the Department of Agriculture can justify providing payments for losses of certain crops, but deny payments for papayas simply because they grow on trees.

My bill will seek to provide equity for the papaya farmers and those who grow other types of crops on trees. It will allow farmers affected by Hurricane Iniki, Andrew and Typhoon Omar to receive disaster assistance for crop losses from trees. This is what the Congress originally intended in enacting P.L. 103–50. I urge my colleagues to support my efforts to correct this unfair policy initiated by the Department of Agriculture.

TRIBUTE TO JUDGE DEAN SHIPMAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. STUPAK. Mr. Speaker, I rise today to honor a good friend and a dedicated juris, Judge Dean Shipman. Judge Shipman is retiring after serving 25 years on the bench in Escanaba MI. He began his career in 1968 as a district court judge in Delta County. For 16 years, he served the people of the Upper Peninsula with distinction. This led to his appointment by then-Governor James Blanchard, to the 47th Judicial Circuit Court in 1985.

In addition to Judge Shipman's work behind the bench, he has served on the Judge's Liaison Committee, the Michigan Commission on Criminal Justice, The Emergency Preparedness Advisory Commission, the State Judicial Council and the president of the Michigan District Judges Association. For his lifelong commitment to the people of the first district and the people of Michigan, Judge Shipman is worthy of recognition. Mr. Speaker, Judge Shipman has served honorably and has always maintained the highest level of integrity and justice and for that the people of Michigan are thankful.

IMMIGRATION—QUESTIONS AND ANSWERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 1, 1993, into the CONGRESSIONAL RECORD:

IMMIGRATION—QUESTIONS AND ANSWERS

Though Indiana is far from major points of entry into the country, more and more Hoosiers speak to me of their concern that we have lost control of our borders, and urge that we strictly limit immigration. According to the polls, almost two-thirds of Americans favor new laws to cut back on all immigrants and asylum seekers.

There is no denying the pain of assimilation, both for immigrants and for native-born Americans who must adapt to different languages, cultures, and backgrounds. Immigration produces about one-third of U.S. population growth, and there is a genuine question of how many people the U.S. can support. Immigration supporters maintain that immigrants add far more to the nation's wealth than they use in resources. Opponents argue that America owes its first duty to its own disadvantaged and unemployed, and that we must not allow more immigrants into the nation than we can absorb.

Here are my answers to some of the questions about immigration I hear most frequently from Hoosiers:

Who is permitted to immigrate to the U.S.? The law today recognizes three primary reasons to award immigrant visas: needed job skills, a need to seek refuge from war or political persecution, and kinship to an American citizen or a legal alien. Most immigrants reside in California, Texas, New York, or Florida.

Who is an illegal immigrant? Aliens who violate immigration law are illegal immigrants. Most illegal immigrants bypass inspection points when entering the country. Some enter the country legally but then violate the terms of their stay. The Constitution grants citizenship to virtually all individuals born in the United States—including those born to illegal immigrants.

How many immigrants are there? Legal entrance to the United States last year reached 1.1 million. The Census Bureau estimates the number of illegal immigrants in the U.S. at 3.3 million. In 1992, the Immigration and Naturalization Service (INS) apprehended 1.25 million illegal immigrants. Along the Texas-Mexico border, the INS has apprehended about 380,000 illegal immigrants so far this year.

Can illegal immigrants receive public assistance? No. They are prohibited by law from receiving virtually any public assistance, such as Aid to Families with Dependent Children (AFDC, commonly known as welfare), food stamps, public housing, and Medicaid (except in emergencies). U.S.-born children of illegal immigrants may be eligible for AFDC and Medicaid, and a Supreme Court ruling requires public schools to educate children regardless of their immigration status.

Can illegal immigrants hold a job? No. Employers who hire illegal immigrants are subject to mandatory penalties. But these sanctions have been difficult to enforce and largely ineffective. Furthermore, critics believe that the employer sanctions have led to employment discrimination, particularly against Hispanic Americans. Of course, illegal immigrants may also be punished for holding a job.

What is political asylum? Individuals are eligible for political asylum if they are unwilling or unable to return to their homeland because of persecution. Asylum has become a popular plea to get into the U.S., and often is a cover for immigration to the U.S. for economic reasons. In 1992, over 103,000 asylum cases were filed with the INS, and 37% of the cases decided that year were approved. The INS currently has a backlog of undecided asylum claims totaling over 275,000.

Upon receiving a request for asylum, the INS makes a preliminary determination about the individual's claim. Because detention space is extremely limited, asylum seekers are usually released until the hearing on their claim, which may be several months later.

What is the effect of immigration on our economy? Most studies conclude that legal immigration has some overall benefit. Immigrants sometimes take jobs away from native-born Americans, but many Americans have jobs because of the impact of immigrants on the economy. One study calculates that during their first three decades in this country immigrant families typically pay more taxes than their native counterparts and on average contribute about $2,500 a year more in taxes than they obtain in public services. The problem is that most of the taxes immigrants pay go to the federal government while most of immigration's burden falls on state and local governments.

There are no comprehensive calculations of the costs and benefits of illegal immigration. Many people argue that illegal immigrants take jobs from Americans and strain the public health, education, and criminal justice systems. For example, the estimated cost of illegal immigration to the California government is $2.9 billion annually. Others say that illegal immigrants benefit our economy by taking low-wage jobs that no one else will accept and creating new jobs by spending their wages and paying sales taxes.

What is being done to curb illegal immigration? With 6,000 miles of relatively open borders, and a force of under 5,000 Border Patrol agents, keeping the illegals out is extremely difficult. Funding for the Border Patrol has increased by more than 100% since 1986. This year, Congress approved $171 million for an additional 600 Border Patrol agents, 200 border inspectors, increased inspections at foreign airports, and more asylum officers.

President Clinton has proposed to tighten the asylum process and increase the penalties for smuggling aliens into the country. Others suggest prosecuting smugglers under racketeering laws, or building a fence along the entire border between Mexico and the U.S. The State Department's ability to identify potentially dangerous immigrants overseas and keep them from entering the country clearly needs strengthening. Others want to use U.S. military forces to assist in border enforcement efforts. Some suggest charging a border toll for everyone entering the U.S., or requiring all U.S. citizens to carry a national identification card. Another proposal would amend the Constitution so that children born to illegal immigrants would no longer automatically receive citizenship.

Outlook: There is broad agreement that in the long run the solution to our immigration problems depends on expanding economic opportunities in the countries from which immigrants come. Immigration policy is both a statement of America's relationship with the rest of the world and a design for the future of the country. Many want to open the door to all who seek new opportunity and hope to escape persecution. Others are concerned that immigration will profoundly change American society. In my view, our immigration policy should be based on self-interest. That means that our borders cannot be open to all, that we decide how many immigrants we are willing to take in, and then implement effective measures to rebuff unqualified aliens.

GIVING CREDIT WHERE CREDIT IS DUE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. MAZZOLI. Mr. Speaker, last month along with a big swath of Eastern States, Kentucky, my home State, was dealt a very dangerous and almost lethal blow by the plunging temperatures that reached 22 degrees below zero in Louisville, and severe snows. We had 16 inches of snow, very much unusual in this century.

As we so often find out, and have seen in Los Angeles, the very worst times bring out the very best in people. So, to that extent, I would like to pay tribute today to the people at home and the organizations and groups which really distinguished themselves in the middle of all that weather problem.

I cite specifically the employees of the Louisville Gas & Electric Co., the Louisville Water Co., and the Metropolitan Sewer District, who reported to duty in the middle of the storm. The employees of the city of Louisville and the county of Jefferson, the Louisville Police, the Jefferson County Police, the Louisville Division of Fire, as well as the volunteer fire departments, are also to be commended.

Mr. Speaker, it is not likely that we will see many opportunities for these people to get the public recognition that they deserve, but I would like to bring to everyone's attention the outstanding performance by these good people under those adverse conditions.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the Record additional key evidence in this case.

[Affidavit]

State of New York, County of Queens.

James Ridgway de Szigethy, being duly sworn deposes and states:

(1) I make this affidavit on behalf of former Federal Agency, Joseph Occhipinti, in support of his application for a new trial. Attached as "Exhibit A", is an original statement I personally drafted on December 29, 1993, which states that Assistant District Attorney John F. Kennedy knew of an existing conspiracy to frame Mr. Occhipinti on fabricated Civil Rights Violations. Secondly, Assistant District Attorney Kennedy stated he had been forced to testify against Mr. Occhipinti and was being "*used*" to prejudice the jury. Thirdly, Assistant District Attorney Kennedy was convinced of Mr. Occhipinti's innocence prior to his trial testimony.

(2) On December 2, 1993, I wrote a letter to U.S. Representatives James Traficant Jr; Susan Molinari; Dick Zimmer; Jack Brooks

and Staten Island Borough President Guy Molinari, detailing the above. Attached as "Exhibit B", is a copy of said letter.

(3) On December 20, 1993, I voluntarily submitted to a polygraph examination to support the above statement. The polygraph examination was administered by Metro Security International, Ltd., located at 160-19 Rockaway Boulevard, Jamaica, New York. I was informed that the polygraph examination proved I had been truthful relative to the above statements.

(4) I've executed this affidavit, as well as, the relating correspondence, freely and voluntarily. No promises of threats were made in exchange for my cooperation. I am willing to testify, if needed, at any future judicial proceeding or Congressional hearings relative to the Occhipinti Prosecution.

JAMES RIDGWAY DE SZIGETHY.

On or about the evening of June 11, 1991, I had a conversation with Assistant District Attorney John Kennedy Jr. concerning a man named Joseph Occhipinti. John and I were casual acquaintances, and I ran into him by chance around sunset in Central Park after I had finished my daily jog. He was alone and accepted my invitation to come to my apartment for a drink. The walk to my residence, a walkup, took about 15 minutes. During that time we talked about a variety of things, including my daughter. John asked me various questions about her, including how she was adjusting to being separated from me now that I was divorced.

After a couple of drinks at my apartment—Scotch on the rocks—John began to open up to me about something that was troubling him. He told me that there were two trials he was involved in—and that he didn't want to have anything to do with either of them. I knew what one of those trials was he was referring to—the upcoming rape trial of his cousin Willie Smith. John acknowledged that Willie was guilty, saying, "they (the family) should have done something about Willie years ago when he first started doing this", meaning get help for him when he first started raping women. John told me that when the trial took place, he would have to put in an appearance in the courtroom. He told me he did not want to do this and his mother did not want him to either. I suggested that he not do it since Willie was guilty, but he told me who was pressuring him and why. He said just his presence in the courtroom would make an impression on the jury, which is "how they're using me in this other case."

He then began talking about this other case I was not familiar with, which he said was a trial of an INS Agent named Joseph Occhipinti. He said he was being forced to testify, that like Patricia Bowman, the woman his cousin raped, Occhipinti was an innocent victim, and that he had been "set up" by "the government, drug dealers, and Mayor Dinkins", who he said, the drug dealers had "in their pocket." He said the case "stinks to high Heaven" and it was all about "race, politics, and power." Again, I suggested that if he didn't want to testify, then he shouldn't, but he said he was being "forced to." He did not say by whom.

He then said that Occhipinti only had himself to blame because he was a "racist who only targeted the drug dealers in Washington Heights with such zeal because they are people of color."

The minute he told me this guy was a racist, I lost all sympathy for him, even though John told me how he had been set up and was innocent.

The only other conversation John and I had about Occhipinti was on or about the evening of September 24, 1991. This again occurred in my apartment. I was livid with John because he had posed for a photograph with his cousin Willie where the two of them were carrying a small boat. It was obvious to me he was participating in the campaign of character assassination being waged by his family against Patricia Bowman, and that the photograph—which was peddled to papers all over the world, was part of that campaign. At first he denied it. I asked how it came to be that even though they were on a beach in the middle of nowhere a photographer just 'happened' to be there? I told him it was obvious the photograph was a public expression of confidence and trust in his cousin, concocted by the same P.R. people who were characterizing Ms. Bowman in the press as a "lying, crazy slut". John then admitted the photograph was "staged, just like the whole Occhipinti trial", which by now had concluded.

I then asked him if this was his new hobby, committing character assassination against innocent people? He would not answer nor look me in the eye. He was sitting on the couch and I was standing, walking around. I then called him a "Profile in Cowardice" and suggested he step forward and vindicate Patricia Bowman and "the INS guy." At that time I referred to Occhipinti as "the INS guy" because I couldn't pronounce his name. I remember every word of the next two angry questions I asked him: "How does it feel to be a character assassin, John? How does it feel to be Patricia Bowman's Oswald?"

He did not say nor do anything in response—he just sat there, his head hung down in shame. Then after a long, awful silence, he said "You just don't understand the pressure I'm under!"

I felt terrible so I apologized, saying, "I'm sorry, Little Brother." He said nothing else and it was obvious he was deeply hurt. He walked out of my apartment and that was the end of our friendship.

The following June, something happened in Washington Heights that confirmed what John had told me about Mayor Dinkins and the power the drug dealers had over him. An illegal alien drug dealer was shot by a cop. Dinkins responded by attacking the cop in the press which so inflamed the situation that riots broke out. Dinkins also paid for the funeral with taxpayer dollars. I was outraged by this blatant pandering to the drug dealers and their supporters, and it made me curious about the Occhipinti case. I began to look into it, and everyone I talked to familiar with the case told me: that he was set up.

I eventually learned that Mr. Occhipinti was not a racist, as indicated by his support in the Dominican, Black, and Hispanic community. In retrospect, I'm not sure John believed what he told me about Occhipinti being a racist—he may have just been repeating what had been said to him by those trying to justify what they were doing to him. The more I learned about this man, the more guilt I felt about knowing he was innocent and doing nothing about it. I began to realize that if I was going to have peace with myself, I would have to stand up and do the right thing: come forward with what I know.

I knew if I did this it would hurt John Kennedy. This is something I do not want to do. I feel sorry for John and wish him the best. But everytime I feel sorry for John, I try to remember that it was Occhipinti, an innocent man, who was convicted. Who went to jail. Who lost his pension and career.

The night that David Dinkins was defeated for re-election, I decided it would be safe to come forward. I decided to find Mr. Occhipinti and tell him what I knew. This was not an easy task, as his life has been threatened and he has to be careful as to his personal life and habits—much more so than John Kennedy Jr. I found him by attending a party at the Salmagundi Club on a night that works of art by cops were being exhibited. I knew that in a room full of cops—all of whom I knew would be Occhipinti supporters, I would be able to find someone who could put me in touch with him. African American crusader Roy Innis was there that night, and it was he who gave me Mr. Occhipinti's phone number.

I called Mr. Occhipinti, told him my story, and arranged a meeting. His strength and courage has inspired me to stand up for the Truth—regardless of the personal consequences. Joe has forgiven me for knowing of his innocence and waiting 2 and a half years to come forward. He has forgiven John Kennedy Jr. for what he has done. Now I only hope and pray Joe gets a new trial. I will happily testify for the defense in the retrial. I believe in my heart John Kennedy Jr. will also.

JAMES RIDGWAY DE SZIGETHY,
30 December, 1993, New York City.

TRIBUTE TO MARY LYNN McKAY UPON HER RETIREMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to a hard-working Democrat from Taylor, MI—Mary Lynn McKay. She is a dedicated public servant who put her heart and soul into Taylor politics, referring to it at one time as her "lifeblood."

In 1957, when I was justice of the peace, Mary Lynn began her service as a tax clerk for the city of Taylor. Today, she has worked through eight Taylor administrations witnessing the city's evolution from a township. During her tenure, she held positions issuing building permits and working in zoning and planning. In 1974, she received her residential building license and then, when a position in the building department became available in 1977, she was hired as a building inspector. Mary Lynn's next move came in 1985, when she was named as the city's director of building and safety and code enforcement. In 1988, she was appointed tax increment finance director. During her years of service, she was very active in party politics—working on my annual birthday picnic committee and contributing her time to the local, county, and district Democratic party.

During her 36 years of service to the city, Mary Lynn served 5 years on the Taylor board of education, from 1974 to 1978 and again from 1981 to 1982. While serving on the House Committee on Education and Labor, I relied on Mary Lynn as an important resource for local education issues. Governor Blanchard appointed Mary Lynn to the Michigan barrier free design board on which she served for 3 years. She was also director of the Taylor Community Credit Union board for 14 years. Among the numerous boards and committees of which she is a member, Mary Lynn's longest affiliation has been with AFSCME's Local 1128.

On a personal note, I observed that Mary Lynn has been directly involved in every one of my congressional races. Those who are close to her note her fierce personal loyalties. Once she is your friend, she is your friend for life. Mary Lynn has certainly been a loyal friend to me. Her loyalty and friendship are more a measure of her character than a reflection of my worthiness of this devotion. I am glad that Mary Lynn and I are retiring at the same time—I would not have wanted to run for office again without her.

THE COMMUNITY ARTS PARTNERSHIP ACT OF 1994

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. ENGEL. Mr. Speaker, I am honored to be the sponsor of H.R. 2933, the Community Arts Partnership Act. Recently, I offered H.R. 2933 as an amendment to H.R. 6, the Improving America's Schools Act, during markup consideration by the House Subcommittee on Elementary, Secondary, and Vocational Education. I am happy to report that my amendment passed unanimously by voice vote, thanks to the support of over 90 arts and education organizations throughout the United States. And yesterday, the House Education and Labor Committee reported H.R. 6 out of committee, with the community arts partnership completely intact.

The Community Arts Partnership Act authorizes the Secretary of Education to award demonstration grants to chapter 1 eligible local education agencies to work in partnership with local cultural organizations and institutions of higher learning. These partnerships would work to improve the educational performance of at-risk children and youth by providing comprehensive and coordinated educational and cultural services. A few of the activities which would be eligible for funding include the integration of community cultural resources with regular classroom curriculum, providing effective cultural linkages from preschool programs to elementary school, and for programs that use the arts to reform current school practices.

The legislation is designed to provide seed money to leverage resources from community cultural institutions for the benefit of the local schools. Grants under this program may be renewable for a maximum of 5 years and the Secretary must ensure that there is equitable geographic distribution and equitable distribution to both urban and rural areas which have a high proportion of at-risk children. In addition, the Secretary is required to disseminate information concerning successful models through the national diffusion network.

I am particularly grateful to the Association of Independent Colleges of Art and Design, their president-elect David Rhodes, and their legislative counsel, Jack Duncan, and Washington Representative, Fern Lapidus, for assistance in crafting this legislation. In addition, I would like to extend my heartfelt thank you to the following organizations who endorsed H.R. 2933 and played a vital role in garnering congressional support for this important piece of legislation.

COMMUNITY ARTS PARTNERSHIP ACT, H.R. 2933

SPONSORING ORGANIZATIONS

Actors' Equity Association.
Alliance of NY State Arts Councils.
American Architectural Foundation.
American Arts Alliance.
American Association of Botanical Gardens and Arboreta (AABGA).
American Association of Museums.
American Association of School Administrators (AASA).
American Center for Design (ACD).
American Council for the Arts.
American Design Council.
American Federation of Television and Radio Artists.
American Guild of Musical Artists.
American Guild of Variety Artists.
American Institute of Architects (AIA).
American Institute of Graphic Arts (AIGA).
American Society of Interior Designers (ASID).
American Society of Landscape Architects (ASLA).
American Symphony Orchestra League.
Arizonans for Cultural Development.
Arts Action Alliance & Concerned Citizens for the Arts in Michigan.
Arts Council of Greater Grand Rapids, Inc.
artsgenesis.
Associated Actors and Artistes of America—AFL–CIO.
Association of Art Museum Directors.
Association of Independent Colleges of Art and Design.
Association of Performing Arts Presenters.
Association of Professional Design Firms (APDF).
Boothbay Register.
California Confederation of the Arts.
Caribbean Cultural Center.
Center for Arts in the Basic Curriculum (CABC).
CityArts, Inc.
Colorado Alliance for Arts Education.
Council for Basic Education.
Council for Exceptional Children (CEC).
Council of the Great City Schools (CGCS).
Dance/USA.
Denver Center for the Performing Arts.
Design Management Institute (DMI).
El Museo del Barrio.
Florida Cultural Action Alliance.
French Art Colony.
Hebrew Actors' Union, Inc.
Hudson River Museum.
Illinois Arts Alliance.
Indiana Advocates of the Arts.
Industrial Designers Society of America (IDSA).
Institute of Business Designers (IBD).
Italian Actors' Union.
Jacques Marchais Center of Tibetan Art.
Judaica Museum.
Manchester Craftmen's Guild.
Maryland Citizens for the Arts.
Maryland Institute, College of Art.
Metropolitan Museum of Art.
Michigan Museums Association.
Museums at Stony Brook.
National Art Education Association.
National Assembly of Local Arts Agencies.
National Association of Artists' Organization (NAAO).
National Association of Federal Education Program Administrators (NAFEPA).
National Association of Secondary School Principals (NASSP).
National Dance Association.
National Education Association (NEA).
National Foundation for Advancement in the Arts.
National Guild of Community Schools of the Arts.
National PTA.
National School Boards Association (NSBA).
Nevada Alliance for the Arts.
New Orleans Museum of Art.
New York Chamber of Commerce & Industry/New York City Partnership, Inc.
New York Foundation for the Arts.
New York State Alliance for Arts Education.
New York State Education Department.
OPERA America.
Oregon Advocates for the Arts.
Package Design Council (PDC).
Parsons School of Design.
Pierpont Morgan Library.
Rhode Island School of Design.
San Diego Unified School District (ELS, Inc.).
Scholastic Art and Writing Awards.
School of Visual Arts.
Screen Actors' Guild.
Snug Harbor Cultural Center.
Society for Environmental Graphic Design (SEGD).
Society of Newspaper Design (SND).
Solomn R. Guggenheim Museum.
South Carolina Arts Alliance.
State Arts Advocacy League of American (SAALA).
Theatre Communications Group.
WNET.

TRIBUTE TO ELEANOR STEWART PERRINE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. WELDON. Mr. Speaker, today it is my privilege to congratulate a lifelong citizen of the Commonwealth of Pennsylvania, Mrs. Eleanor S. Perrine, on the celebration of her 85th birthday, which is next week on February 16. In her fourscore and five years, Mrs. Perrine has truly lived the American Dream through a life of steadfast devotion to her family, church and community.

Born in agrarian Franklin Township to Maud and Frank Stewart, Eleanor and her older brother George were at an early age instilled with the values needed to prosper during the far more than an average lifetime. Mr. Stewart enjoyed his family until his passing at age 96, while Mrs. Stewart survived him and lived to the age of 102. Mrs. Perrine remains close to her brother, who this week, coincidentally, celebrates his 90th birthday.

As a young woman, Eleanor Stewart developed two loves—one for music and another for the man whom she would share 54 years, J. Harold Perrine. They met when attending Grove City College, where she majored in music and he in chemical engineering. After graduation in 1930, Mr. Perrine landed a position in Philadelphia with the Sun Oil Co. Armed with her music degree, Miss Stewart returned to Franklin Township to teach music in the local school. Their courtship continued despite a statewide separation. During this pre-turnpike era, Mr. Perrine traversed Pennsylvania's country roads on weekends for over a year until August 1931, when Miss Stewart became Mrs. Perrine.

After their marriage the young couple moved east to Delaware County where they became involved in their community and, after a few years, began a family. While supporting Mr. Perrine's rapidly advancing career with Sun Oil Company and lovingly mothering two daughters, Mrs. Perrine founded the Delaware County Choral Society and volunteered her caring skills at what is now the Crozer Chester Medical Center. The Perrine family also became active members in the Presbyterian Church, where Mrs. Perrine taught Sunday School and participated in the choir. They also became active members of the Springhaven Club, where Mr. and Mrs. Perrine shared a passion for golf and pursued other civic endeavors.

Friends have always appreciated Mrs. Perrine's ebullient personality and quick wit. Once while driving to visit her brother, a State trooper stopped her for speeding. Honest and forthright she admitted the offense, then impishly requested a senior citizen discount on the fine. Though it no doubt made the trooper's day, her quip produced no leniency.

Change is no adversary for Mrs. Perrine. After outgrowing homes in Norwood, Prospect Park and Wallingford, the Perrine family settled on Oak Crest Lane in Swarthmore. But as their daughters left the nest and Mr. and Mrs. Perrine were set to begin the golden years, they were dislocated by the construction of an interstate highway known as the Blue Route. Undaunted, the Perrine's relocated to the nearby Strath Haven condominiums again becoming involved and making friends in another community.

Despite losing her husband in 1985, Mrs. Perrine is still extremely active and vigorous. Indeed, family and friends report that in the last 10 years, she has set her foot on every continent, save Africa and Antarctica, studied music history in Sorrento, Italy, and tried cross country skiing for the first time at age 80. She also became one of the first residents of Granite Farms Estates, which has grown into a wonderful community of over 500 lively senior citizens. Very active socially at the Estates, she also contributes spiritually by playing the piano for vespers services. Beyond simply enjoying retirement years, Mrs. Perrine continues to actively contribute to many of the same organizations she joined nearly 50 years ago. Mrs. Perrine continues to work one day a week at the Crozer Chester Medical Center, where, among the activities, she has knitted over 400 stocking caps worn by newborns. She also remains deeply involved with her church and at Springhaven Club.

With good health, a wealth of friends, and a family numbering two daughters and their husbands, five grandchildren, a grandson-in-law and one great-grandson, no tribute can adequately convey the importance of Mrs. Perrine to those whose lives she has touched. Nonetheless, Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Perrine's 85-year legacy, and wish her the best in what her family history portends will be many years of vibrant life to come.

ON THE RETIREMENT OF WAYNE C. LEWIS, SPECIAL AGENT FOR THE NATIONAL MARINE FISHERIES SERVICE

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mrs. UNSOELD. Mr. Speaker, those of us in this Chamber who fought a long war against the use of large-scale driftnet fishing on the high seas are about to lose a valuable partner and an unsung hero in the battle.

Wayne C. Lewis, the special agent in charge of enforcement for the Northwest Region of the National Marine Fisheries Service, is retiring this month. He is leaving behind a 23-year legacy as a special agent with NMFS, the last several of which saw the agency document the enormous—and illegal—profits that were being reaped by driftnet pirate fleets in the North Pacific Ocean.

I'll never forget the first contact that members of my staff and I made with Wayne Lewis. In 1989, shortly after I had been elected to Congress, fisheries groups in my district told me about the devastation being wrought by large-scale driftnets, those 30- to 40-mile-long curtains of death that were wantonly killing all the non-target fish, seabirds and marine mammals unlucky enough to cross their path. I initiated legislation to ban large-scale driftnet fishing, only to be told by the Bush administration that this wasn't really a big problem and that they opposed my legislation. But Wayne Lewis knew better.

By then, he and his fellow special agents were a couple of years into a series of investigations and sting operations that helped the United States understand just how enormous, just how damaging, and just how profitable Asian driftnet fleets really were. In a 6-year period, NMFS special agents seized over one million pounds of salmon illegally imported into the United States from Singapore, Hong Kong and other Far Eastern ports. Subsequently they amassed evidence showing that U.S.-origin salmon and steelhead were a part of the illegal shipments. NMFS documented that nearly 10 million pounds of salmon illegally caught by large-scale driftnets was smuggled through the United States and later sold in Japan. Millions more pounds were stored and brokered in Singapore and Hong Kong, millions more canned in Thailand and sold in Europe, and millions more laundered through the People's Republic of China for later sale on the world market.

Mr. Speaker, without Wayne Lewis we might never have been able to overcome the opposition and get legislation through Congress banning large-scale driftnets. We might never have been able to lobby for—and achieve—a U.N.-imposed global ban on large-scale driftnetting. And we might never have been able to pass legislation providing for sanctions and other measures against those who violated the worldwide ban.

To give all of you an idea of what efficient killing machines these driftnets were, I would ask you to envision a monofilament mesh net stretching from Washington, DC almost to Baltimore. The North Pacific used to be a haven for these nets. Now—though we need more international cooperation to enforce the driftnet ban—the waters of the North Pacific are largely free of these killing machines. And we have people like Wayne Lewis and the people who worked with him to thank.

Mr. Speaker, let us wish him the happy retirement that he so richly deserves. I hope he will have a chance to fish for some of the salmon and steelhead that are still left in our waters.

IMPROVING THE INDUSTRIAL POLICY DEBATE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 22, 1993, into the CONGRESSIONAL RECORD:

[From Washington Report, December 22, 1993]

IMPROVING THE INDUSTRIAL POLICY DEBATE

A major issue facing policymakers as they try to improve the long-term economic outlook for our country is the extent to which the federal government should be involved in helping specific industries or sectors of the economy. In recent years several important American industries were losing ground to Japan and Europe, and there was a concern that government had no role to play and basically did not care whether the U.S. made computer chips or potato chips.

Clinton Efforts: In contrast to the reluctance of the Reagan and Bush administrations to publicly support industrial policy, the Clinton administration has announced fairly ambitious new programs of federal investment and assistance to specific industries. In recent months, President Clinton has announced efforts to help automakers produce clean cars, to help develop an information superhighway, to assist the shipbuilding industry, to provide new tax breaks for the oil and gas industry, and to fund research into advanced technologies such as flat-panel displays or new materials. The interest in industrial policy is driven by the fact that we are in a tough competitive climate, and are losing out in some areas and are losing good paying jobs. Policymakers are looking for ways to make our economy more competitive and improve our ability to sell more goods.

Supporters of such efforts argue that it is appropriate for the federal government to assist basic industries with the potential to support high-wage jobs in this country into the next century. They argue that U.S. industries are falling behind in many of the key technologies of the future, and point to the major success that countries like Japan have had with their policies of targeting particularly important industries for development. They say that it is better to risk supporting an industry incorrectly thought to be strategic than to allow the collapse of others incorrectly thought not to be. They point to polls indicating growing support among key U.S. industrial leaders for government-industry partnerships.

Critics: Critics, on the other hand, do not want the federal government involved in picking industry winners and losers, saying that the free market chooses better than bureaucrats. They point to the failures of government pouring large sums of money into supersonic transport, synthetic fuels development, and breeder reactors, and say that Japan's industrial planners often made mistakes and had a mixed record overall. They also say that Members of Congress will push mainly for the development of industries in their own districts or states, and that subsidies will go to the politically connected. Such critics argue that the most important thing the federal government can do is to work on improving the overall health of the U.S. economy and providing a climate under which businesses can flourish.

The Clinton administration responds that some of these problems in picking winners and losers can be lessened by having private sector companies involved in picking which technologies to help develop and by making the private sector pay for a large share of the cost. The administration also agrees that the primary federal concern should be improving the overall economic climate, but says that some of these industrial policy steps can also be of some help, and should not be summarily dismissed.

Improving the Policy Debate: My sense is that, whatever the drawbacks, industrial policy is something that we will be hearing more about in the months and years ahead because of the competitive pressures our nation faces.

Yet I believe that as this debate unfolds, we need to get a much clearer sense of overall U.S. industrial policy. Many people view industrial policy as having the federal government choose winners and losers between exotic technologies such as optoelectronics and advanced robotics. But as many have pointed out, the U.S. already has an extensive de facto industrial policy—with all the spending and tax programs it has that assist the agricultural sector, the housing industry, the health care industry, and so on. Industrial policy basically means government support for some particular sectors or economic activities over others, and the federal government has been doing that for a long time in a variety of ways—primarily direct spending and tax subsidies but also trade policy and regulatory relief. For example, more than a half century ago the government put U.S. farmers on the cutting edge of agricultural knowledge with federally-funded research, land-grant colleges, experiment stations, and extension service agents in every county. Several such federal efforts have had significant success: the research and extension system has helped make U.S. agriculture among the most productive in the world; our aerospace and computer industries owe their origins to federal programs; our federally supported medical technology is among the best in the world. Indeed, some of our most successful industries are ones that have had considerable federal backing and support.

Yet the problem is that the way the federal government helps these major industries is often not looked at in a coherent way, and when it is, much of the policy does not make a lot of sense—such as the minuscule amount we spend on manufacturing extension compared to agriculture extension, or that advanced electronics has benefitted less from federal assistance than commercial construction.

Thus I believe it would be helpful to require the Administration to put together periodically a brief listing of the main sectors of the economy and a description of how and to what extent the federal government helps them out. Such assistance probably totals hundreds of billions of dollars each year in direct spending and tax breaks. Some industries receive significant government support, while others which may be much more important to our nation's long-term competitiveness may receive very little. It is difficult to have an informed public debate if we do not know whether the federal government currently provides more assistance to oil producers or agriculture or condominium developers or software companies or biotechnology or the aerospace industry.

The basic goal would simply be to help bring about a more informed debate on industrial policy: to get a broad sense of what our industrial policy priorities already are, to see if the current allocation of federal assistance makes sense, to see if the assistance is being provided to correct a problem or simply because it has been provided in the past, to see what results we have gotten from the assistance, and to see if some sectors need more support and others need less in light of overall national goals and future challenges. Since we will likely be debating industrial policy more in the future, we should at least be doing it in a more informed context.

PRINCIPAL CHIEF ROBERT FULTON BATTISE OF THE ALABAMA COUSHATTA NATION

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. WILSON. Mr. Speaker, last night the members of the Alabama-Coushatta Nation suffered a sad loss.

The death of Principal Chief Robert Fulton Battise marks the end of nearly 60 years of inspired and compassionate leadership and the end of an era for the Alabama Coushatta Tribe in Polk County, TX. Health care, education, industry and a pride of heritage for his people are some of the landmarks Chief Battise blazed as he traveled on this long, challenging path. His passing leaves a vast emptiness in the hearts of all who knew him.

In his memory and his honor, I ask that the following message to the Alabama Coushatta Nation be printed in the CONGRESSIONAL RECORD, as a final and permanent blaze on the trail of Chief Battise's life.

Members of the Alabama-Coushatta Indian Tribes.

Re: In Memoriam of Principal Chief Robert Fulton Battise.

DEAR FRIENDS: What is left to say about a man who has served his people for over 58 years and has earned the respect and admiration of people everywhere?

There is more; much more. Please permit me to share a few thoughts with you about Chief Kina:

A man who walked in step with God along life's trail since the beginning of his journey.

A man who wore the mantle of nobility with grace and dignity.

A man of compassion who wiped away the tears of sorrow from those who wept with the cloth of humility.

A man in tune with nature and the universe; keeping his heart pure and his soul restored; his touch gentle.

A man of honor whose words revealed the depths and beauty of his being.

In Chief Battise's case, words cannot adequately portray The Man. We salute and pay our respects to a man whose life was one of imparted wisdom. We salute and pay our respect to a man whose heart was filled with peace and joy and whose footsteps were always directed toward the light. We salute and pay our respects to a man who loved and honored the little children.

On this solemn occasion of bidding farewell to our noble friend, Robert Fulton Battise, it is only fitting, and proper, that we offer thanks to God for sharing with us the life of this great man. If you listen closely, surely you will hear the echoes of, "Well Done Thy Good and Faithful Servant * * *"

REMARKS BY HON. DEBORAH K. CHASANOW

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. HOYER. Mr. Speaker, I rise to include in the RECORD some remarks made by the Honorable Deborah K. Chasanow who, on December 13, 1993, was sworn in as a member of the U.S. District Court for the District of Maryland. She became only the second woman to be appointed to that bench and the first person from Prince George's County, MD.

In her remarks, she comments on the creation of the southern division of the District Court of Maryland. As the sponsor of the legislation which accomplished that end and one who worked on that objective for over a quarter of a century, I have a particular pride in the fact that its first two judges will be Judge Chasanow and Judge Peter Mazetti, who formally served on the circuit court bench in Montgomery County. Both Judges Chasanow and Mazetti are individuals who display all of the characteristics that our fellow citizens would want in persons given the awesome responsibilities to judge and dispose. They are possessed of keen intellect, high moral values, and unquestioned integrity.

Mr. Speaker, I believe that Judge Chasanow's remarks reflect her humanity and her insightfulness. It is our expectation that the new Federal courthouse in Greenbelt, MD, which will house the southern division of the district court, will open for business and be dedicated later this year. Judges Chasanow and Mazetti will be two of the three judges who will preside at that site. I believe it will be an addition to our judicial system which will provide more accessible justice to our citizens and will meet a need for such a judicial facility long unmet.

I wish for Judges Chasanow and Mazetti that God will grant them the wisdom, compassion, and courage to judge fairly and decisively as they inaugurate a new era in the Federal judicial history of Maryland.

Now, Mr. Speaker, I include the remarks of Judge Chasanow reflecting her personal feelings and her observations on the meaning of her appointment and her family and for all of us:

Judge Murnaghan, Judge Niemeyer, Chief Judge Black, Federal Judges, Senator Sarbanes, Senator Mikulski, Congressman Hoyer, Chief Judge Murphy, State Judges, public officials, honored guests, family and friends. I am honored by your presence here today. We've already heard from many excellent speakers and I'm afraid if I say very much you'll realize that the nice things they said about me can't be true. Those who know me well appreciate how uncomfortable I am being on center stage and realize that I want the ordeal to end as quickly as possible. But I really must take this opportunity to share some of my thoughts about the Federal Court in Maryland.

Before I do, I want to recognize a few of the people who have been very important in my life. My parents, Helen and Howard Koss; my sister, Tamar Bernbaum; my sisters in law, Phyllis Richman, Myrna Chasanow, and Ruth Heitin, and their families. My great aunt Edith Levine, my aunt Lenore Weseley, and long time friends Horty and Bernard Meyer. And the two who have shared this year's journey with me most closely and without whom I would not have survived it: my husband Howard, and my step daughter Andrea. It has been an intense year for us and I want to express my gratitude and love to them for their steadfast encouragement and support. There are some people who are not here in person, but who are very much here in spirit. My grandfather continues to be an inspiration, even as the years dim some of the memories. And Howard's parents, Helen and Abe Chasanow. The last time I took an oath in this room, they provided the new robe I donned. I thank Mr. Lewis for bringing their memory more alive today. Of course, there are many, many friends and colleagues here today as well. It is gratifying to see people from so many different stages of my life. Neighbors from Wheaton where I grew up and from College Park where we now live, law school classmates from Stanford, colleagues from the Attorney General's office, and of course, those with whom I've worked here in Federal Court, particularly the magistrate judges and their staffs, my fantastic secretary Marie Mooney Plapas and all of my wonderful law clerks.

Over the past year, many people have asked why do I want to be a District Judge? That was a very difficult question, particularly because I had to resign from what the insiders know is the best job in the legal community. My reasons for seeking this position include being a part of the inauguration of the Southern Division and my hope that with Baltimore Federal Court experience, Prince George's County residence, and Montgomery County background I could offer a unique perspective of experience and geography that might prove helpful as we work to get the new courthouse off on the right foot. The real drawback is that now if I want to ask my husband a question, instead of just nudging him, I must put it in writing and certify it the Court of Appeals, Maryland.

Recently I was asked by a reporter what I thought about being only the second woman to be appointed to the position of U.S. District Judge in Maryland. I am sorry that the first, Judge Shirley Jones, could not be here today. I know she would agree with me that my new colleagues don't need any sensitivity training, but, on the theory that you can never have too much sensitivity, I have obtained for them a copy of Deborah Tannen's best seller, You Just Don't Understand, Women and Men in Conversation.

I am still amazed that I was appointed to this high position, but I am not at all surprised that a woman was appointed given where we are in 1993. It would only be surprising if, among three new appointees to this court, there had been no woman. The first judicial nomination made by President Clinton was a woman, Justice Ginsberg. Of the next 30 or so nominations, well over a third were women. I have met some of the other women and I am very flattered to be part of that group.

There is no question that the look of the Federal judiciary is changing. In the not too distant future, the makeup of the Federal bench will much more closely mirror the diversity that is America. I think it is particularly important for public confidence in the judicial system that the bench not be perceived as an exclusive club, reluctant to admit women and minorities. Equality must be the hallmark of the justice we dispense and of the process by which judges are selected. Let me echo the wish of Justice Ginsberg, all women yearn for the day when we can stop counting.

I also think the significance of my appointment lies as much in geography as in gender. I am deeply honored to be the first Prince George's County resident to be appointed District Court Judge. While not a native of Prince George's County, I have lived there for more than a decade. Some people might find it unusual for someone to move from Montgomery County to Prince George's County, but let me assure you I had an excellent reason, a wonderful husband firmly rooted to Prince George's County. No, I didn't also have a premonition or any inside information that the new Southern Division courthouse would be built two miles from our home. That was just luck.

The Southern Division has generated controversy over the last few years and was created only after heated debates among the bench and the bar. I hope that the time for conflict is over, and that the time for harmony is here. There is a lot of hard work ahead and cooperative attitude will be essential if we are to make the Southern Division succeed.

Let me give you insight into my early geography lessons. I grew up in Montgomery County. My parents still live in the same place they moved to when I was three years old. My early view of Baltimore was as a city we travelled through on our way to visit grandparents in New York. Our metropolitan focus in those early years was either Rockville or Washington. Baltimore was far away, literally and figuratively. When I took the bar exam Baltimore seemed so far away that I arranged to stay at a hotel during the exam. Associating Baltimore with taking the bar exam did not help my early feelings about the city.

Just after the bar exam, I became Judge Cahoon's law clerk and was able to walk to my office in the courthouse in Rockville. Despite my first exposure to Baltimore during the bar exam, I applied here to the offices of the Attorney General and the General Council to the Human Relations Commission for jobs after my one clerkship. The trips to Baltimore for those interviews were scary adventures for me. I felt about Baltimore as some Baltimore attorneys might initially feel about Southern Maryland. Both the Attorney General's office and the Human Relations Commission ultimately offered me jobs. It was a difficult choice, but as you all know, I decided to join the Attorney General's office. My first day of work was December 22, 1975 and that day began what has now become an 18 year commute from the heart of the Southern Division to Charm City.

I soon came to love the city. When Harborplace opened I must have gone there for lunch every day for months. I still try to walk around the Harbor on nice days as often as I can. And I am envious of those who live closer and can take advantage more easily than I of Baltimore's cultural and culinary delights.

It isn't just people like me from the Washington suburbs who have a skewed view of Maryland geography. My first supervisor in the Attorney General's office thought everything outside of Baltimore and Annapolis was on Debby's way to work. So I was asked to represent the State in Circuit Courts all over Maryland on the theory that any courthouse outside of Baltimore City was not out of my way. Throughout it all I commuted each and every day, although I stayed with friends here in Baltimore if the weather got bad or I had to work very late. Sally and Kathleen kept trying to convince me to move to the city, but I resisted. By the way, yesterday while Kathleen and Sally were conspiring about their remarks for today at an undisclosed location in Baltimore, Kathleen's car was stolen. I certainly wouldn't want to be the next accused joy rider to appear in Judge Sweeny's courtroom.

The criminal division of the Attorney General's office offered a wonderful vantage point from which to learn all about this great State. I worked with the State's Attorneys from all 23 counties and the City of Baltimore. There were trips to various parts of the State, including a sad journey to Oakland to prepare for arguing the first death penalty case. I walked the last route taken by Deputy Sheriff Livengood during his unfortunate encounter with Richard Danny Tichnell. I also made shorter trips to Towson and Upper Marlboro to help with training sessions and enjoyed pleasant early summer visits to Ocean City to join the State's Attorneys at their annual convention. I came away with an appreciation for Maryland geography and the varying backgrounds prosecutors brought to their jobs. I also learned, however, that people with divergent views and experiences can work together to achieve a common goal.

Then, a little more than six and a half years ago, I had the great fortune to be appointed as a United States Magistrate Judge. Although there was no Southern Division at the time, I suspect that my Southern Division residence was an attribute that contributed to my appointment. My geography lessons continued. While Baltimore was my duty station, I eventually saw not only this courthouse, but also sat in courtrooms in Hyattsville, Ft. Mead, Rockville and Ft. Detrick. During those years, I came into contact with litigants, lawyers, and jurors from all over the State.

Maryland is unique in that it is large enough to boast both mountains and seashores, yet small enough that we can travel to each in less than a day. One can canoe the Potomac, sail on the Chesapeake, or surf in the Atlantic. We can enjoy the history of colonial capitals and the vision of planned towns like Greenbelt and Columbia. We can feast on delicacies like the Chesapeake blue crab and St. Mary's stuffed ham almost anywhere. We should also be proud of our regional diversity, but we must strive to work together.

Now that some of you will be traveling to the Southern Division Area, I hope you will take the opportunity to enjoy the nice things we have to offer and will learn to know and love the Southern Division as I came to know and love Baltimore. I am sure that those who take the time to explore will come to appreciate the bounty of the Southern Division Counties.

Aside from a healthy appreciation for the beauty of the entire State, I bring to my new role a grave concern that all people who find themselves in federal court in Maryland deserve the most efficient, courteous, and competent service we can provide. To succeed, it will take the full effort of all of us to administer justice. The Southern Division has been created, not to make it more convenient for lawyers and judges, but because having a courthouse in that part of the State will help all of us to serve the litigants better. It is my hope that we can put aside the lingering doubts about whether there should be a Southern Division. It's here and here to stay. There is plenty of work to do and we cannot afford to be distracted by any regionalism. There is no north versus south. There is a common goal to administer justice in the best possible manner. Two divisions will further that goal because of our cooperative effort. I look forward to working closer to home, but just as closely with my Baltimore colleagues. Although I will be a part of bringing Federal justice to the Southern part of the State, I will be a judge not for the Southern Division but for all of Maryland. My pledge to those here in Baltimore, as to those all over the State, is that I will continue to do my best to advance the high ideals of those who served before me and with whom I now serve. I will strive to justify the confidence expressed by Senator Sarbanes' recommendation and President Clinton's appointment. Thank you.

IN HONOR OF REV. DR. EDWIN R. EDMONDS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Ms. DELAURO. Mr. Speaker, the Dixwell Avenue United Church of Christ in New Haven will celebrate its 174th anniversary from February 11 to 13, 1994. At this celebration the congregation will honor the retirement of its pastor, Rev. Dr. Edwin R. Edmonds.

For the past 35 years, Dr. Edmonds has served the Dixwell Avenue United Church of Christ with dedication and commitment to his community. His leadership has made his congregation an essential part of New Haven's African-American community. In addition to his spiritual guidance, Reverend Edmonds has donated his time and his energy over the years to complete the church's current place of worship, initiate special projects like the Florence Virtue Homes Community Development Corp., which renovates neighborhood properties, and improves life for our children through programs like the Dixwell Children's Creative Arts Center. Dr. Edmonds' compassionate activism has benefited our entire community. He is an example for those who choose to stay and rebuild our inner cities rather than abandoning them.

Dr. Edmonds' civil rights and community service efforts have contributed enormously to New Haven. As a local civil rights leader, he has helped to promote racial and ethnic harmony and equality through efforts like the ministers for racial and social justice. His devotion to community service, through his work for the New Haven Board of Education and the United Negro College Fund of Connecticut, has made a real impact in our community.

Dr. Edmonds' retirement is richly earned, and his leadership and guidance will be missed by the entire New Haven community. I am pleased to pay tribute to his extraordinary achievements.

AN IDEALISTIC MINISTRY THAT HELPS PROTECT CHILDREN'S WELFARE

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. SAWYER. Mr. Speaker, I rise today to celebrate the first anniversary of an idealistic ministry in Cuyahoga Falls, OH, that reaches out to serve children who are afflicted by violence, poverty, hunger, and distress. Sponsored by the Broadman Baptist Church of Cuyahoga Falls, the "For Kids" ministry has won our community's admiration as an energetic advocate for children's welfare and families spiritual strength. For Kids provides an invaluable public service by increasing our awareness of the concerns of troubled youths.

For Kids was organized after a tragedy that shocked and saddened our entire community: the death of 3-year-old Sheila Marie Evans, who had been victimized by child abuse. Out of that tragedy came an increased determination to strengthen our society's values, focusing even greater efforts on safeguarding children's well-being. During its first year of service, For Kids has become an inspiration for all those who seek to protect children's welfare.

The education and advocacy work of the For Kids initiative has been recognized by the Children's Defense Fund as a good model for similar outreach efforts around the Nation. Through its series of conferences, public speakers, newsletters and training sessions for parents, For Kids has begun to address the range of social concerns that afflict so many of our young people today: teenage pregnancy, child abuse, poverty, hunger, and violence.

No single group, on its own, can conquer such pervasive social ills. But groups like For Kids can help educate families and children, and the broader public, about ways to overcome our society's chronic problems. By enlisting the entire community to think more deeply about children's needs, For Kids has made a profound contribution to the goal of stronger families and healthier children.

I am sure that all Ohioans join me in saluting the accomplishments of the first year of For Kids. And I am sure that all Ohioans join me in wishing many more years of continued success for the Broadman Baptist Church—led by Pastor Jeffrey Warren Scott—in its efforts to promote children's health, well-being, spiritual awareness, and education.

TRIBUTE TO EDMUND R. "NED" COLETTA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Edmund R. "Ned" Coletta of Troop 117 in Warwick, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, he constructed a bridge at Parker Woodland area which is owned by the Rhode Island Audubon Society.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Edmund R. "Ned" Coletta. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Edmund R. "Ned" Coletta will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

THE 1ST SESSION OF THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 8, 1993, into the CONGRESSIONAL RECORD:

THE 1ST SESSION OF THE 103D CONGRESS

The recently completed first session of the 103d Congress got off to a slow start and periodically faced partisan flare-ups, shifting coalitions, and Senate filibusters, but overall it was a productive session. Congress passed several major initiatives and laid the groundwork for action on others next year.

MOST SIGNIFICANT ACCOMPLISHMENTS

Of the dozens of measures enacted, two stand out as the most significant.

Deficit Reduction: By the narrowest of margins Congress passed a major deficit reduction package, recently estimated by the Congressional Budget Office to yield $433 billion in deficit reduction over five years. The savings were split between spending reductions and higher taxes, primarily for upper-income individuals. Under the package, the projected 1998 deficit of $360 billion should fall below $200 billion. The package has helped bring down long-term interest rates, which in turn has helped stimulate the economy.

NAFTA: the North American Free Trade Agreement passed in the closing days with bipartisan support. It is scheduled to take effect January 1, 1994, and will phase out tariffs among the United States, Mexico, and Canada over 15 years. The agreement creates the world's largest integrated trading bloc, and is expected to increase our exports, produce a net gain of U.S. jobs, and improve our competitiveness relative to Japan and Europe.

OTHER MEASURES ENACTED

Several other important initiatives were passed and signed into law.

National Service: The President's national service program was approved giving young people up to $9,450 in college aid in exchange for community service in areas such as teaching and public safety.

S&L Bailout: Congress provided $18 billion to depositors who lost their accounts to failed savings and loans, bringing the final bailout total to some $100 billion.

Disaster Assistance: $5.7 billion in emergency assistance was provided to midwestern states hurt by the summer flooding.

Voter Registration: The "motor voter" bill was approved allowing citizens to register to vote when they get their driver's license or to sign up by mail.

Family Leave: A new law requires companies with 50 or more employees to provide up to 12 weeks of unpaid leave to workers to deal with newborns or family medical emergencies.

Unemployment Benefits: Congress extended emergency unemployment benefits for victims of the recession.

Earned Income Tax Credit: A new law protects the working poor and their families by expanding the earned income tax credit.

Brady Bill: A five-day waiting period for the purchase of handguns was approved, similar to the waiting period already in effect in Indiana.

Women's Health: Congress approved a new research effort at the National Institutes of Health focusing on women's health needs.

Student Loans: The federal student loan program was overhauled; the application process was streamlined and loan rates were lowered.

Childhood Immunization: Congress established a new immunization program to purchase vaccines for uninsured, low-income children.

Hatch Act Reform: Under a new law, federal and postal workers will be allowed to engage in political activities in their off hours.

Super Collider: Funds were terminated for the Superconducting Super Collider, a giant atom smasher being built in Texas.

Military Base Closings: To cut costs and streamline operations, Congress allowed the closure of 35 major military installations and nearly 100 minor ones.

Somalia Withdrawal: Congress approved the President's plan to remove nearly all U.S. troops from Somalia by March 31, 1994.

Aid to Russia: $2.5 billion in assistance was approved for the republics of the former Soviet Union, to help them shore up their democratic and economic reforms.

MEASURES MOVING THROUGH CONGRESS

Several other measures passed at least one house during the first session, and will require additional action next year.

Campaign Finance: Differing House and Senate bills would restrict special interest money and impose voluntary spending limits on congressional campaigns.

Crime: The House and Senate passed different anti-crime measures which would fund more police officers and create more boot camps for young offenders.

EPA: A Senate-passed bill would elevate the Environmental Protection Agency to Cabinet-level status.

Education: The House voted to provide grants to states for school improvement and to set national educational goals.

Mining: House and Senate bills would impose royalties on minerals extracted from federal lands.

Lobbying Reform: The Senate passed a measure requiring broader disclosure of lobbyists' activities.

Striker Replacement: The House voted to bar employers from permanently replacing strikers.

Line-item Veto: The House approved a version of the line-item veto intended to improve the President's ability to reject specific spending programs.

Spending Cuts: The House approved $37 billion in additional spending cuts over the next 5 years, with most of the savings from reducing the federal workforce.

Reinventing Government: The House approved a bill to reorganize various federal departments and phase out obsolete programs.

MAJOR ISSUES NEXT YEAR

During the first session Congress began work on several key issues that will likely receive major attention next year.

Health Care Reform: Perhaps the most important issue will be dealing with President Clinton's massive plan to reform the way Americans get medical care—including universal coverage and cost controls.

Welfare Reform: Congress will also take up the President's welfare reform initiative, which is expected to focus on limiting welfare benefits to two years followed by help in entering the job market.

Job Training: The President has promised a major job retraining initiative to help displaced workers.

Balanced Budget: A vote is expected on a constitutional amendment requiring the federal budget to be balanced.

Congressional Reform: Early action is expected on recommendations to streamline committees, cut staff, reform the budget process, and make Congress more accountable.

CONCLUSION

Thus my assessment is that the first session of the 103d Congress had an unusually solid record of accomplishment. It showed that Members are serious about breaking gridlock in Congress and with the President. For the first time since 1969 there was not a single presidential veto. The level of strife between Congress and the President was indisputably lower. Some measures are incomplete, votes continue to be hard to assemble, deep divisions were often apparent, and many legislative battles were bitterly fought, but, in the end, the results were striking and Congress responded to voters who were sick of gridlock.

THE EXPANDED TRAINING OPPORTUNITIES ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. GEJDENSON. Mr. Speaker, I rise today to introduce the Expanded Training Opportunities Act of 1994. This legislation will allow workers to get services under the Job Training Partnership Act [JTPA] prior to being laid off.

Today, health care and welfare reform are hot topics, and they should be. However, I firmly believe we need to reform our job training assistance program. Our current system was designed decades ago to provide temporary income support for individuals who were laid off for short periods of time. Workers usually got their old jobs at the same plant back long before benefits expired. We didn't give much thought to intervening before people were put out of work.

Unfortunately, this system just doesn't work in today's ever changing economy. An increasing number of people are joining the ranks of displaced workers, those employees who have lost their jobs and probably won't find a similar one in their area or any other. The statistics are alarming: in 1992 75 percent of laid-off workers were permanently laid off—this represents the highest annual figure since 1967 when this category of workers was first tracked. Since the 1970's, the percentage of unemployed workers out of work for 6 months or longer has increased steadily from 11 to 16 percent in the 1990's. In fact, in 1993 21 percent of the unemployed hadn't worked in at least 6 months, the second highest annual rate since World War II.

These workers need access to job training and educational services to provide them with new skills demanded by today's economy. However, they can't access these services until they have been notified that the place they work will close or until they have been given a pink slip. This is far too late. The emotional and financial strain of losing one's job is exacerbated by confusion about how to take advantage of training and other services under JTPA. Workers should be able to learn about the services available and begin training or educational programs before they find themselves out on the street.

Moreover, current law does not provide assistance to the countless employees who work for subcontractors, suppliers, and other businesses that are dependent on work from the larger business. In my State, countless subcontractors and small business have been, and will continue to be, adversely affected by massive layoffs at Electric Boat, Pratt and Whitney, and Aetna Life & Casualty. It is very likely that significant numbers of these workers will lose their jobs and require job search assistance or retraining services. It is essential that these employees also have access to services prior to losing their jobs.

My bill would amend the Job Training Partnership Act to provide the range of JTPA services to workers in facilities that will close or experience significant layoffs prior to closure or formal notification of layoffs. It will also expand access to workers in other businesses that will be affected by the closure or layoffs. Moreover, the bill will authorize the Secretary of Labor to assist companies which are developing programs to retrain their existing skilled work force to make the business more competitive. This would allow companies to meet their needs in the future with workers who have proven productive over the years.

Workers should have access to assistance before they find themselves without a job and under pressure on many fronts. We have a responsibility to cushion the blow of job loss, and this bill can help achieve this end. Furthermore, workers in businesses connected to those closing or laying off large numbers of workers should have access to these services as well. Reductions at one facility have ripple effects which we have to address. The American worker deserves as many options as possible prior to actually being unemployed. This bill helps provide some of these options and may very well reduce total unemployment because people could prepare for a new job prior to losing their existing one. This is beneficial to the worker and the economy. I urge my colleagues to support this important legislation.

TRIBUTE TO THE MEMORY OF VENCENT C. ACEY, AN OUTSTANDING AMERICAN HERO

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to an outstanding American who gave his life in the name of saving others. On January 28, 1994, distinguished Philadelphia fire fighter Vencent C. Acey was tragically killed in the line of duty as he fought a furious blaze. His loss saddened the entire Philadelphia community, especially those who had the good fortune to personally know this brave and selfless man.

Mr. Speaker, men like Vencent C. Acey are rare to find. In this day and age, when many people go to work simply to collect a paycheck, Vencent Acey knew that his calling was more than a 9-to-5 pursuit. To Vencent and his brothers and sisters in the Philadelphia Fire Department, their job is a mission. Vencent constantly ensured the safety of men, women, and children throughout our community, and laid down his life in the name of saving others.

I ask the entire U.S. Congress to rise and join me in extending our deepest sympathies and most sincere condolences to Vencent's beloved wife, Edith, and his cherished daughter, Kimberly. I would also like to urge them to remain strong, and know that God will always be watching over them. The memory of Vencent C. Acey will always live within the many who loved him dearly, and I am certain, Mr. Speaker, that the entire city of Philadelphia is saddened by the loss of this true American hero.

TRIBUTE TO WARNER JONES—MR. CHURCHILL DOWNS

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. BUNNING. Mr. Speaker, last Sunday night, Kentucky lost a great son, the horse industry in this Nation lost a great champion, and I, like many other Kentuckians, lost a great personal friend when Warner L. Jones, Jr., passed away at the age of 78.

Warner Jones was a paradox. He had a gruff old voice and a stern face furrowed like chiseled granite. But, at the same time, he bubbled over with a warmth the rough exterior couldn't hide and a generosity that gripped your heart the moment you met him. He hobnobbed with royalty and Arabian sheiks but he still played Willie Nelson tapes when he drove around his farm. He was definitely a man worth knowing.

As he would have wanted, Warner Jones died as he lived most of his life, at Hermitage Farms, a farm in Oldham County, KY, which he bought at the age of 19, with borrowed money, and which he turned into one of the most famous and most successful thoroughbred breeding operations in the history of horseracing.

Because of his love for thoroughbred horseracing, Warner became the self-appointed custodian of the thoroughbred breeding and racing industry in Kentucky. And he did a mighty good job of it. During his 51 years as a director at Churchill Downs, he was personally responsible for much of the success, and the reputation of the premier of all sporting events—the Kentucky Derby. He should be known as Mr. Churchill Downs.

Warner Jones' influence was also felt nationally. He was a key figure in the establishment of the American Horse Council and, later, he played an active role in the creation of the Breeders Cup. Overall, I think it is safe to say that Warner Jones was undoubtedly one of the most important figures in thoroughbred racing in this century.

Warner Jones loved thoroughbred racing. And Warner Jones was definitely a thoroughbred himself. I will miss him but I will never forget him.

I ask my colleagues to join me in paying tribute to the memory and the accomplishments of Warner Jones of Hermitage Farms.

TRIBUTE TO AMERICAN LEGION AUXILIARY UNIT 287

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Ms. DANNER. Mr. Speaker, I rise today to have read into the CONGRESSIONAL RECORD the accomplishments of the American Legion Auxiliary Unit 287, located in Savannah, MO. As the Representative of the Sixth District of Missouri, I am proud of the achievement of this organization.

Since their beginning in 1921 the American Legion has worked tirelessly not only for veterans but volunteering in many areas of the community. This organization has given both time and monetary support to the Girl Scouts, Child and Adult Welfare, the annual County Government Day, and local 4–H activities. While the American Legion provides outstanding service in these areas, its most important ongoing community effort has been in their hospital equipment loan program.

What follows is a letter from the American Legion Auxiliary Unit 287 that illustrates their dedication to public service.

In nineteen hundred forty-six our Auxiliary, Dick Munkres Unit 287, determined that a hospital equipment loan service would be a valuable Community Service.

With the help of Cappers Weekly drives, we were able to obtain some of our early equipment. The project was first located in the basement of the courthouse. This was a convenient location for all at the time. After a period of years, it was decided that it needed to be located where it could be more personally administered.

About 1954 it was moved to the basement of one of the members homes. It continued there until about 1961 when it was moved to the back room of a local Abstract Company.

The service had grown to such proportion that another move was necessary. In the early 1970's the equipment was moved to an empty barber shop near the town square. By this time we had accumulated much equipment that was faithfully loaned by Auxiliary equipment chairmen.

In about 1980 a permanent home for the equipment was built on the Legion grounds. Year after year this service continues to be a most valuable contribution to the community.

From a small beginning of only two wheel chairs and crutches, our equipment has grown through the years to include beds, walkers, many wheel chairs, crutches, tables, canes, commodes, geriatric chairs, stool extenders, bathroom equipment, and much miscellaneous equipment. The equipment has been added to through the years by Auxiliary purchases, donation of funds and equipment by individuals as well as early Cappers Publication sales.

Today our equipment is valued at thousands of dollars. There are approximately 100 items that are loaned each year. Some are used for an extended time. There is no charge for the use of the items to Andrew County residents.

We have a chairman that gives many hours of her time each year to this project. The schools, doctors, Health Department, and citizens know that we provide this service and contact us when there is need.

Again, thank you for recognizing the accomplishments of the American Legion Auxiliary Unit 287.

WELFARE REFORM MUST INCLUDE THE CLEANING UP OF THE SOCIAL SECURITY DISABILITY INSURANCE [SSDI] PROGRAM'S SUBSIDIZATION OF SUBSTANCE ABUSE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. GEKAS. Mr. Speaker, it has come to my attention that the Social Security Disability Insurance [SSDI] program is unintentionally subsidizing much of the drug and alcohol addiction that plagues our society.

Under current law, although Title XVI Supplemental Security Income [SSI] beneficiaries who have drug problems may be required to undergo treatment in order to receive benefits, there is no such parallel provision for those receiving Title II Social Security Disability Insurance [SSDI] benefits. Consequently, a worker who is an addict may remain for life on SSDI benefits due to his or her addiction, with no requirement to ever receive treatment.

Moreover, the current requirement for treatment under Title XVI [SSI] is ineffective. There are insufficient numbers of treatment centers—or in some locales, no such centers—and inadequate followup to assure compliance with treatment even where treatment centers exist. Worse, the effect of the current system is to provide an incentive to remain addicted: to assure continuance of benefits, a beneficiary must remain addicted. The system encourages just the wrong kind of behavior.

Another great weakness of the current program is the provision for representative payees. I am advised that often an addict becomes the representative payee for his friend and both continue to indulge in their addictive habits.

For a full explanation of this problem and a list of solutions, I have written a letter to the Social Security Administration [SSA], which operates SSI and SSDI. To this date I have not received response. However, I do hope to work the SSA on this matter, since SSA is on the front line of this issue.

As you know, the House Republican Welfare Task Force bill includes a provision to terminate SSI benefits for drug addicts who test positive to drug tests. Welfare reform will not be comprehensive without provisions to reform SSI and SSDI.

For myself, I am introducing legislation requiring treatment for those addicts who are beneficiaries under Title II Social Security disability to conform with the Title XVI provisions for compliance with treatment. I will also support my colleague Congressman BILL THOMAS' bill to provide for tightening of the provisions under Title XVI and for assuring compliance with treatment.

My legislation will also require that representative payees be public, charitable, and/or other reputable institutions. Moreover, my proposal will provide that administrative law judges may terminate benefits prospectively, retaining jurisdiction in proper cases to provide additional protection to the claimant and the taxpayer.

The result will be to take the individual out of addiction and off the rolls of the Social Security and SSI disability programs, producing great savings to the taxpayer. It will also go far in restoring the addict to a life of dignity and productive work.

I am advised that Senator COHEN is working on this same problem. So, with the cooperation of the Senate and the House Committee on Ways and Means, I look forward to a successful deliberative process to reform our welfare and Social Security systems before the end of 103rd Congress.

BACKGROUND

The Social Security Act provides for the payment of disability benefits to individuals who cannot work because of a medically determinable physical or mental impairment that has lasted, or is expected to last, for at least 12 months or to result in death.

In implementing the disability standard, the Social Security Administration (SSA) has developed listings of physical and mental impairments that it accepts as prima facie evidence of disability. SSA's listing of mental impairments includes "substance abuse disorders." To be awarded benefits under this listing, applicants must have a severe condition associated with alcoholism or drug abuse—e.g., a personality disorder, chronic depression or anxiety, organ damage, or an organic mental disorder. Applicants whose drug- or alcohol-related impairments differ from those described in this listing are given an individual assessment by SSA and may be granted benefits on the basis of reduced overall functional capacity.

In addition to meeting the medical definition of disability, alcoholics and drug addicts who apply for SSI must comply with two statutory restrictions in order to receive benefits: (1) they must participate in a substance-abuse treatment program approved by SSA, and (2) their SSI benefits must be paid to another person or organization—a "representative payee"—who is responsible for handling their finances. (Under SSA regulations, alcoholics and drug addicts who have another qualifying disability—e.g., a heart condition, paralysis, or cancer— are granted benefits on the basis of their non-drug-related impairment and are not subject to these requirements.)

PROGRAM GROWTH

A recent GAO study, requested by Senator COHEN, found that the number of SSI alcoholics and drug addicts who are subject to the above requirements tripled between 1990 and mid-1993, rising from 23,000 to 69,000. This increase exceeds significantly the 31 percent increase that occurred during 1990–93 in SSI payments to all disabled beneficiaries. The SSI alcoholic and drug addict population remains small in relative terms, however, constituting only 1.8 percent of all disabled SSI beneficiaries.

In the SSDI program, the number of alcoholics and drug addicts rose by approximately 35 percent between 1990 and mid-1993. This compares to an overall 1990–93 increase of 29 percent in the SSDI program. Extrapolating from SSI data, the GAO estimates that there are currently about 50,000 substance abusers receiving SSDI benefits. As in the SSI program, the group is small on a relative basis, constituting 1.3 percent of all SSDI beneficiaries.

Of the SSI substance-abuse population, 55 percent are alcoholics, 16 percent are drug addicts, and 29 percent have both addictions.

ENFORCEMENT OF SSI PROGRAM RESTRICTIONS

TREATMENT

The GAO found little enforcement of the requirement that SSI beneficiaries who are disabled by alcoholism or drug addiction participate in treatment as a condition of eligibility. It reported that SSA has funded Referral and Monitoring Agencies [RMAs] in only 18 States to place and monitor beneficiaries in treatment. Due in large part to SSA funding limitations, these RMAs are monitoring only 51 percent of the SSI substance abusers residing within the 18 States and 44 percent of the SSI substance abuse population overall. In the remaining 32 States, SSA has established no mechanism for referring beneficiaries to treatment or monitoring them.

REPRESENTATIVE PAYEES

In most instances, SSA satisfies the statutory requirement for a representative payee for SSI drug addicts and alcoholics by designating a family member or friend to manage monthly benefit checks. The GAO determined that 59 percent of representative payees for this group are family members, while 35 percent are friends, 2 percent are institutions, and 4 percent are social agencies.

Some critics question whether family members and friends of drug addicts and alcoholics should be permitted to serve as representative payees. By law, representative payees are required to spend the funds to provide for food, clothing, shelter, and necessary treatment for the beneficiary. However, drug addicts and alcoholics in their desperation to feed their destructive habits can become verbally and physically abusive to those who control access to their benefits. In an attempt to avoid confrontation, family and friends of drug addicts and alcoholics may simply turn the money over to the beneficiaries who in turn use it to buy drugs and alcohol.

In 1989, the Subcommittees on Social Security and Human Resources held a hearing on the representative payee program and heard testimony that drug-addict and alcoholic SSI recipients, who were required by law to have a representative payee themselves, were serving as representative payees for each other. In some cases, bartenders were serving as representative payees for their customers. In 1990, Congress enacted reforms to prevent this kind of abuse in the representative payee system, but some individuals who work with drug addicts and alcoholics assert that these problems with the representative payee program continue to exist.

1994 HEARINGS

In February 1994, the Ways and Means Subcommittees on Social Security and Human Resources will hold hearings on this matter. I am advised that these subcommittees are concerned by the sudden, sharp increase in disability benefit awards to alcoholics and drug addicts and want to understand its causes. Do the origins of this increase lie primarily in an increase in substance abuse in the general population? In higher application rates by substance abusers? In efforts by States to shift their welfare caseloads to the Federal government? In SSI outreach? Or in other factors?

The Subcommittees are particularly concerned that administrative barriers to treatment and rehabilitation may be contributing to the observed program growth.

AVAILABILITY OF TREATMENT

Some observers hold that a shortage of treatment is the major barrier to rehabilitation of alcoholics and drug addicts. Others hold that there is no shortage of treatment facilities but that, due to a lack of resources, referral agencies do not have the personnel to place substance abusers in available rehabilitation programs. Is there a bottleneck in this service delivery system and, if so, where is it?

REFORM OF THE REPRESENTATIVE PAYEE PROGRAM

How does the present availability of SSI and SSDI benefits impinge on the success of efforts to treat substance abusers? Should the duration of cash benefits be limited? Should drug addicts and alcoholics be given vouchers for residential treatment instead of cash benefits? How frequently do family members and friends who serve as representative payees serve as a conduit to drugs and alcohol? Should family members and friends be prohibited from serving as representative payees? Should rehabilitation facilities be permitted to serve as representative payees? Are there additional SSI or SSDI program requirements that would be likely to improve rates of rehabilitation? If so, what are they?

Before the adjournment of the second session of the 103rd Congress, reform of the welfare system, including changes in both the SSI and SSDI system, should be a reality. And I pledge to contribute to that end.

VIOLENCE IN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 15, 1993, into the CONGRESSIONAL RECORD:

VIOLENCE IN AMERICA

Violence is tearing at the very fabric of American society. Most polls show that it ranks, with the economy, as a top concern for voters. Nightly news programs are filled with stories, about drug-related murders, drive-by shootings, or handguns in schools. The President admonishes Hollywood about the dangers of violent entertainment. Foreign countries warn their citizens about the dangers of traveling in the U.S. The wave of violence is spreading into rural America as well. Residents of the Ninth Congressional District were shocked last year by the abduction and brutal murder of a twelve year old girl near Madison. Many Hoosiers tell me that they feel that no place is safe anymore. They believe that government is failing in its basic mission to protect its citizens.

SCOPE OF THE PROBLEM

Crime statistics underscore the magnitude of the problem. Violent crime in America can take many forms, including murder, robbery, rape and assault. The Justice Department estimates that last year 1.9 million violent crimes were committed, a 50% increase from a decade ago; 29,000 violent crimes were committed in Indiana last year. Most violent crime continues to be concentrated in our inner cities, even as violent crime rates in urban areas have fallen slightly in recent years. Rates for smaller cities and town are on the increase.

A particularly disturbing trend in recent years has been the increase in violent crime among children and adolescents. The FBI estimates that over 11% of all persons arrested for a serious crime are under the age of 15; 29% of those persons are under age 18. Gunfire is the leading cause of death among young men today. It is not uncommon to read about children engaging in gun fights in school hallways or playgrounds. Many schools, particularly in inner cities, have responded by installing metal detectors and hiring additional security personnel.

POTENTIAL CAUSES

Several possible explanations have been offered for the rise in violence in our society. First, the level of violence is tied to population growth. Studies have shown that younger men are more likely to commit crime than older men, so as our population got younger during the 1970s and 1980s because of the baby boom, crime and violence increased. Second, the media and Hollywood are faulted for showing too much violence on television and in movies. Some contend that they have glamorized violence and created a culture accepting of violent behavior. Third, violence in America is linked to deeper societal ills. Violent offenders are more likely to be young, poor and unemployed; to be poorly educated; to have come from broken homes and violent neighborhoods with limited economic opportunities; and to have abused drugs. Fourth the ease with which people obtain high-powered guns contributes to the upsurge in violence. Guns in America are plentiful, accessible, and increasingly lethal; more than 15,000 people were killed last year with firearms. Other countries with more restrictive gun laws have far fewer violent crimes. Fifth, our criminal justice system is said to be weak and ineffectual. Deterrence of crime depends primarily on the swiftness and certainty of punishment, but our justice system has been overwhelmed by the heavy caseload. Sixth, some suggest our society is inherently violent. Our emphasis on independence and freedom has historically had its darker, violent side, whether on the Western frontier or in today's cities.

RESPONSES

Violence is a complex problem which defies easy solutions. This helps explain some of the public's frustration with the government's response to violent crime. Washington politicians continue to over-promise and under-deliver on the crime issue. Washington has passed four major crime bills over the last decade—and is poised to pass another crime bill next year—and spends record sums on anti-crime efforts, but these initiatives have had a limited impact on the crime problems faced by the average American. In our federal system of government, states and localities take the lead in fighting the crimes which worry people most, like assault and rape. The federal government does play an important role in assisting those efforts with funding, research and personnel; the crime bill pending in Congress would provide funding for the hiring of 100,000 new policy officers. But it is misleading to suggest that Washington can solve the problem of violence with the passage of a law, no matter how carefully crafted.

There are limits to what government can do about violence. Certain steps must be taken to make our criminal justice system more effective. Many states and localities are working to strengthen their police forces and get violent offenders, particularly repeat offenders, off the streets. Many are also trying innovative anti-crime programs, such as "boot camps" to deter young first offenders or "community policing" to encourage police and neighborhood leaders to work together in fighting crime. I also think it will help to perform background checks before handgun sales. Even so, government's record to date in curbing violence has been discouraging. A decade of building dozens more prisons, incarcerating thousands more prisoners, and expanding the number of capital offenses has not reduced overall crime levels. If anything, most Americans are more concerned about their safety today than they were ten years ago.

A NEW APPROACH

The question then is what should we be doing differently. Violence is such a pervasive problem that it cannot be solved by government alone. Government, of course, must take the lead in fighting crime. It must put police on the street and get criminals off the street. But in the end success depends on individuals with a moral sense that is nurtured in families and encouraged by communities, that instills a strong sense of individual responsibility. Each of us has a role to play—whether caring for our children, working with law enforcement to fight neighborhood crime, or helping to create jobs in impoverished areas.

I am especially troubled by the rise in violent crime among young people. Clearly, intervention is necessary to stop the killing. More schools should run anti-crime education programs for their students, encourage conflict resolution techniques, and institute drug and alcohol abuse counseling programs to stop drug and alcohol-related crimes before they start. Government should also work, in partnership with the private sector, to help address the social causes of violence by providing services to assist troubled families, educational programs like Head Start for at-risk children, and job training programs for young adults. Yet, if any of these efforts are to succeed, we must teach children about discipline, self-respect, the importance of education, and the value of human life.

TESTIMONY ON THE EMPLOYMENT STATUS PROVISIONS OF THE ADMINISTRATION'S HEALTH SECURITY ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. LANTOS. Mr. Speaker, as we debate the President's health care proposal and employer mandates, we must pay close attention to the issue of the proper classification of workers. If we require employers to pay a significant share of their employee's health care insurance premiums, employers will be tempted to misclassify their employees as independent contractors. The President's Health Security Act contains important provisions to prevent the further misclassification of workers and I support him in this effort. I testified before the House Ways and Means Subcommittee on Select Revenue Measures yesterday on the problem of the misclassification of workers and in support of the President's approach to curb further abuse of workers and the law. I respectfully request that my remarks be placed in the RECORD and urge my colleagues to support efforts to craft an effective solution to the problem of the misclassification of workers.

STATEMENT OF TOM LANTOS

Thank you, Mr. Chairman, it is a pleasure for me to testify again before your Subcommittee on an issue of great importance to me—the misclassification of employees. As we all know, the President's health care proposal, of which I am a sponsor, would require businesses to help pay their employees' health coverage. This leaves the critical questions: Who is an employee? And how should employers distinguish between employees and independent contractors for whom employers will not have to provide health benefits?

In the 70's Congress enacted Section 530 which provides several safe harbors for employers to escape IRS assessments for past misclassification and to permit continued misclassification in the future. If Section 530 does not apply, the determination of whether an employer-employee or independent contractor relationship exists is made under a very subjective 20 factor common law test.

Strong evidence suggest that the current means for determining employment status has had several negative effects: one, Section 530 safe harbors results in similarly situated employers being treated very differentially under tax law; two, misclassification allows—and actually encourages—businesses to undercut competitors through unfair practices; three, misclassification leaves workers exploited and unprotected; and four—surely an issue of prime importance to all of us—misclassification deprives the Federal government of significant revenue.

The misclassification of workers is not a small problem. The IRS reported that in 1984 one in seven employers misclassified some three million workers with $16 billion in compensation. The Social Security system, state unemployment funds and the general treasury are all losing money. More significantly, these estimates, according to the IRS, "are conservative. They represent employers with employment tax filing requirements but do not include withholding and employment tax noncompliance for employers who are completely noncompliant with employment taxes regulations." In other words, these estimates do not include the submerged bulk of the iceberg, the willful violators.

The incentives to misclassify workers as independent contractors are huge. An employer who misclassifies a worker as an independent contractor instead of an employee escapes many obligations, including paying half of Social Security tax, unemployment tax, workers compensation insurance, withholding income taxes and providing benefits such as vacation, sick and family leave, health and life insurance, pensions, etc., by passing these obligations on to, in many cases, unknowing workers.

As Chairman of the House Government Operations Subcommittee on Employment and Housing, I have seen the devastating effects on workers who are misclassified as independent contractors. The loss of financial benefits and of the many protections which are provided to employees can be catastrophic in cases of illness, unemployment and retirement. I certainly agree with and recognize the appropriate and valuable roles of many who work as independent contractors. It is the misuse of the independent contractor status and its serious adverse effects on both employer and workers that concern me.

My colleague, Congressman Chris Shays, and I have introduced legislation (H.R. 3069) in an effort to remedy some of the abuses by employers that occur in determining a worker's employment status. The President recognizes, and I agree, that health care reform will make it imperative to develop clearer rules for determining the employment status of all workers.

I have long advocated repealing the safe harbor provisions of Section 530 and permitting the Department of Treasury to define the term "employee" by regulation and these provisions are contained in Sections 7301-7303 of the President's Health Security Act. These important changes in law would improve revenue collections, reduce the incidence of inequitable tax administration, assist legitimate businesses, and help to implement the economic safety net we want for our workforce. These changes will also minimize the administrative and compliance burden on firms and make it more difficult for employers to avoid the obligation to pay health care premiums or inappropriately take advantage of premium discounts.

I can assure you that as we move down the road toward employer mandated health care, the incentives to misclassify workers by employers will be even larger. There is no better time to clarify the rules for classifying workers. There is no better time to prevent worker misclassification than now.

Thank you for your attention to this issue.

TRIBUTE TO EDWARD A. KELLY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. SAXTON. Mr. Speaker, it is a great privilege for me to congratulate a constituent of mine, Edward A. Kelly, as he retires from 25 years of public service to Burlington County, NJ, and a lifetime of public service to the State of New Jersey.

Ed has served as the county clerk of Burlington County for five consecutive 5-year terms. In the county elections in which Ed campaigned, he consistently received more votes than anybody else running for county office.

Ed has been very active with the Boy Scouts of America in Burlington County. He is a member of the board of directors for the Burlington County Chapter of the Boy Scouts of America. Also in 1993, Ed was the recipient of the Boy Scouts Outstanding Achiever Award.

I really got to know Ed through his work with the Burlington County Military Affairs Committee. Ed is constantly working with the young service men and women stationed at Fort Dix and McGuire Air Force Base to make them feel at home.

Ed was especially helpful as our community fought and won the fight to keep McGuire Air Force Base open. For his help in this mammoth effort, I will always be grateful.

Recently, when I asked for some biographical information on Ed, I received a solid page listing all of the public service organizations with which Ed has been or is associated. Truly Edward A. Kelly is an outstanding example of public service to us all.

Thank you Ed for your service, and God bless you and your wife. And may you continue as a valued and active member of our community for many years to come.

RULES CHANGE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. GALLO. Mr. Speaker, today I am introducing a resolution that would change the Rules of the House to require that every authorization and revenue bill be accompanied by a Congressional Budget Office "Employment Impact Statement" that would analyze the impact of that bill on both public and private sector employment. I believe this is an action which is long overdue.

For too long, members of Congress have been asked to vote for legislation that changes the tax code or authorizes the creation of new government programs, policies, and mandates without having any definitive information on the impact of that legislation on jobs and the economy.

Just as CBO now tells us what the cost of legislation is to the Treasury, so too should we know the cost of legislation to the economy and people's jobs.

We also need to know whether the bills we are voting on grow the economy—or just grow the government.

There is no getting around the fact that everything we do here has an impact on the ability of the economy to create and sustain jobs. It's about time we stop acting in an information vacuum.

Over the last several years we have seen the law of unintended consequences come into effect—to the detriment of working Americans.

For example, in 1990 Congress decided it would raise revenue and soak the rich by instituting a so-called luxury tax on boats. At the time, some members of this House—including this one—opposed this measure out of concern that it would destroy jobs in the boat building and boat selling industries. Those who were in favor of this tax dismissed our arguments, suggesting we were just trying to protect wealthy taxpayers.

As it turned out, however, we were right—the luxury tax destroyed thousands of jobs in the boating industry—most of them blue collar. Once the "unintended consequences" of this action became known, the rush to repeal this jobs-destroying tax took off like a cigarette boat at full throttle.

If a CBO Employment Impact Statement had been prepared in 1990, the destruction of these thousands of jobs could have been averted. Instead of putting people on the unemployment line, we would have kept them on the production line.

I hope that my colleagues will support this important change to the Rules. Enactment of my resolution can only improve the quality of our decision-making—and who would argue with that.

FISCAL IRRESPONSIBILITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. CRANE. Mr. Speaker, every year that Congress fails to balance the budget mortgages more of our children's future to pay for our fiscal irresponsibility today. In an attempt to put the Government's fiscal house in order, many of my colleagues have supported higher taxes. However, experience shows that this is a fallacious approach to deficit reduction, as Congress spends on average $1.59 for every $1 tax increase. The real cause of the deficit, then, is not under-taxation, but over-spending. As my colleagues consider the deficit and legislation calling for higher levels of Federal spending, I urge them to read the following article by Paul S. Hewitt, which appeared in the Winter 1994 issue of "Policy Review."

OWE, SUSANNAH, HOW MUCH THE NATIONAL DEBT WILL MAKE YOU CRY

(By Paul S. Hewitt)

Two monster tax increases in 1990 and 1993 were imposed on American families in the name of deficit reduction. The medicine didn't work.

America's national debt is still spiralling out of control. At the beginning of fiscal 1994, the gross national debt stood at $4.4 trillion, with projections that it will grow by another $311 billion this year. Net national debt—taking out money the federal government owes to itself, such as the Social Security trust fund—stands at $3.3 trillion.

Congress, whose most important responsibility is to control taxing and spending, isn't even close to controlling the federal government's structural deficits. The projected deficit for FY 1994 is $253 billion, rising to $359 billion for FY 2000. That's not even counting the additional budgetary costs of the Clinton health plan, which economists such as Martin Feldstein of Harvard University have estimated could increase deficits by as much as $120 billion a year.

CASH YOU COULD HAVE USED

What does this mean for you? Last year the average American household paid $1,700 in taxes to finance interest on the national debt—another $450 was financed by borrowing. It was money you needed. A 25-year-old who saves $1,700 every year, earning 6 percent interest, can amass savings of over $265,000 by age 65. Alternatively, you might have used this cash for Christmas gifts, charitable donations, or to help with your college bills. It is the vacation you wanted to take, the boat you wanted to buy, the suits you wanted to replace but couldn't.

These subtractions from your paycheck are going to get larger. Net interest on the national debt amounted to $198 billion last year, making it the third largest program in the budget—after Social Security and defense. This is more than the combined budgets of the Departments of Commerce, Education, Labor, State, and Transportation, plus NASA and the Environmental Protection Agency. Interest costs are expected to grow 65 percent over the next 10 years, again not counting the Clinton health plan. Unless you expect your income to rise by more than 65 percent over the same period, you will have to pay a higher proportion of your earnings to finance Washington's debt binge.

But you're caught in a Catch-22, because skyrocketing deficits make it harder to finance the investment we need to raise long-term living standards. Federal borrowing as a share of net private savings soared from a mere one percent in the early 1960s to a whopping 71 percent during 1991–1992. As a result, America has the lowest savings rate in the industrialized world and depends on foreign savers for its net investment. That may have been all right in the 1980s when Japanese and German pension funds had surplus cash to invest here. But those days are over; where are we going to get capital now?

$900 BILLION MORE

President Clinton and the media like to blame our debt problems on the Reagan and Bush administrations. The national debt did grow by $2.6 trillion from 1981 through 1993—a threefold expansion over the $709 billion accumulated in the country's first 201 years. Half of the debt before 1980 was incurred to fight World War II, and about a third of the new debt in the Reagan-Bush years financed the military buildup that won the Cold War. The remaining new debt would have been lower if most of President Reagan's proposed domestic spending cuts hadn't been pronounced "dead on arrival" in the Congress. Whatever the reasons, each household's share of the national debt has grown by $28,500 since 1980, each individual's by $10,400.

Meanwhile, over the next five years, the Clinton administration plans to increase the national debt by another $1.12 trillion—or about $12,100 per household. Again that's not counting the cost of the health plan. It also assumes that long-term interest rates stay low. Should interest rates return to the levels just five years ago—a possible response to simultaneous economic recoveries in Japan and Western Europe, or simply a resurgence of inflation—annual debt service costs could rise by another $70 billion, or $760 per household.

There is one overriding reason for the explosion of the national debt, and that is the skyrocketing of payments for the elderly. Over the next decade, the Congressional Budget Office (CBO) forecasts that annual federal spending will grow by roughly $900 billion. This will require an additional $8,700 in tax revenues and deficit spending per household by year 2003. Ninety-two percent of this growth is accounted for by entitlement programs and interest payments on the publicly held debt. Social Security, Medicare, Medicaid payments to the elderly, and federal pensions account for 60 percent.

Indeed, because most federal social spending is on retirees, pressure on taxes and deficits is tied closely to the number of Americans in old age. The elderly population will explode when the enormous baby boom cohort reaches the age of entitlement in 2007. That's when the real debt crisis begins.

During the second decade of the next century, spending on the elderly under current law is projected to grow by $150 billion to $200 billion per year in 1992 dollars. By 2030, according to government estimates by the trustees of the Social Security and Medicare systems, the combined cost of Social Security and Medicare systems, the combined cost of Social Security and Medicare (Parts A and B) will equal 48 percent of payroll, assuming output per worker grows as fast as it did in the 1980s.

Congress meanwhile, is doing virtually nothing to address the problem. The National Taxpayers Union Foundation's (NTUF) Congressional Budget Tracking System Survey found that just two out of the 332 bills introduced in the last Congress to cut spending (compared with 1,594 that sought to increase spending) would have trimmed old-age benefits. These bills, drafted by former congressman Leon Panetta, a Democrat who is now the director of the Office of Management and Budget, and Republican Senator Hank Brown (R-CO), drew only a few cosponsors—mostly moderate Democrats. Neither actually specified how to cut Social Security Medicare, or federal pensions. Instead, both measures sought to "cap" programs elliptically referred to as "entitlements" or "mandatory spending." How they would have worked is anyone's guess.

KASICH-PENNY PINCHING

In the current Congress the outlook for spending reform is brighter, though not much. Of the 271 spending reduction bills introduced in the first session of the current Congress, four now seek to trim entitlements. Meanwhile, proposed cuts in both entitlements and discretionary spending were combined in a late-session bipartisan amendment by Representatives John Kasich (R-OH) and Tim Penny (D-MN), which would have reduced cumulative deficits over the next five years by 9 percent. That this important measure failed by just eight votes, despite strong opposition from the White House, Democratic leadership, and senior citizen lobbies (based, revealingly, on the claim that deficits are needed to fund health benefits), could be taken as a sign that Congress is getting serious about deficit reduction. Still, it was just a first step, and Congress refused to take it.

In the early 1980s conservatives argued that we could grow our way out of the deficit—or, technically speaking, that deficit-funded tax cuts would cause revenues to grow faster than the ensuing rise in debt service costs. As far as it went, the argument had merit. However, it depended implicitly on the administration's ability to hold down spending, which never happened. Despite repeated attempts under President Reagan to stem the growth of Social Security, Medicare, Medicaid, and federal pension outlays, the Republicans were singularly unsuccessful in their efforts to restrain entitlement growth. Under George Bush, they all but gave up.

Now a bipartisan consensus may be beginning to emerge. To cite one example: Democrat Bill Bradley and Republican Alan Simpson, joined by seven other Senators of both parties, have asked the Congressional Budget Office to investigate potential savings from the means-testing of entitlements benefits.

There is mounting evidence that the public will support politicians with the courage to lead us into entitlement reforms. NTUF's July 1993 Survey of Retirement Confidence found that 62 percent of Americans over age 25 would rather see cuts in Social Security and Medicare than yet another tax increase. Fully 70 percent supported "reducing Social Security and Medicare benefits to high income recipients," an increase of 7 percentage points over the year before. Eighty-one percent of Americans ages 26 to 44 express little or no confidence that Social Security and Medicare promises will be honored, three times more than among Americans 55 and over.

One potential reform is to couple means-testing of Social Security and Medicare benefits, with deep new tax incentives for personal retirement saving. A recent CBO study suggests that as much as $150 billion in entitlements benefits went last year to households with incomes over $50,000. Reductions in this subsidy could greatly relieve pressure on federal spending while increasing the incentive to save and invest. Such a policy has several advantages. It would raise the anemic national savings rate and foster growth. It would address the anxieties of the middle-aging cohorts who will soon dominate the electorate. It would reinforce the basic truth of capitalism—that those who can do for themselves, should. And finally, it would retard the growth of spending, at last enabling America to outgrow its oppressive interest burden.

Every dollar of federal spending now adds 21 cents to the net national debt. Thus, in FY 1993, Social Security added $57 billion to the national debt; defense, $55 billion; Medicare, $27 billion; Medicaid, $14 billion; and all domestic discretionary spending combined, $43 billion. If you are a beneficiary of a federal program—whether it be a Social Security check or cotton support payments or student loans—you should be aware that you are adding more than one dollar to the national debt for every five dollars you receive.

Future retirees should also be aware of the precariousness of Social Security. More than $1 trillion (a quarter of the $4.3 trillion gross national debt) is owed by the Treasury's General Fund to the many trust funds that populate the government's books—among them: Social Security, with $366 billion in reserves; Civil Service Retirement, $319 billion; Medicare, $149 billion; and Highway, $22 billion. These assets are no more than bookkeeping entries; they consist of I.O.U.'s from the Treasury. A series of court decisions dating back to 1937 have established that the Treasury's debts to the trust funds need not be honored. Congress can liquidate the assets of a trust fund, and any obligation to dispense funds from them, at its discretion. Once future retirees realize this, there will be growing political support for smaller retirement benefits in exchange for greater retirement security.

Cutting spending is in vogue these days, and it is important to seize every opportunity to abolish the many unnecessary discretionary programs that populate the budget, from tea tasting to helium reserves. But together, these programs do not add up to much nor are they the cause of the explosive growth in national debt.

Only through reform of entitlements can Americans rebuild their communities on the twin pillars of thrift and enterprise, communities where citizens are self-reliant and secure in their retirement expectations, where assembly lines for products invented here never go elsewhere for want of investment capital, and where interest on the debt grows more slowly than the economy, revenues, and personal income. The sooner we reform entitlements spending, the better for us all.

OPPOSITION TO DRUG LEGALIZATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. GILMAN. Mr. Speaker, the recent suggestion of Surgeon General Joycelyn Elders that the legalization of drugs merited study, and the Clinton administration's own policy of deemphasizing drug enforcement and interdiction in favor of treatment and rehabilitation, have created great concern in the drug enforcement community.

I would like to commend to my colleagues a pair of articles on the subject that recently came to my attention. Both authors daily work with victims of drug abuse and their families.

Father George Clements, a black priest who has seen first hand the impact of narcotics on Chicago's South Side, states categorically that "drugs is death," and says that were Jesus Christ alive today, he would be a drug fighter.

Ms. Babette Wise, an assistant professor of psychiatry at Georgetown University Medical School, and coordinator of the university's alcohol and drug abuse clinic, declares that if anything, our drug abuse laws need strengthening.

Both of these articles appeared in the Catholic Standard, the official newspaper of the Roman Catholic Archdiocese of Washington, where the issue of drug use and its impact is far from an academic debate.

The articles follow:

JESUS WOULD BE A DRUG FIGHTER

(By Father George Clements)

Dr. Joycelyn Elders' suggestion to study drug legalization is preposterous.

The synonym for drugs is death.

For 22 years I was pastor of Holy Angels Church in the heart of Chicago's lowest socio-economic area. The many funerals of drug overdose victims I conducted at Holy Angels convinced me that drugs equal death.

Were Jesus Christ walking the streets of New York or Miami or Chicago today, he would be involved in fighting drugs. Jesus never hesitated to take a stand on hard issues—like leprosy. Despised and shunned, drug addicts are today's lepers.

Jesus hated leprosy and loved lepers. We must hate addiction and love addicts.

Many of us who battle the satanic evils of drugs are ministers, lawyers, treatment counselors, orange-hat patrols, police. We dare not lose heart, dare not surrender to the screams that "after all, everyone does drugs."

Had I listened to them, I would never have attacked the drug paraphernalia empire. I had just come back from the funeral of Tommy, a 16-year old drug overdose victim. I sat with my head down on my desk sobbing uncontrollably.

Suddenly the Holy Spirit yanked me up by my Roman collar: "Listen to your leader's message. Get up off your dead posterior!"

I jumped into my car and drove to a grocery store that sells chewing gum, candy, potato chips and cookies. Many of Holy Angels' 1,300 students are customers.

On the store's shelves right next to those goodies was a dazzling array of drug paraphernalia—crack pipes, coke pipes, coke spoons, freebase kits, pony packs (small cellophane containers), hypodermic needles and syringes.

Each morning the white store owner drove from his affluent suburb into our black neighborhood. That day I yelled at him through his bullet-proof partition, "Take that drug excrement off your shelves, right now!"

"Get out of my store!"

"Would you allow your children to use this mess?"

"Of course not."

"Why are you selling it here in our neighborhood?"

"Because you niggers don't care!"

I left the store, stood in the doorway and said to every prospective customer:

"You don't want to go in there. He's selling drug paraphernalia to our kids."

"Father, you're right. I'm not going in."

The owner had no customers, so 45 minutes later he came outside.

"I've taken it off the shelves."

"Where is it?"

"Back in the storage room."

"Bring that stuff out here on the sidewalk. We are going to take these baseball bats out the trunk of my car and smash it up."

Soon, joined by other priests, we went to other stores, doing the same thing, and finally to the state legislatures. Now we are pushing for federal legislation to ban drug paraphernalia.

On a related note, I am disgusted at the pious declarations of so-called "role model" athletes and entertainers. They tell us they were once into drugs but are now drug free. The hidden message youngsters hear is that if they happen to take drugs they can simply follow their role models' example and overcome the addiction.

The athletes and entertainers I want to hear from are those who openly state that they've never taken drugs, are not presently taking drugs and have no intention of taking drugs in the future.

I am adamant: Love the addict, hate the addiction.

LAW MUST NOT BECOME AN ENABLER

(By Babette A. Wise)

Dr. Joycelyn Elders is correct that we should look at our drug abuse laws.

But any change should be in the direction of strengthening the laws rather than weakening or eliminating them.

Something is wrong when the leading U.S. health professional hints at lessening the consequences for dangerous, life-threatening behavior. Yet the surgeon general said that drug legalization should be re-evaluated.

That message should be labeled hazardous to the nation's health.

People most often seek help for drug or alcohol abuse when there have been negative consequences in their lives. Removing one of those negative consequences by legalizing drugs is the wrong way to go.

From my own experiences as a therapist in the field, I estimate that only about 2 percent of patients I have seen decide to seek help without experiencing a negative consequence, such as an arrest.

I spend most of my working hours with alcoholics, drug addicts and their families. The good news is that drug addicts can get better. What keeps them from getting better are enablers.

Enablers are those who, with the best of intentions, facilitate substance abuse by covering up, denying or eliminating any negative consequences. Parents, schools, religious institutions, health professionals and friends all want to be "kind" and to "help" those in need.

But true help means focusing on the negative consequences of substance abuse and searching for leverage to get the abuser into treatment. Enablers do the opposite by removing negative consequences.

Intervention is a structured consequence led by a trained professional. It's not easy, but it can help. Participants in an intervention lovingly confront the addict with the facts. If treatment is refused, family and friends must be prepared to end the relationship. Threats will not work. The hope is that the pressure and isolation will force the addict into treatment.

Parents can be the worst enablers. Continuing to provide money, clothing, food and car keys to an addicted child is a grave mistake.

Educational institutions can be enablers. Lectures and posters are meaningless without credible deterrents and negative consequences for substance abuse.

At Georgetown there is an alcohol and drug education program structured like a DWI program.

A student adjudicated for a substance-abuse-related problem must attend this program, go to an Alcoholics Anonymous meeting, pay a fine and perform community service. If it is determined that the student has a serious addiction, treatment will be mandatory.

Only through the campus adjudication system could these students have been reached.

Health professionals can be enablers. Too many treat the results of substance abuse, be it gastro-intestinal problems, broken bones or even depression without diagnosing and treating the primary problem: substance abuse.

Addictive prescriptions should not be given to addicts under the guise of "helping" to relieve physical or emotional pain. The study of addictions should be standard in medical school curricula.

Addicts may function at a high level for quite some time while their disease is eating them up inside.

Many patients I treat would not be drug free were it not for the legal consequences that made treatment a necessity.

Dr. Elders should turn her power and talent in the direction of educating enablers and away from any thought of legalizing drugs. The law itself must not become an enabler.

GOLDEN ISLES ARTS AND HUMANITIES ASSOCIATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. KINGSTON. Mr. Speaker, over the past year, I have had the opportunity to visit many times in Glynn County to meet with constituents at a variety of events and activities. One of those occasions was a Town Meeting which was attended by citizens from Brunswick, and the Golden Isles of Jekyll Island, Saint Simons Island, and Sea Island.

The meeting was held in downtown Brunswick over the lunch hour to offer the opportunity for local citizens to discuss issues of interest to them. The meeting was a success based upon the number and type of legislative topics discussed and because of the size of the crowd. This was due in large part to the location of the Town Meeting, held inside the restored Ritz Theatre which serves as the headquarters of the Golden Isles Arts and Humanities Association (GIAHA).

Because of the significant contributions which the Association makes to the quality of life in the Glynn County area through its arts and humanities programs, I asked Helen Alexander, the Executive Director of the Association, to provide me with the following description of the background and recent activities of GIAHA, so I could share the information with my congressional colleagues.

Golden Isles Arts and Humanities Association

ORGANIZATIONAL HISTORY

The Glynn County Board of Commissioners and the City of Brunswick Board of Commissioners have designated the Golden Isles Arts and Humanities Association, Inc., (GIAHA) as the umbrella coordinating agency for the arts to act on behalf of the local governments in various endeavors to strengthen cultural arts organizations and artists in several art forms and from all sectors of the community. This official designation came early in 1993, but GIAHA had functioned unofficially in this capacity for five years. As such, GIAHA has as its mission, "To promote and strengthen cultural arts and humanities in Glynn County through programs, education, and interaction with and support of artists and other arts organizations."

From its inception, GIAHA has supported the total Glynn County arts community through various means, and especially through its Arts Advisory Council with members from all county cultural organizations, art galleries, museums, and other related entities. This Advisory Council, representing all local arts and humanities groups, meets bi-monthly and makes recommendations to the GIAHA Board of Directors and carries out community arts projects on its own, as well. GIAHA's 30-member Board of Directors includes community leaders, business people, artists, and retired educators, and is reflective of the multi-cultural population of the area.

GIAHA coordinates the arts program for the Brunswick-Golden Isles Chamber of Commerce Leadership Glynn participants, and GIAHA's executive director is chairperson of the Chamber's Cultural Arts Committee. GIAHA also serves the Chamber as the coordinator for the local "1966 Committee" leading up to the 1996 Summer Olympics to be headquartered in Atlanta, Georgia, with some events occurring on the coast.

Realizing the needs for direction and adequate resources to assure growth and success in achieving its mission, the board of directors has developed a long-range plan for the organization. Plans adopted and implemented by the board of directors in the category "Interaction With Other Arts Organizations" include:—Provide opportunities for developing boards/staffs through workshops, nonprofit resource center, and networking;—Support activities of Arts Advisory Council and other arts organizations through a published directory, a KIOSK, and by functioning as a ticket outlet;—Continue publishing the quarterly arts calendar;—Co-sponsor multi-cultural events, such as humanities lectures with the public library;—Encourage autonomy of other arts groups;—Maintain master calendar of arts/humanities events to avoid overlap of services and conflicts in scheduling events;—Develop partnership with Brunswick College to serve each other's needs, e.g., provide opportunities for students of theater to obtain experience in production, lighting, set-building, etc. Long-range plans are updated annually during the Board of Directors' workshop.

PROGRAMMING HISTORY

In a Brunswick News editorial titled "Glynn Arts Flourishing" in May 1993, a reference was made to the naming of Golden Isles Arts and Humanities Association as the coordinating agency for all the major arts-related groups in the country, stating "This move should enhance the efforts of all the organizations." Continuing efforts to carry out the responsibilities implicit in this designation, an example is the very successful media workshop held for non-profits in September 1993, with over 50 perticipants from county organizations.

The Tillandsia Festival held in May offered performances, art exhibits, well-known authors in a speaker's forum, activities for children of all ages at Tillandsia in the Park, and many other events. Jazz concerts in the park were exceptionally well-attended, providing an opportunity for families to picnic while enjoying the music and sea-breeze. Believing that investing in our children can help alleviate potential problems of the future as well as enrich and enhance the quality of their lives, the "Ritz Kidz" agenda continues to feature innovative programs for children, working with Glynn County schools through the Partners In Education program, was well as with the African-American Institute for the Arts. GIAHA provides after-school drama workshops at the Ritz Theatre for children who might not otherwise have an opportunity for theatrical experiences. Also, through a partnership with other arts organizations and the Partners In Education program, artists-in-residence programs are established to provide much-needed arts activities for elementary schools in Glynn county, drawing from the wealth of local talented artists available. Humanities programs for the schools include the recent poetry readings by a well-known local author.

As the agency responsible for updating on a weekly basis a local Arts Hotline, GIAHA receives informaiton from other organizations about events, performances, classes, etc., for this purpose, as well as for inclusion on the master calendar, the quarterly "Cultural Arts Calendar," and, as space allows, in the bi-monthly newsletter. Part of GIAHA's outreach efforts include supporting and including in its programs the multi-cultural population and offering classes and performances at the Ritz Theatre and other locations to the "Developmentally Disabled" population. The downtown location of the Ritz has the advantage of close proximity to neighborhoods populated by African-Americans and low-income citizens living in public housing projects.

GIAHA has been successful in developing a "Season at the Ritz" with five professional performances, as a result of a partnership with the City of Brunswick to manage the city-owned historic Ritz Theatre in downtown Brunswick. Named the "Best Non-Profit Group in Georgia" at a statewide meeting of Downtown Development organizations in 1992, GIAHA has gained recognition for its vision in seeing the potential for the almost-abandoned Ritz Theatre and for increasing its use dramatically since assuming management of the facility. Several programs are becoming annual events in conjunction with the Downtown Development Authority's Main Street Program.

GIAHA has been named (by Georgia Council for the arts) the regional administrative agency for the newly-established Grassroots Arts Program (GAP) for a seven-county Coastal Georgia region. This program is designed to bring arts activities to every county in the state with new state monies for the arts appropriated by the Legislature. Applications have been received in GIAHA's office, and will be reviewed by the 15-member GAP Advisory Committee consisting of representatives from all seven counties. GIAHA's executive director is the staff person responsible for administration of the program.

Joining the national public awareness campaign, GIAHA received proclamations from the City of Brunswick and the Glynn County Board of Commissioners declaring October 1993 as "Arts and Humanities Month." Ads were placed in various media, including billboards, recognizing all the local arts organizations and showcasing their October events.

To help celebrate Arts and Humanities Month, Georgia's Governor Zell Miller was present for the opening of GIAHA's Governor's Art Exhibit at the Ritz Theatre on Saturday, October 16. Other activities during October included major art festivals by Glynn Art Association and Coastal Center for the Arts, season openings of the Brunswick Civic Orchestra, the Island Players, Season at the Ritz, and the Island Concert Association, as well as many other arts and humanities activities at Brunswick College, the library, and other locations.

A letter to all of us from President Clinton said in part, "The arts and humanities enable Americans from every walk of life to respond to both their indivdiuality and their shared experiences in ways that make the human spirit soar. . . .the arts and humanities help us deepen our understanding of one another, honor our differences, and celebrate our shared experiences and values as Americans."

This is only a small sampling of what is happening in Glynn county, Georgia.

LETTER TO THE PRESIDENT OF THE UNITED STATES

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. ANDREWS of Texas. Mr. Speaker, yesterday, I sent the following letter to the President of the United States encouraging him to enforce the Equal Pay Act of 1963.

My colleagues who signed the letter include: Mrs. SCHROEDER, Mr. HOCHBRUECKNER, Mr. FILNER, Mrs. KENNELLY, Mr. ABERCROMBIE, Ms. BROWN of Florida, Ms. FURSE, Ms. KAPTUR, Mrs. MALONEY, Ms. PELOSI, Ms. WOOLSEY, Ms. VELÁZQUEZ, Mrs. BYRNE, Miss COLLINS of Michigan, and Mrs. UNSOELD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1994.

DEAR MR. PRESIDENT: In 1992, American women earned an average of 75 cents for every dollar earned by men. College educated women earned $10,000 less than men with the same education. Calculated over a lifetime, this means a woman can expect to lose approximately $420,000 due to unequal pay practices.

These startling facts indicate gender-based wage discrimination continues to exist in the United States. We are concerned because this is a violation of civil rights and a serious economic threat. Unequal pay between women and men fuels other problems within our economy, including the health care crisis, the growing number of working poor and the number of children living in poverty.

Clearly, the Equal Employment Opportunity Commission [EEOC] has been remiss in recent years in enforcing the Equal Pay Act of 1963, which prohibits discrimination based upon sex. In recent years, we have seen the number of equal pay cases pursued by the EEOC fall from 79 in 1980 to 2 in 1992.

Given these sobering facts, we want to be sure that your administration is taking the proper steps to enforce the Equal Pay Act of 1963. The lack of commitment to this problem by previous administrations largely explains the huge drop in equal pay cases the EEOC has pursued. There are currently three open seats on the EEOC—one being the Chair—awaiting your appointment.

We strongly urge you, as soon as possible, to go forward with your nominations to the EEOC and emphasize the importance of pursuing violations of the Equal Pay Act of 1963. The scope and magnitude of this issue is too important to be ignored any longer.

We look forward to working with you to ensure that women are paid based upon appropriate job criteria, not gender.

Very truly yours,

Michael A. Andrews; Patricia Schroeder; Marcy Kaptur; Barbara B. Kennelly; Elizabeth Furse; Bob Filner; Nancy Pelosi; Nydia M. Velázquez; Jolene Unsoeld; Corrine Brown; Neil Abercrombie; George J. Hochbrueckner; Carolyn B. Maloney; Lynn C. Woolsey; Barbara-Rose Collins; Leslie Byrne.

LORI PELLETIER TO RECEIVE CONGRESSIONAL AWARD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 1994

Mr. SOLOMON. Mr. Speaker, very soon I will present a Congressional Award to Lori Pelletier, a very mature 15-year-old from Wilton, NY.

We hear a lot of bad things about today's young people, Mr. Speaker. Actually, there are many fine young people across this great country of ours, and this is the story of one of them.

As you know, the Congressional Award singles out youths between the ages of 14 and 23. On the bronze level, the youths are judged on the basis of personal development, volunteer public service, physical fitness, and exploration.

For her personal development, Lori completed leader training, peer counselor training, CPR, and first aid as part of becoming a senior Girl Scout. Her volunteer public service consisted in helping her teachers, and preparing and serving meals in a soup kitchen.

She met her exploration requirement in Australia, and that was a story in itself. To raise $5,000 for the 3-week trip, she sold 60 cases of M&M candy, babysat, and contacted dozens of local businesses and organizations for support.

I'm sure you'll agree with me that we can expect big things in the future from someone as focused and resourceful as Lori. I'm not really that surprised by her achievements, since her brothers, Kevin and Eric, were both Boy Scouts and both successful applicants to the Congressional Award Program.

Eric Pelletier, in fact, is now one of the most valued people on my congressional staff.

Mr. Speaker, if we spend too much time reading the newspapers and watching television documentaries and newscasts, we might get a false idea of today's generation of young people. But you ought to meet some of them as I have, not only in my district but on military bases all over the world. Because of young people like Lori Pelletier, our future is in good hands.

Please join me in a salute to a very accomplished young lady, Lori Pelletier of Wilton, NY.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 10, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 11

9:30 a.m.

Labor and Human Resources

To hold hearings on ERISA preemption of State prevailing wage laws.

SD–628

Labor and Human Resources

To resume hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American, focusing on the needs of Americans with disabilities.

SD–430

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Thomas L. Baldini, of Michigan, to be a U.S. Commissioner on the International Joint Commission, U.S. and Canada, Charles R. Baquet III, of Maryland, to be Deputy Director of the Peace Corps, and Jeanette W. Hyde, of North Carolina, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to the Commonwealth of Dominica, St. Lucia, and to St. Vincent and the Grenadines.

SD–419

FEBRUARY 15

8:30 a.m.

Judiciary

Constitution Subcommittee

To hold hearings on S.J. Res. 41, proposing an amendment to the Constitution of the United States to require a balanced budget.

SD–226

9:00 a.m.

Appropriations

To hold hearings on proposed constitutional amendments to balance the Federal budget.

SD–192

FEBRUARY 16

10:00 a.m.

Appropriations

To continue hearings on proposed constitutional amendments to balance the Federal budget.

SD–192

Judiciary

Constitution Subcommittee

To continue hearings on S.J. Res. 41, proposing an amendment to the Constitution of the United States to require a balanced budget.

SD–226

FEBRUARY 17

10:00 a.m.
Appropriations
To continue hearings on proposed constitutional amendments to balance the Federal budget.
SD–192

12:00 p.m.
Judiciary
Constitution Subcommittee
To continue hearings on S.J. Res. 41, proposing an amendment to the Constitution of the United States to require a balanced budget.
SD–226

FEBRUARY 22

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Gordon P. Eaton, of Ohio, to be Director of the United States Geological Survey, Department of the Interior.
SD–366

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on programs and services for homeless veterans.
SR–418

FEBRUARY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1822, to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest.
SR–253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1995 for the Department of Energy.
SD–366

10:00 a.m.
Environment and Public Works
Business meeting, to mark up S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act.
SD–406

2:00 p.m.
Armed Services
Coalition Defense and Reinforcing Forces Subcommittee
To resume joint hearings with the Committee on Foreign Relations' Subcommittee on European Affairs to examine the future of the North Atlantic Treaty Organization (NATO).
SH–216

Foreign Relations
European Affairs Subcommittee
To resume joint hearings with the Committee on Armed Services' Subcommittee on Coalition Defense and Reinforcing Forces to examine the future of the North Atlantic Treaty Organization (NATO).
SH–216

FEBRUARY 24

9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1995 for the Department of the Interior, and the U.S. Forest Service.
SD–366

Rules and Administration
To hold hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch.
SR–301

MARCH 1

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to authorize funds for fiscal year 1995 for the National Aeronautics and Space Administration (NASA).
SR–253

MARCH 3

9:30 a.m.
Rules and Administration
To hold hearings to examine emerging and current state-of-the-art technology which may have an impact on the future operations of the Senate.
SR–301

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed budget requests for fiscal year 1995 for veterans programs.
SR–418

MARCH 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD–192

MARCH 10

9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to reform of the Senate.
SR–301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Navy and Marine Corps.
SD–192

MARCH 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Army.
SD–192

MARCH 17

9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to reform of the Senate.
SR–301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Blinded Veterans Association, and Non Commissioned Officers Association.
345 Cannon Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Air Force.
SD–192

MARCH 22

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on manpower and personnel programs.
SD–116

MARCH 24

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Veterans of World War I, Association of the U.S. Army, The Retired Officers Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for National Guard and Reserve programs, focusing on manpower and equipment requirements and the restructuring of brigades.
SD–116

APRIL 12

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.
S–407, Capitol

APRIL 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on health services and infrastructure.
SD–192

APRIL 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.
SD–192

APRIL 21

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.

S-407, Capitol

APRIL 26

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).

S-407, Capitol

MAY 3

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.

SD-192

MAY 17

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.

SD-192

MAY 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

JULY 19

10:00 a.m.

Appropriations

Defense Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.

SD-192

JULY 21

10:00 a.m.

Appropriations

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.

SD-192

HOUSE OF REPRESENTATIVES—*Thursday, February 10, 1994*

The House met at 10 a.m.

Rev. George Wilson, St. Augustine Catholic Church, Washington, DC, offered the following prayer:

Lord, it was You who first planted us on this Earth.

You fenced us around with the love of our families and friends.

Their care towered over us.

Under the shelter of this tower,

We grew in safety and peace.

The year of our life is passing.

The harvest is approaching.

What have we to show?

What fruit have we produced?

What if, after all this care,

We should be found to be without the fruits of love?

What if we had nothing to offer,

But the sour grapes of indifference, selfishness, and neglect?

May You, Lord, have mercy on us,

And with Your patient urging,

Help us to return Your love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Delaware [Mr. CASTLE] please come forward and lead the House in the Pledge of Allegiance?

Mr. CASTLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2333) "An Act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KERRY of Massachusetts, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. DODD, Mr. SIMON, Mr. MOYNIHAN, Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. BROWN, to be the conferees on the part of the Senate.

THE REVEREND GEORGE WILSON

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, we are pleased to welcome this morning Father George Walter Wilson, who is a priest of one of Washington's oldest and most revered churches, St. Augustine Catholic Church.

Father Wilson has spent most of his life in service to his church as a devoted Catholic layman. He entered the priesthood only 2 years ago, after serving for 17 years as a permanent deacon. Today he ministers to the elderly, to those with HIV, to families, to the homeless, and to youth. Father Wilson's priesthood follows directly from his life, including 35 years as a public schoolteacher in the Baltimore Public Schools. He was educated in the public schools of the District of Columbia, we are proud to say. He is now a Ph.D. from the University of California.

Mr. Speaker, Father Wilson is a priest whose life flows into and from his ministry. We are pleased that he has graced this Chamber this morning.

A CLOSE LOOK AT CLINTON BUDGET REVEALS DISAPPOINTING ASPECTS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, when the American people look at President Clinton's budget in detail, they are going to be very disappointed.

There is no provision in the budget over the next 5 years for real welfare reform to require work and to reduce children born outside of marriage. There is no provision to build the prisons necessary for life sentences for three-time violent offenders. There are no provisions to stop the illegal aliens who are costing billions of dollars, especially to States like California, Texas, New Mexico, Arizona, and Florida.

Again and again, where we need real reform, the Clinton budget is silent and does not provide for the changes we need.

Mr. Speaker, I think it is a big disappointment to those who believe we have to reform welfare, we have to stop violent crime, and we have to end subsidizing illegal aliens.

REAL WORKABLE CUTS FEATURED IN CLINTON BUDGET

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, last year, Congress and President Clinton passed the largest deficit reduction bill in history.

The bill reduces the deficit by $496 billion with over $250 billion in spending cuts. This historic, cost-cutting measure was passed without a single Republican vote.

This year, President Clinton's budget builds on last year's success. His budget request calls for the elimination of 115 Government programs and cuts more than 300 others. Just as last year, these cuts are real and they will work.

It is clear that President Clinton is committed to cutting programs and putting Government back on the side of the people.

Mr. Speaker, this budgetary course, coupled with the cost controls contained in President Clinton's health care plan, will put our Nation's fiscal house in order. These are the choices we must make to guarantee the best and brightest future for ourselves and our children.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON BIRTHDAY CEREMONIES

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on Monday, February 21, 1994.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. Pursuant to the order of the House of today, the Chair appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on Monday, February 21, 1994: Mrs. BYRNE of Virginia; and Mr. BATEMAN of Virginia.

WINTER HEALTH OLYMPICS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, as the Nation prepares for the 1994 Winter Olympics, here are some thoughts on the upcoming health care debate.

The President, in his rhetoric, has slalomed around the truth when he says his plan will be simple, will save money, and will preserve choice.

Actually, his plan will promote a blizzard of new bureaucracies, new taxes, and new regulations. And worse, it will cause the quality of our health care to go downhill faster than an out-of-control Alpine skier.

The President may think he hit the triple axle with his spin control operation, but the judges will deduct points for not coming clean with the American people.

Nancy Kerrigan may have received first-class medical attention under our current system, but who can say if she would receive the same kind of treatment under the Clinton plan?

The President's plan takes a slapshot at the health care of all Americans. For that, I think he should spend some time in the penalty box.

NATO SETS STAGE FOR AIR STRIKES IN BOSNIA

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, it is about time. As the siege of Sarajevo approaches the end of its second year, the West has finally agreed to respond to the Bosnian tragedy. NATO will use air strikes if the Serbs do not pull their heavy guns 12 miles from the city within 10 days or engage in further attacks before that deadline arrives.

It is shameful that the United States and Europe have acquiesced in the land grabs and ethnic cleansing of Serbian President Slobodan Milosevic. Even more shameful is the fact that the deaths of more than 60 people in a Sarajevo market place were required before the West would use its muscle to halt the slaughter.

Although sanctions were imposed in May of 1992 against Serbia and a no-flyzone was extended over Bosnia, our actions thus far have been ineffective. If we continue to deny Bosnia the right to defend itself, let us at least stand up to those who kill innocent civilians.

No American will ever forget the image shown on television last week of snow stained with blood, where only minutes before children were sleigh riding. While these pictures stick in our consciousness and drive us toward action, the real tragedy is that this type of carnage happens every day.

Now is the time to act. I call on my colleagues to join in support of the use of NATO air power to lift the siege of Sarajevo. The bloodshed must end.

WELFARE REFORM CANNOT WAIT

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, how much longer will we have to wait for real welfare reform? Given the fact that it appears disagreements on welfare reform are relatively limited between Republicans, Democrats, and the administration, the time is ripe to make major improvements in our welfare system.

In this regard, 162 Republicans have sponsored a welfare reform bill which includes provisions I think we all can agree on to a great degree. Strong paternity establishment, expansion of statutory flexibility of States for means-tested programs, a strong mandatory work program, time-limited benefits, tough child support enforcement, and controlling welfare costs.

With these provisions that we are all generally aligned on, combined with the earned income tax credit, we have an excellent chance to provide welfare recipients with expanded hope, responsibility, and opportunity to escape the welfare trap. Our Republican bill includes these incentives, and more, and does so at a $20 billion savings to the taxpayers over 5 years.

But what is the hold-up if we are speaking the same language on welfare reform? We need to move forward now, and that is why I have introduced a bill that would create an ad hoc welfare reform committee, of limited duration and at no extra cost, that would facilitate an expedited welfare reform bill that welfare recipients need and taxpayers deserve.

We have been, and continue to work with the Governors to hammer out our differences over our bill, which are fairly limited, and I urge my Democratic colleagues to join us. We are too close and in too much agreement on this issue to let this historic opportunity pass us by. Welfare reform cannot wait because America cannot wait.

THE BUDGET

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise today in support of President Clinton's budget proposal.

Some may view the President's budget proposal as a heartless cut and slash of vital Government programs. Yet for others, it does not cut enough. But this budget is a pretty good balance of our Nation's priorities.

While the President's budget proposal calls for cuts in some rather popular programs, it also calls for a $888 million increase for childhood immunizations, and a 7-percent increase in education programs, with a boost in efforts to ensure safe and drug-free schools.

The budget proposal also increases law enforcement spending—enabling States and municipalities to put more police officers on the streets, and contains $500 million additional for veterans' medical care.

Mr. Speaker, this is a budget that seeks to further reduce the deficit, while continuing to provide the kinds of services and programs needed from the Federal Government.

GET IT RIGHT THE FIRST TIME

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, according to a story in today's Washington Post, the President wants to speed up consideration of his health care proposal in the Congress. It seems that the longer people look at his plan, the less they like it. In fact, Mr. Clinton himself has said this was a "bad week," not surprising, considering the rejection of his plan by both the National Business Roundtable and the National Chamber of Commerce.

The President, frankly, appears to be fearful of the public scrutiny of his health care proposal. He would rather rush through this debate and jam this costly and bureaucracy laden proposal down the throats of the American people than allow the Congress to deliberate carefully on all the alternatives that exist at this time.

The best alternative is, I believe, the Michel-Lott bill. It saves costs. It increases access. It maintains choices, and it solves the problems of portability and preexisting conditions without erecting a huge Government bureaucracy.

Mr. Speaker, I urge the Congress to ignore the President's advice and to look fully at all the possible solutions. This is one area where we must not hurry to make a mistake.

U.S. TRADE FIGURES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, after 14 frustrating years of Japanese obstruction in the marketplace and at the negotiating table, the United States Government at last seems to be getting tough on trade, and it is about time. I strongly support the Clinton administration's insistence on measurable, enforceable results instead of more talk. In fact, no deal is better than another bad deal.

The Japanese trade gap with the United States rang in at over $131 billion, the largest ever. And the merchandise part of that, manufacturing, jumped about 10 percent to more than $56 billion. That means even more lost jobs in our manufacturing sector.

If current trends continue, the 1993 auto-parts deficit of $11 billion will be topped by a $12.2 billion deficit in 1994, according to the U.S. Commerce Department's latest forecast. These figures are directly related to Japan's pattern, unique among major industrial nations, of minimal market access for foreign manufactured goods.

United States Trade Representative Mickey Kantor yesterday announced that trade talks with Japan are at an impasse. Tomorrow Prime Minister Hosokawa arrives in Washington for a trade summit with President Clinton. The Prime Minister has just had himself formally designated Japan's national trade ombudsman for dealing with complaints against Japanese trade barriers. If he means for that role to be substantive, not just symbolic, he has a chance to prove it by striking a meaningful market-access agreement with President Clinton tomorrow. If not, Japan will face a President, a Congress, United States industry and labor who all agree that time has run out for talk.

THE CLINTON HEALTH PLAN

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, this week numerous members of the President's party have come to this floor to speak in support of the Clinton health plan.

They have told chilling stories of gaps in our current health care system and make the argument that since these folks have fallen through the cracks we should radically change our system. Republicans believe we should fill in the cracks.

Most people work hard to get good health care, but the Clinton plan looks like a leap into the abyss of the unknown.

Elements of the Michel plan, on the other hand, have been tried and tested, and in each heart-wrenching instance cited by our Democratic colleagues, the Republican alternative would solve the problem more effectively, more efficiently, and with more equity.

The choice here is not between helping these people or not.

The choice is between Government-run health care, with increased taxes, lower quality, rationing, and limited doctor choice or a common-sense plan which fixes the bad aspects of our current system without destroying the best aspects.

Let us not leap into a black hole of the unknown—let us look to the Michel plan.

THE TRADE DEFICIT WITH JAPAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan told Nixon, "We will buy your products." Japan told Ford, "Don't worry." Japan told Carter, "We will buy spare parts for our cars in America." Japan told Reagan, "We will do better." Japan told Bush, "We will even honor our side bar agreements." Japan now tells Clinton, "We will change."

Members, the trade deficit with Japan is $54 billion, and our trade program in America is a joke. And Japan is laughing all the way to the bank. There is only one way Japan is going to change. They are going to have to get hit in the wallet.

Let me say this, Congress, $54 billion is no small change. It is time for Congress to get in the back pocket of Japan.

PAY UP, WASHINGTON

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, another boat-load of refugees arrived in America from tempest-tossed Haiti this week. Tragically, several drowned on their way. Those that made it ashore have disappeared without HIV screening or asylum processing.

In the eyes of the Federal Government, it is almost as if they don't exist, as if they are not people. But to budget-strapped Florida, they are people in need and a costly reality. Immigration—legal and illegal—is a Federal problem, but Washington is not offering concrete solutions and Floridians are picking up the tab for an estimated 345,000 illegals. In 1992, the cost to Floridians of this non-policy was $793 million. In desperation, Florida's Governor Chiles has filed a lawsuit to pursue reimbursement. The 25-member Florida congressional delegation strongly supports his effort. After lessons learned during NAFTA, I hope the administration does not intend to ignore the fourth largest delegation on the hill. It is time for Washington to pay up.

NASA

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I am very concerned about the NASA budget. It is going down this year, and it will be flat for the next 5 years. This year, it represents a $250 million cut. There are no new initiatives in the NASA budget, and we are represented by that budget in other requests in science with the smallest investment as a percent of Gross National Product since 1954.

The problem with all this is the Space Station. The Space Station is the albatross around NASA's neck.

We now have gone to a joint venture with the Russians. This presents compatibility problems with technology, cost, infrastructure with the Kazakstan and Baykonyr facilities, all kinds of new problems.

I strongly suggest that NASA step back. We evaluate where NASA needs to go and where we need to invest this money and cancel the Space Station.

□ 1020

AUTOMATIC DEDUCTION FOR CHILD SUPPORT PAYMENTS

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, there is widespread agreement that we need reform in child support enforcement.

Right now $46 billion in back child support is owed to mothers and children. It is time to ratchet up the pressure. Let us send a message to these parents that they cannot run, and they cannot hide from their financial obligations to their kids.

Let us give States the freedom to automatically deduct child support payments from a parent's paycheck and to work across State lines so parents cannot avoid child support by moving to a different State. And, let us clarify the law so collection organizations can make reasonable efforts to contact these parents who are not paying up, without the fear of endless and expensive law suits.

Mr. Speaker, there are nearly 5 million mothers across America receiving welfare because fathers are not paying child support. How much longer do we have to wait for the President's welfare reform proposal, so we can collect this money from deadbeat dads and give their children an opportunity for a bright future?

We have a Republican welfare reform plan. Let us act on it now.

TIME FOR A COMMITMENT TO WELFARE REFORM

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, candidate Clinton is President Clinton, in large respect because he showed he was a new Democrat throughout the campaign of 1992, because of one issue: the welfare issue. He was a new Democrat because he wanted to reform the broken-down Government system that is trapping the poor in this country with despair.

President Clinton has an opportunity now to work with us to get a welfare bill done. He is like the suitor, the suitor to the welfare issue who gives us flowers, who says nice things, who stands up at the State of the Union Address and presents us with nice gifts, but has yet to deliver the ring.

It is time for commitment. It is time to move forward, and we have an opportunity with the Republican bill, which has gotten broad support across both sides of the spectrum, to move some reform to help these people. They deserve better. They deserve an opportunity to go to work, to learn, and to be able to get into the mainstream of America.

Mr. President, it is time to move, and the Republican plan is a place to start.

INTRODUCTION OF THE PROTECTION FROM SEXUAL PREDATORS ACT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, as the rate of rape continues to increase, it has become clear to me that our current approach to convicted sexual offenders is failing.

Not long ago, my own community of Rochester, NY, was terrorized by Arthur Shawcross, a serial rapist and murderer. Shawcross had served less than 15 years for the sexually motivated murders of two children before he was paroled—and then his parole officer and the justice system lost track of him, setting him free to rape and kill again.

Mr. Speaker, American children deserve to grow up free of the fear of rapists. Some national statistics indicate that rapists are 10 times more likely than other convicts to repeat their crimes. Since we cannot change the behavior of these sexual predators, we need to keep them behind bars.

I am preparing a bill, the Protection from Sexual Predators Act, that will allow Federal authorities to keep the Nation's worst repeat rapists for life. The legislation also establishes a national data base to register and track sex offenders and their crimes.

I urge my colleagues to endorse the bill as original cosponsors. We in Congress must act now. The current system does not work; it is time to break this cycle of repeated rape.

LET US GO FORWARD WITH WELFARE REFORM

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, candidate Clinton came out very, very vividly, and I say very intelligently, outlined a new approach to welfare, welfare reform. We are going to change welfare as we know it today. I applauded him for that move, because he adopted the Republican plan that has been out there, that I filed 3 to 4 years ago with Vin Weber, a former Member of this body.

Then in his first State of the Union address, and then again the other night, President Clinton talked about welfare reform, how he was going to change it and what he was going to call for. We are still waiting for his bill. There is not one thing that the President has said in either one of his State of the Union addresses pertaining to welfare reform that is not already drafted in a plan that has been filed by the Republicans and is sitting there and beginning to accumulate dust.

I ask my colleagues, let us go forward. Let us go forward with welfare reform. Let us not politicize it. The President has embraced what is already in the Republican plan. There are Democrats, our colleagues right here in the House, who are supporting that and want to move the ball forward.

We have 162 cosponsors on the Republican plan. We are ready to move. We can show the President that he has the votes. Just give us a few good Democrat votes, and we will pass it and we will change welfare, and we will make productive human beings out of people who now have nothing but a welfare trap to rely upon.

PRESIDENT CLINTON'S HEALTH SECURITY ACT WILL FIX AMERICA'S HEALTH CARE CRISIS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, on Tuesday the Congressional Budget Office released its analysis of President Clinton's Health Security Act. It contains good news for the millions of Americans who understand what it means to have a health care crisis.

The report confirms that we can guarantee all Americans private health insurance and provide coverage to 30 million additional Americans by the year 2000.

The report confirms that we will be able to dramatically lower health expenditures over the long run—by $30 billion in the year 2000 and $150 billion in 2004.

And, finally the report says that President Clinton's plan will lead to overall deficit reduction in the long term.

Unfortunately, before the ink has dried on the CBO report, the sentinels of the status quo are dusting off their tired old rhetoric about big government and tax increases. It is a shame that they choose to use this analysis to score cheap political points.

I suggest that opponents to health care reform start looking at these numbers: the 58 million Americans who will have no health insurance at some point this year, the 81 million Americans who are denied health coverage each year because of preexisting conditions, the 3 out of 4 Americans who have lifetime limits on their health care coverage.

When you add up these numbers, you can only reach one conclusion: We have a health care crisis and we must summon the courage to fix it.

BIG GOVERNMENT HAS CREATED THE WELFARE MESS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, everyone from President Clinton on down is talking about welfare reform. What some do not yet realize or are unwilling to admit is that our big government liberal establishment policies have largely created the mess we are in. Most of the welfare programs we now have benefit the bureaucrats more than the intended beneficiaries. A welfare supervisor from New Hampshire wrote in last week's U.S. News and World Report these words:

> Welfare programs start with the best of intentions but never seem to instill a sense of responsibility. Instead of solving the problem, they perpetuate it. Recent federally mandated programs are legitimizing illegitimacy at a tremendous social and economic cost.

The Federal welfare state has been a total and complete failure. In fact, it has made the problem worse. The only real way to correct the problem is to do something that I know we will not do, and that is to get the Federal Government totally out of the welfare business. The function should be returned to our local governments without Federal requirements or mandates because it can be handled the most economically and efficiently at the local level.

□ 1030

Our benefits are too generous and any society that pays healthy people more to stay at home than to work cannot long survive.

HAWAII'S HEALTH CARE SYSTEM

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, recently the gentleman from Tennessee [Mr. COOPER] presented what he called a plan for health care coverage. In it he was very critical of a national employer mandate and referred to the Hawaii system as an example of one which had employer mandates and did not cover all of its residents 100 percent.

Not only has Hawaii been able to achieve near universal coverage, they have done so with no negative impact, no negative impact on the business community. Rather, we in Hawaii have achieved a positive business growth, decreased unemployment, and have a business failure rate below that of the national average.

Mr. Speaker, our health care system in Hawaii works because it requires employers to provide health insurance coverage for their workers. Dependents are often covered on a voluntary basis. Employers and employees share the cost of the coverage, and both benefit from the ready availability of health care.

The system was selected because it built upon rather than tried to duplicate a system which, like the rest of the United States today, covered the majority of our people. Our insurance system in Hawaii is not overburdened and does not have to shift the cost of care from those without insurance to the insured population. Insurers in Hawaii are able to provide fair insurance practices and not exclude the sick and those with high risk for illnesses.

In Hawaii all share the costs, all share the benefits. It is the most productive social contract we have, and it is the most advanced in the United States. And I suggest that the gentleman from Tennessee [Mr. COOPER] examine the Hawaii system and redo his own bill so that that bill just comes up in some small measure to match that of Hawaii. In Hawaii our results are better overall health status, lower cost.

CBO NUMBERS—THEN AND NOW

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last year the President announced he would put together a budget and I quote, "using the independent numbers of the Congressional Budget Office."

He went on to say:

> I did this so that we could argue about priorities with the same set of numbers; I did this so that no one could say I was estimating my way out of difficulty.

Well that was then, Mr. Speaker. Since then, President Clinton has been lobbying hard and heavy to get CBO to say his health care plan is not part of the budget, and should not be counted as deficit reduction.

Well, that was then.

This is now:

CBO just this week, as we all know, declared that President Clinton's health care plan which aims to take over one-seventh of the Nation's economy is—surprise—part of the Government.

CBO declared that this massive Federal bureaucracy should—surprise—be part of the Federal budget.

CBO declared that the Federal bureaucracy which will take over one-seventh of the Nation's economy will not reduce the deficit but—surprise—will add $130 billion to the deficit.

What drove President Clinton to CBO then was the search for credibility. If he is to retain any credibility now, then he should accept the CBO estimate and announce how he will pay for the $130 billion shortfall.

FORMER PRESIDENT BUSH SHOULD CHECK THE FACTS ON BOSNIA

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today as the hell of Bosnia once again forces our country to evaluate the consequences of military action, I was appalled to see former President George Bush state, in a grab for applause lines in his remarks:

> The United States can't wait for somebody else to decide what we have to do. If I had sat around and waited before Desert Storm for the Congress to come along, Saddam Hussein would be in Riyadh today.

I urge former President Bush to use the fact check in his computer before writing his memoirs.

The fact is that checking with the Congress and the American people is something we call democracy. The fact is that before Desert Storm, President Bush did not send our children to the Persian Gulf without consulting Congress and, in fact, that was one of the high points of the Congress, that debate on Desert Storm. It was not his decision. It was the Nation's decision.

The fact is that Bosnian tragedy has been on President Bush's watch as long as it was on President Clinton's watch, and indeed one of the tragedies is that President Bush did not seek to engage the American people in a discussion of Bosnia.

So I would suggest that former President Bush think more carefully before criticizing President Clinton for fulfilling his most sacred trust of all, and that is involving the people and their representatives in the very crucial decisions of military engagement.

THREE THINGS TO DO TO SOLVE OUR HEALTH CARE PROBLEMS

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, we do need health care reform. But we do not want to destroy the best health care system in the world.

What we need is a way to make health care insurance available to more people. And that, Mr. Speaker, does not require a huge new Government bureaucracy.

We can solve our health care problems tomorrow—or at least next month—if we do just three things: First, make all insurance portable so people will not lose their insurance if they change or lose their jobs. Second, require all employers to offer insurance to their employees; and third, give people tax credits or vouchers to help pay for insurance.

Mr. Speaker, the President's policy wonks love to propose solutions to problems.

Unfortunately, when it comes to health care, their proposals require advanced calculus when simple arithmetic will do just fine.

THE PRESIDENT'S BUDGET

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I want to commend the President for developing a budget that makes a great strides in reducing our Nation's fiscal deficit. I am pleased that he has followed the guidelines established by the Omnibus Budget Reconciliation Act of 1993. The President's budget for fiscal year 1994 does indeed prove that he is committed to leading this Nation out of its fiscal and social deficits.

I do want to add, however, that some of the cuts are going to be very hard on the most needy in our society, especially the 40 percent reduction in the Low Income Home Energy Assistance Program. I look forward to working with members on the Budget Committee to try to address this concern.

Although I support the President's health care reform proposal, I have a great concern for his reliance only on the tobacco tax to finance health care reform. I do not believe that it is a fair or responsible government that would place such a great burden on one industry—knowing that this burden threatens the well-being of farmers and all those hardworking Americans who are involved in producing this product. Instead, I urge all my colleagues to remember the tobacco farmer as they debate the means to finance health care reform.

Despite the concerns I have just raised, I applaud the President for giving the American people a sincere budget committed to deficit reduction. I look forward to working with my colleagues in Congress to promote deficit reduction while maintaining our support for poor families.

IS PRESIDENT CLINTON'S PLAN SOCIALIZED MEDICINE?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, proponents of the President's health care plan have been bombarding the leery American public with a PR campaign entitled "Tell that to the Joe Blow constituent stories," and it is always a scenario which is a good scenario about the need for health care reform. But the irony is nobody is debating the need for health care reform. The debate is: Is the crisis so big that we need to socialize medicine or is it such that the free-market-targeted reforms will do the trick?

The Michel plan targets reforms and allows the free market to be free, to have competition, and the Clinton plan basically socializes medicine. I truly believe that there are a lot of people who have heartbreak stories out there that we need to help, and the Michel plan is aimed at helping them.

We are not debating the need for reform. We are debating socialized medicine.

Mr. Speaker, I hold in my hand a document which says what the National Health Care Board does. It is in the bill, all through the bill, sections 1141, 1503, 1522, 1911, 1571. This outlines the powers of the National Health Care Board which basically socializes medicine in our country, gives them the power to develop, and implement national health insurance, set standards for doctors, write, develop, and approve policy language for insurance companies, control costs, set community rates from Maine to Florida, oversight on drug pricing, power to set health care budgets, power to set the budget for regional health care alliances, deciding who will get health care, where they will get it, and under what procedures and circumstances.

Mr. Speaker, this is a profound list. It is available to the public. It is something people need to know about, because this is an absolute blueprint for socialized medicine as part of the Clinton plan.

We need the Michel plan that targets the part that is broken, while the Clinton plan throws out the whole system and starts all over again and puts the Government in charge and not the consumers.

HAITIAN SANCTIONS VIOLATE STANDARDS OF DECENCY AND INTERNATIONAL JUSTICE

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, what does it take to get the attention of the House of Representatives and this administration?

How many more babies, sick and elderly must we kill with our policy of sanctions on Haiti?

How many more Haitian bodies must wash up on Florida's shores?

I ask you, how much more misery must we, by our action and inaction, impose on the people of Haiti?

We have sent our forces to Grenada, Panama, and last week we voted to spend $1.2 billion to support our military presence in Somalia.

We have drawn deadlines in the sand only to see them washed away by the blood of Haitian martyrs.

Every deadline has passed for action, and time and again the White House and this administration have fumbled.

We continue to underwrite the United Nations and they fail to act.

I ask my colleagues, has the United States, the United Nations and this Congress abandoned every standard of decency and international justice?

A NEW AND DIFFERENT TIME

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, what began in Chiapas, Mexico, as a small disturbance has now captured the imagination of the Mexican people. All of the years of frustration, of an electoral process that does not do justice to Mexican democracy, the discrimination, the failure of economic opportunity now across Mexico are being heard and debated for the first time in a generation.

Within Mexico some can claim that it is foreign education; others can object that those of us in the United States can find sympathy with those who want democracy in their own land. But what they cannot deny is that this is a new and different time when all peoples around the globe believe that in the cause of human rights and basic justice and opportunity that we are all one people, all having the right to address injustice everywhere. We address the concerns of Mexico not because we care about Mexico less but because we care about her people more.

Because we are now in an economic alliance with Mexico, we have certain rights, indeed, responsibilities to ensure her people, as she has a right in looking at our people, have basic opportunities and simple justice.

In this, to the people of Mexico, we find common cause.

WHY CONGRESS SHOULD PASS A WELFARE REFORM BILL THIS YEAR

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, I am here this morning to plead with Members of Congress and the administration to get moving on welfare reform. I agree with Senator MOYNIHAN: The Nation has a welfare crisis.

Spending on welfare programs is growing out of control. Welfare spending grew by $55 billion between 1989 and 1992. That is 36 percent in just 3 years. CBO projects that welfare spending will grow by another 20 percent in 1994 and 1995.

We can stop these outrageous growth rates if we reform the Nation's welfare programs. And at the same time, we can strike another blow for deficit reduction.

If we pass the House Republican welfare reform bill, we can stop dependency on welfare and save $20 billion at the same time.

But we cannot pass any bill until we get started. Where is the President's proposal? Mr. Speaker, let us get started on welfare reform.

THERE THEY GO AGAIN

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I think it was a recent President who used this line first, "But there they go again."

The party that was against Social Security, against Medicare, is now against health care reform. Ask me why I am not surprised.

Their coalition with the economic powerful interests in this country once again thinks that it is wrong for America to take a step forward. They are going and they are doing it again. They are taking the special interests, they are joining up with them, and they are fighting what is best for America.

They said the same kinds of silly things when they fought Social Security. They did it again when we provided Medicare for our senior citizens, and now when we are trying to provide uninterruptible, guaranteed medical health care for every American, they are on the attack again telling us we do not need it.

They were wrong on Social Security, they were wrong on Medicare, and they are wrong that there is no medical crisis in America.

We need to have health care that you cannot lose, that you cannot be precluded from getting because you have a member of your family with an illness and that you cannot lose when you lose your job. We need to support this President in his effort to make health care coverage universal.

THE REPUBLICAN WELFARE REFORM PLAN

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the Republican Party has on the table a welfare reform plan. The Democrats, after 40 years of controlling the Congress, do not even have plans to develop a welfare reform plan. Only the Republicans have put forward a real welfare reform plan, and we intend to do something about it by moving it through the legislative process.

Mr. Speaker, I yield to the gentleman from Florida [Mr. SHAW] to tell us what the plans are to try go get a vote on welfare reform before the end of this session.

Mr. SHAW. Mr. Speaker, we have now, on the Republican side, had a bill that has been out there for about 4 years. The President has endorsed it. He has made it part of his platform. We intend to introduce it.

With the passage of all of this time, we are frustrated to the point that we are going to be putting in process a discharge petition that will force the House under an open rule to bring forth this bill and any other proposals that may be out there. We will be doing this after the recess.

The Congress now has plenty of time to play plenty of attention to this process. We have a Subcommittee on Human Resources that has not really started the debate.

We need to start the debate, and we are going to bring the debate directly here to the floor unless there is movement within the next few weeks.

Mr. WALKER. Mr. Speaker, I congratulate the gentleman who has been a leader in welfare reform and hope that we can move the subject.

LISTEN TO THE PEOPLE FOR A CHANGE

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, President Clinton handed Congress a challenge on Monday. He gave us a budget that sends us in the right direction, a plan that offers the fiscal discipline my constituents are demanding. Now, we have heard lots of clever spin about where and why the President's budget does not go far enough, but these critics are missing the point.

The President's budget plan will cut the budget deficit to $176 billion in 1995. That is 3 straight years of a declining deficit, something we haven't seen since Harry Truman was in the White House. The people have told us, time and again, that they are willing to make tough choices to achieve real deficit reduction. Is it not time we listened to the people for a change?

This budget will not be easy and it will not be painless. President Clinton suggested a lower level of transportation funds, and I find this troublesome. But, I also know how crucial it is to eliminate this deficit before another generation has to pay for our fiscal irresponsibility. I will fight throughout the budget process to see that New Jersey gets treated fairly, but I will not sacrifice the future and I will not give up the cause of fiscal discipline.

□ 1050

WE NEED WELFARE REFORM NOW

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, we just recently witnessed a dreadful example of why it is so important to take cash out of our welfare system and replace it with a debit card.

Mr. Speaker, in Chicago, 20 people were living in a 2-bedroom apartment, 5 families used the address to qualify for welfare—$4,500 in welfare benefits were going to the adults in the apartment. One mother admitted being a drug abuser. Most likely the five adults were using the children to feed their drug habits. Their children were being abused, and we the taxpayers were inadvertently assisting.

Mr. Speaker, this is not an isolated incident. It is happening in varying degrees across the country. It is our welfare system that helps create this problem. A welfare debit card instead of cash payments will help prevent child abuse, help us with our war on drugs, and finally give the taxpayers an accounting of their hard-earned tax dollars.

JAPANESE IN WASHINGTON IN ATTEMPT TO REVIVE CERTAIN TRADE TALKS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, Mr. Tsutomu Hata, the Japanese foreign minister, arrived in Washington yesterday in a last-minute attempt to revive trade talks on the framework agreement. These negotiations are aimed at addressing the current Japanese account surpluses and the low penetration of their market by imports.

I join my colleagues on both sides of the aisle in supporting the administration's position of numerical goals in import penetration based on sales, coupled with effective enforcement mechanisms.

As repeatedly said by our negotiators, no agreement is better than a bad agreement. To do otherwise compromises the American worker and consumers around the world.

A 1991 joint survey by the United States and Japanese Governments of auto parts pricing turned up telling evidence on this point. For a Toyota Corolla, replacement parts were priced 107 percent higher in Japan than in the United States. For a Nissan Sentra, replacement parts were 119 percent higher than in the United States. Japanese consumers paid higher prices because of no competition, thereby subsidizing their auto parts makers' penetration of the United States market, and the eventual higher prices to our consumers.

Refusing to move forward, after so many years of talking, can only be seen for what it is—a lack of good faith and therefore a basis for congressional action.

RECESS

The SPEAKER pro tempore (Mr. WISE). Pursuant to the provisions of clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until 11 a.m. today.

□ 1101

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GEJDENSON] at 11 o'clock a.m.

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 352 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 811.

□ 1101

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, February 9, 1994, amendment No. 3 printed in House Report 103–419 had been disposed of.

It is now in order to consider amendment No. 4 printed in House Report 103–419.

AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD: Page 10, insert the following after line 20 and redesignate the succeeding section accordingly:

SEC. 6. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by adding at the end the following: "Failure of the independent counsel to comply with the established policies of the Department of Justice as required by section 594(f) or to comply with section 594(j) may be grounds for removing that independent counsel from office for good cause under this subsection.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. RAMSTAD] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is both reasonable and straightforward.

Under my amendment, an independent counsel may be removed for good cause for failure to comply with the standards of conduct which are set forth in the independent counsel statute.

Those standards of conduct are spelled out in the statute in two sections, the first section 594(f), as amended by the subcommittee reads:

> An independent counsel shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws.

The other provision is section 594(j). This places employment restrictions on independent counsel and staff while they are serving and for periods subsequently. It also provides restrictions on law firm associates of the independent counsel.

Mr. Chairman, these standards of conduct are wise and reasonable. Presently, however, there is no enforcement mechanism, no penalty whatsoever for failing to comply with sections 594 (f) or (j).

My amendment seeks to correct this oversight. It simply states that:

> Failure of the independent counsel to comply [with sections 594(f) or 594(j)] * * * may be grounds for removing that independent counsel from office for good cause.

I want to emphasize again, this does not compel the Attorney General to remove an independent counsel, it only provides guidance.

Clearly, the intent of this amendment is not to seek the removal of an independent counsel for minor or technical violations of DOJ policy.

Mr. Chairman, if we think it is important enough to impose certain requirements on an independent counsel, then we should be willing to enforce those requirements.

Let us remember what role an independent counsel plays. He or she simply acts in the place of a U.S. attorney, whom we do not want to conduct the investigation because of a conflict of interest. For all intents and purposes, an independent counsel should and must adhere to the very same prosecutorial standards that a U.S. attorney would have followed.

Indeed, this principle is recognized in the Judiciary Committee report on page 20:

> Section 594(f) maintains the policy that independent counsel are expected to follow the same rules as the Department of Justice in their investigations and in making decisions on whether or not to seek indictments. This provision is designed to help ensure that an individual who is the subject of an independent counsel investigation will not be held to a higher standard or subject to stricter enforcement of the laws than other individuals.

The committee report on page 21 goes on to clarify that, and I quote:

> Penalties [to be applied to U.S. Attorneys] for failure to comply with policy range from no sanction or administrative reprimand all the way to dismissal, depending on the importance of the policy and the extent and nature of the divergence.

I would suggest that all independent counsel be held to the very same standard for breach of established Department of Justice policies.

Clearly, only the most serious breaches would lead to removal from office.

Mr. Chairman, I urge my colleagues to vote for this sensible amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Texas [Mr. BROOKS] opposed to the amendment?

Mr. BROOKS. The Chairman is correct.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment offered by my good friend and a distinguished member of the committee, Mr. RAMSTAD, the gentleman from Minnesota. Because the Attorney General already has the power to remove any independent counsel for good cause, this amendment is unnecessary.

But of equally great concern to me is that this amendment spells out two—but only two—of the grounds which might constitute "good cause" under the statute. Because good cause for removal could be based on any number of actions, misdeeds, or circumstances, the statute has wisely left the determination of what constitutes the standard of good cause in the hands of the Attorney General. H.R. 811 continues to do so.

On a more technical ground, the amendment on the surface appears to repeat the scheme that is currently in the independent counsel statute, but by using different words, it could lead to interpretive confusion.

I very much respect the motivation behind the gentleman's amendment, but I urge that we keep the statute's current treatment of good cause in place. For this reason, I must urge rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on the Judiciary, I would just quote from the Independent Counsel Reauthorization Act of 1993, the committee report from 1982, which totally contradicts what my good friend from Texas said, and I am quoting now from the committee report:

> This section should not be interpreted to mean that failure of the special prosecutor to follow departmental policies would constitute grounds for removal of the special prosecutor by the Attorney General.

So, this section should not be interpreted to mean that failure of the special prosecutor to comply with these two sections should constitute grounds of removal of the special prosecutor by the Attorney General.

> Such an interpretation would seriously compromise the special prosecutor's dependence.

Well, Mr. Chairman, obviously the legislative history spells out that, if the independent counsel fails to comply with existing policy, that that is not grounds for removal.

That is right here in the committee report.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, to my distinguished friend from Minnesota I say, "This section is included in the Hyde amendment substitute, and I would hope that we could resolve it in that overall context and not in a long, separate vote in contention here on the floor. We have got three or four, at least, additional votes on this bill before we conclude this afternoon, and some of the Members are trying to depart from this city by plane early before that snow storm hits."

Mr. Chairman, I thank the gentleman.

Mr. RAMSTAD. Mr. Chairman, reclaiming my time, I am one of those Members who would like to get out of town, but this amendment is, as the distinguished chairman points out, part of the more comprehensive amendment to be offered subsequently. However that amendment is very controversial. There are two other major points of contention in that broader amendment.

So, Mr. Chairman, this is a very straightforward amendment, and I did not think it would be a controversial amendment. It simply says that if the independent counsel fails to comply with standard Department of Justice policies, and those are accepted widely by the criminal bar across this country, and they are reasonable standards of conduct, if he or she fails to comply with those standards of conduct, then the Attorney General may—not must or shall, but may—remove the independent counsel. If there are flagrant abuses, violations, of established policy, prosecutorial policy, then it seems to me it is only reasonable that the Attorney General have the power to remove an independent counsel. I think there needs to be that minimum check or balance, and again I would emphasize that it is discretionary.

So, Mr. Chairman, I am real puzzled by the chairman's opposition to this amendment.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I would just say that I believe that this is something that we might consider in the conference. In other words, I am going to be opposed to the Hyde amendment and hope we can beat it. But that does not mean we will exclude this concept from consideration in the conference.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. RAMSTAD. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Minnesota.

Mr. RAMSTAD. I would just suggest, Mr. Chairman, to my good friend from Texas that he accept the amendment. That is an easy resolution of this very straightforward amendment which is discretionary, I would remind my friend from Texas, totally discretionary, the independent counsel violates these provisions. The broader amendment, which is coming subsequently, Mr. Chairman, is much more controversial, so I do not want to muddy the waters of that amendment.

□ 1110

Mr. BROOKS. Mr. Chairman, let me reclaim my time in order to answer the question briefly.

It is good cause if you limit it to just one or two issues, but there might be several more that the Attorney General might well consider good cause, and I would rather have the broader interpretation available to the Attorney General. That is really my only real query or question about rewriting the language. That is what we do not want to do.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. RAMSTAD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RAMSTAD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 227, not voting 24, as follows:

[Roll No. 18]

AYES—187

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Johnston
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—227

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Markey
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barceló (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—24

Andrews (TX)
Bilirakis
Blackwell
Chapman
Coleman
de la Garza
Dornan
Ewing
Ford (TN)
Hastert
Hastings
Lancaster
Laughlin
Manton
Martinez
Neal (NC)
Ridge
Roberts
Slattery
Smith (OR)
Swift
Tucker
Vucanovich
Washington

□ 1133

The Clerk announced the following pairs:

On this vote:

Mr. Bilirakis for with Mr. Blackwell against.

Mr. Ewing for with Mr. Washington against.

Mr. Dornan for with Mr. Manton against.

Ms. SCHENK and Messrs. JOHNSON of Georgia, WILSON, HEFNER, KENNEDY, and MINGE changed their vote from "aye" to "no."

Messrs. LEWIS of California, PETERSON of Florida, and FIELDS of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 103-419.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Hyde: Page 2, add the following after line 6 and redesignate succeeding sections and references thereto, accordingly:

SEC. 3. BASIS FOR PRELIMINARY INVESTIGATION.

(a) INITIAL RECEIPT OF INFORMATION.—Section 591 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "information" and inserting "specific information from a credible source that is"; and

(B) by striking "may have" and inserting "has";

(2) in subsection (c)(1)—

(A) by striking "information" and inserting "specific information from a credible source that is"; and

(B) by striking "may have" and inserting "has"; and

(3) by amending subsection (d) to read as follows:

"(d) TIME PERIOD FOR DETERMINING NEED FOR PRELIMINARY INVESTIGATION.—The Attorney General shall determine, under subsection (a) or (c) (or section 592(c)(2)), whether grounds to investigate exist not later than 15 days after the information is first received. If within that 15-day period the Attorney General determines that there is insufficient evidence of a violation of Federal criminal law referred to in subsection (a), then the Attorney General shall close the matter. If within that 15-day period the Attorney General determines there is sufficient evidence of such a violation, the Attorney General shall, upon making that determination, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 15-day period, whether there is sufficient evidence of such a violation, the Attorney General shall, at the end of that 15-day period, commence a preliminary investigation with respect to that information.".

(b) RECEIPT OF ADDITIONAL INFORMATION.—Section 592(c)(2) of title 28, United States Code, is amended by striking "information" and inserting "specific information from a credible source that is".

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what I am seeking by this amendment is to make this a better independent counsel bill. Right now the threshold for triggering a preliminary investigation by the Attorney General, simply requires that "information," not evidence—information is received sufficient to constitute grounds that a covered person "may" have violated any Federal criminal law.

I suggest to the Members that is way too low. I suggest to the Members to make this a meaningful, effective statute, we ought to elevate the triggering threshold to the "specific evidence from a credible source." I am tightening up what is a rather loosely drawn piece of law that has too wide a net. 28 U.S.C. §591(a). I am doing this, Mr. Chairman, as a Republican. One would think it would be in our interests to have the threshold low, to catch as many people as possible. I can assure the Members, that is not in my interest. That is not my intention.

I have always supported the Independent Counsel law. I voted for it in 1978. I voted to reauthorize it in 1983 and 1987. But I want it to be a professionally drawn, good, effective law that provides due process. I do not want to trigger expensive and sometimes awkward investigations that are brought sometimes for political purposes.

The manpower, the resources of the Justice Department should not have to be expended on surmise, on rumors, on innuendo, on more allegations. Rather, there should be real evidence so I am asking my colleagues in a bipartisan way, because nothing can pass, at least from the Republican side, without Democrat support, to join me in raising the threshold for triggering this law to specific evidence from a credible source. It seems to me that is in everybody's interest, to eliminate the trivialities and the frivolities of people who want to cause somebody a hard time.

I have never served on the Committee on Standards of Official Conduct, but I have been told by people who do that the non-members would be amazed at the mail they get. The charges they get that are frequently off the wall, not all of them, but a lot of them are.

□ 1140

And it just seems to me that the triggering of this law ought to require the provision of specific evidence from a credible source.

So I am attempting to tighten it, to fine-tune it, to sand off the rough edges and to help the cause of due process.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 10 minutes

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I must rise in strong opposition to this amendment.

The amendment, has two different parts—which, for some reason, seems to be obscured by the sponsors in describing the amendment. Now that the moment of truth has arrived it is essential that all Members understand what both parts would do to the structure of the Independent Counsel process.

It is understandable why the sponsors of the amendment emphasized only the first part of the amendment: For that part is nothing more than a restatement of the existing standard found in the Independent Counsel statute that guides the Attorney General in conducting a preliminary investigation.

It was in the bill in 1978.

Thus, part 1 of the Hyde amendment requires that the Attorney General—in determining whether there are grounds to conduct a preliminary investigation—find that the information submitted to her is "specific" and from a "credible source." It sounds good.

Guess what? The existing independent counsel statute (28 U.S.C. 591(D)(1)) states the following: "In determining * * * whether grounds to investigate exist, the Attorney General shall consider only (a) the specificity of the information received; and (b) the credibility of the source of the information." In other words, it is the same.

If the Hyde amendment was simply a restatement of the existing standard, it would be superfluous but nothing more. But it is something more because of the second part of the amendment. That part creates a new, untested legal standard which eviscerates the very independence of the independent counsel once he or she is appointed.

"Hyde, part two"—as I shall call it—directs the Attorney General not to proceed with the process if, within 15 days, she "determines there is insufficient evidence of a violation of criminal law * * *." But requiring the Attorney General to make an ultimate finding of whether there is a criminal violation is not the Attorney General's function at the "preliminary stage": Ultimate findings of guilt or not are for the independent counsel to make. In other words, the second part of the Hyde amendment would make the appointment of an independent counsel a mere "afterthought" since the Attorney General will have already prejudged the likely existence of a criminal offense.

What is the point of having an independent counsel if the Attorney General is both prosecutor and adjudicator of guilt or innocence? How does this type of provision avoid the conflict of interest of the executive branch judging itself?

For all these reasons, I must urge you to reject the Hyde amendment. It started out so promising and unobjectionable, but at the end of the road, it is a radical concept that strips away the very independence of the independent counsel.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am really astonished at my friend, the gentleman from Texas [Mr. BROOKS]. I think he is trying to impute some Machiavellian method here. I am trying to make this a workable provision.

Under the law that we are about to reauthorize, the preliminary investigation threshold question was too low. It is true the gentleman talks about insufficient evidence of a violation. But that comes later, after a 15-day inquiry. It is the beginning of the preliminary investigation that I want to deal with and I want to raise that threshold, not lower it. I do not want political manipulation of the independent counsel law, nor the Office of Attorney General. I want the trigger, the threshold of the preliminary investigation, not to have to happen unless there is specific evidence from a credible source of a violation of a Federal law. The complicated machinery of the independent counsel law should not get underway unless there is real evidence of possible wrongdoing. I am simply raising the threshold. After the investigation is underway, I have no problem with sufficient evidence.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I am happy to yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I really wonder if the gentleman understands what we are saying is what the gentleman has done is provide that the Attorney General under his provision has 15 days in order to determine whether there is sufficient evidence of a violation. And the statute has always said that they have 15 days to determine if there is a specific allegation from a credible source, and if there is, then there is a 90-day period in which an investigation takes place.

I do not think the gentleman realizes the effect of the words he has written.

Mr. HYDE. Recapturing my time, the law we are reenacting says the Attorney General must conduct a preliminary investigation whenever the she (or he) receives information sufficient to constitute grounds that any person may have violated any Federal criminal law. But I want to change that to say not mere information but specific evidence, real evidence—not rumors, not assertions but specific evidence from a credible source.

Mr. BRYANT. The gentleman is right. But will the gentleman yield further?

Mr. HYDE. Certainly I yield to the gentleman from Texas.

Mr. BRYANT. The gentleman stopped reading too soon. If he kept reading he would specifically see that the statute already says that the specificity of information received and the credibility of the source are the key factors in her determination. So it is exactly like the language the gentleman is talking about. The problem is the second half of his amendment which requires the Attorney General to determine in 15 days if there is sufficient evidence of a violation, and that is the province of the independent counsel, not the Attorney General. So if we leave it to the Attorney General, then we have no independent counsel.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course I yield to the gentleman from Texas, the gentleman who voted no on this bill when it first was presented in 1978, and I am still shocked about that.

Mr. BROOKS. But I saw the light. The gentleman remembers that I voted for it ever since.

Mr. HYDE. That is true. The road to Damascus is a short one for the gentleman from Texas.

Mr. BROOKS. But I have never deterred from my route since then. It is these people that go back and forth that make you nervous.

Mr. HYDE. I think I see a halo. I think.

Mr. BROOKS. Now, what I was going to suggest is I believe that the first part of the amendment is a useful statement of what is in the bill now. It is the second part that we have trouble with. If the gentleman would get unanimous consent to drop that part of it, we would accept the first part and be very pleased. I think it encourages a restatement, makes more clear that we need to have specificity and credibility of the source of the information, just as we really believe there should be.

□ 1150

Mr. HYDE. Mr. Chairman, I am trying to elevate the threshold that triggers this whole complicated operation. If the gentleman is satisfied to have it based merely on allegations that somebody may make, then the gentleman is welcome. Because it is his party that may be the focus of these investigations—unless, of course, we are successful in getting Congress covered, which I hope we do. But I am trying to make it a more workmanlike, professional due-process threshold.

The gentleman thinks there is some motive that frankly does not exist to eviscerate the bill. I am trying to strengthen it. If the gentleman does not want it strengthened, then the gentleman will prevail, but I hope people understand the threshold should be elevated.

Mr. BROOKS. If the gentleman will yield further, I do not want the gentleman to portray my effort as weakening in any way, because I think that if you give more authority to the Attorney General, you will destroy the authority of the independent counsel.

Mr. HYDE. No. I want to give her specific——

Mr. BROOKS. She makes all the judgments at this point, if you combine the adjudication with the administration, and we do not want to do that.

Mr. HYDE. I do not want to give the Attorney General more authority. I want to give her specific evidence rather than just information. I want it from a credible source, not somebody off the wall. I think that helps everybody. But the gentleman obviously does not.

Mr. BROOKS. Section 591 in the bill.

Mr. HYDE. Pardon?

Mr. BROOKS. Section 591 in the bill, "shall" uses the word "shall," and it uses the same words, the same terminology exactly.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I would just like to restate what the chairman said. We would be glad to accept the first part of the amendment offered by the gentleman from Illinois [Mr. HYDE], because it is simply a restatement of what is in the bill with regard to specificity.

It is the second part that is the problem. I am not sure he realizes the catastrophic impact it has on the bill. The question is, What threshold do you have to meet for the Attorney General to go into the 90-day period? The history of this act is that only 13 independent counsels have been appointed in 15 years. It is not as though this has been rushed into and independent counsels are appointed willy-nilly, right and left all the time. It is very rare.

In fact, of those 13 independent counsels, almost half of them have decided there was no reason to prosecute.

So changing fundamentally the threshold would be a terrible mistake. What the amendment offered by the gentleman from Illinois [Mr. HYDE] does is provide that the Attorney General would have only 15 days in which to determine, not if there is a specific allegation from a credible source, but 15 days in which to determine whether or not there is sufficient evidence to go forward. If you impose the sufficiency-of-evidence standard, you have then given all of the authority to the Attorney General, which is the person from whom we are trying to take the authority in order to guarantee that a conflict of interest will not result in unnecessarily, unfairly, unjustly shielding her colleagues, 60 people in the executive branch, from an objective analysis and objective investigation of their activity and possible prosecution.

Unless the gentleman from Illinois wants to accept an amendment in which we adopt the first half of his amendment and drop the second half, I am afraid we will have to continue our opposition to the amendment.

I strongly urge Members to vote "no."

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report No. 103–419.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Page 9, strike line 18 and all that follows through line 14 on page 10 and insert the following:

SEC. 4. APPLICATION TO MEMBERS OF CONGRESS.

Section 591(b) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, or any person who has served as a Senator, a Representative, Delegate, or Resident Commissioner within the 2-year period before the receipt of the information under subsection (a) with respect to conduct that occurred while such person was a Senator, a Representative, Delegate, or Resident Commissioner.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if there is one thing the American people have unanimously voiced over the last several years, it is disgust with the Congress in the fact that the Congress seeks and often accomplishes exemption of itself from the laws which it imposes upon the public at large. There are many, many examples of it. The people not only perceive it but believe it, because it is actually true.

Let me give you an example of how this occurs. Now, we are talking about the Congress subjecting the general public to certain laws and other segments of society to certain laws, but not itself to the disgust of the American people.

Here is a list of them: the Civil Rights Act of 1964, the Americans with Disabilities Act, the AIDS Discrimination in Employment Act, the Rehabilitation Act of 1973, the National Labor Relations Act, the Fair Labor Standards Act, the Equal Pay Act of 1963, OSHA, the Freedom of Information Act, and the Privacy Act. I state these and put them in the RECORD to demonstrate that what the Gekas amendment does in the bill that is now in front of us is to rectify that just a little bit to give to the American people the sense that we are going to be about the business of setting that sorry record straight, that here we have an independent-counsel statute that calls for the Attorney General, in the case of alleged wrongdoing of a member of the Cabinet, that that Attorney General must take action to bring that wrongdoer before an independent counsel, but then, lo and behold, if a Member of Congress is accused of wrongdoing, and God knows we have had that happen quite often in the past 10 years, if a Member of Congress be accused of some wrongdoing, then when the Attorney General gets that information, the Attorney General does not have to appoint an independent counsel to look into the wrongdoing of a Member of Congress.

Is that or is that not a double standard, I ask the Members of Congress?

At the same time I will not yield at the moment.

Now, those who propose the bill will, in sophistry and in very pastor-like ways, say, "We have taken care of that problem, Mr. GEKAS. We have language in the bill, and you know it, Mr. GEKAS, that will allow the Attorney General to visit an independent counsel against a Member of Congress."

But the language is not to the satisfaction of the American people. It says, "may"; it says "may be"; "well, perhaps," while the Gekas amendment says it must investigate when allegations of wrongdoing are visited against a Member of Congress just as it is for members of the Cabinet, and that is what I want to do with the Gekas amendment, put for the first time in a long time Members of Congress on the same level of culpability, of liability, as the general members of the public, especially to those who are members of the Cabinet. The people want this, and I urge that we successfully defeat the Bryant amendment that will come later which is aimed at obviating, erasing the Gekas amendment.

Let us make no mistake about this: the Bryant amendment that is to follow, because remember, the Gekas amendment will not be voted on up or down. The Committee on Rules took care of that. Rather, after we finish debate on the Gekas amendment, bill-Bryant, as I said yesterday, the bill, the Bryant bill that carries the bill language, the bill-Bryant will be brought up, and then we must vote, those of us who want to preserve the Gekas amendment, we must vote "no" on Bryant, because it just carries that "maybe" language allowing the Attorney General to weasel out of an independent-counsel investigation of a Member of Congress.

So be careful and stick with me, and we will do something for the American people to rectify this imbalance.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Texas [Mr. BROOKS] opposed to the amendment?

Mr. BROOKS. Mr. Chairman, I rise in vigorous opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in vigorous opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] and urge my colleagues to support the Bryant substitute offered by the distinguished chairman of the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations.

The Gekas amendment can only be viewed as a rhetorical smokebomb lobbed at Members to create panic and destroy the careful plan of the independent counsel statute. The amendment is a misnomer—for it implies that Members of Congress are not covered by the statute. That is plain wrong; Members have been covered since 1983. If we have truth in advertising, it is high time for truth in amending.

No one has ever accused the Department of Justice of not diligently investigating and prosecuting individual Members of Congress, as well as conducting broad-scale investigations of the House as an institution. It has done so zealously under Democratic and Republican Administrations, alike. Yet, the Gekas amendment straitjackets the Attorney General from having the option of using U.S. Attorneys or an independent counsel in pursuing charges of wrongdoing against a Member of Congress.

Both the administration and the Attorney General—a former prosecutor herself—opposed the Gekas amendment. Let me read from the Attorney General's letter I received yesterday on February 9, 1994, which I will submit for the RECORD of this debate. She states:

> * * * Let me reiterate the position of the administration and the Department [of Justice] that the act should not be amended to provide for mandatory coverage of Members of Congress. Such an amendment would be at odds with the fundamental purpose of the act: to deal with the potential for conflicts of interest in the investigation and prosecution of high-level officials within the executive branch. No such inherent conflict of interest exists in the investigation of Members of Congress. Moreover, I firmly reject the notion that the criminal investigative process should be made the pawn of political gamesmanship by covering Members of the legislative branch simply because certain executive branch officials are covered.

A more thoughtful application of the independent counsel statute is found in the substitute amendment offered by the gentleman from Texas [Mr. BRYANT]. Under the Bryant amendment, and to remove all doubt, Members of Congress are explicitly covered by the independent counsel statute. The Bryant amendment authorizes the Attorney General to invoke the independent counsel procedures to investigate and prosecute Members of Congress if doing so would be in the public interest." Thus, under the Bryant amendment, the Attorney General has two options: She can use the independent counsel process when she believes it to be in the public interest; or, she can investigate and prosecute Members by using the formidable enforcement resources of the Department of Justice—just as she can do with members of the Federal judiciary, State and local officials or any other American citizen.

The other body by a bipartisan vote of 67 to 31 rejected the Gekas approach in favor of the Bryant approach. I urge you to cast an "aye" vote in support of the Bryant substitute to the Gekas amendment.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 9, 1994.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I want to take this opportunity to express the support of the Department of Justice and the Administration for reauthorization of the Independent Counsel Act. Public trust in our government is predicated on the belief that our Nation's justice system is being administered in an even-handed and impartial manner; reauthorization of the Independent Counsel Act is crucial to ensuring continued public confidence in the integrity of that system. Both H.R. 811 and the Senate companion bill, S. 24, advance this vital goal and make valuable improvements to the underlying Act. You and your Senate counterparts are to be congratulated for your efforts in reviving this measure.

In particular, let me retirate the position of the Administration and the Department that the Act should not be amended to provide for mandatory coverage of Members of Congress. Such an amendment would be at odds with the fundamental purpose of the Act: to deal with the potential for conflicts of interest in the investigation and prosecution of high-level officials within the Executive Branch. No such inherent conflict of interest exists in the investigation of Members of Congress. Moreover, I firmly reject the notion that the criminal investigative process should be made the pawn of political gamesmanship by covering Members of the Legislative Branch simply because certain Executive Branch officials are covered.

Again, I appreciate your consideration of the Department's views and commend you for advancing this important legislation.

Sincerely,

JANET RENO.

□ 1200

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I now yield 2 minutes to the gentleman from North Carolina [Mr. COBLE], a member of the subcommittee and the committee of jurisdiction.

Mr. COBLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I came to the floor with no intentions of speaking today, but I have heard this and I felt compelled to speak.

I hear words such as "double standard"; I hear words such as "exemption" from this proposal or that proposal. As the gentleman from Pennsylvania [Mr. GEKAS] just said, this is what annoys the American public, seeing this body day in and day out enacting laws and then, very conveniently, exempting ourselves.

We feed the Congress from one bucket filled with sweet water, and then the public goes to another trough and drinks from that container. It is simply not right. The situation is, if Mr. GEKAS's amendment does not pass, will simply be permissive. The Attorney General will not have to assign anyone or do anything.

Now, I am not wild generally about independent counsels. it is my belief that the public integrity section of the Justice Department can handle these situations, and I am particularly not wild about it in view of the last exercise that the Walsh investigation conducted when the meter ran eternally. I think it is going to end up costing the American taxpayers somewhere in the vicinity of $50 million. That is one reason why I am opposed to it. But the public integrity section can take care of it.

Having said that, we are going to steam along this course whether we like it or not. So if we are going to go the independent counsel route, for gosh sake let us respond as we make everyone else respond.

I think that is the way to go. If I had my druthers, I would say let the public integrity section handle it. But I do not have my druthers. So if we are going to go the route of the independent counsel, by all means, as the gentleman from Pennsylvania said, let us bring ourselves under the umbrella.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I do not know where the folks who have been talking on the Republican side have been the last 10 years. They are as capable of reading the law as we are.

It is available to them. I guess they do not want to read it. The law as of 10 years ago said Members of Congress were covered by this act. They continue to say that we are not. They are covered, just like any other American, and it has been that way since 1983.

They say they want Congress to be covered by the laws just as everybody else, and I agree, there are some instances where we should have been and we were not. But this is not one of those instances, and they know it is not one of them. Look at the statute. We are treated just like every other American under that statute, and we would be under my amendment as well.

Now, the fact of the matter is this rhetoric is part of a premeditated strategy to pound on a Republican theme that even though this does not quite fit into it, it is OK with them, apparently, to come up here and say that it does. Read the statute.

Let me ask a question, a rhetorical queston—and I am not afraid to yield to anybody. When we began this debate last year on the Judiciary Committee, I pointed out at that time that we had three investigations of Members of Congress under way by the Justice Department, four prosecutions in progress, and there had been three convictions in the recent couple of years.

Now, I do not find any evidence that there has been any evidence that there has been any hesitance on the part of the Attorney General of the United States, Republican or Democrat, to pursue Members of Congress. I have never heard anyone suggest in private or in public that there is somebody out there who is shielded from prosecution by the Attorney General because they are friends with them.

Now, if the gentleman knows of any, some case like that, this is a good time to tell us.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I subscribe to the statement that the gentleman made, but that does not preclude the new wave of authority that we want to put in the Attorney General to investigate wrongdoing in Members of Congress, high-profile Members of Congress, who have apparent or actual conflict of interest, and give them the additional power, the Attorney General, to execute an independent counsel appointment so that the whole world will know that this will be an independent investigation of a high-ranking Member of Congress who is a member of the same party as the Attorney General and the White House.

This is the purpose of this bill.

Mr. BRYANT. Are you not reading the newspapers?

Mr. GEKAS. The gentleman yielded to me. Now, if the U.S. attorney on his own or the Attorney General on his own wishes to follow that, that is all right. But we want that opportunity mandated just like the members of the Cabinet are to have an alleged wrongdoing in the Congress, a high-ranking profile Member who is tied in with the Attorney General and the White House in the same party. That is what we are trying to get.

Mr. BRYANT. Reclaiming my time, and the gentleman pointed out that I yielded to him, and I did. I wish I could get them to yield to us occasionally.

I will proceed with my statement.

Are you not reading the papers? Are you not aware that high-ranking Members of Congress of both parties are presently under investigation? Is there some indication otherwise? Have you not read the law? I will not yield again.

Have you not read the law that says clearly Members of Congress are covered? It is optional, but what the gentleman wants to do is to make it mandatory. They continue this rhetoric that somehow we are not treated like all other Americans. The independent counsel statute was written for 60 people who have become such good friends with the Attorney General that we cannot rely on human beings who serve as Attorney General to investigate objectively or to prosecute. Only 60. Everybody else is treated the same. The public integrity unit, the drug unit, every other unit out there is out and available to the prosecutors to investigate us, just like the general public. That is the way it ought to be.

I will be back in a moment with an amendment to the Gekas amendment that I think gives every Member an opportunity to vote on the principle that Members ought to be covered, but the coverage ought to be at the discretion of the Attorney General.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE] a member of the committee.

□ 1210

Mr. GOODLATTE. My colleagues, nothing angers my constituents more than the idea that Members of Congress are treated differently than others by so many different statutes, and the gentlemen from Texas are correct that Members of Congress are included in this bill. But they are treated differently than the members of the executive branch in the fact that the Attorney General has the option to choose to treat them with a preliminary investigation or not to treat them. She does not have that option with the other members of the executive branch that are included in the bill, and that is what is wrong.

Mr. Chairman, we are sending a message here that Members of this body, some of whom who are very high ranking, very high profile, who are under investigation right now; under this bill the Attorney General, in some instances a member of the same party as those individuals, would have an opportunity to turn a blind eye to those situations and choose not to conduct that preliminary investigation, and that is what we are talking about.

The distinction here is between whether it should be optional on the part of the Attorney General or mandatory.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Texas.

Mr. BROOKS. To my friend I say, "The Attorney General said very clearly, and she uses English, American, you know, in her letters, said, 'No such inherent conflict of interest exists in the investigation of Members of Congress.' In other words, you investigate the Members of Congress on an optional basis the way you want to. They haven't had any trouble doing it. But you don't mandate that they do it just like they do the 60 members of the executive department."

Mr. Chairman, this bill is not designed to investigate Congress. They can do that anyway with U.S. attorneys all over the United States.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time because I have very little of it, let me say that this bill is intended to make sure that Members of Congress can have special prosecutors, independent counsels, appointed to investigate high crimes on their part, and we should make sure that there is no difference.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I rise in opposition to the Gekas amendment.

I realize that an increasing number of our colleagues find that there is political mileage in attacking the institution of which they are Members, and maligning their colleagues.

Like the American officer in Vietnam who uttered the explanation, "It was necessary to destroy the village in order to save it," some of our colleagues believe that they must destroy this institution in order to get control of it.

This amendment is based on that premise. Proponents of the amendment argue that the present law and the bill before us is another example of Congress passing laws for everyone else, and carving out an exception for themselves.

The facts are that the independent counsel law and the bill before us do create some special exceptions, but there is no such exception for Members of Congress.

The special exception is for the President, Vice President, members of the President's Cabinet and officials of comparable rank, high ranking members of the White House staff, and key operatives of the President's reelection efforts. The special exception provides that when any of these officials are to be investigated for criminal wrongdoing, the investigation should, in every case, be turned over to an investigator, and, if ultimately justified, a prosecutor who is independent of the control and direction of the Attorney General.

The basis for this exception is that the Attorney General, who is appointed by and closely associated with the President, should not be investigating and prosecuting the President or other persons closely associated with the President.

This special exception applies to only about 60 individuals. The other 250 million of us—including the 535 Members of Congress—are subject to no exceptional rules, but are investigated and prosecuted by normal Department of Justice processes.

Members of Congress are subject to no special rules, nor should we be. We are not appointed by the President. Under our system of separation of powers, we do not work for him, and he does not work for us.

There is not one shred of evidence to suggest that Department of Justice investigators and prosecutors are reluctant to pursue allegations of criminal misconduct by Members of Congress. In fact, prosecutions of Members of Congress of both parties are a common occurrence, regardless of which party controls the White House.

Members of Congress are already subject to investigation by independent counsel, a fact which will be made even more explicit when this legislation is enacted. It is not mandatory, nor should it be. If we need referral to an independent counsel to investigate Members of Congress in every case, one would think that the four Republican Attorneys General we had between 1981 and 1993 would have found at least one occasion in which appointment of a special counsel was appropriate. There have been none.

The fact is there is reason to believe that mandatory referral to an independent counsel would likely make prosecution of Members of Congress more subject to political manipulation, not less.

Under our present system, an Attorney General who personally takes charge of decisionmaking in the prosecution of a Member of Congress is subject to special scrutiny and suspicion, and should be. If a political ally is involved, the suspicion is of favoritism; if an enemy, the suspicion is of unfair persecution.

However, if independent counsel referral is mandatory, the personal intervention of the Attorney General will be mandated. Not only mandated, but mandated at a very early stage in the proceedings. Rather than thoroughly investigating allegations against a Member of Congress, investigators will be required to turn the matter over to the politically appointed Attorney General at a very preliminary stage for decision on the future of the investigation.

Suppose that at this point the Attorney General decides that there is no basis for further investigation. Even if this is based on lack of evidence and not on political manipulation, it makes the process more suspect, and prosecution of Members of Congress much more difficult.

Cases which should be and could be made if the regular procedures were followed may not be made if the case is prematurely taken out of the hands of career investigators and prosecutors.

Furthermore, in cases which are initially rejected by the Attorney General, while it is theoretically possible that additional information could be produced, leading to a decision that an independent counsel should be appointed, this is unlikely. It is unlikely because the best source of such information is not anonymous phone calls to the Attorney General, but Justice Department investigators. However, once an Attorney General finds that, in the words of the statute, "That there are no reasonable grounds to believe that further investigation is warranted." A pretty clear message is sent to career investigators and prosecutors that the matter is closed.

The shrill voices clamoring for mandatory referral of cases involving Members of Congress to an independent counsel seem to be proclaiming that the independent counsel process is superior to the normal methods of bringing Federal prosecutions, and that Members should always be investigated and prosecuted by this superior process.

The fact of the matter is the independent counsel process is not the best process for prosecuting Federal crimes—the best process, the one most likely to lead to conviction where conviction is warranted, is the normal criminal justice procedure under which all but about 60 individuals in our Nation are investigated and prosecuted. It is only in the case of this handful of individuals that we should and must resort to the extraordinary processes of the indepdendent counsel, an inherently inferior process for most cases, but one that is superior for the special circumstances of these few individuals.

We heard much talk yesterday about coverage of Members versus cover for Members. The fact is the committee bill and the Bryant amendment provide appropriate coverage of Members. Cover for Members is found not in those proposals, but in the Republican proposals to free Members, in every case, from the time-tested and proven investigative and prosecutorial practices of the Department of Justice. The Republicans would instead force every case into a decisionmaking process not designed for and often totally unsuited for the circumstances presented.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I would like to respond to some of the things that the previous gentleman, the gentleman from New Jersey [Mr. HUGHES], said.

First of all, Mr. Chairman, this is not a partisan issue, and to suggest that it is a gross misrepresentation of the debate. The fact is that the Attorney General is wrong, wrong with respect to there being no conflict of interest. In fact there is a very real conflict of interest.

It should be absolutely clear to anyone who has ever spent even 1 day in this Chamber that a tremendous amount of power is wielded here by certain Members of the House and the Senate and that there are Members that any administration, and it does not matter if it is Democrat or Republican, must do business with in order to advance its own agenda, and any administration, whether it is Democrat or Republican, will at the very least think very carefully before pursuing a criminal investigation of a Member of Congress who commands great power and influence. That is the fact.

I say to my colleague:

> The fact is, if you just look at the very recent history, we have gone through a period in which there has been a scandal with respect to the House Post Office, there has been a scandal with respect to the House Bank. Have we had any indictments of any Members of Congress with respect to either one? No, we have not. But have we had indictments and, in fact, convictions of staff members? Yes, we have, multiples, and yet the fact is that, because there has been a conflict of interest, we have not had the kind of investigation, we have not had the kind of results, that ought to come from those investigations.

Clearly, Mr. Chairman, the Attorney General is wrong with respect to the conflict of interest.

Mr. BROOKS. Mr. Chairman, what is the time remaining on each side?

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. GEKAS] has 5 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

□ 1220

Mr. ISTOOK. Mr. Chairman, I rise in support of the Gekas amendment.

I hear people saying, "Oh, we will destroy the institution" if we are asked to have Congress follow the same laws and rules and standards that apply to everyone else. The problem is that Congress seems dead set on destroying itself, and it has got to be changed.

I remember back in the Watergate scandal the so-called Saturday Night Massacre, because the counsel was not independent and could be removed and only acted at the pleasure of the Attorney General. And it is correct, as the gentleman from Ohio [Mr. HOKE] pointed out, that any President needs Members of Congress and their support to accomplish his agenda and, therefore, wants to be on good terms with them and has reservations about anything that might step on their toes such as a criminal indictment.

And making it optional? Will that happen? Look at what is going on. Look at what has happened with the House Post Office. Seven months ago there was a guilty plea in Federal Court by the former Postmaster of this institution, who took three counts of conspiring with Members of Congress to embezzle taxpayers' money.

It was tens of thousands of dollars. Where are the indictments? They are not there.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I will not yield.

Mr. BRYANT. Why not?

Mr. ISTOOK. I will not.

Mr. BRYANT. Why not?

Mr. ISTOOK. Because the Ethics Committee of this body is sitting on it instead of investigating as it needs to do to get to the bottom of this scandal and hold Members of this institution accountable.

We have guilty pleas, and we have Federal court papers identifying that several Members of Congress were involved in embezzlement, and it is time for this institution to get with it and stop the double standard and stop the word games of trying to exempt ourselves from the standards that everybody else in this country must follow.

Mr. BRYANT. Now, will the gentleman yield?

Mr. ISTOOK. No, sir.

Mr. BRYANT. Why not?

Mr. ISTOOK. I have heard enough of your rhetoric.

Mr. BROOKS. Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield such time as he might desire to the gentleman from Florida [Mr. SHAW], who in 1987 launched a similar effort to try to make mandatory the inclusion of Members of Congress as subjects and targets of the independent counsel.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this is a tremendously important amendment. Let us really look at the record of the special prosecutors and how they have evolved over the years. It is a very tough standard that we must put on any administration that a special prosecutor with all these powers can be appointed, and this person is appointed to investigate a specific person, and this person is semi-independent from the Department of Justice.

I think that what we have to do is say that if we are going to put this as a standard on the administration, then we certainly should apply it ourselves. It can be said that here we go again, exempting ourselves from these laws, and that is exactly what we are doing.

By boiling this thing down and saying it is permissive, it just simply yanks the heart out of the whole thing.

This is a high standard that we place upon the administration. We should place this same standard upon ourselves and this body. I do not view this as a partisan move at all. It simply says that exactly what we are going to do to any administration, whether it be a Republican or a Democratic administration, we simply apply the same standard to ourselves. That is the question. It is plain and simple.

Mr. Chairman, I ask for a positive vote on the Gekas amendment and a negative vote on the watered-down amendment.

Mr. GEKAS. Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 2 minutes.

Mr. BRYANT. Mr. Chairman, I will not consume all of the remaining time.

I just have to observe that whenever a human being, in the face of the language of the law when it is laid before them and repeated over and over in terms that anyone could understand, continues to deny what is before their very eyes, there is something afoot other than a legitimate effort to offer an amendment to improve legislation.

The law since 1983 has provided that Members of Congress are covered by the independent counsel statute when the Attorney General would like to appoint an independent counsel. My amendment to the Gekas amendment which I will offer in just a moment will continue the law just as it has been, and it has worked well for 15 years. After all, there have been only 13 independent counsels appointed.

Notwithstanding that, as I said a moment ago, despite the outburst we heard a moment ago—and I noticed that the Member would not yield to me, apparently for fear that he would hear the words I am about to speak—while considering this matter in the Judiciary Committee last year, we had four people being investigated, I think three convictions had already taken place, and there were also a number of other ones going on at the same time. There has never been any hesitancy to prosecute Members of Congress.

Let me point out one other thing that was said so very well by the gentleman from New Jersey [Mr. HUGHES] a moment ago. The great irony of this is that you would come to the floor and act as though you were somehow trying to guarantee that Members of Congress are treated like everyone else when the plain result of what you are doing is to put us in a special category that would make it harder, more cumbersome, and more difficult for the Attorney General to prosecute or conduct an investigation against the Member of Congress. Every knowledgeable analyst of this statute agrees with what I have just said.

This is a shell game, as the gentleman from New Jersey [Mr. HUGHES] described it so aptly a moment ago.

Mr. Chairman, I urge the Members of Congress to vote against the Gekas amendment and vote for the Bryant amendment which I will bring before the body in just a few moments.

Mr. GEKAS. Mr. Chairman, I yield myself the remainder of my time. Mr. Chairman, we do read the statute, we do read the Bryant language, we read the bill language, and the bill language and the Bryant confirmation of the present language says that when the Attorney General deems that it would be in the public interest, this would happen. These are tremendous loopholes. Discretion is given to the Attorney General. Public interest is what the Attorney General may decide it might be.

Then it says the Attorney General may conduct a preliminary investigation. We are reading the law, the bill, the Bryant language, the very language that the gentleman from Texas wants us to read. I am reading it into the RECORD. That is permissive. It uses the words, "may" and "maybe." Who knows whether we will or not. It is that kind of language. I do not know what it is. I am reading it in the RECORD again.

It is "may" language. It is discretionary on the part of the Attorney General, and the Attorney General may just not move against a Member of Congress when indeed that Attorney General would be compelled under similar circumstances to move against a member of the Cabinet.

So the question remains: Shall we raise the Member of Congress to that state of liability and of targetism of the independent counsel law that we accord now to the members of the Cabinet?

The CHAIRMAN. All time has expired for debate on the amendment.

AMENDMENT OFFERED BY MR. BRYANT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GEKAS

Mr. BRYANT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered as a substitute by Mr. BRYANT for the amendment offered by Mr. GEKAS: Page 10, strike lines 6 through 14 and insert the following:

"(2) MEMBERS OF CONGRESS.—Whenever the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General has received information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the substitute amendment to which I referred a moment ago.

We bring this amendment to the floor in order that every Member of the House might have an opportunity to vote as we voted in the Judiciary Committee in favor of an amendment on Member coverage. That amendment provides that whenever the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592, if the Attorney General has received information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than minor misdemeanors.

It makes it very plain that we continue to be covered as we have been covered for the last 10 years.

As the Members know, the independent counsel law was enacted because the American people lacked confidence in the ability of the Justice Department to act impartially when allegations of criminal wrongdoing were made against high ranking officers of the executive department. Those reasons are quite obvious.

The Attorney General is a member of the President's Cabinet and is part of the political team.

While we have come to expect that Attorneys General will avoid most forms of partisan wrangling, it is unreasonable to expect that any human being who holds that job would not be influenced by the threat that investigation or prosecution of members of the President's Cabinet might pose to the success of the administration. In addition, in order to do their jobs, Attorneys General must form strong bonds with other Cabinet officers, White House officials, and division heads of the Justice Department itself. These are the people they work with from day to day to carry out the President's policies and, under those circumstances, it is just unreasonable to expect an Attorney General to act impartially when making decisions about whether to investigate and, if appropriate, to prosecute one of their colleagues.

□ 1230

When the law was first passed, it covered senior officials of the administration. Once the act's thresholds were met, use of the independent counsel process with regard to those individuals was mandatory. In 1982, when the statute was reauthorized for the first time, the act was amended to include a second category of coverage. That category provided that in other cases where a personal, economic, or political conflict of interest might arise, the Attorney General would be permitted to use the independent counsel process.

This amendment that I offer makes it very explicit that that portion of the statute refers to Members of Congress.

Mr. Chairman, I submit that this is a good standard. It has worked well in the past. We make it more explicit today. The adoption of the amendment would obviate the language that the gentleman from Pennsylvania [Mr. GEKAS] has brought forward, which would make it mandatory, thereby expanding the category of the class of those who would be covered by the independent counsel statute to almost 600 people from the originally intended 60. That would be, in my view, a great mistake.

Mr. Chairman, the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS], as I said a moment ago, I think basically originated with a political strategy to somehow continue to pound this theme that we are in some fashion placing ourselves in a special category. I am arguing that we should not place the Members of the House in a special category. They should be treated as they have been treated in the past, like everybody else is treated.

Only 60 people are treated in a special way. It does not make sense to continue this argument, to say that we are somehow, by virtue of treating ourselves like everybody else, treating ourselves in a special fashion.

In fact, as I stated a moment ago, there has been no hesitancy to prosecute Members of Congress. I regret very much the outrageous statements made a few moments ago on the floor of the House that suggested anything otherwise. I think it may be time for us to purchase a subscription to a daily newspaper for a few people who have been speaking a moment ago.

There are Members of Congress, powerful Members of Congress, on both sides of the aisle, under investigation at the present time by the Attorney General, who were being investigated by the previous Attorney General. The fact of the matter is there is no objective evidence whatsoever that we ought to place ourselves in a special category.

Mr. Chairman, I urge Members to vote in favor of the Bryant amendment to the Gekas amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 15 minutes.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has come down to this, the vote. The Bryant amendment is an endorsement of the bill language. The Bryant amendment embraces the bill language.

Mr. Chairman, we had a division of the question, a very discernible, easy issue: Either the bill or the Gekas amendment. But by virtue of the games that the Committee on Rules played, the Bryant bill comes back out through the back door into the whole issue, reverberating what the bill contained in the first place. So the Bryant bill says the Attorney General may, if the Attorney General wants to, prosecute through the independent counsel mechanism. May, if the Attorney General finds it be in the public interest, another discretionary phrase in favor of the Attorney General.

The Gekas amendment, which opposes the bill and the Bryant amendment, says that when such wrongdoing is alleged on the part of a Member of Congress and it comes to the attention of the Attorney General, the Attorney General must proceed with an investigation to determine whether or not that should lead to the appointment of an independent counsel. It is black and white, clear as crystal, the issue before us.

Those who want to make sure that Members of Congress who are accused of wrongdoing are put under the same scrutiny as members of the Cabinet will vote no on Bryant, because that would be a vote for the Gekas amendment. Vote no on Bryant, which is a reprise of the bill, which gives wide discretion to the Attorney General, in favor of the later vote on the Gekas amendment, which will be to tighten up the Attorney General's discretion on the appointment of an independent counsel.

Mr. Chairman, that is the nub of the problem, and I want the support of all Members.

There is another thing that has been said by the gentleman from Texas [Mr. BRYANT] which I need to counter a little bit. I believe that the very examples the gentleman gives, and others have given, that in past cases the Attorney General has utilized the U.S. Attorney to properly and successfully prosecute Members of Congress, does not erase the contention of many of us and the observation that there still is a potential conflict of interest, even in those kinds of cases, in the original impetus of the case.

Mr. Chairman, I repeat, if there is a powerful Member of Congress who is put to the fire by the Attorney General, by the appointment of a U.S. Attorney, it still remains as a basic fact that the high ranking Member of Congress and the U.S. Attorney and the Attorney General and the President of the United States might all be of the same party.

Even in those cases, the only way we can approach impartiality would be if the Attorney General turned the matter over to an independent counsel, so that the court would appoint someone to pursue the Member of Congress who has been accused of wrongdoing.

I say that the actuality of conflict, which everybody acknowledges can happen, at least the appearance of conflict, which everybody must agree can occur when a high ranking Member of Congress is alleged to have done something wrong, then the only way we can make sure that the public will be satisfied with what we do on the floor with respect to conflict of interest and appearance of conflict of interest is to erase it by voting for the Gekas amendment and against the Bryant amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BRYANT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just cannot resist observing that as the gentleman continues to characterize our efforts here in opposing the Gekas amendment in favor of the Bryant amendment as some type of a conspiracy, that I have to repeat what I said yesterday, which was initially contradicted by the gentleman, and I think the gentleman has checked the RECORD and seen that it was true, that the ranking Republican Member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH] voted against the Gekas amendment, and voted in a fashion exactly consistent with the amendment I am about to offer, in 1987, as did 14 of the leading Republican Members of the Senate just a few weeks ago when the Senate voted down the Gekas amendment and kept language like the Bryant amendment by a margin of 67 to 31.

Mr. Chairman, I think we are pursuing a prudent course here that is constructive. It leaves the Attorney General in the position where she can prosecute the laws without any hindrances. It does not put Members of Congress on a pedestal, but treats us like everybody else.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts, [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. BRYANT] who is doing an extremely good job of managing this bill.

First of all, I do want to say both the gentleman from Texas [Mr. BROOKS] the chairman of the Committee on the Judiciary, and the gentleman from Texas [Mr. BRYANT] the subcommittee chairman, and others, deserve credit. We had some skeptics say that the independent counsel statute was just some partisan tool that Democrats liked because it harassed Republicans.

Let us just remind people of the history. The independent counsel statute was first enacted by a Democratic House and a Democratic Senate under a Democratic President, Jimmy Carter. It was in fact at its most ferocious back then. The trigger level that set off the independent counsel was, by everybody's agreement, too low at that point. But it was set up by Democrats under a Democratic President.

Now that a Democratic President is back in office, we had predictions that we would allow it to lapse. In fact, that is not the case. Once the Senate acted, we have moved very quickly.

☐ 1240

The Senate did not act. There had been a partisan dispute in the Senate. The Senate finally acted at the end of last session. Here we are at the outset of this session moving a bill to where I hope it will be on the President's desk within the first week when we come back, because there will not be many differences between us and the Senate unless we adopt the amendment offered by the gentleman from Pennsylvania.

One point should be very clear. For those who want the independent counsel statute reauthorized quickly, adopting the amendment of the gentleman from Pennsylvania will certainly delay this and may kill it for this reason. The U.S. Senate, of blessed memory, dealt with this exact issue last November. And an amendment that embodied the principle of the amendment of the gentleman from Pennsylvania was presented by the Senator from Arizona.

The Senate, by 67 to 31, voted it down. Leading the charge were two Senators, the Democratic Senator from Michigan, Mr. LEVIN, and the Republican Senator from Maine, Mr. COHEN. The Assistant Republican Leader, Mr. SIMPSON, voted against the amendment.

The Senate dealt with this issue and very firmly, by better than 2 to 1, said, "We want to leave it as is."

If the House were, in fact, to disagree, we would be guaranteeing a long conference from which perhaps no bill might emerge, because the House and Senate position on this central issue greatly at variance guarantees no quick action.

One way to get quick action so that the Clinton administration will, in fact, be subjected to the exact same independent counsel statute, remember, we are talking about the same panoply of powers aimed at the executive branch now as was facing Reagan and faced Bush, the only way to do that is, in fact, to defeat this amendment. Because if we can get this amendment defeated, the differences between the House and the Senate are sufficiently small. And there has been sufficient discussions on a bipartisan basis from Senators LEVIN and COHEN so that we can get a bill to the President's desk very quickly.

Next I want to talk about the substance. The gentleman from Pennsylvania said, if a senior member of the President's own party were to be indicted or investigated by that Attorney General, there would be the appearance of conflict. I want to defend Attorney General Barr against the criticism that has been leveled at him by Republicans, because Attorney General Barr, appointed by Bush, Attorney General Thornburgh, appointed by, I think, Reagan and Bush, Attorney General Meese and Attorney General Smith, all four men who served as Attorneys General under President Reagan and President Bush authorized Justice Department investigations of Members of Congress of both parties.

All four of those men authorized investigations of both Democratic and Republican Congressmen, in some cases some senior Members of their own party.

Now, all four of those men, under the statute as it then existed and as the gentleman from Texas [Mr. BRYANT] wants to reconstitute it, had the unchallenged authority to ask for an independent counsel. Any Attorney General at any time could ask for an independent counsel for anybody if he or she thinks there is a conflict. So if, in fact, there was that appearance of conflict, as the gentleman from Pennsylvania says, why did four Republican Attorneys General refuse to use the mechanism available to them? Why did Mr. Meese and Mr. Smith and Mr. Thornburgh and Mr. Barr all refuse to ask for an independent counsel?

We will be told that they believed that it should be mandatory. That is the oddest profession I have ever heard. Here are four men who apparently insist that, I guess their argument is, stop me before I conflict again. Here are four men who ignored their own authority to ask for an independent counsel, who now tell us that what they did was somehow wrong, apparently, and that an independent counsel must be offered. If that seems illogical to Members, I think that helps them understand what the basis of what we are talking about is.

Yes, when the Attorney General is asked to investigate the Vice President, the Secretary of Labor, the Chairman of the President's own party, we believe there is an inherent conflict. When a Member of Congress is involved, there may or may not be a conflict. We leave it up to the Attorney General to decide it.

Members have also said this thing costs too much. Well, what my friends on the other side want to do is to increase the cost of this by a factor of 10. Nothing would be more likely to undermine the existence of the independent counsel than to increase the cost by a factor of 10, because 60 people are now automatically covered, they would make 600 people automatically covered. And if we had the same incidents of appointments among Members of Congress and the executive branch, we could increase it by a factor of 10, if we made it automatic.

Now, I am prepared to concede that the Republican Attorneys General erred in the past and should have appointed an Independent Counsel two or three times when they did not. I am sorry that they never did it. I am sorry that they never dealt with the potential of a conflict. I am sorry that they disagreed with the gentleman from Pennsylvania, who said it was an apparent conflict. And he is right to use the phrase "apparent conflict." That is one of the things we legitimately are concerned about.

But when four Republican Attorneys General over a 12-year period consistently refuse to use this authority, which they had without any possible challenge, how can it be argued that somehow this is the logical policy that they should have been forced to do it?

Finally, let me address the procedure. We have a procedure where, yes, the pending amendment is already in the bill. That happens from time to time, because Members want to make sure that the issue is properly framed in debate. If it was up to me, we would never do it. If it was up to my friends on the Republican side, I believe from history, we would sometimes do it and sometimes not do it. Because we do it when it helped them and not when it did not.

When we debated the Defense bill, we had the Skelton amendment. The Skelton amendment was the text of the bill. And we had a King of the Hill situation. There were two amendments prior to the Skelton amendment on gays in the military. They both lost. We then voted on the Skelton amendment. And in that case we did not even have a Gekas type amendment to choose between.

We had a situation that said, if we voted for the Skelton amendment, it would be in the bill. But if we voted against the Skelton amendment, it would be in the bill.

I challenge my colleagues to find in the CONGRESSIONAL RECORD one Republican objecting to that procedure. We did that. It was less logical than this one. Because here we will be making a choice. In the military issue, we choose between Skelton and Skelton. Here we are choosing between Bryant and Gekas.

Now, Members may not think that the difference between Gekas and Bryant is great. I happen to think it is, but the difference between Bryant and Gekas is greater than the difference between Skelton and Skelton. I mean, Members who believe in that procedure, frankly, might have thought that it was designed not by the gentleman from Missouri [Mr. SKELTON] but by Red Skelton. But I did not remember a single Republican objection, not one, not during the rule debate, not during the debate on the floor.

So we have a procedure that has been used before with Republican support. We have a rule that says the Attorney General can appoint, whenever he or she wants to, an independent counsel. And four Republican Attorneys General have declined to do that, and many of them have investigated Members of their own party and of the other party.

We have a proposal that would increase by a factor of perhaps 10, a thousand percent, the cost of this. The history of the independent counsel is that when Mr. Nixon was in trouble, there were difficulties. And that is what led to the independent counsel statute. There was not a history of executive branch officials being unwilling to prosecute Members of Congress. Jimmy Carter presided over Abscam, which sent mostly Democrats to prison. Republican Attorneys General have indicted and convicted or dismissed charges against Members of Congress.

This is a continuation of what we have had. The Democrats have a challenge, and I believe we are meeting it. Will we apply to the Clinton administration exactly the same rules that we applied to the Bush and Reagan administrations?

Vote for the Bryant amendment and that is what we will accomplish, because we will be able to go promptly to conference with the Senate and put that bill on the President's desk. Vote for the amendment offered by the gentleman from Pennsylvania, and we will guarantee the grinding down, people will be talking about gridlock. We will have a difficulty with the Senate which has already rejected it, and we may or may not be able to resuscitate.

I believe we will take the appropriate action, and I call for a yes vote on the Bryant amendment.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I wonder if I might ask the gentleman from Texas [Mr. BRYANT] a question or two.

It is my belief that the gentleman's amendment on coverage, optional coverage of Congress, eliminates, of course, the mandatory coverage but also provides a weaker standard. Under the existing law or, rather, the law that we seek to reincarnate, it says, "Preliminary investigation with respect to persons not listed." Then, of course, that would be Congressmen. The Attorney General determines that an investigation or prosecution of the person with respect to the information received by the Attorney General or other officer of the Department of Justice may result in a "personal, financial or political conflict of interest."

When that happens, then the independent counsel is triggered. Under the amendment of the gentleman from Texas [Mr. BRYANT], he eliminates "financial, personal or political conflict of interest," and he puts in "in the public interest."

It seems to me there could be a financial conflict of interest. There could be a political conflict of interest. There could be a personal conflict of interest, but the AG will not find it in the public interest to appoint an independent counsel.

□ 1250

Why did the gentleman change the standard? Why did he not go with the tried and true, proven phrase, "personal, financial, or political conflict of interest"?

Mr. BRYANT. Will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. I would say to the gentleman, because "personal, financial, or political conflict of interest," all of those would be good grounds for going forward, but we have broadened it even further to say if it is in the public interest for any reason, she can include a Member of Congress under the coverage of this statute. We are trying to make it easier, not harder.

Mr. HYDE. Why did the gentleman not add it, then, instead of substituting it, because many of us think "in the public interest" is a different standard and one could have a political conflict, a personal conflict, a financial conflict, but not find it in the public interest. There are two different standards.

Mr. BRYANT. If the gentleman will continue to yield, the answer is very easy. Whenever we begin to place specific language in there, we then place a negative inference on the remaining language.

We have written it in such a way that the broadest possible interpretation allows the Attorney General to use the independent counsel statute to apply to a Member of Congress if she thinks it is in the public interest, rather than limiting it the way it is now.

Mr. HYDE. The gentleman keeps characterizing it as the broadest possible, but really and truly, the public interest may well be different from a personal, financial, or political conflict.

Mr. BRYANT. If the gentleman will continue to yield, it is broader.

Mr. HYDE. I think it weakens rather than strengthens the standards, and I just regret that the gentleman has done that. I thank the gentleman.

Mr. BRYANT. I do not agree with that.

Mr. GEKAS. May I inquire of the Chair the balance of the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 8½ minutes remaining, and the gentleman on the other side has exhausted his time.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, may I pose a parliamentary inquiry to the Chair?

Mr. Chairman, the so-called Gekas amendment will not receive a yes or no vote at this juncture, is that correct?

The CHAIRMAN. The first vote will be on the question of the substitute offered by Mr. BRYANT.

Mr. GEKAS. Further inquiring of the Chair, the so-called Bryant amendment would in effect, if successful, meld into the so-called Gekas amendment and really substitute for it, is that correct?

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. BRYANT] is a substitute for the so-called Gekas amendment. The question on the language of the so-called Gekas amendment would only arise if the substitute offered by Mr. BRYANT were not to succeed.

Mr. GEKAS. So that, in further inquiry on a parliamentary basis, if the Members called to vote by the Chair would have the option, if they wanted to support the so-called Gekas amendment, they would have to vote no on Bryant, is that correct?

The CHAIRMAN. The gentleman has correctly stated the position. The so-called Gekas amendment would not arise for a vote unless the substitute offered by the gentleman from Texas [Mr. BRYANT] were defeated.

Mr. GEKAS. I would ask, Mr. Chairman, is that quite correct?

The CHAIRMAN. The gentleman will suspend.

The answer to the gentleman's inquiry is that there could be a vote on the so-called Gekas amendment as amended if the substitute offered by the gentleman from Texas succeeded.

Mr. GEKAS. If the so-called Bryant amendment should fail, then the so-called Gekas amendment would recur for a vote, is that correct?

The CHAIRMAN. That is correct. The gentleman has stated the situation correctly.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman is recognized for the balance of his time.

Mr. GEKAS. Mr. Chairman, I am hopeful that as the Members come to the floor, they will picture in their mind the following scene. A high-ranking, high-profile Member of Congress is accused of wrongdoing in one form or another, and that accusation, that allegation, finds itself on the desk of the Attorney General.

The Attorney General, under the concept of bill and Bryant, bill/Bryant, may decide to call for an independent counsel, may, and may decide not to even investigate, could quash the whole matter right at the Attorney General's desk, refuse to investigate, refuse to articulate any concern or jurisdiction over that matter.

Envision further, I ask the Members as they come up, this high-ranking, powerful Member of Congress happens to be of the same political party as the Attorney General, and the Attorney General, of course, is of the same political party as the President of the United States.

Under bill/Bryant, if in the public interest, and if upon further reflection, perhaps, maybe the Attorney General might consider doing something about the case, is the bill and the Bryant approach, against which we must vote if we want to enter the proper picture in the minds of the Members, and that is, we have a high-ranking, powerful Member of Congress on whom the White House might depend for clearance of bills and for initiatives near and dear to the heart of the President of the United States, or of the Attorney General, being of the same party of the Attorney General and of the President of the United States, under the so-called Gekas amendment, accusations or allegations of wrongdoing against that Member of Congress will find its way to the Attorney General's desk, and then under the Gekas amendment law, if it should become law, that Attorney General must do the duties ascribed to it by that law and must launch an investigation into these allegations of wrongdoing on the part of the powerful Member of Congress. That is the picture.

If Members believe they like the picture of the high-ranking Member of Congress looking at the Attorney General of the same party of the President of the United States of the same party and seeing whether or not that will be followed through by the Attorney General, vote yes for Bryant, go ahead and vote yes for Bryant.

If you think there is something wrong with that picture, and that the high-ranking Member of Congress, when allegations of wrongdoing are put in front of his fellow partisan in the White House and the Attorney General, then would it not be leveling with the American people to say, "We are going to have a full faith and credit type of investigation, a just inquiry into these facts," because the Attorney General under the so-called Gekas amendment will be compelled to relegate this to an independent counsel appointed by a court and an individual who will be appointed as independent counsel, who will have no ties with the President, no ties with the Attorney General, and no ties with the high-ranking, powerful Member of Congress. That is an advance into good government.

Mr. Chairman, I implore the Members to keep that vision in mind and vote no on Bryant, bill/Bryant, bill/Bryant, no, and vote to place into law the vision of better Government through the so-called Gekas amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, the Chair announces that he will reduce to not less than 5 minutes the period of time for a rollcall vote, if ordered, on the so-called Gekas amendment.

The vote was taken by electronic device, and there were—ayes 230, noes 188, not voting 20, as follows:

[Roll No. 19]

AYES—230

Abercrombie
Ackerman
Andrews (ME)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barceló (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Velázquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—188

Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Andrews (TX)
Bilirakis
Clay
Coleman
de la Garza
Derrick
Ewing
Hastert
Hastings
Laughlin
McCurdy
McMillan
Michel
Morella
Neal (NC)
Ridge
Slattery
Tucker
Washington
Williams

□ 1317

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Bilirakis against.

Messers. DEAL, ROWLAND, and SKELTON changed their vote from "aye" to "no."

Mrs. MINK of Hawaii and Mrs. THURMAN changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BRYANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 339, noes 76, not voting 23, as follows:

[Roll No. 20]

AYES—339

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Romero-Barceló (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—76

Abercrombie
Archer
Armey
Baker (CA)
Barrett (NE)
Bartlett
Barton
Bliley
Boehner
Burton
Buyer
Callahan
Coble
Cox
Crane
Crapo
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Ehlers
Emerson
Fields (TX)
Fowler
Franks (CT)
Furse
Gekas
Gingrich
Goss
Grams
Grandy
Hancock
Hansen
Hoke
Horn
Houghton
Huffington
Hyde
Inglis
Johnson, Sam
King
Kingston
Kolbe
Kyl
Levy
Linder
McCollum
McHugh
Mica
Miller (FL)
Moorhead
Myers
Nussle
Packard
Paxon
Pombo
Quillen
Rohrabacher
Ros-Lehtinen
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Taylor (MS)
Taylor (NC)
Thomas (CA)
Vucanovich
Walker
Weldon
Zeliff

NOT VOTING—23

Andrews (TX)
Bilirakis
Brown (CA)
Clay
Coleman
de la Garza
Duncan
Ewing
Fazio
Gutierrez
Hastert
Hastings
Laughlin
McMillan
Michel
Miller (CA)
Neal (NC)
Ridge
Royce
Slattery
Underwood (GU)
Washington
Williams

☐ 1326

The Clerk announced the following pair:

On this vote:

Mr. Fazio for, with Mr. Bilirakis against.

Messrs. ROHRABACHER, KYL, SUNDQUIST, and PAXON changed their vote from "aye" to "no."

Messrs. KASICH, LAZIO, and CUNNINGHAM changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. MINK of Hawaii). It is now in order to consider amendment No. 8 printed in House Report 103-419.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HYDE

Mr. HYDE. Madam Chairman, pursuant to the rule, I offer amendment No. 8, an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HYDE:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Accountability and Reform Act of 1994".

SEC. 2. EXTENSION.

Section 599 of title 28, United States Code, is amended by striking "Reauthorization Act of 1987" and inserting "Accountability and Reform Act of 1994".

SEC. 3. APPLICATION TO MEMBERS OF CONGRESS.

Section 591(b) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) any Senator, or any Representative in, or Delegate or Resident Commissioner to, the Congress, or any person who has served as a Senator or such a Representative, Delegate, or Resident Commissioner within the 2-year period before the receipt of the information under subsection (a) with respect to conduct that occurred while such person was a Senator or such a Representative, Delegate, or Resident Commissioner.".

SEC. 4. BASIS FOR PRELIMINARY INVESTIGATION.

(a) INITIAL RECEIPT OF INFORMATION.—Section 591 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "information" and inserting "specific information from a credible source that is"; and

(B) by striking "may have" and inserting "has";

(2) in subsection (c)(1)—

(A) by striking "information" and inserting "specific information from a credible source that is"; and

(B) by striking "may have" and inserting "has"; and

(3) by amending subsection (d) to read as follows:

"(d) TIME PERIOD FOR DETERMINING NEED FOR PRELIMINARY INVESTIGATION.—The Attorney General shall determine, under subsection (a) or (c) (or section 592(c)(2)), whether grounds to investigate exist not later than 15 days after the information is first received. If within that 15-day period the Attorney General determines that there is insufficient evidence of a violation of Federal criminal law referred to in subsection (a), then the Attorney General shall close the matter. If within that 15-day period the Attorney General determines there is sufficient evidence of such a violation, the Attorney General shall, upon making that determination, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 15-day period, whether there is sufficient evidence of such a violation, the Attorney General shall, at the end of that 15-day period, commence a preliminary investigation with respect to that information.".

(b) RECEIPT OF ADDITIONAL INFORMATION.—Section 592(c)(2) of title 28, United States Code, is amended by striking "information" and inserting "specific information from a credible source that is".

SEC. 5. SUBPOENA POWER.

Section 592(a)(2) of title 28, United States Code, is amended by striking "grant immunity, or issue subpoenas" and inserting "or grant immunity, but may issue subpoenas duces tecum".

SEC. 6. PROSECUTORIAL JURISDICTION OF INDEPENDENT COUNSEL.

(a) PROSECUTORIAL JURISDICTION.—Section 593(b) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "define" and inserting ", with specificity, define"; and

(B) by adding at the end the following: "Such jurisdiction shall be limited to the alleged violations of criminal law with respect to which the Attorney General has requested the appointment of the independent counsel, and matters directly related to such criminal violations."; and

(2) by amending paragraph (3) to read as follows:

"(3) SCOPE OF PROSECUTORIAL JURISDICTION.—In defining the independent counsel's prosecutorial jurisdiction, the division of the court shall assure that the independent counsel has adequate authority to fully investigate and prosecute the alleged violations of criminal law with respect to which the Attorney General has requested the appointment of the independent counsel, and matters directly related to such criminal violations, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.".

(b) CONFORMING AMENDMENT.—Section 592(d) of title 28, United States Code, is amended by striking "subject matter and all matters related to that subject matter" and inserting "the alleged violations of criminal law with respect to which the application is made, and matters directly related to such criminal violations".

SEC. 7. USE OF STATE AND LOCAL PROSECUTORS; STAFF OF INDEPENDENT COUNSEL.

(a) PROSECUTORS AS INDEPENDENT COUNSEL.—Section 593(b)(1) of title 28, United States Code, as amended by section 7 of this Act, is further amended by adding at the end the following: "The division of the court should strongly consider exercising the authority of section 3372 of title 5 so that it may appoint as independent counsel prosecutors from State or local governments, and the division of the court may exercise the authorities of such section 3372 for such purpose to the same extent as the head of a Federal agency.".

(b) STAFF OF INDEPENDENT COUNSEL.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "Not more than 2 such employees may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive schedule under section 5316 of title 5, and all other such employees shall be compensated at rates not to exceed the maximum rate of basic pay payable for GS-15 of the General Schedule under section 5332 of title 5. The independent counsel should, to the greatest extent possible, use personnel of the Department of Justice, on a reimbursable basis, in lieu of appointing employees, to carry out the duties of such independent counsel. The independent counsel should also strongly consider exercising the authority of section 3372 of title 5 so that he or she may appoint as employees under this subsection prosecutors of State or local governments. In order to carry out the preceding sentence, each independent counsel shall, for purposes of such section 3372, be considered to be the head of a Federal agency.".

SEC. 8. ATTORNEYS' FEES.

Section 593(f)(1) of title 28, United States Code, is amended in the first sentence—

(1) by striking "the court may" and inserting "the court shall";

(2) by inserting after "pursuant to that investigation," the following: "if such individual is acquitted of all charges, or no conviction is obtained against such individual, at a trial brought pursuant to that investigation, or if the conviction of such individual at such a trial is overturned on appeal,"; and

(3) by inserting ", trial, and appeal (if any)" after "during that investigation".

SEC. 9. TREATMENT OF CLASSIFIED INFORMATION.

Section 594(a) of title 28, United States Code, is amended by adding at the end the following:

"An independent counsel appointed under this chapter who gains access to classified information shall follow all procedures established by the United States Government regarding the maintenance, use, and disclosure of such information. The failure to follow such procedures shall be grounds for removal for good cause under section 596(a)(1), in addition to any penalty provided in section 798 of title 18 or any other law that may apply.".

SEC. 10. INDEPENDENT COUNSEL PER DIEM EXPENSES.

Section 594(b) of title 28, United States Code, is amended to read as follows:

"(b) COMPENSATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an independent counsel appointed under this chapter shall receive compensation at the per diem rate not to exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

"(2) TRAVEL AND LODGING IN WASHINGTON.—An independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel and subsistence expenses under subchapter 1 of chapter 57 of title 5, with respect to duties performed in the District of Columbia after 1 year of service under this chapter.".

SEC. 11. AUTHORITIES AND DUTIES OF INDEPENDENT COUNSEL.

(a) ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(l) ADMINISTRATIVE SERVICES.—

"(1) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide administrative support to each independent counsel.

"(2) OFFICE SPACE.—The Administrator of General Services shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less.".

(b) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) of title 28, United States Code, is amended—

(1) by striking ", except where not possible," and inserting "at all times"; and

(2) by striking "enforcement of the criminal laws" and inserting "the enforcement of criminal laws and the release of information relating to criminal proceedings".

(c) LIMITATION ON EXPENDITURES.—Section 594 of title 28, United States Code, is amended by adding at the end the following:

"(m) LIMITATION ON EXPENDITURES.—No funds may be expended for the operation of any office of independent counsel after the end of the 2-year period after its establishment, except to the extent that an appropriations Act enacted after such establishment specifically makes available funds for such office for use after the end of that 2-year period.".

SEC. 12. PERIODIC REPORTS.

Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of such independent counsel, including a description of the progress of any investigation or prosecution conducted by such independent counsel. Such report need not contain information which would—

"(A) compromise or undermine the confidentiality of an ongoing investigation under this chapter,

"(B) adversely affect the outcome of any prosecution under this chapter, or

"(C) violate the personal privacy of any individual,

but shall provide information adequate to justify the expenditures which the office of that independent counsel has made, and indicate in general terms the state of the work of the independent counsel".

SEC. 13. REMOVAL, TERMINATION, AND PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.

(a) GROUNDS FOR REMOVAL.—Section 596(a)(1) of title 28, United States Code, is amended by adding at the end the following: "Failure of the independent counsel to comply with the established policies of the Department of Justice as required by section 594(f) or to comply with section 594(j) may be grounds for removing that independent counsel from office for good cause under this subsection.".

(b) TERMINATION.—Section 596(b)(2) of title 28, United States Code, is amended to read as follows:

"(2) TERMINATION BY DIVISION OF THE COURT.—The division of the court may terminate an office of independent counsel at any time—

"(A) on its own motion,

"(B) upon the request of the Attorney General, or

"(C) upon the petition of the subject of an investigation conducted by such independent counsel, if the petition is made more than 2 years after the appointment of such independent counsel,

on the ground that the investigation conducted by the independent counsel has been completed or substantially completed and that it would be appropriate for the Department of Justice to complete such investigation or to conduct any prosecution brought pursuant to such investigation, or on the ground that continuation of the investigation or prosecution conducted by the independent counsel is not in the public interest.".

(c) PERIODIC REAPPOINTMENT.—Section 596 of title 28, United States Code, is amended by adding at the end the following:

"(d) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—If an office of independent counsel has not terminated before—

"(1) the date that is 2 years after the original appointment to that office, or

"(2) the end of each succeeding 2-year period,

such counsel shall apply to the division of the court for reappointment. The court shall first determine whether the office of that independent counsel should be terminated under subsection (b)(2). If the court determines that such office will not be terminated under such subsection, the court shall reappoint the applicant if the court determines that such applicant remains the appropriate person to carry out the duties of the office. If not, the court shall appoint some other person whom it considers qualified under the standards set forth in section 593 of this title. If the court has not taken the actions required by this subsection within 90 days after the end of the applicable 2-year period, then that office of independent counsel shall terminate at the end of that 90-day period.".

SEC. 14. JOB PROTECTIONS FOR INDIVIDUALS UNDER INVESTIGATION.

(a) IN GENERAL.—Section 597 of title 28, United States Code, is amended—

(1) by amending the section caption to read as follows:

"§ 597. Relationship with Department of Justice; job protection for individuals under investigation"; and

(2) by adding at the end the following:

"(c) JOB PROTECTION FOR INDIVIDUALS UNDER INVESTIGATION.—

"(1) PROHIBITED PERSONNEL PRACTICE.—It shall be a prohibited personnel practice for an employee of the United States Government who has authority to take, direct others to take, recommend, or approve any personnel action (as defined in section 2302(a)(2)(A) of title 5) with respect to an individual described in paragraph (2) who is the subject of an investigation or prosecution under this chapter, to take or fail to take, or threaten to take or fail to take, such a personnel action with respect to such individual, on account of such investigation or prosecution.

"(2) APPLICABILITY.—The individuals referred to in paragraph (1) are individuals other than—

"(A) any person described in section 591(a); and

"(B) any employee of the Federal Government whose position is excepted from the competitive service on the basis of its confidential, policy-determining, policy-making, or policy-advocating character.

"(3) EXEMPTION.—Paragraph (1) does not apply in the case of an individual who is convicted of a criminal offense pursuant to an investigation or prosecution described in paragraph (1), unless such conviction is overturned on appeal.

"(4) REMEDIES.—An individual with respect to whom a prohibited personnel practice applies under paragraph (1) may seek corrective action from the Merit Systems Protection Board to the same extent as an employee may seek corrective action under section 1221 of title 5 (including subsection (h) of such section), except that, for purposes of such section, any reference to section 2302(b)(8) of title 5 shall be deemed to refer to paragraph (1) of this subsection, and any reference to a disclosure under such section 2302(b)(8) shall be deemed to refer to an investigation or prosecution described in paragraph (1) of this subsection.".

(b) CONFORMING AMENDMENT.—The item relating to section 597 in the table of sections at the beginning of chapter 40 of title 28, United States Code, is amended to read as follows:

"597. Relationship with Department of Justice; job protection for individuals under investigation.".

SEC. 15. EFFECT OF TERMINATION OF CHAPTER.

Section 599 of title 28, United States Code, is amended by inserting ", or until 120 days have elapsed, whichever is earlier" after "completed".

SEC. 16. GAO REPORT.

The Comptroller General of the United States shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, a report setting forth recommendations of ways to improve controls on costs of offices of independent counsel under chapter 40 of title 28, United States Code.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, ladies and gentlemen of the House, this is nearly the last vote we will have on this very significant piece of legislation, the reauthorization of the independent counsel statute. My substitute, in my opinion, makes it a better bill. I am for the concept, I have always been for the concept, I voted for this when it was first presented back in 1978, and I have voted for it in every succeeding time that it has been presented. I think we should have learned something from experience. We should have learned from history how this bill has operated, and now we have an opportunity to sand off the rough edges, an opportunity to fine-tune it, to make it a better law, a more effective law.

Madam Chairman, I suggest nobody can accuse me of trying to eviscerate, diminish or demean or weaken this independent counsel law.

I ask you to put partisanship aside. I know it is difficult, difficult for all of us, but try to make this a better bill, try to go to school on the experience we have had under the most recent independent counsel operation.

□ 1330

This substitute is about reform, congressional reform. It is about accountability, budgetary accountability, and personal, professional accountability of the independent counsel. And it is about due process of law. These are things that ought to concern us mightily.

Under the old, and I will call it the Walsh law because it is the law that Judge Walsh operated under, its reincarnation, which is what we are about today, I suggest this will be too costly without the reforms in my substitute. It is too open-ended and, thus, violates due process or has the potential to violate due process, and it is too easily manipulated.

I ask anybody who is listening to me to tell me if they do not think the indictment of former Secretary Weinberger 3 days before the election was not political. Now, one may say, "Secretary Weinberger ought to have been indicted." One could say that if they wish. But the timing 3 days before the election, I suggest to anybody, was manipulation, political manipulation, and, if it can happen to Secretary Weinberger, it can happen to my colleagues, and we ought to prevent that type of politicization of this very important office of independent counsel.

Now the reason for this law is that no man or woman should be above the law. That only makes sense. I say to my colleagues, "Whether you hold high office in the executive branch or not, nobody should be above the law, but let us not create an office where the office holder, the independent counsel, is above the law, and I fear that's what we have done. We have created Dr. Frankenstein in creating an office that is not accountable to the Congress, to the Justice Department, to the Committee on Appropriations, to anybody of indefinite duration, 7 years and $40 million."

I suggest we, as the trustees of the tax dollars of the people we represent, have a duty to put some accountability into this important office of independent counsel as well as fairness, due process, accountability, cost controls and congressional reform.

Now the first thing in my bill, my substitute, is mandatory congressional coverage. We have just voted twice on the Bryant bill, and the Bryant bill provides optional congressional coverage. I suggest to my colleagues that the American people, not the American Bar Association, the American people, want Congress to cover itself with the same laws that have applied to other people, in this case a small few people in the executive department, but political conflicts of interest can arise not only just within the executive, but within Congress. The people want us to be covered by this law, and this is the only chance my colleagues will get to vote on mandatory coverage of Members of Congress. It is not 535 Members because, if my substitute passes, it will be only those Members, and may they be few, about whom specific evidence from a credible source has been adduced that a Federal crime has been violated.

Second, Madam Chairman, effective cost controls. We need accountability from the Office of Independent Counsel. The independent counsel has to have some oversight, some restraints, and there are none in the bill that we are about to reauthorize if my substitute is defeated. My substitute requires a submission to the Committee on Appropriations for further money, further millions of dollars, after 2 years. In the first 2 years the independent counsel can go right ahead as he or she wishes. But, after 2 years, for goodness sake come forward, and come to the Congress, the steward of tax dollars, and ask for the money, and make a showing that the money has been spent well and that the money will be spent well in the future with effective cost controls.

Treatment of classified information:

It is outrageous what has happened to classified information in the last independent counsel's conduct of the office both in court and out of court. Now the gentleman from Texas [Mr. BROOKS] to his credit emphasizes in the bill and through an amendment that the rules and regulations dealing with classified information must be followed. What the gentleman from Texas [Mr. BROOKS] omits is a sanction, and my amendment provides the sanction of removal if these rules and regulations are ignored.

Another thing:

I say to my colleagues, "When you are appointed independent counsel, you don't have a hunting license to kill elephants and woodchucks. You should have a specific jurisdiction that is defined. You shouldn't go roaming through the forest with an Uzi shooting everything that moves. There should be focus, there should be direction, and you should have a jurisdiction that is defined, not one of these general jurisdictional grants that permits you to go on, and on, and on against anyone and everything," So, Madam Chairman, I am asking for focus, jurisdiction defined.

Now we have already debated, my colleagues, the gentlemen from Texas, Mr BRYANT and Mr. BROOKS, and I, my amendment which was previously offered as a freestanding amendment to require, before the preliminary investigation, the 15 days' lapse, that specific evidence, not just information, and it must be from a credible source, not from anybody, that a Federal law has been violated, not may have been violated. Now, once that threshold is crossed, it seems to me that we can make a determination thereafter, one by the Attorney General, that insufficient evidence exists and no independent counsel need be appointed. But make the threshold high, make it at the outset, so this whole operation is not triggered for less than specific evidence from a credible source.

Duration of an investigation, 7 years:

Judge Walsh went on, and maybe 7 years was called for. I will not even comment on that. But somebody ought to take a look at this after a few years and say, "Yes, go ahead," or, "You've done your job. Fold up your tent," And what I am suggesting is that after 2 years a review of the appointment is made, and the court must reappoint the office or it expires.

I say to my colleagues, "Maybe you don't like the 2 years, but 2 years ought to be enough to justify going forward or folding up."

Attorney fees:

One of the great injustices in our system of justice is that people who are targets of investigation who get indicted, who get tried and who are found not guilty, are left with the satisfaction that they are not guilty and with enormous legal fees that never get paid, and they never get out from under. I suggest that if that happens, Madam Chairman, if someone is found not guilty or if someone is found guilty and their conviction is reversed, they get their attorney fees. That is the least we can do to make people whole who have been through a hellish adventure and experience, and those fees are set by the court. That is only fair. That is due process. That is reauthorization.

My colleagues, a prosecutor ought to be as zealous to protect the innocent as to prosecute the guilty. That is due process. That is fairness. And I am suggesting, if we circumscribe this omnipotent power that the independent counsel is given, that we restrain it in a budgetary way, in an accountability way, and, if we expand the coverage to include ourselves, because we can be as capable, as much as some person working over in the Executive Office Building of violating a Federal law, then we will have done a good day's work.

□ 1340

Madam Chairman, I suggest to the Members that this improves the bill. It does not eviscerate it, it does not hobble it, but it makes it a fairer bill and it is respectful of the taxpayers' interests.

Madam Chairman, I reserve the balance of my time.

Mr. BROOKS. Madam Chairman, I rise in opposition to the substitute amendment.

The CHAIRMAN pro tempore (Mrs. MINK). The gentleman from Texas [Mr. BROOKS] is recognized for 20 minutes.

Mr. BROOKS. Madam Chairman, I yield myself such time as I may require.

Madam Chairman, I rise in opposition to the substitute offered by the distinguished gentleman from Illinois [Mr. HYDE]. While I do not question his sincerity in putting forth this substitute, I must nevertheless say what it is: A radical, broadside attach on every aspect of the independent counsel process and authority. Parts of this substitute have already been offered as individual amendments, and have been already defeated. We need to do the same thing here.

The independent counsel statute was devised to ensure the independence of action by judicially appointed counsel without interference by Congress or the executive branch. Yet, the Hyde substitute creates a new, untested legal standard for the use of the independent counsel process. The House earlier today defeated the gentleman's separate amendment on this issue.

The substitute also includes the text of the Gekas amendment—which, again, the House defeated earlier today. This part of the Hyde substitute would take away the double-barrelled power of the Attorney General to prosecute Members of Congress when prosecution by the Justice Department would be more appropriate than use of the independent counsel process.

At the same time, the substitute gives an extraordinary option to the subject of an investigation: It allows the target of investigation to be able to petition the court to terminate the investigation, and to do so as frequently and as often as the subject wants. I wonder what U.S. attorneys and local prosecutors would think about the concept.

The substitute further requires that all independent counsel investigations lasting more than 2 years be tied directly to the appropriations process in Congress, thus politicizing the tenure of an independent counsel to congressional whim. Does this mean Congress can put a rider on a 1200-page appropriation bill and shut down an independent counsel investigation? It sure does.

While H.R. 811 controls costs in the manner recommended by the General Accounting Office, the Hyde substitute fails to include those administrative and cost control provisions—including the appointment of a certifying employee for expenditures.

The substitute has many other infirmities, but I hope the case has been made against it. Suffice it to say, passage of the Hyde substitute would be the functional equivalent of the Republican strategy last Congress—which was to render the independent counsel statute a nullity. I urge you to cast a "nay" vote.

Madam Chairman, I reserve the balance of my time.

Mr. HYDE. Madam Chairman, I yield 5 minutes to the distinguished ranking Republican member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Madam Chairman, I thank my colleague for yielding this time to me.

Madam Chairman, as I said earlier, the independent counsel statute is an important law and it should be reauthorized. However, the law which expired has not fulfilled its purpose due to shortcomings in the former statute. We need to reform this law if we are to reauthorize it here today.

The Hyde substitute embraces virtually every issue debated and voted on in the Judiciary Committee. It represents a responsible and comprehensive reform package that will improve this law and make it a better law than the one that expired in 1992. Colleagues, this substitute is the only comprehensive reform measure that we will be voting on today.

Accountability and cost control, as I stated in opening the debate on this bill, are central to improving the independent counsel function. Madam Chairman, these are they key concepts of the Hyde substitute. For example, the substitute provides that after 2 years each independent counsel shall become subject to the annual appropriations process. This is a responsible cost control intended to avoid runway investigations such as Iran-Contra, which spent over $39 million. If the substitute passes, the independent counsel will be subject to congressional oversight and the appropriations process.

Additionally, under the Hyde substitute, every 2 years the independent counsel would have to apply to the court for reappointment. If the court determines that the investigation should continue and that the specific independent counsel remains the appropriate individual to carry on the investigation, by reappointing that individual, the court adds to his credibility. This provision is about accountability and review, and will allow us to avoid irresponsible fishing expeditions that last for years.

Madam Chairman, the Hyde substitute would require that independent counsel comply at all times with the established policies of the Department of Justice with respect to the enforcement of criminal law. This is an amendment which I offered at the Judiciary Committee, and which closes a substantial loophole found in H.R. 811.

Madam Chairman, there should be no exception for a Federal prosecutor with respect to Justice Department criminal enforcement policies. We should not provide anyone the authority to avoid compliance with established prosecutorial policy as set forth in the U.S. attorneys manual or the Code of Federal Regulations. The independent counsel, Madam Chairman, was intended to merely step into the shoes of our other duly appointed Federal prosecutors, and as such should not be made the beneficiary of a lesser standard regarding criminal prosecution.

Finally, ignoring our experience under the prior law, H.R. 811 does nothing to safeguard the handling of national security information and classified documents. During the independent counsel's Iran-Contra investigation, numerous shortcomings in this area became evident. For example CIA cables—with highly sensitive markings—were released as exhibits during trials; in a motion to quash a subpoena, a covert agent was identified by name, and highly sensitive classified documents were inexplicably lost at the Los Angeles International Airport. At a minimum, we should make it clear that an independent counsel must fully comply with Federal law and regulations regarding the handling and disclosure of classified information. Most importantly, if there is failure to comply, then removal should occur. The problem with the Brooks amendment which passed yesterday regarding this issue, is that it imposes no sanction if an independent counsel fails to follow the low or applicable regulations on handling national security documents. As a practical matter, we cannot realistically expect that a special prosecutor will be prosecuted for violating 18 U.S.C. 798. The only realistic sanction in these kinds of circumstances is to make the independent counsel subject to removal for good cause—just as my good friend from Illinois, Mr. HYDE, proposes.

Madam Chairman, I say to my colleagues the purposes of the independent counsel law was to restore public faith in our system of government and to ensure a fair and impartial system of justice. This substitute provides us the opportunity to vote for real reform of this important law and allows us the opportunity to make the independent counsel more accountable to the public. If we forego the opportunity to reform this law and instead allow it to remain vulnerable to the criticisms that it is arbitrary, too costly and unfair, then the very purpose of the law will be undermined. I encourage my colleagues to vote "yes" on the Hyde substitute.

Madam Chairman, I reserve the balance of my time.

□ 1350

Mr. HYDE. Madam Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Madam Chairman, more accountability is necessary in the Office of Independent Counsel than this bill provides. The Hyde amendment corrects that.

Since 1978 a permanent, indefinite appropriation within justice has existed to fund expenditures by independent counsels. This is a formula for abuse.

We have the power today to prevent history from repeating itself. No one should have the unbridled authority possessed by Lawrence Walsh during the Iran-Contra investigation. The General Accounting Office found during its financial audit of Judge Walsh's investigation that many of the expenses incurred were inconsistent with laws and regulations.

For instance, GAO computations showed that Mr. Walsh received reimbursements in excess of the amounts he should have received. Based on records provided by Mr. Walsh, GAO calculated that the total amount of unallowable reimbursements for lodging and meals for Judge Walsh was approximately $78,000 more than the allowable per diem rate.

For at least his first 2 years as independent counsel, Mr. Walsh was reimbursed for first class air travel—while most businesses are flying their executives economy class.

GAO concluded in its report that the problems they found in not only Walsh's investigation but eight other independent counsel investigations "Showed a serious breakdown in the accountability over independent counsel administrative operation."

As written, H.R. 811 is too costly and easily subject to abuse by independent counsels who choose to wield their power as a political weapon. This statute needs real accountability and cost controls—H.S. 811 does not go far enough to attain that goal.

That is why I support provisions in the Hyde substitute which require the independent counsel to reapply for appointment every 2 years; place cost controls on independent counsels by making them subject to the annual appropriations process after 2 years; limit staff salaries and travel expenses; require each independent counsel to follow established Department of justice policies with respect to expenditures and personnel; and allow the appointing court to terminate an independent counsel's office when it is in the public interest.

The Hyde substitute contains safeguards to prevent the abuses of power cited in the GAO report. It is clear that independent counsels must be held more accountable for their expenditures. The Hyde amendment accomplishes that goal.

Mr. BROOKS. Madam Chairman, I yield 3 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], a member of the Committee on the Judiciary.

Mrs. SCHROEDER. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think I can safely say this, and then we can yield back all the time and hopefully get to a vote. Most of the Members have heard this over and over again. Let me reiterate what the Hyde amendment does. It absolutely guts everything we have done so far today. So if you want to gut it, this is the thing you want to vote for.

Madam Chairman, remember what we are trying to do today. We are trying to reinstate what we did before, which is to find a way that we can have a judicially appointed counsel that can be independent and not interfered with by either the Congress or the executive branch. If you like that concept, then you should vote "no," because what this does is take that and stand it on its head.

It allows interference by the Congress in a lot of different ways. It has some new, untested legal standards, as the gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary, pointed out earlier.

It also ties this to the appropriations cycle of 2 years. That might sound a little political. It seems to me Members of Congress run every 2 years. Could that be what it is about? I am sure it is not. If I sound like I am being a little facetious with tongue in cheek, I am.

Nevertheless, that is what I am talking about when I say it takes away the independence of this judicially appointed counsel that we are so concerned about and want to reinstate for 5 years in this bill.

Madam Chairman, it does some other things. It takes away the ability of the Attorney General to have a double-barreled shot at any Member of Congress. It only gives her one shot. They can do it with an independent counsel, but they cannot use U.S. attorneys. They cannot do those types of things.

Madam Chairman, I could go on and on. The chairman listed it at the beginning. I know there are Dear Colleagues out. I think one of the problems has been we have been talking about everything except what the amendment does. If you want to gut the bill, you should vote for this. I do not. I think this is a bill that we should have passed last time. I think it is very important, and we should proceed.

The final thing that I was very surprised the amendment did, is it took out the part of the bill that really put fiscal responsibility into it. What this bill says, if it is allowed to stand, is you appoint an employee to make sure the funds are being spent properly. If that employee does not do it, they have to repay. This does not have that in it. So if you vote for the Hyde amendment, you are, one more time, allowing for this money to come out, and no one knows exactly how it is spent.

Madam Chairman, I would encourage Members to vote "no" and get on with it, and finally reinstate the independent counsel bill, which has had a long and distinguished trial period. I think we have found it has worked very well. Let us keep it working in the way that we had anticipated.

Madam Chairman, I thank the gentleman from Texas [Mr. BROOKS] for his handling of this.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Madam Chairman, I am glad we are moving to the end of this debate. I think it has been a good debate. We have strong words that have been spoken throughout it. Strong feelings, of course, exist on both sides. In fact, we are trying to pass a bill today that has a 15-year history, a noble history. We would like to see it reinstated basically as it has functioned in the past. The bill that is on the floor today would accomplish that, with some notable improvements that I think are constructive and respond to what we have learned during the operation of the statute during the last 15 years.

The Hyde substitute which is before us for the next vote, in my view, would move us away from what we have learned with regard to the operation of the act, and I think take us away also from common sense.

One point that has been made well here, and ought to be made again, is that if you do what is in the Hyde substitute and include mandatory coverage of Members of Congress, rather than keeping it optional, and also require Congress to vote every year on the appropriation for the independent counsel, then obviously you will be building into the law an enormous conflict of interest. I do not think that is workable in any way, and I am not sure that has been thought through, even by the author.

Members should also be aware that the Hyde substitute does not contain the cost controls that are found in the existing bill, which is ironic, since the alleged extravagant expenditures of funds by Mr. Walsh's investigation have been raised as an argument to change the law.

Under H.R. 811, an independent counsel is required to conduct all activities with due regard for expense. That provision is not in the Hyde substitute. Under the bill before us, H.R. 811, an independent counsel can authorize only reasonable and lawful expenditures. That is not in the Hyde substitute. And under H.R. 811, the bill before us, an independent counsel must assign a specific employee to certify that expenditures are reasonable and made in accordance with law, and that is not in the Hyde substitute.

The bill before us provides a very reasonable and meaningful structure within which we can guarantee that expenditures in the future will be prudent and will be consistent with the public interest.

I urge the Members not to vote to change that. I urge Members to vote against the Hyde substitute. Let us reinstate a law that has worked well for 15 years. With the changes that we have made, based upon what we have learned in the last 15 years, it will make it even better.

I urge Members to vote "no" on the Hyde substitute and to vote "aye" in favor of H.R. 811.

Mr. BROOKS. Madam Chairman, I yield back the balance of my time.

Mr. HYDE. Madam Chairman, I yield myself such time as I may consume. Just a couple of very brief comments.

Somebody said this would render the bill a nullity. Why in the world would we Republicans want to weaken the Office of Independent Counsel, now that the administration of the folks from Arkansas are in power? We want an independent counsel, oh, how we want a strong independent counsel law. Please understand that.

Second, the gentlewoman from Colorado says my substitute guts the bill. Well, it is true. It does put accountability in. It does require some oversight over the millions of dollars that one of these special creatures, who is very much above the law, can spend. If coming to Congress for appropriations after 2 years is somehow a bad move, then so be it. Do not vote for accountability. But 7 years and $40 million for the Iran Contra hearings and producing dust, it just seems to me that is not very responsible on our part.

I want to make one last appeal to the freshmen, who came here hell-bent for reform. We are going to reform the way this place operates. Here is their chance. Here is the first vote of this session on real reform, to include mandatorily Members of Congress under the blanket, under the mantle of the independent counsel law. Think about that as they cast their vote.

Mr. MICHEL. Madam Chairman, I rise in strong support of the Hyde substitute.

We have now had several years of experience with the independent counsel statute and it seems to me we have yet to learn the lessons of history. Mr. HYDE, great student of history himself, rights those wrongs in his substitute.

Make no mistake about it, the Hyde substitute is the only way left to dramatically improve this bill. If this substitute is defeated, this House will leave untouched the abuses of past prosecutors and the vicious attacks against decent public servants. We will have forsaken our oversight responsibilities once again.

The Congress, without the Hyde amendment, will forfeit once again its constitutional responsibilities of oversight. Nowhere in our Government today is there a more autonomous office than that of the independent counsels.

We all knew that Lawrence Walsh dangled plea bargains in front of lesser targets. His weapon was not justice, it was money.

Plead guilty to a minor infraction, Mr. Walsh would say, or face years of legal battles to save your name and reputation at a cost that will leave you virtually bankrupt.

What an abuse of power, and Congress couldn't do anything about it.

We all knew that Lawrence Walsh was renting an apartment at the Watergate Hotel, traveled first class, and paid staff top dollar, and we couldn't do anything about it.

We all knew that Mr. Walsh had carelessly lost highly classified information and that he attempted to coverup this embarrassment, and Congress couldn't do anything about it.

We all knew that Lawrence Walsh had tired and had turned over day-to-day operations to his bitterly partisan deputy—and we couldn't do anything about it.

We all knew that Lawrence Walsh had essentially completed his investigation years ago, but we couldn't do anything about it.

We all knew Mr. Walsh was incompetent and Congress couldn't do anything about it.

We all knew Lawrence Walsh was spending, or wasting, upwards of $40 million dollars, and couldn't do anything about it.

We all knew that Lawrence Walsh wanted to nab George Bush. Where else did the leak come from about the Weinberger notes? These were notes that Mr. Weinberger himself told Mr. Walsh existed and could be found at the Library of Congress, notes that Mr. Walsh's deputies looked through but missed the critical information that Mr. Walsh later claimed Mr. Weinberger concealed.

Congress created a legal bully and watched helplessly as rogue prosecutors destroyed reputations.

Do any of you remember Ray Donovan, the former Secretary of Labor. He endured two trials and was ultimately found not guilty. At the conclusion of his long ordeal he painfully asked "tell me where I go to get my reputation back?"

And Congress, in adopting the Hyde substitute, will be getting back at least part of its reputation as a responsible and effective institution.

I say to my colleagues that I can support a prosecutor who is independent of the executive branch, but it is our responsibility to carefully craft that office so its mission is defined, its legal parameters clear, the rights of the targets are the same in any investigation, that we do not unleash a rogue operation, and that we maintain proper oversight and that, yes, covers the Congress.

I maintain that only in the Hyde substitute has the Congress adequately achieved these goals. I urge the adoption of the Hyde substitute.

Mr. HYDE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. MINK). All time having expired, the question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HYDE. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 238, not voting 19, as follows:

[Roll No. 21]

AYES—181

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barceló (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—19

Andrews (TX)
Bilirakis
Clayton
Coleman
Cunningham
de la Garza
Ewing
Fields (TX)
Hastert
Hastings
Kennedy
Laughlin
Lloyd
McMillan
Michel
Neal (NC)
Ridge
Slattery
Washington

□ 1424

The Clerk announced the following pair:

On this vote:

Mr. Ewing for, with Mr. Washington against.

Messrs. LIPINSKI, HAMBURG, RUSH, and WISE changed their vote from "aye" to "no."

Mr. GRANDY changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. MINK of Hawaii). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CARDIN) having assumed the chair, Mrs. MINK of Hawaii, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, pursuant to House Resolution 352 she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEKAS. I am opposed to it as presently framed, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GEKAS moves to recommit the bill (H.R. 811) to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike line 18 and all that follows through line 14 on page 10 and insert the following:

SEC. 4. APPLICATION TO MEMBERS OF CONGRESS.

Section 591(b) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, or any person who has served as a Senator, a Representative, Delegate, or Resident Commissioner within the 2-year period before the receipt of the information under subsection (a) with respect to conduct that occurred while such person was a Senator, a Representative, Delegate, or Resident Commissioner.".

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes in support of his motion to recommit.

Mr. GEKAS. Mr. Speaker, we have just gone through a very tortuous exercise in the Gekas amendment as amended by BRYANT, and so we never had the opportunity to clearly define or to vote up or down on the Gekas amendment, which is opposite in notion to that which the bill carries. Once again, this will be our opportunity to vote yes or no, up or down on the Gekas amendment.

□ 1430

Once again, the picture I want to paint here is this: As you prepare to vote, consider this, consider that you see in front of you a high-ranking Member of Congress against whom some allegations have been made and which allegations reach the desk of the Attorney General.

Under the bill that has been now amended by BRYANT which really returns to the original language of the bill, the Bryant bill language under that, the Attorney General does not have any duty at all to move those allegations but has utmost discretion to deal with it as the Attorney General wants to do.

Consider the alternative: The Gekas amendment, when these allegations are made against this high-ranking Member of Congress, the Attorney General, upon seeing them, must act on it. And why? Because we make the language comparable to that that is applicable to Members of the Cabinet.

When the high-ranking Member of Congress is of the same party as the Attorney General and the Attorney General, of course, has been appointed by the President, all three being in the same party, if these is not conflict of interest there certainly is the appearance of conflict of interest. That is what the Gekas amendment cures. It gives to the American people the opportunity to say, "Yes for Congress. It has finally acted to bring a sense of proportion and justice to its procedures at least in one area, that of independent counsel."

I ask for a yes vote on the motion to recommit, because in doing so, you are restoring the faith of the American people in the ability of Congress to treat its Members as all other citizens.

Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. CARDIN). The gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I rise in opposition to this motion to recommit.

The Members of this body have spoken loudly and clearly on the application of the independent-counsel statute through the Members of Congress. They have voted, we have voted, this afternoon to cover all Members of the U.S. Congress through the Bryant amendment by a vote of 339 to 76.

They also voted against the Gekas amendment and the Hyde amendment.

I do not think we need to take up any more time. We know what we want to do. Let us kill the motion to recommit, pass the bill, and I am going to Texas.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 230, answered, not voting 20, as follows:

[Roll No. 22]

AYES—183

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—230

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse

Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Martinez
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velázquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Andrews (TX)
Bacchus (FL)
Bilirakis
Clayton
Coleman
de la Garza
Ewing
Fields (TX)
Hastert
Hastings
Hilliard
Laughlin
Markey
Matsui
McMillan
Michel
Neal (NC)
Ridge
Slattery
Washington

□ 1450

The Clerk announced the following pairs:

On this vote:

Mr. Bilirakis for, with Mr. Andrews (TX) against.

Mr. Ewing for, with Mr. Washington against.

Mr. SKELTON changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CARDIN). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 356, noes 56, not voting 21, as follows:

[Roll No. 23]

AYES—356

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—56

Abercrombie
Archer
Armey
Ballenger
Bartlett
Barton
Bliley
Bonilla
Bunning
Buyer
Callahan
Coble
Cox
Crane
Crapo
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Gekas
Gingrich
Goodling
Grams
Hancock
Hansen
Hefley
Hoke
Houghton
Hutchinson
Inglis
Johnson, Sam
Kim
King
Kolbe
Kyl
Linder
McInnis
McNulty
Nussle
Oxley
Paxon
Pombo
Quillen
Schaefer
Sensenbrenner
Shuster
Solomon
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Walker
Young (AK)

NOT VOTING—21

Andrews (TX)
Bacchus (FL)
Baker (CA)
Bilirakis
Clayton
Coleman
de la Garza
Ewing
Fields (TX)
Hastert
Hastings
Hilliard
Laughlin
McMillan
Michel
Neal (NC)
Ridge
Roth
Slattery
Talent
Washington

□ 1459

Mr. NUSSLE changed his vote from "aye" to "no."

Messrs. HOBSON, SMITH of Michigan, ROYCE, and BURTON of Indiana changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

Mr. BROOKS. Mr. Speaker, pursuant to the provisions of House Resolution 352, I call up from the Speaker's table the Senate bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of the Senate bill, S. 24, and insert in lieu thereof the provisions of H.R. 811 as passed by the House, as follows:

S. 24

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1994".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

(a) REAUTHORIZATION.—Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1993".

(b) EFFECTIVENESS OF STATUTE.—Chapter 40 of title 28, United States Code, shall be effective, on and after the date of the enactment of this Act, as if the authority for such chapter had not expired before such date.

SEC. 3. ADDED CONTROLS.

(a) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(l) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—

"(1) COST CONTROLS.—

"(A) IN GENERAL.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) DEPARTMENT OF JUSTICE POLICIES.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) ADMINISTRATIVE SUPPORT.—The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) OFFICE SPACE.—The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less.".

(b) INDEPENDENT COUNSEL PER DIEM EXPENSES.—Section 594(b) of title 28, United States Code, is amended—

(1) by striking "An independent counsel" and inserting

"(1) IN GENERAL.—An independent counsel"; and

(2) by adding at the end the following new paragraphs:

"(2) TRAVEL EXPENSES.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter 1 of chapter 57 of title 5, including travel or transportation expenses in accordance with section 5703 of title 5.

"(3) TRAVEL TO PRIMARY OFFICE.—An independent counsel and any person appointed under subsection (c) shall not be entitled to the payment of travel and subsistence expenses under subchapter 1 of chapter 57 of title 5 with respect to duties performed in the city in which the primary office of that independent counsel or person is located after 1 year of service by that independent counsel or person (as the case may be) under this chapter unless the employee assigned duties under subsection (l)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter. Any such certification shall be effective for 6 months, but may be renewed for additional periods of 6-months each if, for each such renewal, the employee assigned duties under subsection (l)(1)(A)(iii) makes a recertification with respect to the public interest described in the preceding sentence. In making any certification or recertification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), such employee shall consider, among other relevant factors—

"(A) the cost to the Government of reimbursing such travel and subsistence expenses;

"(B) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(C) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred; and

"(D) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.

An employee making a certification or recertification under this paragraph shall be liable for an invalid certification or recertification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.".

(c) INDEPENDENT COUNSEL EMPLOYEE PAY COMPARABILITY.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.".

(d) ETHICS ENFORCEMENT.—Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) ENFORCEMENT.—The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection.".

(e) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) of title 28, United States Code, is amended by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply".

(f) PUBLICATION OF REPORTS.—Section 594(h) of title 28, United States Code, is amended—

(1) by adding at the end the following new paragraph:

"(3) PUBLICATION OF REPORTS.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the Superintendent of Documents sales program under section 1702 of title 44 and the depository library program under section 1903 of such title."; and

(2) in the first sentence of paragraph (2), by striking "appropriate" the second place it appears and inserting "in the public interest, consistent with maximizing public disclosure, ensuring a full explanation of independent counsel activities and decisionmaking, and facilitating the release of information and materials which the independent counsel has determined should be disclosed".

(g) ANNUAL REPORTS TO CONGRESS.—Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made".

(h) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph not later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period.".

(i) AUDITS BY THE COMPTROLLER GENERAL.—Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) AUDITS.—By December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures by the date that is 90 days after the date on which the office is terminated. The Comptroller General shall audit each such statement and shall, not later than March 31 of the year following the submission of any such statement, report the results of each audit to the Committee on the Judiciary and the Committee on Government Operations of the House of Representatives and to the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.".

SEC. 4. MEMBERS OF CONGRESS.

Section 591(c) of title 28, United States Code, is amended—

(1) by indenting paragraphs (1) and (2) two ems to the right and by redesignating such paragraphs as subparagraphs (A) and (B), respectively;

(2) by striking "The Attorney" and all that follows through "if—" and inserting the following:

"(1) IN GENERAL.—The Attorney General may conduct a preliminary investigation in accordance with section 592 if—"; and

(3) by adding at the end the following new paragraph:

"(2) MEMBERS OF CONGRESS.—When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.".

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (consistent with prohibitions on discrimination otherwise imposed by law)".

SEC. 6. NATIONAL SECURITY.

Section 597 of title 28, United States Code, is amended by adding at the end the following:

"(c) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified materials.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the date of the enactment of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 811) was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 811

Mr. BROOKS. Mr. Speaker, pursuant to the provisions of House Resolution 352, I move that the House insist on its amendments to the Senate bill, S. 24, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. CARDIN). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. BROOKS, BRYANT, GLICKMAN, FRANK of Massachusetts, FISH, HYDE, and GEKAS.

There was no objection.

PERSONAL EXPLANATION

Mr. SWIFT. Mr. Speaker, on rollcall 18 earlier today I believe that through malfunction of the machine or, much more likely, malfunction of me, the vote failed to record. Had I been recorded, I would have voted "no".

PERSONAL EXPLANATION

Mr. TALENT. Mr. Speaker, it has come to my attention that, although I was present at the time of the vote on final passage of H.R. 811, the Independent Counsel Reauthorization Act of 1993, I failed to vote. The RECORD should show that, because this bill did not cover the Congress, I would have voted "no" on final passage.

PERSONAL EXPLANATION

Mr. BAKER of California. Mr. Speaker, I was not present for the vote on the final passage of H.R. 811, the reauthorization of the independent counsel, because I was unaware that this was a 5-minute vote. Had I been present I would have voted "no." Although I strongly support reauthorizing an independent counsel as proposed by Congressman HYDE, I felt that the independent counsel reauthorization under H.R. 811 was severely flawed: The bill did not mandatorily apply to Members of Congress; it left the door open for another Lawrence Walsh debacle; and it did nothing to prevent the unrestrained spending of taxpayer dollars.

FEDERAL WORK FORCE RESTRUCTURING ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 357 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 357

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. No amendment to the amendment in the nature of a substitute shall be in order except the amendment printed in part 2 of the report of the Committee on Rules, which may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report of the Committee on Rules are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], for the purpose of debate only, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I want to begin today by thanking Chairman BILL CLAY, ranking member JOHN MYERS, STENY HOYER, DAN BURTON, JERRY SOLOMON, and TIM PENNY for their willingness to sit down and work together to help craft a fair and responsible compromise for this very important issue. The absolute deadline for implementation of this program is imminent and any further delay would likely mean the end of this initiative to reduce the Federal work force without major RIF's [Reductions-in-Force]. I am very appreciative of all their efforts to help bring this bill to the floor today.

Mr. Speaker, House Resolution 357 provides for consideration of the Federal Workforce Restructuring Act. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Post Office and Civil Service Committee.

The rule makes in order as an original bill for purposes of amendment the Clay substitute printed in part 1 of the report to accompany the rule. The only amendment to the substitute made in order under the rule is the Penny/Burton amendment printed in part 2 of the report. The Penny/Burton amendment is debatable for 30 minutes.

The Penny-Burton amendment is considered as read, is not subject to amendment, and is not subject to a demand for a division of the question. All points of order are waived against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

In February 1993, President Clinton signed an Executive order directed at downsizing the Federal work force. Each agency with a work force of at least 100 full-time employees was required to achieve at least a 4 percent reduction in its civilian work force by the end of fiscal year 1995, with 10 percent of that total to come from the Senior Executive Service, GS–14 and GS–15 or their equivalents. These reductions, to the extent possible, were to be achieved through attrition and early-out programs. Additionally, Vice President GORE in his National Performance Review called for reducing the Federal work force by 12 percent or approximately 252,000 positions over the next 5 years. In an effort to help attain these goals, H.R. 3345 seeks to implement a system for offering governmentwide voluntary separation incentive payments to encourage Federal employees who may wish to retire early. The exact amount of the incentive payment would be the amount that a particular employee would receive for severance pay or $25,000, whichever is less. The money would be paid in a lump sum after the employee's separation. The period must end before January 1, 1995. Money used to pay for these buyouts must come from the Agency's existing funding. Employees who take this separation payment may not be reemployed by the Federal Government for at least 2 years. Those who do return during that period must repay the full amount received under this program. Additionally, agencies must contribute to the civil service retirement fund 9 percent of the final annual pay of each departing employee who is taking early retirements. In its initiative to reinvent and improve the Federal Government, H.R. 3345 sets up this procedure for Federal agencies to reduce full-time positions without the disruptive and costly reductions-in-force system that has been used in the past for cutting back Federal positions. The Department of Defense and the Central Intelligence Agency already have in place similar voluntary separation payment agreements. These agencies have found this program to be very successful and effective in reducing staff while still achieving the assignments of their respective organizations.

Mr. Speaker, H.R. 3345 is absolutely critical if we are to responsibly address the issue of reducing the Federal work force and meeting the goals for streamlining the Federal Government as proposed by the Clinton administration.

Enactment of this legislation is the most effective and efficient way to accomplish the target number of reducing Federal employment by 252,000. H.R. 3345 authorizes Federal agencies to offer up to $25,000 in voluntary separation incentive payments to qualified Federal employees. Employees may either leave the Federal service entirely or, if qualified, retire early from Government services. This bill will allow for an orderly, agency-by-agency restructuring and reduction. Each individual agency will determine the appropriate divisions or components of that agency where the voluntary separation incentives will be offered.

Without this bill, it is inevitable that massive and arbitrary layoffs of Federal employees will be forthcoming. We must help avoid this disruption to Government services—and particularly the terrible toll on personnel that would occur with the activation of such [RIF's] reduction-in-force. This bill and this rule are both the result of countless hours of deliberation and negotiation with Members from both sides of the aisle working together to craft a responsible and fair compromise. I urge Members to support both the rule and the bill so we may move this legislation and begin an orderly process of addressing Federal personnel.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule before us provides for the consideration of the Federal Workforce Restructuring Act of 1994, the so-called buyout bill. While I prefer an open rule on a bill like this, I appreciate the spirit of negotiation that was exemplified in the Committee on Rules last night.

Mr. Speaker, when the Committee on Rules began its consideration of this bill, I expressed reservations about the bill on behalf of our Republican leader, the gentleman from Illinois [Mr. MICHEL]. I also pointed out several loopholes that had to be tightened if there were to be any Republican votes for it at all.

We heard testimony from the ranking Republican member of the Committee on Post Office and Civil Service, the gentleman from Indiana [Mr. MYERS] raising these same kinds of concerns.

Mr. Speaker, all too often, all we Republicans get in the Committee on Rules is a chance to talk. Many times our views are just shunted aside. But last night we were invited to negotiate a procedure for this legislation to be considered on the floor.

The bipartisan group that met in the office of my good friend, the gentleman from Massachusetts [Mr. MOAKLEY] during the hearing to sort out the details consisted of the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], myself, the gentleman from Maryland [Mr. HOYER], the gentleman from Indiana [Mr. MYERS], the gentleman from Indiana [Mr. BURTON] and the gentleman from Minnesota [Mr. PENNY] as well as majority members of the Committee on Rules.

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An amendment was crafted as a result of this bipartisan session to allay the concerns of many Members about this legislation. The amendment to be offered by the gentleman from Minnesota [Mr. PENNY] and the gentleman from Indiana [Mr. BURTON] which incorporates my own amendment, addresses these concerns. Due to the rushed procedure the House is employing to consider this legislation, Members should be familiar with the objectives raised to the bill and the provisions of the bipartisan amendment.

The amendment clearly does improve the bill. First, the bill does not adequately address the possibility of Federal employees taking the buyout and then coming back to work soon thereafter. I objected to that. I offered an amendment in the Committee on Rules to correct that problem.

Under the bill, as reported by the Committee on Post Office and Civil Service, any employee who returns to the job within 2 years after accepting the buyout must repay the amount which can be up to $25,000. Now, the intent of the bill is to downsize the Federal Government. And if a Federal employee takes a buyout, he should not magically reappear in the job.

The bipartisan amendment states that if a Federal employee accepts the buyout and returns to work within 5 years, not just 2 years, but within 5 years, that Federal employee must repay the buyout.

This, it is hoped, will discourage employees from coming back and, therefore, negating the real reason for this bill.

The bill, as reported, provides a waiver for the repayment under certain circumstances. Under the Burton-Penny-Solomon amendments, the language of this provision is tightened in the hopes that it will be difficult for Federal workers to return to work and still keep the cash.

In order to further alleviate the concern of Members that this bill may create a revolving door for Government employees collecting buyouts and not actually leaving, the Penny-Burton amendment includes the requirement that the total number of employee positions in all agencies be reduced by one position for every employee who receives a buyout.

Mr. Speaker, another concern raised by our Republican leader, the gentleman from Illinois [Mr. MICHEL] related to the bill's failure to codify the reductions in Federal employment as promised by President Clinton. The Penny-Burton amendment made in order under the rule sets limits on the number of positions in the Federal Government for the next 6 years as determined by the Office of Management and Budget. This provision is crucial, if the American people hope to hold the President's feet to the fire on his pledge to reduce the Federal bureaucracy.

Mr. Speaker, the buyout concept is sweeping this Nation in the private sector, and it is only right because it treats long-term employees fairly. And the Federal Government is right to finally catch on. I think this is the way to go. I think we Republicans and Democrats alike ought to adopt this policy. Because of the overwhelming public sentiment, Republicans have stood ready to assist in enacting the Government reforms that were recommended by Vice President GORE in his national performance review last year.

This bill, properly amended by the gentleman from Indiana [Mr. BURTON] and the gentleman from Minnesota [Mr. PENNY] and myself, is an important first step in that process. Therefore, if the Penny-Burton-Solomon amendment passed, I would recommend a "yes" vote on the bill and ask every Republican to vote for it. If the amendment fails, however, I am going to be the first red "no" vote up there on the board, and I hope everybody then would vote against the bill.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank my friend, the gentleman from New York, and thank my colleague on the Committee on Appropriations as well as the ranking member of the

Committee on Post Office and Civil Service, the gentleman from Indiana [Mr. MYERS] and the gentleman from Massachusetts [Mr. MOAKLEY] for the incredible work they have done on this issue. I wanted to assure the gentleman from New York, I intend to support his amendment.

We have said we were going to do this. His amendment ensures that we are going to do it, and it is not a revolving door. I think that is fair, as the gentleman well knows. I think 252 is much too low a number, but that is the number we have decided on. It has passed this House, and I intend to support his amendment. And not only that, I intend to urge Members on our side to support the Penny-Burton-Solomon amendment.

Mr. SOLOMON. Mr. Speaker, let me just say to the gentleman from Maryland that he has done yeoman's work on behalf of the Federal employees in sticking up to a fair bill that would treat them fairly, and I commend the gentleman for it. It just goes to show, when both sides of the aisle get together and they work with a little comity, they can come out with a good product.

This is a good product. I commend the gentleman for all of his efforts, along with my friend, the gentleman from Massachusetts [Mr. MOAKLEY] and others.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding to me.

I join our friend, the gentleman from Maryland [Mr. HOYER] in thanking the committee for giving us a rule that we all can support. Often this year and last year I have not been able to support rules, where many years ago I never, ever voted against a rule. I thought every bill was entitled to be heard. But on this side, we feel like we sometimes have been denied the right to offer amendments.

I certainly want to thank our chairman, the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from New York [Mr. SOLOMON] ranking member, and all members of the committee for giving us a rule and working late into yesterday afternoon and evening.

I realize that a lot of Members like to go home early, but I do compliment the committee for realizing the necessity of moving this as rapidly as we can, and I do thank the committee for a rule that we all can vote for.

Mr. SOLOMON. Mr. Speaker, the gentleman and his staff did yeoman's work on this, too, to finally come up with a compromise, along with our Republican leader, the gentleman from Illinois [Mr. MICHEL]. The bill is going to work out to be a good bill for the taxpayers of this Nation and for the Federal employees.

Mr. Speaker, I include for the RECORD some printed material:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	56	12	21	44	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Feb. 10, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H, Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.F. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National Defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Maryland [Mr. HOYER] for allowing this dialog to take place on the floor. It sounds like resurrection day. I just hope that Members will look at this tape, and it will remind us of what we can do, working jointly together, to get a package through that really affects the entire United States.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, it just so happens that I just did an interview with a member of the press in which I had some accolades to say about my good friend, the gentleman from Massachusetts [Mr. MOAKLEY]. He has lived up to everything I just told the press.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL WORK FORCE REDUCTION

The SPEAKER pro tempore (Mr. CARDIN). Pursuant to House Resolution 357 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3345.

The Chair designates the gentleman from Virginia [Mr. MORAN] as Chairman of the Committee of the Whole and requests the gentleman from West Virginia [Mr. RAHALL] to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes, with Mr. RAHALL, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, the administration has proposed an overall reduction in the number of Federal workers of 252,000. Even apart from the administration's plans for reducing the Federal work force, appropriations already enacted by the Congress will necessitate reductions beyond those that can be accommodated by normal attrition in a number of agencies. Last week, the subcommittee on the Civil Service and the Subcommittee on Compensation and Employee Benefits held a hearing to examine the need for imminent work force reductions. Among the witnesses were the Secretaries of the Departments of Agriculture, Interior, and Transportation. All three Departments face work force reductions in this fiscal year that are likely to exceed normal attrition. Additionally, the Office of Personnel Management, the General Services Administration, and the National Aeronautics and Space Administration are facing the necessity of conducting involuntary reductions in force unless they receive buy-out authority this year.

H.R. 3345 provides essential authority to enable agencies to rationally and humanely reduce their work force. In the absence of authority to offer voluntary separation incentives, there will be involuntary reductions in force this year. As a consequence, senior employees will bump employees with less seniority. Agencies will incur severance and unemployment compensation costs. Higher paid employees will end up performing work formerly done by lower paid employees and overall agency salary levels will increase. Agencies will be unable to target reductions to either retain key individuals or preserve work force diversity. As bumping occurs, resulting dislocations will spread within the agency to the detriment of program administration. Hardworking Americans will involuntarily lose their jobs through no fault of their own.

None of this need occur. Last Congress, the Defense Department was authorized to offer employees voluntary separation incentives. In fiscal year 1993, the Department of Defense was able to reduce its work force by almost 70,000 employees. At the beginning of the year, Defense anticipated it would have to involuntary separate 35,000 workers. Only 2,000 employees were involuntarily separated. Through the use of its buyout authority, the Department induced the voluntary separation of 32,000 employees. It thereby avoided paying severance and unemployment compensation and the salary inflation accompanying RIF's. More importantly, the reduction was achieved in a planned and controlled manner that minimized the impact on agency morale, work force diversity, and the administration of national defense programs. Most importantly, this reduction was achieved in a cost-effective manner that minimized the hardships American workers would otherwise have faced.

We cannot further delay the extension of voluntary separation incentive authority. Voluntary separation incentives in this fiscal year must be paid out of an agency's current appropriation. Unless the agencies are able to act quickly, they will not be able to offset the cost of separation incentives through salary reductions, and will be unable to avoid involuntary reductions-in-force in fiscal year 1993 even if the voluntary separation incentive authorization is extended.

H.R. 3345 authorizes agencies to offer a separation incentive bonus equal to the lesser of $25,000 or the amount of severance an employee would otherwise be entitled to receive. In addition, the legislation provides that agencies shall pay an additional 9 percent to the civil service retirement fund for those Civil Service Retirement System participants who, as a result of accepting a separation incentive, take early retirement. Finally, it provides that the authority to offer voluntary separation incentives, pursuant to this legislation, expires at the end of this calendar year.

An amendment will be offered by Mr. PENNY and Mr. BURTON to reduce the overall Federal work force by 252,000; to provide that anyone receiving a separation incentive who returns to government service within 5 years must payback the entire bonus; and to provide that overall Federal employment ceilings will be reduced on a one-for-one basis for each separation incentive that is accepted. I support the amendment. Adoption of the amendment will both ensure that the reduction that separation incentives are intended to facilitate does occur and will also further ensure that voluntary separation incentives are used only for the purpose of reducing the size of the government.

I want to commend the Members on both sides of the aisle who have made it possible to bring forward a responsible bill that will significantly reduce the Federal deficit. The chairman and ranking member of the Rules Committee, Mr. MOAKLEY and Mr. SOLOMON, the authors of the amendment, Mr. PENNY and Mr. BURTON, the chairman of the Budget Committee, Mr. SABO, the minority leader, Mr. MICHEL, and the chairman of the Democratic caucus, Mr. HOYER, have all played an exceptional role in forging a bipartisan consensus that allows us to move forward on a very urgent matter. The ranking member of the Post Office and Civil Service Committee, Mr. MYERS, the subcommittee chairs, Mr. McCLOSKEY and Ms. NORTON, and the members of the Post Office and Civil Service Committee have been instrumental, not only in the development of this legislation, but also in the development of the legislation that has already saved the jobs of 33,000 Defense Department employees at the same time the Department has reduced overall employment by 70,000.

Mr. Chairman, enactment of H.R. 3345 will provide a proven, efficient, essential tool to reduce the size of the government. I urge my colleagues to support the Penny-Burton amendment and I urge my colleagues to support H.R. 3345 on final passage.

Mr. CLAY. Mr. Chairman, I yield myself 5 minutes.

□ 1520

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly support the thrust, the intention, the direction that we are talking about here, reducing in force the number of employees for the Federal Government. Nothing new about that. We have heard for years from our constituents that most of the agencies in the Federal Government are bloated. This may be true in some instances, but in some it is not. We all recognize the need to reduce the number of employees, thereby saving the taxpayers of this country unneeded expenditures.

The way to go about it is where we have run into a difficulty through the years. We can do it through normal attrition if we have an agreement that they will not be replaced. There has been some of that going on in the last several administrations. There have been people who have retired, who have left employment, and all of them have not been replaced.

However, there is another way. We can just simply fire them, RIF, kick them out. But that is not fair to the Federal employees, many of whom, most of whom, have dedicated their lives, and some have worked many, many years, and maybe just lack a few years in completing their service. To force them out of employ because we have decided that we no longer need them is not fair to those individuals who have given so much of their lives to the service of their Federal Government.

There is a more reasonable way, a more justifiable way, a more equitable way to both the taxpayer as well as to the employee. That is this procedure that we are using today to give them some incentive to leave their employment. When this bill originally passed out of our committee last year, I did not support it, even though, again, the concept I completely agree with. I thought it had some problems, most of which have been either addressed in the legislation now as it has been refined, or it has been, at least through the amendments, I believe there is an agreement we will accept. I think we have accepted the amendments, or I understand we are going to, which will remedy many of the reasons that I could not support it last year, even though, again, I certainly agreed with the concept of what we were intending to do.

One of these which concerned me was were we really serious about reducing the number of employees. As an example, we have a target now of 252,000. The way I interpreted the legislation originally passed out last year, and as added to 3400, then it was taken out of 3400, it was that an employee could leave the employ, get $25,000, but that person could be replaced next week; that slot, that position, could be replaced by a new employee, but even worse than that, in 2 years and 1 day come back in to pocket the $25,000 and come back into the employ. I think we have eliminated that particular problem.

Another problem that I was concerned about is that the agencies could reduce this individual, then bring that same person back in under contract, working on a contract. I believe the amendment we are discussing now will take care of that, so we are now being serious. We are going to reduce a number of employees, we are going to reduce the obligation that the taxpayers have to support all these employees.

I realize the gentleman in the chair right now and the gentleman from Maryland [Mr. HOYER], whom I certainly thank, I congratulate, because I do not know of anyone who worked any harder than the gentleman from Maryland, STENY HOYER, in bringing this about, and I understand that both of the gentlemen, and others here, the gentleman from Virginia [Mr. WOLF] have a lot of Federal employees. It is a real, real problem that these gentlemen had with their own constituency, but they were taxpayers, too. I believe now this is the most fair way we have addressed this problem.

One other reservation I had, and I do not know if we are ever going to correct this, I was concerned that there are employees in the various agencies of the Federal Government that were going to retire anyway, next year or the year after next, and we are giving them the incentive of $25,000, which then amounts to a bonus, but in looking at what the Defense Department and a few other agencies would do who have already started exercising this, I am told that has not apparently been a problem, so I am willing to set that aside. I do not know how to address it anyway to correct the problem, to save the taxpayers that $25,000, if a person is going to retire anyway, but I am told that the average benefit which we provide up to $25,000, the actual benefit in the Department of Defense has been about $18,000 for those retirees, which have been about 50,000 they have encouraged to retire early.

I think on balance, as we look at this legislation, while I think it will accomplish what we need to do, I think all of the differences I had with the amendments that are adopted will be resolved, so I am happy today to be a part of this process. We need to get moving with it.

Again, I congratulate the chairman, our own chairman, who worked so hard on this, and the gentleman from Maryland, STENY HOYER, who worked so hard on this to bring this to reality, so we can get started on this issue of reducing Federal employees as rapidly as we can, doing it fairly, which I think we all have an obligation to those dedicated Federal employees. I believe this is the fairest way we can go about it.

I thank all of those who have worked so hard to bring this day about.

Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr.Chairman, I thank the gentleman for yielding the time. As others have mentioned, I surely do want to heartily congratulate Chairman CLAY as well as the gentleman from Maryland [Mr. HOYER] and particularly the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, who got a major part of this bill out of subcommittee, and also the gracious and bipartisan leadership for the minority leadership, particularly the gentleman form New York [Mr. SOLOMON] and the gentleman from Indiana [Mr. MYERS]. I might say that my Hoosier colleague, DAN BURTON, made a special effort in this regard last night.

Total chaos will prevail in the Federal Government if Congress does not pass this legislation. Last week ELEANOR HOLMES NORTON, chair of the Subcommittee on Compensation and Employee Benefits, and I conducted a hearing on the restructuring of the Federal Government under the reinventing government program. We had some three Cabinet Secretaries testifying at once, almost a first, and they were followed by numerous other very high-ranking Federal administrators and others who all testified that they were unanimous, and indeed very strong that if this legislation does not pass the impact on the Federal work force would be devastating.

For those of my colleagues who are unclear about RIF's, RIF's are another term for layoffs. They are used to reduce Federal employment by allowing more senior employees to bump more junior employees from their positions. If this occurs, there will be chaos.

Those who are ultimately laid off receive severance pay, and extension of health benefits for 18 months. Typically these employees are women, minorities and disabled employees.

RIF's are time-consuming, costly, demoralizing to the work force, provide little benefit to an agency or an employee, hamper productivity, and wreak havoc on the diversity of the workplace.

It seems that almost every Member of Congress, both majority and minority, have made statements calling for reinventing government and eliminating mid-level bureaucrats, thereby saving billions of dollars, and there are significant savings as documented by the CBO over 5 years and beyond, far exceeding their initial costs. Savings are estimated at more than $110,000 per job eliminated over 5 years and $980,000 per position abolished over 30 years.

Without this buyout legislation, reinventing government will be a free-for-all, and in all likelihood productivity will be hurt, and agencies will not be able to reduce their numbers of mid-level managers. We must pass this legislation today and expedite the signing.

I urge my colleagues to support this legislation. If we do not, there will be problems that we can hardly believe.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia [Mrs. BYRNE].

Mrs. BYRNE. Mr. Chairman, I rise to express my support for the Federal Workforce Restructuring Act of 1993.

Congress likes to talk about downsizing as an abstract mathematical exercise. But for Federal employees, the threat of massive reductions is very real.

Over the past few months, I have spoken with hundreds of Federal employees in my district who don't know whether they will have a job a year from now.

They express their frustration at not being in charge of their own destiny. They tell me that without buy-outs, they are caught in a no-win situation—retire now into an uncertain job market or risk being the victim of downsizing.

Buy-outs are clearly the most humane way to downsize. All the other options cost more money, disrupt lives and leave the Government unprepared for the challenges that lie ahead.

Buy-outs allow agencies to thin out middle management while preserving staff on the front lines. Buy-outs create a healthy mix of young people, with new ideas to move us into the future, alongside senior staff with corporate memory to help us build upon the successes of the past.

Most importantly, buy-outs will not place the downsizing burden on women, minorities and the disabled.

We in Congress sometimes think that our decisions do not matter to the average person.

I can assure you this decision matters to Federal workers who want to pay for their children's education or refinance a mortgage or purchase a car, but do not know whether they will get a retirement incentive this year or be laid off.

Federal employees want to plan for the future, and we owe it to them to pass this bill and give them a choice in their career plans.

Seventy-nine Fortune 100 companies offer their employees buy-outs. If we want to downsize the Government like the private sector has, then we should give them the same tools used by corporate America.

I urge a yes vote on H.R. 3345.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding the time. I am pleased to follow my colleague from Virginia [Mrs. BYRNE], who also was very active on this. And I am pleased to be here in the Chamber with the gentleman from Virginia, [Mr. MORAN], who is chairing the committee, and who I know also did a lot of work on this issue. And I want to thank my friend, the gentleman from Indiana [Mr. JOHN MYERS]. I have said it before, but I want to repeat it. He is one of the most decent, honest Members of this House. He is a credit to democracy in the sense that he comes here and, as he said, he had some concerns and some disagreements, but he is always willing to honestly discuss those disagreements and try to reach a consensus so that we can move forward. And I want to particularly thank the chairman of this committee, the gentleman from Missouri [Mr. BILL CLAY], my friend, who has been the chairman of this committee for some time now. I served on the committee when he was a member, of course, and he has always been in the forefront of legislation for rational personnel policy for the Federal Government.

This bill accomplishes that and I am pleased to support it. As I said, I am going to support as well the Penny-Burton-Solomon amendment which the gentleman from Indiana [Mr. MYERS], was also very much involved in formulating, to make sure that we do what we are saying we are doing. This will be the legislation which will reduce by 252,000. As I said earlier, that would not have been my figure. I am not sure that that necessarily is the figure that I would have chosen.

Downsizing is clearly important, and we are going to accomplish that objective. This does it in as rational a fashion as we can possibly effect, I think. And I thank the chairman for all his work and leadership, and also thank the gentleman from Indiana [Mr. MYERS], for facilitating us getting to this point.

Mr. Chairman, I rise today to ask my colleagues to support H.R. 3345 on the floor today. I also urge Members to vote in favor of the amendment to be offered by Mr. PENNY—which will once and for all put into law the real reduction of 252,000 Federal positions.

This matter is of critical importance. I do not say that lightly. We are all in agreement that we will downsize the Federal Government. What this bill does is ensure that these reductions happen responsibly and without jeopardizing services our constituents demand. Without this bill, there is no question that there will be reductions-in-force this year, and very likely next year as well. RIF's cannot be targeted toward non-productive sectors of the Government. RIF's do not take out fat.

They are a meat ax approach that kicks off an endless round of bumping—where higher paid workers bump lower paid ones out the door—and the taxpayers end up paying a higher paid worker to do a lower paid worker's job.

The bottom line is simple—RIF's are more expensive, and they are far less efficient. What you have left when they are done is a mish-mash Government that may not have the skill mix it needs to deliver essential services to the public.

Is that a risk we are willing to place on the people in Los Angeles, or wherever the next disaster strikes?

RIF's also irreparably damage the morale of the remaining work force.

Buy-out authority is an alternative that works. We know that. It has worked at DOD and CIA. At DOD last year, 30,000 people took the buy-out option, another 34,000 retired willingly without a buy-out and only 4,000 employees had to be riffed.

Without buy-out, DOD would have had to RIF 30,000 people. And chaos is what would have resulted.

But most importantly, buy-out authority allows managers to target where you apply reductions. Everyone agrees that the middle management layer is where reductions would be most productive—and where we can save the most money. Agencies can target that level with buy-out authority and achieve greater efficiencies. They cannot with RIF authority.

This legislation makes sense. As the policy arm of this Government, we also serve as the employer of our Federal work force. Simple fairness and basic good management require us to treat our work force sensibly and with dignity. This is a management tool that works. It has worked for the private sector and it has worked for Government. I urge my colleagues to adopt this legislation and give to the President the ability to bring about a streamlined, efficient and effective Federal work force.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume to thank our colleague from Maryland for those very kind words. There are a lot of times when we do have disagreements, but it is always an honest disagreement and nothing that cannot be worked out if we all put our shoulders to the wheel and our heads to the issue. We can do that, and this is certainly an example where we did not have any real serious disagreements. There were differences in the numbers between OMB or CBO. All along I thought that this was not an issue that we should fall apart on, that we could work that out later.

So we had some disagreements along the line, but they were not insurmountable as proven by the fact that we are now able to bring this bill to the floor.

There are a lot of people to thank today, and certainly our staff on both sides, the majority and the minority, worked so hard also behind the scenes. But I again do not think that anyone worked any harder than the gentleman from Maryland, [Mr. HOYER] to make sure that this became a reality. So I thank the gentleman very much.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA], another Member who certainly has a lot of Federal employees and who has worked very hard on this as far as way back last year when we were trying to resolve the differences here.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as a member of the Committee on Post Office and Civil Service, I strongly urge my colleagues to support the Federal voluntary separation incentive program—also called the buy-out bill.

Though the term "buy-out" sounds negative, the purpose of this legislation is to streamline Government. Reduction of personnel can be done by voluntary separation or involuntary separation. The voluntary buy-out option before us is the fiscally responsible way to achieve the long-term savings. Involuntary separations are costly and do not separate employees and positions which are in surplus. Involuntary separations retain the most senior employees and move these employees into lower positions at the same pay level they were receiving when the job was eliminated. It then bumps out younger, more recently hired employees.

Mr. Chairman, we all represent Federal employees. Separations, whether voluntary or involuntary, may affect people in every congressional district. Rightsizing can be accomplished in the most compassionate manner by utilizing the voluntary separation incentive program. In fact, this method has been used successfully in the private sector. We have also seen positive results in the Federal sector after Congress authorized the voluntary separation incentive program for downsizing the Department of Defense and the General Accounting Office, and the Central Intelligence Agency.

I congratulate Members on both sides of the aisle for reaching an agreement on this legislation and again, Mr. Chairman, I urge swift passage of this buy-out proposal.

□ 1540

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank the distinguished chairman for yielding me this time as well as the distinguished chairman of the Appropriations Subcommittee in the Speaker's chair.

I want to make a point perhaps in somewhat blunter fashion than has been expressed, but I think it is important to make the point that so many Federal employees are aware of.

It is not responsible policy, in my opinion, to decide to eliminate a quarter of a million Federal employees and to save $22 billion without first identifying what functions within the Federal Government are expendable, what programs can be consolidated, how are you going to achieve this reduction. Because the fact is that the people who are going to leave Federal employment have no correlation to the functions that are expendable.

However, what I think is folly would turn into travesty if we were not to pass this legislation. Because what will happen if we do not pass this legislation is that people in the middle management, higher priced positions are going to wind up bumping people below them. You can have situations where you will have scientists driving fork trucks because they have the opportunity to bump all the way down to the point where you have the last person hired at the lowest salary, and that person is the most vulnerable.

They are the ones who are going to lose their jobs, and that, of course, has no correlation to the functions that we can afford to lose within the Federal Government.

This bill is a necessity. We should not have been put into this situation, in my opinion, and I know that there are many colleagues who share that, particularly from the Washington Metropolitan Area.

I regret that we are in this situation. But I applaud my colleagues for at least trying to make the best out of a bad situation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON], another colleague on the committee, a very hardworking Member.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I had some reservations about this initially because the initial cost is going to be something like $519 million. Initially there was no guarantee that we were really going to reduce the work force, because even though we were going to let people buy out, we could have in another area of Government hired somebody else to replace them.

But my colleagues on both the Democrat and Republican side had a spirit of cooperation on this bill, and I want to thank the chairman, the gentleman from Missouri [Mr. CLAY], for his cooperation and everybody else. Because they have agreed to the Penny-Burton amendment which will save for every one employee that buys out there will be a reduction in the Federal work force of one. So what that means over the course of the next few years is there will be thousands and thousands fewer Federal employees which means that the taxpayers over the long haul will save about $20 billion.

So this is a step in the right direction as far as reducing the size and cost of the Federal Government. I want to compliment our committee on this.

In addition to that, there was some question about somebody taking a buyout and then coming back in a short period of time and going to another job in the Federal Government. We have an amendment which is going to put a 5-year requirement on this that you cannot come back within 5 years without paying back the retirement buyout that you took. This is a guarantee, I think, that will again save the taxpayers a lot of money.

Now in the event where there is a critical need, for instance, you may have a nuclear scientist, that nuclear scientist, if it is a special case, can come back into the Federal Government without this penalty, but that is the exception, the vast exception rather than the rule.

I would just like to say to my colleagues that I think this is a quantum leap in the right direction. I am so happy that it is a bipartisan effort, and I wish that we could do more of this in the House, working together for the good of the country. If we could put partisan politics aside more often and really get down to the task of reducing the size of Government and cutting the work force in a way that is still efficient, I think it would be great for this country, because we have huge deficit problems where they have to be dealt with, and if we deal with them responsibly like we are doing today, I think we can get this budget deficit under control and have a good economic future for the entire country.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the distinguished chairman of the Committee on the Budget, a Member who has been very helpful to us in putting this compromise piece of legislation together.

Mr. SABO. Mr. Chairman, I rise in strong support of this bill. It accomplishes lots of good things in a responsible fashion.

I rise in strong support of H.R. 3345, the Federal Workforce Restructuring Act. This bill is essential to implementing President Clinton's plans to reduce Federal personnel and restructure the Government.

Under this bill, Federal agencies would be able to offer targeted incentives to encourage workers in certain offices or occupations to retire or resign. Without the bill, agencies would be forced to carry out their downsizing through layoffs—a process not only harmful to the workers involved but also very costly and disruptive to the Government.

As chairman of the Budget Committee, let me say a few words about the financial costs and benefits of H.R. 3345. While this bill does have some short-term costs, it also produces substantial savings in both the short run and the long run.

First, the buyout payments themselves are not a new or additional cost for the Government. Federal agencies will be required to absorb the cost of these payments out of their regular personnel appropriations. This bill does not provide any extra funds for buyouts.

The only cost increases produced by the bill come in the Federal retirement system. These are more than offset by later savings in that same system.

The cost increases occur because some of the workers who accept the buyouts will retire and start to draw their pensions earlier than they would have. These costs are only short-term because the pensions received by these workers will be lower throughout their lifetimes than the pensions they would have received if they stayed on the job longer. Therefore, according to the Congressional Budget Office, the buyout bill will actually reduce Federal retirement costs beginning in fiscal year 1997.

Finally, we should look at the buyout bill as an integral part of the overall plan to reduce Federal employment by 252,000 positions. That plan will produce well over $30 billion in savings over the next 5 years.

Buyouts are currently the most effective way of reducing Federal employment. Layoffs can be much more expensive. Any Federal employee who is laid off is entitled to severance pay. Further, employees whose positions are abolished are allowed to bump workers of lesser seniority, but to retain their old pay rate for 2 years. All this bumping and reshuffling leads to further costs and disruptions. And, finally, of course, layoffs are extremely corrosive of morale and efficiency.

For all these reasons, I believe H.R. 3345 makes eminent good sense. I urge its speedy enactment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to our colleague, the gentleman from Virginia [Mr. WOLF], who has a great many Federal employees and who, through the workings of this, trying to develop this legislation today, has had a lot of concerns about being sure we are treating everybody fairly. We thank him for the contribution.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3345, the Federal Workforce Restructuring Act. First, let me applaud the committee for putting together a responsible and fair package of buyouts for Federal employees. Buyouts are by far the fair way to reduce Federal personnel. Downsizing is always painful; however, this legislation will give employees security, and will help preserve morale. Moreover, buyouts are preferable to reductions-in-force because of the tremendous personal and real costs that are associated with RIF's. RIF's require substantial up-front severance pay costs, buyouts don't. RIF's leave families guessing from where the next paycheck is coming, buyouts don't. For these reasons, I am supporting this legislation.

Mr. Speaker, while I support the buyout option, I believe the Congress must be on guard about the full ramifications of the Vice President's National Performance Review. The Clinton administration has not prioritized the functions of Government which desperately needs to be done.

Furthermore, I am concerned that the Vice President's National Partnership Council is recommending that Federal employees be required to pay union dues even though they are not union members. This is unfair and should not occur. In actuality, this would be a tax increase on Federal employees who do not want to be compelled to pay dues when they are not union members. While all employees should have the opportunity to join a union, employees should also have the option not to join or pay dues.

Mr. Speaker, I am supporting this legislation because it is the equitable way to reduce the size of the Federal work force, but I urge my colleagues to take a long, hard look at the National Performance Review's plan to restructure the Federal Government and the impact on the lives of Federal employees.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding me this time, and, indeed, I want to thank Chairman CLAY and the gentleman from Indiana [Mr. MYERS], and I want to thank the chairman, the gentleman from Maryland [Mr. HOYER]. Indeed, I want to thank the bipartisan leadership that has worked this difficult problem out for the benefit not only of the employees involved but of the efficiency of the Government and of the expectations of our country.

Last October my Subcommittee on Compensation and Employee Benefits moved expeditiously to mark up H.R. 3345, and the chairman, the gentleman from Missouri [Mr. CLAY], moved it immediately to the floor for fast action to reduce agency personnel. We acted quickly because we ourselves had approved a budget that assumed huge reductions in the Federal service that were even then not on schedule.

Only 20,000 employees left voluntarily in fiscal year 1993, while we assumed 25,000 would leave the Federal service. It was clear that attrition was not working.

The reason was also clear. Buyouts had been offered in some agencies and not others. Obviously, Federal employees assumed that, out of logic and surely out of fairness, Congress would not favor some agencies and some employees over others.

□ 1550

Attrition all but closed down some agencies. If consideration of this bill had not stalled at the end of the last session, most agencies would now be on their way to achieving a historic and unprecedented permanent downsizing of the Federal bureaucracy for fiscal year 1994, and we probably would have made up for the shortfall on attrition for fiscal year 1993 as well. Every day of delay digs into our own deficit reduction goals. Moreover, quiet as it is kept, huge RIF's, or layoffs, are not an alternative to buyouts. RIF's actually cost considerably more than buyouts because of substantial mandatory costs, such as severance. Worse, lower paid employees, those who serve the public on the front line, would be laid off, and higher paid managers, the ones who are in excessive supply in the Government, would remain—an absolutely perverse result. Moreover, GAO has testified that layoffs of 252,000 employees over 5 years simply could not be achieved if there was to be a Government left standing.

Mr. Chairman, we actually have one and only one choice now: Get this bill out fast. Without favorable action, we can forget reinventing Government, we can forget our deficit reduction goals, and, heaven knows, we will be forgetting what is minimally owed one of the highest quality work forces in the country. It is not too late, just almost too late, to meet the goals we set in the Omnibus Budget Act passed last year. Let us do it and avoid a self-inflicted wound to our own historic deficit reduction package.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MFUME], who, like many others today, has a great many Federal employees.

Mr. MFUME. Mr. Chairman, let me thank the gentleman from Indiana [Mr. MYERS] for being so gracious with his time. I do appreciate that.

I rise in support of the bill, Mr. Chairman. As written, the bill provides, as most of my colleagues know, Federal agencies with the flexibility necessary to proceed with the mandated loss in personnel and that they be able to do that in an organized and an efficient manner, and, while most agencies will probably claim that the loss of personnel is painful, and in some instances clearly it is, there are clearly some offices that will, in fact, suffer if too many employees are released.

Speaking from my own experience, Mr. Chairman, I know that the Social Security Administration, headquartered in Baltimore, is understaffed now, that any further reductions in their staff would only hamper its ability to be efficient. I would hope that this legislation will allow us and enable the arms of the Federal Government, such as the Social Security Administration and HCFA, I might also add, to be flexible enough to reduce costs without diminishing the product that they have provided to us for such a long time.

Mr. Chairman, the bill before us today allows us to do just that. H.R. 3345 represents a reasonable effort by the Congress to try to reduce the Federal work force in a manner that we believe is fair to the employees and at the same time true to the fiscal intent of the previous actions.

Therefore, Mr. Chairman, I rise today in strong support of the legislation before us, and I urge all of my colleagues to support its quick enactment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 3345, the Federal workforce Restructuring Act. While we all agree that the Federal work force needs to be trimmed down, this bill will ensure that it is done in the most fair and equitable way. It will do this by making separation from Federal employment voluntary, without making use of reductions in force or RIF's, which disproportionately affect women and minorities. After so much has been accomplished in diversifying the Federal work force, are we willing to take two steps backward in the struggle to increase opportunities for minorities by utilizing another, more destructive method? I know that this bill's answer is: "No." Constructive incentive payments like the one proposed in this legislation have already proven effective in three Government agencies, most notably the Department of Defense.

Incentive programs in place in the Department of Defense are vital in alleviating the affects of reductions in personnel. In my home, Guam, the Navy ship repair facility [SRF] has been scheduled for a significant cut in workload. As the Navy attempts to eliminate positions in preparation for this change, voluntary separation will offer workers the opportunity to leave if they choose to do so while simultaneously eliminating the need for the Navy to force workers out. If such an option did not exist, the Navy would be forced to fire workers who would rather stay and keep workers who might otherwise opt for an early retirement. I hope that they will stay on this intelligent and wise course.

This should provide a tangible example of why this legislation and the process it proposes is the best option available in attempting to substantially cut the Federal work force. I urge my colleagues to support the passage of the bill H.R. 3345. Downsizing should not be synonymous with dehumanizing the reduction of the Federal work force.

Mr. MYERS of Indiana. Mr. Chairman, may I ask how much time remains on each side?

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] has 14 minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 13 minutes remaining.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume to just comment on some reservations that I have, some concerns that I have.

Mr. Chairman, I do support the legislation; no question about it. However, wearing the other hat, my appropriations hat that I have got to put on later this afternoon, hopefully before midnight, to go to conference with the Senate on the supplemental appropriation, I am thinking about how we are going to pay for this. I know we got a letter from OMB saying it is off-budget, but how many times can we continue to go off-budget and say it is going to be swept under the rug? The justification from Mr. Panetta, our former colleague, I understand over a 5- to 6-year period, we are going to save money, or can. I certainly hope we do. But we have to pay for it whether it be $500 million this next year. It has to come from someplace.

So, Mr. Chairman, I am concerned about making certain we know where this money is going to come from in the intervening period here, and it will save money, I hope, if it is properly run. It will save money. But we do have to pay for it next year. So, I do have some concern about this. I hope we will find some way, finding a way to pay for it without just continually taking everything off-budget.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise is strong support of this important legislation that is essential to the efficient and fair execution of reduction in the Federal work force necessitated by spending cuts needed to achieve deficit reduction.

I want to express appreciation on behalf of all Federal workers to those members who worked so hard to reach the agreement that has allowed this legislation to come to the floor today. Clearly, if we are to achieve the reductions that must be made intelligently, this legislation is urgently required.

This legislation will extend the same early retirement and voluntary resignation incentives that are already in place for the Department of Defense, GAO and the CIA.

I have seen first hand the successful application of this approach to employment reductions in my district at the Navy's Puget Sound Naval Shipyard. The yard had to reduce nearly 3,000 positions as a result of smaller workload associated with the declining fleet. Prior to the establishment of incentives there was widespread fear of reductions in force that seriously undermined employee morale. Fortunately, these incentives successfully avoided a RIF at Puget Sound and achieved the necessary reductions.

Reductions in force are also cost inefficient for the Government. Severance pay requirements are only the tip of the iceberg. Because of rules that allow more senior workers to bump junior workers, while retaining their pay levels, RIF's produce situations with overqualified, and overpaid individuals performing lower level tasks. It also produces a major gap in work force experience makeup that can produce serious problems when there is a wholesale retirement from these more senior workers and the experience base to produce continuity does not exist.

With the amendment that will be offered by Congressmen PENNY and BURTON the link of providing these incentives to the commitment in the President's budget to reduce Federal employment by 250,000 by 1999 will be directly linked. This will overcome any concerns that we are somehow providing a windfall and are, in fact, simply providing the most effective way to take this critical element of deficit reduction.

Mr. Chairman, I also want to compliment my colleague, the gentleman from Maryland [Mr. HOYER] for his efforts on this legislation.

□ 1600

Mr. CLAY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I want to thank my distinguished chairman, the gentleman from Missouri [Mr. CLAY] for yielding.

Mr. Chairman, I want to say that I am going to speak rapidly, because we need to get this out. We should have gotten this out last year. As everyone has said, this is very important.

On the Committee on Armed Services we always talk about surgical strikes. Without this, we do not give the people who manage the different agencies the right to be surgical in the positions they can do without. Without this, they are forced to go into things such as RIF's or freezes, that we know do not work.

Mr. Chairman, this is not a surprise. We know how this works. The CIA has done it, the Department of Defense has done it, and the GAO has done it. They have shown how well it works. We know if we do this, this will help us save almost $30 billion over the next 5 years. We also know if people decide to get rehired and come back to the Government in the next 5 years, they have to pay this back.

So I think this is proper. I think we ought to move on it.

Mr. Chairman, I must say this is an historic day. People told me if I was here long enough, I would find something I agreed with with the gentleman from Indiana [Mr. BURTON], and I am delighted that that day has finally come.

Mr. Chairman, I am pleased that we have this bipartisan consensus that this must be done. I think it is a good message to Federal employees, that people here in the House feel they should be treated with the dignity and respect the private sector would give. For that, we are going to get much, much more back in the realm of morale and a much better motivated work force.

Mr. Chairman, I thank all Members for the high level of this debate, and urge passage.

Mr. Chairman, we hear rhetoric every day that the President's budget is full of gimmicks. Well, if you want real cuts this bill gives agencies the authority to make them. Agencies will finally have the tools necessary to trim 252,000 jobs from the Federal work force and save almost $30 billion over 5 years.

If this doesn't pass, the only other alternative is to RIF employees. The Congressional Budget Office and the General Accounting Office have made it clear that RIF's demoralize the workforce, hit women and minorities hardest, and leave agencies "top heavy." Moreover, employees who are RIF'ed, generally receive severance pay, which can cost plenty.

And in the long run, RIF's don't save any more money than a buyout plan.

This bill allows Federal agencies to offer incentive payments to employees who agree to retire or resign voluntarily from the Government. Agencies could offer up to $25,000 to employees.

We know that Federal employees will take advantage of this program. It has worked for the Central Intelligence Agency, the General Accounting Office, and most recently the Defense Department. In fiscal year 1993, the Defense Department successfully used the same kind of incentive to cut its work force by about 30,000 workers.

One last point: Federal employees feel like they have gone 15 rounds with Evader Holyfield. Every year there is a new proposal to raise the retirement age or to ax their pay and benefits.

It's time we did something to give Federal employees control over their lives. The Federal Workforce Restructuring Act does this and reduces the deficit. I know it's a new concept for a lot of Members, but it has a lot of merit.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 3345, the Federal Work Force Restructuring Act of 1993.

I would like to take just a moment to describe the impact that H.R. 3345 will have on the National Aeronautics and Space Administration [NASA].

H.R. 3345 would allow NASA to offer separation incentive payments to encourage eligible employees to retire or resign voluntarily from the agency. It would provide NASA with an alternative to involuntary separations due to reduction in force, reorganization, transfer of function, or other similar action. As such, H.R. 3345 is critically important legislation that will enable NASA to downsize its personnel base in a manner that does not adversely affect civil service employees.

NASA's fiscal year 1994 appropriations was premised on a rapid reduction in the agency's civil service work force by some 1,000 employees, targeting a work force ceiling of 22,900 by the beginning of fiscal year 1995. These reductions reflect in large part the Space Station redesign and program reorganization that occurred over the course of the last year.

However, the efficacy of H.R. 3345 to enable NASA to achieve necessary cost savings diminishes with each passing day. Because of the delay in enacting this legislation, work force reductions have not occurred at a rate sufficient to meet the budget shortfall. In order for NASA to capitalize on the program authorized in this bill, and to minimize the use of program funding to meet the fiscal year 1994 payroll, the agency must begin to offer separation incentives to eligible employees as soon as possible.

I would also take this opportunity to express my appreciation to my colleague from Missouri, and chairman of the Committee on Post Office and Civil Service, Mr. CLAY, for his cooperation in advancing our common objectives through this bill.

I urge my colleagues to join me in passing H.R. 3345.

Mr. BORSKI. Mr. Chairman, I rise today to express my strong support for H.R. 3345, the Federal Workforce Restructuring Act. This legislation would further emphasize this Congress' support for the reduction of Government spending, as outlined in the National Performance Review.

On November 22, 1993, the House overwhelmingly supported the Vice President's plan to reduce spending of the Federal Government. The National Performance Review called for the downsizing of the Federal Government by 252,000 positions within 5 years. H.R. 3345 humanely reduces the number of Federal employees by providing Federal agencies the ability to offer buyouts to those who voluntarily resign or retire.

Mr. Chairman, it is my belief that mandatory reductions in force are an inhumane means of downsizing our Federal Government. Mandatory layoffs unfairly target the most recently hired employees, causing a disproportionate number of minorities and women to be released, reducing the diversity of the workplace. Layoffs also tend to lower the productivity of the Federal Government by removing vital clerical and administrative positions and leave agencies saturated with a redundancy of middle-management positions. Reductions in force can also instill a sense of fear among those employees targeted for removal.

Voluntary separation incentives are the most cost-effective and equitable means of achieving targeted reductions in the Federal work force. Layoffs and early retirements are more costly, generally requiring substantial severance pay or pensions to those who retire early. The buyouts provided in H.R. 3345 will facilitate the required reduction in force in a way that targets the excess positions of Federal Government in a long-term cost-effective means. This bill also ensures that once a position has been bought out, this position will be permanently removed, as opposed to relocating this position with another Federal agency.

Mr. Speaker, unless this bill is passed as quickly as possible, the Federal Government will be forced to begin laying off employees, forcing them to seek work, uncompensated, at a time when work can be difficult to find, but I believe that reinvention of government is important, I do not feel that it should be at the expense of the Federal workers whom we represent. I therefore urge my colleagues to support this bill and help to equitably reduce Government spending.

Mr. RICHARDSON. Mr. Chairman, we as a body have come to the bold agreement that downsizing the Federal work force is in the best interest of this country. We agreed on this when we passed H.R. 3400 the Government Reform and Savings Act. Now we are left with the critical decision of choosing the most sound policy to reduce the Federal work force by 250,000. I urge my colleagues to support H.R. 3345, which I believe is the best policy for restructuring the Federal work force.

The Congressional Budget Office recently released a study examining different options for achieving downsizing in the Federal work force. The study found the two best downsizing alternatives, involuntary dismissals and pay incentives, each achieved nearly identical savings over 5 years.

The difference the study found between involuntary dismissals and pay incentives was that involuntary dismissals would disproportionately effect women and minorities. We have worked hard over the last decade to ensure that our highly skilled Federal work force is representative of the diversity of our Nation. In the State of New Mexico, 27,700 individuals are employed in Federal Government positions. Some 13,100 of these employees, or just over 50 percent are minorities. The Federal work force in New Mexico is representative of the Hispanic, Native American, African-American, and Asians who comprise 60 percent of New Mexico's population. I want to ensure that the integrity of New Mexico's Federal work force is not disturbed.

Today we will consider the Federal Workforce Restructuring Act, which would help agencies in their efforts to downsize by 250,000 while maintaining the diversity and health of the work force.

Mr. Chairman, when we have a choice that is just as cost effective as an involuntary dismissal but offers everyone in the work force the same voluntary incentive we should take it. There should be no question that we should support H.R. 3345, the Federal Workforce Restructuring Act.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 3345, the Federal Workforce Restructuring Act. This buyout bill is the fiscally and administratively sound way to achieve President Clinton and Vice President Gore's goal of reducing our Federal work force by 252,000 people over the next 5 years.

Presently, governmentwide voluntary turnover is at a record low. H.R. 3345 would allow the Government to offer incentives to Federal employees to voluntarily resign or retire early. These incentives have a proven track record of success. Last year, the Department of Defense was able to encourage over 30,000 employees to leave early under a similar plan.

The alternative to H.R. 3345 is massive furloughs and costly reductions-in-force [RIF's]. Reductions-in-force are a cumbersome and demoralizing alternative to the buyout, resulting in a lengthy process, expensive severance packages, and low worker morale. Rather than eliminating higher-paid, often redundant positions, layoffs would affect the newer, younger and more diverse population of Federal employees—the very ones our Government has been working so hard to recruit. Women, ethnic minorities, and disabled workers would be especially hard hit. RIF's and furloughs would result in a huge step backwards in Federal employment policy. Alternatively, H.R. 3345 would allow Federal agencies to target the employee reductions, maximizing efficiency as well as work force diversity.

Mr. Chairman, I know that H.R. 3345 would be welcomed by hardworking Federal public servants across the country, including those in my district of San Francisco. This is the smart, efficient and proper way to achieve the administration's goal of reducing the Federal work force, thus helping to make our Government work better and cost less. In order for a buyout to be most cost effective, however, it needs to be enacted swiftly. We must do our part in helping Federal agencies constructively cut their work force. I urge my colleagues to pass the Federal Workforce Restructuring Act today.

Mr. MYERS of Indiana. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part 1 of House Report 103-422 is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Workforce Restructuring Act of 1994".

SEC. 2. VOLUNTARY SEPARATION INCENTIVES.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code), but does not include the Department of Defense, the Central Intelligence Agency, or the General Accounting Office; and

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by an agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 12 months; such term includes an individual employed by a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A).

(b) AUTHORITY.—

(1) IN GENERAL.—In order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action, and subject to paragraph (2), the head of an agency may pay, or authorize the payment of, voluntary separation incentive payments to agency employees—

(A) in any component of the agency;

(B) in any occupation;

(C) in any geographic location; or

(D) on the basis of any combination of factors under subparagraphs (A) through (C).

(2) CONDITION.—

(A) IN GENERAL.—In order to receive an incentive payment, an employee must separate from service with the agency (whether by retirement or resignation) before January 1, 1995.

(B) EXCEPTION.—An employee who does not separate from service before the date specified in subparagraph (A) shall be ineligible for an incentive payment under this section unless—

(i) the agency head determines that, in order to ensure the performance of the agency's mission, it is necessary to delay such employee's separation; and

(ii) the employee separates after completing any additional period of service required (but not later than December 31, 1996).

(c) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(4) shall not be taken into account in determining the amount of any severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(d) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) IN GENERAL.—An employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 2 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) WAIVER AUTHORITY.—

(A) EXECUTIVE AGENCY.—If the employment is with an Executive agency (as defined in section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(B) LEGISLATIVE BRANCH.—If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(C) JUDICIAL BRANCH.—If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(e) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations necessary for the administration of subsections (a) through (d).

(f) EMPLOYEES OF THE JUDICIAL BRANCH.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program consistent with the program established by subsections (a) through (d) for individuals serving in the judicial branch.

SEC. 3. ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.

(a) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of the final basic pay of each employee of the agency—

(1) who retires under section 8336(d)(2) of such title; and

(2) to whom a voluntary separation incentive payment under section 2 (including under any program established under section 2(f)) has been paid by such agency based on that retirement.

(b) DEFINITION.—For the purpose of this section, the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(c) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations necessary to carry out this section.

The CHAIRMAN. No amendment to the substitute is in order except the amendment printed in part 2 of the report. The amendment may be offered only by a Member designated in the report, shall be considered as read, is not subject to amendment and is not subject to a demand for a division of the question.

Debate time on the amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PENNY:

In section 2(d)(1), strike "2" and insert "5".

In section 2(d)(2)(A), strike "repayment if" and all that follows through the period and insert "repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.".

In section 2(d)(2)(B), strike "repayment if" and all that follows through the period and insert "repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.".

In section 2(d)(2)(C), strike "repayment if" and all that follows through the period and insert "repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.".

In section 2(d), add at the end the following:

(3) DEFINITION.—For purposes of paragraph (1) (but not paragraph (2)), the term "employment" includes employment under a personal services contract with the United States.

After the last section, add the following:

SEC. 4. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,084,600 during fiscal year 1994;
(2) 2,043,300 during fiscal year 1995;
(3) 2,003,300 during fiscal year 1996;
(4) 1,963,300 during fiscal year 1997;
(5) 1,992,300 during fiscal year 1998; and
(6) 1,882,300 during fiscal year 1999.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—

(1) EMERGENCIES.—Any provision of this section may be waived upon a determination by the President that—

(A) the existence of a state of war or other national security concern so requires; or

(B) the existence of an extraordinary emergency threatening life, health, safety, property, or the environment so requires.

(2) AGENCY EFFICIENCY OR CRITICAL MISSION.—

(A) Subsection (d) may be waived, in the case of a particular position or category of positions in an agency, upon a determination of the President that the efficiency of the agency or the performance of a critical agency mission so requires.

(B) Whenever the President grants a waiver pursuant to subparagraph (A), the President shall take all necessary actions to ensure that the overall limitations set forth in subsection (b) are not exceeded.

(f) EMPLOYMENT BACKFILL PREVENTION.—

(1) IN GENERAL.—The total number of funded employee positions in all agencies (excluding the Department of Defense and the Central Intelligence Agency) shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under section 2(a)–(e). For purposes of this subsection, positions and vacancies shall be counted on a full-time-equivalent basis.

(2) RELATED RESTRICTION.—No funds budgeted for and appropriated by any Act for salaries or expenses of positions eliminated under this subsection may be used for any purpose other than authorized separation costs.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. PENNY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes. Is there a Member in opposition?

There apparently is no opposition to the amendment. The Chair recognizes the gentleman from Minnesota [Mr. PENNY] for 15 minutes.

Mr. PENNY. Mr. Chairman, I will divide my 15 minutes with the gentleman from Indiana [Mr. BURTON] for him to manage.

Mr. Chairman and members, this is a straightforward amendment. It deals with a work force reduction to be implemented over the next 6 years. This is not a new issue to the Congress. Several times in the last few months, we have debated and concurred in the decision that 252,000 Federal workers could be taken off the Federal payroll over the next 5 or 6 years.

We first raised this issue as part of a deficit reduction sponsored by myself and Mr. KASICH last fall. That amendment conformed with the recommendation by Vice President GORE to reinvent Government and to down size the Federal work force.

While that effort was unsuccessful, an alternative proposal was approved by the House of Representatives, the Sabo amendment, which incorporated these same staffing reductions. It is uncertain when or whether that bill will be processed by the Senate.

We also know that in the Senate, Senator GRAMM of Texas pursued a work force reduction to finance most of the elements of the pending crime bill. But, as we know, that bill has a long and torturous path before final enactment.

We feel it critically important to get the work force reductions locked into law as soon as possible. We feel that it is entirely appropriate that these work force reductions be tied to this buyout legislation, because the buyout legislation makes it possible to achieve roughly 40,000 personnel in work force reductions each of the next 6 years.

For that reason, we present the amendment at this time. It could save as much as $25 billion in Federal expenditures over that timeframe. It makes good sense.

This bill is a bill that must become law. It must be sent to the President's desk at the earliest possible date. By adding this amendment to the buyout legislation, we package the entire issue as it ought to be packaged. We ought to get this issue behind us once and for all. By putting the work force reduction in this bill we settle the issue, and then we can move forward to address the remaining items in the Federal budget.

Mr. HOYER. Will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, there are few Members in this House on either side of the aisle who have been more conscientious in the review of the budget and of fiscal policy than has been the gentleman from Minnesota [Mr. PENNY] during the course of his career here in the House of Representatives.

I have not always agreed with Mr. PENNY, but we have always disagreed I think with honesty and with good demeanor.

That has been so mostly on my part because I have such respect for him. On his part, because he does not deal in personalities. He deals in substance, and I congratulate him for that.

I also want to thank the gentleman very much for looking at this issue, for realizing we were all going to accomplish the same objectives, and working with us to fashion a bill and an amendment that would accommodate that objective as quickly as possible.

I thank the gentleman very much. I would also say that I want to thank the gentleman from Indiana [Mr. BURTON] a member of the committee, who worked also very hard to come up with language.

I also want to thank the gentleman from New York [Mr. SOLOMON] and again the gentleman from Indiana [Mr. MYERS].

I also want to thank Billy Pitts. I do not know if Billy was on the floor, but he was asked by the minority leadership to work this issue. Every time I called him he was available to discuss it. He was very candid and honest with the problems that Members on his side of the aisle, on the Republican side of the aisle, had, and he served a very important and useful function in getting us to this point in time. I appreciate that very much.

Mr. PENNY. I thank the gentleman from Maryland for those remarks. I too want to express my appreciation to the gentleman for his leadership on this issue, to the gentleman from Missouri [Mr. CLAY] for his leadership, and to the others here involved in this very critical issue, and also to those on the Republican side.

I think this is a good compromise. This package makes good sense. Let us get the bill passed today, send it to the Senate, and get this issue settled once and for all.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first say that I echo what was just said about the gentleman from Minnesota [Mr. PENNY]. We are going to miss him around here, because he was one of the stalwarts who has worked so hard to get this massive Federal budget under control. I am very proud to be a cosponsor of this amendment with the gentleman.

This amendment, Mr. Chairman, guarantees that there will be a reduction in the work force. One of the problems that we felt we might have with the bill is that we would have people buy out, and then might be replaced in another area of government. This amendment, the Penny-Burton amendment, will guarantee for each Federal employee that takes the buyout option, there will be a reduction in the Federal work force of one.

Mr. Chairman, that will ultimately result in they estimate 252,000 fewer Federal employees by the year 1999, and it will save $20 to $30 billion. That is a quantum leap in the right direction, and I appreciate that being done and the cooperation of both Democrats and Republicans on this.

Mr. Chairman, the other provision, as I mentioned earlier, that I think is very important, is that except in very special cases, very rare cases, anyone who takes the buyout option will not be able to come back and work for the Federal Government for 5 years without repaying their retirement buyout option.

So I think there are all kinds of protections in the Penny-Burton amendment. I still am concerned about, as the gentleman from Indiana [Mr. MYERS] the $519 million that is going to be off budget. However, when you look at $519 million as opposed to $20 to $30 billion in savings, you have to say this is the right thing to do, and it is the right thing to do at the right time. I am glad once again there is cooperation with both sides. I am very happy to be a cosponsor of this amendment.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. MICHEL. Mr. Chairman, we all agree on one thing today. We agree that the Federal work force should be trimmed by 252,000 positions.

A week ago the President asked me to assist him in passing the Federal Workforce Restructuring Act. He felt strongly that he needed the same tool that we in Congress have authorized for the Defense Department, the CIA, the GAO, and the Library of Congress to bring down their work force levels.

And that tool is a Federal incentive payment to encourage individuals to leave Federal service.

I expressed to administration officials and to Members of the majority, including the distinguished gentleman from Maryland [Mr. HOYER] that when passing such incentive payments, it is imperative to also place into law a specific timetable to achieve the personnel reductions that we all agree on.

I further insisted on additional safeguards to ensure that the reductions are real.

We provided such a timetable and such safeguards in the Penny-Kasich amendment which narrowly failed by a vote of 213 yeas to 219 nays on November 22, 1993.

When I agree with the President on a particular policy objective, such as reducing Federal personnel levels, then I feel I must also provide him the tools he says he needs to accomplish that policy objective.

Otherwise, I have no basis upon which to criticize the President if he does not meet that objective. That is why I decided to work with him on this issue.

But, I want to make clear that in the end the burden will be on the President and his administration to bear the full responsibility for the end result. We will turn to the President for proof that the personnel reductions have been achieved each year.

My effort to work with the President culminated with the Burton-Penny amendment which I will support today.

That amendment puts into law a 6-year schedule to reduce work force levels by 252,000 positions. The base from which the reductions are made is the OMB estimate contained fiscal year 1995 budget submission.

I candidly would have preferred the 5-year plan voted on in the Penny-Kasich amendment. But, my office was told last night that the President believes he can no longer achieve the 252,000 reduction over 5 years.

The Burton-Penny amendment also lengthens the time from 2 years to 5 years in which a person cannot be rehired by the Federal Government. It places in law a new prohibition on a person being rehired as a consultant to the Federal Government within a 5-year period of accepting an incentive payment.

Finally, the Burton-Penny amendment contains specific backfill language that states that for any position that is vacated because of an incentive payment, one position must be eliminated. Furthermore, funds appropriated for any eliminated position may not be used for any other purpose.

I believe that the Burton-Penny amendment contains strong safeguards to assure that the incentive payments can be used to achieve real and substantial personnel reductions in short order.

We will be vigilant to make certain that these incentives are used properly and for the purpose intended—to achieve substantial long-term savings because of a streamlined Federal work force.

☐ 1610

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 409, noes 1, not voting 28, as follows:

[Roll No. 24]

AYES—409

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish

Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman

Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds

Richardson
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barceló (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf

Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—1

Kanjorski

NOT VOTING—28

Andrews (TX)
Bilirakis
Boehner
Brooks
Coleman
de la Garza
Dingell
Ewing
Fields (TX)
Gutierrez
Hall (OH)
Hastert
Hastings
Laughlin
Lewis (FL)
Machtley
Michel
Neal (NC)
Ortiz
Owens
Ridge
Roth
Scott
Sharp
Slattery
Towns
Washington
Young (AK)

□ 1633

Mr. CONYERS changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SKAGGS) having assumed the chair, Mr. MORAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes, pursuant to House Resolution 357, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MYERS of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 391, nays 17, not voting 25, as follows:

[Roll No. 25]

YEAS—391

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson

Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink

Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle

Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—17

Archer
Armey
Barton
Camp
Canady
Crane
DeLay
Duncan
Ehlers
Hancock
Johnson, Sam
Kasich
Porter
Rogers
Sensenbrenner
Smith (MI)
Stump

NOT VOTING—25

Andrews (TX)
Bilirakis
Boehner
Brooks
Coleman
de la Garza
Dingell
Ewing
Fields (TX)
Hall (OH)
Hastert
Hastings
Laughlin
Lewis (FL)
Machtley
Michel
Neal (NC)
Ortiz
Owens
Ridge
Roth
Slattery
Towns
Washington
Young (AK)

□ 1708

Mr. CANADY changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read. "A bill to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 3345, the bill just passed.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GINGRICH. Mr. Speaker, I wish to proceed out of order for 1 minute for the purpose of discussing the schedule over the next few days with the distinguished majority leader. For the enlightenment of Members, I yield to my good friend from Missouri, [Mr. GEPHARDT] to brief Members on what is and is not happening.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding. We will try to enlighten together.

Mr. Speaker, our plan is to try to go to a motion to go to conference on a prospective basis.

□ 1710

We understand there will be a motion to instruct.

There will be one vote in the potential time of 1 hour from now. I think that would be the maximum that it would take to get to that vote. The conference on the bill, assuming the other body is able to finish its work tonight and we are led to believe that they can, would begin in the morning. Members should know that work has been going on all day between the staffs.

There are about 120 or so differences between these bills so there is a good deal of work that has to be done, and a lot of it already has been done. And more will go on tonight and so they will be prepared at about 10 in the morning to go into a productive conference. We are hopeful that they can finish their work in 4 or 5 hours, and then there is a period of 4 or so hours after that in order to get the paperwork to be completed and distributed.

Therefore, we are looking at a possible time of vote at around 7 o'clock tomorrow night. That is our best guess at this point. So our proposal would be to adjourn after this next vote, to come back at 2 p.m. tomorrow. Members would not have to be here at that time. We would give the Cloakrooms and the Members' offices notice 2 hours before the vote, potential votes on the rule and other votes on the conference report would take place.

Mr. GINGRICH. Mr. Speaker, first of all, would we do the adjournment resolution tonight or tomorrow?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue yield, we would like to do it this evening.

Mr. GINGRICH. We see, on our side, no reason for a vote so that could be done by voice.

Second, just for the Members, on the motion to instruct conferees, on our side I think we expect a relatively limited debate and would not anticipate, unless it got exciting, to go the full hour but, rather, would yield back and get to that vote fairly early.

Third, I wanted to raise, because I think the House needs to be aware that despite the best efforts of the leadership on both sides, there is a possibility that the conference will not be as productive as we hope. I think that is a real danger.

I also think that it is a real problem. I just wanted to be candid for our friends in the Committee on Appropriations both here and in the other body, that Saturday gets to be a real problem. I think with the storm and with other things going on, I hope that the conferees will be talking a lot all morning as the papers are prepared and will understand that there is a very real concern about getting this aid to California done tomorrow, because I think it gets very difficult for the House to function effectively on Saturday, just given the weather and given all the various Members who had previous plans.

We do hope we can get it done. We look forward to working with the gentleman on a bipartisan way to pass the aid to California before we leave here. I think that is the right thing to do.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman.

It may be of help, maybe to the younger Members, I called my wife this afternoon. We were planning to leave yet this evening.

I told her, when she asked me when we were leaving, I said I did not know. She said, "Well, that is just about the ten-thousandth time that I have heard that since you have been in Congress." So if that is of any solace to anyone, that is where we all are. We do not know, but we are going to do our best to be out tomorrow night. It may be Saturday.

DEEMING HOUSE TO HAVE DISAGREED TO SENATE AMENDMENTS AND AGREED TO CONFERENCE AND DEEMING SPEAKER TO HAVE APPOINTED CONFEREES ON H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1994.

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed H.R. 3759, the emergency supplemental appropriations bill, with amendments, insisted on its amendments and requested a conference with the House, that the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I do not intend to object, but I need a clarification on the so-called Fazio offsetting amendment. I wanted to ask a member of the Committee on Appropriations what the intent of that amendment was. Is there anyone who could speak to that?

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Missouri?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Continuing my reservation of objection, I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, we are not in a position to answer that question. Perhaps the gentleman could direct it to the gentleman from California [Mr. FAZIO], but I am not prepared to answer that question.

Mr. SOLOMON. Mr. Speaker, the gentleman from California [Mr. FAZIO] is not on the floor.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, I am sure he will be here for the vote. I will try to find him and make him available to answer that question. I cannot answer it.

Mr. SOLOMON. Mr. Speaker, continuing my reservation of objection, I appreciate the gentleman yielding. I will not hold up the proceedings of the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3325

Mr. WALSH. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 3325.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1994

Mr. MCDADE. Mr. Speaker, I offer a motion to instruct conferees on H.R. 3759.

The Clerk read as follows:

Mr. MCDADE moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 3759, be instructed to agree to the D'Amato amendment number 1442 as modified, as adopted by the Senate. On vote number 36, as follows:

SEC. . Extension of RTC Civil Statute of Limitations.

"Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995; or ending on the date of the termination of the corporation pursuant to section 21A(m)(1), whichever is later; or."

Mr. MCDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct conferees be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GONZALEZ. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read the motion to instruct.

The Clerk concluded the reading of the motion to instruct conferees.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

(Mr. MCDADE asked and was given permission to revise and extend his remarks.)

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

I know the hour is late. Members have all kinds of travel plans. All this does is express the will of the body that we do what the Senate did unanimously, 96-nothing, in extending the statute of limitations for civil matters with respect to the RTC, FDIC and FSLIC. It was unanimous in the other body. I would suggest that it can be done in this body by a unanimous vote, and I hope that we will do so promptly.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

This amendment passed, as the gentleman said, unanimously in the Senate. I do not know of any need to have an extended discussion at this time, and reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding time to me.

I will be very brief. This amendment did come from the Senate side. In the broadest sense, the issue is one of recovery of taxpayer lost resources. In what we have all come to understand as the largest public sector mistake of the century—the S&L debacle—where the taxpayers lost about a quarter-of-a-trillion dollars, less than 1 percent has been recovered. Part of the reason relates to, in the broadest sense, to the complicated nature of financial institution litigation. For example, in Texas, where there is several hundred billion dollars in taxpayer losses, the recovery rate has been almost negligible.

The RTC, frankly, in a circumstance of major litigation, has not had the time nor the resources to pursue all it needs to pursue. In the more narrow sense, it certainly is true that the minority is concerned about responsibility for failure of a particular institution in the State of Arkansas, which cost the American taxpayer $60 million. I would only note, with regard to that institution, that quite frankly, there was a late recusal of a U.S. Attorney in Little Rock.

There was also unconventional advocacy of a particular law firm hired by the FDIC for the taxpayer.

And for those reasons, the minority respectfully requests consideration of this motion.

I would only conclude by noting that if there is a case for vigorous legal intervention in the American economy today, it has to be to develop precedent that the taxpayer cannot be robbed with impunity from the corporate board room. And to paraphrase one of the great Americans of this century, "Moderation in the pursuit of accountability for lapses in public ethics is no virtue, extremism in defense of the taxpayer, no vice."

☐ 1720

Mr. MCDADE. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CHAPMAN) Without objection, the previous question is ordered on the motion to instruct conferees.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Pennsylvania [Mr. MCDADE].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 390, noes 1, answered "present" 1, not voting 41, as follows:

[Roll No. 26]

AYES—390

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane

Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—1

Clay

ANSWERED "PRESENT"—1

Hyde

NOT VOTING—41

Andrews (TX)
Bilirakis
Boehner
Brooks
Coleman
de la Garza
DeFazio
Dingell
Ewing
Fields (TX)
Fingerhut
Foglietta
Gejdenson
Gibbons
Hall (OH)
Hastert
Hastings
Hutto
Jacobs
Laughlin
Lewis (FL)
Lipinski
Machtley
McMillan
Michel
Murphy
Murtha
Ortiz
Orton
Owens
Quillen
Richardson
Ridge
Rose
Roth
Slattery
Smith (OR)
Tauzin
Towns
Washington
Young (AK)

□ 1746

Mr. COX changed his vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 3759

The SPEAKER pro tempore (Mr. CHAPMAN). Without objection, the Chair appoints the following conferees: Messrs. NATCHER, SMITH of Iowa, YATES, OBEY, STOKES, BEVILL, MURTHA, DIXON, FAZIO, HEFNER, HOYER, CARR of Michigan, DURBIN, MCDADE, MYERS of Indiana, REGULA, LIVINGSTON, LEWIS of California, ROGERS, SKEEN, and PORTER.

There was no objection.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to official business in my district and adverse weather conditions in Washington, I was not present at the end of the House session. Had I been present, I would have voted "yes" on the McDade motion to instruct conferees to agree to the D'Amato amendment numbered 1442, as modified, regarding the extension of RTC civil statute limitations.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during the week of February 7, I was called back to Illinois because of a death in my family. Had I been present, I would have voted:

"Aye" on rollcall 18, the Ramstad amendment.

"No" on rollcall 19, the Bryant amendment.

"No" on rollcall 20, the Gekas amendment as amended by Bryant.

"Aye" on rollcall 21, the Hyde substitute.

"Aye" on rollcall 22, the motion to recommend with instructions to provide mandatory coverage of Members of Congress.

"Yea" on rollcall 23, final passage of the bill.

"Aye" on rollcall 24, the Penny amendment to H.R. 3345.

"Yea" on rollcall 25, final passage of H.R. 3345.

"Aye" on rollcall 26, the motion to instruct conferees on the disaster relief supplements.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR ADJOURNMENT OF THE HOUSE AND RECESS OR ADJOURNMENT OF THE SENATE OVER THE LINCOLN-WASHINGTON DISTRICT WORK PERIOD

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 206), and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 206

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 10, 1994, Friday, February 11, 1994, Saturday, February 12, 1994, Sunday, February 13, 1994, Monday, February 14, 1994, Tuesday, February 15, 1994, Wednesday, February 16, 1994, Thursday, February 17, 1994, or Friday, February 18, 1994, pursuant to a motion made by the Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 22, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 10, 1994, Friday, February 11, 1994, Saturday, February 12, 1994, Sunday, February 13, 1994, Monday, February 14, 1994, Tuesday, February 15, 1994, Wednesday, February 16, 1994, Thursday, February 17, 1994, or Friday, February 18, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, February 12, 1994, or at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

□ 1750

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 23, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 23, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 22, 1994, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2241

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Indiana [Mr. SHARP] be removed as a cosponsor of H.R. 2241.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–208)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 12, 1993, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On December 3, 1993, I announced new measures to tighten economic sanctions against Libya. These measures are taken pursuant to the imposition by the world community of new sanctions against Libya under Security Council ("UNSC") Resolution 883 of November 11, 1993, and are designed to bring to justice the perpetrators of terrorist attacks against Pan Am flight 103 and UTA flight 772. The actions signal that Libya cannot continue to defy justice and flout the will of the international community with impunity.

UNSC Resolution 883 freezes on a worldwide basis certain financial assets owned or controlled by the Government of Libya or certain Libyan entities and bans provision of equipment for refining and transporting oil. It tightens the international air embargo and other measures imposed in 1992 under UNSC Resolution 748. It is the result of close cooperation between the United States, France, and the United Kingdom, whose citizens were the principal victims of Libyan-sponsored terrorist attacks against Pan Am 103 and UTA 772, and of consultations with Russia and other friends and allies.

On December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extends the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan Government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of U.S.-origin products, including equipment for refining and transporting oil.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury, since my last report on July 12, 1993. The amendment (58 Fed. Reg. 47643) requires U.S. financial institutions to provide written notification to FAC of any transfers into blocked accounts within 10 days of each transfer. It also standardizes registration and reporting requirements applicable to all persons holding blocked property and requires the annual designation of an individual contact responsible for maintaining the property in a blocked status. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the regulations, issuing 65 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (17) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Libyan interest. One license involved export transactions from the United States to support a United Nations program in Libya. Six licenses were issued authorizing intellectual property protection in Libya. Two licenses were issued that permit U.S. attorneys to provide legal representation under circumstances permitted by the regulations. FAC has also issued one license authorizing U.S. landlords to liquidate the personality of the People's Committee for Libyan Students, with the net proceeds from the sale paid into blocked accounts. Finally, FAC has issued three licenses to the Embassy of the United Arab Emirates, as Protecting Power for Libya, to manage Libyan property in the United States subject to stringent FAC reporting requirements.

4. During the current 6-month period, FAC has continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 130 transactions involving Libya, totaling more than $20.7 million, were blocked.

Since my last report, FAC has collected 39 civil monetary penalties totaling nearly $277,000 for violations of U.S. sanctions against Libya. All but 8 of the violations involved the failure of banks to block funds transfers to Libyan-owned or controlled banks, with 5 of the remainder involving the U.S. companies that ordered the funds transfers. The balance involved one case each for violations involving a letter of credit, trademark registrations, and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. FAC continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby U.S. Government officials and to engage in public relations work on behalf of the Government of Libya without FAC authorization.

FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

FAC has continued to pursue the investigation and identification of Libyan entities as Specially Designated Nationals of Libya. During the reporting period, those activities have resulted in the addition of one third-country Libyan bank to the Specially Designated Nationals list; and FAC has intervened with respect to a Libyan takeover attempt of another foreign bank. FAC Is also reviewing options for additional measures directed against Libyan assets in order to ensure strict implementation of UNSC Resolution 883 that has imposed international sanctions against Libyan financial assets.

5. The expenses incurred by the Federal Government in the 6-month period from July 7, 1993, through January 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by UNSC Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1994*.

TRANSPOSITION OF SPECIAL ORDER TIME

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the special orders previously granted for today, February 10, 1994, to the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Florida [Mr. GOSS] be transposed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM RANDALL B. MEDLOCK, ACTING DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Acting Director of the Office of the Director, Non-Legislative and Financial Services:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES
Washington, DC, February 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office Supply Service and the Office of Finance have each been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoenas is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

RESPECT FOR MEN AND WOMEN IN UNIFORM

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and to include extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, the one thing every Member in this body should work very hard to do is to see that our men and women in uniform who are out there for our freedoms are treated with respect and dignity, and the command is sending all the right messages.

As we know, in Tailhook they have dismissed all the charges because the brave Navy captain who wrote the decision seemed to find exactly the same thing that our new Navy Secretary found, and that was the CNO, Mr. Kelso, happened to be at the event and sending all the wrong messages to our young people that this was OK. Therefore, we have 88 victims and no one held accountable, because it appears Admiral Kelso was winking at it.

This has been brushed aside twice now. I am putting this decision in the RECORD. I hope every Member looks at this, and we call upon our new Secretary of Defense, Mr. Bill Perry, to please, please act on this. Otherwise I think it will look like we really do not care, and we really do not think how young women are treated in our military is very important, that an admiral is much more important than 88 women.

GENERAL COURT-MARTIAL, UNITED STATES NAVY, TIDEWATER JUDICIAL CIRCUIT, NORFOLK, VA

United States v. Thomas R. Miller, Cdr., USN, and United States v. Gregory E. Tritt, Cdr. USN, and United States v. David Samples, Lt., USN

I. NATURE OF MOTION

On motion through defense counsel, CDR Miller, CDR Tritt, and LT Samples[1] move this court to dismiss the charges brought against them for the following two separate but related reasons.

First, that ADM Frank B. Kelso II, Chief of Naval Operations (CNO) is an "accuser" within the meaning of Article 1(9), Uniform Code of Military Justice (UCMJ).[2] Further, that he was an "accuser" at the time he appointed VADM Paul Reason, Commander Naval Surface Force, U.S. Atlantic Fleet, to act as the convening authority in their respective cases. The defense then argues that pursuant to Rule for Courts-Martial (R.C.M.) 504, ADM Kelso's status as an "accuser" must result in the disqualification of VADM Reason from acting as the convening authority. This would be true if ADM Kelso is an "accuser," as R.C.M. 504 requires the disqualification of any convening authority junior in rank or command.

Second, the defense contends that since ADM Kelso may have been guilty of the same or similar crimes of omission as those alleged against CDRs Miller and Tritt, his appointment of a subordinate officer to act as convening authority effectively shielded him from prosecution and thus amounted to unlawful command influence within the meaning of Article 37, UCMJ.[3]

In support of these two broad contentions, CDR Miller, CDR Tritt and LT Samples more specifically contend the following chain of events:

(1) CDR Miller and CDR Tritt are charged, *inter alia*, with being present and then failing to take action to stop subordinate officers, including several officers assigned to their command, from assaulting certain unidentified females by touching them on the buttocks with their hands during the 1991 Tailhook Symposium (hereinafter "Tailhook 91").

(2) The alleged failure to act as well as the alleged assaults on the unidentified females by the subordinate Navy officers took place on the third floor pool patio of the Las Vegas Hilton (hereinafter "patio") during the evening hours of Saturday, 07 September 1991.

(3) ADM Frank B. Kelso II, CNO, was also present on the patio on 07 September 1991 at or about the time these alleged crimes took place.

(4) ADM Kelso later denied being present on the patio at any time during the evening hours of Saturday, 07 September 1991. He likewise denied being in the third floor hallway or in any of the various squadron hospitality suites at any time.

(5) Subsequent to this interview, the Defense Criminal Investigative Service (DCIS)[4] obtained the statements of a substantial number of eyewitnesses who recalled seeing, and in some cases speaking with, ADM Kelso on the patio during the evening hours of Saturday, 07 September 1991.

Footnotes at end of article.

(6) Based on these eyewitness statements, ADM Kelso was reinterviewed by DCIS on 15 April 1993. At this interview ADM Kelso was advised of his rights under Article 31(b), UCMJ, as a suspect. He was advised that he was under suspicion of violating Articles 107 and 134, UCMJ (Making a False Official Statement and False Swearing, respectively), both suspected crimes stemming from his 23 July 1992 statement wherein he denied being on the patio Saturday evening, 07 September 1991.

(7) That likewise on the prior evening, Friday, 06 September 1991, ADM Kelso was present on the patio, which he acknowledges, and also in the third floor hallway and made personal visits to the various squadron hospitality suites, which ADM Kelso denies.

(8) That during this earlier Friday visit, ADM Kelso witnessed inappropriate conduct occurring on the patio and in the hospitality suites, including female "leg shaving." This personal knowledge of inappropriate behavior by subordinate officers, combined with his failure as the senior Navy officer present to stop the behavior, is sufficient to make ADM Kelso a suspect in the commission of the same type of crimes (failure to act) alleged against CDR Miller and CDR Tritt. At the very least he would be considered a material witness to these events. That, furthermore, ADM Kelso's personal knowledge and involvement with the misconduct at Tailhook 91, and the subsequent publicity surrounding the allegations of assault and failure of Navy leadership, have so closely connected him with these events that he would reasonably be preceived to have a personal interest in the courts-martial of CDRs Miller and Tritt and LT Samples.

(9) On 01 February 1993, ADM Kelso personally appointed VADM Reason to act as the Consolidated Disposition Authority (CDA) to take administrative and disciplinary action for all Navy personnel found to have committed misconduct at Tailhook 91. ADM Kelso further directed that all related matters requiring review would be forwarded to his office for action.

The defense contends these events taken together lead to the disqualification of the convening authority. In short, they reason as follows: ADM Kelso's presence on the patio during the evening hours of 06 and 07 September 1991, at which times he either observed or knew of the inappropriate behavior of his subordinates and failed to act to stop such behavior; ADM Kelso's subsequent status as a criminal suspect and as a potential material witness; and, the current controversy regarding ADM Kelso's denial that he was ever physically present on the patio during the evening hours of 07 September 1991—viewed either separately or collectively—give him an interest "other than official" in the outcome of the prosecution of courtsmartial stemming from Tailhook 91.

If ADM Kelso has an "other than official interest" in this litigation generally or these three accused's cases specifically, he is an "accuser" within the meaning of Article 1(9), UCMJ. As an "accuser," ADM Kelso was disqualified from appointing any subordinate in rank or command to convene a court-martial stemming from Tailhook 91, and as a subordinate in rank and command to ADM Kelso, VADM Reason became a "junior accuser" and was disqualified from acting as the convening authority in these cases pursuant to R.C.M. 504(c)(2).

Finally, that ADM Kelso's action in appointing a subordinate, VADM Reason, to act as the CDA when ADM Kelso knew himself to be a possible suspect for his own actions related to Tailhook, 91, which appointment effectively shielded himself and possibly other officers senior to VADM Reason from courtsmartial, amounted to unlawful command influence within the meaning of Article 37, UCMJ.

Briefly, the government generally denies the above contentions and responds that ADM Kelso never visited the third floor hallway or the hospitality suites during his stay at Tailhook 91 and, although he did visit the patio on Friday, he never went to the third floor at all on Saturday evening, 07 September 1991. Further, since ADM Kelso never personally witnessed any inappropriate conduct, he would not be a material witness. That throughout this courtmartial process, ADM Kelso has had only an official interest in the litigation and has taken no action that would in any way influence these proceedings. Finally, the government responds that the evidence fails to establish that ADM Kelso has been so closely connected to these events that a reasonable person would conclude that he had more than simply an official interest in the cases of CDRs Miller and Tritt and LT Samples.

II. BACKGROUND TO TAILHOOK 91

The defense claims that the nexus linking ADM Kelso's personal involvement in Tailhook 91 to the charges before this court does not arise from any single event. The defense argues that ADM Kelso's personal involvement derives from all of his connections with the events of these courts-martial beginning with his knowledge of reported incidents of inappropriate behavior at Tailhook Symposiums prior to 1991, and continuing up to his appearance as a witness before this court. In order to assess the merit of this claim by the defense, and to bring Tailhook 91 events germane to the defense issues into proper perspective, the court will begin with an analysis of the evidence relating to the Navy's past sponsorship of the Tailhook Association. This includes reports of inappropriate behavior occurring at past Tailhook Symposiums and the Navy's response to those reports.

This court finds that:

1. Tailhook 91 was held at the Las Vegas Hilton Hotel, Las Vegas, Nevada, from 05 through 08 September 1991. It was attended by hundreds of aviators, male and female, including active duty, reserve, and retired officers from both the Navy and Marine Corps aviation communities. Also in attendance were many high ranking uniformed Navy and Marine Corps officers and civilian Department of the Navy (DON) personnel, including ADM Kelso and then Secretary of the Navy (SECNAV), H. Lawrence Garrett III.

2. The Tailhook Symposium was an annual event sponsored by the Tailhook Association. At the time of Tailhook 91, the Association was officially sanctioned by the Department of the Navy. However, following reports of alleged assaults on female attendees and other inappropriate conduct at Tailhook 91, the Navy withdrew its support of the Association.

The stated purpose of the annual symposium was to provide a single forum within the Navy and Marine Corps aviation communities to address a broad range of matters affecting the state and future of naval aviation. Tailhook 91 was to be particularly significant since it provided an opportunity to address the recent combat successes of "Operation Desert Storm," and a future aviation plan then under consideration by the Congress. The future role of female aviators would also be a major topic of discussion, which was one of the primary reasons that ADM Kelso attended. See Appellate Exhibit LXXII, p. 17.

3. Despite the worthy official purpose, the evidence is replete with references to the annual symposium's long-standing and widely-known reputation for wild partying, heavy drinking, and lewd behavior by some attendees, particularly junior aviators. Reports of such activities at past Tailhook Symposiums had sparked concerns at the highest levels of the Navy.

In 1986, VADM Martin, then serving as the Assistant Chief of Naval Operations for Air Warfare (OP-05), formally expressed his concerns in writing regarding inappropriate behavior at the 1985 Symposium. See Appellate Exhibit CLXXXV. This led to a routine practice by Tailhook Association Presidents of sending a letter to aviation squadron commanders prior to each annual symposium urging moderation regarding social activities. CAPT Ludwig, then President of the Tailhook Association, sent such a letter to squadron commanders some weeks prior to Tailhook 91. In his correspondence, CAPT Ludwig, being concerned with past incidents of misbehavior among some symposium attendees, urged squadron commanders to guard against what he termed "late night gang mentality." See Appellate Exhibit CLXXXVI.

Col Wayne Bishop, USMC, former Special Assistant and Marine Corps Aide to SECNAV, and who attended Tailhook 91 with Secretary Garrett, harbored serious reservations concerning both Secretary Garrett's and his own attendance at Tailhook 91. Col Bishop's concerns stemmed from reports he had received of inappropriate behavior occurring at past Tailhook Symposiums. This included what he described as:

"stories concerning pornographic movies, strippers and prostitutes * * * lots of drinking, junior officers and senior officers, flag officers, removing themselves from their office for the purpose of discussing contentious issues in the aviation community one-on-one." (Appellate Exhibit CXL at pp. 14–18.)

VADM Dunleavy, who was serving as the Assistant Chief of Naval Operations for Air Warfare (OP-05) at the time of Tailhook 91, was also keenly aware of the social climate at past Tailhook Symposiums. In his sworn statement to Mr. Suessman, DCIS, of 28 July 1992, VADM Dunleavy acknowledged his attendance at the 1990 Tailhook Symposium. In discussing his knowledge of reported incidents of inappropriate behavior at that Symposium, VADM Dunleavy stated,

"I've seen some wild stuff over the years * * * broken furniture and spilled drinks * * *. I heard of the '90 Gauntlet from my son * * * he says it is a bunch of drunks running around chasing girls * * *. It's a grab ass of JOs [junior officers] * * * everyone just lines up in the passageway and every good looking girl that goes through they grab at some of that." (Appellate Exhibit LXXXII(A), pp. 7–9.)

In commenting on the term "late night gang mentality" used by CAPT Ludwig in his letter to squadron commanders prior to Tailhook 91, VADM Dunleavy stated, "[t]he kids just getting out of hand in the sense of dancing and, you know, mooning people. * * *"

Secretary Garrett was also aware of the potential for inappropriate activities at Tailhook 91. He attended the 1990 Tailhook Symposium, at which time he acknowledged witnessing "female leg shaving" activities. The potential for inappropriate behavior at Tailhook 91 was also anticipated by members of Secretary Garrett's personal staff. He was warned by at least one highly vocal member of his staff not to attend Tailhook 91 because of the well-known reputation for lewd and inappropriate behavior. See Appellate Exhibit CXL at pp. 14–18.

4. This court finds that this quantum of information concerning the symposium's notorious social reputation prior to Tailhook 91, and in particular the warnings given by VADM Martin and CAPT Ludwig, could not have escaped Adm Kelso's attention. It served to place him and other high ranking officers on notice as to the social climate at past Tailhook Symposiums, and the kind of social environment to expect at Tailhook 91.

The failure by those responsible to take strong corrective action regarding inappropriate behavior that obviously occurred at past Tailhook Symposiums is incomprehensible. As events have proven, this embarrassing failure of leadership and "head in the sand" attitude, which conveyed a signal of condonation, contributed to the sexually offensive conduct which later escalated to the actual sexual assaults on female attendees. This excusing attitude was underscored by Secretary Garrett's in-court testimony that he did not find the female leg shaving exhibition to be offensive. He further stated that he viewed the female leg shaving to be permissible as "conduct between consenting adults."

Excessive drinking, "pornographic movies, strippers, and prostitutes," all of which had been a well known part of past Tailhook conferences were repeated again at Tailhook 91 as part of the planned activities in the hospitality suites. Finally, the infamous gauntlet, in which male Navy officers felt it was permissible to grab at any woman who walked past—and which was at the heart of the complaints by female attendees—was likewise a tradition of past Tailhook conferences. It should go without saying that this behavior should have never been permitted to start, having started should have been swiftly ended, and that over the years of permissive leadership had gotten completely out of hand. This common knowledge of inappropriate and offensive behavior at past symposiums and failure by senior Navy leadership to take corrective action is an inseparable part of the motion before this court.

5. Within days following Tailhook 91, LT Paula Coughlin, a female aviator, was the first to formally complain to the Naval Investigative Service (NIS) that she had been the victim of an assault in the gauntlet on the third floor. In the weeks that followed, other female attendees also came forward to complain of being assaulted. The growing reports of sexual assault quickly generated public outrage and a demand by the Congress for an investigation to both identify the assailants and secure individual accountability under the UCMJ. It is the actions of ADM Kelso in carrying out his codal role in the ensuing military justice process, and the extent to which his own accountability and personal involvement at Tailhook 91 may have affected the lawfulness of this process, that have been called into question by the defense.

III. ADM KELSO'S PERSONAL INVOLVEMENT AT TAILHOOK 91

ADM Kelso gave two sworn statements to DCIS investigators on 23 July 1992 and 15 April 1993, respectively. See Appellate Exhibits LXXII and LXXVIII. He also gave sworn testimony before this court. See Transcript at pp. 349–385. In both of his statements to DCIS and during his in-court testimony, ADM Kelso acknowledged that during the Tailhook 91 symposium he visited the patio of the Las Vegas Hilton Hotel (Hilton) during the evening hours of Friday, 06 September 1991. The patio adjoins the hospitality suites and it was there that most of the socializing and partying took place. Nevertheless, ADM Kelso denied: (1) that he witnessed any inappropriate behavior at any time; (2) that he visited any of the squadron hospitality suites during his sojourn on the patio Friday evening or at any other time during his two-day visit; and (3) that he ever visited the patio on Saturday evening, 07 September 1991.

Friday, 06 September 1991

This court finds the convincing weight of the evidence reveals the following chain of events on Friday, 06 September 1991.

6. AMD Kelso arrived at Nellis Air Force Base, located near Las Vegas, Nevada, at approximately 1700, to commence his official visit at Tailhook 91. He was accompanied by members of his personal staff which included CAPT Philip Howard, his Executive Assistant (EA); Maj Mike Edwards, USMC, his Flag Aide; Master Chief Roger Wise, his Flag Writer; and Petty Officer Dubell, his Communicator. ADM Kelso was greeted by LCDR Elizabeth Toedt, one of the Tailhook 91 VIP protocol officers. LCDR Toedt escorted ADM Kelso and his official party to the Hilton via limousines furnished by the Hilton. See Appellate Exhibit CLXX.

7. They arrived at approximately 1730 and ADM Kelso was greeted by CAPT Ludwig, President of the Tailhook Association. Maj Edwards checked the Admiral into the hotel and escorted him to his room, number 2124, located on the 21st floor. ADM Kelso settled into his room, changed into a suit and tie, and made final preparations for his keynote speech at the Friday evening reception and banquet. This reception and banquet was scheduled to begin at 1900.

8. At approximately 1845, Maj Edwards met ADM Kelso at his room and escorted him to the banquet room on the first floor of the Hilton. While enroute, ADM Kelso informed Maj Edwards that he would be going to the patio with VADMs Dunleavy and Fetterman following the banquet. Maj Edwards did not attend the banquet. After escorting ADM Kelso to the banquet room, Maj Edwards went to survey the patio and the various squadron hospitality suites in advance of AFM Kelso's visit.

9. The banquet was attended by some 800 people, including VADM Dunleavy, VADM Fetterman, and a host of other flag officers. CAPT Howard also attended the banquet. Following the banquet, which ended at approximately 2100, Maj Edwards escorted ADM Kelso back to his room to change clothes. ADM Kelso changed into slacks and an open-collar sport shirt. At approximately 2200, VADMs Dunleavy and Fetterman, CAPT Howard, and Maj Edwards met with ADM Kelso at his room, and escorted him down the center bank of elevators to the third floor.

Tour of the hospitality suites

10. ADM Kelso testified that, upon arriving on the third floor, he immediately entered the patio from the center bank of elevators. ADM Kelso further testified that while on the patio he remained in about a 30-yard radius, talking and socializing. After about 40 minutes on the patio, he was escorted back to his room by Maj Edwards. Transcript at 351. However, VADM Dunleavy testified that after the Friday evening banquet, he and VADM Fetterman escorted ADM Kelso to the patio, and together they made a tour of the hospitality suites. ADM Dunleavy specifically testified that: "[A]fter the President's dinner Friday night . . . my partner [VADM Fetterman] and I escorted Kelso down, so that he could see the JOs [junior officers] and chat with them. We spent about probably 45 minutes to an hour down there, and then I escorted the CNO out, and he went to his room, and I think I went—Friday night, I think I went back down and spent some more time with the JO's and then went back to my room, probably about 11, 1130 . . . Yes, in fact, I escorted him [referring to ADM Kelso] around, and we walked around. From the patio, finally made a swing through the suites down the passageway, up to another suite and back on the patio . . . about 9:30, 9:45, immediately after the President's dinner . . . . Yeah, but, you know, again we swing out through the patio and then up, usually 128 because for me it is the walkway in there and then back again." (Transcript at pp. 501, 504, 515.)

Maj Edwards' testimony also contradicts ADM Kelso's best recollection of the route he took when he initially entered the patio. In describing the route the party took onto the patio from ADM Kelso's room, Maj Edwards stated, "the party entered the patio from the doorway near room 308, the Rhino suite." Maj Edwards further stated, "if ADM Kelso gave a different account of the route onto the patio, he must have been mistaken." Transcript at pp. 1088–1090. This court finds Maj Edwards' testimony concerning this issue more accurate since it corroborates, at least in part, the detailed account given by VADM Dunleavy. Moreover, Maj Edwards was more familiar with the patio area, having made a tour of the section earlier in the evening.

Based on the convincing weight of the testimony given by VADM Dunleavy, CAPT Howard and Maj Edwards, and despite ADM Kelso's best recollection, this court finds the following chain of events occurred relating to ADM Kelso's movements during his visit to the third floor on Friday evening:

Upon arrival on the third floor, VADMs Dunleavy and Fetterman, in company with CAPT Howard and Maj Edwards, escorted ADM Kelso onto the patio through the exit from the center bank of elevators. The group then walked past the front center planters and turned left towards the third floor hallway entrance from the patio adjacent to room 308, the Rhino suite. They entered the third floor hallway from that entrance and toured the various suites, during which time they talked and socialized with junior aviators and others present. Following a tour of the suites, the group exited back onto the patio through the same doorway from which they entered, where they spent a period of time talking and socializing with others individually and as a group. Later, ADM Kelso, VADM Dunleavy, CAPT Howard and Maj Edwards re-entered the third floor through the entrance to the center bank of elevators. Maj Edwards escorted ADM Kelso back to his room. VADM Dunleavy and CAPT Howard returned to the patio.

Activities in the suites

This court further finds that ADM Kelso was exposed to, and actually witnessed incidents of inappropriate decorum and behavior while touring the various hospitality suites. More specifically:

11. Based on VADM Dunleavy's testimony, this court finds that both VADM's Dunleavy and Fetterman were keenly aware that activities of questionable propriety were occurring in the suites on Friday evening. In fact, VADM Dunleavy's testimony strongly suggests that VADM Fetterman moved ahead of

him and ADM Kelso to alert unsuspecting aviators and others of ADM Kelso's approach. This was done in order to minimize ADM Kelso's exposure to untoward activities occurring in the suites. Transcript at 507–508 . However, ADM Kelso was unavoidably exposed, at the very least, to the sexually oriented displays in the various suites, including the Rhino suite's large and very visible rhino mural, adorned with a "dildo" drink dispenser. See photographs, Appellate Exhibits CXXXVIII, CXXXIX, and CXCVI.

12. This court further finds that indisputable evidence has been presented showing that female "leg shaving" occurred in at least one of the suites during Tailhook 91. The occurrence of such activities is clearly and explicitly revealed in photographs taken during Tailhook 91. See Appellate Exhibit CXCVII. This court also finds that "leg shaving" activities were occurring during the time that ADM Kelso was on the patio and touring the various suites on Friday evening with VADMs Dunleavy and Fetterman.

For example, in a sworn statement to DCIS investigators on 18 July 1992, LT John Wood, then attached to VF–124, declared that he was on the patio from approximately 2200 to 2300 on Friday evening. During that time he witnessed "females having their legs shaved in the VAW–110 suite." Appellate Exhibit LXXVI, Attachment GG.

In a sworn statement to DCIS investigators on 09 December 1992, CAPT Daniel Whalen corroborated LT Wood's observation. CAPT Whalen, then serving as the TQL Program Coordinator in OP–05, related that he visited the patio on Friday evening from about 2100 to 2300. During his visit, he observed "leg shaving" occurring in the VAW–110 suite, room 303. Appellate Exhibit CII. CAPT Whalen affirmed the accuracy of his 09 December statement during his in-court testimony. Transcript at 553.

13. This court further finds that ADM Kelso actually witnessed "leg shaving" activities on either Friday or Saturday evening, or on both evenings.

For example, in his sworn statement to DCIS investigators on 16 September 1992, Col Raymond Powell, USMC (Ret), stated that he was on the patio on Saturday night, 07 September 1991, from approximately 2200 to 2300. He stated that during that time, he spent approximately 20 minutes talking with Secretary Garrett and a group of admirals including ADM Kelso. At that time, according to Col Powell, they were standing "approximately 20 feet from the leg shaving suite, and that women were lined up waiting to get into the suite." He also stated that someone in the group commented to the effect that, "the girls must like having their legs shaved." Col Powell further stated, "ADM Kelso walked in front of the window to the 'leg shaving' suite." (Appellate Exhibit LXXVI, Attachment X.)

Activities on the patio

Even if one were to assume that ADM Kelso did not actually witness female "leg shaving," the evidence demonstrates that he could not help but know that such activities were occurring. In this respect, this court finds that:

14. The convincing weight of the evidence reveals that while he was on the patio, the sign over the doorway to room 303, the VAW–110 suite, advertising "Free Female Leg Shaves" was clearly visible to ADM Kelso. The sign was reported to be more than 15 feet long. Further, this finding is strongly corroborated by the testimony of both CAPT Howard and Maj Edwards. Maj Edwards, who initially viewed the "leg shaving" sign during his earlier tour of the patio area, testified that he was standing near ADM Kelso on the patio on Friday evening. Maj Edwards recalls the "leg shaving" sign was plainly visible from his vantage point. He specifically stated that, "[f]rom about 20 feet away from the Admiral, I could observe it * * *. It was pretty hard to miss * * *. It was a fairly large sign. Transcript at 1103–1104.

CAPT Howard also testified that he viewed the "leg shaving" sign during his visit to the patio with ADM Kelso on Friday evening. In testimony mirroring that given by Maj Edwards, CAPT Howard stated that, "the sign was visible at a distance of about 20 to 25 feet from where [he] and ADM Kelso were standing." Transcript at pages 443–445.

15. ADM Kelso's exposure to "leg shaving" activities is also corroborated by LT Rolando Diaz. In a Stipulation of Expected Testimony, LT Diaz states that during Tailhook 91 he set up a leg shaving suite (VAW–110 suite, room 303) and placed a large banner across the entrance to the suite advertising free leg shaves. He further states that at sometime during either Friday or Saturday evening, he took a break from leg shaving activities and walked out onto the patio directly outside of the leg shaving suite. As he walked out, he observed ADM Kelso, dressed in a yellow "Izod" sport shirt, standing with a group of 3 to 4 individuals approximately 30 to 50 feet from him in the middle of the patio between his suite and the VAQ suite (room 302). LT Diaz states that ADM Kelso had a clear view of his suite and the leg shaving sign. See Apellate Exhibit CLX.

16. This court further finds the evidence clearly reveals that, in addition to "leg shaving" activities, incidents of rowdy and indecent behavior involving public nudity occurred in the third floor hallway, in the suites, and on the patio during both Friday and Saturday evenings. The occurrence of this kind of activity is clearly depicted in photographs taken during Tailhook 91. Appellate Exhibit CXCVIII.

In this respect, this court finds that ADM Kelso actually witnessed at least one such incident during his visit to the patio on Friday evening. None of the evidence presented is more convincing of this fact than the undisputed testimony of CAPT Robert Beck, a Naval Reserve aviator and commercial airline pilot who was in attendance at Tailhook 91. In describing a conversation he had with ADM Kelso while on the patio on Friday evening, CAPT Beck stated that he was well acquainted with VADM Dunleavy, having worked for him for two years while serving as Commanding Officer of a Reserve-Out unit supporting OP–05. He also stated that he had previously met and talked with ADM Kelso on several occasions in the Navy Command Center in Washington, D.C. He further described that ADM Kelso, in company with VADMs Dunleavy and Fetterman, approached him while he was standing on the patio. He first spotted the trio at a distance of 75 to 100 feet. As they approached, he was greeted by VADM Dunleavy. Shortly thereafter, ADM Kelso "kind of presented himself," and they began a conversation. As his conversation ensued, VADMs Dunleavy and Fetterman moved away towards the suites. Moments later, his conversation with ADM Kelso was interrupted by chants from several men and women who were surrounding a woman in the vicinity where they were standing. The few individuals surrounding the woman quickly grew into a large crowd, which he estimated numbered at least 100. According to CAPT Beck's graphic description of the event, the crowd was, "trying to allure the young lady into exposing her breasts because they were shouting "tits, tits, tits" * * * after about five or six of the chants, the admiral said to me, "Am I hearing what I think I am hearing?" and I said, "Well, Admiral, if you think that you are hearing 'tits' shouted, yes, you are absolutely right." About 15 to 20 seconds later * * * the crowd aroused in claps and hurraying, and one person in the center, and we could not see the center of it because we were at the same level, but I did and we could see the girl's top of her bathing suit being held up in the air by someone * * * the admiral turned to me and said, "Well, I guess that's the end of that," and I said, "Well, maybe not, maybe not, admiral." And subsequent to that, there was then a chorus, the words (sic) "bush" being used several times, and I was looking at the mass of humanity in front of me. At that time, the admiral started walking away * * * the security of the Hilton came and dispersed the crowd." (Transcript at 1000–1001.)

In addition to the photographs mentioned above, CAPT Beck's testimony is also corroborated by the observations of LCDR Joseph Fordham. In a statement to DCIS investigators on 27 October 1992, LCDR Fordham stated that he was standing on the patio near the VA–126 suite on Thursday or Friday night at which time he heard a group of men chanting, "show us your tits." When he turned to observe the scene, he witnessed two women expose their breasts. He further stated that "the women were not being coerced" and were "laughing" during the incident. Appellate Exhibit LXXVI, Attachment I.

Saturday, 07 September 1991

The court next turns to the issue of whether ADM Kelso was ever present on the patio on Saturday evening, 07 September 1991.

17. This court finds that ADM Kelso's movements and activities during the morning, afternoon, and early evening hours of Saturday, 07 September 1991, are not in dispute. He departed the Hilton at approximately 0700 in the company of CAPT Howard for an official visit to a classified area located near Nellis Air Force Base. He returned to the Hilton around 1400. At approximately 1500, he attended a "Flag Panel," which ended at approximately 1700. At approximately 1800, ADM Kelso attended an official awards banquet on the first floor of Hilton, which featured Secretary Garrett as the guest speaker.

18. What is in dispute, however, is whether ADM Kelso ever visited the patio following his departure from the banquet and prior to his departure from the Hilton to Nellis Air Force Base for his return trip to Washington, D.C. The defense opines that this was the approximate time period numerous indecent assaults occurred in the third floor hallway and on the patio. The assaults were perpetrated upon female officers and civilian attendees in the hallway of the third floor and on the patio. It was also during this time that CDRs Miller and Tritt were on the patio, and allegedly failed to prevent several of their subordinate officers from touching females on their buttocks.

As noted earlier, ADM Kelso testified that he never visited the patio on Saturday evening. He also testified that he never witnessed any assaultive or inappropriate behavior during that evening. The court now turns to the voluminous body of evidence presented on these most contentious issues.

Attendance at the "Flag Panel" and Saturday evening banquet

This court finds from the evidence that:

19. Secretary Garrett arrived at Tailhook 91 around 1400 on Saturday, 07 September 1991. Shortly following his arrival, he joined ADM Kelso and CAPT Howard in attendance at the "Flag Panel."

20. At approximately 1700, ADM Kelso departed the "Flag Panel" in the company of CAPT Howard, Secretary Garrett, and Col Wayne Bishop, USMC, Secretary Garrett's Executive Assistant (EA). Secretary Garrett invited ADM Kelso and CAPT Howard to accompany him and Col Bishop to view the symposium's exhibit area. ADM Kelso declined the invitation explaining that he had already viewed the exhibits. ADM Kelso and CAPT Howard then entered one of the first floor center elevators and proceeded to their individual rooms to rest and to prepare for attendance at the Saturday evening reception and banquet.

21. Maj Edwards did not attend the "Flag Panel" with ADM Kelso. He participated in a 5K running event during the time of ADM Kelso's Saturday morning/early afternoon official activities. Upon his return to the Hilton, Maj Edwards discovered that ADM Kelso had already departed the "Flag Panel" and returned to his room. He then went to see ADM Kelso in his room to ensure that he was properly informed as to the time of the banquet and the required dress. Transcript at 241, 1081.

22. At approximately 1830, Maj Edwards returned to ADM Kelso's room to escort him to the banquet, scheduled to begin at 1900. ADM Kelso was wearing a suit and tie and he wore these to the banquet. ADM Kelso and Maj Edwards were joined by CAPT Howard on the way to the banquet room located on the first floor of the Hilton. Maj Edwards did not attend the banquet. Upon arrival at the banquet area, Maj Edwards parted company with ADM Kelso and CAPT Howard.

23. During the banquet, ADM Kelso sat at the head table with a number of high ranking dignitaries, including Secretary Garrett who was the keynote speaker. Following the banquet, and prior to leaving the banquet room, Secretary Garrett, VADM Dunleavy, ADM Kelso, and other senior officers engaged in conversation about making a visit to third floor. During his in-court testimony, ADM Kelso acknowledged that he engaged in "some general discussion" with Secretary Garrett and VADM Dunleavy following the banquet. Transcript at pp. 352, 388, 427–428, 503.

The question of ADM Kelso's visit to the patio

The defense initially submitted thirty-four Reports of Interview (ROI)[7] in support of their averment that ADM Kelso visited the patio on Saturday evening. The ROI's were prepared by DCIS investigators from notes taken during oral interviews of Tailhook 91 attendees. The vast majority of interviews were conducted during a period from approximately July 1992 to January 1993, some 8 to 14 months following Tailhook 91. Of the thirty-four attendees who were subjects of the ROI's, ten appeared as in-court witnesses, and five were the subjects of stipulations of expected testimony. The testimony of one of the nine who testified in court, Ms. Karye LaRocque, was withdrawn by the defense and disregarded by the court. The defense also withdrew the ROI relating to the statement of LCDR Paul LaRocque. All remaining ROI's, with related corrections or clarifications noted by counsel on the record, were considered by the court together with all other evidence of record. However, the court gave the greatest weight to the ROI's which were augmented by in-court testimony or by stipulations of expected testimony. See Appellate Exhibit CXCIV.

In addition to the ROI's and related derivative testimony, the defense and the government presented the testimony of other witnesses and numerous documents in support of their respective positions.

Key evidence

The court further finds that:

24. In evaluating the key evidence in support of the defense position that ADM Kelso did, in fact, visit the patio on Saturday evening, the following corroborating facts supporting this contention were established by the evidence. More specifically, this court finds that:

(a) The patio area was well-lighted, making identification more certain.

(b) ADM Kelso's distinctive physical features make him easily recognizable, a fact which was noted by a number of witnesses.

(c) The vast majority of the witnesses observed ADM Kelso on the patio between 2130 and 2300, and close in time with the surge of banquet attendees coming onto the patio.

(d) ADM Kelso was observed by a large number of witnesses in the same general area of the patio, that is, along the front of the patio between the entrance to the center bank of elevators and the planters. Compare testimony of witnesses to related diagrams of the patio, Appellate Exhibits XCVII, CV, CXVIII.

(e) A number of witnesses observed ADM Kelso in the company of Secretary Garrett on the patio. Since Secretary Garrett did not arrive at Tailhook 91 until Saturday afternoon, this minimizes the likelihood these witnesses were confusing Friday and Saturday evenings.

(f) A number of witnesses observed ADM Kelso conversing with the young aviators on the patio on either Friday or Saturday evening, or on both evenings. VADM Dunleavy strongly encouraged the many flag officers in attendance to engage in one-on-one social interaction with junior aviators. This was a part of the Tailhook 91 agenda. Transcript at p. 1021. The purpose of this interaction was to elicit the views and true feelings of the junior aviators regarding the state of naval aviation. ADM Kelso stated to Mr. Suessman during his 23 July 1992 interview that he was most interested in obtaining the views of all attendees regarding the Navy's aviation plan for the future. As noted earlier, he was especially interested in obtaining the views of junior male aviators regarding the issue of expanding the role of female aviators. The evidence reveals that many of the junior aviators spent the majority of their time socializing and conversing on the patio and in the various squadron hospitality suites. Thus, it was in these areas that the flag officers, including ADM Kelso, found the greatest opportunity to meet and talk with junior aviators one-on-one.

25. This court further finds that many of the eyewitnesses gave persuasive detailed accounts of their observations of ADM Kelso's presence on the patio on Saturday evening, notwithstanding disparities regarding exact times, modes of dress, and specific locations. Moreover, a number of the witnesses insisted that their recollections were uncommonly clear not only because of that rare and memorable opportunity of seeing the CNO and SECNAV in person, but also because of other memorable events surrounding their personal activities during Tailhook 91, and Saturday evening in particular. These key witnesses include: CAPT James Terrill, USN; CDR Kathleen Ramsey, JAGC, USN; LCDR Richard Scudder, USN; Col Raymond Powell, USMC (Ret); CDR John Hoefel, USN; CDR David Cronk, USN; LCDR James Quinn, USN; CDR Richard Martin, USN; CAPT Robert Nordgen, USN (Ret); CDR George Ghio, USN; Capt Ronald Rives, USMCR; and LT John Moriarty, USN.

26. CAPT James Terrill, currently assigned to the staff of Commander Naval Air Force, Atlantic (COMNAVAIRLANT), testified with confidence concerning his observation of ADM Kelso on the patio on Saturday evening. CAPT Terrill was previously interviewed by DCIS investigators, however, he stated that he was never asked during the interview to comment on whether ADM Kelso was ever present on the patio. He added that his knowledge of ADM Kelso being on the patio on Saturday evening was discussed with the COMNAVAIRLANT Staff Judge Advocate, CDR Tom Taylor, after he had read an article in a local Tidewater area newspaper that ADM Kelso's presence on the patio was in question. In discussing the article's speculation regarding the location of ADM Kelso on Saturday evening, CAPT Terrill stated that he commented, "Well, I know where he was." His discussion with CDR Taylor was later brought to the attention of one of the defense counsel, and this resulted in his being called as a witness.

In describing his activities on Saturday evening, CAPT Terrill testified he did not attend the banquet. Following dinner at the Hilton, he went up to the third floor patio to visit with friends. He stated he was not wearing a watch, but estimated he arrived on the patio around 2000, and departed at approximately 2200. CAPT Terrill testified further that just after finishing a conversation, he looked up to see who else was on the patio. At that moment he observed ADM Kelso about one arm's length to his left and Secretary Garrett about one arm's length to his right, and that both were engaged in conversation with separate groups. He estimated that his observation of ADM Kelso and Secretary Garrett occurred sometime between 2130 and 2200. He stated that he was sure, however, that his observation occurred shortly after he observed "all of the suits coming in from the banquet." This was one of the reasons he recalled that the sightings occurred on Saturday night rather than Friday. CAPT Terrill further stated that he was able to recognize ADM Kelso from "numerous exposures, videos and pictures." He also stated that he was embarked on several aircraft carriers in the Mediterranean during the time ADM Kelso was the Sixth Fleet Commander, and he had seen him in person several times. He further stated he recognized Secretary Garrett from photographs, both official and unofficial. See Transcript at pp. 688–701.

27. CDR Kathleen Ramsey, JAGC, USN, currently a sitting military trial judge, was interviewed by an NIS special agent on 14 November 1991, only five weeks following Tailhook 91. At that time, the question of whether ADM Kelso was present on the patio at any time during Tailhook 91 was not at issue. In fact, as will be addressed later in a separate finding, the evidence reveals that the NIS investigation never focused on the conduct or accountability of any flag officer in attendance at Tailhook 91, nor were any flag officers or high ranking civilian officials ever interviewed during the NIS investigation. (See Finding of Fact 63.) During the NIS interview, CDR Ramsey stated that she was on the patio on Saturday evening between 2200 and 2330, during which time she

observed Secretary Garrett, ADM Kelso and VADM Dunleavy in the pool area. See Appellate Exhibit LXXVII.

In a stipulation of expected testimony, CDR Ramsey related that although she could not now swear to seeing either Secretary Garrett or ADM Kelso on the patio that evening due to the lapse of time, she believes her statement to NIS was accurate at the time she gave it. In describing her activities, she stated she attended Tailhook 91 with her husband, CAPT Robert Ramsey, an aviator who retired from the Navy in July 1993. In a detailed description of events, she stated she and her husband attended the Saturday afternoon "Flag Panel." Later at approximately 1800, they attended the Saturday evening banquet featuring Secretary Garrett as the guest speaker. Following the banquet, which concluded sometime between 2100 and 2130, she and her husband went directly to the third floor pool patio area. She stated that they entered the patio through the revolving doors leading from the elevators to avoid the hallway or the hospitality suites. She did not want to transit either of these areas because of an incident that occurred during the 1988 Symposium, at which time someone threw drinks on her in the hallway. In confirming the accuracy of her prior statement to NIS concerning her observation of Secretary Garrett, ADM Kelso and VADM Dunleavy, CDR Ramsey explained that they did not appear to be together. She believed she was near the NSWC suite (room 305) at the time she observed ADM Kelso, and she recognized him because of his distinctive eyebrows. She also stated she spoke to VADM Dunleavy, exchanging pleasantries. See Appellate Exhibit CXXXVI.

28. LCDR Richard Scudder, assigned to HS-3, NAS Jacksonville, Florida, furnished an oral statement to DCIS investigators on 28 September 1992. See Appellate Exhibit CX. With the exception of several minor corrections, he confirmed the accuracy of his 28 September statement during his in-court testimony.

LCDR Scudder testified that he attended the Saturday evening banquet, which ended between 2100 and 2115. Following the banquet, he returned to his room to change into casual clothing. He immediately departed his room and set out to find his commanding officer, who was lodged at the hotel "Circus Circus," to inform him of a time change for their Sunday morning return flight to NAS Cecil Field, Florida. On the way to the hotel, he decided to make a swing through the third floor patio to determine if his commanding officer might be in that area since he had been unable to reach him earlier by telephone. He moved around the patio area and through several of the suites but did not see his commanding officer. As he was departing the patio area at approximately 2200, he observed Secretary Garrett, ADM Kelso, and VADM Dunleavy. LCDR Scudder testified that they were all in a group surrounded by what he described as "well-wishers and smoozers." He further stated that all three appeared to be dressed in casual clothing, except that Secretary Garrett looked at if he had only taken off his necktie. Transcript at pp. 642–662.

29. Col. Raymond Powell, USMC (Ret), gave a statement to DCIS investigators on 16 December 1992, which was referenced earlier in Finding of Fact number 13. He was requested by the defense as an in-court witness, but was unable to appear due to physical incapacitation. However, when questioned by both defense and government counsel, he confirmed the accuracy of the ROI summarizing his prior oral statement.

In describing his activities, Col Powell reported he was on the patio for approximately forty-five minutes on Saturday night, the only night he visited the patio. He further stated that during that time, he spent about 20 minutes talking to Secretary Garrett and a group of admirals, including ADM Kelso. Col Powell also stated that they were standing about 20 feet from the leg shaving suite where women were lined up to get their legs shaved. He stated that someone in the group commented, "the girls must like to have their legs shaved." Also, according to Col Powell, he observed ADM Kelso walk in front of the window to the leg shaving suite. *See* Appellate Exhibit LXXVI, Attachment X.

30. CDR John Hoefel, then assigned as VAQ-131 Executive Officer, provided a statement to DCIS investigators on 30 October 1992. He reported observing ADM Kelso on the patio on Saturday evening. *See* Appellate Exhibit CXI. With the exception of several minor corrections, CDR Hoefel confirmed his 30 October statement during his in-court testimony.

In describing his activities and observations, CDR Hoefel testified that he was sure he observed ADM Keslo on the patio on Saturday evening because he had retired to bed very early on Friday night. He explained further that around 1900 on Saturday evening he had dinner with two of his friends, CDRs Lane and Waltman. The trio returned to the Hilton at approximately 2100 and went directly to the third floor patio. CDR Hoefel further stated that he staked out an area in the vicinity of the VAQ-129 suite, room 302, near a large planter with a ledge that was comfortable for sitting. He stated he had a good view of the patio area from his location, and of the individuals passing nearby. He stated that while he was in that area someone in his group exclaimed: "There's Secretary Garrett!" He stated he was not familiar with Secretary Garrett, but when he looked to his right, he observed ADM Keslo and VADM Dunleavy in company with the individual identified as Secretary Garrett. He stated that when he saw ADM Keslo and VADM Dunleavy the thought came to him, "here are some people who have a large impact on your career." He further stated that the trio appeared to be looking over the patio, and it was his impression they had just entered the patio from the elevators since he was aware the banquet had broken up some thirty minutes earlier. He stated that he observed the trio for about five minutes before they left the area. CDR Hoefel explained to the best of his recollection ADM Keslo and VADM Dunleavy were wearing blue blazers and gray slacks. When asked how he was able to identify ADM Keslo, CDR Hoefel said, "ADM Keslo's not the tallest man in the world and he has a face that looks like it's got a lot written on it * * * a heavily lined face." Transcript at pp. 663–683.

31. CDR David Cronk, VAQ-309 Executive Officer, gave a statement to DCIS investigators on 09 November 1992. *See* Appellate Exhibit CIII. At that time, CDR Cronk stated he observed Secretary Garrett, ADM Kelso, and VADM Dunleavy on the patio on Saturday evening. Except for several minor corrections, he confirmed the accuracy of his 09 November statement during his in-court testimony.

CDR Cronk testified that he arrived on the patio on Saturday evening between 2030 and 2100. He stated that around 2200 that evening he observed ADM Kelso, VADM Dunleavy, and someone who he believed to be Secretary Garrett. Although he was not sure of the exact time, he remembered it was shortly after the banquet ended. He mentioned that when he spotted them he remembered saying: "Hey, there's SECNAV and CNO and Dunleavy." In describing the incident, he also stated that one of his friends, CDR "Kilo" Parks, went over and talked to someone in the group. When Parks returned from the group, he was given "some verbal abuse about sucking up to the senior guys." CDR Cronk testified he was certain it was Saturday evening. He stated that he stayed up very late on Thursday night and actually watched the sun rise on Friday morning. He explained that he did not recall going to the third floor anytime on Friday night, and he was in bed by around 2000 that evening. He also stated that a glass window was broken that evening. (The window was broken on Saturday, *see* Appellate Exhibit CXLIV.) He remembered glass falling and thinking to himself, "God, I'm glad nobody was standing under that." Transcript at pp. 583–600.

The court notes that CDR Kenneth "Kilo" Parks provided an oral statement to DCIS investigators on 03 November 1992. At that time CDR Parks stated he was on the patio on Saturday night; however, he did not state that he talked to Secretary Garrett, ADM Kelso, or VADM Dunleavy. He stated he observed VADM Dunleavy on the patio on both Friday and Saturday nights. He further stated he had only heard that Secretary Garrett and ADM Kelso were on the third floor on Saturday night. However, this court finds CDR Cronk's account more credible since he appeared as an in-court witness. Further, CDR Parks' reference to the third floor could mean the hallway, the suites, or the pool patio. *See* Appellate Exhibit CLXXXII.

32. LCDR James Quinn, then assigned as the Operations Officer, COMFITAEW WINGPAC, gave an oral statement to DCIS investigators on 14 July 1992. LCDR Quinn stated that he attended the awards banquet on Saturday evening, 07 September 1991. In describing the occasion, he stated that he sat beside CAPT Jim Burin, a member of his group, who received the Carrier Airlift Award, and J.A. Campbell, who received the Tailhook of the Year Award for his work during "Operation Desert Storm." He further stated that following the banquet, he was on his way to the third floor and he observed Secretary Garrett, ADM Kelso and VADM Dunleavy enter an elevator. He entered the next elevator and arrived on the third floor immediately following the elevator carrying Secretary Garrett, ADM Kelso and VADM Dunleavy. He followed the group to the patio. *See* Appellate Exhibit CXXVII.

In response to a message inquiry seeking to confirm his 14 July 1992 statement, LCDR Quinn does not mention the elevator incident. However, his observation of ADM Kelso, Secretary Garrett and VADM Dunleavy entering the elevator is specifically recorded in notes taken by the investigator during the interview. See Appellate Exhibit CLVIII.

33. CDR Richard Martin, then assigned to VAQ-132, gave an oral statement to DCIS investigators on 23 October 1992. At that time, CDR Martin stated that after visiting exhibits and attending presentations, he went to the third floor hospitality area. He arrived on the third floor at approximately 2100 and departed at approximately 0200 the next morning. He stated he visited some of the suites, but spent most of his time on the patio. He further stated sometime that evening he observed Secretary Garrett, VADM Dunleavy, and ADM Kelso walking on the patio towards the entrance to the elevator lobby. See Appellate Exhibit LXXVI, Attachment R.

In response to a naval message inquiry seeking to confirm the accuracy of his statement, CDR Martin stated he was on the patio on both Friday and Saturday evenings. He further stated that he observed ADM Kelso and VADM Dunleavy walking towards the third floor main guest elevators with a person he believed to be Secretary Garrett. He further stated to the best of his recollection the sighting occurred on Saturday night between 2100 and 2200. See Appellate Exhibit CXLV.

34. CAPT Robert Nordgen, USN (Ret), testified he attended the Saturday evening banquet. He stated during the banquet he talked with CAPT Howard, an old friend with whom he had served on board USS Constellation. During the conversation, he asked CAPT Howard how his job was going and what time he would be heading back to Washington. CAPT Howard replied, "we're going to be wheels in the well at midnight * * * the CNO has a family meeting on Sunday afternoon and we need to get back for that." CAPT Nordgen further stated ADM Kelso sat at the head table at the banquet with Secretary Garrett. He stated the banquet ended around 2130.

CAPT Nordgen testified that following the banquet he returned to his room to change clothes. He stated that as he was preparing to enter an elevator on the first floor, he observed Secretary Garrett enter a separate elevator. He revealed that after changing clothes, he returned to the patio, exiting the elevator onto the patio near the VR-57 suite, room 357. He remained in that general area talking with old shipmates. Sometime later, he observed Secretary Garrett, VADM Dunleavy, and other senior officers standing in a group. He also observed someone he believed to be ADM Kelso walking alone towards the center bank of elevators. He recalled at that moment he remarked to RADM Walker, "Hey, that's amazing * * * I know that the Admiral's got to catch a midnight flight. * * * He's pushing it pretty close." He further stated he believed it was about 2315 when he sighted ADM Kelso. When asked how he would be able to recognize ADM Kelso, CAPT Nordgen stated he met ADM Kelso when he visited Naval Air Command Pacific Headquarters in San Diego, and he had been briefed by ADM Kelso in Washington. Transcript at pp. 702–717.

35. Capt Ronald Rives, USMCR (Inactive) gave a statement to DCIS investigators on 21 October 1992. See Appellate Exhibit LXXVI, Attachment BB. At that time he related he observed three admirals on the patio on Saturday evening, ADM Kelso, VADM Dunleavy, and VADM Fetterman. Except for minor corrections, he confirmed the accuracy of his statement during his in-court testimony.

Capt Rives testified that on Saturday afternoon he gambled for a short time in the hotel "Circus Circus" casino. He returned to the Hilton and went to the patio around 1900, and he stayed in that area until about 0100, Sunday morning. While on the patio, he stated he observed the three admirals within a half-hour on either side of a time frame between about 1930 and 2200. He stated the admirals were standing about 20 feet apart, and he observed them as he was moving across the patio from the VMFAT suite (room 355) to the Rhino suite (room 308). He further stated he was able to recognize ADM Kelso from the many official photographs of him he had seen, and he had been embarked on ADM Kelso's Sixth Fleet flagship as a Naval Academy midshipman. When asked how he was sure that it was Saturday night, Capt Rives explained he attended the Saturday afternoon "Flag Panel," and during the discussions there was heated dialog regarding a number of topics including women and F–18's. He stated that he was surprised at how open the discussion was between junior officers and flag officers. He further stated when he observed ADM Kelso on the patio that evening he wondered why he had not been a member of the flag panel. See Transcript at pp. 601–617.

36. CDR George Ghio, then assigned to CF–14, gave a statement to DCIS investigators on 22 July 1992. CDR Ghio stated that he was on the patio on Saturday evening, and he spotted ADM Kelso and VADM Dunleavy on the pool deck; however, he could not recall the approximate time. See Appellate Exhibit CXXVI. CDR Ghio confirmed his earlier statement to DCIS investigators by message from USS Kitty Hawk. See Appellate Exhibit CLVII.

37. LT John Moriarty, then assigned to VFA-15, NAS Cecil Field, Florida, supplied a statement to DCIS investigators on 25 September 1992. LT Moriarty revealed that on Saturday, 07 September 1991, he went to the third floor of the Hilton at around 1100, and again between 2100 and 2130. When he arrived that evening, he found the third floor area "packed with wall-to-wall people." He also stated the hallway "stunk." LT Moriarty further stated that he exited the revolving doors leading to the patio. Upon arriving on the patio, he observed "a bunch of admirals" talking to "guys." Included in this group were Secretary Garrett, ADM Kelso, and VADM Dunleavy. He stated that he talked with VADM Dunleavy for a few minutes. See Appellate Exhibit LXXVI, Attachment U. When asked by defense counsel to confirm his account set forth in the ROI, LT Moriarty stated he could not recall his statement.

38. The court further finds that a number of the witnesses who testified were ambivalent regarding their prior statements to DCIS investigators. Some of these witnesses admitted to being personally intimidated in knowing that ADM Kelso denied ever being on the patio during his in-court testimony. However, the majority of these witnesses confirmed the accuracy of their prior statements. These witnesses include: RADM Paul Parcells, Deputy Commander, Naval Forces, Central Command; CAPT Daniel Whalen, USN (Ret); Mrs. Margaret Handy, GS-9; and LT Ellen Moore, VA-42.

39. RADM Parcells furnished a sworn statement to DCIS investigators on 15 October 1992. See Appellate Exhibit CXXX. At that time, he related that he observed Secretary Garrett on the patio on Saturday evening in the company of ADM Kelso. However, during his in-court testimony, RADM Parcells stated although he believed his statement was true at the time he gave it, he reanalyzed his statement after learning ADM Kelso had testified he was not present on the patio on Saturday. In addressing the impact of ADM Kelso's denial, he stated, "What I've got to say is that I still feel that I saw him there, but my degree of confidence in that feeling is very, very low . . . ."

In describing his visit to the patio on Saturday evening, RADM Parcells stated that he attended the Saturday evening banquet. Following the banquet he returned to his room at the Hilton to change clothes. Sometime later he visited the patio. He explained that he exited the elevator entrance onto the patio. After walking a short distance, he observed Secretary Garrett and ADM Kelso in front of him dressed in sport clothing. Transcript at pp. 973–996.

40. CAPT Whalen gave a statement to DCIS investigators on 09 December 1992. At that time, CAPT Whalen stated he observed ADM Kelso, VADM Dunleavy, and CAPT Howard on the patio on Saturday evening for a short time. See Appellate Exhibit CII.

During his in-court testimony, CAPT Whalen revealed that he visited the patio on Friday night and observed ADM Kelso conversing with a crowd of individuals. He estimated he was only on the patio that evening for 15 to 20 minutes. He testified further that he visited the patio again on Saturday evening and he observed CAPT Howard in a "transient mode." He recalled the event because he wanted to speak with ADM Kelso regarding being free for certain duties since having been relieved of his TQL responsibilities. He explained that when he approached CAPT Howard and indicated a desire to speak with ADM Kelso, CAPT Howard replied, "You aren't going to get to the big guy tonight . . . we're out of here." When questioned as to why stated that he observed ADM Kelso on the patio that evening, CAPT Whalen stated "it was his gait." He also stated he was in company with Ms. Margaret Handy and other civilian OPNAV personnel on the patio for most of the evening.

Following further intense questioning, CAPT Whalen stated that he was no longer sure he observed ADM Kelso with CAPT Howard. He specifically stated "if Frank Kelso says that he wasn't out there on Saturday, I take him at his word, absolutely." Transcript at pp. 544–579.

41. Ms. Margaret Handy, GS-9 Secretary, OPNAV (N88), in an oral statement to DCIS investigators on 07 December 1992 explained that after the banquet on Saturday evening, she went to the third floor patio. While on the patio, she observed Secretary Garrett, ADM Kelso, VADM Dunleavy and VADM Fetterman. She stated the group walked by her and stopped to say hello. They were all wearing civilian clothing. She was unable to recall the time of the encounter. See Appellate Exhibit CXIV.

During her in-court testimony, Ms. Handy denied she ever stated on 07 December that she observed ADM Kelso on the patio. She stated that she could not remember whether she observed other members of the group on Friday or Saturday evening. In short, Ms. Handy stated that due to the passage of time, she was now unable to recall the events of Saturday evening, or what she mentioned to the interviewing investigators. She did acknowledge she was aware ADM Kelso had denied being on the patio on Saturday night. She also acknowledged she was in the process of moving to a new position in OPNAV and she would be working closely with personnel in the CNO's office. Transcript at pp. 721–746, 797–791.

42. LT Ellen Moore, then assigned to VA–42, gave an oral statement to DCIS investigators on 15 September 1992. LT Moore stated that she visited the patio on Saturday afternoon, 07 September 1991. She stated that during this time, she was shocked at observing a "topless" female being carried on the shoulders of an unidentified male. She mentioned how Tailhook literally "takes over" the pool and the hotel, and "the prevailing attitude displayed to the general public is that you should not be here knowing how drunk sailors can act." She further stated that she visited the patio on Saturday evening, but avoided the hallway because she did not want to subject herself to any abuse. LT Moore said she observed ADM Kelso and VADM Dunleavy on the patio early Saturday evening. She departed the patio around 0400

Sunday morning. See Appellate Exhibit CVIII.

LT Moore testified in court that many aspects of the ROI reporting her oral statement were inaccurate. See Transcript at pp. 617–641. For example, she noted that she did not state she observed a "topless" female. In addition, she testified she did not state she observed either ADM Kelso or VADM Dunleavy on the patio on Saturday evening. However, she testified that she was aware she was being called to testify since the ROI summarizing her oral statement indicated she had observed ADM Kelso on the patio on Saturday evening. She further acknowledged that during a prior discussion with LCDR Little, CDR Tritt's detailed defense counsel, she expressed concerns about being the only one who would place ADM Kelso on the patio on Saturday evening. Transcript at 631. This court finds the tenor of LT Moore's testimony revealed she was intimidated by the prospect of having to testify regarding the accuracy of the ROI reflecting her 15 September 1992 oral statement. However, the statement given by her at that time is specifically confirmed by the interviewer's notes taken during the interview. See Appellate Exhibit CIX.

43. This court further finds some of the witnesses stated they observed ADM Kelso on the patio, but were unsure whether the sighting occurred on Friday or Saturday night. These witnesses include: RADM James Finney, USN; LCDR Lawrence Rice, USN; and 1stLt Adam Tharp, USMC.

44. RADM Finney was questioned by DCIS investigators on 02 October 1992 in a taped interview which was later transcribed. During the interview, RADM Finney was asked if he observed ADM Kelso on the patio on Friday night. He responded that he did not see ADM Kelso on Friday night, but he did see him on the patio on Saturday night. Later in the interview, the investigator returned to the subject of who RADM Finney had seen on the patio on Saturday evening. During this part of the interview, RADM Finney stated he arrived on the patio that evening around 2200. He then stated to the investigator, "[Y]ou asked me before did I see the CNO Friday night * * * I saw him Saturday night out there * * * around 2300 * * * plus or minus a few [minutes]." When questioned as to how ADM Kelso was dressed, RADM Finney stated, "I don't remember * * * I'm not 100 percent sure, but I think he may have still been in his suit." When pressed further on his recollection of his observation of ADM Kelso on Saturday night, the investigator stated, "You sure that's not Friday night?" In response to RADM Finney's response in the affirmative, the investigator stated, "We think he left before Saturday night." (The investigator was wrong.) In making this comment, the investigator explained to RADM Finney that he was not attempting to change his mind but was trying to test the firmness of his recollection. At that point, RADM Finney acquiesced by stating, "Well, if you think he left already, maybe I didn't see him * * * Maybe it was Friday night." RADM Finney stated further that he was aware CAPT Howard was a part of ADM Kelso's group, but he did not see him on the patio that evening with ADM Kelso. See Enclosure to Appellate Exhibit CXXXIV.

In a stipulation of expected testimony, Appellate Exhibit CXXXIV, RADM Finney stated that when he made the statement to the investigator that he observed ADM Kelso on the patio on Saturday evening "there was no question in his mind." He was very firm about the time being Saturday. He questioned his recollection only after the investigator stated to him that ADM Kelso had left before Saturday night.

In describing his activities on Friday and Saturday evenings, RADM Finney stated he attended the banquets on both evenings; he went to his room and changed clothes following each banquet; he visited the patio on both Friday and Saturday evenings; and he visited the Strike Warfare suite during each visit. He stated that he related his observation of ADM Kelso to these activities. He stated he saw ADM Kelso around 2200 on the patio outside of the planters straight out from the Strike Warfare suite. ADM Kelso was approximately 10 to 20 feet from his position. He stated that he is sure he observed ADM Kelso on the patio only one night. He did not recall seeing Secretary Garrett except at the banquet on Saturday. RADM Finney further stated that his recognition of ADM Kelso was based on previous face-to-face meetings and briefings given to him on several occasions.

45. In separate statement to DCIS investigators, both LCDR Rice and 1stLt Tharp stated they observed ADM Kelso on the patio on Saturday evening. LCDR Rice stated that while on the patio that evening, he observed Secretary Garrett and ADM Kelso "gladhanding" with a group of individuals, none of whom he recognized. He estimated the time to be around 2000. He recalled the sighting as occurring on Saturday because that was the day of the "Flag Panel." See Appellate Exhibit LXXVI, Attachment Z. 1stLt Tharp stated sometime during that evening he was introduced to ADM Kelso and VADM Fetterman. See Appellate Exhibit LXXVI, Attachment EE.

In separate stipulations of expected testimony, LCDR Rice and 1stLt Tharp stated they observed ADM Kelso on the patio, but could not now recall whether the sighting occurred on Friday or Saturday night. Both stated they had no reason to lie to the investigators at the time of their statements. Each also stated that no one influenced their respective statements to counsel in arriving at the stipulations of expected testimony. See Appellate Exhibits CXXXVII and CXXXV.

Finding that ADM Kelso visited the patio on Saturday evening

46. Based on the convincing nature of the testimonial evidence and the many corroborating facts and circumstances surrounding such evidence, this court finds ADM Kelso is in error in his assertion that he did not visit the patio on Saturday evening. This court specifically finds ADM Kelso visited the third deck patio at some time during the evening hours of 07 September 1991. This court further finds ADM Kelso was exposed to incidents of inappropriate behavior while on the patio on Saturday evening, including public nudity and "leg shaving activities."

The finding by this court that ADM Kelso is in error as to his movements and activities on Saturday evening is further supported by the highly contradictory, and often implausible, nature of the testimony presented by the government. More specifically, this court further finds:

47. ADM Kelso gave a summary account of his movements and activities on Saturday evening during his in-court testimony. He testified that following the banquet he proceeded to the casino which was located on the same floor; gambled with VADM (then RADM) Spane for about an hour and a half; and he never left the casino until he departed for Nellis Air Force Base at approximately 2330. He also related he "believed" Maj Edwards was with him in the casino. When questioned by the trial counsel as to how sure he was that he did not visit the patio on Saturday evening, ADM Kelso replied, "I am positive I was not." Transcript at pp. 352–354.

This court finds, however, the degree of certainty expressed by ADM Kelso during his in-court testimony was much more definite than it was during his sworn statement to Mr. Suessman, DCIS, on 15 April 1993, some nine months earlier. At that time, ADM Kelso stated he could have gone back to his room following the Saturday banquet. He also stated to the "best of his recollection" he did not visit the third floor that evening. See Appellate Exhibit LXXII.

48. VADM Spane testified in support of ADM Kelso's account of his activities following the banquet. See Transcript at pp. 519–543. VADM Spane testified that he was with ADM Kelso in the casino following the banquet, and ADM Kelso never left the casino prior to departing for Nellis Air Force Base.

VADM Spane, currently serving as Commander, Naval Air Force, U.S. Pacific Fleet, testified he first met ADM Kelso while ADM Kelso was serving as Commander, Sixth Fleet. In 1990, he served as ADM Kelso's Operations Officer on the CINCLANTFLT Staff.

In describing the events of Saturday evening, VADM Spane testified he attended the Saturday evening banquet, which ended about 2130. He mentioned observing ADM Kelso sitting at the head table but did not speak to him during the banquet. He did not change clothes following the banquet, but went straight to the casino and to the same crap table where he had won the night before. He related that he left the banquet room before ADM Kelso departed. About fifteen minutes later, ADM Kelso arrived unexpectedly in the casino. Following a brief discussion, they began playing craps. He described ADM Kelso as wearing a doubled breasted suit and tie. He acknowledged there was a structure between the banquet room and the casino, so he was unable to determine the direction of ADM Kelso's entry into the casino. He stated ADM Kelso never left the casino, and they played craps and the slot machines until ADM Kelso departed the Hilton, which he estimated was around midnight. VADM Spane said his son arrived while he and ADM Kelso were gambling, as did various other individuals throughout the evening. He said he knew ADM Kelso had two aides, CAPT Howard and a Marine, and they were around him from time to time while they were in the casino, stressing ADM Kelso is never alone. VADM Spane said the aides entered the casino while they were playing the slot machines, and informed ADM Kelso it was time to depart.

VADM Spane gave a sworn statement to DCIS investigators on 14 October 1992. During that interview, he never mentioned being in the casino with ADM Kelso on Saturday night. When questioned as to why he did not mention this event, VADM Spane stated he did not consider it appropriate to use ADM Kelso's presence at the dice tables to establish his location that night. He acknowledged, however, he did name others he was in company with at other times during Tailhook 91 in explaining his activities. See Appellate Exhibit CI.

VADM Spane was interviewed a second time on 17 April 1993. See Appellate Exhibit CLXXXI. He acknowledged that prior to this interview, he was informed by the interviewing investigators that were trying to establish ADM Kelso's movements and location on Saturday night.

During this interview, VADM Spane explained he was in the casino with ADM Kelso following the banquet. He stated ADM Kelso was walking around the casino talking with various individuals and he just stopped at his table to talk. He stated that he did not see CAPT Howard with ADM Kelso. He also said that he could have been in the casino for as long as thirty minutes before ADM Kelso arrived. When questioned in court regarding the disparity in his testimony and his statement to DCIS investigators concerning how long he had been in the casino prior to ADM Kelso's arrival, VADM Spane stated he was just trying to bracket the time.

49. LTJG Robert Spane II, son of VADM Spane, was interviewed by telephone on 18 April 1993, by Mr. Mike Suessman, DCIS. The results of the telephone interview were reduced to a written ROI by Mr. Suessman on 19 April 1993. See Appellate Exhibit CLXXIX.

During the interview, LTJG Spane stated he attended Tailhook 91. On Saturday night, he met his father, VADM Spane, in the casino lobby next to the craps tables. He could not recall whether ADM Kelso was with his father at the time they met. He recalled playing craps and the slot machines with his father and ADM Kelso sometime after he met his father in the casino. He stated a Marine officer was with ADM Kelso, but could not recall if a second aide was present. He stated further that he stayed with ADM Kelso and his father for some time. He stated he then left and visited the third floor. He did not recall when ADM Kelso and his father separated, and he presumed they left and went up to their rooms for bed. He stated he did not recall going up the elevator with either his father or ADM Kelso. He also said he did not see either his father or ADM Kelso on the third floor that evening.

50. Maj Edwards, currently assigned to the Marine Security Force Battalion, Norfolk, Virginia, testified in-court on two occasions. During his testimony, Maj Edwards testified he was contacted by ADM Kelso in early September 1993. At that time, ADM Kelso asked if Maj Edwards could confirm the Admiral was not on the patio on Saturday night. He responded that he would be glad to testify or make any statements necessary, and agreed to the release of his name and telephone number. Maj Edwards also stated he had been contacted by CAPT Donald Guter, JAGC, USN, ADM Kelso's senior Staff Judge Advocate. He testified it was his understanding that DODIG had reinterviewed ADM Kelso, and that CAPT Guter wanted to inform him that his name had been mentioned during the interview.

In describing ADM Kelso's movements and activities following the Saturday evening banquet, Maj Edwards testified he met ADM Kelso as he was exiting the banquet room in the company of a "group of individuals" at approximately 2130. Except for CAPT Howard, he could not recall the names of the individuals. He mentioned that he walked with ADM Kelso and CAPT Howard to the casino area near the front doors on the first floor. He said ADM Kelso then asked him "what the plan was." Maj Edwards stated he replied, "Sir, you're out a little bit early. You've got about an hour and a half before the transportation is here." He explained to ADM Kelso the pre-flight of his aircraft would take time, and the flight crew had not been informed they might leave early. At about that time, according to Maj Edwards, VADM Spane approached ADM Kelso and they began a conversation. Shortly thereafter, ADM Kelso stated to him that he and VADM Spane were going to the casino to gamble. Maj Edwards testified he and CAPT Howard accompanied ADM Kelso and VADM Spane into the casino area. CAPT Howard remained with the group for a short while and then went to the patio area to bid farewell to some of his friends.

Maj Edwards testified further that he stayed in the casino with ADM Kelso until their departure for Nellis Air Force Base, except for several visits to the lobby area to check with Master Chief Wise concerning baggage and ground transportation to Nellis Air Force Base for the Master Chief and Petty Officer Dubell. He also stated while in the casino, ADM Kelso was wearing the suit and tie he wore to the banquet and he never changed clothes prior to their departure for Nellis Air Force Base. Maj Edwards also testified that he was responsible for ensuring the timely provision of ground transportation to Nellis Air Force Base. However, he was unable to explain who, when, and how he was informed that ADM Kelso's ground transportation to Nellis Air Force Base had arrived at the Hilton. This court finds this lack of explanation, at best, puzzling. Transcript at pp. 239–247, 1073–1130.

While this court finds Maj Edwards' testimony is generally corroborative of ADM Kelso's account of his movements and activities following the banquet, the court also finds several material contradictions between his testimony and that of Master Chief Wise. Maj Edwards stated that during the time ADM Kelso was attending the banquet, he went to Master Chief Wise's room to check with him on a plan to handle baggage and to ask the Master Chief to call Nellis Air Force Base and determine if the departure flight could be moved to an earlier time. See Transcript at pp. 1081, 1084. However, Master Chief Wise testified he collected ADM Kelso's baggage from his room prior to ADM Kelso's departure for the banquet. He also denied he was ever requested by Maj Edwards to contact Nellis Air Force Base concerning moving ADM Kelso's departure flight to an earlier time. Master Chief Wise testified the flight was pre-scheduled to depart at 2400, and to the best of his knowledge no attempt was ever made to alter the schedule. Transcript at pp. 899–919.

In addition, the testimony of Col Bishop, Secretary Garrett's EA, contradicts Maj Edwards' testimony that he was with ADM Kelso the entire time ADM Kelso was in the casino. Col Bishop testified he was on the patio on Saturday evening, but departed the patio around 2200 and went to the casino on the first floor. He stated while in the casino he observed Maj Edwards, but he did not see ADM Kelso with Maj Edwards. See Transcript at 1035. When Maj Edwards was asked during his in-court testimony to explain why he might have been seen by Col Bishop in the casino without ADM Kelso, Maj Edwards responded that he was always within view of ADM Kelso, but ADM Kelso might not have been aware of his presence, describing his presence with ADM Kelso at certain times as that of a "shadow figure." Transcript at 1083.

51. CAPT Howard testified he attended the Saturday evening banquet with ADM Kelso. Following the banquet, in company with ADM Kelso and Maj Edwards, he walked to the casino area on the first floor. Shortly thereafter, ADM Kelso encountered VADM Spane and VADM Spane's son. "[T]hey started playing craps together." CAPT Howard further stated that since he didn't gamble, he asked Maj Edwards to remain with ADM Kelso. He then went to the patio and third floor area. When he returned to the casino area around 2330, he found Maj Edwards in the lobby waiting for ADM Kelso. He asked Maj Edwards about ADM Kelso's location since he was not at the crap tables. Maj Edwards stated to him, "He's about finished and he's asked me if the plane was ready to return to Washington." CAPT Howard testified he then stated to Maj Edwards that the plane was ready, to which Maj Edwards replied, "Well, he may want to leave early, in about 5 or 10 minutes." CAPT Howard stated that about ten minutes later, ADM Kelso walked up to him and said, "When can we return to Washington?" He replied, "We're ready to go now, sir, if you're ready." The group then departed for Nellis Air Force Base. CAPT Howard also testified he may have returned to his room to change clothes before going to the patio; that Master Chief Wise took care of his luggage; and he checked himself out of the Hilton. He also stated to the best of his knowledge, ADM Kelso did not visit the patio on Saturday evening. Transcript at pp. 424–498.

This court further finds, unlike typical witness evidence concerning events several years past, CAPT Howard's in-court testimony is noticeably aligned with that of ADM Kelso and Maj Edwards regarding their activities immediately following the banquet. This court also finds, further, CAPT Howard's in-court testimony is conspicuously different from his oral statement originally reported by Special Agent Jack Kennedy, Director of Criminal Investigative Policy, Oversight Division, DODIG, on 08 December 1992. As recorded in the ROI prepared by Special Agent Kennedy, CAPT Howard in explaining his own movements was reported to have stated:

"[D]uring the evening [referring to Saturday, 07 September 1991] he attended the banquet, made a short visit to the Las Vegas Hilton casino and went to the third floor, all with the CNO. Again, [contrasting CAPT Howard's account of his Friday evening visit to the patio with ADM Kelso] he estimated their entire time on the third floor did not exceed 45 minutes. At about 2330, CAPT Howard and the CNO departed the Las Vegas Hilton to catch their return flight to Washington from Nellis Air Force Base." (See ROI, Appellate Exhibit LXXXIII.)

During the in-court testimony, CAPT Howard insisted Mr. Kennedy was in error when he quoted him in the ROI as stating that he visited the patio with ADM Kelso on Saturday evening. He insisted further that his statement was that he (CAPT Howard) went to the patio after the banquet. He acknowledged, however, except for that one aspect of his statement, the ROI reflected an accurate account of the interview. When asked to explain the circumstances regarding his discovery of what he believed to be an error on the part of Special Agent Kennedy, CAPT Howard stated he was never provided a copy of the ROI following the interview with Mr. Kennedy. He further stated that on 14 April 1993, the day before ADM Kelso was scheduled to be reinterviewed by Mr. Suessman, DODIG, he engaged in a conversation with General Jumper, who was then serving as a military assistant in the Office of the Secretary of Defense, regarding the scheduling of forthcoming meetings. During the conversation, he mentioned ADM Kelso was scheduled to be interviewed the next day. He asked General Jumper if he had any idea what the subject of the interview might be. General Jumper informed him that a number of people had placed ADM Kelso on the patio on Saturday night, and there were "differences" in CAPT Howard's statement to DCIS and that of ADM Kelso. CAPT Howard testified he was not informed of the disparity at that time, but later learned the following day, 15 April 1993, from CAPT Guter, JAGC, USN, ADM Kelso's senior legal advisor, that the ROI summarizing CAPT Howard's statement to Special Agent Kennedy placed ADM Kelso on the third floor on Saturday evening. CAPT Howard explained he immediately went to the DODIG's office and discussed the situation with Mr. Suessman. He arranged for a second interview which occurred that same day. During the interview, which was conducted by Special Agent Kennedy and his supervisor, Special Agent Tom Bonnar, CAPT Howard clarified his prior statement, denying ADM Kelso was ever with him on the patio on Saturday evening. See Appellate Exhibit LXXXVII; Transcript at pp. 435–441.

52. Special Agent Kennedy, who appeared as an in-court witness on two occasions, testified that prior to conducting the second interview of CAPT Howard on 15 April 1993, he was informed by Special Agent Bonnar of the discrepancy claimed by CAPT Howard in the ROI. He was specifically informed that CAPT Howard denied ever stating to him that he visited the patio on Saturday evening with ADM Kelso. Special Agent Kennedy testified that upon review of his interview notes, Appellate Exhibit LXXXIV, he concluded that at the time he prepared the ROI, which occurred some two weeks following the interview, he had made an error with respect to the entry in his notes, which read, "—w/ to 3rd FL Patio or VX-4 ste." He specifically explained while drafting the ROI he misinterpreted the beginning symbol "w/" to mean "with," and he should have interpreted the symbol to mean "witness." In short, Special Agent Kennedy testified the entry should have been recorded in the ROI as "witness to third floor or VX-4 suite." He further explained he had been careless in reading his notes at the time he prepared the ROI. He said he concluded he had misinterpreted the meaning of the symbol "w" since there was nothing in his notes indicating ADM Kelso was with CAPT Howard on Saturday night. He stated further he could not recall CAPT Howard ever stating during the interview that he had visited the third floor with ADM Kelso. He acknowledged that in his some 19 years of experience as an investigator, he could not recall another instance when he had incorrectly interpreted his interview notes. When questioned as to how such a mistake could have been made, Agent Kennedy explained he frequently used the symbol "w/" interchangeably to mean "with" or "witness." However, Mr. Mancuso testified in his experience the symbol "w/" is routinely used by investigators to mean "with." See Transcript at pp. 297–329.

53. VADM Dunleavy testified that following the banquet, he asked ADM Kelso if he would like to make one more swing on the third deck "to see the JO's [junior officers]." According to VADM Dunleavy, ADM Kelso declined, stating he was tired; that he had been at it all day; and he had an early flight. VADM Dunleavy stated he returned to his room, changed clothes, went down to the third deck, and he did not see ADM Kelso on the third floor following the banquet. However, VADM Dunleavy stated there was a very large crowd on the patio on Saturday evening, and ADM Kelso could have been there without being seen by him. Transcript at pp. 494–516.

54. Secretary Garrett testified he arrived at Tailhook 91 about 1400 on Saturday afternoon. Shortly thereafter he attended the "Flag Panel," and he was the guest speaker at the Saturday evening banquet. Following the banquet, he asked ADM Kelso if he was going to the third floor and "mingle with the troops." ADM Kelso declined stating he was not going to do that since he had been on the third floor on Friday night and had an early flight. According to Secretary Garrett, ADM Kelso also stated "he was going back to his room, pack, and prepare to leave." Transcript at 388.

This court specifically finds the statement by ADM Kelso to Secretary Garrett that "he was going to his room and pack" is wholly consistent with his statement to Mr. Suessman on 15 April 1993, when he said that he may have gone back to his room to change clothes following the banquet. (See Finding of Fact number 47).

55. In a stipulation of expected testimony, VADM John Fetterman provided a summary account of his activities and his association with ADM Kelso on Friday evening. He stated following the Friday evening banquet, he and VADM Dunleavy escorted ADM Kelso from his room to the patio. He further stated that he remained on the patio with ADM Kelso for about one hour and twenty minutes.

VADM Fetterman's account of events on Saturday evening is equally abbreviated. In describing these events, he states that he attended the Saturday evening banquet. Following the banquet, he discussed plans for the remainder of the evening with Secretary Garrett, who informed him that he was going to the patio. He stated that he went to his room, changed clothes, and went immediately to the patio. He then linked up with Secretary Garrett and talked for a short time in an area directly out from the glass doors leading to the elevators. He further stated he was within 15 to 20 feet of Secretary Garrett for about one and a half hours, and he never observed ADM Kelso on the patio. He further stated he had no interface with ADM Kelso following the banquet. See Appellate Exhibit CXCV.

While the court finds VADM Fetterman's testimony is supportive of the government's position, his explanation of ADM Kelso's movements and activities on the patio on Friday evening is contrary to VADM Dunleavy's testimony that he and VADM Fetterman escorted ADM Kelso through the various squadron hospitality suites. Further, his statement that ADM Kelso was on the patio on Friday evening for one hour and twenty minutes far exceeds the 40 to 45 minute time frame given by ADM Kelso, CAPT Howard and Maj Edwards.

Additional key evidence

This court further finds:

56. LCDR Charles Henry, CVWR–20, provided an oral statement to DCIS investigators on 12 January 1993. At the time, LCDR Henry stated that during Tailhook 91 he was in charge of the Transportation Committee, a position he had held for several years.

In describing his activities during Tailhook 91, LCDR Henry stated his committee occupied a suite on the eighth floor of the Hilton where he spent the majority of his time working out transportation arrangements. He stated that he was present on the third floor and the patio from approximately 2200 to 2400 on Friday evening during which time he visited some of the suites. He stated further that he witnessed one individual "ball-walking" on the patio. While in the suites, he witnessed men cheering as some females voluntarily removed their blouses. The women were rewarded with T-shirts. He also witnessed "zappers" on some women. See Appellate Exhibit CLXI.

LCDR Henry also stated while in the transportation suite on Saturday night, he received a telephone call around midnight reporting that things had gotten out of hand on the third floor. He went immediately to the third floor. He met someone who he identified as CDR Nagelin, VF–202, who informed him that some females had gotten their clothes torn off. He was also informed by a security guard that a naked female had been thrown out into the hallway. He stated that he remained in the area for about an hour. While in the area of the third floor, he observed Secretary Garrett and VADM Dunleavy.

In a stipulation of expected testimony, LCDR Henry clarified his 12 January 1993 statement to DCIS investigators. In the stipulation, LCDR Henry stated while in the transportation suite on Saturday night he received the telephone call reporting the disturbance on the third floor around 2300. He went immediately to the third floor. While on the third floor, he observed Secretary Garrett and VADM Dunleavy in the third floor passageway in front of a suite located approximately two doors down from the Rhino suite. At about that same time, he was informed ADM Kelso was on the patio. He walked out onto the patio through the doors at the center of the building near the main elevators. Upon entering the patio, he observed ADM Kelso near the entrance to the elevator exit. He stated ADM Kelso was wearing casual clothing. He also stated that he had never met ADM Kelso or seen him in person prior to seeing him on the patio that evening. He stated that he recognized ADM Kelso that evening from photographs and videotapes. See Appellate Exhibit CLXI(A).

57. The court further finds that a 29 December 1993 statement given by LCDR Elizabeth Toedt to Special Agent Brewer of the Naval Investigative Service further contradicts the testimony of the key government witnesses. As noted earlier, LCDR Toedt was one of the Tailhook 91 Navy protocol officers who met ADM Kelso at Nellis Air Force Base upon his arrival on Saturday, 06 September 1991. She was also in charge of arranging ground transportation for ADM Kelso and his official party on Saturday night, 07 September 1991.

In describing her involvement in arranging limousine transportation for ADM Kelso on Saturday night, LCDR Toedt related that following the banquet she walked to the head tables in the banquet room. She spoke with someone she believed to be Maj Edwards and asked him if there were any changes in ADM Kelso's departure plans. He replied there was no change in plans, and they would be leaving as soon as they changed clothes. She recalled ADM Kelso was present, and he was wearing a suit and tie. She departed the banquet room to ensure the Hilton limousines and drivers were out in front of the lobby area of the Hilton. She also contacted Air Force protocol officers at Nellis Air Force Base to ensure ADM Kelso's party would not encounter any problems getting through the main gate.

After making these arrangements, she returned to the lobby and waited for ADM Kelso and his party. She estimated that she did not wait for more than fifteen minutes before CAPT Howard entered the lobby. CAPT Howard was the first to arrive, followed by Maj Edwards and the two enlisted personnel in ADM Kelso's party. She stated ADM Kelso arrived last, but she could not recall the direction from which he entered. She stated all members of the party had changed into casual clothing. ADM Kelso was wearing slacks and an open-collar casual shirt. She stated that she asked Maj Edwards if they would need an escort to Nellis Air Force Base. He replied an escort would not be necessary. ADM Kelso and his party then departed for Nellis Air Force Base. See Appellate Exhibits CLXX and CLXXXVIII.

LCDR Toedt stated the banquet ended between 2215 and 2230. She further estimated the time between the end of the banquet and ADM Kelso's departure for Nellis Air Force Base was approximately forty minutes. This court finds LCDR Toedt, like all witnesses who testified or provided statements, gave only their best estimates of time in relation to descriptions of events. Nonetheless, this court finds LCDR Toedt's account to be consistent with the convincing weight of evidence showing ADM Kelso changed clothes following the banquet, and he visited the patio prior to his departure for Nellis Air Force Base. In particular, this court finds LCDR Toedt's account is remarkably consistent with CAPT Howard's account of events as set forth in his first statement to DCIS special agent Kennedy on 08 December 1992. See Finding of Fact Number 52.

58. This court notes, finally, a revealing declaration in the sworn statement of Ms. Barbara Pope to DCIS investigators on 30 June 1992. Ms. Pope, then Assistant Secretary of the Navy for Manpower and Reserve Affairs, stated she discussed the events at Tailhook 91 with Secretary Garrett on several occasions. During the discussion of an early conversation with Secretary Garrett regarding his visit to Tailhook 91, she stated: "I mean, right when all that came public about Paula Coughlin having been assaulted and her letter. We talked about his being there. We talked about he and the CNO going up, you know, after the banquet and having a drink on the patio." (Appellate Exhibit CXLVI, at 61.).

Evidence related to the occurrence of misconduct

This court further finds the defense claim that while on the patio on Saturday evening ADM Kelso may have witnessed the same or similar conduct to that alleged in the charges against CDRs Miller and Tritt, is supported by the evidence. More specifically this court finds:

59. In findings of fact set forth earlier, this court found incidents of inappropriate and sexually offensive behavior occurred in the third floor hallway, in the various hospitality suites, and on the patio on Friday evening, 06 September 1991. These findings were supported by the testimony of eyewitnesses and photographs taken by various individuals during Tailhook 91. The evidence reveals the same or similar incidents of improper decorum and inappropriate behavior also occurred in these same areas during the evening hours of Saturday, 07 September 1991. None of the evidence presented is more convincing of this fact than an eyewitness account given by VADM Dunleavy.

In a statement to DCIS Special Agent Eckert on 05 August 1992, VADM Dunleavy remarked that while present on the third floor of the Hilton on Saturday evening, he became aware that a "gauntlet" was operating in the third floor hallway. In describing this activity, VADM Dunleavy stated while in that area he heard "guys" yelling, "show us your tits." He then walked into the third floor hallway and observed it was crowded with people. He stated that he further observed a commotion in the hallway as many in the crowd "hooted and hollered." He stated that he did not attempt to stop the commotion because he knew that he would not be heard above the noise. He stated it appeared to him the "gauntlet" activities were in fun, rather than molestation. He specifically stated: "It was my impression, from what I saw, that no one was upset, and I felt that they [referring to females] wouldn't have gone down the hall if they didn't like it."

In describing other activities, VADM Dunleavy stated there were incidents of "mooning" the crowd on the patio by young men and women from hotel windows. He also acknowledged that he observed some women who were "bearing (sic) their clothing" and allowing aviators to stick squadron stickers on their breasts and buttocks. He also stated that he heard "strippers" had been hired by some of the groups to perform in the suites. However, he denied ever observing such activity. See Appellate Exhibit CXCII.

This court finds VADM Dunleavy's reference to the hiring of "strippers" is corroborated by the oral statement of LT Kenneth Carel, VF-124, to DCIS investigators on 21 July 1992. At that time, LT Carel stated that he arrived on the third floor at approximately 1800. He stated that he and several of his fellow aviators sought out "strippers" to perform in the suites. He further stated a disc jockey working in the VF-124 suite helped negotiate the hiring of "strippers" to perform later that evening in the VF-124 suite. He stated at approximately 2300, the "strippers" arrived in company with the disc jockey for their scheduled performance in the VF-124 suite. LT Carel stated that he did not stay for the entire performance since he had an early flight the next morning. LT Carel's oral statement is recorded in the investigator's interview notes. See Appellate Exhibits CXC and CXC(A).

IV. KEY EVENTS FOLLOWING TAILHOOK 91

The evidence reveals the following chain of key events following Tailhook 91 related to the claim by the defense that ADM Kelso attempted to shield his personal involvement at Tailhook 91, and he possessed a "personal interest" rather than an "official interest" in the prosecution of the cases at bar at the time he appointed VADM Reason as the CDA.

ADM Kelso's initial involvement in the investigative process

This court finds:

60. Shortly following Tailhoook 91, LT Paula Coughlin complained to her immediate superior, RADM John Synder, then serving as Commander, Naval Air Test Center, Patuxent, Maryland, that she had been assaulted in the third floor hallway of the Hilton during the Saturday evening hours of 07 September 1991. When RADM Synder failed to act on her complaint, LT Coughlin sent a letter of complaint to VADM Dunleavy in early October 1991. VADM Dunleavy met with LT Coughlin on 10 October 1991. Following this meeting, he informed ADM Jerome Johnson, then Vice Chief of Naval Operations (VCNO), of his meeting with LT Coughlin and of her written complaint. ADM Kelso was also advised of LT Coughlin's complaint and of RADM Synder's failure to act on her complaint. This marked the beginning of ADM Kelso's active involvement in the aftermath of Tailhook 91. See Appellate Exhibit LXXII at 27.

61. In mid-October 1991, amid escalating public and Congressional concern, RADM Duvall Williams, JAGC, UNS, then Commander, NIS, and in ADM Kelso's direct chain of command, was ordered by the VCNO to open a criminal investigation into the alleged criminal assault on LT Coughlin at Tailhook 91 and on the additional reported incidents of assault on other female attendees. Simultaneously, the Navy Inspector General (Navy IG), RADM George Davis, was ordered by Secretary Garrett to open an investigation into Tailhook 91 to examine matters relating to alleged non-criminal violations of the Standards of Conduct such as the improper use of government material assets, like air transportation, in support of Tailhook 91. During the course of the ensuing NIS and Navy IG investigations, numerous meetings and briefings were conducted among representatives of the Offices of SECNAV, CNO, the Navy Judge Advocate General, NIS, and the Navy IG. This included Mr. Daniel Howard, Under Secretary of the Navy, who was tasked by Secretary Garrett to oversee the overall conduct of the investigations; Ms. Barbara Pope, Assistant Secretary of the Navy for Manpower and Reserve Affairs; RADM John E. Gordon, Judge Advocate General of the Navy; RADM Davis; RADM Williams; and other representatives from offices of SECNAV and CNO. In addition, Secretary Garrett and ADM Kelso were briefed at least weekly on the progress of the investigations.

The limited scope of the NIS and Navy IG investigations

62. An NIS "Tailhook Task Force" was established by RADM Williams to deal with the voluminous number of anticipated interviews among the thousands of attendees at Tailhook 91. This included the appointment of LCDR Henry F. Sonday, JAGC, USN, as a special counsel responsible for marshalling evidence for use in any resulting criminal prosecutions.

63. The scope of the NIS investigation was strictly limited to allegations of criminal assault on LT Coughlin and other female attendees. The investigation did not include an inquiry into the personal involvement of any of the numerous flag officers and senior civilian DON officials in attendance at Tailhook 91, nor were any of these attendees ever interviewed by NIS special agents during the course of the investigation.

The exclusion of flag officers and senior DON officials from the focus of the NIS investigation led to conflict between RADM Williams and RADM Davis. One reason for the conflict was the number of personnel assigned to the Navy IG's staff was diminutive in comparison to the large world-wide cadre of NIS special agents available to RADM Williams. Thus, RADM Davis looked to NIS for assistance in interviewing flag and other senior officers concerning possible violations of the Standards of Conduct. Another reason for conflict stemmed from RADM Williams' apparent desire to dominate the interview process to ensure full compliance with required investigative procedures and thus protect future prosecutions. Secretary Garrett and ADM Kelso were aware of the disparity in investigative manpower and the fact that flag officers and senior DON officials were not being interviewed. However, despite warnings by LCDR Sonday that both the NIS and Navy IG investigations should address the accountability of flag officers and senior DON officials, the evidence does not reveal that any action was ever taken by either Secretary Garrett or ADM Kelso to expand the scope of the NIS or Navy IG investigations to include flag officer accountability, or to remedy the disparity in investigative manpower. This court specifically finds this inaction was part of a calculated effort to minimize the exposure of the involvement and personal conduct of flag officers and senior DON officials who were present at

Tailhook 91. See Transcript at pp. 747-786; ADM Kelso's Statement of 23 July 1992, Appellate Exhibit LXXII at pp. 49-50.

The Allen Report of Interview

64. The effort to shield high ranking Tailhook 91 attendees, including ADM Kelso, from the investigative process is further evidenced by RADM Williams' handling of an ROI placing Secretary Garrett in one of the suites on Saturday night. During an oral interview with NIS special agents on 19 February 1992, Capt Raymond Allen, USMC, stated he recalled that Secretary Garrett visited one of the suites (later identified by LCDR Sonday as the Rhino suite). See Enclosure (7) to Appellate Exhibit CXCIX. However, the Allen ROI was not included in the original NIS Report of Investigation by RADM Williams. A later discovery of this omission forced RADM Williams to issue a fifty-five page supplemental report containing the Allen ROI and other revealing statements obtained during the investigation. See Appellate Exhibit CXCIX. The omission of the Allen ROI ultimately led to RADM Williams being relieved as Commander, NIS, and it was a contributing factor to the later resignation of Secretary Garrett. It would also eventually result in the Tailhook 91 investigation being removed from the jurisdiction of the Navy and assigned to the office of the DODIG. From that point the investigation finally focused on the involvement and personal accountability of senior officials in attendance at Tailhook 91, including ADM Kelso.

In describing the handling of the Allen ROI, LCDR Sonday testified that the ROI was received by NIS Headquarters in Washington on 20 February 1992. He then informed special agents Beth Iorio and Tim Danehy, who were working with him full-time on the investigation, on the content of the Allen ROI. He testified that he also informed Mr. Charles Lanham, RADM Williams' Deputy Director, and John Devanzo, NIS Director, Capital Region. He later briefed RADM Williams and RADM Gordon.

LCDR Sonday testified further he was not concerned at that stage of the investigation with the issue of ADM Kelso's activities or whereabouts during Tailhook 91. He assumed all along that ADM Kelso was present on the third floor on Saturday night based on the ROI of CDR Kathleen Ramsey who stated she observed Secretary Garrett, ADM Kelso, and VADM Dunleavy together on the pool patio that evening. *See* Find of Fact Number 27.

In explaining his interest in the Allen ROI, LCDR Sonday testified that LT Coughlin had earlier identified Capt Greg Bonham, USMC, as her assailant. In an effort to establish a case against Capt Bonham, he requested NIS special agents interview Capt Allen, who had been Capt Bonham's roommate during Tailhook 91. He stated that he had developed information that Capt Bonham may have been present in the Rhino suite that night. When he learned Secretary Garrett may have been present in the Rhino suite on Saturday night, he concluded Secretary Garrett might be able to provide information to establish Capt Bonham's presence in the suite. He stated that Mr. Lanham agreed to arrange an interview with Secretary Garrett to inquire about his visit to the Rhino suite on Saturday night. He stated the interview with Secretary Garrett never occurred because he obtained other credible information which he believed linked Capt Bonham to the alleged assault on LT Coughlin. He stated, however, that he instructed special agents Iorio and Danehy to include the Allen ROI in the final NIS report of investigation.

LCDR Sonday stated that following completion of the NIS investigation in late March 1992, he returned to Norfolk and resumed his regularly assigned duties. He stated that in early June, he was informed during a conference call from CDR Ronald Swanson, SJA to VADM Johnson, and CAPT Guter, SJA to ADM Kelso, that Secretary Garrett has made a formal statement reporting he did not visit any of the suites on Saturday night. CDR Swanson and CAPT Guter related they had received a report that the NIS investigation had developed information placing Secretary Garrett in the Rhino suite on Saturday night. LCDR Sonday stated he was informed by CDR Swanson that RADM Williams had briefed VADM Johnson on the Allen ROI, but never mentioned the reference in the ROI to Secretary Garrett visiting one of the suites. CAPT Guter indicated that RADM Williams had also personally briefed ADM Kelso on the results of the NIS investigation. During that briefing, according to CAPT Guter, ADM Kelso had asked RADM Williams point blank, "Is there anything in your investigation that's going to place the Secretary on the third floor at Tailhook?" or words to that effect. RADM Williams responded to the effect, "I've taken the pulse of all the agents in the field and there's nothing out there that's going to implicate the Secretary." This court finds while this statement expressed a direct interest in any information linking Secretary Garrett to misconduct that occurred in the third floor, it also signaled ADM Kelso's personal concern for any information that might link him to such conduct. It also discloses an early appreciation for the potential embarrassment should it become known that a senior Navy official was present on the third floor of the Hilton when the assaults took place. See Transcript at pp. 747-786.

LCDR Sonday's account of the NIS investigation and the missing Allen ROI is corroborated by ADM Kelso in his sworn statement of 23 July 1992. ADM Kelso stated that after being informed of the Allen ROI, he telephoned RADM Williams and demanded an explanation as to why the ROI had been left out of the investigation. He stated that RADM Williams explained that the ROI was not relevant to the investigation. ADM Kelso stated he expressed outrage that anyone would consider the ROI irrelevant. He was concerned that the original report had already been forwarded to Congress, and someone might get the idea that something was being hidden. He stated that he then discussed the ROI with Secretary Garrett and suggested the DODIG be requested to review the results of the NIS investigation. He also recommended RADM Williams be relieved. See Appellate Exhibit LXXII at pp. 50-57.

The preparation of ADM Kelso's itinerary

This court further finds:

65. A concerted effort to minimize ADM Kelso's personal involvement at Tailhook 91 is further evidenced by the circumstances surrounding the response of ADM Kelso and members of his staff to a press inquiry regarding his movements and activities while at Tailhook 91. In late May 1992, and almost simultaneously with similar press inquiries to Secretary Garrett, ADM Kelso's office received a press inquiry from Mr. David Evans of the Chicago Tribune requesting ADM Kelso's itinerary during Tailhook 91. A similar request was also made by Mr. Eric Schmidt of the New York Times. See Appellate Exhibit CXXIX.

In describing the handling of Mr. Evans' inquiry, LCDR Debra Burnett, ADM Kelso's Public Affairs Officer (PAO), testified she was informed by Secretary Garrett's PAO that Mr. Evans had made a request for Secretary Garrett's schedule and he would be calling and making the same request concerning ADM Kelso's schedule. She testified that shortly thereafter Mr. Evans called her and requested a minute-by-minute, detailed account of ADM Kelso's movements and activities during his visit to Tailhook 91. She stated Mr. Evans desired a detailed account to determine if ADM Kelso had visited any of the squadron hospitality suites. She also stated that she was aware the question of whether Secretary Garrett had visited any of the suites was also at issue at that time.

LCDR Burnett testified she drafted a response to Mr. Evans based on ADM Kelso's planned itinerary, which had been prepared by Maj Edwards prior to ADM Kelso's visit to Tailhook 91. The planned itinerary contained only general entries such as, "2000, CNO Keynote Speaker." It did not contain a detailed account of events such as a visit to the casino. She stated that the planned itinerary did contain the entry, "2300, Checkout," referring to ADM Kelso's departure from the Hilton on Saturday night.

LCDR Burnett further stated that after drafting her proposed response, she asked Maj Edwards for verification. She stated Maj Edwards added detailed entries regarding ADM Kelso's activities following the Friday and Saturday evening banquets. These entries included ADM Kelso's visit to the pool patio on Friday evening and his visit to the casino on Saturday night. She then discussed the proposed itinerary with CAPT Howard, who agreed with the entries added by Maj Edwards. They then discussed the final draft, Appellate Exhibit XC, with ADM Kelso. ADM Kelso approved the itinerary. She stated that during the discussion of the itinerary with ADM Kelso, he only asked why Mr. Evans was interested in the information, and if she had cleared the account of events with Maj Edwards. Transcript at 951-956.

LCDR Burnett further testified she never discussed the issue of whether ADM Kelso visited the patio on Saturday with ADM Kelso, CAPT Howard, or Maj Edwards. However, when asked to explain the entry, "CNO did visit the pool/patio area of the third floor, where he spent about 40 minutes visiting with naval aviators," on Appellate Exhibit XC following the 07 September 1991 entries, she stated the thrust of Mr. Evans' question was not whether ADM Kelso had visited the patio, but whether he had visited any of the suites. She stated that Mr. Evans called her after she released the itinerary to him and asked if that entry pertained to Saturday night. She responded that ADM Kelso visited the patio on Friday evening, not on Saturday, evening. She further explained that she corrected the original itinerary to state ADM Kelso visited the patio on Friday evening prior to a second, later release in response to an inquiry from Mr. Greg Vista of the San Diego Union Tribune.

LCDR Burnett was then asked to explain the next entry, "He did not visit any of the squadron suites." She stated this entry pertained to both Friday and Saturday nights. She acknowledged that she discussed this entry with both Maj Edwards and ADM Kelso. She explained that she concluded the entry, "where he spent about 40 minutes visiting with naval aviators" pertained to Friday night since it matched the time (40 minutes) between the two entries listed under 06 September events, "2200—Depart Dinner; arrive pool/patio area, Hilton," and "2240—Depart pool/patio area; arrive hotel room." She again denied, however, that she ever asked

ADM Kelso if he visited the patio on Saturday evening. She stated that she only received an acknowledgement from ADM Kelso when she showed him the original draft stating he was on the patio only on Friday night. She also denied anyone ever stated during any of the discussions pertaining to the preparation of the itinerary that, "We were not on the third floor on Saturday evening." She stated that she did not recall that ever being an issue. The only issues were whether ADM Kelso ever visited any of the suites, and whether he observed any inappropriate conduct.

LCDR Burnett testified further she could not explain why the copy of the planned itinerary she used to prepare her response to the press inquiries was now missing. She stated that she obtained the copy she used from Maj Edwards' files, and to the best of her recollection she returned the copy to his files. She explained that when she went to retrieve the copy at a later time, the itinerary and ADM Kelso's travel file were missing. She stated, however, ADM Kelso's planned itineraries are normally maintained on file for only about one year. Thereafter, responses to inquiries concerning his past travel schedule are taken from a master calendar which did not reflect details of his activities. Transcript at pp. 948–970.

Maj Edwards testified he prepared a planned itinerary for ADM Kelso prior to their departure for Tailhook 91. He stated copies were given to everyone in the official party, including CAPT Howard and Master Chief Wise. He stated that he would not be surprised that a copy of the planned itinerary could not be found. In explaining the disposition of ADM Kelso's itineraries following an official trip, he stated: "[I]t's not required to maintain it. It's solely an information paper that I put together. In fact, if you ask them do they have other information papers from other trips, the answer is 'No.' There's no requirement to keep it. Usually they're discarded once a trip is complete other than trips outside the continental United States. Those are kept and maintained." (Transcript at 1073.)

In explaining his role in assisting LCDR Burnett, Maj Edwards stated he recalled she was trying to reconstruct the events that actually occurred during ADM Kelso's visit to Tailhook 91, in response to some kind of news release. He stated that he provided LCDR Burnett with the facts surrounding ADM Kelso's movements and activities that were not on the planned itinerary. This included entries regarding arrival and departure times from the patio and the casino, and the time regarding check out. He acknowledged, however, the check out time of 2300 was incorrect. He stated he checked ADM Kelso out of the Hilton during the time ADM Kelso was attending the Saturday evening banquet. He stated the 2300 entry might have referred to the time CAPT Howard checked out of the Hilton. See Transcript at pp. 1073–1075, 1107–1108.

CAPT Howard testified that no written itinerary was ever prepared prior to ADM Kelso's visit to Tailhook 91. He stated there was a schedule, but it was not in writing. He explained ADM Kelso's activities were a part of the schedule of events listed in a schedule prepared by CAPT Ludwig, President of the Tailhook Association. He stated further that during the visit to Tailhook 91, everyone in the official party made entries in a 3" x 5" booklet maintained by Maj Edwards. The purpose of the booklet was to provide a means of keeping each member of the party informed as to the whereabouts of other members. He further stated that an itinerary depicting ADM Kelso's movements and activities was prepared some months following Tailhook 91 in preparation for ADM Kelso's initial interview with the DODIG.

In explaining his role in reconstructing ADM Kelso's itinerary, CAPT Howard stated the itinerary was reconstructed from the booklet maintained by Maj Edwards. He stated that he had discussions with LCDR Burnett and CAPT Guter during morning staff meetings concerning the reconstruction process. He stated that he also had a discussion with ADM Kelso concerning his activities on Saturday evening prior to finalizing the itinerary.

In response to a question by defense counsel concerning whether ADM Kelso asked him if he had been on the third floor on Saturday evening, CAPT Howard responded that he could not recall ADM Kelso's exact words, but he stated words to the effect, "There's no way I could have gone on the third floor on Saturday night, right?" When asked why ADM Kelso would ask that question, CAPT Howard stated ADM Kelso depended on him and others with him at Tailhook 91 to be able to account for his whereabouts, and to ensure he was at the right place at the right time. He added, however, ADM Kelso was not unsure about whether he ever visited the patio on Saturday night. He stated that was never an issue during his discussions with ADM Kelso concerning his activities during Tailhook 91. Transcript at pp. 453–461.

ADM Kelso testified he approved the itinerary after it was presented to him by CAPT Howard, Maj Edwards and LCDR Burnett. He also testified the itinerary was an accurate account of his activities and movements during Tailhook 91. Transcript at 350. ADM Kelso also used the itinerary during his interview with DODIG on 23 July 1992. See Appellate Exhibit LXXII at pp. 6,8.

Based on the above explanations, this court further finds the itinerary as submitted by the government lacks credibility for the following reasons:

a. It was prepared well after the events at issue.

b. It was prepared at a time when official concern and press interest had been raised concerning ADM Kelso's proximity to the third-floor improprieties which occurred on 07 September 1991.

c. The rationale for its creation as an assist during the DCIS interview is obviously incorrect and misleading. In fact, ADM Kelso's initial interview occurred some two months later.

d. Whether such an itinerary was ever prepared, and how and why it can no longer be located, are glaring omissions in the evidence presented. CAPT Howard testified no written itinerary was ever prepared prior to ADM Kelso's visit to Tailhook 91. Maj Edwards testified he prepared a planned itinerary for ADM Kelso and copies were given to everyone in the official party, including CAPT Howard.

For the above reasons, the document carries little weight in the resolution of the issues presented by the motion.

ADM Kelso's status as a suspect

This court further finds:

66. In late June 1992, Secretary Garrett requested that the DODIG review the NIS and NAVY IG investigations to ensure a thorough review of Tailhook 91 activities and events. Shortly thereafter, the DODIG assumed full responsibility for Tailhook 91 investigation and requested the Navy suspend all investigative activities and disciplinary actions.

67. The DODIG investigation continued through December 1992. During the approximate six months of investigation, DCIS investigators obtained hundreds of statements from Tailhook 91 attendees at numerous geographical locations. One of the main goals of the DODIG investigation was to determine the involvement of senior DON civilian officials and high ranking Navy and Marine Corps officers at Tailhook 91.

68. ADM Kelso was initially interviewed by DODIG investigators on 23 July 1992. As noted earlier, ADM Kelso denied he ever visited any of the squadron hospitality suites during his two-day visit to Tailhook 91. He also denied ever witnessing any inappropriate behavior, or that he ever visited the patio on Saturday evening.

69. During the ensuing months of investigation following the 23 July 1992 interview with ADM Kelso, DCIS investigators interviewed a number of Tailhook 91 attendees who stated ADM Kelso was present on the patio on Saturday evening, an issue which has already been addressed by this court in previous findings of fact. Based on these statements, Mr. Mike Suessman, DODIG's office, interviewed ADM Kelso a second time on 15 April 1993. Prior to the interview, ADM Kelso was advised of his rights as a suspect pursuant to Article 31(b), UCMJ. ADM Kelso was specifically advised that many of the attendees interviewed by DCIS investigators had stated that he was present on the third floor of the Hilton on Saturday evening. He was advised these statements were in conflict with his sworn statement of 23 July 1992 in which he denied ever visiting the third floor that evening. ADM Kelso was then advised that he was suspected of committing violations of Articles 107, UCMJ, Making False Official Statements, and Article 134, UCMJ, False Swearing, all stemming from his denial. During that interview, ADM Kelso again denied he was ever on the third floor of the Hilton on Saturday evening; or he ever visited any of the suites; or he ever witnessed any inappropriate behavior during Tailhook 91. See Appellate Exhibit LXXVII.

ADM Kelso's appointment of VADM reason as the CDA

This court further finds:

70. ADM Kelso served as the Acting Secretary of the Navy from 20 January 1993 to August 1993. During that time, he also continued to serve as the Chief of Naval Operations.

71. On about 30 January 1993, VADM Paul Reason, USN, Commander, Surface Force, U.S. Atlantic Fleet, received a telephone call from ADM Kelso informing him that he would be designated as the Navy CDA on 01 February 1993. ADM Kelso officially appointed VADM Paul Reason, USN, as the Navy CDA to handle all allegations of misconduct against Navy personnel stemming from Tailhook 91.

The CDA designation was formalized by CNO letter dated 01 February 1993. Appellate Exhibit LXVII. By this letter, the VCNO, acting on behalf of ADM Kelso, made it clear to VADM Reason that he was to exercise his authority as CDA "independently" and with "sole discretion" in deciding the appropriate disposition of all cases considered by him. Paragraph 2. states: "In exercising this authority, you, in your sole discretion, may take such administrative or disciplinary action you deem appropriate, within the guidelines of R.C.M. 306(c). * * * This includes, but is not limited to: no action, counseling, nonjudicial punishment, or referral to trial by court-martial." In a subsequent letter dated 23 April 1993, Appellate Exhibit LXVII(A), the VCNO reemphasized to VADM Reason that he was to act as CDA with "sole and unfettered discretion."

72. By appointing VADM Reason as the CDA, ADM Kelso withheld convening authority power from all other subordinate officers in command with the authority to dispose of alleged violations of the UCMJ stemming from Tailhook 91.

73. At the time ADM Kelso appointed VADM Reason as the CDA, VADM Reason was junior in rank and command to ADM Kelso.

Withholding of the Flag files from VADM Reason

This court further finds:

74. During the DODIG investigation, information was obtained regarding the personal involvement of some thirty-three flag officers, including ADM Kelso, who attended Tailhook 91. The information on flag officers was cataloged in separate "flag files" and delivered to ADM Kelso as Acting Secretary of the Navy. The "flag files" were sealed for delivery to the newly appointed Secretary of the Navy, the Honorable John Dalton. Following a review of the "flag files" by Secretary Dalton, ADM Kelso was issued a Letter of Caution citing his failure of leadership during his visit to Tailhook 91.

75. Information contained in the "flag files," including information on the involvement of ADM Kelso during Tailhook 91, was never provided to VADM Reason prior to his action in referring the cases at bar for trial. The release of information contained in the "flag files" was released only after this court issued an order permitting defense discovery of the information.

V. LEGAL ANALYSIS

The court now turns to the task of applying the findings of fact to the requirements of the law. This first involves determining whether ADM Kelso is an "accuser" as claimed by the defense, and, if so, the effect of such a status on VADM Reason, the convening authority.

Secondly, the court must determine if any unlawful command influence has been brought to bear upon VADM Reason by virtue of ADM Kelso's involvement in Tailhook 91, and ADM Kelso's subsequent actions surrounding his appointment of VADM Reason as the CDA.

Since the charges at issue against CDRs Miller and Tritt are different from the single charge alleged against LT Samples, the application of the law regarding the "accuser" concept and unlawful command influence will be first analyzed as to its application to CDRs Miller and Tritt, followed by an analysis of its application to LT Samples.

The Accuser Concept

An "accuser" is defined in Article 1(9), UCMJ, as any person who: (1) signs and swears to charges; (2) directs that charges nominally be signed and sworn by another; or (3) has an interest other than an official interest in the prosecution of the accused. The evidence presented primarily involves the third type of "accuser."

One prong of the government's argument is that even if the court were to find that ADM Kelso was exposed to untoward behavior during Tailhook 91, or that he even witnessed such behavior, no credible evidence has been presented showing that ADM Kelso has any *personal* interest in the prosecution of either CDR Miller, CDR Tritt, or LT Samples. More specifically, the government contends that the defense has failed to show a relevant nexus between ADM Kelso's involvement at Tailhook 91 and the actions of VADM Reason in referring the cases at bar to trial by general court-martial.

The government is correct in its assertion that no evidence has been presented showing that ADM Kelso possessed a direct or specific interest in any of the cases at bar when applying a literal interpretation of the wording of Article 1(9), that is, "an interest other than official in the prosecution of the accused." However, the government's interpretation of Article 1(9), UCMJ, falls short of the interpretation given this Article by the U.S. Court of Military Appeals, which has consistently applied a much broader interpretation of the "type-three accuser" than the bare reading of the Article 1(9) would indicate.

In *United States* v. *Gordon*, 2 C.M.R. 161, (1952), the U.S. Court of Military Appeals rejected an argument by government counsel that an accused should be required to show that the convening authority had *an actual and personal interest in his prosecution*. The court states that: "We do not believe the true test is the animus of the convening authority. This undoubtedly was the early rule but, as we view it, *the test should be whether the appointing authority was so closely connected to the offense that a reasonable person would conclude that he has a personal interest in the matter." (Gordon* at 167 (emphasis added).)

During the past 41 years, the United States Court of Military Appeals has refused to narrow the expansive protection provided by its interpretation in *Gordon* of Article 1(9). In *United States* v. *Crossley*, 10 M.J. 376, 378 (CMA 1981), the court states that:

"We do not attempt here to psychologize the mind of the convening authority nor should this opinion be read as a criticism of this convening authority's animus or decision-making. We only perceive a reasonable probability that his review of the matter reflected personal interest. *Cf. United States* v. *Conn* [6 M.J. 351 (CMA 1979)]. We reiterate merely that "[c]onvening [authorities] should remember that there are *easy and adequate means* to have" reviewing functions performed by an authority with no personal feeling in the outcome of the litigation. *United States* v. *Gordon*" (citation omitted) (emphasis added).

In this case, Chief Judge Everett, in a concurring opinion, summarizes the reason the court has chosen to maintain a broad interpretation of the "type-three accuser:"

"Among the most vehement complaints against military justice are those which concern the role of the military commander, who has the responsibility for maintaining discipline and yet appoints the court-martial members and reviews the findings and sentence. Congress has made the determination that in this situation a commander may "carry water on both shoulders." At the same time, however, by providing that an "accuser" may not convene a special or general court-martial [references omitted], Congress revealed its intention that, in a case where observers might reasonably conclude that a commander had more than a purely official involvement, he should turn over his responsibilities to a superior commander."

Crossley at 379. Chief Judge Everett also states that, "the Court remains aware that to give a narrow interpretation to 'accuser' would fan the criticism of the broad responsibilities Congress has assigned to military commanders." Id.

In its most recent decision involving a "type-three accuser," the U.S. Court of Military Appeals restates its prior interpretation of Article 1(9), UCMJ, and provides an objective test setting forth the criteria to be applied in determining whether a convening authority is an "accuser" within the meaning of Article 1(9), UCMJ:

"The test of a convening authority's status as an accuser is "whether, under the particular facts and circumstances * * * a reasonable person would impute to him a personal feeling or interest in the outcome of the litigation." *United States* v. *Gordon*, 1 USCMA 255, 260, 2 CMR 161, 166 (1952)." (*United States* v. *Jeter*, 35 M.J. 442, 445 (CMA 1992) (emphasis in original).)

In *Jeter*[9], the court found the reviewing authority to be a "type-three accuser" even though his only possible bias was in favor of the accused and "even though [the court had] no doubt that, at all times involved, the general's motives were good." *Jeter* at 446. Thus, it is not some level of enmity or hostility against an accused that defines an "accuser," but rather *any level of personal interest in the litigation*.

Although Article 1(9), UCMJ, is silent on the subject, appellate court decisions, upon which R.C.M. 504(b)(2) is based, clearly provide that a military commander who is subordinate to an "accuser" will also be disqualified as a convening authority. It is for this reason that Articles 22(b) and 23(b), UCMJ, require, in instances where the convening authority is an "accuser," that the charges shall be forwarded to another convening authority who is both superior in grade and position in the chain of command. This procedure is mandated in both special and general courts-martial.

The disqualification of a military commander who is subordinate to an "accuser" is referred to as the "junior accuser" concept. The disqualification of the junior commander may occur when he or she stands in one of the following positions in relation to the superior "accuser:"

1. Subordinate in the chain of command. See *United States* v. *Grow*, 11 C.M.R. 77 (1953); *United States* v. *Haygood*, 31 C.M.R. 67 (1961). But see *United States* v. *Avery*, 30 C.M.R. 885 (A.C.M.R. 1960); *United States* v. *Garcia*, 16 C.M.R. 674 (A.C.M.R. 1954).

2. Junior in rank and outside the chain of command. See *United States* v. *LaGrange*, 3 C.M.R. 76 (1952); *United States* v. *Burnette*, 5 C.M.R. 522 (A.B.R. 1952); *United States* v. *Navarro*, 20 C.M.R. 778 (A.B.R. 1955); *United States* v. *Chaves*, 23 C.M.R. 701 (C.G.B.R. 1957).

3. Successor in command, at least where junior in rank. See *United States* v. *Cocoran*, 17 M.J. 137 (C.M.A. 1984); *United States* v. *Kostes*, 38 C.M.R. 512 (A.B.R. 1967).

Further, the "junior accuser" concept is applicable whether or not the superior "accuser" ordinarily would act as convening authority. See, e.g., *United States* v. *Grow*, 11 C.M.R. at 77. Also, the application of the accuser law is primarily a question of "fact and must be resolved in light of each case." *United States* v. *Gilfilen*, 35 M.J. 699, 701 (NMCMR 1978). Finally, when a determination is made that the convening authority is an "accuser," or the convening authority is a "junior accuser," the law requires the dismissal of charges. *United States* v. *Crossley*, 10 M.J. 376, 379 (CMA 1981).

Having reviewed the body of law in the area, the court must now apply the Gordon standard to determine whether ADM Kelso is so closely connected to the three cases at bar that a reasonable person would impute to him a level of personal feeling or interest in the outcome of the litigation.

The court first notes that no military appellate court has ever addressed the "accuser" concept in a factual situation where either the convening authority, or the immediate superior appointing the convening authority, has been allegedly involved in the same or similar misconduct as that alleged against the accused. However, in *United States* v. *Allen*, 31 M.J. 578 (NMCMR 1990), aff'd 33 M.J. 209 (CMA 1991), the Navy-Marine Corps Court of Military Review discusses the "accuser" concept in a situation where there existed the potential for the Secretary of the Navy to be designated an "accuser," and thus the disqualification of all of his subordinate convening authorities. The facts in *Allen* are worthy of discussion here in order to bring into perspective the circumstances surrounding ADM Kelso's interest in the cases before this court. Further, a comparison of some of the key aspects of the Navy Secretary's involvement in *Allen* to those involving ADM Kelso at Tailhook 91 is helpful to the determination of whether ADM Kelso's interest in the cases of CDRs Miller and Tritt is purely official or personal in nature.

The *Allen* case involved charges of espionage on behalf of the Philippine government and violations of security regulations. Prior to the *Allen* case, the Walker spy ring had been discovered and prosecuted. The ringleader, a retired Navy officer, Walker, had been convicted in a Federal District Court pursuant to his pleas. The Secretary of the Navy strongly and publicly criticized the handling and the sentence of the Walker case.

Although without jurisdiction in the Department of Justice arena, the Secretary took action within his naval sphere of control. He issued directives restricting both convening authority referral discretion and military judge assignment to cases involving national security issues. Subsequently, claims were made that the Secretary's vocal disapproval of the handling of the Walker spy case gave him a personal interest in all later courts-martial involving violations of law protecting national security. It was further claimed that his personal interest branded him a "type-three accuser" and disqualified both him and all subordinate convening authorities from referring any case involving national security violations, and in particular, Senior Chief Radioman Allen.

In addressing this issue, the Navy-Marine Corps Court of Military Review first agreed that if the Secretary of the Navy had any personal interest in the prosecution of Senior Chief Allen he would be an "accuser" within the meaning of Article 1(9), UCMJ. Further, that his status as an "accuser" would serve to disqualify all subordinate commanders under his command from convening these types of courts-martial. The Court then made two factual determinations. First, all national security directives were promulgated by the Secretary with legitimate statutory and regulatory authority. Second, in holding that the Secretary's interest was official only, the Court found no reasonable probability existed that the Secretary's displeasure with the Walker case so closely connected him to the *Allen* prosecution that it could be deemed to amount to a personal interest in the outcome of that litigation.

As noted in the above factual summation, the Secretary was, at best, displeased with the outcome of the Walker case, and equally embarrassed by the indignation suffered by the Navy, as well as the more critical matter of the immeasurable damage to the national security of the United States. In a similar vein, the revelation of inappropriate behavior and assaultive conduct at Tailhook 91 has led to an unprecedented level of public embarrassment and a corresponding loss of confidence in the leadership of the Navy. These unfortunate circumstances were clearly at the heart of many of ADM Kelso's comments to DCIS investigators during his 23 July 1992 interview. During the interview ADM Kelso decried the misconduct of junior aviators at Tailhook 91 and reflected on actions that should have been taken to prevent such conduct.

Thus, as was asked of the Secretary's involvement in *Allen*, did ADM Kelso's obvious indignation and embarrassment amount to a personal interest in the ensuing investigations of Tailhook 91, and the litigation that followed? This court reasons that, standing alone, ADM Kelso's vehement disapproval would not amount to a personal interest. As in *Allen*, official indignation, no matter how strong, is not disqualifying when it is espoused in a purely official capacity.

However, unlike the Secretary's involvement in *Allen*, ADM Kelso was actually present and personally involved in the events at Tailhook 91. This court has determined that, as is alleged against CDRs Miller and Tritt, ADM Kelso actually observed sexually oriented misconduct on the patio and in the various squadron hospitality suites on Friday night, and on Saturday evening as well, and he failed to take action to stop such conduct.

Applying the objective "reasonable person" standard of the *Gordon* case to these circumstances, the critical issue is whether ADM Kelso's own presence and personal knowledge of some of the inappropriate conduct on the patio and in the hospitality suites, and his apparent failure to act to stop such conduct, would lead a reasonable person to conclude that he must therefore be so closely connected to these cases that his interest in the outcome of the instant cases is more than purely official. Based on the totality of evidence presented and this court's related findings of fact, the answer can only be yes. A reasonable person would have to conclude that ADM Kelso would have more than a purely official interest. Thus, under the *Gordon* standard, ADM Kelso is an "accuser" within the meaning of Article 1(9), UCMJ.

ADM Kelso's personal interest is further demonstrated by other aspects of his involvement as set forth in this court's findings of fact. First, this court found that the NIS investigation was limited only to the complaints of criminal assault against female attendees. The subsequent DODIG investigation was expanded to focus on the presence and behavior of flag and general officers, including ADM Kelso. During the course of the this DODIG investigation, Admiral Kelso was interviewed by DCIS investigators at which time he stated that he did not recall ever being present on the third floor of the Hilton on Saturday, 07 September 1991. During the ensuing months of investigation, large number of eyewitnesses stated to DCIS investigators that they observed ADM Kelso on the patio on Saturday evening.

Based on the inconsistencies between ADM Kelso account and the accounts given by the eyewitnesses, DODIG investigators interviewed ADM Kelso a second time. This interview was preceded by advisement pursuant to Article 31(b), UCMJ, that ADM KElso was suspected of making a false statement to investigators regarding his presence on the third floor of the Hilton on Saturday. A number of eyewitnesses had contradicted his account of his activities and movements on Saturday evening by reporting their observations of him on the patio and near the area where known assaultive conduct had allegedly occurred. Under these circumstances, a reasonable person would conclude that ADM Kelso's status as a suspect would make him personally interested in the investigation of his activities at Tailhook 91, and in the litigation of any case that might focus on this involvement as claimed by the eyewitnesses.

Secondly, in examining the trial itself, where numerous, credible witnesses came forward to testify that they saw ADM Kelso on the third floor pool patio area of the Hilton on Saturday evening in obvious contradiction to ADM Kelso's sworn denial before this court, a reasonable person would be forced to conclude that ADM Kelso had a personal interest in this litigation. The motive for ADM Kelso's denial that he ever witnessed any inappropriate conduct at any time during Tailhook 91, and his denial that he was ever present on the patio on Saturday evening, clearly define ADM Kelso's personal stake and interest in these cases.

Considering the totality of ADM Kelso's personal involvement in Tailhook 91, this court harbors no doubt that at the time ADM Kelso appointed VADM Reason as the CDA, he was so closely connected to the events surrounding the charges of omission against CDRs Miller and Tritt that his interest was primarily personal.

While it may be that ADM Kelso's took no direct action related specifically to the Miller and Tritt cases based solely upon his personal interest, the law makes no exception. Having a personal interest in the litigation, ADM Kelso is an "accuser" within the meaning of Article 1(9), UCMJ.

Finally, this court must analyze whether the "accuser" concept extends to LT Samples. The nexus that exists between ADM Kelso's actions and the charges against LT Samples is much less than that which exists in the cases of CDRs Miller and Tritt. LT Samples is not charged with failure to prevent misconduct. He is charged with actual, assaultive behavior. This misconduct allegedly occurred on the evening of 07 September 1991. Moreover, there is no convincing evidence (and the court does not believe) ADM Kelso personally witnessed any of the criminal assaults that allegedly occurred in the third floor hallway of the Hilton on Saturday evening.

It is apparent, however, from the charges in the Miller and Tritt cases that the government alleges a failure of leadership on the part of senior officers in attendance at Tailhook 91. The defense claims that this failure of leadership was displayed from the highest ranking officer to the lowest, and to lodge criminal charges of omission against two commanders, from a group of what admittedly is a large number of officers, is patently unfair and unjust.

Given what reasonable citizens would perceive to be a naval officer duty to intervene when faced with obvious improprieties by his subordinates, a failure to intervene would constitute abandonment of the leadership responsibilities entrusted to them by their station and rank. As noted earlier in the background discussion, if senior officers had intervened weeks, days, hours, or even minutes prior to these criminal assaults, a high probability exists that both the assaults and much of the Navy's embarrassment could have been avoided. The greatest responsibility must lie with the most senior officers, and ADM Kelso was the most senior military officer present.

This court has found that ADM Kelso was present on the third floor patio on both Friday and Saturday evenings, near the location where alleged assaults on female attendees occurred. This court has also found that ADM Kelso witnessed improper conduct being committed by junior officers. Many other senior naval officers witnessed similar activity. It is clear from the record that no one attempted to intervene to end the lewd and improper sexually oriented behavior. Conduct which began as being merely in bad taste quickly escalated and finally ended in physical assaults. If proper leadership had been shown, the subsequent assaults and other inappropriate conduct might have been prevented.

All commanders who observed improprieties in officer conduct at Tailhook 91 and failed to act are consequently disqualified as convening authorities. All commanders who personally witnessed improper conduct at prior Tailhook symposiums and consequently knew personally of the history of these symposiums as opportunities for excessive alcohol consumption, rowdy behavior and immoral, sexually-oriented activities, and who voiced no protests, are similarly disqualified. This court harbors no doubt that their personal inaction in failing to intervene to prevent inappropriate conduct would be viewed by reasonable people as being a significant contributing factor in the unrestrained atmosphere which escalated to the sexual assaults on female attendees that ensued on the evening of 07 September 1991.

The circumstances can only be viewed as a personal embarrassment for all senior naval officers who could have acted, but did not. The opportunity to spare the Navy and the Marine Corps the chagrin and humiliation that has been heaped upon it was lost. Given the intense media interest, Presidential and Congressional condemnation, and the general lost of public confidence in the Navy, no senior officer who was personally involved in the Tailhook 91 can exercise that high degree of impartiality required as a convening authority in this situation.

For these reasons, although less direct, ADM Kelso has a personal interest in the outcome of the litigation involving LT Samples as well.

Irrespective of the rationale stated above for the denomination of ADM Kelso as a "accuser" in either of the cases at bar, this court strongly views the necessity to follow the spirit of Article 1(9), UCMJ, as an equally justifiable basis for disqualifying ADM Kelso as an "accuser" in all three cases at bar. Clearly, the protective spirit of this Article dictates that any military commander convening a court-martial calling a subordinate to account for an act of misconduct in violation of the UCMJ, must be free from any suspicion of involvement, directly or indirectly, in the same or any related act of misconduct. This is matter of fundamental fairness. Whenever even the appearance of personal involvement on the part of the military commander cannot be dispelled with reasonable certainly, that commander must be deemed to possess an interest "other than official" in the prosecution of his or her subordinate and must be disqualified as an "accuser" from acting as the convening authority.

Likewise, under such circumstances, any junior commander in the direct chain of command of a superior "accuser" must be disqualified. A junior commander in the chain of command simply cannot act with the degree of impartially demanded by the UCMJ under the "chilling" effect of his or her senior's actual or suspected personal involvement.

This court's ultimate finding on this issue is that ADM Kelso is an "accuser" in all three cases joined for the purpose of this motion. Considering all the circumstances related above, one can ask the question Judge Cox proposes in the *Jeter* case to determine personal interest, "[s]hould I have removed myself as the judge in the case?" *Jeter*, 35 M.J. at 447. While this standard is too strict, there is no doubt that ADM Kelso could not under any circumstances judge either CDR Miller, CDR Tritt, or LT Samples, with the degree of impartiality mandated by the UCMJ.

As far as the cases of CDR Miller, CDR Tritt and LT Samples are concerned, this court has carefully reviewed the circumstances of ADM Kelso's activities relating to Tailhook 91. The court's inevitable conclusion is that the current convening authority, VADM Reason, as with all commanders subordinate to ADM Kelso, cannot function as the convening authority in the manner envisioned by Congress. Although VADM Reason's conduct has been above reproach, as an officer subordinate to ADM Kelso, he is a "junior accuser." Therefore, VADM Reason must be disqualified as a matter of law.

Command influence

To protect those responsible for administering the military justice systems from unlawful command influence in the exercise of their official Codal responsibilities, the Congress enacted Article 37, UCMJ, as a part of the 1951 Code. This Article states that:

"No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts."

One of the principal purposes of Article 37, UCMJ, is to ensure the impartiality of the military judicial process by protecting the convening authority from undue command influence in the exercise of his or her independent judgment in disposing of alleged violations of the UCMJ. In addition to ensuring the impartially of the military justice process, it is also intended to convey a sense of confidence in the integrity of the military justice process in the public eye.

Military appellate courts have recognized two types of unlawful command influence, actual and apparent.

First, actual unlawful command influence occurs when there is an intentional or unintentional influence exerted by higher authority which works to undermine the impartiality of the military justice system. This may be an intentional effort to assist the prosecution or it may be an innocent action, such as a call to action to get tough on drug use, which inadvertently serves to bias members of the court. This is true for influence directed at the convening authority, for example, it is unlawful for a superior commander by personal persuasion to adversely interfere with the independent decision-making process of a subordinate commander.

Unlawful command influence can also occur by regulation, memorandum, or briefing, initiated or made by the convening authority, the staff judge advocate, trial counsel, or higher authority. For policy directives see *United States* v. *Brice*, 19 M.J. 170 (C.M.A. 1985) and *United States* v. *Treakle*, 18 M.J. 646 (A.C.M.R. 1984), where policy directives were interpreted by many as mandating a policy not to give character evidence for an accused at court-martial. The appearance of unlawful command influence that existed in that case mandated reversal as to sentence.

The test for actual unlawful command influence is "figuratively" described by the Navy-Marine Corps Court of Military Review as being "whether the convening authority has been brought into the deliberation room." See *Allen* at 509 (quoting *U.S.* v. *Grady*, 15 M.J. 275 (C.M.A 1983)).

Apparent unlawful command influence, on the other hand, is premised on the external perception of fairness in the military justice system. This form of unlawful command influence centers on the loss of confidence in the integrity of the process in the public eye as discussed above. The Navy-Marine Corps Court of Military Review provides a standard for this type of unlawful command influence. As formulated by that court, "the test for apparent unlawful command influence is whether a reasonable member of the public, if aware of all the facts, would have a loss of confidence in the military justice system and believe it to be unfair." *Allen* at 509 (citing both *U.S.* v. *Rosser*, 6 M.J. 267 (C.M.A. 1979); *U.S.* v. *Cruz*, 20 M.J. 873, 890 (ACMR 1985)).

Turning now to the application of the law to this court's findings of fact, the first issue is whether ADM Kelso's action in appointing VADM Reason as CDA amounted to unlawful command influence in any of the cases at bar.

Although tied more directly to the issue of ADM Kelso's status as an "accuser," the defense claims that ADM Kelso exerted actual unlawful command influence by appointing VADM Reason as the CDA, thereby withholding authority to convene courts-martial from all other commanders, including those in CDR Miller, CDR Tritt, and LT Samples chain of command who would ordinarily be responsible under the UCMJ for convening their respective cases.

The withholding of convening authority power from the immediate superior of an accused is rare. However, as acknowledged by the defense, such a withholding is not proscribed by the UCMJ. Further, it does not infer any unlawful infringement on the discretionary authority vested in the commanders from which the convening authority power is withheld. For example, in *Allen* at 591–592, the Navy-Marine Corps Court of Military Review held that it was proper to limit the discretion of Commander Naval Forces Pacific in the disposition of national security cases so long as the Secretary did not interfere with the exercise of that discretion once a case was in his hands. Thus, the issue is not whether it was unlawful for ADM Kelso to appoint VADM Reason as the CDA, the issue is whether VADM Reason was allowed to exercise his independent discretion following the CDA appointment.

Case law holds the existence of improper command influence must be determined on a case-by-case basis and is a factual decision to be made by the court. See *See* v. *Accodino*, 20 M.J. 870 (AFCMR 1985).

This court has found that ADM Kelso was cognizant of the narrow focus of the NIS investigation, i.e., excluded any inquiry into the personal involvement of flag officers at Tailhook 91, including his own personal involvement. The court has also found that following the DODIG investigation, ADM Kelso received the separately maintained files containing information describing the alleged failure of leadership and other personal involvement of a number of flag officers, including his own file. This court further found that none of these files were ever delivered to VADM Reason for consideration in his referral decision process. This court also found that ADM Kelso attempted to shield his personal involvement at Tailhook 91 by denying that he ever observed any inappropriate behavior on the part of junior aviators during his visit to Tailhook 91. The court further found that ADM Kelso, despite his denial, was, in fact, present on the patio on Saturday evening at about the same time that the alleged acts of omission occurred supporting the allegations of dereliction of duty and conduct unbecoming that of an officer charged against CDRs Miller and Tritt.

During the course of the litigation of the motion at bar, this court determined that all of this information was withheld from VADM Reason prior to his decision to refer CDRs Miller and Tritt's cases to trial by court-martial. It was only after extensive litigation and numerous orders by this court that this information was finally disclosed and made available to VADM Reason.

Based on these circumstances, and despite ADM Kelso's 01 February 1993 written direction to VADM Reason that he utilize his independent discretion in disposing of Tailhook cases, this court finds that ADM Kelso manipulated the initial investigative process and the subsequent CDA process in a manner designed to shield his personal involvement in Tailhook 91. This manipulation of the process by ADM Kelso and others was for their own personal ends and not directed at these accused. However, this court further finds that ADM Kelso's actions, although not intentionally directed at either the prosecution of CDRs Miller or Tritt, had a significant influence on VADM Reason's decision to bring charges against them. In this respect, this court can only speculate as to what VADM Reason's referral decision may have been as to the charges alleged against CDRs Miller and Tritt had be known of the extent of ADM Kelso's personal involvement, and that of other senior flag officers, at Tailhook 91. This is particularly true in light of the fact that the evidence strongly suggests that ADM Kelso was present on the patio at the same time the alleged acts of misconduct took place which CDRs Miller and Tritt are charged with failing to stop.

The government suggests that the decision by VADM Reason to prosecute CDRs Miller and Tritt may have been the same even if he was aware of ADM Kelso's involvement. This may be true, but it is a matter of speculation at best. In any case it does not serve to cure the adverse impact on the referral process. Thus, this court finds that the totality of ADM Kelso's actions not only served to denominate him an "accuser," his actions also amounted to actual unlawful command influence.

Even if it could be determined that ADM Kelso's actions also did not amount to actual unlawful command influence, it could not be denied that the totality of his actions amounted to at least apparent unlawful command influence.

The Court of Military Appeals held in *U.S.* v. *Karlson*, 16 M.J. 469 (C.M.A. 1983), that the public's confidence in a fair and impartial military justice system must be maintained, and the appearance of manipulation by superiors cannot be permitted to exist. The Court has also held:

"Nothing erodes public confidence in the military justice system as quickly as the perception that the outcome of a trial, be it findings or sentence, is preordained by the improper exercise of command position. One of the basic objectives of the Uniform Code of Military Justice is to eradicate the misuse of command power." *U.S.* v. *Tucker*, 20 M.J. 863, 865 (AFCMR 1985) (citing *U.S.* v. *Cole*, 17 U.S.C.M.A. 296, 36 C.M.R. 94 (C.M.A. 1967)).)

This public confidence would certainly be lost if this court were to allow ADM Kelso's obvious manipulation of the Tailhook 91 investigative process and the subsequent CDA appointment process to stand. This court has no doubt that any reasonable member of the public would view the military justice system as being unfair if he or she knew of the circumstances surrounding ADM Kelso's involvement at Tailhook 91, and his subsequent involvement in the investigative and CDA processes. The appearance of shielding senor officers while permitting the courts-martial of the more junior officers under the convening authority of VADM Reason cannot be denied. While this may not rise to the level of selective prosecution, the public would likely view it as such. At the very least, the public would perceive the military justice process as promoting an unfair double standard. Under the mandate of the court's holding in *Karlson*, such an appearance must be avoided, and cannot be allowed by this court to stand without providing a corrective remedy.

The Court of Military Appeals has held that where any doubt exist as to the presence of unlawful command influence, the doubt must be resolved in favor of the accused. See *U.S.* v. *Kitchens*, 12 U.S.C.M.A. 589, 31 C.M.R. 175 (1961). Moreover, the government must prove beyond a reasonable doubt that the existence of unlawful command influence will not adversely impact the right of CDR Miller and CDR Tritt to a fair trial on the merits. See *U.S.* v. *Dykes*, 38 M.J. 270 (CMA 1993). This court finds that in the cases of CDR Miller and CDR Tritt the government has not met that burden.

The issue of how ADM Kelso's actions impacted on VADM Reason's decision to refer LT Samples' case to trial is not as easy to discern as in the cases of CDRs Miller and Tritt. As previously stated, the charge against LT Samples involves only assaultive conduct, allegedly occurring in the third floor hallway of the Hilton on Saturday evening.

No direct evidence exists supporting that ADM Kelso was actually present in the hallway that evening, or that he witnessed any assaultive behavior in the third floor hallway at any time during Tailhook 91. Therefore, the nexus between ADM Kelso's actions as discussed above and the single offense charged against LT Samples, and any potential adverse impact on VADM Reason's deliberative referral process, is much less evident than in the cases of CDRs Miller and Tritt.

Had VADM Reason known of ADM Kelso's involvement in Tailhook 91, would the referral of charges against LT Samples been any different? This court cannot determine with reasonable certainty the extent of potential impact on the CDA's referral decision. This uncertainty must be resolved in favor of LT Samples. See *Kitchens*.

In light of all of the facts and circumstances which have been established during the five weeks of litigation on the motion at bar, many of which were unknown to VADM Reason at the time he referred LT Samples case to trial, this court finds that LT Samples' case should be reviewed *de novo* by a convening authority superior in rank and command to ADM Kelso to ensure that he has been given fair and impartial treatment in the critical referral process.

It Is Hereby Ordered, based upon the findings of this court (1) that ADM Kelso is an "accuser" within the meaning of Article 1(9), UCMJ, with regard to each accused and (2) that there has been both actual and apparent unlawful command influence in each case, the charges against CDR Thomas R. Miller, U.S. Navy, CDR Gregory E. Tritt, U.S. Navy, and LT David Samples, U.S. Navy are hereby DISMISSED WITHOUT PREJUDICE to the government's right to reinstate court-martial proceedings against the accused for the same offenses at a later date.

It Is Further Ordered that VADM Reason is disqualified as convening authority pursuant to R.C.M. 504. In light of this order, VADM Reason may proceed with the following actions only:

(1) Make a decision to take no further adverse actions against any or all of the three accused, effectively ending the proceedings;

(2) Take administrative or non-judicial disciplinary action in any or all of the cases in lieu of further judicial proceedings;

(3) Forward the charges to an authority senior in rank and command to ADM Kelso pursuant to R.C.M. 401(c) and section 0129 of the JAG Manual for disposition by superior competent authority, which may include the reinstatement of charges against these accused.

WILLIAM T. VEST, Jr.,
Captain, JAGC, USN,
Circuit Military Judge.

FOOTNOTES

[1] CDR Gregory E. Tritt, U.S. Navy, an accused before a separate general court-martial, requested leave of court to join in this motion with CDR Miller on grounds that a similar motion had been filed with the court in his case. CDR Tritt and his counsel were present for each hearing on this motion. After the presentation of evidence on the motion, LT David Samples, U.S. Navy, likewise an accused before a separate general court-martial, requested to join in the motion. Although coming in later, LT Samples claimed similar issues of law and fact on the motion and waived presentation of further evidence. The government had no objection. This court granted both the request of CDR Tritt and LT Samples to join the motion in the interest of judicial economy.

[2] Article 1(9), UCMJ, reads in pertinent part: "'Accuser' means * * * any other person who has an interest other than an official interest in the prosecution of the accused."

[3] Article 37, UCMJ reads in part: "No person subject to this chapter may attempt to * * * by any unauthorized means, influence * * * the action of any convening, approving, or reviewing authority with respect to his judicial acts."

[4] The Defense Criminal Investigative Service (DCIS) is a part of the Department of Defense Inspector General's Office (DODIG) and throughout this hearing witnesses have referred to them interchangeably.

[5] The female leg shaving exhibition was positioned directly behind the full-length window in one of the hospitality suites. Those on the patio outside the window and those in the suite were encouraged to watch an elaborate shaving process that included having the woman sit in a barber chair and expose her legs as much as she would permit, then two Navy officers would massage oil on her legs, apply the shaving cream, and then shave the legs. Although less offensive, it was intended to draw people to the suite in the same way as professional strippers and other lewd exhibitions were employed by other hospitality suites.

[6] These courts-martial have been consolidated for this motion only. All references to the transcript page numbers are to the unauthenticated record of *United States* v. *Miller*. If and when the record is fully reviewed and authenticated, the page numbers may be slightly different as a result of normal editing.

[7] These Reports of Interview proved to be problematic throughout this hearing. The methodology for the DCIS investigators was to interview a witness and take handwritten notes, no audio or video recording was ever done, and then to prepare the ROI from the notes some days or even weeks later. The ROI was never shown to the witness and the witness was never asked to acknowledge the accuracy of the ROI, much less swear to the truth of the contents. This novice approach to criminal investigation re-

sulted in the wholesale repudiation of the reports by many of the witnesses. This court has given minimal weight to the ROIs unless they have been subsequently verified through stipulation, in-court testimony, or some other reliable means, such as clear and specific references in the handwritten notes of the investigator.

[8] It is important to note that not only has the U.S. Court of Military Appeals maintained a consistent interpretation of "accuser" for over 40 years, but given this long-standing interpretation, Congress has made no changes to the law.

[9] Judge Gierke, concurring in result, takes issue with the expansive interpretation of a type-three accuser. "I believe that the correct definition of 'accuser' is limited to anyone who has a personal interest in ensuring that the accused is prosecuted." *Jeter* at 448. Judge Cox, also in a concurring opinion, takes the opposite approach and would require the convening authority to have the highest level of *judicial* impartiality. "I ask only the question, 'Should I have removed myself as the judge in the case?'" *Jeter* at 447. Although this court did not employ either of these outermost standards, I will note that given the facts of this case, the current finding of this court would be the same.

INTRODUCTION OF LEGISLATION TO REPEAL THE CUBAN ADJUSTMENT ACT

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, as you know, many people come to our country every year seeking asylum. We accept asylum-seekers for basically three reasons: family reunification, desirable economic benefits, and humanitarian concerns. We turn many people away if they do not fit into one of these categories.

Mr. Speaker, I visited refugee camps in Hong Kong, Thailand, India, and Turkey, and I heard the horror stories that people endured and learned how difficult it is to gain political asylum in the United States.

However, an exception to our immigration policy allows one group of people to come to this country no questions asked. If they stay here a year, they gain permanent-residency status. This exception is made not on the basis of political oppression, poverty, warfare, or to reunite families. Under this exception in 1991-92 more people were given permanent status in the United States than were accepted from Cambodia, El Salvador, Romania, Somalia, Haiti, and the former Yugoslavia combined.

The reason over 10,000 people were given permanent status in the United States was that they were born in Cuba. The Cuban Adjustment Act is indefensible and should be repealed, and that is why today I am introducing legislation to repeal the Cuban Adjustment Act so Cubans will be treated just as every other political asylum seeker in the world is treated.

Mr. Speaker, today I am introducing legislation to repeal the Cuban Adjustment Act of 1966.

Mr. Speaker, the Cuban Adjustment Act allows Cuban nationals who have been living in the United States for 1 year, under any circumstances, to become permanent residents of the United States. In practical terms, the act creates an exception to our immigration law which is not available to any other people of any other nationality. In 1991–92 a total of 10,851 Cuban nationals adjusted to permanent resident status, this is in addition to 7,911 Cuban refugees for the same period. The number of Cuban nationals who adjusted under the act exceeds the total number of refugees in 1991–92 from Cambodia, El Salvador, Romania, Somalia, and the former Yugoslavia. Further, with travel restrictions being lowered in Cuba there is a greater likelihood that Cuban nationals may be overstaying their nonimmigrant visas and adjusting to permanent residence status under the act. The act enables presumably any Cuban national who arrives in the United States and finds some way to stay here, to become a permanent resident, whether or not he or she meets the definition of a refugee or fits within the legal immigration preference categories.

The act was passed in 1966, a time when we as a country had very different concerns and priorities. It has not accomplished the goal of sending a message to Cuba, even if the message was sent it was never heard. Fidel Castro is still in power in Cuba while many of those who oppose him now reside permanently in this country. Some have even argued that the act has prolonged the Castro regime. The act is a cold war relic and it should go the way of other vestiges of the cold war.

A greater issue raised by the act is its patently discriminatory effect. I cannot believe that we are willing to continue to support a law which gives this overly generous benefit to people leaving a country which is certainly no worse off than many Caribbean and Latin American countries. Further, Mr. Speaker because this law allows any person who is simply Cuban-born to gain permanent residence status in the United States. Cuban-born people who are currently living in Germany, Spain, or Canada can leave those countries and attain permanent residence status in this country if they so desire. How can we continue to justify this law when there are so many people fleeing desperate situations that we must refuse?

Mr. Speaker, the repeal of this obsolete law has enjoyed a large base of support. It has passed the Senate a number of times and has been favorably reported out by the House Juidicary Committee. The Cuban Adjustment Act creates the perception of unfairness. But more importantly, Mr. Speaker the act is in fact unfair to people throughout the world seeking political asylum in the United States. I urge swift consideration of this important legislation.

56 CUBANS REACH PUERTO RICO

SAN JUAN, PUERTO RICO.—Fifty-six more Cubans took advantage of a backdoor route into the United States, landing on a remote U.S. island and forcing immigration officials to ferry them to Puerto Rico.

All were expected to receive asylum in the latest case illustrating the different treatment refugees from Fidel Castro's communist state get from those fleeing political and economic turmoil elsewhere, such as in Haiti.

The Cubans apparently had flown from Havana to the Dominican Republic, then paid a boat owner to take them illegally on Monday to Mona Island, about halfway across the channel that separates the Dominican Republic from Puerto Rico.

By late that afternoon, immigration officials had arranged for the Cubans to be flown by helicopter to Puerto Rico. The Mona route was rarely traveled by Cubans before October, but more than 340 have used it since, border patrol officials said.

FEDERAL RESERVE CHAIRMAN ALAN GREENSPAN'S CRYSTAL BALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, when Federal Reserve Chairman Alan Greenspan chose to raise interest rates, did he look into his crystal ball and see something the rest of us did not? Before we chop more wood, stoke the furnace, and buy a new shovel, let us check the track record of this foul weather forecaster.

When Alan Greenspan was Chairman of the Council of Economic Advisors under President Gerald Ford, this country was suffering from rising oil prices. Due to OPEC, nominal oil prices tripled from 1973 to 1974 and then rose 30 percent in the next 4 years. This is what economists call an external shock to the U.S. economy.

This situation warranted a different economic policy than the one the administration chose. What should have happened is that the economy should have been stimulated to offset rising oil prices. Instead, Mr. Greenspan chose to concentrate on inflation resulting in the Ford administration's conferences on inflation in which conferees chanted against inflation. It left the Ford administration totally unprepared to fight a major recession.

If you have tunnel vision and see only inflation in your crystal ball, then you disregard the possibility of lower income and employment, and you will be blinded to the effects of rising oil prices.

The House Banking Committee recently examined the records former Federal Reserve Chairman Arthur Burns had donated to the Gerald R. Ford Presidential Library in Ann Arbor, MI. The committee discovered an article, "Ford Losing Confidence in Econ Aides," from which I will quote. It was written by J.F. terHorst, who was Assistant to the President in the Ford White House. It appeared in the December 16, 1974 New York Daily News:

> Last fall, when he fashioned the anti-inflation package he presented Congress following his series of economic summit meetings, Ford relied heavily on the forecasts of his consultants, including Economic Council Chairman Alan Greenspan.
>
> They, his advisors, assured him that rising prices and production costs were the prime enemy of a healthy America. He was advised that while recession lurked distantly on the

horizon, it was not an imminent prospect that would confront him immediately."

So today, Ford sits unhappily in the wreckage of his anti-inflation program while every economic barometer and authority outside the White House suggests he badly miscalculated the onslaught of a serious recession in the United States.

What disturbs the President is that his distinguished economic counselors could not have foreseen two months ago when he announced his anti-inflation program that America would enter 1975 in the throes of slumping auto sales, nationwide layoff in consumer products industries and dwindling production, the hallmarks of a recession sliding dangerously toward depression.

Well my colleagues, unlike the seasons, it is clear that some things don't change. By concentrating on inflation, which at the time was strongly influenced by the rising price of import oil, Ford's advisors evidently failed to see the fragile nature of the U.S. economy and the great harm that rising energy prices could bring. The unemployment rate hit 9 percent in May 1975 and did not fall below 7 percent until 2 years later, at the end of 1977.

Today, Federal Reserve Chairman Greenspan seems to be giving the same sort of advice. Rather than acknowledging the fragility of the nascent economic recovery, Chairman Greenspan is charting a risky course by raising interest rates when no inflation is in sight—anywhere. I would like to ask Chairman Greenspan a question: Is it wise that the Federal Reserve risk the misery of slowing down a fragile economy when, as you admitted on January 31, 1993 before the Joint Economic Committee, that the inflation rate for all of 1993 may have been 2 percent or less?

Chairman Greenspan and his colleagues at the Federal Reserve announced their pre-emptive strike in February 1994, at a time when more people are being laid off in any 1 month since 1989. But never mind this kind of news, especially if you have a good job. The spin master would like us to believe that these lay-offs are a good thing. They say showing part-timers and lower paid workers the door is a marvelous way to increase productivity.

This reminds me of some turn-of-the-century rhetoric from a business organization that maintained the best way to increase productivity is for workers to look out the window and see the long unemployment lines.

The truth is that the Federal Reserve held the money supply defined as M2 to a crawl after the 1990 recession, severely impairing the recovery. Nobel Laureate Milton Friedman has even suggested that slow money growth was a major factor in the election defeat of the last President.

The FED's actions have a great impact on the country's economic well-being. In May 1993, once the Federal Reserve finally realized it needed to give the economy a boost, it accelerated money growth. Today, we see no such clear thinking. Many critics agree that the current action of the Federal Reserve to raise interest rates will slow down money growth and economic activity.

I believe the correct move at this stage of the recovery would have been to increase money growth to a 4-percent annual rate of increase. This action would have lowered short-term interest rates slightly and greatly aided the recovery without affecting inflation.

That sensible policy has been completely voided by a Federal Reserve that intends to bring the economy to its knees to achieve zero inflation. On top of all the pain and suffering that a tight monetary policy will now bring, the decisionmakers at the Federal Reserve continue to refuse to let the public know what goes into the individual Federal Open Market Committee [FOMC] member's thinking, even if it's detrimental to the country's best interest. My colleagues, I ask you to join with me in supporting legislation that will require full and complete records of the actions taken by the FOMC which sets the nation's monetary policy.

We must have complete accountability for the Nation's monetary policy at a critical time when Chairman Greenspan and his colleagues have mounted an attack on a mirage of inflation while record numbers of our fellow citizens are stuck in the reality of a deep freeze.

[From the Daily News, Dec. 16, 1974]

TERHORST

(By J.F. Terhorst)

WASHINGTON—President Ford's determination to move swiftly with new programs to combat the nation's growing recession stems not alone from the pressure of industry, labor and a worried citizenry. It results also from dismay with the economic forecast of some of his own advisers.

To be blunt about it, the President has lost confidence in their ability to predict the economic future. He feels he has received inaccurate advice and, having been burned politically and publicly because of it, Ford now has adopted a show-me attitude toward his economic counselors while listening more seriously to the advocates of direct federal action to overcome the country's economic crisis.

This fall, when he fashioned the anti-inflation package he presented Congress following his series of economic summit meetings, Ford relied heavily on the forecasts of his consultants, including Economic Council Chairman Alan Greenspan.

They assured him that rising prices and production costs were the prime enemy of a healthy America. He was advised that while a recession lurked distantly on the horizon, it was not an imminent prospect that would confront him immediately. Ford was further told that the warning signals from the business community, from Wall Street and from organized labor were probably exaggerated and, therefore, he should not be deterred from a major government assault on inflation.

Heeding their recommendations, Ford stuck to his desire to cut federal spending and bring the budget into balance for the first time in many years. Their advice also prompted him to recommend congressional passage of an income-tax surcharge to reduce the amount of money taxpayers would have available for spending on consumer goods. Ford was not totally surprised at Congress' predictable reaction to his proposals and, deep within, neither was the President convinced that a public campaign of voluntary action to "Whip Inflation Now" (WIN) would succeed. But he gave it the old college try trusting the advice of the professional economists in the White House, as well as the advisers he had largely inherited from the Nixon administration.

So, today, Ford sits unhappily in the wreckage of his anti-inflation program while every economic barometer and authority outside the White House suggests he badly miscalculated the onslaught of a serious economic recession in the United States.

What disturbs the President is that his distinguished economic counselors could not have foreseen two months ago when he announced his anti-inflation program that America would enter 1975 in the throes of slumping auto sales, nationwide layoffs in consumer products industries and dwindling production, the hallmarks of a recession sliding dangerously toward depression.

Ford is too much of a gentleman to put the blame on his predecessor in the White House. The country's economic woes were inherited by him from Richard Nixon. But Ford, as President, knows he is the man who will have to rectify the situation if governmental action can do it.

"John Kennedy had his Bay of Pigs in Cuba," one Ford aide remarked wryly, "and Gerald Ford is having his at home." Just as Kennedy had to learn quickly to rely on his own intuition and judgment in assessing the proposals of his advisers, so Ford has had to learn the difficult art of looking beyond his staff. This is not to suggest that expert advisers are not needed by Ford, but simply that he realizes that he and not any one of them is the President.

Just how Ford will respond in detail to the recession problem has not yet been decided by him, but some clues already are available. With the President's approval, Treasury Secretary William Simon has signaled the Democratic Congress that the Ford administration will cooperate in devising an extensive public-service employment program to deal with growing joblessness around the country.

The President's session with auto company officials and union leaders suggests a coming administration program to bolster auto sales and put thousands of laid-off workers back on the assembly lines. The auto industry is a vital part of the national economy, since one in every eight workers is employed in an auto-related field or is directly affected by auto plant cutbacks.

The Federal Government could help remedy the situation in Detroit and elsewhere by temporarily suspending installation of costly emission-control devices and by cutting income taxes on individuals and corporations.

Henry Ford 2d., one of those invited to the White House, already has advocated a 10 percent cut in income taxes, extended unemployment benefits for laid-off workers, relaxation of federal controls on credit and a system of federal loans to expansion-minded businesses that now cannot afford to borrow money on today's high interest market.

It is no longer a question whether Ford will embark on a full-scale government program to combat recession. He has gotten the message from those outside the White House that recession is a greater threat just now than inflation, despite what his economic advisers told him eight weeks ago. Whatever shape it takes in January, the new Ford economic package will mean at least two things:

It will signal that he has given up his long-cherished hope of balancing the federal budget for this fiscal year. Budget balancing had been a Ford obsession during his quarter century in Congress.

It also will mean that Ford has determined that his own judgment is more important sometimes than that of the best intentioned advisers.

The President's awareness of that precept is a good one, to all those who have been urging Ford to break out of the shadows of uncertainty that have bedeviled his young administration.

WHAT THEY'RE NOT TALKING ABOUT IN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the U.S. Congress, I have the responsibility to raise issues that my Democratic and Republican colleagues choose not to deal with. Let me briefly touch upon three issues of enormous consequence which, while ignored in Congress, must be addressed by the American people.

The United States is, increasingly, an oligarchy. The richest 1 percent of our population now owns 37 percent of the wealth, more than the bottom 90 percent of the people. The CEO's of the Forbes 500 corporations earn 157 times more than their average worker, and the gap between the rich and the poor is wider than at any time since the 1920's. From 1983 to 1989, 55 percent of the increase in family wealth accrued to the richest half of 1 percent of families, while the lower-middle and bottom wealth classes lost over $250 billion dollars' worth of wealth.

But oligarchy refers not just to the unfair distribution of wealth, but to the fact that the decisions which shape our consciousness and affect our lives are made by a very small and powerful group of people.

The mass media, television, radio, newspapers, magazines, book publishers, movie and video companies, for example, is largely controlled by a few multinational corporations who determine the news and programming which we see, hear, and read—and, ultimately, what we believe. While violence, scandal, horror, sports, and Rush Limbaugh are given much attention, we are provided with virtually no deep analysis of the problems facing working people, or possible solutions to those problems.

Economic decisions which wreck the lives of millions of American families are made by a handful of CEO's. While these corporate leaders bemoan the breakdown of morality and law and order, they close down profitable companies, cut wages and benefits, deny retired workers their pensions and transport our jobs to third world countries. American workers, who have often given decades of their lives to these companies, have absolutely no say as to what happens to them on the job. They are powerless and expendable—which is what oligarchy is all about.

The United States is becoming a Third World economy. The standard of living of the average American worker continues to decline. The real wages of American production workers have dropped by 20 percent during the last 20 years, as millions of decent paying jobs disappear. The new jobs that are being created are largely temporary, part time, low wage, and with few benefits.

Twenty years ago, the United States led the world in terms of the wages and benefits our workers received. Today, we are in 12th place. Our wages, health care, vacation time, parental leave, and educational opportunity lag behind much of the industrialized world. On the other hand, much of our economic and social life is more and more resembling that of the desperate Third World.

Twenty-two percent of our children live in poverty. Five million kids go hungry. Some 2 million Americans now lack permanent shelter or sleep out on the streets—many of them mentally ill and 1 in every 10 American families now puts food on the table only with the aid of food stamps. Tens of millions more survive, on bare subsistence, from paycheck to paycheck.

In more and more abandoned neighborhoods in America, a lack of jobs, income, education and hope have created an extraordinary climate of savagery and violence which more than equals that of many communities in Latin America, Africa, and Asia.

The suffering and desperation in the Third World which we have distantly observed is now coming home as we become a Third World economy.

The United States is fast becoming a nondemocratic country. The United States has the lowest voter turnout of any major industrialized country on Earth. The 1992 Presidential election produced a 55 percent voter turnout. It is expected that the 1994 off-Presidential turnout will be about 36 percent. In local elections the turnout is often far lower.

The simple fact is that the majority of Americans, and the vast majority of poor and working people, no longer believe that their Government is relevant to their lives. They understand very clearly that real power rests with a wealthy elite, and that voting for tweedle-dee or tweedle-dum is not going to change that reality or improve their lives.

If democracy is going to survive in this country, tens of millions of poor and working people are going to have to see the connection between their economic condition and the political process. They must vote not for the lesser of two evils, but for jobs, income, health care, and the dignity to which they, as human beings, are entitled. Only when that occurs will American democracy become revitalized.

□ 1810

POSSIBLE DEVASTATING EFFECTS OF CLINTON HEALTH CARE REFORM PLAN ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I rise today to express my grave concerns about the devastating effect that the Clinton health care reform plan will have on the small businesses of this Nation.

Two weeks ago, the Administrator of the Small Business Administration, Mr. Erskine Bowles, stated before the Committee on Small Business that:

> Small businessowners, when they examine the facts, will realize the value of the Health Security Act. They will realize that the act is good for small business.

Well, Mr. Speaker, I recently put that statement to a test, and I am here to tell you that nothing could be farther from the truth:

Several weeks ago, I held an open forum to discuss the effects of the Clinton plan on small business. After hearing the facts about the Clinton plan, not one—I repeat—not one of the small businessowners in attendance "realized the value of the President's plan." Let me read you what several of these businessowners said when presented with the facts about the President's proposal.

Mr. Chuck Keagle, a businessman who runs several small restaurants, testified that—

> If the Clinton plan were enacted as it stands now, my problems as a small businessowner would go away because we simply would not survive. We would have to close. There is no question about it. Our margins are very thin now and adding the additional cost of the health plan would simply put our company out of business.

Debbie Matthews, of Everitt Charles Technologies, testified that—

> We have about 300 employees located in seven different locations. It's unbelievable to us that we may have a reporting relationship with seven different entities or health alliances. We would have to add a significant number of staff just to handle the reporting requirements in this new health care initiative.

Barbara Price, owner of A-plus Mailing Systems, testified that—

> The effect that the Clinton plan will have on my business is quite severe. We are already doing our best just to stay in business going up against the big boys and added taxes, added expense. The Clinton plan is going to mean one of two things: We're going

to close our doors entirely and go out of business; or we're going to severely reduce the number of people we have working for us. That's not good news.

These comments were not unique. In fact, at that forum small businessowner after small businessowner told me that if the Clinton plan passes, they would have to either lay off employees or close entirely. One small businessowner, using a cost estimation worksheet sent out by the Small Business Administration, estimated that under the Clinton plan his health care costs would increase from a current level of $50,000 per year to $252,800 per year, an increase of over 400 percent.

When you listen to this kind of testimony—which comes from real people running real businesses—it becomes extremely clear that the Clinton plan poses a life-or-death threat to this Nation's small businesses.

This threat stems, of course, from the employer mandate provisions of the Clinton plan. Requiring employers to pay 80 percent of their employees' health care premiums and subjecting these employers to payroll liabilities of between 3.5 and 7.9 percent will place a costly new financial burden on small businesses, many of whom do not—and cannot afford to—provide health care for their employees. This new financial burden will be enormous: Even with Federal subsidies, the Clinton plan will increase the health care costs of small businesses by more than $24 billion in the first year alone.

Even more disturbingly, at the same time the President's plan targets small businesses, it gives big business a huge bailout. Large corporations, many of whom currently spend between 15 and 25 percent of payroll on health care for their employees, will enjoy an enormous financial windfall by having their health care premium liability capped at 7.9 percent of payroll. Big business is even more excited about the provisions in the President's plan which would force the Federal Government to pick up a large part of their costs of providing health coverage to early retirees. In short, the Clinton plan would not only place new costs on small business, but would shift a large part of already existing health care costs from big businesses to the owners and employees of small businesses.

To me, this situation is absolutely unacceptable. What the Clinton administration is attempting to do with this plan is to require small businesses to shoulder most of the responsibility and cost of bringing millions of uninsured individuals into the health care system. In doing so, the President's plan would deliver a fatal blow to many of this Nation's small businesses. If anyone has any doubt about this fact, just go out and listen to real businessowners. They will tell you as they have told me that the Clinton plan will destroy small business in this country.

For this reason, I urge my colleagues to oppose the Clinton plan and to support reasonable alternatives that do not contain an employer mandate. Doing so will be a matter of survival for American small businesses.

TWO AMERICAN STORIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, two stories were reported last week in the Washington Post that I would like to call to your attention. One is the Nissan Motor Corp., U.S.A. buy-back offer of its flawed 1987–90 minivans, the other is about Dr. Jeffrey Wilkerson, a native of Maryland, who discovered a lost city in Mexico.

The Nissan story is remarkable because of the people who have banded together to seek justice for the van owners who have suffered through four recalls and incurred financial loss with their vans. Remember this 1987–90 minivan had mechanical problems which led to excessive engine heat, including catching fire and burning while being driven. A few even caught fire and burned while parked.

It has been a tough job to attract Nissan's attention and that of the National Highway Traffic Safety Administration [NHTSA]. But all of us have persevered. From the Connecticut businessman, George Pasiakos, who first brought documentation of the burning vans to my attention, to the van owners, particularly those in Florida who demonstrated in the street to attract the attention of Nissan—and the attorney generals of 21 States who, early last spring, petitioned NHTSA to buy back the vans or conduct an independent test. Neither was done.

After working with the van owners, last spring I participated in a hearing of the Transportation subcommittee of Appropriations in order to ask specific questions of NHTSA. Recently, I requested a General Accounting Office [GAO] for an investigation of NHTSA and whether or not it adequately fulfilled its role to protect the public.

I also asked Attorney General Reno to investigate the relationship between Nissan and NHTSA since Nissan's counsel is the former general counsel for NHTSA. In addition, I wrote Secretary Peña to become involved in this issue because lives were at stake. So, with the combined efforts of public officials, private citizens, and van owners we now have a buy back. There will be more chapters to that tale in the future.

The second story about Dr. Jeffrey Wilkerson is particularly thrilling because it shows what the Members of Congress can do working together.

Dr. Wilkerson discovered an ancient port city, El Pital, in Mexico. A Washington Post article by Todd Robberson explained that the city flourished between A.D. 300 and 600. Its discovery is considered to be the most important find in Mexico in over 200 years.

A veteran of over 20 years of archaeological work in Mexico, Dr. Wilkerson's work is supported by the National Geographic Society, the New York-based Selz Foundation and the prestigious Mexico city-based Group of 100 of Mexico's leading scholars.

Last fall I worked with my former constituent Dr. Wilkerson by helping him secure a permit from the Mexican Government for his work. He has asked that I pass along his personal thank you to all those Members of this body who signed a Dear Colleague with me to the President of Mexico. I want to add my personal thank you to my colleague, the distinguished majority leader, RICHARD GEPHARDT. He and his staff quickly joined this effort recognizing the value of Dr. Wilkerson's work.

This story is a perfect example of how Congress works and what the members, working together, can accomplish.

It is a proud day for all of us who helped in this effort and for Dr. Wilkerson's mother Merna Wilkerson and his two sisters, Diana and Susan who worked with my office. This acknowledgment would not be complete without recognizing President Salinas of Mexico for intervening to make certain a permit was granted. Our efforts in aiding Dr. Wilkerson, both in the U.S. Congress and President Salinas's role have truly made it possible to add to the world's knowledge of man. It is a job well done. Jeff Wilkerson says, Thank you.

Both of these stories reflect the efforts of Americans making our system work for the benefit of the public. The van owners helped one another, and Members of Congress helped Jeff. America benefited in both stories.

NISSAN PLANS TO BUY BACK C-22 MINIVANS

(By Warren Brown)

Nissan Motor Corp. U.S.A. announced an unusual offer yesterday to buy back all 33,000 of the C-22 minivans it sold in the United States from 1987 to 1990 because they are vulnerable to engine fires.

It is only the second time that an auto company has volunteered to buy back all defective vehicles in a U.S. recall, according to federal safety officials. Nissan, which will crush the vans, said the campaign will cost $231 million.

Owners will receive from $5,000 to $7,000 for the minivans, which originally sold for $11,000 to $18,000. The customers also will be offered a $500 coupon good toward the down payment on a new or used vehicle at a Nissan dealer, the company said.

The C-22 minivans have been recalled by Nissan four times to fix engine problems that could lead to fires.

The most recent recall, last August, involved fan belts that could break, eventually causing engines to overheat and possibly burst into flame.

The National Highway Traffic Safety Administration did not think the fourth recall would work any better than the previous three efforts, and the agency was hinting that it might try to force Nissan to take back the vehicles, a Department of Transportation source said. That approach worked in 1981, when Italian automaker Fiat decided to buy back 4,000 of its 1972–74 Fiat 124 sports cars and sedans that had severe structural rust problems.

There have been 153 Nissan minivan fires in the United States, according to Nissan and federal safety officials. But there have been no deaths or serious injuries related to those incidents, company and federal officials said.

The Nissan buyback program will work this way:

An owner of 1987-90 C-22 minivan must take the vehicle and the title to a Nissan dealer. The buyback price will be based on retail prices listed in the January 1994 issue of the National Automobile Dealers Association Official Used Car Guide. Washington area residents are advised to check the Eastern Edition of the guide.

For owners who reject the offer, Nissan said, the dealer will reinspect their vans to ensure that the fourth recall repair was done properly. Nissan has promised other services to these customers, including roadside assistance, towing, loaner car services and 100,000-mile warranties.

Fewer than 300 of the 1990 C-22 minivans were sold in the United States and owners of those cars presumably can expect the highest buyback prices, Nissan officials said.

In August Nissan initiated a "cash for equivalent repair value program." Under the program, C-22 minivan owners could have chosen a recall repair or the cash value of that repair. An estimated 1,000 C-22 minivan owners chose the cash payout. However, the cash value of a repair is not necessarily the same as the cash value of the minivan.

Some people who took the cash value of that repair might be eligible for more money, Nissan spokesman Mark Adams said.

"Let's say the cash-equivalent value of the repair was $4,000, but that the cash-value of the minivan was $6,000. That customer would still be eligible for a $2,000 check," Adams said.

"There has never been a buyback program of this scope or magnitude," said William A. Boehly, associate administrator of NHTSA for enforcement. Boehly said the agency had been monitoring Nissan's progress with the fourth recall and had expressed to the company "that we were hopeful that they would take further action."

Nissan officials said they acted because their customers were becoming angry.

"We felt that it would be easier to keep our customers happy than it would be to try to win them back," a Nissan official said. Nissan U.S.A. vice president and general manager Earl Hesterberg said, "Keeping our customers satisfied is our first priority. That's why we decided to offer this program."

[From the Washington Post, Feb. 3, 1994]

MOUNDS MAY YIELD VAST LOST CITY

(By Tod Robberson)

EL PITAL, MEXICO.—An American archaeologist in this remote village on the Gulf of Mexico says that he has located the site of an ancient port city that is believed to have flourished more than 1,500 years ago, possibly having served as the largest coastal urban center in North America during its life span.

Although no ground has been broken on the 150 earthen pyramids and other structures at the site, it already is yielding surface artifacts and data indicating that it once served as a key political, cultural and trading center contemporary with the city of Teotihuacan, whose pyramids—up to 200 feet high—still stand near present-day Mexico City.

Archaeologists long have suspected something lay under the dense vegetation at El Pital, about 60 miles northwest of Veracruz. Now the first scientific survey has depicted it as a lost city whose size and coastal location help fill a longstanding gap in the understanding of trade and migration among pre-Columbian civilizations in this part of Mexico.

They say the site, unlike other more fortress-like inland cities, appears to have had a distinct function as a center of commerce and food production. This suggests the ancient people who lived here had a more sophisticated social and economic structure than was previously known for the time period—at the dawn of the Mayan civilization some 500 miles to the southeast and 1,000 years before the Aztecs built their society around what is now Mexico City.

Thousands of people, possibly more than 20,000, may have inhabited the city and its suburbs at its peak of activity between A.D. 300 and 600.

In addition, scientists are investigating its probable use as a conduit for seagoing trade with pre-Columbian Indian civilizations as far north as the upper Mississippi River, and they say it may have been responsible for the introduction of crops such as corn into the north.

Archaeologists say they believe certain crops arrived in the Mississippi Valley, along with some native rituals and cultural practices, around the same period as when the El Pital site flourished, but they have never been able to determine whence they came. They say El Pital could yield some important clues.

Preliminary data are being gathered at the site by a team of archaeologists headed by S. Jeffrey K. Wilkerson, a Maryland native who has lived and worked here in the Gulf Coast state of Veracruz for more than 20 years.

"The impression we're getting is that this will turn out to be the largest urban center on the Gulf Coast for this time period," Wilkerson said while touring the site, named after a village that now sits atop some of the ruins. "I think this was the major terminus of a cultural corridor leading from Teotihuacan to the gulf. This is something of a missing link."

The core city, its suburbs and satellite communities measure at least 24 miles long and 12 miles wide, with some of its earth-and-stone pyramids reaching heights of 130 feet. Despite its massive size, the site is virtually invisible at ground level because of thick banana plantations and orange groves that now cover the area.

From a nearby highway, only the tops of three or four cone-shaped mounds are visible above the banana palms. Residents of El Pital—including a family whose house sits atop one earthen building—said they do not believe the mounds are pyramids or any other type of ancient structure, but rather are strange, natural lumps that inexplicably have shot up from the otherwise flat coastal plain.

Wilkerson said no known geological phenomenon could have produced the smooth faces and honed edges of the mounts. Earth and stones—hundreds of thousands of tons—were carried by hand to build the city, he said.

"It talks about a lot of power, power to compel people to live in a concentrated area when the natural tendency would be to spread out," he explained. "There was the power to compel people to move lots of earth and build all of this, and the power to manage food production to feed everyone who lived here. Whoever directed it may not have been very well-liked by his people."

Even to the untrained eye, the site's importance as a large urban center is unmistakable. On a tour with Wilkerson amid heavy rains, hundreds of artifact fragments, potsherds and even slivers of human bone bubbled to the surface atop the pyramids.

On the surface, Wilkerson's team has found scores of items, including ceremonial sculptures, a sun-god plaque and a foot-long, leaf-shaped flint knife possibly used for human sacrifices. Beneath a canopy of banana palms at one section of the site, thousands of pieces of hand-worked pottery—some believed to date back hundreds of years before the time of Christ—litter the ground like discarded cigarette butts after a rock concert.

Farm tractors and an AT&T telephone crew digging in the area also are churning up relics daily.

"For us, this is like an archaeological orgasm," said Ramon Mariaca, a visiting archaeology student from Mexico City's Iberoamerican University. "I doubt I will ever investigate another site like this in my lifetime."

According to Wilkerson, preliminary studies indicate a 2,500- to 3,000-year human chronology around El Pital. Located nine miles west of the Gulf of Mexico, El Pital is directly linked to the ocean by two slow-moving rivers, the Tres Bocas to the north and the Nautla to the south, perfectly situating it for waterborne commerce along the Gulf Coast.

To test his theory that it served as an ancient port, Wilkerson traveled both rivers by raft and said they were easily navigable with oars in both directions. He described "gateway structures" at strategic junctures along both rivers that could have served as toll stations or other control points for boat traffic serving the city.

"You didn't even need to walk to it. You could take your canoe right up to the site," he said. "It is quite possible the city controlled coastal trade at a time we know the Mesoamerican civilization was reaching its zenith," said George Stuart, director of archaeological projects at the National Geographic Society in Washington. "Any time you find a huge ruin, unknown and undug, it adds another part to the larger mosaic. This is of far more than routine importance."

National Geographic, the New York-based Selz Foundation and the Mexico City-based Group of 100 have provided funding and support for Wilkerson's work, which he is conducting under authorization from the Mexican government's National Institute of Anthropology and History.

Wilkerson received permission from the Mexican institute to investigate El Pital only after a long controversy in 1992 that led to his expulsion from another archaeological site farther inland along the Nautla River. Supporters of Wilkerson had accused the Mexican institute of plagiarizing his work and distributing confidential information he had submitted as part of an application to investigate the previous site.

The controversy occurred just as Mexico was launching its lobbying campaign for U.S. congressional ratification of the North American Free Trade Agreement, and it prompted an outcry from members of Congress who claimed that Mexico could not be trusted to safeguard intelligence property rights.

President Carlos Salinas de Gortari intervened and ordered the institute to grant Wilkerson a permit. But instead of giving him access to his original site, it assigned him to the area of El Pital, which was not regarded as having major archaeological significance.

Wilkerson said he knew as far back as the 1960s that some ancient mounds existed at El

Pital, but he was unaware of its full significance when the Mexican government assigned him the site until he began surveying the extent of the ruins. "Did I know that it was this large, this extensive, this important? No, absolutely not," he said.

Wilkerson said El Pital almost certainly predated the gulf region's other major pre-Columbian city at El Tajin, 36 miles inland to the north, and "smothered it" in terms of size and geographical importance.

Although El Pital was contemporary with early Maya cities 500 miles to the east, the inhabitants of El Pital probably were not Mayan, Wilkerson said. No conclusive data have surfaced to pinpoint their ethnicity, but evidence exists they were indigenous speakers of the Huastec language or migrants speaking the Nahua language commonly found in the civilization of Teotihuacan.

El Pital also appears to have been contemporary with Teotihuacan, which arose early in the 1st millenium and dominated the Valley of Mexico for roughly 750 years.

Aside from the rich archaeological yield expected from the study of El Pital, scientists said they hope to answer another critical question: Why would a site of such importance fade out of existence the way it did?

Wilkerson and Betty J. Meggers, head of the Latin America archaeology section at the Smithsonian Institution, are investigating the possibility that a catastrophic series of floods led to the city's downfall.

Meggers is studying archaeological effects of "El Nino," the periodic, violent weather fluctuation brought about by sudden shifts of warm water currents into the eastern Pacific Ocean that can cause heavy flooding. She hopes to investigate El Pital as part of a study of a phenomenon called "mega-Nino," which theoretically occurs every 500 years and can disrupt weather patterns for decades.

Wilkerson said an ability to pinpoint a mega-Nino can help scientists predict the arrival of future cycles. "This is what I feel is of major importance about the site, that the past tells us about the present," he said.

A SACRED TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 5 minutes.

Mrs. MEYERS of Kansas. Mr. Speaker, today I introduce a resolution of inquiry in an effort to obtain factual answers to a few of the questions raised by a complicated web of prominent persons, events, and federally insured or licensed institutions. This growing embarrassment is now known simply as Whitewater.

As you know, a resolution of inquiry is a mechanism available to Members under the Rules of the House of Representatives to obtain information from the President of the United States and heads of executive departments. According to long-standing practice in this body, this resolution is considered privileged because it has special standing in the legislative process. We have protected that privilege by requesting factual answers to specific questions, not opinions, from the President.

My fellow cosponsors and I do not take this step lightly. We do have a constitutional obligation, however, to the American people to discover the truth—good or bad—and hold our public figures responsible for their actions. To that end, we must use the avenues provided to Members under the rules of the House to obtain facts otherwise made unavailable to us.

Mr. Speaker, as ranking Republican on the Small Business Committee, I have been working to investigate the activities of Capital Management Services, Inc., a specialized small business investment company [SSBIC] in Arkansas. The information we have obtained, to date, on the operations of this federally licensed entity has been extraordinarily disturbing. However, the information we have received has lead to more questions than answers.

Unfortunately, the executive branch has not been forthcoming in responding to requests for information from certain Members of Congress. This stonewalling has provided fertile ground for sowing the seeds of intrigue and speculation. Adding fuel to this fire of speculation are the recent news reports alleging that the Rose Law Firm in Little Rock, AR has been destroying documents concerning the Whitewater Development Corp. I believe it is time that Congress and the American people receive answers to some simple questions, removing doubt and mystery from various events, and allow existing Congressional investigations to go forward.

Contrary to the assertions of some individuals in the executive branch, and some Members of Congress, the most important role of the Congress is that of oversight and investigation in the public interest. Those powers are not vested solely in a few committee chairmen, and that certainly was not the intention of the Founding Fathers.

Mr. Speaker, one of America's foremost students of government, the Honorable Woodrow Wilson, once said and I quote:

> Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function * * *.

Throughout my public career, I have considered and held dear the sacred trust the citizens have placed upon me. I have tried to honor that trust through my actions, and I believe I am doing so today with the introduction of this resolution.

□ 1820

CALLING FOR AN END TO AMERICAN TOLERANCE OF SERBIAN AGGRESSION AND GENOCIDE

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from Indiana [Mr. MCCLOSKEY] is recognized for 5 minutes.

Mr. MCCLOSKEY. Mr. Speaker, as we all know, it has been a week, or at least the last several days, 4 or 5 days, of great and ongoing tragedy in Bosnia, and to some degree, with the NATO events of recent days, a cause for more hope.

Particularly, I would like to commend President Clinton on his increased resolve resulting in the NATO mandate on the Serbs to evacuate the heavy artillery from Sarajevo. It appears that the tragic event of last Saturday's market, in which some 200 people were killed, wounded, and maimed, has focused the world's attention, and I might say, I think that event alone has caused one of the most massive turnarounds in public opinion that I have ever seen in my public life, to the point that now a majority of the American people favor NATO bombing strikes, NATO air strikes to lift the siege of Sarajevo.

Nevertheless, the present situation, I think, poses concern as to how it would be handled immediately and over the long run. I think a major concern is about Western resolve and our ultimate political and moral leadership. Are we going to use our good office for a reasonably just peace? Do we believe in a lift and strike option if necessary to stem this ongoing debacle? Or is Western policy ultimately going to be bluff and partition?

I might note that anything close to the present radically unfair and most tragic and ugly, obscene partition of this sovereign state can only be the basis for ongoing disaster. Troops of no sort or troops of any country will not be able to do routine and positive peacekeeping there. It will continue to be a zone of war and strife.

Particularly, it would seem that even now much of the European community seems unhinged about any improvement in the Bosnian Government's ability to defend its people, and they even regard the Bosnians as a guilty, rather than an aggrieved, party. We should stand for the principles and ideas of America, the U.N. Charter, and the rights of oppressed peoples everywhere.

Particularly, the issue of arms embargo remains unsolved. I might say, I think it is illegal and immoral on its face for a people, a sovereign people, and I might note the people of a multiethnic society, Serb, Bosnian, Croat, Moslem, and so forth, including other nationalities, that they should be deprived of the basic inherent human right to defense.

I would also like to note that I will include for the RECORD a major statement from the Action Council for Peace in the Balkans released today, Mr. Speaker.

Quoting partially from it, and I would note that Hodding Carter, chairman of the Action Council, said:

> NATO's ultimatum does not address the real issues and problems at stake, including the direct causes of last Saturday's brutal attack on Sarajevo's inhabitants. The Serbian siege of Sarajevo will continue, the Serbs will keep their weapons, the Bosnian government will remain gagged and bound by the arms embargo, and the victims, not the aggressors, are likely to be the ones to feel the "full weight" of U.S. diplomacy at the negotiating table."

I think this is very important. There is such an ongoing mess and such an ongoing tragedy that is still far from being resolved; my particular words in that last sense, not from the Action Council's statement.

Quoting from the Action Council's statement again, "On the humanitarian side, 'there appear to be no assurances from unrestricted access of humanitarian aid into Sarajevo, the other U.N.-mandated "safe havens," or other key areas of need, including Mostar,'" I might say that expert reports are that Mostar may be the most suffering community on the planet, particularly in the so-called Moslem east end. This was raised very well by Lionel Rosenblatt, president of Refugees International and a Council member:

"The plan also appears to actually disarm the Bosnian government, denying it the means to defend its own capital, actually increasing the overwhelming Serbian advantage and the Serbs' ability to continue the seige of Sarajevo indefinitely."

The statement also raises concerns: "There will be no retaliation for last Saturday's attack, despite U.N. and NATO agreements last August to use air strikes to stop the strangulation of Sarajevo, and Serb forces can opt to retain control of their heavy weapons, which can be repositioned or redeployed to continue the bombardment of other Bosnian 'safe havens'.

"The ultimatum calls for Serbian heavy artillery to be withdrawn only 12 to 13 miles from Sarajevo's center, despite the fact," and we all know this, the artillery has a range of 25 miles.

"There will be no withdrawal of Serbian forces that attack civilians on a daily basis, including snipers and those that use hand-held mortar.

"There will be no automatic response to future shelling of Sarajevo; initial authorization to launch air strikes rests, as before, with the U.N. Secretary General;

"The plan does not address the 'strangulation' of other 'Safe havens,' including Tuzla and Bihac, which were shelled on Wednesday;

"The ultimatum provides an exclusion for Serb forces in Pale, the 'capital' of the Bosnian Serb forces; as a result, the aggressors can keep their heavy weaponry in their 'capital' while the victims—the people and legitimate government of a U.N. member state, must surrender their meager means of defense."

Continuing the quote from the Action statement, "The diplomatic emphasis is clearly on pressuring the victims—the Bosnian government—to capitulate and sign the Serb-dictated partition plan.

"Current negotiations and mediators are part of the problems, not the solution.

"The current partition plan, even with slightly better redistribution of territories," and this is also very important, "will legitimize aggression and genocide and violates U.N. charter UNSC resolutions, and London Conference declaration."

Also, it still remains a fact that the Bosnian Government continues to be denied the right to defend itself and its citizens, and now is being denied the right to defend its besieged capital.

I might say, as so many of us know, in conclusion, the problem is Serbian aggression and genocide. The problem is the ongoing tolerance by the Western world of Serbian aggression and genocide. Let us do the right thing and stop it now.

Mr. Speaker, I include for the RECORD the full letter from the Action Council:

ACTION COUNCIL SOUNDS NOTE OF CAUTION TOWARD CLINTON'S BOSNIA INITIATIVE

WASHINGTON.—Members of the Action Council for Peace in the Balkans voiced skepticism and concern regarding President Clinton's new initiative toward Bosnia. While Council members welcomed President Clinton's personal involvement in finding a solution to the two-year-old conflict, they voiced concerns that the nature of the military and diplomatic approach he has adopted falls well short of the steps necessary to end the genocide and aggression.

Hodding Carter, co-chairman of the Action Council, said, "NATO's ultimatum does not address the real issues and problems at stake here, including the direct causes of last Saturday's brutal attack on Sarajevo's inhabitants. The Serbian siege of Sarajevo will continue, the Serbs will keep their weapons, the Bosnian Government will remain gagged and bound by the arms embargo, and the victims, not the aggressors, are likely to be the ones to feel the "full-weight" of US diplomacy at the negotiating table."

"This plan, as well as President Clinton's remarks this week, treats the victim as harshly—perhaps more harshly—than the aggressor," Carter added.

On the humanitarian side, "There appear to be no assurances for unrestricted access of humanitarian aid into Sarajevo, the other UN-mandated "safe havens," or other key areas of need, including Mostar," noted Lionel Rosenblatt, President of Refugees International and a Council member. "The plan also appears to actually disarm the Bosnian Government, denying it the means to defend its own capital, actually increasing the overwhelming Serbian advantage and the Serbs' ability to continue the siege of Sarajevo indefinitely," Rosenblatt added.

The Clinton/NATO plan has several shortcomings, according to the Action Council:

There will be no retaliation for last Saturday's attack despite UN and NATO agreements last August to use air strikes to stop the strangulation of Sarajevo

Serb forces can opt to retain control of their heavy weapons, which can be repositioned or redeployed to continue the bombardment of other Bosnian "safe havens."

The ultimatum calls for Serbian heavy artillery to be withdrawn only 12–13 miles from Sarajevo's center, despite the fact that the artillery has a range of 25 miles.

There will be no withdrawal of the Serbian forces that attack civilians on a daily basis, including snipers and those that use hand-held mortar.

There will be no automatic response to future shelling of Sarajevo; initial authorization to launch air strikes rests, as before, with the UN Secretary General.

The plan does not address the "strangulation" of other "safe havens," including Tuzla and Bihac, which were shelled on Wednesday.

The ultimatum provides an exclusion for Serb forces in Pale, the "capital" of the Bosnian Serb forces; as a result, the aggressors can keep their heavy weaponry in their "capital" while the victims—the people and legitimate government of a UN-member state—must surrender their meager means of defense.

The diplomatic emphasis is clearly on pressuring the victims—the Bosnian Government—to capitulate and sign the Serb-dictated partition plan.

Current negotiations and mediators are part of the problem, not the solution.

The current partition plan, even with slightly better redistribution of territories, would legitimize aggression and genocide and violates UN Charter, UNSC resolutions, and London Conference declaration.

The Bosnian Government continues to be denied the right to defend itself and its citizens and now is being denied the right to defend its besieged capital.

THE UNITED STATES GOVERNMENT SHOULD RESPECT THE NEED BY THE PACIFIC TERRITORIES FOR PARTICIPATION IN SPREP AND APEC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, in the midst of admirable efforts by the administration to improve our economy and increase America's competitiveness overseas, there have been recent actions taken by the State Department which stifle economic advancement in the territories of the United States. In the same manner, while the administration makes valiant attempts to improve and sustain the integrity of the environment, the State Department rejects advances in environmental stewardship and economic growth in the South Pacific.

The rejection of Guam's participation in regional organizations, namely in Asian-Pacific Economic Cooperation [APEC] and the South Pacific Regional Environmental Protection Program [SPREP], are the reasons for these inconsistencies in national policy.

APEC is an organization dedicated to the strengthening of regional economic ties among its 15 members. It seeks to reduce trade barriers and encourage investment by coordinating economic policy. The members of APEC are liberally called member economies so that economies which are not completely sovereign, such as the crown colony of Hong Kong, may participate. Unfortunately, the State Department denies Guam the right to participate in the regional organization outside of the seat held by the United States. Their contention is that Guam can be adequately represented through the United States just like the States of the Union, despite the fact that we are economically entirely unlike the States. We are not part of the customs zone, and are not part of NAFTA, we are ignored regularly in all trade talks and considerations.

Guam, whose economy is closely tied to the Asian and the Pacific economies, is not treated as a State. So why are we denied the opportunity to represent our own interest? Is the United States uncomfortable with the possibility of having an equal seat on an organization with one of its territories or does it not like the possibility of a territory disagreeing with a policy as was the case in SPREP?

Many parallels can be drawn between Guam's treatment in APEC and its current situation in the South Pacific Regional Environmental Protection Program. What makes the denial of full participation in SPREP even more absurd, however, is the fact the Guam was a full member of the South Pacific Commission, the organization that gave birth to SPREP. Reasons given by the State Department cite concerns with the structure, membership, and funding of the organization. Could it be, however, that the Department of State fears further confrontation from the South Pacific governments over issues such as draft net fishing and nuclear dumping? Guam must be allowed to voice its concerns about such serious actions taking place in our own back yard.

Regrettably, on June 18, 1993, Guam withdrew from SPREP after being refused equal representation. This followed a plan approved by all members of SPREP—with the exception of the U.S. Delegation—that would have allowed Guam and dependant areas to participate.

This past week the National Governors Association met here in the District. Among those attending the NGA meeting were the Governors of the "off-shore" areas including Guam, American Samoa, the U.S. Virgin Islands, Hawaii, and Puerto Rico. During the Off-Shore Governors' Forum, a resolution was passed taking issue with the action of the Federal Government with regard to partcipation in APEC and asked for observer status for Guam. Will this body and this administration ignore the sentiments of these Governors in their effort to maintain and develop their economic strength and to contribute to that of the United States? I trust that we will not disregard the plea for equal opportunity in being allowed to observe APEC activities in an independent fashion since Guam's economic viability is at stake.

APEC and SPREP offer disturbingly poignant demonstrations of how the Federal Government determines Guam's status in an arbitrary manner. The problems associated with region organizational participation also speak to the reasons why we must seek to better define Guam's political status and relationship to the United States.

Advances in economic and environmental policy must not be thwarted by unnecessary control over the territories. In order to develop the human, economic, and ecological potential of Guam and the Pacific region, the Federal Government must allow these areas to share in the responsibility and accountability of governing instead of being directed from the other side of the world. We must resolve the political status and relationship between Guam and the United States and we must allow the territories to participate fully in regional organizations whose activities directly affect the people and the economies of the Pacific. By this action, we can avoid further inconsistencies and questions of regional participation.

Trade and economic development opportunities have shifted to the nations in Asia and the Pacific Basin. The United States Government fully recognizes this reality and should respect the need for the Pacific territories to participate in SPREP and APEC.

□ 1830

MORE PROBLEMS IN THE CLINTON HEALTH PLAN

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 60 minutes.

Mr. GOSS. Mr. Speaker, I know the hour is late and people are concerned about the weather, and I will try and accommodate those concerns. There are some things that have happened though that I think are worthy of attention.

I think a very important part of the debate on health care reform, a new round has been fired, as it were, new information is in. I think it will be the grist for the mill for days to come, and I wanted to sort of introduce the subject, because I think it is one of great import. And those interested in this subject I am sure will be interested. I want to refer them directly to an article in the New Republic by Elizabeth McCaughey that speaks as a return to the criticism she has received from the White House with regard to her earlier comments on the Clinton health plan. It gets very specific.

The article is entitled "Clinton's Plan on the Ropes."

It is further entitled "She's Baaack," and it is from the New Republic edition of February 20.

The war of words has escalated regarding the chasm between what the spin doctors at the White House says about Clinton health plan and what the bill that's been submitted actually says. In a recent article for the New Republic a respected health care expert, Elizabeth McCaughey, spelled out a number of serious inconsistencies between the rhetoric of Clinton health and the actual requirements of the legislation the President has proposed. As the walls came tumbling down around the President's plan, with a series of negative reviews including a damning budgetary assessment by the Congressional Budget Office, the White House panicked and began an exercise of shooting the messenger. Elizabeth McCaughey's analysis was ridiculed and lambasted. Undaunted, Ms. McCaughey has responded again, this time citing chapter and verse—actual page numbers and verbatim references to the Clinton health bill to back up her assertions. I would like to share with my colleagues some of the high points of Ms. McCaughey's most recent critique, in the February 20 edition of the New Republic.

I would not want in any way to discourage anybody from reading the whole article because it is very complicated to try to interpose a three-way debate that is going on between her first article, the White House, and then her retort.

Mr. Speaker, I include that article for the RECORD.

[From the New Republic, Feb. 28, 1994]

CLINTON'S PLAN ON THE ROPES: SHE'S BAAACK!

(By Elizabeth McCaughey)

On January 31 the White House press office released a statement questioning the accuracy of my recent article in TNR ("No Exit," February 7, 1993). I welcome this opportunity to engage in a dialogue with the White House about the content of its health bill. As I did in my original article, I will be documenting my description of the bill—and my point-by-point rebuttal of their arguments—with page numbers from the November 20, 1993, version. If White House representatives challenge the accuracy of my description again, I hope they will provide page numbers, too, so that TNR readers can compare the evidence and decide for themselves.

Most of the White House challenge focused on this paragraph from my article:

If the bill passes, you will have to settle for one of the low-budget health plans selected by the government. The law will prevent you from going outside the system to buy basic health coverage you think is better, even after you pay the mandatory premium (see the bill, page 244). The bill guarantees you a package of medical services, but you can't have them unless they are deemed "necessary" and "appropriate" (pages 90–91). That decision will be made by the government, not by you and your doctor. Escaping the system and paying out-of-pocket to see a specialist for the tests and treatment you think you need will be almost impossible. If you walk into a doctor's office and ask for treatment for an illness, you must show proof that you are enrolled in one of the health plans offered by the government (pages 139, 143). The doctor can be paid only by the plan, not by you (page 236). To keep controls tight, the bill requires the doctor to report your visit to a national data bank containing the medical histories of all Americans (page 236).

The White House responded:

"There is nothing in this Act to prohibit any individual from going to any doctor and paying, with their own funds, for any service." "Under the Act, you can pay 'out-of-pocket[sic]' for anything you want at any time, to any physician or hospital willing to treat you." Price controls on doctors' fees? "That is wrong," according to the White House. "There are no price controls. * * *"

How accurate are these statements from the White House? The text of the bill proves they are untrue.

Can you pay any doctor any price for any service you want? Although it is possible to buy cosmetic surgery, psychotherapy or other uncovered services out-of-pocket, the bill prohibits doctors from accepting payments directly from you for the basic kinds of medical care listed in the Clinton benefit package. Below are the regulations barring doctors from taking your money. If you go to a doctor for treatment, the doctor will be paid by your health plan. That is true no matter what kind of health plan you are enrolled in. The doctor is prohibited from accepting payment from you (except fixed co-payments) for any basic medical services listed in the Clinton benefit package. That applies to doctors treating patients in HMOs and doctors outside HMO networks. Doctors outside HMOs must submit charges for your care to your health plan, accept reimbursement based on the government's schedule of price-controlled fees and report your visit according to the requirement of title V of the bill, which establishes the national electronic data bank:

Sec. 1046*(d)*(2) DIRECT FILING.—A provider may not charge or collect from an enrollee amounts that are payable by the health plan * * * and shall submit charges to such plan in accordance with any applicable requirements of part 1 of subtitle B of title V (relating to health information systems).

Are you allowed to pay a surgeon more, in hopes of getting the most expert, experienced care? No:

Sec. 1406*(d)*(1) PROHIBITION ON BALANCE BILLING.—A provider may not charge or collect from an enrollee a fee in excess of the applicable payment amount under the applicable fee schedule [page 236]. * * *

(3) AGREEMENT WITH PLANS.—The agreements * * * between a health plan and the health care providers providing the comprehensive benefit package to individuals enrolled with the plan shall prohibit a provider from engaging in balance billing described in paragraph (1) [page 237].

The White House attacks the use of the phrase "price controls on doctors' fees" in my article. "Wrong," says the White House. "There are no price controls in the president's plan. Price controls—calling for government micromanagement of every health care service, doctor's fee, drug technology and product—were considered and specifically rejected."

But the text of the bill proves there are price controls on health plan premiums, new drugs and doctors' fees. Here are the price controls on doctors' fees:

Sec. 1322*(c)* ESTABLISHMENTS OF FEE-FOR-SERVICE SCHEDULE (1) IN GENERAL.—Each regional alliance shall establish a fee schedule setting forth the payment rates applicable to services furnished during a year to individuals enrolled in fee-for-service plans (or services furnished under the fee-for-service component of any regional alliance health plan) [page 134]. * * *

(4) ANNUAL REVISION.—A regional alliance * * * shall annually update the payment rates provided under the fee schedule [page 135].

The White House says "it is not clearly why a patient would want to pay a doctor "directly, for services that their [sic] insurance company is obligated to buy." One reason is privacy. Evading government regulations and paying the doctor directly would allow you to keep your personal medical problems out of the national data bank.

Will your personal medical history be stored in a national data bank? The White House says "not true" and "patently untrue" to my statement that "the bill requires the doctor to report your visit to a national data bank containing the medical histories of all Americans. The administration argues that although "physicians may be required to submit data * * * for the purpose of improving quality and assessing treatments and outcomes," the bill "prevents against tying this data to specific individuals."

The text of the bill proves that the administration is mistaken. Information about your physical and mental health and any treatments or tests you have will be entered in a national data network and linked to you through your health security number. Here is what the bill says: the National Health Board will establish an "electronic data network" with regional centers to collect, compile and transmit information. The information expressly includes "clinical encounters," that is, when a physician treats a patient (page 861). A doctor who treats you (except for an uncovered service such as dental work or cosmetic surgery) and does not record your "clinical encounter" on the standardized form and submit it to your health plan will be fined up to "$10,000 for each such violation" (pages 236, 885–886). As the data about you travel from your doctor's office to the health plan, and then to the national electronic data network, this information continues to be tagged with your "unique identifier number."

The bill leaves no doubt that the network contains "individually identifiable health information," which is defined in the bill to include your "past, present or future physical or mental health" and health care provided to you (page 877). To protect your privacy, the bill offers this vagueness:

All disclosures of individually identifiable health information shall be restricted to the minimum amount necessary to accomplish the purpose for which the information is being disclosed [page 873].

and this:

[You] have the right to receive a written statement concerning * * * the purposes for which individually identifiable information provided to a health care provider, a health plan, a regional alliance, a corporate alliance or the National Health Board may be used or disclosed by, or disclosed to, any individual or entity [page 874].

It would be unfair to suggest that the bill's authors are unconcerned about privacy. The bill mandates that the National Health Board will "promulgate standards respecting the privacy of individually identifiable health information that is in the health information system" within two years and propose privacy legislation within three years (pages 871, 876). But contrary to the White House statement, doctors must report their patients' personal medical information to a national data bank or risk harsh penalties, and the information in the bank remains individually identifiable.

Price controls on premiums will mean too little money to care for the sick. Limiting how much money people can choose to pay for basic health coverage limits how much money is in the pot to take care of them when they are sick. That was the point of the ad on television that the First Lady criticized. A couple are discussing what price controls on premiums will mean, and the woman asks, "But what if there's not enough money."

The bill's authors anticipate that restricting dollars available for health care will produce shortages: when medical needs outspace the budget and premium money runs low, state governments and insurers must make "automatic, mandatory, nondiscretionary reductions in payments" to doctors, nurse and hospitals to "assure that expenditures will not exceed budget" (pages 113, 137).

In a charge echoed by Michael Weinstein of *The New York Times*, the White House accused me of misleading readers by "implying that such a mechanism exists in the main proposal." The White House stated emphatically that "it does not." The White House and Weinsein argue that only under a single-payer system would payments to doctors and others be cut off if needs outpace the budget and premium money runs low. They expressly charge me with quoting the single-payer regulations and misrepresenting them to be rules for the "main" Clinton health proposal.

The text of the bill proves that the White House and Weinstein are wrong. Cutting or delaying payments to doctors, other health care workers and hospitals to stay in budget is an integral mechanism in the administration's bill, and one of the two passages I quoted (page 137) is from the "main proposal." It provides that if needs exceed budget and premium money runs low:

Sec. 1322 *(c)*(2) PROSPECTIVE BUDGETING DESCRIBED * * * the plan shall reduce the amount of payments otherwise made to providers (through a withhold or delay in payments or adjustments) in such a manner and by such amounts as neccessary to assure that expenditures will not exceed budget.

The government will decide what is "necessary" and "appropriate" care. The White House attacks as "wrong" and "very misleading" my statement that "the bill guarantees you a package of medical services, but you can't have them unless they are deemed 'necessary' and 'appropriate.' " The administration also says it is "untrue" that that decision will be made by the government not by you and your doctor.

Let's look a the actual bill:

Sec. 1141. EXCLUSIONS

(a) MEDICAL NECESSITY—The comprehensive benefit package does not include

(1) an item or service that is not medically necessary or appropriate: or,

(2) an item or service that the National Health Board may determine is not medically necessary or appropriate in a regulation promulgated under section 1134 [pages 90–91].

Sec. 1154. ESTABLISHMENT OF STANDARDS REGARDING MEDICAL NECESSITY

The National Health Board may promulgate such regulations as may be necessary to carry out section 1141(*a*)(2) (relating to the exclusion of certain services that are not medically necessary or appropriate).

The bill uses the word "regulations," not "recommendations," to describe the National Health Board's decisions. The bill also grants the National Health Board power to change the preventive treatments guaranteed in the benefit package and decide at what age and how often you are entitled to tests and screenings, immunizations and check-ups (page 94). Regarding practice guidelines, the bill makes it clear that the National Quality Management Council will develop measures of "appropriateness of health care services" (page 839) and "shall establish standards and procedures for evaluating the clinical appropriateness of protocols used to manage health service utilization" (page 848).

Racial quotas in medical training. The White House calls such a suggestion "ridiculous," but the bill shows it is true. Government will allocate graduate training positions at the nation's teaching hospitals based on race and ethnicity. In determining how many training positions teaching hospitals will have, the National Council on Graduate Medical Training will calculate the percentage of trainees at each teaching hospital "who are members of racial or ethnic minority groups" and which minority trainees are from groups "under-represented in the field of medicine generally and in the various medical specialities" (page 515).

Protecting consumers or HMOs? The White House calls it "deliberately inaccurate" to say that the bill pre-empts important state laws protecting the ability of patients to choose the hospital they think is best and make other choices about their health care. Here is what the bill provides:

Sec. 1407. PRE-EMPTION OF CERTAIN STATE LAWS RELATING TO HEALTH PLANS

(*a*) * * * no state law shall apply * * * if such law has the effect of prohibiting or otherwise restricting plans from—

(1) * * * limiting the number and type of health care providers who participate in the plan;

(2) requiring enrollees to obtain health services (other than emergency services) from participating providers or from providers authorized by the plan;

(3) requiring enrollees to obtain a referral for treatment by a specialized physician or health institution. * * *

(6) requiring the use of single-source suppliers for pharmacy, medical equipment and other health products and services.

Fee-for-service will be almost impossible to buy. The White House labels it wrong to predict that fee-for-service insurance will be extremely hard to buy. They point to the provision that "in general, each regional alliance shall include among its health plan offerings at least one fee-for-service plan." But many doctors, hospital administrators and health insurance experts say confidently that in practice, because of the broader provisions of the bill, fee-for-service will seldom be available. I cited these experts in my article. Here are their reasons:

(1) Regional alliances cannot permit the average premium paid in the region to exceed the ceiling imposed by the National Health Board (pages 1,000–1,005). Fee-for-service insurance, which allows patients to get a second opinion when they have doubts and see a specialist when they feel they need one, generally costs more than prepaid health plans that control patient access to medical care.

(2) Regional alliance officials are empowered to exclude any plan that costs 20 percent more than the average plan (page 132). They will have to apply the 20 percent rule virtually all the time in order to keep total spending on health plans below the ceiling imposed by the National Health Board. In order to offer a plan that costs more than 20 percent above the average plan and still stay under the ceiling, there would have to be other plans offered at well below the average-priced plan. That is unlikely. The bill limits the annual increase in premium prices to the Consumer Price Index, which is significantly below current annual increases in medical spending. Insurers will have a difficult time staying under the premium ceiling, and certainly will not offer plans well below it.

(3) Regional alliance officials are empowered to set the fees for doctors treating patients on a fee-for-service basis, and it is illegal for doctors to take more. In addition, prospective budgeting limits what fee-for-service doctors can earn yearly, even if they see more patients and work longer hours to make up for reduced fees. As Cara Walinsky of the Health Care Advisory Board and Governance Committee, which advises 800 hospitals, explains, the Clinton bill contains "very strong incentives" against doctors practicing on a fee-for-service basis. For all these reasons, Dr. John Ludden, medical director of the Harvard Community Health Plan, predicts that fee-for-service will "vanish quickly."

Does supplemental insurance provide an "exit"? The bill requires you to buy one of the low-budget health plans offered by your regional alliance. You can't go outside the system to buy basic coverage you prefer, even after you pay the mandatory premium. Is supplemental insurance the way out? The White House states "there are no restrictions on the purchase of supplemental insurance." The fact is the bill contains two important restrictions that will effectively close the door to better basic medical care: supplemental insurance cannot duplicate any of the coverage in the comprehensive benefit package, and it must be offered to "every individual who seeks" to buy it, regardless of health history or disability (page 244). Those two restrictions mean that the seriously ill will line up to buy it; insurers will not line up to sell it.

Finally, it is important to note one of the points the White House did not challenge: the Clinton bill is designed to push people into HMOs, which aim to limit patient access to specialized medicine and high-tech care. The premium price controls will pressure HMOs to use even more stringent methods of restricting care, yet the bill omits any safeguards to protect patients from abusive cost-cutting practices such as the withhold.

These facts, straight from the text of the bill, demonstrate the accuracy of my article "No Exit," and the appropriateness of its title. The White House would have you believe that its bill can stop rising health care spending and extend coverage to millions of uninsured Americans, without changing the quality and choice of the medical care you have now. Common sense suggests otherwise. A close reading of the bill proves it is untrue. Several alternatives by other Democrats and Republicans offer promising health insurance reform without limiting what you can buy and how much you can pay for it. It's time to give those bills a close look.

I will begin by quoting from the February 20 New Republic. Ms. McCaughey has said this:

I will be documenting my description of the bill—and my point-by-point rebuttal of their arguments—with page numbers from the November 20, 1993, version. If White House representatives challenge the accuracy of my description again, I hope they will provide page numbers, too, so that TNR readers can compare the evidence and decide for themselves.

Most of the White House challenge focused on this paragraph from my article:

"If the bill passes, you will have to settle for one of the low-budget health plans selected by the government. The law will prevent you from going outside the system to buy basic health coverage you think is better, even after you pay the mandatory premium (see the bill, page 244). The bill guarantees you a package of medical services, but you can't have them unless they are deemed 'necessary' and 'appropriate' (pages 90–91)."

□ 1840

Again, continuing:

That decision will be made by the government, not by you and your doctor. Escaping the system and paying out-of-pocket to see a specialist for the tests and treatment you think you need will be almost impossible. If you walk into a doctor's office and ask for treatment for an illness, you must show proof that you are enrolled in one of the health plans offered by the government (pages 139, 143). The doctor can be paid only by the plan, not by you (page 236). To keep controls tight, the bill requires the doctor to report your visit to a national data bank containing the medical histories of all Americans (page 236).

That was essentially the passage that stirred the White House's attention and retort.

Now, I am going to go to the current day and this article and speak what Ms. McCaughey has said in response to the White House's retort, and I will try and give fair justice to both what the White House has said and what Ms. McCaughey has said, because these are the issues that are out there on people's minds:

The White House responded:

"There is nothing in this Act to prohibit any individual from going to any doctor and paying, with their own funds, for any service." "Under the Act, you can pay 'out-of-pocket [sic]' for anything you want at any time, to any physician or hospital willing to treat you." Price controls on doctors' fees? "That is wrong," according to the White House. "There are no price controls * * *."

How accurate are these statements from the White House? The text of the bill proves they are untrue.

Can you pay any doctor any price for any service you want? Although it is possible to buy cosmetic surgery, psychotherapy or other uncovered services out-of-pocket, the bill prohibits doctors from accepting payments directly from you for the basic kinds of medical care listed in the Clinton benefit package.

The doctor is prohibited from accepting payment from you.

Now, Ms. McCaughey goes on, and I will skip some of the words here and come to the section she has quoted:

"Sec. 1406(d)(2) DIRECT BILLING—A provider may not charge or collect from an enrollee amounts that are payable by the health plan . . . and shall submit charges to such plan in accordance with any applicable requirements of part 1 of subtitle B of title V (relating to health information systems)."

Are you allowed to pay a surgeon more, in hopes of getting the most expert experienced care? No:

"Sec. 1406(d)(1) PROHIBITION ON BALANCE BILLING—A provider may not charge or collect from an enrollee a fee in excess of the applicable payment amount under the applicable fee schedule [page 236]. . . ."

What we have got here is the White House spin doctors saying, "Oh, no problem," but the bill says, "Yes, a problem." Stop and read the fine print.

Going along to another section, another issue that Miss McCaughey particularly selects, and again I am quoting here:

The White House attacks the use of the phrase "price controls on doctors' fees" in my article. "Wrong," says the White House. "There are no price controls in the president's plan."

But the text of the bill proves there are price controls on health plan premiums, new drugs and doctors' fees. Here are the price controls on doctors' fees:

"Sec. 1322(c) ESTABLISHMENT OF FEE-FOR-SERVICE SCHEDULE

(1) IN GENERAL—each regional alliance shall establish a fee schedule setting forth the payment rates applicable to services furnished during a year to individuals enrolled in fee-for-service plans."

The White House says "it is not clear why a patient would want to pay a doctor 'directly' for services that their [sic] insurance company is obligated to buy." One reason is privacy. Evading government regulations and paying the doctor directly would allow you to keep your personal medical problems out of the national data bank.

Now, we will talk a little bit more about privacy and the confidentiality of your own medical records as we go along. But again, the point here about the price control, what is true and what is in the bill needs to be studied, and I think Miss McCaughey has pointed this out.

Going on to a third point:

Will your personal medical history be stored in a national data bank? The White House says "not true" and "patently untrue" to my statement that "the bill requires the doctor to report your visit to a national data bank containing the medical histories of all Americans. The administration argues that although "physicians may be required to submit data . . . for the purpose of improving quality and assessing treatments and outcomes," the bill "prevents against tying this data to specific individuals."

The text of the bill proves that the administration is mistaken. Information about your physical and mental health and any treatment or tests you have will be entered in a national data network and linked to you through your health security number. Here is what the bill says: the National Health Board will establish an "electronic data network" with regional centers to collect, compile and transmit information. The information expressly includes "clinical encounters," that is, when a physician treats a patient (page 861). A doctor who treats you (except for an uncovered service such as dental work or cosmetic surgery) and does not record your "clinical encounter" on the standardization form and submit it to your health plan will be fined up to "$10,000 for each such violation" (pages 236, 885–886).

The bill leaves no doubt that the network contains "individually identifiable health information," which is defined in the bill to include your "past, present or future physical or mental health" and health care provided to you (page 877). To protect your privacy, the bill offers this vagueness:

"All disclosures of individually identifiable health information shall be restricted to the minimum amount necessary to accomplish the purpose for which the information is being disclosed [page 873]."

and this:

I do not know what the minimum-amount-necessary test really means, but if I were making a job application and that information were made available, I am not sure it would be relevant, and I am not sure whose decision it would be to make that determination about whether or not the minimum amount necessary revealed would include medical information on my job application.

Going back to the article and quoting further:

It would be unfair to suggest that the bill's authors are unconcerned about privacy. But contrary to the White House statement, doctors must report their patients' personal medical information to a national data bank or risk harsh penalties, and the information in the bank remains individually identifiable.

So there is yet another point we have got, the question of price controls we have discussed, we have discussed the question of whether or not you can pay extra fees for surgeons for things that you want or other doctors for things that you want, we have got the privacy issue, and now, going back to another issue that is often referred to as the rationing issue, Mr. McCaughey says this in her article:

"Price controls on premiums will mean too little money to care for the sick."

Continuing to read:

The bill's authors anticipate that restricting dollars available for health care will produce shortages: when medical needs outpace the budget and premium money runs low, state governments and insurers must make "automatic, mandatory, nondiscretionary reductions in payments" to doctors, nurses and hospitals to "assure that expenditures will not exceed budget" (pages 113, 137).

The White House argues that only under a single-payer system would payments to doctors and others be cut off if needs outpace the budget and premium money runs low.

The text of the bill proves that the White House is wrong. It provides that if needs exceed budget and premium money runs low:

"SEC. 1322(c)(2) PROSPECTIVE BUDGETING DESCRIBED.—The plan shall reduce the amount of payments otherwise made to providers (through a withhold or delay in payments or adjustments) in such a manner and by such amounts as necessary to assure that expenditures will not exceed budget."

So it appears that we have two sides of the mouth speaking simultaneously, the bill saying that we cannot exceed the budget, the White House saying, "Wait a minute, that is not so."

Going on to the next point, and this point has to do with who determines what health care is appropriate for you. Again, quoting the article:

The government will decide what is "necessary" and "appropriate" care. The White House attacks as "wrong" and "very misleading" my statement that "the bill guarantees you a package of medica services, but you can't have them unless they are deemed 'necessary' and 'appropriate.'" The administration also says it is "untrue" that that decision will be made by the government, not by you and your doctor.

Let's look at the actual bill:

"SEC. 1141. EXCLUSIONS

(a) MEDICAL NECESSITY.—The comprehensive benefit package does not include—

(1) an item or service that is not medically necessary or appropriate; or,

(2) an item or service that the National Health Board may determine is not medically necessary or appropriate in a regulation promulgated under section 1134 [page 90–91]."

"Sec. 1154. ESTABLISHMENT OF STANDARDS REGARDING MEDICAL NECESSITY

The National Health Board may promulgate such regulations as may be necessary to carry out section 1141(a)(2) (relating to the exclusion of certain services that are not medically necessary or appropriate)."

The bill uses the word "regulations," not "recommendations," to describe the National Health Board's decisions. The bill also grants the National Health Board power to change the preventive treatments guaranteed in the benefit package and decide at what age and how often you are entitled to tests and screenings, immunizations and check-ups page 94).

□ 1850

Mr. Speaker, I would unquote at that point and say we have already had a debate about how often we should have testing for certain procedures, preventative procedures, cancer particularly, women's cancer clinics. That has already been in debate, so I do not think there is any question that America is missing the point here that there is a debate on this subject and there is a very great difference between what the White House has been saying in its advertising, and what this legislation points to, and where the cuts will come, if there have to be cuts, and who will be making those decisions.

Getting into somewhat more subliminal points about this bill that are, I think, important, but perhaps not as compelling as some of the issues we have talked about, choice and rationing so far, I am going to quote now from a couple of other areas from the article specifically. Quoting:

Racial quotas on medical training. The White House calls such a suggestion "ridiculous," but the bill shows it is true. Government will allocate graduate training positions at the nation's teaching hospitals based on race and ethnicity. In determining how many training positions teaching hospitals will have, the National Council on Graduate Medical Training will calculate the

> percentage of trainees at each teaching hospital "who are members of racial or ethnic minority groups" and which minority trainees are from groups "under-represented in the field of medicine generally and in the various medical specialities" (page 515).

Still quoting:

> Protecting consumers or HMOs? The White House calls it "deliberately inaccurate" to say that the bill pre-empts important state laws protecting the ability of patients to choose the hospital they think is best and make other choices about their health care. Here is what the bill provides:
>
> "Sec. 1407. PRE-EMPTION OF CERTAIN STATE LAWS RELATING TO HEALTH PLANS
>
> (a) * * * no state law shall apply * * * if such law has the effect of prohibiting or otherwise restricting plans from—
>
> (1) * * * limiting the number and type of health care providers who participate in the plan:
>
> (2) requiring enrollees to obtain health services (other than emergency services) from participating providers or from providers authorized by the plan;
>
> (3) requiring enrollees to obtain a referral for treatment by a specialized physician or health institution. * * *
>
> (6) requiring the use of single-source suppliers for pharmacy, medical equipment and other health products and services."

Unquoting for a moment, Mr. Speaker, what that basically says is there is an awful lot of regulations being imposed by the Federal Government on the ability to choose and on the regulatory programs that States already have in place.

Going back to the article and continuing to quote:

> Fee-for-service will be almost impossible to buy.

Many doctors, hospital administrators and health insurance experts said confidently that in practice, because of the broader provisions of the bill, fee-for-service will seldom be available. I cited these experts in my article. Here are there reasons:

> (1) Regional alliances cannot permit the average premium paid in the region to exceed the ceiling imposed by the National Health Board.

Skipping some words, Mr. Speaker, I will continue with the quotation:

> (2) Regional alliance officials are empowered to exclude any plan that costs 20 percent more than the average plan.

Again skipping a section:

> (3) Regional alliance officials are empowered to set the fees for doctors treating patients on a fee-for-service basis, and it is illegal for doctors to take more.
>
> For all these reasons Dr. John Ludden, Medical Director of the Harvard Community Health Plan, predicts that fee-for-service will vanish quickly.

There we have a lot of discussion going on. I have skipped some of the parts of the argument in this passage in order to save some time, but I recommended to everybody to read because it gets to that bottom line point that fee-for-service is going to be an endangered specie under this plan because the incentives clearly move it out of the way.

The final area I will quote from is:

> Does supplemental insurance provide an "exit"? The bill requires you to buy one of the low-budget health plans offered by your regional alliance. You can't go outside the system to buy basic coverage you prefer, even after you pay the mandatory premium. Is supplemental insurance the way out? The White House states "there are no restrictions on the-purchase of supplemental insurance." The fact is the bill contains two important restrictions that will effectively close the door to better basic medical care: supplemental insurance cannot duplicate any of the coverage in the comprehensive benefit package, and it must be offered to "every individual who seeks" to buy it, regardless of health history or disability (page 244). Those two restrictions mean that the seriously ill will line up to buy it; insurers will not line up to sell it.

Mr. Speaker, insurers will not line up to sell it.

What we have got here, I think, is a very interesting response on a number of extremely important points of the health care debate. I do not know who is actually totally right or who is actually totally wrong on all of these points. I do not think anybody does yet. But I do think, as this debate goes forward, the people who are trying to champion one cause or another are going to be particularly well served if they speak with a unified voice rather than having one message coming from spin doctors, one message coming from the White House, and one message coming from heaven knows where. We are all anxious to get to the bottom of this, and what the truth is and what is going to work best for the American people.

I very much suggest, Mr. Speaker, that we are going to be hearing lots of quotations and lots of references to Elizabeth McCaughey in the days ahead. She has really taken up this issue of health care reform and what is real and what is not in it. I think she is going to be in a position where she is going to be on the stump in public, and frankly I would welcome a debate between Ms. McCaughey and the First Lady, or anybody in the Clinton plan, spokespersons who would like to have that debate. I think the American public would profit. I know I would like to hear the debate.

There are many questions. I do not have the answer on this matter yet. These are the things that will happen in the days to come.

I thank my colleagues for bearing with me as I have tried to do something that is very difficult to do which is carry on a debate in surrogate, but I think that it is important to know that this debate has got to go on and we have to get to the bottom line.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTON (at the request of Mr. GEPHARDT) after 5 p.m. on February 10 and the balance of the week, on account of official business.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes each day, on today and February 11.

Mr. PORTMAN, for 5 minutes, today.

Mr. KINGSTON, for 60 minutes, today.

Mr. GOSS, for 60 minutes, today.

Mr. KIM, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes today, in lieu of 60 minutes previously ordered.

Mrs. MEYERS of Kansas, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MOAKLEY, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes each day, on February 11 and 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. BOEHLERT in two instances.
Mr. CLINGER.
Ms. SNOWE.
Mr. GOODLING.
Mr. SOLOMON in four instances.
Mr. STUMP.
Mr. ROTH.
Mr. MACHTLEY.
Mr. SCHAEFER.
Mr. LEWIS of California.
Mr. HYDE.
Mr. KING.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MAZZOLI in two instances.
Mr. KANJORSKI.
Mr. ORTIZ.
Mr. REED.
Mr. GONZALEZ in three instances.
Mr. MONTGOMERY.
Mr. COYNE in two instances.
Mr. BARCIA of Michigan.
Mr. ACKERMAN.
Mrs. MEEK of Florida.
Mr. HAMILTON in five instances.
Mr. VISCLOSKY in three instances.
Mr. GIBBONS.
Mr. KOPETSKI.
Mr. COSTELLO.

Mr. STARK.
Ms. KAPTUR.
Mr. BROWN of California.
Mr. BILBRAY.
Mr. SCHUMER.
Ms. FURSE.
Mr. TRAFICANT.
Ms. HARMAN.
Mr. MURPHY.
Mr. CHAPMAN.
Mr. HOCHBRUECKNER in two instances.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. MILLER of California.
Mr. BORSKI.
Mr. ENGEL.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 119. Joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Friday, February 11, 1994, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various committees of the U.S. House of Representatives concerning the foreign currencies and U.S. dollars utilized for offcial foreign travel during the third and fourth quarters of 1993, an amendment to the third quarter 1993 consolidated Speaker report, and the consolidated report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker of the House of Representatives in the fourth quarter of 1993, pursuant to PL 95–384, as well as additional reports of various miscellaneous groups concerning U.S. funds utilized for official foreign travel in 1993, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. E de la Garza	8/29	9/1	Mexico		489.00						489.00
Commercial transportation							651.45				651.45
Mr. Marshall Livingston	8/9	9/1	Mexico		652.00						652.00
Commercial transportation							651.45				651.45
Committee total					1,141.00		1,302.90				2,443.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Nov. 30, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. David Finnegan	8/22	9/3	Switzerland		2,079.00		3,049.45				5,128.45
Mr. Charles Ingebretson	8/29	9/3	Switzerland		945.02		791.45				1,736.47
Ms. Cathrine Van Way	8/22	8/29	Switzerland		1,322.99		3,052.35				4,375.34
Mr. Gregory Wetstone	8/22	8/29	Switzerland		1,322.99		3,052.35				4,375.34
Mr. Arthur Endres	5/28	5/29	Denmark		467.00						467.00
	5/30	5/31	Germany		398.00						398.00
	6/1	6/3	France		592.00						592.00
	6/3	6/4	Spain		621.00		3,461.45				4,082.45
Mr. Eric Niles	5/28	5/29	Denmark		467.00						467.00
	5/30	5/31	Germany		398.00						398.00
	6/1	6/3	France		592.00						592.00
	6/3	6/4	Spain		621.00		3,461.45				4,082.45
Committee total					9,826.00		16,868.50				26,694.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Denmark, Oct. 8–12, 1993:											
Hon. Ronald V. Dellums	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Marilyn Lloyd	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Floyd V. Spence	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Patricia Schroeder	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Norman Sisisky	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Owen B. Pickett	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. H. Martin Lancaster	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Joel Hefley	10/8	10/12	Denmark		1,047.50						1,047.50
Hon. Don Johnson	10/8	10/12	Denmark		1,047.50						1,047.50
Mr. Ronald J. Bartek	10/8	10/12	Denmark		1,047.50						1,047.50
Ms. Georgia C. Osterman	10/8	10/12	Denmark		1,047.50						1,047.50
Mr. Thomas M. Garwin	10/8	10/12	Denmark		1,047.50						1,047.50
Mr. Robert B. Brauer	10/8	10/12	Denmark		1,047.50						1,047.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Somalia, Oct. 17–18, 1993:											
Hon. Robert K. Dornan	10/17	10/18	Somalia		33.00						33.00
Visit to Republic of Korea, Thailand, Singapore, and Hong Kong, Nov. 24–Dec. 4, 1993:											
Hon. Solomon P. Ortiz	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/5	Hong Kong		987.00						987.00
	12/5	12/9	Taiwan		972.00						972.00
Commercial transportation							2,885.44				2,885.44
Hon. Herbert H. Bateman	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/4	Hong Kong		658.00						658.00
Hon. Owen B. Pickett	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/4	Hong Kong		658.00						658.00
Hon. Neil Abercrombie	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
Commercial transportation							1,336.00				1,336.00
Mr. Williston B. Cofer, Jr	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/4	Hong Kong		658.00						658.00
Mr. Peter M. Steffes	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/5	Hong Kong		987.00						987.00
	12/5	12/9	Taiwan		972.00						972.00
Commercial transportation							2,556.89				2,556.89
Ms. Rita D. Argenta	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/4	Hong Kong		658.00						658.00
Mr. Ariel R. David	11/24	11/27	Korea		762.00						762.00
	11/27	11/30	Thailand		639.00						639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/4	Hong Kong		658.00						658.00
Visit to Germany, Dec. 10–16, 1993:											
Hon. Glen Browder	12/10	12/16	Germany		1,050.00						1,050.00
Commercial transportation							731.25				
Mr. Stephen O. Rossetti	12/10	12/16	Germany		1,050.00						1,050.00
Commercial transportation							731.25				
Committee total					37,020.00		8,240.83				43,798.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Jan. 31, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gary Ackerman	10/8	10/9	Japan		600.00						600.00
	10/9	10/12	North Korea								
	10/12	10/13	South Korea		260.00						260.00
Commercial transportation							5,322.75				5,322.75
R. Bush	12/4	12/16	China		2,220.00						2,220.00
	12/16	12/19	Hong Kong		987.00						987.00
Commercial transportation							3,367.45				3,367.45
Hon. Eni Faleomavaega	11/27	11/28	Fiji		176.00						176.00
	11/28	11/30	Solomon Islands		794.00						794.00
	11/30	12/1	Australia		202.00						202.00
	12/1	12/6	Thailand		1,065.00						1,065.00
Commercial transportation							5,544.00				5,544.00
	12/16	12/19	Western Samoa		570.50						570.50
Commercial transportation							2,611.04				2,611.04
Hon. Alcee Hastings	10/11	10/12	Haiti		[3] 125.00						125.00
Commercial transportation							578.45				578.45
R. Hathaway	10/8	10/9	Japan		600.00						600.00
	10/9	10/12	North Korea								
	10/12	10/13	South Korea		260.00						260.00
Commercial transportation							5,322.45				5,322.45
R. King	11/11	11/14	Cuba		330.00						330.00
Charter flight from Florida to Havana							225.00				225.00
Hon. Tom Lantos	11/11	11/14	Cuba		330.00						330.00
Charter flight from Florida to Havana							225.00				225.00
A. Pandya	12/9	12/12	Cuba		667.00						667.00
Charter flight from Florida to Havana							483.00				483.00
B. Poisson	11/16	11/11	Italy		1,340.00		73.78				1,413.78
Commercial transportation							3,053.45				3,053.45
R. Wilson	9/8	9/9	Japan		600.00						600.00
	9/11	9/12	North Korea								
	9/12	9/13	South Korea		260.00						260.00
Commercial transportation							5,322.75				5,322.75
Commitee total											43,515.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.

LEE H. HAMILTON, Chairman, Jan. 28, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Dreier	12/9	12/11	Geneva, Switzerland		482.00						482.00
Military air transportation											
Committee total					482.00						482.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE MOAKLEY, Chairman, Jan. 26, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. Richard Obermann	10/16	10/25	Austria		2,050.00						2,050.00
Commercial air							1,248.45				1,248.45
Mr. Anthony Clark	11/7	11/9	Canada	538.90	412.00					538.90	412.00
Commercial air							415.59				415.49
Hon. Tom Lewis	11/24	11/27	Korea	614,170	762.00					614,170	762.00
	11/27	11/30	Thailand	16,135	639.00					16,135	639.00
	11/30	12/2	Singapore		452.00						452.00
	12/2	12/4	Hong Kong	5,083.70	658.00					5,083.70	658.00
Mr. Frank Murray	11/28	12/1	Denmark	4,189.75	621.50					4,189.75	621.50
	12/1	12/3	France		457.00						457.00
	12/3	12/7	England	708.59	1,048.00					708.59	1,048.00
Commercial air							4,057.75				4,057.75
Ms. Katherine Van Sickle	11/28	12/1	Denmark	4,189.75	621.50					4,189.75	621.50
	12/1	12/3	France		457.00						457.00
	12/3	12/7	England	708.59	1,048.00					708.59	4,048.00
Commercial air							4,057.75				4,057.75
Hon. George E. Brown, Jr	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/10	China	1,378.02	238.00					1,378.02	238.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Hon. Rick Boucher	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/6	China	1,163.79	201.00					1,163.79	201.00
Hon. Ron Packard	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/10	China	1,378.02	238.00					1,378.02	238.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Hon. Joe Barton	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/10	China	1,378.02	238.00					1,378.02	238.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Hon. James A. Hayes	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/10	China	1,378.02	238.00					1,378.02	238.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Hon. Constance Morella	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/10	China	1,378.02	238.00					1,378.02	238.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Hon. E. B. Johnson	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan		558.00						558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Dr. Robert E. Palmer	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Mr. William A. Stiles	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Mr. Michael D. Quear	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Dr. William S. Smith	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Mr. David D. Clement	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Ms. Anne M. Marcantognini	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Ms. Karen H. Pearce	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Ms. Ruth G. Hogue	11/29	12/1	Czech Republic	16,598.4	560.00					16,598.4	560.00
	12/1	12/3	Kazakhstan	—	558.00					—	558.00
	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Committee total					41,450.00		9,779.44				51,229.44

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN, JR., Chairman, Jan. 25, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dan Rostenkowski	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Hon. Sam Gibbons	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Hon. Mike Kopetski	12/8	12/16	China		1,174.00				500.00		1,674.00
	12/16	12/18	Hong Kong		658.00						658.00
	12/18	12/22	China		749.00						749.00
Commercial transportation							3,093.45				3,093.45
Hon. Sander Levin	12/9	12/13	Switzerland	1,411.78	964.00					1,411.78	964.00
Commercial transportation							393.45				393.45
Transportation by military aircraft											
Hon. Robert Matsui	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Hon. L.F. Payne	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Hon. Nancy Johnson	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Ms. Thelma Askey	12/9	12/13	Switzerland	1,411.80	964.00					1,411.80	964.00
Commercial transportation							1,779.00				
Transportation by military aircraft											1,779.00
Mr. Charles M. Brain	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Ms. Janicy Mays	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Mr. Charles Mellody	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Mr. Phil Moseley	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Mr. Franklin Phifer	12/9	12/11	Switzerland	705.89	482.00					705.89	482.00
Transportation by military aircraft											
Mr. Tim Reif	11/30	12/16	Switzerland	6,212.25	4,141.50		2,299.45			6,212.25	6,440.95
Ms. Mary Jane Wignot	12/9	12/19	Switzerland		1,410.00						1,410.00
Commercial transportation							1,579.35				1,579.35
Transportation by military aircraft											
Mr. Bruce Wilson	12/9	12/16	Switzerland	2,470.61	1,687.00					2,470.61	1,687.00
Commercial transportation							1,779.00				1,779.00
Transportation by military aircraft											
Committee total							16,367.50	10,923.70	500.00		27,991.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank McCloskey		12/17	United States				2,654.00				2,654.00
	12/18	12/23	Switzerland		955.00						955.00
Committee total					955.00		2,654.00				3,609.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, Jan. 31, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David E. Skaggs	12/14	12/15	Asia		393.00						393.00
Hon. Bill Richardson	12/11	12/19	Middle East		1,577.00						1,577.00
Committee total					1,970.00						1,970.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN, Chairman, Jan. 28, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 24 AND SEPT. 26, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charles Rangel	9/24	9/26	Haiti		299.00						299.00
Hon. Tom Foglietta	9/24	9/26	Haiti		299.00						299.00
Hon. Major Owens	9/24	9/26	Haiti		299.00						299.00
Hon. Donald Payne	9/24	9/26	Haiti		299.00						299.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 24 AND SEPT. 26, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Eva Clayton	9/24	9/26	Haiti		299.00						299.00
Hon. Corinne Brown	9/24	9/26	Haiti		299.00						299.00
Hon. Carrie Meek	9/24	9/26	Haiti		299.00						299.00
Hon. Cynthia McKinney	9/24	9/26	Haiti		299.00						299.00
Mr. Emile Milne	9/24	9/26	Haiti		299.00						299.00
Ms. Sherille Ismail	9/24	9/26	Haiti		299.00						299.00
Mr. Dan Restreppo	9/24	9/26	Haiti		299.00						299.00
Mr. Dan Fisk	9/24	9/26	Haiti		299.00						299.00
Ms. Andrea Martin	9/24	9/26	Haiti		299.00						299.00
Mr. Frank Kiehne	9/24	9/26	Haiti		299.00						299.00
Ms. Marian Dougles	9/24	9/26	Haiti		299.00						299.00
Committee total					4,485.00						4,485.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES RANGEL, Nov. 9, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 7 AND OCT. 11, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. Steven Vincent Hall	10/7	10/11	Mexico		675.67						675.67
Mr. Carl LeVan	10/7	10/11	Mexico		675.67						675.67
Ms. Joanne Warwick	10/7	10/11	Mexico		675.67						675.67
Committee total					2027.01						2027.01

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEVEN HALL, Dec. 14, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 22 AND OCT. 25, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bill Richardson	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Jim Kolbe	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. E "Kika" de la Garza	10/24	10/25	Mexico		196.45						196.45
Hon. Solomon Ortiz	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. John Spratt	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Nancy Pelosi	10/24	10/25	Mexico	110	36.30					110	36.30
Hon. Mike Parker	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. George Sangmeister	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Gene Green	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Doug Bereuter	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Herbert Bateman	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Fred Upton	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Mel Hancock	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Bill Barrett	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. David Hobson	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Bob Franks	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. James Greenwood	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. David Gillette	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Ms. Isabelle Watkins	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Richard Kiy	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Sean Mulvaney	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Doug Nick	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Charles Brain	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Frank Phifer	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Ms. Kerri Lynn Sattler	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Dan Meyer	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Ed Kutler	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Mr. Greg Stein	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Hon. Jay Dickey	10/22	10/25	Mexico	1,174	377.25					1,174	377.25
Committee total					10,618.50						10,618.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL RICHARDSON, Nov. 24, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ESTONIA, GERMANY, BULGARIA, SWEDEN AND SLOVAKIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 17 AND NOV. 2, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ms. Cathy Brickman	10/18	10/22	Estonia		1,450.00						1,450.00
	10/22	10/24	Germany								
	10/24	10/27	Bulgaria								
	10/27	10/29	Sweden		176.00						176.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ESTONIA, GERMANY, BULGARIA, SWEDEN AND SLOVAKIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 17 AND NOV. 2, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial transportation							3,579.25				3,579.25
Mr. William Freeman	10/18	10/22	Estonia		1,450.00						1,450.00
	10/22	10/24	Germany								
	10/24	10/27	Bulgaria								
	10/27	10/29	Sweden		176.00						176.00
Commercial transportation							3,579.25				3,579.25
Mr. Henry Collins	10/24	10/28	Bulgaria		1,550.00						1,550.00
	10/28	11/2	Slovakia								
Commercial transportation							3,512.34				3,512.34
Committee total					4,802.00		10,670.84				15,472.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, Nov. 15, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 7, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mike Kopetski	11/5	11/7	Mexico		315.25						315.25
Hon. David Dreier	11/5	11/7	Mexico		315.25						315.25
Hon. Bill Emerson	11/5	11/7	Mexico		315.25						315.25
Hon. Joe Barton	11/5	11/7	Mexico		315.25						315.25
Hon. Henry Bonilla	11/5	11/7	Mexico								
Hon. Ken Calvert	11/5	11/7	Mexico		315.25						315.25
Hon. Peter Hoekstra	11/5	11/7	Mexico		315.25						315.25
Hon. Ernest Istook, Jr	11/5	11/7	Mexico		315.25						315.25
Hon. Y. Tim Hutchinson	11/5	11/7	Mexico		315.25						315.25
Mr. Brad Smith	11/5	11/7	Mexico		315.25						315.25
Mr. Vince Randazzo	11/5	11/7	Mexico		315.25						315.25
Ms. Shelly White	11/5	11/7	Mexico		315.25						315.25
Mr. Ben McMakin	11/5	11/7	Mexico		315.25						315.25
Mr. Richard Kiy	11/5	11/7	Mexico		315.25						315.25
Ms. Cynthia Johnson	11/5	11/7	Mexico		315.25						315.25
Mr. Bill Frenzel	11/5	11/7	Mexico		315.25						315.25
Ms. Rachel Phillips	11/5	11/7	Mexico		315.25						315.25
Committee totals					5,044.00						5,044.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MIKE KOPETSKI, Dec. 6, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LITHUANIA AND DENMARK, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 15 AND NOV. 20, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ms. Cathy Brickman	11/16	11/19	Lithuania		500.00						500.00
	11/19	11/20	Denmark								
Commercial transportation							3,318.45				3,318.45
Mr. William Freeman	11/16	11/19	Lithuania		500.00						500.00
	11/19	11/20	Denmark								
Commercial transportation							3,318.45				3,318.45
Committee total					1,000.00		6,636.90				7,636.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, Dec. 1, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, RUSSIA AND BELARUS, HOUSE OF REPRESENTATIVES, EXPENDED BTWEEN DEC. 4 AND DEC. 11, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Pete Peterson	12/4	12/5	Germany		184.00		3,047.25				3,231.25
	12/5	12/8	Russia		810.00						810.00
	12/8	12/10	Belarus		224.00						224.00
	12/10	12/11	Germany		184.00						184.00
Hon. Sam Johnson	12/4	12/5	Germany		220.12		5,503.25				5.723.37
	12/5	12/8	Russia		753.00						753.00
	12/8	12/10	Belarus		173.00						173.00
	12/10	12/11	Germany		184.62						184.62
Ms. Suzanne Farmer	12/4	12/5	Germany		184.00		729.25				913.25
	12/5	12/8	Russia		810.00						810.00
	12/8	12/10	Belarus		224.00						224.00
	12/10	12/11	Germany		184.00						184.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, RUSSIA AND BELARUS, HOUSE OF REPRESENTATIVES, EXPENDED BTWEEN DEC. 4 AND DEC. 11, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ms. Shannon L. Smith	12/4	12/5	Germany		220.12		5,503.25				5,723.37
	12/5	12/8	Russia		753.00						753.00
	12/8	12/10	Belarus		173.00						173.00
	12/10	12/11	Germany		184.62						184.62
Committee total					5,465.48		14,783.00				20,248.48

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETE PETERSON, Jan. 3, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 12, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Norman Mineta	12/9	12/12	Switzerland	1,059.00	723.00						723.00
Frank V. Paganelli	12/8	12/12	Switzerland	1,411.80	964.02		[3]3,049.45				4,013.47
Committee total					1,687.02		3,049.45				4,736.47

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military (United).

NORMAN Y. MINETA, Jan. 11, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MARK B. BENEDICT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 4 AND OCT. 8, 1993.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mark B. Benedict	10/4	10/8	Switzerland	1,371.40	956.01		[3]3,049.45				4,005.46
Committee total					956.01		3,049.45				4,005.46

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] United Airlines.

MARK B. BENEDICT, Oct. 20, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL J. O'NEIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 11, 1993.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael J. O'Neil	12/6	12/7	Ireland	183.16	257.00		[3]3,822.45				
	12/7	12/11	United Kingdom		884.00						
Committee total					1,141.00		3,822.45				

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Total air fare.

MICHAEL J. O'NEIL, Feb. 1, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. RUTH M. THOMAS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 12, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ruth M. Thomas	11/29	12/1	Czech Republic	16,598.4	560.00					16,589.4	560.00
Ruth M. Thomas	12/1	12/3	Kazahkstan		558.00						558.00
Ruth M. Thomas	12/3	12/10	China	3,120.81	539.00					3,120.81	539.00
Ruth M. Thomas	12/10	12/12	Hong Kong	5,083.70	658.00					5,083.70	658.00
Committee total					2,315.00						2,315.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RUTH M. THOMAS, Jan. 13, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. HENRY COLLINS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 12, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Henry Collins	12/6	12/9	Albania		1,050.00						1,050.00
	12/9	12/12	Slovakia								
Commerical transportation											3,973.24
Committee total					1,050.00		3,973.25				5,023.25

[1] Per diem constitues lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, Jan. 5, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL R. WESSEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 7 AND DEC. 12, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael R. Wessel	12/8	12/8	Switzerland		964.02		3,049.45				4,013.47
Committee total					964.02		3,049.45				4,013.47

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL R. WESSEL, Dec. 20, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CRAIG S. KRAMER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 12, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Craig S. Kramer	12/8	12/12	Switzerland	1,411.80	964.00		[3] 3,049.45				4,013.45
Committee total					964.00		3,049.45				4,013.45

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Air travel (United).

CRAIG S. KRAMER, Jan. 13, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. ISABELLE WATKINS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 11 and DEC. 19, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Isabelle Watkins	12/11	12/13	Egypt		[3] 448.00						448.00
	12/13	12/14	Jordan		[4] 69.30						69.30
	12/14	12/16	Syria		[5] 412.00						412.00
	12/16	12/19	Israel		[6] 800.00					300	800.00
Committee total					1,729.30						1,729.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currenty is used, enter amount expended.

[3] U.S. Air Force.

[4] Military plane and Jordanian.

[5] Helicopter to aidsite.

[6] Military transportation.

ISABELLE WATKINS, Jan. 11, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. BEN McMAKIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 6 AND DEC. 22, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ben McMakin	12/8	12/16	People's Republic of China				3219.25				3,219.25
Ben McMakin	12/16	12/18	Hong Kong		658.00						658.00
Ben McMakin	12/18	12/22	People's Republic of China		749.00						749.00
Committee total					1,407.00		3,219.25				4,626.25

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MIKE KOPETSKI, Jan. 21, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO 90th INTERPARLIAMENTARY CONFERENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 18, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Eni Faleomavaega	9/16	9/19	Australia		637.00		[3]5,166.45				5,803.45
William Cox	9/11	9/19	Australia		1,532.00		[3]1,834.50				3,366.50
							[4]74.00				74.00
Committee total					2,169.00		7,074.95				9,243.95

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Commercial—Washington/Canberra/Washington.

[4] Local transportation, round trip to Dulles Airport.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 13, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Rose	12/10	12/13	Russia		950.00		[3]1,736.80				2,686.30
Hon. Ron Coleman	12/10	12/13	Russia		950.00		[3]1,931.20				2,881.20
Hon. Don Johnson	12/10	12/13	Russia		950.00		[3]3,614.25				4,564.25
John Merritt	12/10	12/13	Russia		950.00		[3]1,501.40				2,451.40
Peter Abbruzzese	12/09	12/13	Russia		1,300.00		[3]3,357.45				4,657.45
	12/13	12/14	Norway		261.00						261.00
Delegation expenses—interpreting and transportation.									1,400.00		1,400.00
Committee total					5,361.00		12,141.10		1,400.00		18,902.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency isused, enter amount expended.

[3] Commercial.

CHARLIE ROSE.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2558. A letter from the Comptroller General and Director of Congressional Budget Office, transmitting their report on evaluating DOD's certification regarding expansion of the CHAMPUS Reform Initiative beyond the States of California and Hawaii, pursuant to Public Law 102–484, section 712(c) (106 Stat. 2435); to the Committee on Armed Services.

2559. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of Contracts Between the Agency for HIV/AIDS and the Whitman Walker Clinic," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

2560. A letter from the Vice Chairman and Chief Financial Officer, Potomac Electric Power Co., transmitting a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1993, pursuant to D.C. Code, section 43–513; to the Committee on the District of Columbia.

2561. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Deputy Secretary's Determination and Justification that it is in the national interest to grant assistance to Kenya, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2562. A letter from the Comptroller General, General Accounting Office, transmitting the GAO's Annual Report for fiscal year 1993 and a supplement summary tables of GAO personnel assigned to congressional committees for fiscal year 1993, pursuant to 31 U.S.C. 719(a); to the Committee on Government Operations.

2563. A letter from the Acting Secretary, American Battle Monuments Commission, transmitting the annual report on the activities of the Inspector General for fiscal year 1993, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2564. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2565. A letter from the Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year ended September 30, 1993, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

2566. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting a report on the review of need for modifications in water resource project structures and result of a demonstration program making modifications, pursuant to 33 U.S.C. 2294 note; to the Committee on Public Works and Transportation.

2567. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1004 of Public Law 102–240, and for other purposes; to the Committee on Public Works and Transportation.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2442. A bill to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes; with an amendment; referred to the Committee on Banking, Finance and Urban Affairs for a period ending not later than April 22, 1994, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(d), rule X (Rept. 103–423, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mrs. ROUKEMA, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mr. BACCHUS of Florida, Mr. KLEIN, Mr. DEUTSCH, Mr. GUTIERREZ, Mr. RUSH, Ms. VELÁZQUEZ, Mr. WYNN, Mr. FIELDS of Louisiana, Mr. WATT, Mr. HINCHEY, and Ms. FURSE):

H.R. 3838. A bill to amend and extend certain laws relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TAYLOR of Mississippi (for himself, Mr. PARKER, and Mr. MONTGOMERY):

H.R. 3839. A bill to designate the U.S. post office located at 220 South 40th Avenue in Hattiesburg, MS, as the "Roy M. Wheat Post

Office"; to the Committee on Post Office and Civil Service.

By Mr. CHAPMAN:

H.R. 3840. A bill to designate the Federal building and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. NEAL of North Carolina (for himself, Mr. MCCOLLUM, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Mr. LAROCCO, Mr. ORTON, Mr. KLEIN, Mrs. MALONEY, Ms. PRYCE of Ohio, Mr. LINDER, Mr. LAZIO, Mr. BACHUS of Alabama, Mrs. ROUKEMA, Mr. MCCANDLESS, and Mr. KING):

H.R. 3841. A bill to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTINEZ (for himself, Mr. FORD of Michigan, Mr. GOODLING, Ms. MOLINARI, Mr. GEPHARDT, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. KILDEE, Mr. WILLIAMS, Mr. OWENS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Mr. SCOTT, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. CASTLE, Mr. DE LUGO, Mr. FALEOMAVAEGA, Mr. BAESLER, and Mr. UNDERWOOD).

H.R. 3842. A bill to amend the Head Start Act to extend authorization of appropriations for progress under that act, to strengthen provisions designed to provide quality assurance and improvement, to provide for orderly and appropriate expansion of such program, and for other purposes, to the Committee on Education and Labor.

By Mr. VISCLOSKY (for himself, Mr. REGULA, Ms. KAPTUR, Mr. GALLO, Mr. LIPINSKI, and Mr. FINGERHUT):

H.R. 3843. A bill to require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low and medium priority sites; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. REGULA, Mr. FINGERHUT, and Mr. LIPINSKI):

H.R. 3844. A bill to authorize the Administrator of the Environmental Protection Agency to provide loans to States to establish revolving loan funds for the environmental cleanup of sites in distressed areas that have the potential to attract private investment and create local employment; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. DURBIN, Mr. EVANS, Mr. FOGLIETTA, Mr. HANSEN, Mr. JACOBS, Mr. LAFALCE, Mr. MEEHAN, and Mr. SLATTERY):

H.R. 3845. A bill to limit access by minors to cigerettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors; to the Committee on Public Works and Transportation.

By Mr. ARMEY (for himself and Mr. JACOBS):

H.R. 3846. A bill to repeal the quota and price support programs for peanuts; to the Committee on Agriculture.

By Mr. CARDIN:

H.R. 3847. A bill to require the Secretary of Defense to release the requirements and reversionary interest on certain property in Baltimore, MD; to the Committee on Armed Services.

By Mr. COBLE:

H.R. 3848. A bill to suspend until January 1, 1996, the duty on certain machinery; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 3849. A bill to amend section 3730 of title 31, United States Code, to limit the amount a private party may be awarded in an action under such section; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 3850. A bill to provide for a study of human health risks associated with National Weather Service doppler radar installations, and to prohibit the operation of such an installation in Ojai, CA, unless such study finds no significant health risk; jointly, to the Committee on Science, Space, and Technology and Energy and Commerce.

By Mr. ISTOOK (for himself, Mr. GILCHREST, Mr. EMERSON, Mr. DORNAN, Mr. CALVERT, Mr. PETE GEREN of Texas, Mr. DOOLITTLE, Mr. LIVINGSTON, Mr. GOSS, Mr. HASTERT, Mr. GREENWOOD, Mr. CALLAHAN, Mr. GALLEGLY, Mr. PETRI, Mr. ALLARD, Mr. MACHTLEY and Mr. HUTCHINSON):

H.R. 3851. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 3852. A bill to amend title 18, United States Code, to prohibit a Federal firearms licensee from selling or delivering a firearm or ammunition to an intoxicated person; to the Committee on the Judiciary.

By Mr. KLEIN (for himself, Mr. FRANK of Massachusetts, Mr. SCHUMER, and Mr. DEUTSCH):

H.R. 3853. A bill to stimulate private investment, economic development, and the creation of jobs in the private sector by authorizing the Secretary of the Treasury to participate in loans, and guarantee a portion of loans, made by banks and other qualified lenders for businesses with potential for expansion and growth and for other viable economic development projects, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KOPETSKI:

H.R. 3854. A bill to repeal the Cuban Adjustment Act; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 3855. A bill to suspend temporarily the duty on Halosulfuron-Methyl; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas:

H.R. 3856. A bill to suspend until January 1, 1997 the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid; to the Committee on Ways and Means.

By Mr. OLVER:

H.R. 3857. A bill to permit the Administrator of the Environmental Protection Agency to enter into cooperative research and development agreements for environmental protection; to the Committee on Science, Space, and Technology.

By Ms. PRYCE of Ohio:

H.R. 3858. A bill to extend the suspension of duty on certain diamond tool and drill blanks, and for other purpose; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3859. A bill to amend the Immigration and Nationality Act to provide for the complete use of visas available under the diversity transition program; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. ARMEY, Mr. BAKER of California, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CANADY, Mr. COLLINS of Georgia, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. FISH, Mr. GALLEGLY, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLATTE, Mr. GOSS, Mr. GREENWOOD, Mr. HUNTER, Mr. SAM JOHNSON, Mr. KIM, Mr. KINGSTON, Mr. LEVY, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. MCKEON, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOORHEAD, Mr. ROHRABACHER, Mr. ROYCE, Mr. SHAW, Mr. STEARNS, and Mr. SHAYS):

H.R. 3860. A bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes; jointly, to the Committees on the Judiciary, Ways and Means, Energy and Commerce, Banking, Finance and Urban Affairs, Foreign Affairs, and Government Operations.

By Mr. STARK:

H.R. 3861. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to permit the District of Columbia to subject the income of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Student Loan Marketing Association to taxation by the District of Columbia, to require the Federal National Mortgage Association to maintain its principal office in the District of Columbia, and to require the Mayor of the District of Columbia to submit a report to Congress on the economic impact of such entities on the District of Columbia; to the Committee on the District of Columbia.

By Mr. STUMP (for himself and Mr. CALLAHAN):

H.R. 3862. A bill to effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of United States citizens; jointly, to the Committees on the Judiciary, Ways and Means, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. THOMPSON:

H.R. 3863. A bill to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office"; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H.J. Res. 322. Joint resolution to authorize the President to proclaim the last Friday of April 1994 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.J. Res. 323. Joint resolution declaring May 19 a national holiday and day of prayer and rememberance honoring Malcolm X (Al Hajj Malik Al-Shabazz); to the Committee on Post Office and Civil Service.

By Mr. SARPALIUS (for himself and Mr. BREWSTER):

H.J. Res. 324. Joint resolution proposing an amendment to the Constitution of the United States to limit the number of years an individual may serve in certain positions in the Government of the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD:

H. Con. Res. 205. Concurrent resolution expressing the sense of the Congress regarding the use of census block group data, and data from low or no population census tracts or blocks, in the designation of empowerment zones and enterprise communities; to the Committee on Ways and Means.

By Mr. GEPHARDT:

H. Con. Res. 206. Concurrent resolution providing for the adjournment of the House from Thursday, February 10, 1994, through Friday, February 18, 1994 to Tuesday, February 22, 1994 and an adjournment or recess of the Senate from Thursday, February 10, 1994 through Friday, February 18, 1994, to Tuesday, February 22, 1994; considered and agreed to.

By Mr. CONYERS:

H. Con. Res. 207. Concurrent resolution providing for placement of a statue honoring African-American recipients of the Congressional Medal of Honor in the Capitol; to the Committee on House Administration.

By Mr. BROOKS:

H. Res. 358. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. LAFALCE:

H. Res. 359. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mrs. MEYERS of Kansas (for herself, Mr. COMBEST, Mr. BAKER of Louisiana, Mr. MACHTLEY, Mr. SAM JOHNSON, Mr. ZELIFF, Mr. COLLINS of Georgia, Mr. MCINNIS, Mr. HUFFINGTON, Mr. TALENT, Mr. KNOLLENBERG, Mr. KIM, Mr. MANZULLO, Mr. TORKILDSEN, and Mr. PORTMAN):

H. Res. 360. Resolution entitled, resolution of inquiry; jointly, to the Committees on Small Business the Judiciary, and Post Office and Civil Service.

By Mr. ROSE:

H. Res. 361. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 2d session of the 103d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. PETRI introduced a bill (H.R. 3864) for the relief of Thomas McDermott, Sr.; which was referred to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. MCCOLLUM.

H.R. 105: Ms. PRYCE of Ohio.

H.R. 467: Mr. EVANS, Mr. MINETA, Mr. PARKER, Mr. KOPETSKI, and Mr. FOGLIETTA.

H.R. 591: Mr. PORTMAN and Mr. GINGRICH.

H.R. 784: Mr. BREWSTER.

H.R. 794: Mr. RAHALL, Mr. SWIFT, Mr. OXLEY, and Mr. MCCRERY.

H.R. 828: Mr. PARKER.

H.R. 1079: Mr. LEVY.

H.R. 1080: Mr. LEVY.

H.R. 1081: Mr. LEVY.

H.R. 1082: Mr. LEVY.

H.R. 1083: Mr. LEVY.

H.R. 1181: Mr. MCDADE.

H.R. 1191: Mr. LEVY.

H.R. 1231: Mr. MOAKLEY, Mr. GEJDENSON, Mr. RIDGE, and Mr. KLINK.

H.R. 1277: Mrs. JOHNSON of Connecticut.

H.R. 1349: Mr. HOKE and Mr. KINGSTON.

H.R. 1391: Mr. ANDREWS of Maine and Mr. JOHNSTON of Florida.

H.R. 1455: Mr. VALENTINE and Mr. CARDIN.

H.R. 1596: Mr. MANN.

H.R. 1718: Mr. BEILENSON, Mr. BONIOR, Ms. BROWN of Florida, Mr. CONYERS, Mr. FILNER, Mr. FLAKE, Mr. FORD of Tennessee, Mr. GORDON, Mr. KASICH, Mr. LEWIS of Georgia, Mr. REYNOLDS, and Mr. SLATTERY.

H.R. 1823: Mrs. SCHROEDER.

H.R. 1980: Mr. EVANS.

H.R. 2019: Mr. DELLUMS.

H.R. 2043: Ms. VELAZQUEZ.

H.R. 2070: Mr. FOGLIETTA.

H.R. 2418: Mr. PORTMAN, Mr. GINGRICH, Mr. LEWIS of Georgia, and Mrs. JOHNSON of Connecticut.

H.R. 2565: Mr. OBERSTAR and Mr. VISCLOSKY.

H.R. 2566: Mr. OBERSTAR and Mr. VISCLOSKY.

H.R. 2586: Mr. MURPHY and Mr. BEILENSON.

H.R. 2623: Mr. SARPALIUS.

H.R. 2663: Mr. GEJDENSON and Mr. JOHNSON of South Dakota.

H.R. 2671: Mr. GORDON.

H.R. 2710: Mr. EVANS, Mr. BRYANT, Mr. KOPETSKI, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. HUGHES, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. PETERSON of Minnesota, Mr. DELLUMS, Mr. MILLER of California, Mr. PENNY, and Mr. TRAFICANT.

H.R. 2720: Mr. COOPER, Mr. MANN, and Ms. WOOLSEY.

H.R. 2803: Mr. SLATTERY, Ms. PRYCE of Ohio, Mr. MCCLOSKEY, Mr. BORSKI, Mrs. UNSOELD, Mr. KREIDLER, and Mr. HUTCHINSON.

H.R. 2872: Mr. ROYCE and Mr. FAWELL.

H.R. 2873: Mr. RIDGE, Mr. ABERCROMBIE, Mr. DIXON, Mr. MANZULLO, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Mr. WISE.

H.R. 2969: Mr. KENNEDY and Mr. KING.

H.R. 3005: Mr. LEVY, Mr. ARCHER, Mr. ISTOOK, Mr. EMERSON, Mr. MCMILLAN, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LINDER, Mr. HASTERT, and Ms. PRYCE of Ohio.

H.R. 3023: Mr. HAMBURG, Mr. TORKILDSEN, Mr. JOHNSON of South Dakota, Mr. WAXMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. HORN, Mr. CALLAHAN, Mr. BOEHLERT, Mr. HAYES, and Mr. EVANS.

H.R. 3086: Mr. PARKER and Mr. SHAYS.

H.R. 3087: Mr. POMEROY, Mr. ROSE, and Mr. STUDDS.

H.R. 3102: Mr. BARRETT of Wisconsin.

H.R. 3145: Mr. SPENCE, Mr. GILCHREST, and Mr. UPTON.

H.R. 3146: Mr. POMBO.

H.R. 3222: Mr. BISHOP.

H.R. 3232: Mr. EMERSON.

H.R. 3256: Mr. PARKER.

H.R. 3288: Mr. LAFALCE.

H.R. 3290: Mr. WISE, Ms. WATERS, Mr. ACKERMAN, Mr. ROMERO-BARCELO, and Mr. SANDERS.

H.R. 3293: Mrs. BENTLEY.

H.R. 3306: Mr. HINCHEY.

H.R. 3309: Mr. LANTOS and Mr. SABO.

H.R. 3328: Ms. PRYCE of Ohio, Mr. HUTCHINSON, and Mr. BISHOP.

H.R. 3360: Mr. BATEMAN, Mr. BARCIA of Michigan, Mr. PICKETT, Mr. GILCHREST, Mr. GILLMOR, and Mr. YATES.

H.R. 3363: Mr. JOHNSTON of Florida.

H.R. 3392: Mr. PENNY and Mr. KINGSTON.

H.R. 3421: Mr. LEVY, Mr. ARCHER, Mr. ISTOOK, Mr. MCMILLAN, Mr. KNOLLENBERG, Mr. HASTERT, and Ms. PRYCE of Ohio.

H.R. 3434: Mr. RANGEL.

H.R. 3500: Mr. FISH.

H.R. 3507: Mr. MINGE and Mr. TALENT.

H.R. 3513: Mr. KREIDLER.

H.R. 3523: Mr. BARTLETT of Maryland, Mr. CASTLE, Mrs. MORELLA, Mr. DEUTSCH, Mr. DOOLITTLE, Mr. LIGHTFOOT, Mr. GREENWOOD, Ms. DANNER, and Mrs. FOWLER.

H.R. 3527: Mr. DELAURO.

H.R. 3563: Mrs. FOWLER and Mr. CUNNINGHAM.

H.R. 3564: Mr. FOGLIETTA.

H.R. 3569: Mrs. LLOYD and Mr. TRAFICANT.

H.R. 3600: Mr. BISHOP.

H.R. 3614: Mr. BEILENSON and Mr. FOGLIETTA.

H.R. 3633: Mr. EWING, Mr. KYL, Mr. INHOFE, Mr. CALLAHAN, Mr. UPTON, Mr. KINGSTON, Mr. ZIMMER, Mr. SOLOMON, and Mr. BONILLA.

H.R. 3660: Mr. EVANS, and Mr. STOKES.

H.R. 3663: Mr. ANDREWS of Maine, Mr. REYNOLDS, and Mr. OLVER.

H.R. 3695: Mr. ARCHER, Mr. MCMILLAN, and Mr. KOLBE.

H.R. 3699: Ms. MCKINNEY, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. BLACKWELL, Mrs. COLLINS of Illinois, Mr. SCOTT, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Mr. OWENS, Mrs. CLAYTON, Mr. WASHINGTON, Mr. PAYNE of New Jersey, Mr. RUSH, Mr. CLYBURN, Mr. WYNN, Mr. CONYERS, Mr. WATT, Mr. TUCKER, Mr. WHEAT, Mr. REYNOLDS, Ms. BROWN of Florida, Mr. HASTINGS, Mr. DIXON, Mr. FORD of Tennessee, and Ms. VELAZQUEZ.

H.R. 3725: Mr. DORNAN, Mr. BARRETT of Wisconsin, Mr. LEVY, Mr. TORKILDSEN, Mr. BARTLETT of Maryland, Mr. KIM, Mr. MANZULLO, Mr. LINDER, and Mr. COX.

H.R. 3727: Mr. COX, Mr. GREENWOOD, Mr. FRANKS of Connecticut, Mr. PAXON, Mr. MICA, Mr. THOMAS of California, and Mr. PORTMAN.

H.R. 3771: Mr. DEUTSCH and Mr. FOGLIETTA.

H.R. 3808: Mr. BISHOP.

H.R. 3814: Mr. LIVINGSTON, Mr. WELDON, Mr. MANN, Mr. GOSS, Mr. BATEMAN, and Mr. WALKER.

H.R. 3827: Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, and Mrs. MORELLA.

H.J. Res. 9: Mr. CANADY and Mr. HUTCHINSON.

H.J. Res. 22: Mr. ROBERTS and Mr. LINDER.

H.J. Res. 129: Mr. LEVY.

H.J. Res. 131: Mr. GREENWOOD, Mr. DEUTSCH, and Mr. REED.

H.J. Res. 253: Mr. LIGHTFOOT.

H.J. Res. 254: Mr. ANDREWS of New Jersey.

H.J. Res. 278: Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. BACCHUS of Florida, and Ms. DELAURO.

H.J. Res. 302: Mr. ANDREWS of New Jersey and Mr. HOCHBRUECKNER.

H.J. Res. 310: Mr. SABO, Mr. LANCASTER, Mr. MARTINEZ, and Mrs. MORELLA.

H. Con. Res. 37: Mr. BARRETT of Wisconsin.

H. Con. Res. 68: Mr. INGLIS of South Carolina.

H. Con. Res. 93: Mr. TORKILDSEN.

H. Con. Res. 110: Mr. BARTLETT of Maryland and Mr. SKELTON.

H. Con. Res. 124: Mr. KILDEE, Mr. WILSON, and Mr. SAWYER.

H. Con. Res. 147: Mr. SARPALIUS and Mr. ANDREWS of New Jersey.

H. Con. Res. 199: Mr. BACCHUS of Florida, Mr. HANSEN, Mr. RAVENEL, Mr. HALL of Ohio, Mr. DEUTSCH, Ms. DELAURO, Ms. NORTON, Mr. GALLEGLY, Mr. KING, Mr. BARRETT of Wisconsin, Mr. LINDER, Mr. SISISKY, Mr. SOLOMON, Mr. GEJDENSON, Mr. MCNULTY, Mr. GLICKMAN, Mr. MOAKLEY, Mr. KASICH, Mr. MARTINEZ, Mr. RANGEL, Mr. HORN, Mr. LEVY, Mr. ARCHER, and Mr. SHAYS.

H. Res. 238: Mr. SANTORUM, Ms. DUNN, Mr. COLLINS of Georgia, Mr. PENNY, Mr. INHOFE, Mr. LEVY, Mr. MICA, Mr. TALENT, Mr. COBLE, Mr. HUFFINGTON, and Mr. NUSSLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2241: Mr. SHARP.

H.R. 3325: Mr. WALSH.

SENATE—*Thursday, February 10, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us pray for Official Reporter Frank Smonskey, who is in serious condition in the hospital.

For my thoughts are not your thoughts, neither are your ways my ways, saith the Lord. For as the heavens are higher than the earth, so are my ways higher than your ways, and my thoughts than your thoughts.—Isaiah 55:8, 9.

God of Abraham, Isaac and Israel, the prophet Isaiah reminds us how upside down we can be in terms of Your wisdom and ways. We transpose values, making absolutes relative and relatives absolute; we call evil good and good evil. Each becomes a final authority when it comes to morality. Then we wonder, Why cultural decay? Why social disorder?

Patient Father, awaken us to the need for absolute truth—to the Divine Standards given on Mount Sinai. Give us grace to measure our lives against Your thoughts, Your ways. Turn our hearts and our minds to Thee, and visit our Nation with a mighty spiritual and moral awakening.

We pray in His name who died that we might live. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 10, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

SCHEDULE

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 9 and 9:30 a.m. shall be under the control of the Republican leader or his designee. Under the previous order, the time between 9:30 and 10 a.m. shall be under the control of the majority leader or his designee.

COLUMBIA RIVER FEDERAL HYDROPOWER SYSTEM

Mr. GORTON. Mr. President, late yesterday afternoon, the National Marine Fisheries Service [NMFS] briefed Congress on the outcome of its consultations with other agencies regarding the operation of the Columbia River Federal Hydropower System. These consultations are required under section 7 of the Endangered Species Act, and result in a biological opinion that determines whether the operation of Federal dams will jeopardize the continued existence of endangered salmon and other species.

This announcement has been much anticipated in the Northwest, as the biological opinion could govern Columbia River operations for the next 5 years. The stakes for individual ratepayers, energy-intensive industries, farmers, boaters, and fishermen are enormous.

Two weeks ago, Senator CRAIG and I took to the Senate floor to bring this issue to the attention of my colleagues, and to issue a strong warning to NMFS that real jobs and real people would be affected by its decisions. At that time there were indications that radical flow proposals were being advocated by NMFS—proposals that could cost Northwest ratepayers hundreds of millions of dollars per year and leave area reservoirs virtually dry.

The opinion that NMFS released yesterday is not as drastic as originally feared, but it will still result in additional costs to Northwest families and businesses. It also raises serious questions about how the Endangered Species Act works—or better yet, does not work.

Though it is a complex document, the crux of the opinion is that the agencies that operate the Columbia River hydro system and market its energy—the Corps of Engineers, the Bureau of Reclamation and the Bonneville Power Administration—will have to devote some 11.5 million acre feet of water to salmon enhancement. This represents a significant increase in flows over the 8.5 million acre feet called for in both the Northwest Power Planning Council's Strategy for Salmon and the recovery plan drafted by a NMFS-appointed recovery team.

For a variety of reasons, this persistent ratcheting-up of flow requirements is becoming difficult to justify.

First, there is very little science on the relationship between flows and salmon survival. No one doubts that a pristine, undammed river would produce more fish, but we do not have a pristine, undammed river. On the other hand, there is serious doubt as to whether additional water releases in the existing river system will have any measurable benefit for fish. Studies are currently being performed to explore this relationship, but these studies are incomplete.

Second, the biological opinion mandates flows well beyond those recommended in the recovery team's plan. The recovery team was itself picked by NMFS, and is comprised of fish biologists and other experts with extensive knowledge of the Columbia River system. Though the recovery team plan is not yet in final form, it is unlikely that its flow recommendations will be as high as those included in the biological opinion released yesterday. This disparity becomes even more glaring when one considers that the standard which the recovery team is trying to meet—recovery of the species—is by definition more exacting than the "no jeopardy" standard which NMFS must meet in its biological opinion. As Congressman DEFAZIO, of Oregon, noted the other day, "this is a very political biological opinion."

Finally, there is the issue of cost; the effect on people that is so often ignored in these matters. By the most conservative estimates, the opinion will increase the cost of Bonneville power by $40 million per year. This figure does not include the costs to other utilities with projects on the Columbia. These costs themselves come on top of the hundreds of millions of dollars per year in higher power costs which the people of the Northwest are already paying for fish and wildlife.

The opinion may also be the incremental cost that triggers the 10 per-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cent interim rate adjustment clause included in Bonneville's last rate case. Such an increase would adversely impact all ratepayers, but would hit struggling, energy-intensive industries such as aluminum and pulp and paper especially hard. Irrigators in the Upper Snake River Basin will be affected by the opinion, and those who enjoy boating, fishing, and recreation on Federal reservoirs in Montana, Idaho, and Washington will also pay.

Mr. President, this means working families will feel the impacts of this decision the most—and for what? NMFS cannot identify the benefit to salmon. Bonneville certainly cannot. Rather, this decision seems designed to meet some undefined political agenda.

My agenda is clear, Mr. President—keep people working and do everything that is reasonable to restore wild salmon runs. The plan announced today does not follow this agenda, as it will hurt people, cost jobs, and do little, if anything, to help salmon. How is that progress?

The costs associated with the NMFS plan also represent resources that could be devoted to other salmon recovery measures with proven and identifiable benefits. Apparently, however, such programs are not such a high priority for NMFS when the agency must pay the costs itself. Just 2 days ago we got our first look at the President's budget. Most people in the Northwest were surprised to learn that funding for Lower Columbia hatcheries, Columbia River irrigation diversion screening, and a Columbia River salmon smolt program had all been cut. These are all programs with proven, identifiable benefits for fish, and small price tags in comparison to the flow measures contained in the biological opinion.

Mr. President, I have the greatest respect for the two individuals who were instrumental in developing this opinion. Randy Hardy has proven to be an extremely able Administrator of the Bonneville Power Administration, and Rollie Schmitten has certainly earned his recent promotion from NMFS Regional Director to Assistant Administrator of NOAA for fisheries. I have no doubt Mr. Hardy, Mr. Schmitten, and the other officials involved did the best they could to produce an opinion that can withstand the inevitable flood of lawsuits.

The problem instead lies with the statute under which these lawsuits will be filed. The Endangered Species Act provides little room for balance between the interests of humans and listed species. Listed species always get the benefit of any doubt. The act provides no means of rationally allocating limited resources for species protection, nor does it give those who will be affected by its enforcement any say in the section 7 consultation process.

Legislation I have introduced with Senator SHELBY would allow for greater balance between the needs of humans and other species. The bill would also change the section 7 process to allow customers of Federal agencies to participate in consultations. Each Federal agency would also be required to consider its obligations and responsibilities under other statutes, treaties, interstate compacts, and contractual agreements during consultations.

Unfortunately, it appears that neither the leadership in Congress nor the administration wish to take up the reauthorization of the Endangered Species Act this year. The administration is saying "we can make it work, give us a chance." To be honest, I don't think it can be done. The act is too inflexible, and places an extravagant premium on genetic diversity that we cannot afford.

But if the administration is serious about working within the existing act, it has one more opportunity to demonstrate that families and communities do matter. The National Marine Fisheries Service will soon begin work on its own official salmon recovery plan as required by the act. This plan ideally will build on the work of the recovery team, and when complete will replace the section 7 consultation process as the primary governor of river operations.

If NMFS does not stray far from the recovery team's plan—and for that matter the regional council's plan—it stands a chance of retaining some semblance of regional consensus on salmon recovery. I also think it will stand a better chance of surviving the lawsuits to which the agency will be subjected.

If NMFS instead uses the recovery plan to demand yet more sacrifice by the people of the Northwest without very firm evidence that the salmon will benefit, it had better be prepared for a very angry response—not only from this Senator, but from the people of the Northwest.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

DRUG CONTROL AND RURAL CRIME IN AMERICA

Mr. HATCH. Mr. President, it is time for President Clinton to fight for what he says he believes.

I call upon President Clinton to urge the Congress to support the tough anticrime provisions contained in the Senate bill. Several weeks ago, I wrote a letter to President Clinton urging him to call on the Congress to pass certain key provisions that are currently a part of the Senate crime bill. We cannot afford to have this crime bill follow the pattern of the last crime bill conference where, over the objection of several conferees, a majority of conferees adopted the softest, most liberal provisions passed by either body on a range of issues.

I am concerned that, without President Clinton's strong, specific support and leadership, several worthy provisions will be jettisoned in conference or significantly weakened.

Two examples of measures that need to be preserved are the Hatch-Biden rural crime amendment and the Kempthorne-Hatch rural community policing amendment. These measures increase the amount and effectiveness of law enforcement resources in rural States. Respectively, they establish drug and crime task forces in rural States and ensure that rural States will get their fair share of the crime bill's $8.9 billion in community policing resources.

According to the Federal Bureau of Investigation, while murder rates in the District of Columbia and New York decreased in 1992, murder rates jumped in Utah and other rural States. In Utah, the violent crime rate per 100,000 persons, one of the best indicators of the severity of the crime problem, increased 1.3 percent.

Utah has a growing gang problem. There are over 240 gangs in the Salt Lake City area with over 1,900 members.

While crime overall in the Northeast actually declined by 5.9 percent in 1992, the situation in the rural West is much graver. In the intermountain West, the region which includes my State of Utah, the FBI reports that in 1992, the rate of violent crime increased by 2.7 percent.

These figures translate into a growing problem of violence and drug related crime in Utah and other more rural States. A recent survey of Utah residents found that Utahns rank crime as society's most severe problem.

We simply have to get more law enforcement personnel into rural States and communities, Washington, DC, with a population of 589,000 has 5,213 police officers. My State of Utah, with a population more than three times that of Washington DC—1.8 million versus 500,000—actually has fewer police officers—we only have 2,979—than the District of Columbia. Utah has only 16 officers per 10,000 population. In contrast, the District of Columbia has 89 officers per 10,000—nearly 3 times as many as almost every other jurisdiction. We need to get more officers to rural areas where the violent crime problem is increasing at a greater rate.

The Senate-passed crime bill provides $8.9 billion over 5 years to hire additional police officers. Right off the top, however, the Attorney General takes 15 percent to distribute for discretionary programs. The remaining $7.6 billion is divided among the States. Thanks to an amendment I offered with Senator KEMPTHORNE, the Senate bill protects rural States by ensuring that each State will get at least 0.6 percent of the money. Unfortunately, the House version of the community policing program only guarantees States 0.25 percent. I am concerned that without the strong support of the President, the crime bill conference will weaken the Senate bill's protection for rural States.

In addition to an inadequate police presence, rural States have unique problems that make criminal investigations more difficult. For example, clandestine labs, especially methamphetamine—"ice"—labs, present a big problem for rural authorities. According to DEA officials, a major center for these labs is Utah. In an 11-month period, DEA busted 15 such labs. As I mentioned earlier, gangs are taking hold in rural areas. Unfortunately, there is a smaller Federal presence in rural States and there is little coordination of resources.

In order to respond to this aspect of the problem, the Senate crime bill contains a Hatch-Biden amendment that provides a special Federal focus on crime in rural areas. For example, the legislation amends current State and local law enforcement grants program to authorize an additional $250 million in grants for rural States over 5 years. The Hatch-Biden amendment also authorizes an additional $100 million over 5 years to hire additional DEA agents for drug investigations in rural and urban areas. The measure also improves the coordination of Federal agencies by directing the Attorney General to establish rural crime and drug enforcement task forces in every Federal judicial district that includes significant rural areas. Headed by the local U.S. attorneys, the task forces would include personnel from DEA, FBI, Customs, U.S. Park Police, U.S. Marshals, and State and local law enforcement. Our proposal also establishes a specialized training program at the Federal Law Enforcement Training Center in Glynco, GA, to teach police officers and sheriffs from rural agencies the most effective methods of conducting drug trafficking investigations.

Mr. President, drugs, crime, and violence are national problems facing both urban and rural America. Unfortunately, the crime problems faced in rural America have been overlooked by Federal agencies in Washington. They have focused on the crime in more urban areas. Yet, the problems of rural States need greater Federal attention as well. The number of Federal prosecutors and law enforcement agents has been inadequate to handle the growing crime. Crime is like a cancer that must be treated wherever it invades our society.

The protection of citizens is the first duty of government. If there is a place where additional Federal expenditures is warranted, it is to fight crime and violence in rural States. I urge President Clinton to announce his support for the Senate crime bill's protections for rural States. His endorsement of these measures will go a long way toward helping to put an end to the growth of crime and violence in rural America.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair would note the time between now and 9:30 is controlled by the Republican leader.

Mr. DOLE. Was leader time reserved?

The ACTING PRESIDENT pro tempore. It has been reserved.

Mr. DOLE. I ask unanimous consent that I may use my leader time and it not be charged against the Republicans' time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DOLE and Mr. ROTH pertaining to the introduction of S. 1843 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BOSNIA

Mr. DOLE. Mr. President, I will just say very briefly, with reference to the President's decision on Bosnia, the ultimatum issued to the Bosnian Serb forces that has been issued by NATO, as the New York Times points out this morning: It is a risky step because you cannot just continue to cry wolf, as I have said before, and not do anything. The same message is in the Washington Post lead editorial.

I ask unanimous consent both these editorials be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. "Having issued the ultimatum—" the New York Times said:

> —NATO should not step back. But it is up to the Clinton Administration to make clear that this is a humanitarian action that does not commit the United States to deeper involvement in European diplomatic maneuvers or ground peacekeeping operations. That will limit some of the risks now undertaken.

I just quote from the Washington Post:

> At least we hope this is what the American government is doing. At this point in the dying of Bosnia, more talk policy is an obscenity. If the government isn't conducting a serious policy, it should just shut up.

They talk about talk policy. We have had talk policy for over 22 months, while over 200,000 innocent people have been slaughtered in Bosnia. I just suggest this: We should not be leaning on Bosnia, trying to force them into a bad peace settlement that is part of the plan suggested by President Clinton. However, I think that NATO's threat has to be followed through. I will support the President on whatever he does.

There is one thing he should do right now—and not wait 10 days—that is, lift the U.S. arms embargo. Why wait the 10 days? We can do that on our own. NATO's decision is welcome even though in reality it amounts to a small step for Bosnia and a small step toward regaining NATO's credibility. NATO does not have a lot of credibility, and this may be an opportunity to regain a little of it if it carries out its decision.

We need to make certain NATO follows through. As for the cease-fire, we have seen them broken many times before. The Washington Post again says in the editorial, when the Serbs say something it does not mean anything, " . . . their word is worthless." Let us not forget that Sarajevo is not the only city under siege. There are five others that the United Nations has declared safe areas that are not safe.

And there is the bigger issue of the Bosnian Government being denied the right to self-defense. The United Nations and some of our allies have treated Bosnia as a colony. It is an independent nation with rights under the U.N. Charter: Article 51 guarantees the right to self-defense. Why do we not lift the arms embargo? Bosnia, the victim, has been under constant pressure to sign an agreement that leaves it with only one-third of its territory. The negotiators want to impose a settlement and leave a third of it to Bosnia. What would we do in our country if we were left with a third of it, and an aggressor took two-thirds of it for themselves? That is going to be hard sell. It will be difficult to convince the American people we need to keep our forces there to keep that kind of peace imposed on this very small country.

It seems to me we are responding now, finally. But lifting the arms embargo would give the Bosnians tremendous leverage at the negotiating table. We need to keep in mind also the talks in Geneva are not just about more land for the Bosnian Government, but also to ensure that what remains of Bosnia is survivable—economically, politically, and militarily.

So, Mr. President, it seems to me we have taken a little step. We are going to have to follow through. The President can take another step today. He can lift the U.S. arms embargo. He does not need any U.N. approval. We can make certain we do not endanger the lives of any troops, whether they are British or Canadian. They can be removed.

But it seems to me we have to get with it now. We have waited long enough. If something does not happen in 10 days, we better be prepared, NATO better be prepared, or they might as well close up shop and bring all the American troops over there home.

I yield the floor.

EXHIBIT 1

[From the New York Times, Feb. 10, 1994]

NATO'S RISKY STEP

Bosnian Serb forces are taking the latest NATO bombing ultimatum seriously, and Americans should too.

The Clinton Administration needs to assert more effective U.S. leadership within NATO than it has until now on the Bosnian issue; otherwise this emotionally satisfying riposte to last Saturday afternoon's carnage in Sarajevo could lead to costly and frustrating NATO ground involvement. It could also perversely encourage coercion of the Bosnian Government to accept an unjust European peace formula.

In a momentous step, the Western military alliance, which has never before taken any combat action, yesterday declared that Bosnian Serb forces must withdraw their heavy guns to a line 12½ miles outside Sarajevo by Feb. 20 or risk aerial attack by NATO jets. Formally, it will be up to U.N. Secretary General Boutros Boutros-Ghali to order the first strike.

Even before the alliance voted in Brussels, Serbian forces agreed to a cease-fire and offered to put their siege artillery under U.N. control. It the Serbs keep their word this time, the ultimatum will be judged a great success. But, as President Clinton himself recognizes, NATO cannot afford to make any more empty threats.

If the Serbs do not comply with the terms of the ultimatum, NATO will be under tremendous pressure to carry out its bombing threat. Bombing Serbian artillery positions is likely to poison Western relations with Moscow, which favors the Serbs, and provoke anti-NATO sentiment in pro-Serbian Greece, an alliance member. It is also unlikely it would end or even slow the Bosnian war.

The Bosnian Government's much smaller number of heavy guns must also be turned over to U.N. monitors under the ultimatum. If its forces try to exploit the neutralizing of the Serbs' artillery advantage to push back the front lines around Sarajevo, European governments would feel obliged to find a way to restrain the Bosnians.

Europe is already anxious about Bosnia's improving ability to defend itself, and wants to enlist U.S. diplomatic pressure on Bosnia to accept the partition maps drawn up by Lord Owen and his U.N. counterpart, Thorvald Stoltenberg. Washington has until now sympathized with Bosnian Government claims that those maps deny it the territorial integrity and transit corridors it needs to survive.

Meanwhile the Serbs, if thwarted in Sarajevo, can be expected to shift their efforts to another front, or to vent their fury against the 13,000 U.N. peacekeepers stationed in Bosnia. That would raise new cries for air strikes, and even ground relief operations, to vindicate NATO's credibility.

Having issued the ultimatum, NATO should not now step back. But it is up to the Clinton Administration to make clear that this is a humanitarian action that does not commit the United States to deeper involvement in European diplomatic maneuvers or ground peacekeeping operations. That will limit some of the risks now undertaken.

The surest way out for the long term is to assign the job of defending Bosnian civilians where it belongs, to the Bosnian Government. That will require an energetic U.S. diplomatic campaign to lift the U.N. arms embargo that has given the Serbs their present advantage in heavy weaponry. Bosnia is not a ward of NATO or the U.N. but a violated sovereign state. The best thing the world can do for it is to get out of the way and let it defend itself.

[From the Washington Post, Feb. 10, 1994]

TALK POLICY

There is talk radio and there is, especially in respect to Bosnia, talk policy: an interminable ventilation of alarms and alibis, contingencies and conditions, threats and delays, pledges and backdowns, all of which end up with new heaps of Bosnian deal and deep sighs by the United States, its friends in the United Nations and is allies in NATO. This has become the predictable pattern of the 22-month Bosnian war. The instant question is whether the shock generated by the most recent Serb atrocity in Sarajevo will break this ignoble mold.

True, there is a new spate of diplomatic heavy breathing. In the latest episode of a ping-pong game that began in 1992, President Clinton has endorsed a United Nations call on NATO to "prepare" (whatever that means) for bombing Serb heavy weapons around Sarajevo. Yesterday NATO, which last August had pledged to strike if the Serbs didn't end their strangulation of the city, set a 10-day deadline for the Serbs to comply or face strikes. Also yesterday the Serbs agreed to pull back their siege guns from Sarajevo and to park them, with the Bosnian government's guns, under U.N. watch. The Serbs didn't sign anything, but that is of small consequence since their word is worthless.

It is American credibility that concerns us most. How disappointing to observe that William Perry, who has been secretary of defense only a few days, is already picking up the Clinton administration's dilatory Bosnia style. The press's emphasis on air strikes, he told reporters, was "entirely inappropriate," volunteering a primer on the downside of such a tactic. How can it be that the Pentagon needs to be reminded that there is an upside as well as a downside and that its task is to find the best way to support the president, who—repeating his wariness of empty threats—insists he now truly means to act.

Smart policy requires, of course, not a mindless NATO whack, as emotionally satisfying as that might briefly be. It requires political thinking to link military acts to a negotiated peace. Conceivably, the United States is finally getting into this part of the act. It is not just hanging back and saying no to the Europeans' idea of an imposed peace that would leave the Muslims with an unviable enclave, it is coming forward to promote its own idea to give them something a face-saving bit bigger, better and more voluntary.

At least we hope this is what the American government is doing. At this point in the dying of Bosnia, more talk policy is an obscenity. If the government isn't conducting a serious policy, it should just shut up.

The ACTING PRESIDENT pro tempore. Under the previous order, the time of 9:30 having arrived, the time between 9:30 and 10 o'clock a.m. is under the control of the majority leader, or his designee.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. DOLE. Mr. President, I wonder, since I used my leader's time, if we can add an additional 10 minutes to our side after the distinguished Senator from Colorado speaks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado is recognized.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

Mr. CAMPBELL. Mr. President, I rise today to announce my support and cosponsorship of the Comprehensive Fetal Alcohol Syndrome Prevention Act.

Fetal alcohol syndrome, known as FAS, is a devastating, incurable condition that affects the children of mothers who drink alcohol during pregnancy. These children have a wide range of problems from low birth weight, hyperactivity and mental retardation to organ dysfunction and life threatening seizures.

Fetal alcohol effect, [FAE], is a related disorder with similar but less severe problems than individuals with FAS.

The Center for Disease Control estimates that more than 8,000 alcohol-damaged babies are born each year. These numbers make FAS the leading cause of mental retardation at birth in this country. The effects of FAS and FAE never go away. There is no treatment or cure for this birth defect. Some studies, in fact, indicate 1 out of 50,000 babies in the United States are born with either FAS or FAE.

In Indian country, incidence of FAS and FAE is much higher. Approximately 1 in 99 American Indians are born with FAS. This means 1 in 99 Indian children will be denied the opportunity to learn and grow as they should. They will be denied the opportunity to live their lives with healthy bodies and independent spirits, and this Nation will be denied their contributions to society. Often they must be institutionalized for life, costing taxpayers over $1½ million per child during its life.

I am sorry to report that the devastating effects of fetal alcohol syndrome is more pervasive in some communities than others.

On the Pine Ridge Reservation in South Dakota, as an example, one in four children is born to a woman who consumed alcohol during her pregnancy. These innocent children will never have the opportunities of a healthy mind and body that most of us take for granted.

The interesting part of this is this condition is 100 percent preventable. It does not have to happen at all. Mothers who abstain from alcohol during pregnancy will not have a child with FAS or FAE. Therefore, the message is simple: If you are pregnant, protect your baby and do not drink alcohol.

Of mothers who bear one alcohol-afflicted child, at least a quarter of those children will produce other FAS or FAE children. And a majority of these children end up in foster care, because their mother dies, is incapacitated or incapable of caring for her family.

This cycle of family deterioration can and must be stopped, but only through serious education and prevention efforts. As some of my friends know, I came from a family devastated by alcoholism. If my mother had been the alcoholic rather than my father, I would suffer from FAS.

A 1985 study found that nearly half of the U.S. population under the age of 45 had never heard of FAS. How can a mother who doesn't know the consequences of drinking alcohol take steps to protect her child?

The National Council on Alcoholism and Drug Abuse estimated the cost of treatment for individuals with FAS in 1980 to be nearly $1.56 million, as I mentioned. No doubt the figure is higher today. But we can eliminate fetal alcohol syndrome and effects, and the financial and social costs that go with it.

The Comprehensive Fetal Alcohol Syndrome Prevention Act would establish a comprehensive program to prevent further incidence of FAS and FAE. It would coordinate and support national public awareness, prevention and education programs on FAS and FAE.

It would coordinate and support FAS/FAE research; distribute FAS and FAE diagnostic information to health care and social service providers.

And it would foster coordination among all Federal agencies that conduct or support FAS and FAE research.

I applaud the efforts of my colleagues Senator TOM DASCHLE, Senator JEFF BINGAMAN, Congressman BILL RICHARDSON and Congressman JOE KENNEDY, and many others in their efforts to educate the public about the perils of drinking alcohol during pregnancy.

Passage of this legislation will put us one step closer to eliminating this dread disease. I urge each of my colleagues to join us in supporting this legislation.

The ACTING PRESIDENT pro tempore. The Chair notes, under an amended order, the Republican side has 10 additional minutes before we come back to the Democratic side. The Senator from Washington is recognized.

A PROMISE TO THE PACIFIC NORTHWEST

Mr. GORTON. Mr. President, candidate Bill Clinton made a promise to working families in the Pacific Northwest. He promised to bring balance to the longstanding timber, spotted owl, old growth debate. He promised a balance that would preserve jobs in timber communities and protect forests. Not just one promise, but two. As President he repeated these promises a year ago in Portland at a widely publicized timber conference.

In July he announced his plan, declaring that his administration had met the goals established at the Portland Conference. He claimed his plan would bring relief to the forests and the people of the Northwest. He said his plan would sustain communities by "setting predictable and sustainable levels of timber sales".

What was promised these workers and their families? First, he promised that timber would be sold in 1993 to put people back to work in Northwest timber communities devastated by spotted owl restrictions. Specifically, he promised that his plan would sell 2 billion board feet throughout our region in its first year. This is important to timber dependent communities because according to studies each billion board feet of timber supports 18,000 jobs. And finally, he promised to ask Judge Dwyer to lift his injunction because his plan was environmentally sound.

Have these promises been kept? The answer is no. Here is what happened. The administration did not ask Judge Dwyer to lift the injunction based on the preliminary plan. President Clinton backed off that pledge because it was never going to work. Clearly, Judge Dwyer would never lift his injunction based on an as yet to be finished environmental impact statement. In fact, these timber workers and their communities are still waiting for the submission of the final plan which is supposed to bring them some relief.

Next, the administration entered negotiations with national environmental organizations in a vain effort to free up some of the timber. In the end, the administration succeeded in freeing only 83 million board feet of timber of the 400 million it was after.

Finally, the administration failed to get the people of the region affected by spotted owls back to work by promoting and fighting for a sustainable harvest level. The fact is that virtually no new sales of timber have proceeded in the spotted owl region except for limited thinning and salvage sales amounting to less than 100 million board feet of timber.

The administration responds that it has cleared some 1.25 billion board feet of timber for harvesting. The problem is that virtually none of this timber is from new timber sales, but is just the clearing of old sales. By October 1994, the administration hopes, and I repeat hopes, to have a total of 1.8 to 2 billion board feet available, virtually all from old sales. The administration is not on course to keep its promise to free up 2 billion board feet of new timber sales.

The death knell is ringing for the communities dependent on the Federal timber sale program, in the Pacific Northwest. It is a death that the President promised to avoid. Why has he failed? Because the time between timber sale, preparation for harvest, harvest and delivery to the mills is often grater than a year. Because the administration has failed to provide more than a pittance of new timber, the pipeline between sale and mill will very soon run dry.

Recently, a timber group announced that it would push for harvest levels higher than those promised by President Clinton. Members of the Washington and Oregon delegations accurately responded by stating that any such attempt would be futile. The administration adamantly insists that it will go no higher than the harvest levels promised by President Clinton and Congress will certainly not overrule the President. But is it not reasonable for families and communities in the Northwest to expect the Clinton administration to keep the promises that it made itself?

It is not unreasonable. I have made my position clear that I think the President has set his harvest levels too low. I recognize the reality that he will not change his mind and that Congress will not approve levels higher, but it is not unreasonable for timber communities to ask the President to keep his promise.

But timber dependent communities are still waiting for the President to deliver on his promises. These workers and their communities still wait for an end to the deadlock in the Northwest's forests and a return even to a modest and sustainable timber harvest.

I am convinced that the President needs congressional protection to implement the plan he announced last July. Approval of the President's plan by Judge Dwyer will do nothing to protect future timber sales from legal challenges. Without congressional protection, I do believe that his plans will never result in certain and sustainable timber harvest levels.

On the other hand, the President seems to think that he can accomplish the same level of certitude without congressional protection. If so, I would be pleased to hear of these plans but in either case he needs to act now to deliver on the promise he made. I stand ready to assist President Clinton in delivering the harvests he promised to the timber communities whatever the method he chooses.

The people of timber country can wait no longer. The time is now for this administration and this Congress to respond to their needs. Not next week, or next month, or next fall but now.

Mr. BOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized. The Chair will note that the Republican leader has 6 minutes and 8 seconds remaining.

Mr. BOND. Mr. President, I thank the Chair and I thank my colleagues for their indulgence.

HEALTH CARE REFORM

Mr. BOND. I rise this morning to address once again the subject of health care. I am very encouraged when I read in the morning paper that President Clinton is quoted as saying that the time has come to move forward on compromise, to move toward achieving what all Americans, or at least a very significant number of Americans want, and that is significant reform in our health care.

When I got to work today, I was distressed to find that the Democratic National Committee has gone on the air with attack ads, attacking not the substance of the argument but attacking Republicans. I would offer for the RECORD the tag line of this commercial. First, the ad takes out of context quotes from several Republican leaders and then their conclusion is:

> The Republicans, first they said there was no recession. Now they say there is no health care crisis. They just don't get it.

Now, Mr. President, that is demeaning and debasing the debate. I have talked to and worked with my colleagues on the Democratic side of the aisle who know that we have to come together if we are going to get meaningful health care reform.

I have traveled around the country with Senator ROCKEFELLER. I have gone to Massachusetts with Senator KENNEDY. We know we have some strong differences over particular methods of getting to the goal we seek. We ought to have the decency not to call each other names when we disagree with particular policy prescriptions.

I believe that there can be widespread bipartisan agreement, that we need to do some things about the health care system in this country. I am a strong believer. I have worked hard to see that we get there.

Perhaps the President is concerned because the CBO figures that have just come out show his health care plan would significantly increase the deficit. In 1993, he claimed that the deficit would come down to just above $120 billion with his health care reforms. We know that the deficit, without reform, would go above $220 billion by the year 2000 without any reform. CBO now said that the deficit will go even higher, almost to $240 billion.

Clearly, there is some panic because the process of the programs outlined in the Clinton plan do not work. Let us work together to fix them. Half of the Republicans in this body have signed on to a plan that will, in my opinion, achieve the goals the President has set forth. It is time to work together cooperatively, on a bipartisan basis, which is the only way we are going to get meaningful health care reform and stop calling each other names.

Mr. President, I suggest that we have heard enough talk about the need for compromise. I am from Missouri: Show me. If the President is serious about reforming health care and not making a partisan political issue of it, I call upon him to direct the Democratic National Committee to withdraw the ads. Let us get back to talking about how we can make the program work and stop calling each other names.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from Idaho has 2 minutes and 20 seconds.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak for a total of 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1843 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WOFFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

FACES OF THE HEALTH CARE CRISIS "LIFE CARE ACT"

Mr. WOFFORD. Mr. President, I have been listening to the reaction here in Washington to the very forthright and helpful report on health care reform from the Congressional Budget Office. And it is hard to believe—or to excuse—what I am hearing.

Because so many of the people I hear doing the talking about the CBO report do not seem to have done much listening to Dr. Reischauer's testimony. If they had, then they would know that the Congressional Budget Office has found that the Health Security Act, in its current form, would save our economy $337 billion dollars in health care spending over the next decade, while providing guaranteed coverage for every American.

And CBO found that if we do nothing, our Nation will have to spend $150 billion a year more 10 years from now and millions of people will still be without health insurance.

The CBO did find that the Health Security Act would, in short term, add to the Federal deficit. And we should work together—as the Senator from Missouri proposed—to change that in the months ahead. And we can do that. The differences are not very large. The gap is not too large to close. But at the same time, Dr. Reischauer made it clear that the savings in private health spending—the savings for business and individuals and families and the savings for State and local government would begin immediately and would grow to reaching $650 billion a year within a decade.

That is our whole national health care spending, and that would happen to it. But the most important thing Dr. Reischauer said was not about numbers. It was about us.

He said that he hoped the CBO analysis would be used only for its intended purpose: To help us achieve comprehensive health care reform. Not to provide ammunition for those who only want to torpedo reform.

Dr. Reischauer urged us to put aside partisanship and come together in a spirit of cooperation, as we did when we passed the Medicare Act in the 1960's.

He said: "An even more profound opportunity lies before the Congress today. I wonder whether any of [you] someday will be able to tour a Presidential archive and say to a grandchild [you] might have in tow: 'That is my signature on the legislation that helped make America's health care system more equitable, more efficient, and less costly.' I hope so."

I hope so, too.

But I am not sure the Washington insiders were listening. When are the pundits going to figure out that this is not the winter Olympics? That is not about gold, silver, and bronze medals for people in the White House or Congress. It is about what happens to millions of Americans where they live and work. It is about whether people in Washington can come around a table and work together to find solutions to the problems facing our families and communities.

Since 1991, I have made the point that health care reform is the critical issue of our time not because of an election, or because of any politician's rhetoric, but because of the reality of people's everyday lives.

And I hope my colleagues will keep that in mind when they start wielding numbers like swords, when they are meant to be plowshares. Because the goal is not to slash and burn but to plant a seed.

Because our job here is not finally to win debating points, but to take action. And the CBO report gives us an excellent starting point for action that will achieve guaranteed, affordable, private health insurance through nongovernmental, nonprofit, consumer-run cooperatives that offer a choice of health plans to every American.

Those who say we cannot or should not try to reach that goal must already have health insurance themselves. Maybe there is no health care crisis for TV commentators, newspaper columnists, and Members of Congress; they are already covered. But try telling the Pennsylvanians I have met and heard from over the past 3 years that there is no real crisis and no need for serious action.

Tell it to the millions of older Americans who have worked hard their whole lives to earn a secure retirement, but whose families are being bankrupted by the staggering cost of long-term care.

Tell it to the Winiarski family of Pittsburgh. When Stanley Winiarski retired from the steel mills at age 65, he and his wife Esther sold their home and moved to Florida. Eight years later, when Stanley began having health problems, they came back to Pittsburgh and moved in with their son's family.

Four years later, Esther suffered a stroke. After being released from the hospital, she spent some time in a nursing home. But when Esther had another stroke about a year later, she went back to the nursing home and has been there ever since. She is confined to a wheelchair and struggles to speak.

Like so many older Americans, the Winiarskis have had to find a way to pay for long-term nursing home care. Medicare does not cover it. And Stanley's Blue Cross/Blue Shield policy from his former employer, like most private insurance plans, does not cover it, either.

Every month, all but $50 of Esther's Social Security check goes to pay for her nursing home. The Winiarskis have had to spend most of their life savings on Esther's care before they could get any help. Some of the money went to pay in advance for Esther's funeral. That is absurd; that is unfair.

The wealthiest Americans can afford private insurance plans which cover nursing home care. And the very poor get help from Medicaid.

But the Winiarskis, like so many others, have been caught in a middle-class squeeze—not wealthy enough to live well after pay expensive bills, but not poor enough to qualify for aid. This is until the system forced them to spend down their savings, so they could finally get some help.

For years, the Winiarskis worked hard and played by the rules, so they could enjoy their retirement. But our health care system—which, according to some, is not a crisis—has robbed the Winiarskis of the security they have earned. It has made their retirement one of trauma and anxiety rather than peace and comfort.

As the Winiarskis' daughter-in-law, Mary Jean, said in her letter to me, the strain on her family has been emotional as well as financial. She describes her husband's parents as proud, independent people, who feel demanded by being forced to give up what they worked so hard for.

The story is the same at the other end of Pennsylvania. Aldona Zenker of Scranton is 90 years old. She was very active until just a few years ago when she lost her sight to glaucoma. Her son Jack says that the family could no longer give her the treatment she needed. So in October 1991, they admitted her to the Lackawanna County Health Center, where Jack works.

Aldona did not have any private health insurance. And Medicare did not cover her nursing home costs. She did have some money saved. She and her husband had owned a small grocery store. But the nursing home cost $115 a day, and in less than 6 months, all of Aldona's savings, except for $1,000 were gone. Only then, only after spending herself down to $1,000 in assets, was she able to get assistance.

Jack Zenker says that he is grateful for the high quality of care that his mother has been able to receive at the nursing home. But it is unfair that his mother had to exhaust almost her whole life savings before being able to get any kind of nursing home coverage.

Others who have written to me feel the same way. One man wrote:

> "Forced impoverishment to qualify for welfare as a solution strips the responsible citizen of dignity. When that is added to the wallop of ill health to that person, life becomes a bottomless pit of depression."

A few months ago, my colleague TOM DASCHLE and I compiled a health care reform consumer checklist. We rated the various reform proposals on the table to see if they included the provisions that we felt must be a part of any serious comprehensive reform package.

When it came to long-term care, there were not very many high marks. The Gramm, Chafee, and Cooper plans do not even begin to deal with the issue of long-term care, though I am encouraged that Congressman COOPER now says he wants to add a long-term care provision to his plan.

Even the Health Security Act, which I have cosponsored, does not go far enough. As Hilary Clinton and I explained last Friday at the Chandler Hall Adult Center in Bucks County, our plan is the only one that offers support for home and community-based care, the kind of care that is more humane—and often more cost-efficient—than placing an older relative in a nursing home. It is the kind of care that Pennsylvania helps provide today through its Family Caregiver Program.

But even the Health Security Act does not fully address the cruel way we now pay for long-term nursing home care, which forced the Winiarskis and Aldona Zenker to spend themselves onto welfare.

That is why this week I introduced the Life Care Act with Senator KENNEDY. The bill would give middle-class families like these access to affordable long-term nursing home care. It would establish a voluntary, nonprofit, public insurance program. Families would have the opportunity to purchase a nursing home coverage plan—at an affordable premium—at one of three benefit levels—$30,000, $60,000, or $90,000.

Each of these benefit levels would be combined with an equal level of asset protection.

What that means is that if you take the $30,000 option, and you use up the $30,000 in coverage, you can retain $30,000 in assets and still qualify for Medicaid.

Under our bill, families like the Winiarskis and Zenkers would have a choice of nursing home plans which would protect them from going bankrupt from the cost of care.

The bill would be self-financing. It would require no new spending and would not add to the deficit.

Here in Washington, we often get caught up in the political game of who is up and who is down? Which health care reform plan is in and which one is out?

And when we are not following the horserace, we are buried in reams of statistics and complicated jargon.

Maybe that is why some have decided that there is no health care crisis. Because they have forgotten the far more important bottom line, they have forgotten what is behind the polls and the committee reports: the real faces of this very real health care crisis.

Those who have lost coverage they thought was secure. Who are overwhelmed by staggering costs. Who are forced to cope with bureaucracy, paperwork, and redtape. Who are forced to spend their life savings on long-term care.

It is easy to whip up fear about potential change, as the Health Insurance Association and its allies are doing. But I do not think families like the Winiarskis and the Zenkers will buy the argument that the status quo is not so bad.

To those who say there is no crisis, that we cannot afford to change, the Winiarskis, the Zenkers, and the other faces of the health care crisis answer that we cannot afford not to.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I guess I ought to check with the manager of the bill. I wonder whether I might have 5 minutes to proceed. If not, I can come back later on.

Mr. INOUYE. Madam President, the managers would be most pleased to accommodate the Senator.

Mr. WELLSTONE. Madam President, I ask to speak for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

HEALTH CARE

Mr. WELLSTONE. Madam President, I will be very informal and just build on the remarks of my colleague from Pennsylvania, Senator WOFFORD, who I think has shown a tremendous commitment to health care reform. I will just try to build on a couple of points that the Senator made.

My first point is that I do believe it is an ostrichlike approach to health care to argue that we really do not have the problems, or for any of us, Democrats and Republicans alike, to believe people in our country are not calling for us to pass a major health care reform that would really make a difference in their lives and the lives of their children and grandchildren.

My second point. I would like to reference a wonderful piece that I think the Senator may have seen, and the Chair may have seen, by E.J. Dionne last week in the Washington Post in which he argued that this labeling and political attack on what is in the center and what is ahead—and these are my words—is a silly way to cover this health care debate. Ten years from now when people look back at what we do, they are not going to be thinking in terms of labels; they are going to thinking in terms of whether or not this reform really worked for them.

My third point—that is why I came to the floor and I asked for time to respond to some of what I heard on this floor from a number of my Republican colleagues—I think that Dr. Reischauer did us all a real service. I think he opened up real space for an intellectually honest discussion about health care policy.

Some people talk taxes, some people talk premiums, and some people talk individual mandates; but people in the country know that one way or another you pay for health care. The issue is, who pays? Do we finance it fairly? What kind of health care reform are we talking about, by way of delivering humane, compassionate, affordable, dignified care to people?

I will make three final points. First of all, I want to argue on the floor of the Senate, because I think this will be very much a part of the debate, that the interesting thing is that so far the one health care reform bill that was scored so highly by the Congressional Budget Office is the American Health Security Act, the single-payer act that Congressman MCDERMOTT introduced in the House and I introduced in the Senate. The CBO points out that we cover everyone, that it is a very comprehensive package of benefits geared toward family doctors and primary care, health care in the community, consumer choice; and between 1997 and 2003, the potential is to save up to $700 billion, as opposed to the status quo protected to 2003.

I will talk more about single payer as we get into the heart of the debate at markup and on the floor. But what I want to say today is I want to give credit to what President Clinton and Mrs. Clinton have done, because they have made health care a central issue in this country, and therefore they have connected with the lives of people.

When I talk to people in cafes in Minnesota—I will bet it is the same in California—people do not use any of this technical language. They want to know whether they and their loved ones are going to be covered; whether it is going to be a good package of benefits; whether they will have a choice of doctors.

I will tell you something, Madam President; when the Congressional Budget Office looked at—this is my plea to the media and everyone involved in the debate—the Cooper plan and other plans—it is going to be interesting for the people in the country who are not even in the loop—CBO said this about the Cooper plan: In 5 years, 22 million people will still be without any insurance, and the Nation will be spending $200 billion more than the status quo projected 5 years from now.

So I think we are just at the beginning of this debate. I think we should have, just like Earth Day, a health care day all around this country, and have all the delegations called back to their home States, each congressional district, both Senators at the same time, where people in our States get in the loop and come to these meetings, and we are all under scrutiny. It is the heart of accountability, and people can tell us what they want us to do, and they can hold us accountable. I cannot wait to where we move beyond the insurance industry, the pharmaceutical industry, beyond all of the big money in politics and get this debate out to the people we represent.

The final deals, Madam President, will not be the deals struck here, but the deals each and every one of us make with our constituents. I am convinced that will be universal coverage, a good package of benefits, humane and dignified care for people, with a way we can control costs and do well for people in our country.

I yield the floor.

IN TRIBUTE TO DR. BRIGID LEVENTHAL

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Dr. Brigid Leventhal, a dedicated pediatrician and professor of oncology at the Johns Hopkins School of Medicine. Dr. Leventhal died on February 6, 1994, at her home in Columbia, MD, after a heroic battle with cancer.

Dr. Leventhal devoted her career to improving the lives of children, tirelessly pursuing new and better ways to treat childhood cancers. While heading the pediatric oncology division at the Johns Hopkins Oncology Center, she established the outpatient clinic and the inpatient unit. At the time of her death, she was working with the U.S. Food and Drug Administration on a study of agents approved for treatment of children and of cancer's long-term side effects. Dr. Leventhal displayed a deep concern for the long-term effects of cancer on children, and will be remembered for her outstanding contributions to children and the field of oncology.

I had the opportunity to meet Dr. Leventhal when she came to visit her son, George, in my office. She showed a caring for those in need in our home State, and for the needy children of the future. I can tell you that Dr. Leventhal shared that caring with those around her, and has passed it on to her family and community. Her son George now serves as my legislative director, and his passion for improving the lives of Marylanders is testimony to her commitment and service to helping others. I know she will be sorely missed by her family and the medical community.

Dr. Leventhal was coauthor of "Research Methods in Clinical Oncology" and received several distinguished awards, including the Outstanding Career Woman Award from the National Council of Women, and the Outstanding Professional Achievement Award from the UCLA Alumni Association. She was former president of Women in Cancer Research and a founding member of the Pediatric Oncology Group.

Dr. Leventhal came to my home State of Maryland in 1964, after graduating from UCLA and Harvard University Medical School. She spent 9 years at the National Cancer Institute in Bethesda, before moving to Johns Hopkins in Baltimore. She has left my State with an enormous gift of service, and her contributions to the field of oncology are lasting and well-remembered. I am honored to have known Dr. Leventhal.

FLEET BANK'S INCITY PROGRAM

Mr. PELL. Mr. President, I wish to note an event which occurred earlier today here in the Capitol; namely, the unveiling of a comprehensive and precedent setting new lending program by Fleet Bank, an institution which is headquartered in my home State of Rhode Island. This program, called Fleet INCITY, will provide over $8 billion in loans and credit assistance to low- to moderate-income homeowners and small businesses located in distressed inner cities of the northeast.

This extraordinary commitment of money and resources to these underserved communities will mean that those who are too often left out, chiefly minorities and the economically disadvantaged, will be able to secure the credit and opportunity necessary to establish an independent and viable existence for themselves. It means that Fleet Bank is committing itself to the futures of revitalizing the inner cities of communities in Providence and Pawtucket. It means that homeowners in Central Falls, Woonsocket, Westerly, and Newport that had been locked out of the home mortgage market will now have access to it. And with this community development and individual self-improvement will come the economic growth and rising self-esteem which is sorely needed as we try to find the answer to reversing the trend of decay and despair in our inner cities.

Mr. President, I am pleased that Fleet Bank is taking the initiative in this matter and alerting the private sector banking community of its responsibilities as well as its opportunities in the area of minority and low-income lending. I hope that this program will become a model for other banks and that there will be a blossoming of new private initiatives addressing this area. Indeed, the more that can be done at the private level, the less that we will have to do in the public sector. Again, I commend Fleet Bank, and in particular its chairman and chief executive officer Terry Murray, for undertaking this effort and expect that when fully implemented, its success will equal its promise.

Mr. President, I wish to submit for the RECORD the remarks of Fleet Bank chairman and CEO Terry Murray given at this morning's announcement of this program and also a chart detailing the components of the INCITY program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY TERRENCE MURRAY ON THE FLEET INCITY PROGRAM

II. ANNOUNCEMENT OF PROGRAM

I am extremely pleased and genuinely excited to be here this morning. For more than a year, many of us at Fleet have closely examined the important banking industry issues of community investment and small business lending. As a result, we have determined that it was appropriate to develop the program I have the pleasure of announcing today.

It is an unprecedented commitment; it is broad in scope; and we believe its potential impact is enormous.

We are calling the program Fleet INCITY. It's a company-wide commitment, created by Fleet, to make it easier for low- and moderate-income people, and for minority- and women-owned small businesses, to access Fleet's products and services, especially loans.

I am looking forward to meeting later today with Treasury Secretary Lloyd Bentsen to brief him personally on Fleet INCITY. As well as discuss a number of other banking issues.

Over the next three years. Fleet will commit more than $8 billion to affordable housing and other initiatives, including $800 million in wholly new projects. The program is designed to:

Improve access to credit for those segments of the community that traditionally have had the hardest time getting credit.

Be the most comprehensive community lending commitment ever made by a U.S. bank.

Amount to more than $2.6 billion a year over three years.

Why are we making such a major commitment?

Fleet intends to be nothing less than a force for positive change in our society. We believe such programs as Fleet INCITY have obvious benefits for the economy as a whole.

We believe Fleet INCITY responds to the challenges that the Clinton administration has posed to America's banks to find ways to better meet the credit needs of Americans at every income level.

We believe Fleet INCITY, by making credit available to families who have had the toughest time getting credit, will do more for those families than anything else we could offer them.

Finally, we believe that a program such as Fleet INCITY is good business. America is becoming more culturally diverse. Such programs as this—programs that reach out and embrace that diversity—are as essential to our future as to the future of this country.

We recognize that this program will not solve all problems faced by the disadvantaged overnight. However, we do believe it will be a force for positive change throughout our markets.

Unfortunately, many borrowers today who have the ability to repay their loans can't qualify for even simple mortgages because the guidelines are too rigid. Our program is designed to cut through some of this red tape.

We believe Fleet INCITY also captures the true spirit of the Community Reinvestment Act—to ensure credit access for all qualified borrowers.

IV. SUMMARY

We believe that all banks need to think seriously about community investment and develop programs similar to Fleet INCITY. We see our program as a model for our industry. We believe it responds appropriately to the wishes of the Clinton administration, that it is good business, and that it will provide valuable benefits to society.

[Attachment to Fleet INCITY News Release]

FLEET INCITY COMPONENTS

I. FLEET RECOMMITMENT TO AFFORDABLE HOUSING AND NEW COMMITMENTS TO PRODUCTS AND SERVICES FOR LOW-MODERATE INCOME CUSTOMERS ($7.685 BILLION)

Fleet will more aggressively market its products—mortgages, consumer loans and other products—and will make available more flexible underwriting requirements to meet the needs of low- and moderate-income families and individuals. Over three years, the government-sponsored affordable housing component, which includes FHA mortgages and other government-sponsored affordable housing initiatives, is projected to total more than $7 billion, consistent with Fleet's current volume ($2.9 billion in 1993).

The Fleet Affordable Housing Program and Fleet/UNAC Mortgage Program will total $315 million and $140 million, respectively, over three years, while the Fleet Consumer Loan component is expected to reach $225 million over the same period.

Fleet's residential mortgages (Fleet Affordable Housing Program) will be offered with guidelines that provide greater home ownership opportunities to low-moderate income borrowers who are not eligible for traditional mortgage products or those offered by federal, state or local government agencies. The guidelines are modeled after the Federal National Mortgage Association's highly successful Community Homebuyers Program, with additional flexibility based on recommendations solicited from state housing agencies and community groups.

The Fleet Consumer Loan component is an outreach effort intended to meet the credit needs of consumers in New England and New York, and it includes a "closer look" program on home equity and instalment loans.

Consumers who are interested in any of Fleet's products may access them by visiting or calling any Fleet banking office, or by calling 1-800-CALL-FLEET (1-800-225-5353).

The Fleet/UNAC Mortgage Program will total up to $140 million over three to five years. Mortgages originated under this program will be to low-moderate income borrowers, as well as borrowers locating in low-moderate income communities. Loans will be secured by first mortgages on owner-occupied one- to four-family residences, condominiums or co-ops. Loans will be made for home purchases, as well as purchases that include rehabilitation, or to refinance or consolidate existing debt on qualified real estate.

UNAC will administer the program from its Boston office and satellite offices in the several metropolitan areas included in the program. UNAC also will provide such client services as community outreach to churches, unions and other community-based organizations; homebuyer workshops; prequalification of borrowers; housing search assistance; counseling throughout the mortgage process; rehab and closing assistance; post-ownership assistance, and several other services.

Consumers who would like to access the Fleet/UNAC Mortgage Program may do so by contacting UNAC in Boston at 1-800-967-4275.

II. ECONOMIC REVITALIZATION, SMALL AND MINORITY-OWNED BUSINESS LENDING ($315 MILLION)

Fleet is filing an application with the Federal Reserve Board to establish, and will fund, a new, $15-million Fleet Community Development Corp. (CDC) to address the needs of small businesses and economic development projects, both urban and rural, with equity investments and low-moderate income loans. It represents one of the largest initial capital investments ever made to a CDC by a bank holding company. A wholly owned, nationally operated subsidiary of Fleet Financial Group, it will operate primarily in the six states in which Fleet has banking operations (New York, Connecticut, Massachusetts, Rhode Island, Maine and New Hampshire). The process of applying for and establishing the Fleet CDC is expected to take from three to six months.

Among other activities, the new Fleet CDC will provide support to small business enterprises by offering financial assistance in the form of low-interest loans, interest-free loans and equity investments to those businesses that often encounter the most difficulty in securing credit from banking institutions by traditional means. After it is approved and established, announcements in local media will inform prospective applicants how to apply to the Fleet CDC for grants and loans, and that further information will be available from local community development officers at Fleet's banks.

An additional $545,000, over three years, will be earmarked for a new small business initiative through which Fleet will create and operate the Fleet Community Development Advisory Board. The board will serve as a collaborative "brain trust" effort between Fleet bankers and community leaders to address significant community development issues, such as exploring and developing creative methods to make credit and other financial services available and more readily accessible. Prominent national and regional leaders with expertise in small business and economic development currently are being considered for advisory board membership. Fleet expects to announce the composition of the advisory board on or about May 1, 1994.

In addition, Fleet will continue to enhance its current $210 million Community Loan Program by an additional $90 million over the next three years to further develop its small business microloan program. The microloan program will make loans for $10,000 to $500,000 to small businesses, concentrating on minority- and women-owned businesses, and to businesses located in low-moderate income areas.

Fleet's existing Community Loan Program is designed to help stabilize and revitalize low- to moderate-income and/or distressed communities. It offers Fleet's broad range of business loans: loans to nonprofits involved in community development activities; agricultural loans; government guaranteed and government participation loan; loans to community nonprofit health care organizations, religious organizations and nonprofit educational institutions; and loans to finance projects designed primarily to promote community welfare, such as economic rehabilitation and development of low-income areas by providing housing, services and jobs for residents.

Small business owners interested in obtaining information about or applying for Fleet community loans or the Fleet microloan program, may do so by visiting or calling their local Fleet small business or community bank lender, or by calling 1-800-CALL-FLEET (1-800-225-5353).

III. COMMUNITY INITIATIVES

Fleet will continue to support programs dedicated to the long-term growth and stability of the communities it serves, including education and diversity initiatives.

Fleet also will continue to support and expand its consumer credit education efforts, with emphasis on home ownership and personal finance. Furthermore, Fleet will continue to focus charitable giving, through an existing program known as the Fleet Economic Initiative, to assist nonprofit organizations throughout the Northeast with long-term community development. This effort, which is funded through the Fleet Charitable Trust, will give major consideration to nationally known nonprofit community development organizations.

In addition to charitable giving and its diversity program (described earlier), Fleet will expand corporatewide its existing college scholarship program for financially eligible minority students, Fleet scholars, which also is funded by the Fleet Charitable Trust. Operating successfully at Fleet's Rhode Island bank since 1971, Fleet Scholars has awarded more than $50,000 in college scholarship funding to minority students. The program also provides the students with summer internships at the bank.

Guidance counselors at the high school level who are interested in further information about the Fleet Scholars program may obtain it by contacting the charitable giving coordinator at the local Fleet subsidiary.

COLUMBIA-SNAKE RIVER BIOLOGICAL OPINION

Mrs. MURRAY. Mr. President, yesterday afternoon a team of five Federal agencies announced agreement on an interim plan to protect endangered Columbia and Snake River salmon. This plan was formulated pursuant to the Endangered Species Act, and takes the form of a biological opinion on the effects of Columbia/Snake River operations on listed salmon population.

My region, the Pacific Northwest, has been plagued by uncertainty and anxiety over the fate of both salmon and people who depend on the river system for economic vitality. The region is in the midst of its third straight drought year. Quite rightly, there has been fear on all sides that salmon stocks are so diminished that strict, draconian measures will be necessary to bring them back. Such measures can only bring economic dislocation.

Mr. President, the plan announced yesterday is not extraordinary. It does not contain bold new science, nor radical protective measures, nor extreme, unanticipated costs. It is a creative compromise that seeks to balance the needs of fish with the ability of the region to pay for them. What is extraordinary about the plan is the way it was drafted.

Perhaps for the first time ever, five Federal agencies came together in a spirit of cooperation to agree on the best course of action to protect regional interests. They have a 5-year framework that allows flexibility to respond to water conditions annually. This will provide certain stability that business, farmers, and consumers haven't had in the past 2 years.

The National Marine Fisheries Service, the Bonneville Power Administration, the U.S. Fish & Wildlife Service, the Army Corps of Engineers, and the Bureau of Reclamation—instead of working against each other—combined their collective resources and got the job done. The process was more open than most consultations under section 7 of the Endangered Species Act. The Governors of Washington, Oregon, Montana and Idaho were all given a chance to participate. In fact, this plan has been submitted to the Governors for comment before becoming final.

This represents better than any other statement or action that general consensus can be reached in the Northwest on tough natural resource issues. Division and conflict are not going to solve our problems. We've seen in the past what happens when public policy must be decided in a court room: no one wins.

I commend the agencies and the Governors for their hard work and diligence. It remains to be seen whether this plan will deliver. In fact, it's success depends a great deal on better rainfall. But it is a good step forward, and hopefully it clears the way for merging existing salmon strategies and developing regional consensus on a long-term recovery plan.

SPEAKER TIP O'NEILL—A GIANT OF THE HOUSE

Mr. KENNEDY. Mr. President, the death of our friend Speaker Tip O'Neill last month has deprived the Nation of one of its most beloved leaders. Tip was a giant in every way—a giant of a man, a giant of a Speaker, a giant of a friend. He never lost the common touch. Massachusetts has lost one of the greatest public servants it ever had, and all of us whose lives he touched have lost a wonderful friend.

By his side, through all those great years, was another great O'Neill, the woman who means so much to all of us and who meant the world to Tip, the woman he always called the biggest contributor to all his campaigns—Millie O'Neill. They had five extraordinary children who share so many of the finest qualities of their parents—Tommy and Kip and Michael and Susan and Rosemary.

I think Tip finally got tired of waiting for the Red Sox to win the pennant.

Tip liked to call his friends "old pal"—or call us "beautiful." But in truth he was the best old pal and the most beautiful one of all.

What extraordinary memories he leaves, especially the laughter from his endless supply of stories, and the sheer joy we had in listening as he told them.

There was the time, shortly after the Supreme Court's decision in Roe versus Wade in 1973, when Cardinal Medeiros called Tip and asked to see him on a matter of great urgency. With some trepidation about the purpose of the visit, Tip agreed to see him right away.

As it turned out, Cardinal Medeiros was extremely concerned about a powerful hurricane that had just devastated the Cape Verde Islands. He had a specific request for Tip—to see if $8 million in emergency relief could be included in the foreign aid appropriations bill. Tip, with that irrepressible twinkle in his eye, replied, "Your Eminence, I'll put $16 million in, if you won't mention Roe versus Wade."

One of Tip's most famous stories concerned the gift by Henry Ford of $5,000 toward a new hospital in Ireland. Unfortunately, the local newspaper the next day reported that the gift was $50,000. The editor apologized profusely for the mistake, and said he'd run a correction right away, explaining that the gift was only $5,000. It took Henry Ford about 10 seconds to realize what was happening, and he said, "No, don't do that. I'll give you the $50,000, but on one condition—that you put a plaque over the entrance to the hospital with this inscription—"I came unto you, and you took me in."

There's also the story he said he told at a hundred bankers' conventions, and they loved it every time. An Irishman was applying for a loan, and the banker said, "You can have it on one condition. I have a glass eye and a real eye, and if you can tell them apart, you've got the loan."

The Irishman studies each of the banker's eyes, and finally said, "The glass eye is the left eye."

"Correct," said the banker. "But how could you tell?"

"It was easy," said the Irishman. "The left eye has the warmth in it."

And of course, all of us in Congress quickly learned to host fundraisers the way Tip O'Neill did it—a thousand dollars if you came, and two thousand dollars if you didn't.

Tip was scrupulously neutral in the 1980 Democratic primaries between President Carter and myself. But he told me that every night, before he went to sleep, he was secretly getting down on his knees and praying that we would have another Irish President of the United States. The prayer was a little ambiguous—but Tip's friend Ronald Reagan was very grateful.

There was never any secret about the genius of Tip O'Neill. In his years as Speaker of the House, the entire Nation came to know him and love him as we did in Massachusetts. He was a Speaker who was never afraid to speak out for the average man and woman—the worker trying to keep a job, the child going hungry in the night, the family struggling to make ends meet, the senior citizen trying to live in dignity in retirement.

All of those Americans are better off today because of Tip O'Neill. When his political opponents tried to make him a symbol of the past, they succeeded only in turning him into an even greater national hero than before. He was the glue that held the Democratic Party together in the Reagan years, and no one could have done it better.

He was also the only man we knew in Washington who was bigger than the budget deficit. One thing for sure about Tip O'Neill—when you saw him, no one ever said, "Where's the beef." And no one ever said that about his bedrock beliefs either.

We loved to compare our diets and joke about them. People often tell me that I have to lose more weight if I want to stay in public life. It seems that they don't care about my vision of the country, as long as I can see my toes. I told that to Tip once, and he said "What are toes?"

And of course, when Tip told the story, my toes were in the punch line.

He was also Irish to the core, with the map of Ireland on his face, and the warmest Irish heart and personality I have ever met—overflowing with compassion and concern for all those who need our help the most.

In the days after his death, in looking through some of his speeches, I came across the remarks he made to the Massachusetts State Democratic Convention in 1981, and they captured his philosophy of public life. He said:

> For over 50 years with brief exceptions, the Democratic Party has been the first choice of the American people to be the principal governing party of this Nation. When in the past we have lost, it was not because our supporters joined the opposition. It was because our supporters believed we had lost touch with their concerns. The reason we were the first choice of the American people in the national elections for the past 50 years was that FDR made the Federal Government responsible for guaranteeing a decent standard of living for every American—not only enough to live by, but something to live for.

Those words were his enduring ideal—the essence of Tip O'Neill. He never mortgaged his beliefs to the passing fashions of the time. He walked with Presidents and Kings, but his favorite stroll was always down the street in Cambridge to Barry's Corner. He became one of the most powerful men in the world—but he never forgot the worker in Somerville, the senior citizens in East Boston, the barker in North Cambridge, the young family starting out whose grandparents he knew. His Irish smile could light up a living room, the whole chamber of the House of Representatives, and the entire State of Massachusetts.

The congressional district he served had also been President Kennedy's district when my brother was in the House—and my grandfather Honey Fitz' before that.

President Kennedy thought the world of Tip. There were few whose company he would rather share. They had started out on opposite sides in the famous primary of 1946, Jack's first race for the House. Tip backed his friend Mike Neville. One afternoon late in the campaign, Tip called Neville and said, "I'm taking a cold shower, and you better take one too." "Why?" said Neville. "Well," said Tip, "I've been going door to door for two days, and all I hear is Kennedy, Kennedy, Kennedy, Kennedy." Tip and Jack were never on opposite sides again.

After my brother's reelection to the Senate in 1958, he called Tip and asked him about the results in Cambridge. Tip said that my brother had done well. To test him, Jack asked, "How'd I do in Ward 1, Precinct 1? And Tip said, you won by 1003 votes to 12. I won by 999 to 16." Jack asked, "What happened, Tip?" And Tip said, "It was the Lefebvre family—they're off on me for some reason."

Well, at the Inauguration in 1961, Jack saw Tip and they talked about the 1960 results in Cambridge. Tip said, "A thousand more people voted this time. You won by 2003 to 12, and I won by 1999 to 16." And Jack said, "Well I see the Lefbvres are still off on you, Tip." Tip could tell that whole story from memory—and the numbers always added up.

There was no better way to spend an evening than to hear my brother swapping Irish stories with Tip. Jack loved him, and so did all the Kennedys. I'm sure that in heaven now, Tip is leading them all in a glorious round of "I'll Be With You in Apple Blosson Time." It may be apple blossom time up there, but here on earth, a beautiful blossom is gone.

Still, the Speaker will always be with us in our mind's eye, in the hearts of thousands of his friends, and the tens of millions more who never met him, but whose lives are better today and whose hopes are brighter because he was a Speaker who spoke so powerfully for them.

In an era so much pretension and superficiality and polldriven decisions in public life, Tip O'Neill was the real thing, and we were fortunate to have him as our leader.

Near the end of the Pilgrim's Progress, there is a passage that tells of the death of Valiant:

> Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.
>
> When the day that he must go hence was come, many accompanied him to the riverside, into which, as he went, he said, "Death, where is thy sting?" And as he went down deeper, he said, "Grave, where is thy victory?" So he passed over, and all the trumpets sounded for him on the other side.

We loved you Tip, and we always will.

Mr. President, I ask unanimous consent that an article from Yankee Magazine in July 1978 may be printed in the RECORD. Its title is "Thomas P. O'Neill, Jr.: The Man from Barry's Corner." I can hear Tip speaking now.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Yankee Magazine, July 1978]

THOMAS P. O'NEILL, JR.: THE MAN FROM BARRY'S CORNER

(By Richard Meryman)

Thomas P. O'Neill, Jr., the Speaker of the House of Representatives, is six feet, three inches tall, admits to 260 pounds—"I've lost hundreds of pounds in my lifetime"—and describes himself as a man with "a bulbous nose, cauliflower ears, and a shock of white hair." This memorable figure moves through the neoclassic corridors of Congress like a particularly large, affectionate teddy bear. Figuratively—and often physically—he puts his arm around stranger and colleague alike. When Hubert Humphrey, dying of cancer, returned to the Capitol, Tip O'Neill kissed him, enfolding Humphrey in such a bear hug that onlookers feared he would snap the frail figure in two.

This same man is considered by many to be, after Jimmy Carter, the second most powerful man in Washington. It is a remarkable achievement because, to say the least, O'Neill's is a House divided. No longer does a coterie of shrewd, senior congressmen dominate the House of Representatives, treating freshman congressmen like so many Rosencranzes and Guildensterns. Rule changes have given myriad congressmen a piece of the power. And a multitude of independence power blocks exert their special pressures. There is a new-members caucus, a steel caucus, a black caucus, a rural caucus, a suburban caucus, a blue-collar caucus, a women's caucus—and so on. Tip O'Neill has been amazingly successful at assembling this babel behind Party and Presidential policies. He is also one of the big changes in the House. Unlike his predecessors—Sam Rayburn, John McCormack, Carl Albert—Tip O'Neill is accessible and approachable. Said one congressman recently, "Tip makes it easy for you to complain to him."

O'Neill's knack is making men feel valuable—while exciting their sympathy and loyalty. His arm-around-the-shoulder quality, an attribute enlarged into a spontaneous art, was bred into Tip O'Neill during his youth in North Cambridge, Massachusetts. To an extraordinary degree, the man is an extension of the boy.

He was indelibly influenced by his father, an admired local politician, and by the intense sense of community in Irish North Cambridge, symbolized by a street corner—Barry's Corner—the center of his orbit. As the Speaker of the House answered Yankee's questions, it became clear that he has managed to transplant the comradeship of Barry's Corner to the United States Congress.

My father, Thomas O'Neill, taught me, number one, loyalty; number two, to live a good, ethical, honest life; number three, that I truly am my brother's keeper; number four, always remember from whence you come. When he was a kid he had it tough; the day I was born, while my mother was delivering me, he was a union bricklayer carrying a strike sign against Harvard University which was using non-union bricklayers.

I am from the working class. Those are the people who sent me to Congress. I've never tried to leave them. I truly believe in what I call a family-saving wage—that every American is entitled to a vacation with his family, working hours that permit him to be with his wife and family, enough money for education and medical needs. Now there are those that come down here to Washington—I've seen it happen many times—and they get away from their people. They get affluent; move into the country club style of life, and they don't think the way they used to. They get more conservative. I don't think I've changed.

My grandfather and his three brothers were brought over from Ireland around 1845 by the New England Brick Company. I have a deed for a plot in the Cambridge cemetery dated 1845; people had seen so much death in Ireland during the potato famine that the first thing they did here when they had a few dollars was buy a plot to be buried in—just in case. My father was born in 1874 in North Cambridge, the section they called Old Dublin. When I was a kid there Gaelic was still a language spoken fluently in many homes. Everybody earned his livelihood working for the brick company or Hugh's Pottery. My father worked in the brickyard—rough, tough work digging with a pick and an ax down in those clay pits, loading the clay on the tram, with a horse pulling it up the slope from the pit. Nothing mechanized. They were tough workers and they worked from sunrise practically until sunset—a six-day week.

The Irish didn't want their kids in the clay pits, and in 1900 or so the French Canadians migrated to North Cambridge, by 1920 it was the Italians working in the pits—each generation moving their own out, getting them educated—clergymen, lawyers, doctors. The fields of insurance and banking were not open to them. The old aristocracy—the Brahmins, the Yanks—held that for themselves.

It's interesting that the Irish who immigrated to Charleston, South Carolina, about 1797, after one of many Irish revolutions, became the cream of society. They moved into an area where somebody had lived, and built the whole establishment themselves. They collected $25,000 to help bring over the Irish Catholic people who arrived in Nova Scotia, New Brunswick, Boston, New York, and Philadelphia. When the Irish came to Boston, the British had been here since 1620. A lot of poor English saw the Irish as an economic challenge—like the Negro today. The Irish had to fight for their rights and that drove them into politics. A politician was valuable to them.

My father became a successful bricklayer—he had a small contracting firm in the neighborhood. In 1900 he was elected a city councillor in North Cambridge, and became superintendent of sewers. With an elementary school education he passed the Civil Service exam in competition with fellows from M.I.T. In the winter, when men couldn't work on the streets and sewers because of the frost, he could put a fellow to work shoveling snow. He could help his people.

Even in my days when I was Speaker of the Massachusetts Legislature. I remember meeting a fellow coming out of a bank and he said, "You know, I didn't get the job because I was a Catholic." I said, "I don't believe that. I'm going in and see the president of the bank." I told the president, "I want you to know that $33,000 of our St. Vincent DePaul money is in this bank. Ever since I was a kid the school children in our parochial schools have put money in your banks. I'd say that 85 percent of your funding is out of the area in which we live, which is Catholic, Irish, French Canadian. I'll tell you something, I could walk from here to Fresh Pond Parkway, telling them you're a bigoted son of a B and you won't hire Catholics. I could have a run on your bank in 24 hours." Within a week they three Catholics working there.

My mother died of tuberculosis when I was nine months old. One of the nuns came and took care of me so my father could go to the funeral. In the early part of my life, going to school, they knew I didn't have a mother and they watched over me. Some of those nuns—Sister Agatha; Sister Cloretta—still play a part in my life.

You know there's a terrible feeling among people, truly, that Irish politicians aren't of the cleanest of honesty. That isn't true of the ones that I have been with, the Eddie Bolands, the Jimmy Burkes. We had parochial school educations, the teaching of nuns. We are church people. We live our lives in an open bowl. We're human; we err on occasion. But we do not have any elasticity of conscience.

When I grew up, life was in the community, the local organizations and the affairs they ran—the North Cambridge Knights of Columbus, the baseball team, the annual dances and picnics, field days, parish parties, the weekly dance at the high school.

I used to be able to walk from the high school to my house, which was half a mile, and I knew every person in every house—start at Barry's Corner and go down the line: Eddie Jones, Wee Wee Burns, Skinny McDonald, Fat McDonald, the Moose, Big Red. I was, in a sense, brought up on a street corner—Barry's Corner—and my father when he was a boy, he hung on Barry's Corner. Every baseball team emanated from Barry's Corner and the ice hockey team, the basketball team. Before you went on a date, you went to Barry's Corner; there was a clubhouse there. And what respect we had for the law! And what respect for womanhood! Those fellows . . . there was never any loose talk about women or anything like that. Not that we were prudish but we just . . . we had tremendous respect.

There was real comradeship in the Barry's Corner crowd. Loyalty—that was inherent. It stemmed from the persecution of the Irish in the old country. Even when they moved to this country, woe be to the informer. I've had loyalty ingrained in me all my life in politics.

Jack Barry was a sportswriter for the *Boston Globe* and one of his jobs was compiling all the averages of the baseball players. There wasn't a kid on the corner who wouldn't sit in the back room with Jack dividing the times at bat into how many hits. Everybody was a walking encyclopedia of statistics, especially for the North Cambridge baseball team, which in the early 1920s was New England champion. If they played in Gardner, Massachusetts, the whole town would go to see them play. There was loyalty.

It was amazing that all those great ballplayers would be born in the same locale—Jay O'Connor, Gaspipe Sullivan. They could have been big leaguers, but they made more money playing semi-pro ball on Sundays. The big leagues didn't play them because you weren't allowed to charge admission to a game on Sunday. What the semi-pros did was—at one o'clock there would be a band concert and it cost 50¢ to get in. There were 12,000 seats there, and the game started at two o'clock. If you didn't pay to hear the concert, you didn't get a seat at the ball game.

My father established the North Cambridge team. In the community he was the sort . . . well, he was ever mindful of the needs of others. I'll tell you, in our house, we never threw anything away. There was always a family in the neighborhood far needier than ours. He made $35 a week, good money in those days. When I got into public office, we had an O'Neill Club, and in those days you had Christmas baskets and Thanksgiving and Easter baskets for the needy. You really didn't do them for political purposes. You went in the dark of night and left them at the person's home because of the pride of the person. They didn't want to accept welfare; you were sending them a gift.

When a snowstorm came . . . like my father before me, I would have maybe 50 snow buttons from the city of Cambridge, 50 from the Boston Elevated Railway, 50 from the Massachusetts Bay Transit Authority, for men who wanted a job shoveling snow. The men wanted to work for the city because it paid $4 a day, and everybody else paid $3. Those were the days of the WPA and you put an awful lot of people to work. There was a time when a postal employee in our district couldn't get a Christmas job unless he applied through his congressional office. I delighted in public service. There wouldn't be a night when my wife Milly and I were first married that I wouldn't have a dozen people come to my home. That stayed with me through the years. I prided myself on the fact that a call to the people's congressman was only ten cents when they called the house on a Sunday afternoon.

But to be perfectly truthful . . . well, I married Mildred Miller thinking I'd like to be mayor of Cambridge and be a businessman and a home person and all that. She's a very strong woman—German and French aristocracy that goes back to the revolutionary days—and she brought up the family while I spent my life down here in Washington and commuted and spent a great deal of my time at home with the people of the district, campaigning, going to affairs, and being in my office—doing the duties of a political person and for a long time an unknown political person. I didn't grow up with my family.

I tell the young fellows who come down here now, "Bring your wife down immediately and bring your family down because you don't appreciate the things that you miss." You're down here evenings, and most of my life was spent with men down here—playing cards, going to restaurants, being over at the Democratic Club. There's a tremendous sense of loneliness when you go back to an apartment at night, and the colleague that you're living with may be there or may not be there. There's nothing like going home to a family. A fellow misses that through the years. There's a lot of heartbreak and sorrow that goes with being in public life.

You get seasoned to the attacks in the press. But it hurts your family, and because it hurts your family it hurts you, especially when you feel you've led an honorable, ethical life and you've devoted yourself to the good of the community and the good of the nation. You have to take into consideration that since Watergate there's been a change in the press of America. I think that ever since Bernstein and Woodward, there are thousands of reporters around the country who want to emulate them. They're highly imaginative; they take out of perspective the things that happen, and they sensationalize them.

But if I didn't love it here, I'd get our. I love the political life. I love the art of campaigning. I'm gregarious and open. I love to be with people. I love the crowds, the atmosphere, being active in the local community.

When I started politics I never had a thought that I would be in it for a lifetime. My father was a leader in our area; his support meant something and the mayor of the City of Cambridge—Edward Quinn, respected, affable, a fine orator—was often in our house. The people in the Irish neighborhoods, they looked at him with awe. So I had that ambition that someday I'd like to be mayor.

I loved politics, the local loyalty, the comradeship. Get the most votes out for one of the boys from our part of town. I worked for Charlie Cavanaugh, a state representative who lived in the neighborhood, when I was 15 years old. I just loved organization; I loved it when Red Fitzgerald and I in precinct 2 in the Orchard Street block were getting out the vote in the Al Smith campaign. We were about 14 years old. There was an automobile and we'd ring Mrs. Murphy's doorbell, and Mrs. Sweeney's, and have them out in the street so the car could pick them up to vote, and by the time it came back, we'd have the next person out in the street. We harassed them, but we got them out—every person in the precinct except four and they were out of town. The leading precinct in the city. It was a challenge. Everybody said, "Remarkable, remarkable. A couple of young kids. Boys, this is your line, all right!"

Today anybody who doesn't run a campaign with a professional is foolish. The basis is still the same—people like to be asked for their vote. I've never forgotten that. But now they use computers—how many medical men, how many senior citizens in the district. Everything is packaged. Use the media. When I was a kid, campaigning was getting a permit and having a rally at the corner of Dudley Street with red lights and automobile parades. It was a form of entertainment and people would follow the rallies from street corner to street corner. They loved the oratory; they loved the show of the whole thing, the debating, the hecklers. And you would be hoping that Curley would be a speaker because he would draw 4000 to 5000 people.

I'll tell you a story about Curley. One evening when I was Speaker of the House in Massachusetts I had to go to a banquet and speak for a leader in another area, a man I'd never met. I had to get up and gild the lily for him. I was exhausted after a long legislative day; I had no enthusiasm. I sat down and Curley said to me, "You were awful. I want you to come over to my house Friday morning." So I went over and he said, "I'm going to give you a little lesson in the art of speaking so you'll never be stuck that way again. I want you to memorize ten poems." Each one was for a particular occasion, like a group of old friends:

"Around the corner I have a friend. In this great city that has no end. The days go by and the weeks go on. And before you know it a year is gone." And so on. Curley said, "You can weave into that." He gave me "If" by Kipling, and Polonius' advice to Laertes—"Never a borrower or a lender be"—Brutus' farewell address—"I met no man, but he's been true to me." There was one for labor—"The Deserted Village"—"The bold worker, his county's pride, if once destroyed can never be revived." That was a good lesson.

When I ran for the state legislature right out of high school, I was one of the first ones who ever went from house to house, knocking at the door in the morning. "Mrs. Murphy, I'm Tom O'Neill. I'm a candidate for the state legislature."

"Are you the Governor's son?" they'd ask—that was my father's nickname. "Oh, my God, I've known your father for so many years. He helped me with this; he helped my son with that." He was a great asset to me.

People came to my father with their problems, and I think I grew up the same way. I was captain of the North Cambridge football team. I was captain of the basketball team. I wasn't a good athlete. But the other kids were coming to me with problems—should the team play there? What should we do? I had some kind of leadership abilities that . . . well, my life has been one of leadership in the legislature all the way along the line.

I truly believe that one of the reasons I became leadership material in the Congress was that for years when I was a member of the Rules Committee—all important legislation goes to the Rules Committee—I would have members of the House calling me. They would say, "Tip, that bill is going to be up on Wednesday. How badly would it affect me at home if I were to miss the vote?" I could make a judgment and say, "There's nothing that affects the economy of your area." Or I would say, "That bill is going to be extremely controversial. There's a couple of quirks along the line, and when it comes to the floor, it's going to be very, very argumentative and some amendments will be offered to try to knock that out. You'd better be there. There will surely be roll calls on it." How do you acquire knowledge of how legislation is going to go? Is that inherent? I don't know. To me two of the best readers on legislation in the House are Tom Foley, he's an Irishman, and the other is Danny Rostenkowski and he's Polish. He was part of the Chicago operation, where they play the same hard politics they play in the Boston area. If you're going to move, if you're going to be a leader, you've got to know the rules of the ball game.

To be successful in political life you've got to be a strong fellow. You can't equivocate and you can't waver. You've got to do your homework. I may be talking in my office with the largest industrialist in America who may have the greatest and keenest mind in America. But I know when he sits here in this room with me, that we are not equal. Because he's come in to talk to me about government and politics, and the Congress of the United States. And nobody knows more about it than I do. They're talking in my field. They're talking to a man who sets the schedule, who knows where the legislation is, who knows the policy we're going to follow, where the priorities are, what the Congress will do.

In Congress I love the maneuverability. I love the basic Democratic Party philosophy. I enjoy the whip organization, the policy committee, the caucuses better than I enjoy the actual legislation on the floor itself. It's being able to set priorities and find a way out of a dilemma.

You do have a lot of power in the House. You appoint ad hoc and special committees. When two men stand on the floor, you have the right to recognize the one you choose. That's a tremendous power—but I try to be honorable and make my decisions fairly. In the Democratic caucus, the leadership meetings, the steering and policy committee, the whip organization—I'm considered to be the leader of the party.

But you know . . . well, what is power? Power is when people assume you have power. That's when you have it. I've never looked for power. We've got the trappings here, the big office; no question I can get the President on the telephone within a matter of minutes, or any corporation big wheel or a governor of any state. Is that power? I don't know. If I make a telephone call to an agency, I'll get more attention than a freshman member of the congress. But I've never looked for power. I've never tried to pull rank. That's not my style.

For years on the wall of my office I had a sign that said, "It is better to be nice than important." You have to remember that whoever comes into this office, comes in because that's the most important thing in his life at that particular time. To you it may be trivial; to him it's crucial. I've talked with the mighty of the world, and I've talked with the poor, indigent person who has come to my house on a Sunday, seeking some assistance that I can give him. I try to treat them exactly the same way.

I suppose my heritage is Ireland. But what is actually my heritage? When I was a kid I used to go up to a little cottage near Jaffrey, New Hampshire, with no running water. I can still reflect back on waiting for the dairy man or one of the farmers to come by so I could go up to Jaffrey town. I remember going out blueberrying; I remember the muskrats, the deer. Millie and I bought the house later and fixed it up. The delights I got climbing Mt. Monadnock. I tell people all over the world, "There's nothing like New England in October; the blending of the foliage. I love Cape Cod, the dunes, the quietness of it all; the blending of the people."

And the house I live in now on the corner of Orchard Street—a skirmish happened in the orchard with the British who were retreating from Lexington. As a kid, where some played cops and robbers or cowboys and Indians, we played colonists against the British. We knew the maps of where they came from and where at the corner of Beach Street three people had been killed. I love the Old North Church, the Old South Meeting House, Paul Revere's home, the State House. I love it all. My father loved it exactly the same way.

The biggest kick I get out of anything—I don't know what it proves—but over in Copley Square a statue of an abolitionist sits so majestically there. And the inscription says "Born in Boston, lived in Boston, and died in Boston." I always look at that sign and I think, "Boy, you can't get any more parochial than that." Then I think "Now that's good enough for me." My life is politics and all politics is local.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S.

Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,518,431,105,010.62 as of the close of business yesterday, Wednesday, February 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,331.19.

TRIBUTE TO DANIEL S. FRAWLEY

Mr. BIDEN. Mr. President, I do not do this very often, but today, I would like to address the Senate about a friend of mine, a neighbor from Wilmington, DE. Dan Frawley was not a native of Delaware; he was born and raised in upstate New York. But from the day he adopted the city of Wilmington as his home, Dan Frawley became one of its most devoted citizens and most enthusiastic cheerleaders.

Dan came to Delaware in 1972, having just added an MBA from the Wharton School to his law degree; he was poised, it must have seemed to those who welcomed him, for a long, lucrative private-sector career in the legal division of the Du Pont Co.

In 1973, by the luck—and it was truly Wilmington's luck—by the luck of a random drawing, Dan Frawley became the first urban homesteader in the United States. For $1, he was given a run-down house in the west-center of a city that had been rocked by riots just 5 years before, a city that had been abandoned as a home by too many of its residents, and abandoned as a lost cause by too many of its neighbors.

Dan Frawley lived in that same $1 house for a decade, and turned it into a national showplace, and the centerpiece of the renewed and revitalized urban neighborhood that grew around it.

Dan never moved out of the city.

In the difficult early years of the debate on school desegregation, Dan Frawley served on the Wilmington Board of Education. He was also appointed to serve on the Wilmington Design Review Commission, a position from which he resigned to run for—and win—a seat on the city council.

Just 4 years later, in what was accurately described as an upset, and less accurately recalled by Dan as an overwhelming mandate, he won the 1984 democratic primary for mayor by a little more than 200 votes, and went on to win the general election, and to serve as Wilmington's mayor until 1993. Dan Frawley had sacrificed his private-sector career for full-time public service, at probably half the salary.

As mayor, Dan Frawley guided and helped stabilize the city through treacherous economic times. He started the Wilmington Partnership, raising millions of dollars in private funds to help build homes in poorer neighborhoods; he expanded business and jobs at the port of Wilmington, often traveling himself—as truly the city's best salesman—to promote Wilmington with potential port customers; he brought America's premier professional bicycle race, now the Tour Du Pont, to Wilmington; he led the revitalization of a long-neglected downtown area, known as the Christina Gateway, and he was instrumental in bringing a minor-league baseball team back to the city, by committing his efforts—when others said he was crazy to risk it—to make sure the team would have a beautiful new stadium to play in.

Those are some facts about Dan Frawley's career, and they are impressive and important, but the facts could never capture the essence of Dan's life and spirit. And it is the essence of his life that we in my State have been trying to give voice to since the night of Wednesday, February 2.

Dan was playing basketball that night, as he often did, for a Wilmington recreational league team.

With 30 seconds left in the game, he collapsed, the victim of an apparent heart attack. He never woke up. Daniel S. Frawley was dead at the age of 50. He is survived by his wife, Bonita, and their three children—all still at home—Marcus, Matthew, and Marjorie.

As I have shared memories of Dan Frawley with others who knew him, it has been obvious that, as impressive and as important as the tangible accomplishments of his life were, the most defining and characteristic feature of anything Dan did was how he did it. At about 6 feet 4 inches, usually well more than 200 pounds, with a bone crunching handshake, a broad smile, and a voice that, as they say, carried, Dan Frawley was a big presence wherever he went.

He was all Irish—worked hard, played hard, thought it was better to sing off-key and loud than on-key and soft, fought with everything he had for what he believed, and competed like it counted all his life—and not just in the rough sports of politics.

During the tour DuPont bike race, Dan would ride on the back of one of the motorcycles that followed the racers, in a great big helmet, a bright green blazer, smiling and waving as he whipped around tight curves and bumped over rough roads.

Dan was a cofounder of the Wilmington Rugby Club, and it was not entirely unknown for him to use an elbow—followed quickly by a smile—while playing basketball indoors and out, probably on every court in Wilmington. He even competed at losing weight, entering a contest with some other bigger-than-average public officials in 1992. Dan won on the number of pounds dropped, but lost on body-weight percentage. He never was a percentage player; he went for home runs.

In his private life, Dan Frawley was devoted to his family; he believed in family, actively cherished it, in a way that some would think old-fashioned, and maybe even out of character for someone who took such joy in being a "public man." But there was no joy greater in Dan's life than his family—his wife, for whom he had such tremendous personal respect, as well as true love; his children, who, I am convinced, were the source of his belief that dreams could come true, that anything was possible.

As much as Dan towered above most company, in stature and in manner, with his family, it was different; with Bonita and the children, Dan was a perfect fit; together, they made a complete and beautiful picture.

And just as Dan Frawley's belief in family seemed so natural, he also had an innate belief in the importance of community. He was very intelligent and more sensitive than many people realized, and he felt an obligation toward all the children he encountered. Dan would leave a men's league basketball game to go watch the kids play on the other court—sometimes in the city's toughest neighborhoods.

He would coach them on skills, lecture them on rules and about getting along with each other, and inspire them with the simple, basic truth that he cared about them. It was not pretense; nothing Dan Frawley ever did was pretense. He did not work so hard, so joyfully, and devote so much energy to the city of Wilmington because he thought it looked good.

He did it because he cared, because he loved the city—loved it—with every fiber in his being, and you could not be around him for more than five minutes without realizing how sincere that devotion was. The same can be said about Dan's genuine, deep love for the people he served—for people generally, as someone said, he even loved the people he did not like.

That love Dan felt for Wilmington and its people, and the energy with which he expressed it, will never be duplicated and will always be deeply missed. The city has truly lost one of its best friends, and that, above all, is how Dan Frawley will be most truly remembered—not as one of Wilmington's accomplished former mayors, one of its greatest all-time salesmen, or the guy who helped get the money to build the baseball stadium, not as a courageous public risktaker and community activist, or a guy who sacrificed a lot to devote himself to public service, or a pioneer in urban revitalization.

Dan Frawley was all that and more, but what everything he did adds up to, what Dan was at the core—was a man who, like a true friend, gave you all he had, gave it not only willingly but enthusiastically.

At Dan's memorial service, the most striking thing was that it was, truly, a gathering of friends—not colleagues or cronies, not allies or adversaries—but friends. A man who cares so genuinely, and who gives so much of his heart and spirit, inspires a very personal response. In the days since Dan's death, the talk in Wilmington has not been about his policies or programs, about his achievements or public contributions.

The remembrances have been about a friend, about a man who died too young and yet lived a full life. In retrospect, it was as if Dan had known all along that time was short, and in the end, too, it seems, whatever stories we tell and hear about Dan Frawley, that he himself had chosen his own best epitaph.

It is a quote from George Bernard Shaw, which Dan had hung in his office just a week before his death, and it is a very eloquent summary of how Dan lived, and a very fitting tribute to a friend we will long remember:

> "This is the true joy of life:
>
> Being used for a purpose recognized by yourself as a mighty one; being the force of nature instead of a feverish little selfish clod of ailments and grievances complaining that the world will not devote itself to making you happy.
>
> I am of the opinion that my life belongs to the whole community, and as long as I live, it is my privilege to do for it whatever I can.
>
> I want to be thoroughly used up when I die—for the harder I work, the more I live.
>
> I rejoice in life for its own sake.
>
> Life is no brief candle to me.
>
> It is a sort of splendid torch which I've got ahold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations.

Dan Frawley's torch burned bright, and burns still through his enduring spirit, and in the hearts on his family and of his many devoted, and grateful, friends.

TRIBUTE TO MAJ. JOHN L. LANIER, JR.

Mr. HEFLIN. Mr. President, Maj. John L. Lanier, Jr., recently retired from the District of Columbia National Guard after 26 years of dedicated service. He was honored in a retirement ceremony on November 7, 1993.

While serving with the 163d military police battalion early in his career, the unit was called to active duty to support local and Federal authorities. This included several antiwar marches on Washington, Presidential inaugurals, and the callup of 1968 after the assassination of Dr. Martin Luther King, Jr. Major Lanier was released to the Inactive Reserves in 1970 where he finished his initial enlistment in 1971.

Major Lanier reenlisted in the D.C. Air National Guard in 1974 and was assigned to the 113th weapons systems security flight. He later was commissioned as a second lieutenant and appointed unit commander. During his service, the unit moved into expanded facilities, and was deployed to Great Britain and Iceland. It was the first D.C. National Guard tactical unit deployed to help maintain order during President Reagan's first inaugural. The unit won the Talbot Trophy and received an excellent rating.

In 1986, Major Lanier was assigned to the 113th mission support squadron as the chief of base operations and training. By 1991, he had become commander of the 113th morale, welfare, recreation, and services flight. The unit received excellent ratings in each of its last two inspections.

Major Lanier holds a bachelor of science degree in oceanography from George Washington University and a master of science from American University. He also attended the squadron officer school and the Naval War College. He is married to the former Betty Jean Streeter, a long-time member of my Washington staff, and they have two children, Patreece and John III. He is a physical science administrator at the Defense Mapping Agency's Hydrographic/Topographic Center.

I am proud to commend Major Lanier on his many years of outstanding service to his country as a member of the D.C. National Guard, and to congratulate him on his retirement.

TRIBUTE TO THOMAS A. BOBO

Mr. HEFLIN. Mr. President, In October, former Montgomery, AL, school superintendent, Thomas A. Bobo was honored here in Washington for his work as a congressional advocate for the National Association of Federally Impacted Schools [NAFIS]. NAFIS is a coalition of school systems that serve students whose families have ties to the Federal Government as employees, contractors, or residents of federally owned housing projects. Through a program known as impact aid, the Government provides additional funding to the schools serving these students.

Tom Bobo, who has served as State chairman, regional chairman, vice president, and national president of the organization, received its Founders Award at the annual conference last fall. The Founders Award is a way to honor those like Tom who have done so much on behalf of the impact aid program.

Tom's qualifications and experience as a leader and advocate of education are impeccable, and he is considered a moving force behind the impact aid program. In addition to serving as NAFIS president, he has testified on numerous occasions before the House and Senate appropriations subcommittees dealing with education funding.

Tom's career in education began 33 years ago with the Montgomery public school system as a classroom teacher. He served as Federal projects director, assistant superintendent, associate superintendent, and ultimately superintendent beginning in 1986. In 1991, he was named Superintendent of the Year by the Alabama Parent Teacher Association. He retired last summer after serving for 7 years.

During his tenure as superintendent, Tom was known among faculty members, parents, and community leaders for supporting the PTA; for being an effective advocate for children; and for actively seeking parental involvement in their children's education. He made a significant contribution in areas such as curriculum development and instruction; school system management; student activities programs; transportation and other support services; and school physical plant grounds. He remains a fixture in the spiritual and civic life of his community.

I am proud to comment and congratulate Thomas Bobo for his many dedicated years as an advocate for impact aid and public education in general. Even in retirement, he will remain an inspiration in the quest for Federal education programs.

TRIBUTE TO JOE A. MACON, JR.

Mr. HEFLIN. Mr. President, on November 17, 1993, Wetumpka, AL, lost one of its favorite sons when attorney Joe A. Macon, Jr. died of complications associated with bone marrow transplant surgery. A Wetumpka native and lifelong resident, Joe was a former chairman of the Elmore County Democratic Executive Committee. He was a 1974 graduate of the University of Alabama School of Law.

Joe was a friendly and outgoing person who was very active in community and civic affairs. He was a former Elmore County memorial chairman for the American Cancer Society and a member of the First United Methodist Church, the Lions Club, the board of directors of AmSouth Bank's Elmore County branch, and the Alabama Alumni Association. He was a past president of the Elmore County Bar Association and a member of the Alabama and American Bar Associations.

Joe came from a family devoted to improving the quality of life for all people in Alabama. His father, Judge Joe A. Macon, Sr., was one of the State's finest circuit judges. Joe Jr. had a wealth of friends who respected him in every way. I visited him several times while he was in the hospital and I know of no one who ever fought harder to beat an illness than Joe did.

I extend my deepest condolences to Joe's wife, Jo Puryear Macon, their sons, Joe and John, and his parents, Joe Macon, Sr. and Helen N. Macon in the wake of their tremendous loss. Joe's legacy was one of truly serving others, and that is what his many friends and colleagues will always remember him for.

TRIBUTE TO THE UNIVERSITY OF NORTH ALABAMA: 1993 NCAA DIVISION II NATIONAL FOOTBALL CHAMPIONS

Mr. HEFLIN. Mr. President, it was a glorious December day in Alabama, where enthusiasm crackled in the air and you could almost hear the sound of college football records being broken. I'm talking about the 1993 NCAA Division II National Football Championship game, played at Braly Municipal Stadium in Florence before a national television audience and a vocal home-team crowd of almost 16,000 fans.

This year I had the distinct pleasure of attending this match-up between the University of North Alabama Lions and the Indiana University of Pennsylvania Indians. It was indeed a title bout, described by the media as a heavyweight match, with a heart-stopping fourth quarter victory that will be the talk of NCAA Division II football for years to come.

The UNA Lions took a 14–3 lead early on, but from there on the game was a tooth-and-nail battle. With 45 seconds remaining, the score was tied at 34. In a phenomenal 69-yard, six play drive, sophomore quarterback Cody Gross took in the winning touchdown, giving UNA the victory at 41 to 34.

This, Mr. President, was a classic example of what a championship game should be. The UNA Lions showed America the incredible quality and competitiveness of Division II football. This is the first national football championship in the 45-year history of the Lion program, with the team smashing more than 70 school and conference records in the process.

In this incredible 1993 season, UNA Coach Bobby Wallace has led his team to the following honors and awards: NCAA Division II National Champions; Gulf South Conference Champions; the Asa Bushnell Bowl from the National Football Foundation and College Hall of Fame, Inc.; the Sears National Championship Trophy from the American Football Coaches Association; NCAA Division II Statistical Champion in Rushing Offense; and the NCAA Division II Statistical Champion in Net Punting.

UNA's Lions also have the Nation's longest current winning streaks. This, Mr. President, bears repeating. UNA's 14–0 season is the longest current winning streak in NCAA football on all levels. This is a longer winning streak than our State's undefeated Division I team, Auburn, who finished their season at 11–0. UNA is the first school in the Gulf South Conference's 22-year history to post a perfect record.

This is a tremendous credit to Coach Bobby Wallace, who joined the Lions in 1987. His stellar career has included coaching positions at Auburn University, Mississippi State University and the University of Illinois. Coach Wallace is building a tradition of excellence. While at UNA, he has produced nine All-Americans, 25 first-team All-Gulf South Conference selections and more than a dozen Academic All-Gulf South Conference picks. Following the victory over Indiana University of Pennsylvania, Coach Wallace told reporters that the whole season had been like a dream come true. But no dream translates into reality without tremendous effort, hard work and vision. And for this Coach Wallace and his determined players deserve tremendous credit.

And what of those determined players? These dedicated young men are living up to the regal purple and gold school colors, matching the kingly qualities of their lion mascot and building a royal football dynasty. Quarterback Cody Gross is only a sophomore. So is Isreal Raybon, the defensive end who's breathtaking blocked punt in the fourth quarter turned the game around. Also part of the sophomore line-up are Demetrea Shelton, the split end who contributed 2 touchdowns, All-American linebacker Ronald McKinnon and All-Gulf South Conference linebacker Keith Humphrey, among others. Five out of the six offensive linemen are underclassmen. All-Conference place kicker Jamie Stoddard is a freshman. With this incredible talent returning to play next season, I hope to cheer them on to a second national championship next December.

Over the years, my beloved State of Alabama has given rise to many athletic champions. In fact, this is not the first time UNA has grabbed the national spotlight. In addition to this season's football championship, UNA has two previous national titles in basketball. Such excellence is fostered in part through community involvement and interest in our young people. Communities throughout Alabama gather every fall Friday night to cheer the local high school team. These same fans follow players as they graduate from high school and continue to play in college. The sense of community pride grows to State pride when one team distinguishes itself as the best in the Nation. And it is indeed with this great pride that I rise to congratulate the University of North Alabama and join in the resounding cheer, "Go Lions."

THE FDR COMMEMORATIVE COIN AND MEMORIAL

Mr. HEFLIN. Mr. President, I was proud to be added as a cosponsor last fall of legislation authorizing the minting and sale of a commemorative coin honoring one of our best-loved Presidents and one of the most important historical figures of the 20th century—Franklin Delano Roosevelt. Next year will mark the 50th anniversary of FDR's death.

President Kennedy once remarked before his own tragic death that all Americans old enough to remember could recall where they were when they heard of the death of Franklin Roosevelt. Even those with only a faint remembrance of him, or none at all, are nonetheless, touched by his legacy. Ideological and political views notwithstanding, no one can say that the Roosevelt Presidency did not leave a permanent impression on our Nation.

His 12 years in office—longer than any other Chief Executive—defined what we have come to know as the modern presidency. He is ranked today among our greatest Presidents, and a fair number of historians, academics, and citizens-at-large call him the best we've ever had.

In 1955, Congress established the FDR Memorial Commission and authorized it to plan, design, and construct a national memorial honoring the late President's life and legacy to the Nation. In 1978, the memorial design by Lawrence Halprin was approved. Groundbreaking took place in 1991 and the projected completion date is 1996.

The memorial will encompass 7½ acres in West Potomac Park on the Tidal Basin. In a park-like setting, it will consist of a series of four outdoor galleries, each one depicting one of his terms in office. Water, in various states of activity, flows its way continuously the length of the memorial.

Five American sculptors are creating vivid images of President Roosevelt, showcasing major events during his administration, and including a statute of Eleanor Roosevelt. This will mark the first time in history that a First Lady has been included in a Presidential memorial.

In 1992, Congress mandated the FDR Memorial Commission to raise $10 million in private funds for construction of the $50 million memorial. Proceeds from the sale of this commemorative coin will likely raise half the amount to be raised from the privator sector. All its profits will go for construction of the memorial; there is no cost to the taxpayer for the enactment of this legislation.

I urge my colleagues on both sides of the aisle to support the passage of this bill to enable the FDR Memorial Commission to raise a portion of the funds to complete the memorial by 1996.

THE MIDEAST

Mr. SPECTER. Mr. President, I ask unanimous consent three articles be printed in the RECORD. They summarize travel of congressional delegations during the recent recess, and they articulate and summarize a number of the findings which this Senator made. They are an article from the Wall Street Journal captioned "Capitalism's March in Asia," dated January 28, 1994; an article in the Jewish Chronicle of Pittsburgh, dated January 27, 1994, concerning the Mideast; and an article in the New York Post, dated January 11, 1994, concerning Syrian Jews.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Jan. 28, 1994]

CAPITALISM'S MARCH IN ASIA

(By Arlen Specter)

The Senate vote this week to lift the embargo on Vietnam recognizes the tremendous potential for trade with our former enemy and the entire region. Americans are just beginning to awaken to the fact that two-way trade with the Asian-Pacific Rim already exceeds our commerce with the European Union, or a combination of our North and South American neighbors.

This potential for increased trade and more U.S. jobs springs from the fact that capitalism is on the march in Asia. If Adam Smith and Karl Marx could visit Beijing and Hanoi today, they would be shocked to see countries like China and Communist Vietnam sprinting toward capitalism.

Officially they call it a "socialist market economy," an oxymoron that may be the practical answer for countries not wanting to admit their wish to abandon the disadvantages of a planned economy for the rewards of individual initiative.

On the same day in early January when our delegation of seven U.S. senators heard China's Premier Li Peng in Beijing extol the theoretical virtues of socialism, the vice chairman of the National People's Congress announced plans to copy economic legislation from capitalist countries.

Our delegation heard a similar message on our visit to Hanoi. A young official from the Vietnam Ministry of Trade was succinct in stating that the private sector was more effective than state ownership because "people work harder for their own pockets." Looking to Western political ideology, Vietnam's most powerful political figure, Secretary General Moy of the Communist Party, claimed that his country sought to follow Abraham Lincoln's model of a government of the people, by the people and for the people.

Statistics show China's gross national product growing at about 10% a year. Li Peng boasted of a trillion-dollar Chinese market in urging our delegation to renew most-favored-nation status for China. Similarly in Thailand, Indonesia and Vietnam, we heard of multibillion-dollar U.S. opportunities in hydropower, telecommunications, air and rail transport, automobiles and environmental projects.

In all these countries, U.S. businessmen urged our delegation to delink trade interests from human rights and even the MIA issue. Frank Hawke, representing Citibank's global finance operation in Asia, noted that about half of his company's $2 billion annual profits came from developing countries. Members of the American Chamber of Commerce in Beijing chided our policy of lecturing China on human rights when 23,000 people were murdered annually in the U.S. and our cities were virtual war zones.

When we objected to China's missile sales, Li Peng chastised us for being the world's number one "big brother" in arms sales. Indonesian officials expressed concern about the continuation of their trade privileges when our delegation raised the issue of human rights in East Timor and labor conditions generally.

Those protests suggest that our conditions for trade preferences are having an effect. Access to our markets at reduced tariff rates is vital to Beijing's and Jakarta's trade, so we should continue our leverage on human rights and arms sales without breaking the lever. It is obviously a judgment call as to how hard to press; but there is much room for improvement and we are having significant success, as evidenced by China's recent concession to allow greater inspection of manufacturing in their prisons.

Regrettably, a tough trade policy and sanctions also seem necessary to enforce U.S. property rights. China has flooded our markets with illegal textile trans-shipments. After cutting their import quotas, we have finally extracted commitments from China to stop the illegal trans-shipments of textiles, but that will have to be monitored closely to ensure compliance.

Responding to longstanding U.S. complaints, Thailand is finally enacting tough legislation and establishing a special court for enforcing intellectual property rights. Similarly, Indonesia needs continuing pressure and monitoring to fulfill existing promises to respect U.S. copyrights.

Notwithstanding the problems, the big picture suggests enormous U.S. opportunities in the Pacific Rim. China's Deputy Power Bureau Director Yu Fomin was outspoken in his preference for U.S. products over those of France and other competitors. Within the next decade, Indonesia will provide a market or infra-structure development in excess of $100 billion.

The potential for U.S. business development in Indonesia is illustrated by a multibillion-dollar copper-gold mine being developed by Freeport-McMoRan Inc. in Timika in east Indonesia. In the past five years, that talented and ambitious U.S. company has developed the world's third largest copper mine, creating thousands of new jobs there and in the U.S.

The problems of balancing competing interests in economic development were kept in perspective when we talked to Thailand's King Phumiphon, who told us that his favorite hydro-dam project was deferred because of community protests. We understood constituent pressures on U.S. senators, but we asked why that would affect a monarch. The king responded: "They'd demonstrate."

[From the New York Post, Jan. 11, 1994]

SENATOR REPORTS ASSAD IS ALLOWING EXIT OF JEWS

(By Arlen Specter)

Outlet diplomacy seems to have worked for Syrian Jews, who have been permitted to leave Damascus and Aleppo in large numbers in the last 18 months as a result of a change in Syria's policy in April 1992..

When I first urged Syrian Foreign Minister Shara almost a decade ago to allow Syrian Jewish women to immigrate to the U.S. because there were such limited opportunities for marriage in Syria, he responded that they were content and should remain.

In a meeting with President Assad more than six years ago, he repeated that statement, adding that Sryia was in a state of war with Israel; it would be unwise, he argued to allow immigration which might strengthen the enemy.

Over the years, the U.S. ambassador in Damascus and congressional visitors, with then Rep. Steve Solarz (D-N.Y.) at the forefront, continued to press Syria officials to let the Jews go. President Bush is reported to have pressed the issue in his meeting with Assad in Geneva in 1990.

In a meeting with Assad the same year, I again insisted that Jewish women in Syria were being deprived of a fair opportunity to marry because of the limited number of Jewish men there. Assad responded with a romantic offer that he would allow any Jewish woman to leave when a suitor came to Syria and took her to the U.S. to marry. That offer was relayed to the active Syrian Jewish community in Brooklyn and elsewhere.

Referring to that offer last month in a meeting with a visiting congressional delegation in Damascus, Assad chided me that not one man took him up on his offer. I replied that, being married myself. I had done all I could by publicizing his offer.

At the meeting, Assad said Syria had changed its policy in April 1992, allowing Jews to emigrate—as long as it was not to Israel—once external pressures had ceased.

According to statistics verified in December by the Syrian Jewish community, almost 2,600 of Syria's 3,800 Jews had been permitted visas. But concern was expressed for the more than 800 who had not been granted visas.

When Secretary of State Warren Christopher was in Damascus on Dec. 5, he announced that Syrian officials would grant visas to the balance of Syria's Jewish residents by the end of 1993. Members of the Damascus Jewish community asked our congressional delegation to obtain such confirmation in our meetings with Assad and Shara.

Assad and Shara did confirm, in Dec. 15 and 16 meetings that the visas would be issued, but there remained some ambiguity as to whether all the visas would be issued on schedule.

Assad insisted that many Jews did not wish to leave Syria and some who had departed wished to return—referring to a letter he had recently received. He also stated that the issued and unused visas showed there were Syrian Jews who really wanted to stay, but had obtained the travel permits because of external pressure.

Whether all visas will be issued on schedule or whether some Syrian Jews may wish to remain, the important fact is Syria's change of policy is in permitting Jewish immigration. This significant policy change may be due to Syria's interest in closer ties with the U.S., and the timely issuance of the new visas may be related to Assad's meeting Sunday with President Clinton in Geneva.

On my first visit to Damascus in 1984, I received a very cool reception. When I returned in 1988, after Assad had been told by Mikhail Gorbachev the previous spring in Moscow that the U.S.S.R. would no longer finance Syria, President Assad met with me for more than 4½ hours—evidencing real interest in U.S.-Syrian relations.

At that time Syria was totally uninterested in peace negotiations with Israel; that situation has also changed. In our December visit, Assad insisted his country was ready for a comprehensive peace treaty with Israel.

This change in Syrian policy certainly may benefit the entire region. It is a very good sign of the times that Syria has been willing to "let our people go."

[From the Jewish Chronicle of Pittsburgh, Jan. 27, 1994]

SPECTER SEES SEA-CHANGE IN MID-EAST

(By Arlen Specter)

Our Congressional delegation's plane landed in Cairo last month—simultaneously with the arrivals of Israel's Prime Minister Rabin and PLO Chairman Arafat, so we had the unique opportunity to hear their views on the impasse concerning Israel's withdrawal from Jericho and Gaza. We heard about the region's fast-moving developments from Egypt's President Mubarak, Syrian President Assad, Crown Prince Hassan of Jordan and the Palestinian negotiators.

Among the swirling impressions, these stand out:

1. The past immutable positions of the Mid-East adversaries have changed dramatically;

2. The uniform desire for comprehensive peace overshadows the parties' bitter disagreements;

3. The U.S. has not yet become accustomed to its greater power and prestige resulting from the disintegration of the Soviet Union. We are the only game in town—the only superpower in the world.

Arafat arrived at Egypt's presidential office when our delegation was talking to Mubarak, so a meeting was hastily arranged for us to meet with him.

A year ago, Israelis dealt with Arafat at the risk of a criminal prosecution. Now their top officials travel extensively to negotiate with him. So, U.S. Senators are interested in talking to Arafat because his views count.

The bottom line: he's effusive; he's elusive, he insists he wants to work it out. It's worth trying in light of Rabin's optimism that the borders can be made secure and the size of the Jericho province can be negotiated.

Three days later in Damascus, we heard Syria's President Assad exhort Israel to expedite discussions for a comprehensive peace settlement. A few years earlier he had summarily dismissed such negotiations. When I first traveled to Damascus almost a decade ago, the Syrian antagonism to the U.S. was fierce.

By 1988, after being told by Gorbachev in Moscow the previous spring that the U.S.S.R. would no longer finance the Syrian military, President Assad was at least willing to meet with a U.S. Senator. But, at that time, he totally rejected any dealings with Israel because he said it sought total control of the region "from the Nile to the Euphrates."

In last month's meeting, Assad had totally changed his attitude, and in his January meeting with President Clinton, he expressed his willingness to "normalize" relations with Israel.

Where and how do we go from here?

First, we must comprehend the vast differences between Israeli and Arab views of the facts. It goes far beyond perceptions. It is a truism that everyone is entitled to his own opinion, but not his own facts. In the Mid-East, there is a curious reversal of that dicturm.

They share the same opinion that a comprehensive peace must be found, but they disagree on historical and currently-operative facts.

While it is dangerous to cut anyone short on venting feelings or perceptions about the past or even the present facts, perhaps the best approach is to focus on objectives and what the parties can agree on what the facts should be for the future.

Second, while virtually impossible for politicians, the parties should lower expectations and avoid the inflammatory generalizations that border on, if not pass, the line of misrepresentation.

Rabin emphasized that the current agreement deals only with the interim and leaves permanent arrangements to future negotiations. Saeb Erekai, vice chairman of the Palestinian negotiating team, conceded that a Palestinian state is not mandated by the Declaration of Principles although it is his hope.

Third, the U.S. must stay intensively and extensively engaged while meticulously leaving the ultimate decisions to the parties themselves. Perhaps U.S. observers should be silently present during the negotiations.

Since the U.S. presses each side for debriefings after each session, why not be present? Such a presence could have a salutary effect on the parties and promote realistic positions and even compromises.

From our meetings with the region's leaders, Israeli citizens and Palestinians in Gaza and Jericho, there is no doubt that U.S. suggestions or persuasion could tip the delicately balanced Mid-East scales. For different reasons, each party looks to some future largesse or favor from the U.S.

Without costly commitments, the U.S. can use its stature to promote peace for the Mid-East's benefit.

It is a totally different region from a decade ago or even a year ago. The momentum favors peace.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3759, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Brown Amendment No. 1444, to delete funds for the costs of electronic communications records management activities of the Executive Office of the President.

(2) Murkowski Amendment No. 1445, to express the sense of the Senate that Federal spending priorities need to be reevaluated in light of the recent earthquake in California and other frequently occurring natural disasters and that the Presidential Election Campaign Fund checkoff should be replaced with a checkoff for Federal disaster relief assistance.

(3) Kerry Amendment No. 1452, to reduce the deficit for fiscal years 1994 through 1998.

(4) Feingold Amendment No. 1453, to strike provisions relating to appropriations for international peacekeeping.

(5) Durenberger Amendment No. 1454, to establish a national disaster relief trust fund in the Treasury.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1452

Mr. INOUYE. Madam President, if I may, I would like to say a few words about amendment No. 1452, an amendment submitted by the distinguished Senator from Massachusetts [Mr. KERRY].

The amendment offered by Senator KERRY would reduce the 1994 appropriations for national defense by about $4 billion. I believe the Members of this body should recall that Congress has already reduced DOD's budget in 1994 by more than $18 billion. Moreover, in each and every year of the past 10 years, Congress has cut the funds provided for defense. We have already cut defense spending drastically.

To graphically demonstrate what I am saying, Madam President, 3 years ago the Army had 18 divisions; 2 years from now we will have 10. Three years ago the Navy had nearly 600 ships; 2 years from now we will have 350 ships.

This applies to all services. We are now in the process of the drawdown. As a result, this committee, ever since I have been chairman of this subcommittee, has always come forth with an appropriated recommendation which is vastly less than that requested by the administration. So, as far as cuts are concerned, we have done that. In fact, the bill before the Senate already rescinds more than $900 million from DOD. That is further reductions, beyond that of fiscal year 1994, reductions that will tax the ability of the Department to meet the base closure requirements. Cutting another $4 billion is simply insupportable.

The amendment addresses specific programs which I would like to consider individually. First, on the Trident missiles, section 1204 of this amendment prohibits the use of any funds for the continued procurement of Trident D-5 missiles or for the backfitting of older submarines carrying the C-4 missiles to the D-5 configuration.

The Senate has already addressed this issue. We did so 3 months ago. It voted against an amendment by Senator BUMPERS to terminate the D-5 missile program in the fiscal year 1994 appropriations bill. In the fiscal year 1994 defense appropriations bill, the Congress required the President to review this program. The President has completed this review and the President and the Joint Chiefs of Staff strongly support continuing the Trident D-5 missile program. The President has, accordingly, requested funding to procure an additional 18 Trident D-5 missiles in fiscal year 1995.

Next, the Titan 4 missile launch system. The Kerry amendment would also rescind $350 million from the fiscal year 1994 Titan 4 missile program. Contrary to the intent of this amendment, the money proposed for rescission was requested and appropriated for launch support costs of missiles already built and long lead for future missiles. The rescission of $350 million will not stop the production of Titan 4 missiles but will prevent the launch of national payloads.

The Titan 4 missile is our Nation's only heavy-lift missile in the inventory. With a current maximum payload of 31,400 pounds, the Titan 4 is the only system that can launch, for example, MILSTAR satellites, defense support program satellites, and certain classified payloads. The production requirements of this missile are based upon the need to launch these payloads into orbit. So, when the Department builds a payload, it builds a missile to launch this payload.

So I think it would be shortsighted and wasteful to build a payload, a satellite, and not the system because of this limitation. It takes up to 3 years to build this missile and, if the missile production is limited and there is a national strategic requirement to launch this satellite, the Department may be unable to do this launch because of the lack of the missile available for the launch.

So here we have a two-pronged program: one, to build a payload, which in this case would be a satellite, and then to build a missile to carry this satellite into the atmosphere. This amendment would say, cut out the launch but not the payload. It just does not make sense.

Now if I may comment on another section that reduces funding for intelligence programs, and this amendment would reduce such funding by about $1 billion. Madam President, the intelligence budget has already been cut by almost 18 percent over the past 2 years. An additional reduction of $1 billion would severely hamper the intelligence community's ability to provide decisionmakers and policymakers with information on matters of vital concern to this country.

These issues include nuclear proliferation by North Korea—this has been on the front pages for the past 3 or 4 months—peacekeeping efforts in Bosnia and Somalia, as well as terrorist threats against American citizens and property.

Congress has worked in close partnership with the intelligence community to refine the intelligence budget without detrimentally affecting this country's national security. This reduction, as proposed in this amendment, would result in a termination of programs and activities that are essential to the security of this Nation.

Next is the Ballistic Missile Defense Program. The Kerry amendment proposes a rescission of $900 million. This, Madam President, will throw the U.S. effort to develop missile defenses into chaos. Hearing this, I suppose some of my colleagues would say, "Why do we need missile defenses?" I am not talking about missile defenses against intercontinental ballistic missiles. We are not talking about a defense system to protect this Nation from missile launches from the old Soviet Union.

The original Ballistic Missile Defense Organization in the fiscal year 1994 budget was $3.637 billion. This organization has just now completed a restructuring to accommodate the $1 billion reduction that we imposed. This organization plans to spend over $1.6 billion to develop theater missile defense systems to protect our deployed troops.

What are theater missile defense systems? During Desert Storm, we heard much about the Scud missile. This is the missile system that can knock down the Scud. The Patriot system is part of this Ballistic Missile Defense Organization. We are not talking about the Minuteman missile. We are talking about these smaller systems to protect our deployed troops. If this rescission action is carried out, there will be no funds for the management of these programs, for research and technologists to make our theater missile defenses more effective. It will just put it out of business. It was not too long ago when Members of this body spent much time singing the praises of the Patriot, concerning ourselves with the damaging potential of the Scud. This was our answer to it, and now this amendment would cut it out.

Next, I would like to say a few words on the Follow-on Early Warning System. Madam President, the amendment proposes to rescind funds from this system, which we call FEWS. FEWS was planned to increase our capability to provide early warning of missile launches to protect our troops, protect our Nation, replacing the current Defense Support Program Satellite Network.

The FEWS program continued during the early months of fiscal year 1994 while the Department reconsidered its plans for an upgrade of our Early Warning Satellite Network.

Most of these funds are already obligated and over $70 million have been spent. Any remaining funds will be required to transfer the FEWS development to the Pentagon's restructured Early Warning Program, and for other legitimate close-out costs. The Air Force has stated that the FEWS program termination will exceed $20 million. Put simply, Madam President, these funds have already been spent. So there is nothing to rescind.

The next item is on Department of Defense recruiting. The Kerry amendment proposes to reduce funds for DOD recruiting programs by about $33 million. The amendment also calls for consolidating the military services recruiting program. Based upon data and testimony that the committee received from the Department during last year's budget review, the Congress added about $60 million for recruiting.

Madam President, you may be wondering why is recruiting important? I think we should remind ourselves that our military is made up of volunteers. We are not drafting our young men and women. They are volunteers. Less than 1 percent of the people of the United States volunteer to serve in our behalf and stand in harm's way to protect our interests.

In recruiting, obviously because of the demands upon our intellect—after all, we are a high-technology military organization—we try to recruit at least high school graduates and, if possible, a college graduate. There are not too many of them. We try our best not to go below that.

We have several categories, as I pointed out yesterday. Category 1 you very seldom recruit. This is the Albert Einstein of our Nation. Category 2's are college graduates. A few would volunteer. But if we ask ourselves would we urge our sons and daughters who are college graduates to put on the uniform, I think the answer would be no. We have plans for them and the plans do not include military service.

Category 3's are high school graduates. This makes up the bulk of our military. We have tried to keep the recruiting of category 4's—these are men and women with IQ's of less than 100—to a minimum, less than 1 percent; if at all possible, none at all. But we found it necessary because of recruiting shortages to dip into category 4's. A year ago, it was less than 1 percent. This year because of the drawdown, because of the cut in expenditures, our recruiting of category 4's has gone up to 11 percent.

I am concerned, Madam President. In the 1970's—and many of us look back to that period with some horror when we found this Nation with hollow military forces. By hollow forces, I will just give one example which I provided yesterday.

Very few Americans recall that during that period, about one-third of our naval vessels were not ready for combat. These were not old, decrepit ships; these were brand new ships. But we did not have the personnel to man these vessels because over one-third of our recruits, about 35 percent of our recruits, were category 4. College graduates were not volunteering; high school graduates were not volunteering. So we had to depend upon category 4's to fill the slots in our ranks. Now we are up to 11 percent, Madam President.

We also have an ongoing survey to determine the propensity to recruit, the propensity to enlist of the young men and women of the United States.

In 1 year's time, this propensity has dropped 40 percent. We have been doing the survey in high schools throughout this land.

We all agree that a military is necessary. If it is necessary and we cannot get manpower through the voluntary system, then I suppose we will have to revive our Selective Service System, drafting young men and women.

I hope that the Members of this body consider this very seriously—drafting.

Today, we still have the finest military that we have had since the founding of this Nation. This little amendment may be the beginning of a real downgrade of our military.

The next amendment, if I may touch on it, is Navy antisubmarine warfare P-3 aircraft squadrons. This amendment proposes to reduce the numbers of P-3 aircraft squadrons by limiting expenditures. It says that funding cannot be expended to support more than 31 squadrons after fiscal year 1995, 26 after fiscal year 1996, 23 after fiscal year 1997, and 18 after fiscal year 1998. It also says that the President would have authority to waive this limitation if he feels that national security interests would so dictate.

We have been speaking of micromanaging the Defense Department. This is clearly micromanaging the Defense Department without any input from our military commanders.

Changes in the numbers of P-3 squadrons should be examined in the context of defense force structure requirements, not in a rescission bill. I hope that we will keep this in mind when we consider the Kerry amendment.

Finally, the Uniformed Services University of Health Sciences. Madam President, as you are well aware, I already addressed this issue at length yesterday, and I stand by that statement. It would wipe out this medical school.

Just a reminder. As I indicated just a few minutes ago, recruiting and retaining qualified personnel is one of our biggest problems. The area that is most severely impacted by recruiting and retaining would be in the area of professionals—physicians. We should ask ourselves how many physicians are we aware of who are willing to place his or her life in a military career and serve this Nation when he or she see their brothers and sisters out in the public sector making 5, 10 times the income that they are making, driving a lovely Mercedes Benz, living in palatial homes. There are not too many.

We set up this medical school to recruit and retain men and women who wish to make military medicine a career, and we have been fortunate. Sixty percent of the physicians who served in Desert Storm were graduates of this medical school. And when one speaks of retention, these statistics are amazing. In the class of 1981, over 90 percent of the graduates are still in uniform, whereas, of Air Force Academy graduates, about 52 percent are in uniform; West Point graduates, about 50 percent are in uniform; and Navy graduates, about the same number. We are fortunate to have 50 percent of the class of 1981 from the service academies still in uniform. But just think, military physicians, over 90 percent. These are the men and women who pleaded to go out to Desert Storm. We had difficulty convincing those physicians in the Reserve units to go out there: What will happen to my patients? What will happen to my practice?

This amendment will wipe out this school. Talk about cost-effectiveness.

This is a very important amendment. I hope that when we consider the Kerry amendment, we will keep in mind the following: I am certain, whether we like it or not, we will have to consider the events that are now unfolding in Bosnia. I think it would be wise to anticipate that we may be soon considering air strikes, air strikes by our United States Air Force and Navy attack aircraft against Serbian artillery positions.

At a time like this, is it prudent to reduce funds for the very intelligence programs which we need to identify these targets? This amendment would do that. It would blind our pilots. Is this the time to cut the satellite programs that give our forces warning of attacks? I hope that we will keep this in mind. It is on the front pages of every paper. Are we or are we not going to participate in the bombing of Bosnia? If we do and this amendment passes, then we are putting blindfolds over our pilots' eyes.

Madam President, if we expect the 1 percent of our Nation to risk their lives and stand in harm's way, the least we can do is to provide them with all of the resources necessary so that they can carry out their mission and get home to their loved ones. We cannot do any less. This amendment would take away their protection, and I am not prepared to do that.

I urge all Members to vote against this amendment.

It is not a problem then for consideration at this time. I hope the time will come, Madam President, when we can slash the Defense Department to almost nothing, when peace will come upon this planet. But much as we dream about that moment, that has not arrived yet. As long as we are confronted with madmen, terrorists, and countries with strained agendas, I think it would be prudent on the part of the United States to maintain a ready force of men and women who are willing to stand in harm's way.

Madam President, I am ready to yield the floor. I gather the Senator from Maine has an amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

AMENDMENT NO. 1455

(Purpose: To amend titles II and XVI of the Social Security Act to provide that any proceeds from certain criminal activities demonstrate an ability to engage in substantial gainful activity)

Mr. COHEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. GORTON, Mr. THURMOND, and Mr. D'AMATO, proposes an amendment numbered 1455.

Mr. COHEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

(a) Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(b) Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(c) The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

Mr. COHEN. Madam President, I offer this amendment on behalf of myself, Senators DOLE, KASSEBAUM, D'AMATO, THURMOND, and GORTON.

From time to time, astounding examples of absurd Federal spending policies come to light and stop us in our tracks. The amendment that I am offering today to the emergency supplemental appropriations bill addresses a situation that would certainly make anyone's top 20 list of how to waste tax dollars and, at the same time, undermine our efforts in the war against crime and illegal drugs.

I offer it today in a very limited form from the statement I made just a few days ago. I took the floor 2 days ago to point out that the President had announced a $1.5 trillion budget proposal, and that his national drug strategy would shift the emphasis from drug-control efforts and interdiction toward treatment and rehabilitation.

I wish to point out to my colleagues that we now have a program in place through the Social Security Administration that keeps money flowing to alcoholics and drug addicts.

Earlier this week I released the results of a year-long investigation conducted by my staff on the Special Committee on Aging which revealed that last year, the Federal Government paid over $1.4 billion in benefits under the Social Security Disability Insurance Program [DI] and the Supplemental Security Income Program [SSI] to drug addicts and alcoholics.

Amazingly, fewer than one-third of the drug addicts and alcoholics receiving SSI and DI payments are under any requirements for rehabilitation or monitoring by the SSA on how they use the cash provided by the Federal Government—leaving no controls in place on the $1.1 billion in payments being made to drug addicts and alcoholics who are on the SSI and disability insurance rolls.

The results of our investigation probably come to no surprise to anyone with common sense: When we give cash to drug addicts, they will use it to buy more drugs. But that, Mr. President, is the essence of the disability policy that we have in effect today.

When Congress allowed drug and other substance abusers to receive disability benefits under the SSI and disability insurance programs, it placed two conditions on these benefits. First, that the drug addict or alcoholic receive treatment; and second, that a third party, such as a friend or relative, or even an institution, receive the benefits on behalf of the addict or alcoholic, in order to prevent the money from simply being used to fuel a drug habit.

As we reported earlier this week, however, our instigation found that the system has failed to keep money out of the hands of addicts and alcoholics, and few of these addicts are receiving any treatment. Instead, the money keeps flowing, and the addicts keep drinking, snorting, or shooting our federal dollars away.

Today I will be announcing comprehensive legislation to address the many problems uncovered in our investigation. But this amendment is really quite limited in nature. It takes the first step toward reform by prohibiting the Social Security Administration from providing cash benefits to drug dealers and other criminals who are using Social Security funds to feed their habits.

Under the current SSI and disability insurance programs, a claimant is ineligible for benefits if he or she is found to be able to engage in substantial gainful activity.

Given the street value of drugs these days, it seems like simple common sense to conclude that any income from dealing drugs should be gainful activity. But, as we have learned from our investigation, common sense does not apply when it comes to how we spend the taxpayers' dollars, especially in the Social Security disability programs.

Last month, the Ninth Circuit Court of Appeals ruled that illegal drug dealing under some circumstances does not constitute substantial gainful activity under the Social Security Act, thereby allowing some drug dealers continued access to disability benefits.

The discussion by the Ninth Circuit Court of Appeals in Raymond Corrao versus Donna E. Shalala is enough to make a taxpayer's blood boil.

Even though the SSI claimant in the case admitted that he obtains up to $600 worth of heroin daily for up to three people and receives approximately 1½ grams of heroin per day, worth about $150, the court found that he was not engaged in substantial activity—and therefore he was eligible for disability benefits.

While the court conceded that it is possible under current law to disqualify a claimant for benefits when he or she earns money by engaging in illegal activity, the tortured application of SSA rules is almost comical—but for the fact that it wastes hard-earned taxpayers' dollars.

The court found that since the claimant's drug dealing "took only 25 to 45 minutes," it did not constitute substantial activity.

The court also found that the drug dealing by the claimant did "not require any significant mental or physical exertion * * * [he] did no planning prior to these purchases but instead was contacted by purchasers when they desired some drugs."

In short, because of the relatively light work the claimant had to do to deal drugs, the court determined that he was not engaged in "substantial gainful activity" and was therefore eligible for benefits.

Here is an individual who is sitting at home waiting for calls to come in from his friends, putting them in connection with heroin dealers, acquiring the heroin, and getting a slice for himself of $150 a day. But according to the court, he is entitled to continue to receive unlimited benefits under the disability program, without getting treatment, without getting rehabilitation, and without having any supervision of his use of the funds. It simply is revenue sharing for drug addicts.

Madam President, I think this case illustrates how twisted our system has become. The message our current law sends to drug dealers is:

First, if you are a drug addict, the Federal Government will pay you cash to buy more drugs and it is very likely that we will never check up on you to see how you are using the money.

Second, if you stop using drugs and get better, we will stop paying you.

And, third, even if we know you are dealing drugs or making money from other crimes, we will still pay you tax dollars.

Madam President, this just does not make sense, and today we can take action to stop this shameful waste of taxpayers' dollars.

The amendment we are offering today states that any proceeds derived from criminal activity to support substance abuse—no matter how small, or how long they take to make—constitute substantial gainful activity regardless of the circumstances, thereby making drug dealers ineligible for disability benefits.

Last month, the Social Security Administration issued a ruling establishing that this is the policy that should be followed, and other courts have adopted this position. Because the Ninth Circuit ruling illustrates that courts can find drug dealing not to be substantial gainful activity, it is crucial that we act now to clarify the law, so that all proceeds from criminal activity constitute substantial gainful activity.

The amendment we are offering today takes the first step by addressing one of the most obvious flaws in the disability program—allowing drug dealers to use Federal funds to keep their illegal activities going.

I hope my colleagues will support it. I ask unanimous consent the "Investigative Staff Report" and a letter from Citizens Against Government Waste be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAX DOLLARS AIDING AND ABETTING ADDICTION: SOCIAL SECURITY DISABILITY AND SSI CASH BENEFITS TO DRUG ADDICTS AND ALCOHOLICS

(By Senator William S. Cohen)

EXECUTIVE SUMMARY

In early 1993, the Minority staff of the Senate Special Committee on Aging initiated an investigation of abuses in the payment of Social Security Disability Insurance (DI) and supplemental security income (SSI) benefits to drug addicts and alcoholics. This investigation was begun in response to disturbing reports from many close to the disability and SSI process that there is widespread abuse of these programs by addicts and alcoholics, and that in many cases these benefits are being used directly to fuel drug and alcohol abuse.

Major findings

Based on extensive investigation by the Minority Committee staff and the General Accounting Office (GAO), we conclude that major problems exist in the current practice of paying cash DI and SSI benefits to drug addicts and alcoholics, and that far too few protections are in place to protect taxpayers' dollars from going directly to perpetuate—rather than treat—addiction. Our investigation has found that the "word on the street" is that SSI benefits are an easy source of cash for drugs and alcohol, and that the current laxity in the program allows widespread manipulation of this system by addicts and alcoholics.

Our investigation concludes that hundreds of millions of taxpayer dollars are being paid to substance abusers without any controls in place to ensure that they receive treatment or do not use these dollars to fuel their addiction.

Specifically, according to the GAO, an estimated 250,000 drug addicts and alcoholics (including those who are receiving benefits solely due to substance abuse and also those eligible for benefits due to another disability) are now receiving roughly $1.4 billion in cash benefits from these two Social Security programs. Our investigation revealed that only about 78,000 of these recipients—or less than one-third—are required to receive treatment for their addictions or required to have someone else collect their checks on their behalf.

Thus approximately 172,000 substance abusers receive about $1.1 billion in SSI and disability benefits without any requirements that they receive treatment or have other persons handle their benefits for them. Our investigation found that these funds, which are paid directly to the substance abusers, are extremely vulnerable to abuse. No one is checking to ensure that these Social Security monies are not used to buy more drugs or alcohol, and evidence suggests that in many cases this is precisely what is happening.

Further, our investigation found that few of the 78,000 recipients who are now required to receive treatment are not doing so, and that the $320 million in benefits paid to these recipients are very poorly monitored by the SSA.

For example, as this report discusses, our investigation found that until last month, the SSA had established programs to monitor treatment requirements for substance abuse recipients in only 18 states, and fewer than half of the substance abuse recipients in these states actually were being monitored to determine if they were in treatment.

Further, we found that some lump sum benefits—in some cases over $20,000—to SSI and disability recipients, are being spent on drugs or alcohol, resulting in dangerous harm, or even death, to the claimants, and that those appointed to handle the benefits for the substance abusers are at times themselves addicts or alcoholics who misuse the disability payments.

The bottom line is that taxpayer dollars are being used directly to subsidize and perpetuate drug and alcohol abuse, and that many addicts are actually seeking out the disability and SSI programs to help support their addictions. Once on the rolls, few of these substance abusers are ever reviewed to determine if they have received treatment or if they still qualify for benefits. The net effect of the manipulation of these programs is to impede our national efforts to combat crime and illegal drug use. Further, allowing these programs to remain so exposed to abuse is counterproductive to our national efforts to reform our welfare system, and to reform our health care system by stressing prevention and treatment.

Tragically, these lax policies not only drain the federal Treasury, but also are detrimental to substance abusers themselves by rewarding addiction, and by discouraging and failing to provide necessary treatment. In essence, the federal government has become an enabler to these abusers, and by neglecting the severe problems in these programs, taxpayer dollars are aiding and abetting illegal drug use.

Recommendations

Based on these findings, Congress should consider the following options:

Discontinue cash disability and SSI assistance to substance abusers or provide benefits in the form of vouchers, food stamps or direct payments to treatment facilities. If such changes are made, tight controls must be in place to prevent abuse of these noncash benefits.

Distinguish between legal and illegal substance abuse and discontinue eligibility of individuals whose illegal drug use is material to the finding of disability. Savings from this limitation on benefits could be redirected to fund substance abuse treatment programs, which would provide more meaningful assistance to recovering addicts.

Prohibit cash lump sum payments from being paid to substance abusers, based on the dangers of misuse of these benefits to buy more drugs or alcohol.

Extend the statutory protections of representative payee and treatment as a condition of benefits that now exist in the SSI program to the disability program and explore the feasibility of applying these protections to all recipients with a medical finding of primary or secondary substance abuse. In exploring this option, Congress must consider whether adequate treatment facilities are available to serve this population and whether enough representative payees can be found to manage the funds of these beneficiaries.

Require a good faith compliance with treatment requirements before awarding disability payments.

Clearly state that proceeds from illegal activities—such as drug dealing—constitute substantial gainful activity and is a basis for denying benefits.

Require the SSA to conduct continuing disability reviews in the SSI program in order to determine whether recipients on the rolls still qualify for benefits, and explore changes in the eligibility standards for substance abusers in the context of welfare reform.

Minority committee staff will continue to investigate these problems in the DI and SSI programs and Congress should fully explore the recommendations made in this report through hearings and legislation.

WILLIAM S. COHEN,
U.S. Senator.

I. INTRODUCTION AND SCOPE OF INVESTIGATION

For the past several months, the Minority Staff of the Senate Special Committee on Aging has been investigating the payment of Social Security disability benefits to drug addicts and alcoholics. Senator William. S. Cohen, Ranking Minority Member of the Aging Committee directed his staff to initiate this investigation in response to disturbing reports from those close to the disability process that there is widespread abuse of the Supplemental Security Income (SSI) program and the Disability Insurance (DI) program by addicts and alcoholics, and that for years the Social Security Administration has failed to adequately implement protections that Congress specifically imposed on the payment of disability benefits to substance abusers.

As part of his investigation, Senator Cohen requested the General Accounting Office (GAO) to review the adequacy of the Social Security Administration's Program for SSI and DI recipients who are drug addicts and alcoholics (DA&A). This preliminary staff report incorporates the results of the GAO's preliminary work and several other studies that have been conducted on the adequacy of the SSA's DA&A program, as well as information provided to the minority committee staff by a wide variety of sources, including administrative law judges (ALJs), Social Security district office representatives, disability advocates, and social service representatives.

As this preliminary report indicates, our investigation has substantiated that significant abuse of the Social Security disability program by drug addicts and alcoholics does currently exist, and that these problems have gone unabated for years. Additionally, our investigation has also substantiated our concerns that the Social Security Administration has failed to adequately monitor and enforce statutory requirements that SSI beneficiaries who are disabled as a result of drug addiction or alcohol abuse must receive treatment in order to qualify for benefits, and that opportunities for significant abuse still exist among representative payees who receive SSI benefits on behalf of substance abusers.

II. BACKGROUND—CURRENT LAW: HOW DRUG ADDICTS AND ALCOHOLICS QUALIFY FOR SSI AND DI BENEFITS

A. BRIEF OVERVIEW OF THE SSI AND DI PROGRAMS

The Social Security Act provides for the payment of benefits to individuals who cannot work because of a medically determined physical or mental impairment. There are two separate titles under which an individual may qualify for benefits. The first, Title II, provides payments of Disability Insurance (DI) benefits to disabled persons who have contributed to the Social Security program. The second, Title XVI, provides for the payment of SSI benefits to disabled persons who are indigent.

Both the DI and SSI programs use the same standard to determine whether an individual is disabled for purposes of receiving benefits. Specifically, each program defines disability as an "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months . . ." (42 USC Section 423(d)(1)(A).

Briefly, the determination of disability is a five-step sequential process for determining whether an SSI or DI applicant is disabled. This process includes assessments to determine whether the applicant is engaged in substantial gainful activity, and whether the applicant has an impairment or a combination of impairments severe enough to prevent him or her from performing work. The evaluation at these early stages in the process includes medical and vocational evidence to substantiate claims of disability.

The Social Security disability process provides several levels of review if benefits are denied, including reconsideration of denials by state disability determination services, then appeals to SSA administrative law judges, and ultimately, to federal court.

B. DRUG ADDICTION AND ALCOHOLISM CAN CONSTITUTE DISABILITY FOR PURPOSES OF QUALIFYING FOR BOTH THE SSI AND DI PROGRAMS

Under both the SSI and DI programs, drug addiction or alcoholism can constitute an impairment qualifying an individual for Social Security benefits. The Social Security Administration has developed listings of physical and mental impairments that it accepts as evidence of disability. SSA's listing of mental impairments includes substance abuse disorders. Both the SSA and the courts have established that a substance addiction disorder can be considered a medically determinable impairment that could meet the definition of disability. According to a 1991 SSA Program Circular (SSA Pub. No. 64-044),

A substance addiction disorder in and of itself can be a disabling medically determinable impairment if it meets the definition of disability. The former policy requiring irreversible organ damage to meet a listing is not in accord with current policy of Circuit Court ease law.

Once a medically determinable substance addiction impairment (which encompasses the inability or impaired ability to control the use of addictive substances) is established, a finding of disability will depend on the severity and duration of the impairment and, where appropriate, the individual's remaining functional capacity. In each case, all symptoms, signs, and findings of the substance addiction (and other impairments, whether or not related to the substance addiction) must be considered to determine the complete picture of the individual's impairment severity and, where appropriate, remaining functional capacity.

C. THE SOCIAL SECURITY ACT PLACES CONDITIONS ON THE PAYMENT OF SSI BENEFITS TO DRUG ADDICTS AND ALCOHOLICS

Congress imposed two special requirements on drug addicts and alcoholics as conditions of receiving benefits. First, in order to prevent cash payments from being spent to fuel addiction, Congress required that all SSI payments to drug addicts and alcoholics must be paid to a representative payee. A representative payee can be a friend, relative, social service agency, or anyone else selected by SSA, to receive the recipient's checks.

Second, the Congress mandated that a disabled individual who is medically determined to be a drug addict or alcoholic must, as a condition of eligibility for SSI, participate in a substance abuse treatment program approved by SSA. The individual must demonstrate that he or she is complying with the terms and conditions of treatment in order to remain eligible for SSI benefits, and the SSA has responsibility for referring individuals for treatment and monitoring their continued participation in treatment programs.

Findings

As a result of our investigation, we have reached two major conclusions: I) The policy of awarding cash disability and SSI benefits to substance abusers is seriously flawed, results in significant loss of taxpayer dollars, and can be detrimental to the recipients themselves and II) The statutory protections that were originally put in place to guard against abuse of SSI benefits are ineffective and the SSA has been extremely lax in enforcing against abuse. Below are the specific findings of our investigation.

Finding 1: Providing cash assistance to illegal drug abusers and alcoholics invites abuse and rewards addiction

During our investigation, the staff heard repeated accounts of abuse of the SSI program by drug addicts and alcoholics. A recurring theme expressed by state disability determination services personnel, administrative law judges, and social services representatives is that the "word on the street" among illegal drug users is that SSI is an "easy source of cash" to fund their illegal drug use, alcohol consumption, and other substance abuse. This perception of the SSI and DI programs was shared by those who work with drug and alcohol abusers in homeless shelters, as well as intake workers and administrative law judges who hear appeals of Social Security disability cases. For example:

The director of a homeless shelter in Denver told staff investigators that SSI is, in effect "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for follow-up or treatment. He maintains that the first day of every month is considered "Christmas Day" by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.

An individual who works with drug abusers and alcoholics compared the policy of giving addicts cash to "giving someone on disability because of cancer a monthly injection of cancer cells."

A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about "99.5 per cent" SSI recipients. He indicated that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming." He went on to note that those recipients who don't die from their untreated drug use supported by SSI payments become more and more disabled, thus needing benefits even longer.

In San Francisco, a drug addict used his disability benefits to buy high grade drugs, diluted these into small doses, and realized huge profits by reselling them on the street.

In interviews with staff investigators, several administrative law judges who handle disability cases strongly opposed providing cash payments to drug and alcohol abusers. The ALJ's cited examples in which the claimants openly admitted to the ALJ at a hearing that he or she continued to use drugs, and the ALJ had no doubt whatsoever that the disability payments would be used to buy more drugs or alcohol.

In the course of our investigation, we heard several allegations that the current disability process has spawned a "cottage industry" of clinics, attorney representatives, and doctors who help abusers get on the disability rolls. Recently, in Los Angeles, for example, individuals have been indicted for allegedly defrauding the SSI program of $45,000 through feigning mental illness to become eligible for SSI. This scheme was allegedly perpetrated by an individual who served as a representative payee and shared the proceeds of the SSI benefits, as well as a physician who allegedly falsified medical diagnoses for SSI claimants. While this case did not directly involve substance abuse, it points out the opportunities to manipulate the SSI system, particularly with respect to mental impairments and substance abuse cases.

The staff also heard allegations of attorneys who help claimants receive benefits by coaching them on how to answer questions so they will be diagnosed as substance abusers and therefore become eligible for disability benefits. Since some states, e.g., Illinois, pay attorneys amount up to one-fourth of the claimant's annual SSI benefit for getting a claimant off the state welfare rolls and onto SSI, there may a financial incentive for manipulating the system.

As a result of our investigation, we conclude that the policy of providing cash assistance to drug addicts and alcoholics, when coupled with the longstanding failure of the SSA to monitor and enforce requirements that individuals with these disabilities receive treatment, unwisely rewards individuals for, and indeed perpetuates, drug and alcohol addiction. We endorse the findings made by the HHS Office of Inspector General that "while recipients classified as DA&A are eligible for SSI benefits, as a condition of receiving those benefits they must seek treatment that, if successful, would make them no longer eligible for benefits. The outcome may ultimately reduce their incentive to cooperate with the requirements and participate in rehabilitation." Since it is widely known among drug abusers and alcoholics that the treatment requirements of the disability program are rarely enforced, the message we are sending to substance abusers is that the Social Security program will continue to pay them money as long as they prove they are still addicted.

Finding 2: Payment of lump sum disability benefits to substance abusers is detrimental to claimants and further undermines recovery

A major problem revealed in our investigation is the problem of lump sum back benefits paid to SSI and DI recipients. Since it frequently takes a year or longer to be awarded benefits for SSI and DI, and, because benefits are retroactive to the date of the initial application, lump sums as high as $15,000 to $20,000 can be awarded to substance abusers. Despite requirements that recipients classified as DA&A have representative payees receive these lump sum monies on their behalf, the minority staff received disturbing evidence that these lump sums are often used immediately to buy more drugs or alcohol, with life-threatening or even fatal consequences for the claimant. For example:

In Bakersfield, California, an SSI applicant alleging drug addiction was found disabled and then died of a lethal drug overdose purchased with thousands of dollars of unrestricted retroactive benefits.

An alcoholic in Van Nuys, California, was awarded lump sum benefits of $26,000 from SSI and DI and additional VA benefits. He purchased 2 cars and a van with the payment. He then went on a drinking binge with friends and wrecked the cars, seriously injuring himself. He was admitted into the VA hospital. All of the benefit money was spent.

An individual from California was awarded SSI and DI benefits for a physical impairment and a history of alcohol abuse. He was also awarded retroactive benefits in the amount of $18,000. He was able to receive the check and proceeded to go on a drinking binge and purchased a car. In the course of this binge, he was robbed, became involved in a drunk driving accident and was ultimately jailed.

Recently, another California SSI and DI recipient with a history of drug abuse was awarded retroactive benefits in the amount of $19,000. He went directly to Las Vegas and proceeded to purchase cocaine, using up all of his money. He is still in Las Vegas, where he faces the possibility of jail time for bad checks.

Finding 3. Social Security benefits are being paid to recipients who are engaging in illegal activity

The minority staff's investigation revealed that several administrative law judges and representatives of state disability offices view their mandate to pay Social Security benefits to individuals who admit to using illegal drugs as placing them in the untenable position of having knowledge of an on-going criminal activity (i.e., on-going illegal drug use and/or dealing illegal drugs), yet being required to approve benefits on the grounds of this activity. An ALJ who has heard thousands of Social Security disability cases summarized the dilemma that the current law poses for an ALJ. While strongly emphasizing that he would apply current law in all cases coming before him, he pointed out in a recent letter to Senator Cohen that:

> In most of the drug cases I've heard, I ask how much the claimant uses per day and the cost. This is usually several hundred dollars per day. My next question is how do they get the money. The answer is most cases, is they are dealing drugs themselves to support their habit. We should not be spending taxpayers' money to support illegal activities.
>
> This is a morally repugnant situation and it places the judge in an unnecessary dilemma. I suspect that many judges are forced to use some very tortured and creative rationale in deciding these cases. A further moral problem for the judge is—what can he do with this knowledge of illegal activity? These are not public proceedings and are therefore covered by the Privacy Act.
>
> I do not believe we should be placed in this position. I feel that, as a matter of policy, il-

legal drug addiction should be removed as an impairment from the disability program. We should not be involved in giving even the appearance of financing or condoning such egregious illegal activity.

Similarly, another ALJ wrote to Senator Cohen the following statement:

"I have had an opportunity to frequently speak with SSA judges in various parts of this country. Based upon these contacts, I can state without reservation that the handling of drug and alcohol cases is the most perplexing issue that faces our judges. On the one hand, the judge is confronted with the law which requires that an individual with this addiction be found entitled to benefits if the requisite elements of the law are satisfied. On the other hand, the judge is confronted with the knowledge that the recipient (rep payee) of cash benefits may provide the person with the funds to feed the addiction and exacerbate the medical impairment. The only salvation for the judge is to hope that the person seeks meaningful treatment and that a responsible representative payee is appointed to conserve the person's cash benefits."

Unfortunately, our investigation's findings on how poorly the treatment and representative payee requirements of the law are being implemented lead us to conclude that this and other ALJ's hopes for such meaningful treatment are not realized in the vast majority of disability substance abuse cases.

Finding 4: DI and SSI benefits have been awarded even when there was direct evidence that the recipient was dealing drugs or actively engaged in criminal activity to support drug addiction

The 7th Circuit Court of Appeals recently upheld the denial of SSI benefits on the grounds that illegal activity can constitute substantial gainful activity for purposes of denying SSI payments. Specifically, in Dotson v Shalala, 1 F.3d 571 (7th Cir. 1993), the court found that while the mere fact that a claimant has a severe and expensive drug habit does not by itself warrant a finding that he or she is engaging in substantial gainful activity, testimony indicating that the claimant is engaged in illegal activities (such as drug dealing or theft) to sustain his or her addiction can constitute substantial gainful activity. In January, 1994, the SSA issued a ruling on this decision, which SSA indicated does not have the force of law or regulation, but is binding on all components of the SSA.

Despite this SSA ruling, however, other courts have found that active drug dealing is not enough to deny disability benefits. The 9th Circuit Court of Appeals ruled this month, for example, that a heroin addict who sold drugs to support his habit, could not be denied benefits due to this illegal activity. This inconsistency in federal court rulings is very disturbing and allows claimants in some areas of the country to legally receive benefits while dealing drugs.

We conclude that allowing benefits to those actively engaged in illegal activities to support their addiction should be specifically prohibited by Congress in order to stop federal dollars from going to claimants who are blatantly engaging in criminal activity.

Finding 5: The current practice of providing cash disability payments to substance abusers and lax oversight of the program by the Social Security Administration impedes efforts to combat crime, reform the welfare system and reform the health care system

Our staff investigation concludes that major policy concerns are raised by the combination of providing cash disability payments to substance abusers and the lax enforcement by SSA of protections imposed on these recipients by the social Security Act.

Failure to address these deficiencies in the DI and SSI programs impedes efforts to address three of the major issues now facing Congress and the nation as a whole: crime, the need for welfare reform, and health care reform.

The Bureau of Justice Statistics estimates that the economic costs of drug abuse in the form of health care costs, work force costs, and law enforcement costs, are between $60 billion and $124 billion for 1988. Using taxpayer dollars and Social Security Trust Fund money to support the addictions of illegal drug users with few controls on how these funds are being used is reckless in light of these costs of drug abuse to our economy and our society.

Finding 6: Congress made substance abuse treatment a condition of receiving benefits, but this requirement has failed to work

Recognizing that providing a cash benefit to drug addicts and alcoholics would likely result in the problem of addicts using these payments to support their addiction or alcoholism, Congress placed two restrictions on SSI benefits: 1) treatment for substance abuse and 2) benefits would be paid to a representative payee. Specifically, Congress required in Section 1611(e)(3)(A) of the Social Security Act that "no individual shall be an eligible individual or spouse for purposes of this title with respect to any month if such individual is medically determined to be a drug addict or an alcoholic unless such individual is undergoing any treatment that may be appropriate for his condition as a drug addict or alcoholic at an institution or facility approved for purposes of this paragraph by the Secretary (as long as treatment is available) and demonstrates that he is complying with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under subparagraph (B). In addition, Section 1631(a)(2)(A) of the Social Security Act provides that "in the case of any individual or eligible spouse referred in Section 1611(e)(3)(A), such payments shall be made * * * to another individual, or an organization, with respect to whom the requirements or subparagraph (B) have been met for the use and benefit of such individual or eligible spouse.

Our investigation found two specific problems that impede the effectiveness of these restrictions on payment of benefits to substance abusers.

First, protections on payment of disability benefits to substance abusers do not exist in the Social Security Disability Insurance Program. Thus leaving up to $380 million in annual benefits exposed to abuse.

Individuals receiving SSI (Title XVI) whose addiction and alcoholism are material to the finding of their disability, are required to receive treatment and have a third party representative payee. These requirements for treatment and the mandatory representative payee provision, however, extend *only* to SSI recipients, and do not extend to the Social Security Disability Insurance program (Title II). Even though the medical standards for qualifying for the SSI and DI program are identical, drug addicts and alcoholics who qualify for DI do not have to enroll in treatment or receive their benefits through a representative payee.

During our investigation, we heard examples of how some substance abusers use this difference in the two programs to circumvent the treatment and representative payee requirements. Social Security ALJs have cited instances, for example, in which individuals who have concurrent applications in both programs drop their applications in the SSI program once they learn that they are required to have representative payees and enroll in treatment programs.

According to GAO an estimated 50,000 substance abusers are on the DI rolls and received approximately $380 million in benefits in 1993. Our investigation concludes that the absence of any treatment requirement or safeguards to prevent benefits from being used to buy drugs or alcohol is totally unacceptable and exposes these $380 million in benefits to substantial abuse.

Second, under-reporting and the system used by SSA to classify addicts and alcoholics are disguising the size of problem.

According to the GAO's preliminary findings, the number of identified DA&As has tripled between 1990 and 1993—from 23,455 to 69,419. While this number alone is a significant increase, the GAO also found that the number of recipients classified by SSA as DA&As was understated in 1993 by approximately 11 percent. This understatement may be explained by faulty coding or human error.

Based on our investigation and GAO's findings, we conclude that far more DI and SSI recipients are substance abusers than SSA's figures suggest. In addition to coding problems, the SSI program does not classify individuals who have alcoholism or addiction as a secondary impairment as formal DA&As. In other words, addicts and alcoholics who have other impairments which are independent of their addiction, and whose addiction is not material to the finding of their disability, are not considered DA&As and are not required to seek treatment or have a representative payee.

For example, a recipient with a severe physical impairment as his primary disability may also be a drug addict, but this individual would not be classified as a DA&A by the Social Security Administration. The effect of this distinction is that SSI payments are being made to a large class of drug and alcohol abusers who are not required to go to treatment or have representative payees. This agency policy is contrary to the language of the Social Security Act which provides that the treatment and representative payee requirements should apply to all disability recipients who are addicts or alcoholics, and not only to those whose addiction is material to the finding of disability.

The GAO has estimated that the total number of drug addicts and alcoholics now in the DI and SSI programs is 250,000 (i.e., those with substance abuse as either a primary or secondary impairment), and that the total disability benefits paid to these recipients in 1993 were $1.4 billion. However, only 31 percent of these 250,000 were subject to the representative payee and treatment requirements. These gaps and inconsistencies in applying treatment and representative payee requirements can result in significant risk of abuse in the programs.

Specifically: Over 172,000 substance abusers are in these two Social Security programs, but are not subject to treatment or payment safeguards. In effect, no one is checking to determine how the $1.1 billion in benefits paid to these substance abusers are being spent.

Finding 7: The representative payee system is not working to protect against abuse of payments to substance abusers

The "representative payee" is a responsible third party who assists in managing the funds of a substance abuser to ensure that SSI monies are not used for drugs or alcohol. In most cases, family members or friends of the addict or alcoholic will function as the representative payee. In December, 1993, the GAO reported to minority staff that almost all of the SSI cases classified as DA&As had been assigned representative payees to handle their benefits (99.6%). GAO did not, however, assess the quality and willingness of these representative payees to serve.

According to recent reports of the Inspector General (IG) of Health and Human Services (HHS), problems continue to exist in the representative payee system. In January, 1992, for example, the IG found that SSA district offices viewed the representative payee system as a major problem, and that it is difficult to find someone to serve as a representative payee, "particularly for individuals with drug or alcohol problems." Similarly, homeless shelter representatives recommended that SSI payments should be sent to housing providers or treatment programs, instead of individuals themselves.

During our investigation, we repeatedly heard that the representative payee system is not working well in DA&A cases. For example, one Social Security ALJ in Chicago relayed the story of requesting an addict's mother to serve as the representative payee for her son. Her response was "please do not give me that cross to bear." She was afraid of the physical abuse that she and other family members would experience from her drug addicted son if she had to manage his monies. Often this fear of abuse results in the family member relinquishing the funds to the addict.

Our investigation also revealed reports of representative payees who are addicts themselves. For example, in 1992, Bakersfield, California police arrested a drug addict and found that in addition to a stash of heroin, she had more than $8,000 in cash—the proceeds of a check sent to her by the SSA for SSI benefits. The $8,000 came from a lump-sum payment of benefits awarded by Social Security to the addict from the time she applied until she was awarded benefits. Her representative payee was a friend who was also arrested for heroin possession and use.

Our staff investigation also received many reports that liquor store operators and bartenders have been approved by the SSA to serve as the representative payees. For example, staff received information that it was common knowledge "on the street" that the owner of a liquor store in Denver has functioned as the representative payee for over 40 SSI recipients.

In the Omnibus Budget Reconciliation Act of 1990, Congress included changes in the representative payee provisions to strengthen the monitoring and selection of individuals applying as representative payees. Despite the implementation of these provisions, reports of representative payee abuses persist. For example, a Social Security spokesperson in California, which along with Illinois has over half of all DA&As in the country, stated as recently as January, 1994, that "quality payees are one of the biggest problems we have in the Market Street corridor. If a liquor store owner is the recipient's only friend, often the liquor store owner will end up being the payee."

Finding 8: SSA has failed to effectively enforce the statutory requirement that substance abusers receive treatment

Another statutory protection on payment of disability benefits is that recipients classified as DA&As must, as a condition of receiving benefits, receive treatment from an approved SSA facility. To enforce the treatment requirement on DA&As, the SSA has entered into agreements with state agencies (i.e. state vocational rehabilitation agencies) or private firms to refer DA&As to treatment facilities and monitor DA&As on a regular basis to ensure compliance with the law. These agencies are known as "Referral Monitoring Agencies" (RMSs). In states without RMAs the responsibility for monitoring compliance with treatment remains with the SSA offices.

Our staff investigation concludes that for well over a decade, the SSA has failed to give adequate priority to the statutory requirement that DA&As receive treatment. Despite a tripling of the numbers of DA&As receiving benefits from 1990 to 1993, the SSA had established RMA's for only 18 states as of August 1993. (Only three of these were added during this tripling of the rolls.) Thirty-two states and Washington, D.C. had no RMAs to monitor the treatment requirement and 26 states have never had an RMA agreement or contract. The GAO further found that the RMAs that did exist as of August, 1993, actually monitored just over half of the DA&As in the states with RMAs.

On January 18, 1994 the Social Security Administration awarded an RMA contact to Maximus, Inc. of McLean, Virginia, which included 29 additional states and the District of Columbia. Maine, Massachusetts, Louisiana, Indiana, Oregon, North Carolina, and New Mexico do not have an RMA.

The Director of Maine's Disability Determination Services wrote in a letter to Senator Cohen that "There has never been a referral and monitoring agency in the State of Maine. Although certain proposals have been written in response to requests for proposals by the Social Security Administration, none of the proposals have been accepted. It is unfortunate that we are now in the position of providing great sums of money to persons addicted to alcohol and or drugs only to have the money used to support their addiction."

Finding 9: Monitoring of treatment has been a very low priority of the SSA in those states without approved treatment facilities

In those states without a referral and monitoring agency in place, the responsibility for monitoring treatment compliance falls to the SSA regional offices. The Inspector General has reported that DA&A's in those states without monitoring agencies are less likely to comply with treatment requirements. The IG reported cases of field offices that advised the recipients of the requirement to get treatment, but that the recipient is then "left on his own to get treatment and no one knows whether they actually go to treatment." The IG concluded that when this occurs, the DA&As are receiving benefits without any real effort at rehabilitation, which is directly in conflict with Congressional intent.

Based on the findings of the IG, as well as information from regional offices and disability representatives, we conclude that the SSA regional offices give the treatment and monitoring requirements of the Social Security Act very low priority, thereby exposing SSI funds to substantial abuse.

Finding 10: Even when the SSA has monitored SSI recipients who are substance abusers, less than half of those monitored were actually in treatment

Based on SSA data, the GAO found that the actual percentage of substance abusers in treatment programs in those states with referral and monitoring agencies in place was only 49 per cent of the cases monitored. Of the remaining 51 per cent, only 11 per cent were in the referral process and 37 per cent were awaiting referral.

In FY 1993, only 15,700 of the approximately 78,000 total DA&A SSI recipients were in treatment. Therefore, 62,300 recipients, or almost 80 per cent were not receiving treatment, but yet were still eligible for monthly benefits. Because SSA does not keep data on the number of individual recipients who have sought treatment but have been unable to find appropriate treatment, we are unable to conclude whether the high percentage of DA&As not receiving treatment is due to lack of treatment facilities or other reasons. The fact that these individuals have been able to remain in pay status is, however, in direct conflict with the purpose of the rehabilitation requirement provided for by Congress.

While much of the discussion in this report focuses on the effects that these poor treatment policies have on the U.S. Treasury, the failure to provide treatment is, of course, most detrimental to the substance abusers themselves. The effect of our current DI and SSI practices is to fuel addiction for many claimants, and to provide little meaningful incentive for treatment.

One ALJ interviewed during the course of his investigation summed up the current situation as "obscene to make these individuals take two years out of their lives to go through the disability process to prove they are disabled in order to get treatment. No one wants to throw them overboard—but don't make them wait for two years to get help."

Finding 11: The lack of continuing disability reviews (CDRs) in both programs results in ineligible persons remaining on the rolls

The Social Security Administration is required by law (P.L. 96-265) to periodically review the status of all DI beneficiaries to determine their continuing eligibility for benefits. At least once every 3 years, SSA must conduct CDRs for cases where medical improvement is either possible or expected. The law does not require SSA to review SSI cases, but the Commissioner of SSA has authority to review SSI cases where potential for medical improvement exists. Despite this authority, the SSA conducts fewer than 15,000 CDR's in the SSI program each year.

Failure to conduct CDRs results in the SSA continuing to pay benefits to individuals who no longer qualify for benefits. In March, 1993, Jane L. Ross, Associate Director for Income Security Issues, GAO, testified before Congress that the "SSA has performed about half of the 2.2 million CDRs required by law. By not performing CDRs required in fiscal years 1990 through 1993, according to SSA's Office of the Actuary, the trust funds will lose about $1.4 billion by the end of 1997 in unnecessary payments to persons who such reviews would identify as having medically recovered from their disabilities."

Our investigation concludes that the failure of the SSA to conduct continuing disability reviews on substance abusers can result in significant losses to taxpayers.

The failure to perform CDRs, coupled with the lax enforcement of the treatment and representative payee requirements, renders the SSA incapable of identifying drug addicts and alcoholics who are no longer eligible for disability benefits. In light of the fact that the Social Security Disability Trust Fund is expected to be depleted in 1995 and Congress will be asked to reallocate a portion of the Old Age and Survivors' Insurance Payroll tax to the Disability Insurance Trust

Fund to address the immediate financial shortfall of the Disability Insurance Fund, this laxity in monitoring and enforcing disability payments to substance abusers should raise significant concern to taxpayers, retirees, and Congress.

Recommendations

Congress should review the following options to remedy the problems that exist in the payment of disability benefits to substance abusers and alcoholics:

Discontinue cash assistance to substance abusers, since evidence suggests that these payments are being used to subsidize addiction. In lieu of cash payments, benefits could be provided in the form of housing vouchers, food stamps, or direct payments solely to treatment programs. Due to recent and increasing reports of fraudulent activity in the food stamp program, Congress must investigate new security-enhanced measures in safeguarding these vouchers.

Distinguish between legal and illegal substance abuse and discontinue eligibility for individuals whose illegal drug use is material to the finding of disability. Savings realized from cessation of benefits could be redirected to substance abuse treatment programs.

Prohibit back lump sum payments to substance abusers. Such payments could be held in trust for the recipient and be contingent upon receiving treatment.

If benefits continue to be available to substance abusers, Congress should extend the protections of Title XVI (SSI) to the DI (Title II) Program and apply these requirements to all recipients who are diagnosed as substance abusers (as both primary and secondary impairments). In determining whether to extend these regulations, Congress should explore whether appropriate treatment facilities and qualified representative payees are available to meet the needs of this growing disability population.

Consider requiring addicts and alcoholics to enroll in a rehabilitation program before receiving disability benefits.

Clarify that income earned from illegal activity constitutes a substantial gainful activity, and therefore is a basis for denying disability benefits.

Require the SSA to conduct continuing disability reviews in the SSI program.

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, February 10, 1994.

Hon. WILLIAM S. COHEN,
U.S. Senate, Senate Hart Building,
Washington, DC.

DEAR SENATOR COHEN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), we support your amendment to H.R. 3759, the Emergency Supplemental appropriations bill. The amendment you offer will be the first step in reducing the abuses of the Supplemental Security Income (SSI) program.

It is inexcusable to provide drug addicts and alcoholics with federal funds to buy illegal drugs and alcohol. To date, more than $1.4 billion has been spent to fund destructive behavior and American taxpayers are footing the bill.

It is time for Congress to recognize that SSI is hurting, not serving, the people it was designed to help. You can be assured that CCAGW will do whatever we can to end the abuses of SSI.

Sincerely,

TOM SCHATZ.

Mr. DOLE. Madam President, I commend Senator COHEN for his amendment that will help remedy a serious problem with our Social Security Disability Insurance and Supplemental Security Income Programs.

I believe we can all agree that these Federal programs serve an important and valuable purpose by providing essential financial protection for many people who are unable to work. But I find it unbelievable and unacceptable that the rules which govern these programs have become so bent that income from selling drugs cannot be counted in deciding whether someone is eligible for benefits, or that substance abusers who engage in criminal activities to support their habits are even allowed benefits.

The Federal Government should not, in any shape or form, subsidize drug addiction or alcoholism. This amendment will make that less likely. And we are doing persons with a substance abuse problem no favor by making it easier for them to continue their addictions.

Madam President, disability is not a blanket excuse for illegal behavior. When we passed the Americans With Disabilities Act in 1990, we determined that full participation would be our national policy for people with disabilities. If that policy means anything, it must mean they have the same responsibilities as other Americans—and that includes obeying the law.

Senator COHEN has also identified other important problems with these disability programs. There is a lack of effective controls over how benefits are spent, and they are sometimes used to buy drugs or alcohol. The Social Security Administration has apparently failed to fully enforce a Federal mandate that substance abusers obtain treatment as a condition of receiving benefits. I look forward to working with Senator COHEN on other legislation to correct these problems as well.

Madam President, we cannot be reminded too often that when we tax the American people, we also make them a promise—that we will use their money wisely and properly. I am afraid too often that promise is only honored in the breach. This amendment is a small, overdue step in keeping faith with the American people.

Mr. COHEN. Madam President, I discussed this amendment with my good friend from Hawaii. I believe the amendment is acceptable and would require no further activity on our part.

I urge its adoption.

Mr. INOUYE. Madam President, the Social Security Administration indicates that the administration finds it a bit difficult to administer this provision because one matter has not been clarified.

Does this person have to be convicted before it is considered he is participating in a criminal activity ?

Mr. COHEN. The answer is "no." There will not have to be a conviction. What is taking place today under current regulations is that the administrative law judges, who carry out Social Security Administration regulations, will have individuals who are claiming eligibility for benefits come before them. They will ask them: Are you still abusing drugs, or alcohol? The answer is usually yes. They will then ask: How do you support this? The claimant will usually volunteer that he or she is engaging in illegal activity. That admission will be sufficient under this amendment to stop the flow of disability benefits. It does not require a conviction as such. If the SSA has evidence demonstrating that the claimant continues to engage in illegal behavior in order to support a habit, that would constitute gainful employment within the meaning of the act.

Mr. INOUYE. Madam President, although the managers realize that this is legislation on an appropriations bill, and it is a measure that should be before the Finance Committee, we have been advised by the chairman of that committee, the distinguished Senator from New York, that he will not oppose this amendment.

Accordingly, I believe I speak for the managers in accepting this amendment. We will take it to conference.

Mr. COHEN. I thank the chairman.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1455) was agreed to.

Mr. COHEN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mrs. BOXER. Madam President, I rise today to bring us back to what I believe is the purpose of the bill that is before us.

I spent 10 very proud years over in the House of Representatives and 6 very proud years in local government, and I am starting my second very proud year in the U.S. Senate. I am most honored to be part of this body. When I came to the Senate, some of my colleagues said you are going to be very surprised when you get to the Senate, because you are going to be taking up a bill and suddenly there are going to be amendments offered that really have nothing to do with the bill at hand, and you are going to wonder what is happening.

I had a year here and I saw a lot of that go on. But, Madam President, I really did hope and I really did think that when we had a travesty such as the one that we had in southern California—a 6.8 Richter scale earthquake, with the power and energy release of millions of NASA space shuttles all at once, thrusting people out of their sleeping beds, crushing people, hospitals destroyed, schools destroyed, homes destroyed, dreams destroyed, children frightened—I really hoped that we could move quickly on a response.

I must say the fact that we have this bill in front of us is attribute to this Senate Appropriations Committee, on which the chair serves, and you are able in that committee to bring out a bill that addresses these problems, and you beat back amendments that you felt were extraneous to some of these emergencies that we find ourselves in.

It is not just the earthquake, as you know. There are funds in there to pick up the pieces from the Midwest floods and other funds that are truly dire emergencies.

I want to look at the title of the bill that is before us today, Madam President, the Emergency Supplemental Appropriations Act. Let us examine that title.

"Emergency." I define that as an unexpected crisis.

"Supplemental." I define that as extra.

"Appropriations." I define that as spending.

"Act." I define that as legislation.

So it is the Emergency Supplemental Appropriations Act that is before us; not the Budget Act, not the Armed Services bill, not a Finance Committee jurisdictional issue dealing with drugs, or Social Security, but legislation is before us to provide extra spending for an unexpected crisis.

We know we had those crises in this country. There is not an American among us in this country who is alive today who has a pulse beat, who has access to a radio or to television or to a newspapers or to a friend, there is not an American who does not know that we have gone through some horrible natural disasters in our country.

We did not want them. We did not ask for them. We pray we never have them again. We have seen too many of them from Hawaii to the Midwest to California, to the frosts on the east coast where, I might point out, more people died in those frosts than died in the earthquake. So we have our share of these disasters all through this country.

I remember so well when the State of Washington had a volcanic eruption. I was over in the House at that time. We all pulled together for the good of our country men and women, for our families.

I have to say, Madam President, when I sat through the debate yesterday, the Senator from Nebraska, in all sincerity, said, "I don't want to hold up the supplemental bill. I want to get the help to the people in the Midwest and to California. Believe me," he said to me, "you are my friend, you are my colleague, I don't want to do that." And I believe him.

But he said he had no other chance to bring up these budget cuts. Well, I have been around here for a long time in the Congress and I want to assure my colleagues that they will have every opportunity.

Madam President, you just came from the Budget Committee. We have had 3 solid days of hearings. We have had Mr. Panetta in front of us, the OMB Director; today, Laura Tyson from the Council of Economic Advisers is before us. We had the Treasury Secretary before us. They are presenting us with the facts about our budgetary situation, and some of those facts are encouraging. But, yes, more needs to be done.

But I say to my colleagues, please remember what is before us today—the emergency supplemental appropriations bill— and let us keep our eye on what we are supposed to be doing here.

I must say, I heard some cynical comments made on this floor that I really felt were low blows to many of us here, comments that said, "Oh, well, the only reason you do not want to debate these amendments that deal with the budget is you want to get out of here, you want to go home."

Well, listen, I am willing to stay here, Madam President, as long as it takes to get this bill done. I want to say that very clearly. That is our job.

Do I want to go and be with my family? Yes. But do I understand my responsibility and the responsibility of all of us to act on this bill? Yes.

And I am very proud that our majority leader, GEORGE MITCHELL, was very clear and plain when he said, "We will stay here until this is done."

So it is not because I want to go home with my family that I urge my colleagues to please do not offer these amendments that deal with budgets and deficits. It is because I know they will have every opportunity to deal with those.

I chose to go on the Budget Committee, Madam President. A lot of people did not want to go on. I wanted to go on because I agree that the deficit crisis has to be addressed and has to be addressed very wisely and very appropriately, with just the right mix, just the right mix, of spending and deficit reduction. Because if we do too much of one or the other, we throw off this fragile recovery—and we are in a recovery.

My State is lagging behind. So of anyone in this body who wants us to do right by this economy, who wants us to reduce the deficit so we can keep interest rates low, so we can keep having our people refinance their mortgages, so we can have small business get past the credit crunch and expand, it is this Senator. And I know I speak for Senator FEINSTEIN, as well. We are deeply concerned about the economy of this country and keeping it on course and making sure we have that right balance. Both of us supported the President's deficit reduction bill and we are proud that we did because it is bearing fruit. And we will work even harder to cut out unnecessary spending—spending that does not make sense—and concentrate on investments that do make sense so that California will get on track.

But, Madam President, again, I bring us back to this bill, the Emergency Supplemental Appropriations Act.

Here are a couple of pictures, in case people have forgotten why we are here today. Here is a freeway that broke in half.

Madam President, we have freeways that carry more cars per day than any other freeways in the world. And FEMA is running out of money. In 8 days, now 7, they will be out of money. And that just does not hurt my people. That hurts everyone in the country. Because if FEMA cannot act quickly in the next emergency, where will we be then? And will we come back and have more of this debate about other issues? I would hope not.

But the cynicism that I heard on the floor disturbed me greatly—disturbed me greatly.

A comment was made, "Oh, when we have a crisis, we pull together and it is so easy for us to spend when we have a crisis and we come together like Republicans and Democrats and we spend money in a crisis."

That was a statement from one of my colleagues that I am paraphrasing.

I find that really cynical. If we do not pull together in a crisis in this country, whether here or abroad, what use are we? What use are we? We might as well pack up and forget it. Because the point of the Federal Government, and the reason I am so proud to be here, is to stand up in a crisis, whether it is in Los Angeles or it is in Honolulu or it is in Seattle or it is in Nebraska. That is why I am here.

The rest of it is important, but nothing can be more important than relieving the pain of the people in this country who get caught in a disaster who have never, ever, ever asked for one thing from their Government.

So I stand here today—I did not expect to speak—but I stand here today to appeal to my colleagues: Please. We have much time, much time to debate this budget. I look forward to it. I have my ideas how to cut billions out of this Government that do not make sense to me. But this is not the time or the place.

The Senator from Hawaii, who is managing the bill this morning, spent 20 eloquent minutes rebutting an amendment that deals with cuts in the armed services.

Again, that is a debate that has to take place. But as the Senator said, we have time to do that, through the budget process, through the defense authorization bill. We have Senator NUNN who will lead that debate. I will be a spirited participant in it, as will the Senator from Hawaii, when it comes to appropriations.

So, Madam President, I will close with this. I do not want to have to bring out these pictures to remind people of why we are here, why we are taking up this bill. But I am going to do it throughout the day, to be frank with you, if I feel we need to get back to the point. I hope our colleagues, if they do have amendments, will come and present them. But I do hope they will be relevant to this emergency supplemental appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I wish to commend my dear friend from California for returning us to reality. We are here to appropriate moneys to provide extraordinary relief, extraordinary assistance to those thousands of citizens of California who, not because of their shortcomings or faults, have suffered irreparable damage. That is why we are here.

As the Senator has pointed out, we will be debating the defense budget. We will be debating the defense authorization bill. We will be debating the defense appropriations bill. We will be debating all the conference reports. We will have numerous opportunities to debate these issues that we have been spending time on. This measure should have been passed yesterday and gone into conference last night and we should be here adopting the conference report. That is the least we can do for our fellow citizens.

Instead, we are wasting our time when we know we have time awaiting us in the very near future to discuss these matters in an orderly and reasoned manner.

I, as a citizen of the United States, wish to apologize to the citizens of California. I wonder how they are feeling at this moment, watching us. They must be saying to themselves: I wonder if the Members of the Senate are aware of the pain.

Those of us who have been blessed and those of us who have never suffered from these catastrophic tragedies have no idea what goes through the psyche—the psyche of these people.

Just a few days ago I had a conference with several psychiatrists and psychologists who had gone to California to assist your people. I do not think it occurs to too many Americans it is not just the damage of the highway or the damage of the buildings. Imagine what goes through the minds of children. For the rest of their lives they will have nightmares. And this is the assistance we are trying to provide, to ease their minds. I hope my colleagues will return here soon to bring up their amendments, if they do have any, and let us get on with the business—the business of providing extraordinary assistance, extraordinary aid to the devastated people of California.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my colleague. It gets kind of lonely when you know the bill is so necessary for your State. I know the Senator from Hawaii had that lonely feeling when his communities suffered from hurricanes. This is a time when we should blur those arbitrary lines that divide us and pull together. We should do it with good will.

I want to say to the Senator from Hawaii, the face that haunts me every time I stand up here and talk about the earthquake is that of a little child. I guess he was about 9 years old. You know how children always have a sparkle in their eye, no matter what? There was no sparkle in this young man's eye. I remember his looking at me and saying, "Will you fix it?"

And I took him around. He was standing behind the yellow banner that they had set up. The President had come through just before. The President was way down, and I stayed behind to chat with this young man.

I put my arm around him and I said, "We are going to fix it."

He said, "Are you going to fix my school? I cannot go back to my school."

We are going to fix it.

Madam President, we thank God that earthquake, when it hit, hit at 4:30 in the morning. Because I have reports now from James Lee Witt, FEMA Director, of the condition of some of those 150 schools that need our assistance and will get our assistance with these funds today. We will pay 90 percent of those rebuilds.

Fluorescent lights fell right over all the desks where those children would have been sitting. Everything was strewn all over where those children would have been sitting. And the Senator from Hawaii is right, even though the children were not sitting there, they are smart enough to know, where their school is closed, the kind of danger this quake presented. They need help, these children. We need to rebuild these schools.

The first day of the quake, 800,000 children were out of school. Two days later, 250,000 were still out of school. Hospitals are closing. Needed hospital beds in Santa Monica are shut down now. They do not know when they will have them back—400 beds. If you know anything about the area, you know that is a huge area. If you are sick you cannot afford to be transported across town, because it could take too long a time.

Madam President, I do not see too many colleagues on the floor here today. I understand there are a great number of amendments that have been listed. I ask my friend from Hawaii, how many amendments is he aware of that have been proposed to this bill?

Mr. INOUYE. We have 5 amendments awaiting votes at this moment. In addition to that, I believe there are about 10 more to be considered and debated. If we are fortunate, we may finish by midnight, in the midst of the sleet storm.

Madam President, I came to my office this morning, prepared to spend the night here—like many of us. I think we should all assume we will spend the night here. Because that is the least we can do for your people.

Mrs. BOXER. I thank the Senator very, very much for answering my question. A lot of my people did not have a roof over their heads for several nights. A lot of children were sleeping under tents. And we are here debating the budget.

I believe it is very important for us to work on that task force and find out a better way to handle these emergency situations. I do not want to see the deficit go up every time there is a crisis, be it in California, or Arizona, or Washington, or Hawaii, or Oregon, or New York, or Florida. I would like to see us have a disaster fund that is set up and ready to go. The Senator from Alaska yesterday put out an idea of a checkoff. There are many other ideas. We have to face this problem, and I want to face this problem. But I say again to my friends in this Chamber who have been, individually, so kind to me and to Senator FEINSTEIN, expressing their concern, that we cannot in the middle of a crisis, when money is going to run out in 7 days, when we have 26,000 homes that have been red tagged or yellow tagged, just in the city of Los Angeles—that does not include the many other cities like Santa Monica and Santa Clara and other cities around there. Red tagged or yellow tagged means they are dangerous. A red-tagged home you cannot go back in, and a yellow-tagged home you probably should not. There are 26,000 whose lives are uprooted just in the city and county of Los Angeles.

This is not a partisan issue. Mayor Riordan, a Republican, needs our help. Governor Wilson, a Republican—former Senator, now Governor Wilson—needs our help. Senator FEINSTEIN and Senator BOXER ask for your help. This is a bipartisan crisis. We do not know how many Republicans or Democrats or Independents were hurt. We know people were hurt. We know children were hurt. We know families were hurt. We know that homes are down. We know that freeways are down. We know that small businesses have been imperiled and small business is the job creator. California was just coming out of this recession, and we need these dollars now, not only for our people and our businesses and our children and our economy and our sense that things are going to get better—and the Senator from Hawaii is correct. The anguish that people feel after these crises, the professionals call it post-traumatic stress, meaning stress that comes about after a crisis.

If the people today see us acting, I think it is going to be a very bright day in southern California, but if they see us continuing to argue about matters that truly to the common ordinary real person do not fit into the definition of an emergency supplemental appropriations bill, we are sending a very rough signal out there.

So I applaud my colleague from Hawaii for his remarks. I urge my colleagues, let us get on with this. If there are any differences in this bill—we know there are a couple of small differences even thus far—we could have a conference that could wind up being contentious. We want to avoid that. Please let us get on with this and let us save a lot of these important, important rescission conversations, deficit-cutting conversations, and amendments that are very important for the appropriate moment. And that moment, Madam President, you and I know well is upon us in the Budget Committee, in the Armed Services Committee, in every single committee on which we all serve.

I urge my colleagues to think about the children, think about the people and let us get on with this bill, get it to conference and do our job. I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that the pending business be set aside so that we may consider an amendment that will be submitted by the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise today to continue a many-year fight to question the manner in which we spend the taxpayers' money. The bill we are considering today is entitled the "Emergency Supplemental Appropriations" bill. I certainly understand the emergency needed to fund repairs due to the California earthquakes and to help rebuild peoples' lives. I am very concerned about the other non-emergency items in this bill added by the Congress or requested by the President.

I follow the news very carefully, but it comes as a great shock to me that the Los Angeles earthquake was felt all the way to Pennsylvania Station in New York. My colleagues and the American people might be interested to know that this emergency legislation includes $10 million to relocate the central Amtrak section of Pennsylvania Station to the James A. Farley Post Office in New York City. I know the San Andreas fault was big. I did not know it stretched quite so far.

In a way, this bill is about trains; it is about a gravy train that is on the track and, in Congress' typical fashion, we are going to see how many of the taxpayers we can take for a ride. More earmarks, more unnecessary pork, more of our congressional tricks of adding items which deserve debate and scrutiny onto a must-pass, virtually vital aid package. The Vice President in his report "Reinventing Government," stated:

> In Washington, we must work together to untangle the knots of red tape that prevent Government from serving the American people well. We must give Cabinet Secretaries, program directors, and line managers much greater authority to pursue their real purposes.

Vice President GORE also states:

> Congressional appropriations often come with hundreds of strings attached. The Interior Department found that language in its 1992 House-Senate conference committee report included some 2,120 directives, earmarks, instructions and prohibitions. As the Federal budget tightens, lawmakers request increasingly specific report language to protect activities in their districts. Indeed, 1993 was a record year for such requests.

Madam President, that comes from the Vice President of the United States. I repeat:

> As the Federal budget tightens, lawmakers request increasingly specific report language to protect activities in their districts. Indeed, 1993 was a record year for such requests.

It appears we are beginning this year with our goal being to beat last year's records. I am very disheartened to see we have heaped the trough with non-emergency items and in an attempt to only partially offset the spending with spending cuts, this bill ignores many of the rescission requests the President made.

The President had requested that many pork-laden programs be eliminated. This bill does not appear to do that. Madam President, this bill is ample proof that the process is broken. I have continually voiced that concern and sought to fix it. This bill, unfortunately, gives more credence to my argument.

I would like to inquire of the managers concerning some of the aspects of this bill, if they choose to respond to it.

First of all, I noted that in the supplemental appropriations for the fiscal year ending September 30, 1994, chapter 1: The committee recommends an additional $1.4 million for the extension service as proposed by the President. These funds would finance an integrated pest management project. The funding would support applied research to find alternative control methods for addressing the severe outbreak of a new blight fungus strain affecting potatoes.

I guess my question to either managers of the bill is why it is required in this supplemental to spend $1.4 million for an integrated pest management project?

On page 24, chapter 2, there is a rather curious aspect concerning the Office of the U.S. Trade Representative. The committee has provided an additional $75,000 for salaries and expenses requested to cover the mandatory costs to comply with a court order and resolve the requirements under the court case known as Armstrong versus Executive Office of the President.

In following pages, such as on page 29 of this legislation, there are further costs involved concerning Armstrong versus the Executive Office of the President in other parts of this bill.

On page 33, the committee provided an additional $5.3 million for salaries and expenses to cover the costs of complying with and resolving requirements resulting from Armstrong versus Executive Office of the President. There is an additional $5 million there, and I total it up to be about $13 million.

I wonder if the managers of the bill can tell me some of the details of the aspects of the $13 million cost associated with Armstrong versus Executive Office of the President.

Would either one of the managers of the bill care to respond at this time?

Mr. INOUYE. Madam President, if the Senator will yield.

Mr. MCCAIN. I will be glad to yield to the Senator from Hawaii.

Mr. INOUYE. Although the questions that have been propounded do not refer to the subcommittee that I am privileged to chair, as to the potatoes, if my recollection is correct, the moneys are considered supplemental and emergency because it relates to a special disease or blight on potatoes, and experts have suggested that if treatment is not provided at the earliest stage, we may have a devastating potato blight in the United States.

In the State of California, I just saw a documentary on blight in the vineyards where whole vineyards have been wiped out because of a certain blight of sort that has wiped out these cabernet sauvignon grapes. And in the same fashion I have been advised that potatoes are in danger of being wiped out.

Second, as to the measure in the Executive Office, I have been advised that because of the demands made upon the administration for information resulting from the Iran-Contra crisis, files have had to be restored, files that have been destroyed by some of the former occupants of the National Security Office. And in many ways the White House is responding to demands made by the courts and made by the Congress of the United States. These were files that were destroyed by the members of the National Security Office during the time of the Iran-Contra crisis.

Mr. MCCAIN. I appreciate the response of the Senator from Hawaii, and I do not want to belabor the point. But it seems to me this is a specific case, Armstrong v. Executive Office, and I count up somewhere around $13 million. I fully understand the requirements of Iran-Contra. I do not know if the Senator from Oregon has any additional information on that either.

On page 25, I note that $2 million is transferred to the Fish and Wildlife Service to meet its responsibilities on the Pacific Northwest Forest Plan. I notice land acquisition of $1,275,000 for land adjacent to the Everglades National Park; flood damage in Arizona and California; and to the oil spill in Blytheville, Arkansas; a legislative branch—I mentioned the very large increases; and, of course, $10 million appropriation for the Pennsylvania Station Redevelopment Project.

The current Pennsylvania Station, New York City is used for intermodel transportation, et cetera. To relocate the Central Amtrak station to the James A. Farley Post Office in New York City. I wonder if the City of New York or the State of New York were also providing any funds to what I understand can be a $200 million overall expenditure over time?

Mr. INOUYE. Madam President, if the Senator will yield.

Mr. MCCAIN. I am glad to yield to my friend from Hawaii.

Mr. INOUYE. The items that the Senator from Arizona just cited are part of the supplemental bill. It is not the dire emergency supplemental. It is part of the list submitted by the President of the United States for consideration by the Congress. I must advise the Senator from Arizona that I am not in position to respond to every one of them. I hope that the Senator from New York will be here to respond to the Senator as to the railway station. I am not aware of that.

Mr. MCCAIN. I thank my friend from Hawaii.

I would just like to say that the thrust of my remarks is that the American people believe we are coming here to provide emergency supplemental appropriations which are an emergency situation in the State of California, which all of us agree with and support, at least to varying degrees.

Instead, we find ourselves funding various specific projects, agencies, which are neither emergency in nature nor, in my view, required to be outside the normal authorization and appropriations process.

Perhaps the members of the Appropriations Committee can describe to me why the $10 million to move Pennsylvania Station is so vital, and why we need pest management control additional spending when the 1994 appropriations bill already appropriated $434 million for the Department of Agriculture Extension Service, but we need to have an additional million or so because of a potato blight.

What I am saying, Madam President, is very clear. On the one hand, we are telling the American people we are taking care of an emergency in California, and we add on, in my view, projects which may or may not be vital or necessary as a supplemental. Then, in my view, compounding this entire situation, we have selectively—and I emphasize "selectively"—implemented certain rescissions which were requested by the President of the United States in his budget. Those rescissions clearly do not affect the most egregious aspects of the appropriations process, those special items that are earmarked for appropriations in the hundreds of millions of dollars.

I would like to move to that aspect of it right now.

In the back of the Budget of the United States Government for fiscal year 1995 are rescission proposals, as is part of the President's budget.

Now, these rescissions were requested by the President, some of them requested and then changed slightly, which I will get into. Then, of course, as is within the authority of the Appropriations Committee, they either act or do not act on certain provisions and certain rescission requests on the part of the President.

The reason why I am going through this, Madam President, is that I hope to make it clear that for those projects which are specifically earmarked, there is no rescission. For those that are general—sometimes good, sometimes not so good—those are acted upon.

I guess the first example that I can use is the Agricultural Research Service. The administration requested a $16 million rescission; the committee recommended a $1 million rescission. Now, the reason why the President of the United States asked for these rescissions:

> They would reflect savings from the proposed elimination of lower priority research projects such as those for which alternative sources of funding are available from State or local governments, industry or others. Adequate funding would remain to allow ARS scientists to perform high priority, nationwide research in areas such as natural resource protection, food quality and improved agriculture practices.

Where is the $15 million? They are basically on certain specific projects earmarked by the Congress.

Right below that, on buildings and facilities, there was a 1994 rescission request of $8,460,000 from the President of the United States. The committee recommended zero. They recommended no rescission. The reason why the President asked for it, and I quote from his budget, he says:

> This proposal, transmitted November 1, 1993, reflects savings from the elimination of Congressional earmarks directing resources to be used for specific new construction.
>
> New construction of research facilities is often not needed because sufficient space is available at existing laboratories to house agency personnel if these labs are renovated.

The President of the United States is seeking to eliminate projects which were the result of congressional earmarks. The committee in its wisdom has decided not to do that at all.

As there are many others that I would like to cite here, perhaps one that is even more interesting is the rescission on buildings and facilities that the administration asked for, a $34 million rescission. The committee agreed to $2.89 million.

The reason the President asked for this is this proposal, transmitted November 1, 1993, reflects savings from eliminating the construction of lower-priority research facilities congressionally earmarked for particular States and universities. The funds were not awarded competitively nor peer reviewed, and most projects are for local, not national, priorities.

The President of the United States asked for a rescission of $34 million for the reason that they were earmarked. They were not competitively based, and they are not a national priority. The committee found, in its wisdom, $2.8 million that they would recommend as a rescission in this bill, falling in my view about $32 million short.

I know that many times we are talking about billions of dollars around here, Madam President. But these tens of millions mount up over time, and they mount up, in my view, to a $4.5 trillion deficit.

Later on, the President asked for a rescission of $4 million for construction on the National Oceanic and Atmospheric Administration. The committee decided not to do that because the committee does not recommend rescinding $4 million from the National Oceanic and Atmospheric Administration construction. The reason the President asked for this is it reflects savings of funds not needed to provide for programs, projects, and activities that fail to meet one or more of the following criteria: Competitively awarded, authorized in law, meet established Federal grant selection and award procedures, procedures do not duplicate ongoing efforts, original objectives have not been completed, and the objectives are consistent with the statutory responsibilities of NOAA. That is $34 million the committee did not choose to support.

The committee has recommended rescission. The President recommended a rescission for Navy aircraft of $51 million. The committee recommendation was zero. The President recommended a rescission of $50 million for LHD-7, an amphibious assault ship.

As a strong supporter of national defense, I still do not understand why this rescission was not allowed in light of the fact that the President's budget terminates both of those projects this year; both of those weapons systems.

In military construction, of which I have direct oversight in my capacity as ranking member of the Subcommittee on Military Readiness and Defense Infrastructure, here was a recommendation for military construction, and there were unwarranted add-ons that were the sum total of roughly $1 billion.

According to the Congress Daily of February 8, 1994:

> The Clinton administration, which in its new 1994 budget Monday proposed rescinding about $3 billion in budget authority for highway demonstration projects, has decided not to rescind the money after all. A special message President Clinton sent to the Congress containing his requested rescission did not include the highway money even though the administrations budget prepared earlier includes a reference to the cuts in the appendix.

In the appendix, it states:

> The proposal reflects savings from eliminating funding provided by annual appropriations acts from all unauthorized highway demonstration projects that are not under construction. Such highway projects should compete for funds through the normal allocation and planning processes within the Federal aid highways grant system.
>
> The second proposal would rescind savings from the elimination of . . . highway demonstration projects. Such projects should compete for funds through the normal allocation and planning process at the State level.
>
> In its reports, the General Accounting Office has found that such highway demonstration project completion costs will greatly exceed authorized Federal and State contributions, and that State officials are uncertain where they will find more funding. The rescission of these funds is in accordance with the recommendations of the Vice President's National Performance Review.

That is over $2.2 billion. As I say, even though it is referred to in this budget, it was taken out prior to the President sending his budget over.

It is over $2.2 billion for 1994. These cuts would eliminate appropriations for all unauthorized highway demonstration projects that are not under construction. It would also rescind funds for selected programs that should compete for funds through the normal allocation process.

According to the Congress Daily, the administration got pressure last week from legislators representing Pennsylvania, West Virginia, New York, and California—four States that were to get 40 percent of the $2.2 billion for demonstration projects in fiscal year 1994. The administration got cold feet about the cuts.

Madam President, the cuts were not made. To make matters worse, even after the President revised his request and lessened the amount he wanted, the committee still did not rescind the amount the President requested. Additionally, it appears that although the committee did rescind significant funds from the highway trust fund, many of the earmarks the Vice President and the President believe are so harmful have not been cut.

Madam President, there are other areas that I would include for the RECORD.

My point is that despite the fact that we have a $4.5 trillion deficit, despite the fact that the American people have expressed their anger and outrage time after time of lost confidence in the efficient and appropriate way to spend their tax dollars, it is business as usual. This supplemental appropriations bill certainly does demonstrate that that is the case.

I have identified and will continue to identify billions of dollars of funding of appropriations which are either totally unnecessary, in the case of the "demonstration projects, which are egregious examples of what the American people call pork, ranging from that to areas which simply are not necessary.

The integrated pest blight management requiring an additional $1.4 million, even that department received $434 million in appropriations in 1994.

I intend, Madam President, to propose an amendment or two that might at least put the Congress on record as to whether we will support this kind of spending with the full and certain knowledge that these amounts, like the Kerrey-Brown amendment yesterday, will be defeated.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. MCCAIN. How long will the Senator from California speak?

Mrs. FEINSTEIN. Probably less than 10 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I wish to speak about the main point of the legislation before us, which is the emergency supplemental for the California earthquake. I join my colleague, Senator BOXER, in expressing what is a great concern. That growing concern is twofold. On one hand, within 24 hours, Members are going to be getting on planes and leaving and the bill will not have been passed. There are 30 possible amendments that may be before the Senate in a very short period of time, and I am concerned about that.

I am concerned that this bill has become a grab bag for everyone's favorite offset or everyone's favorite cause. I am not commenting on the legitimacy of the amendments, but I am commenting on the fact that the time is short before Members will begin to leave for the scheduled recess.

As I look at the amendments, there are amendments pending on Bosnia, amendments pending involving the State Department, health care, so-called pork programs, and so on. In the meantime, there is real concern.

The second part of my concern is the fact that before we leave, not only the legislation has to pass, but a conference must take place. I think perhaps Members really might not realize the seriousness of the problem, with the emergency assistance and public assistance parts of FEMA due to run out within a week. What will happen if the money does run out is that what we will see is State pitted against State.

Madam President, FEMA has said that at its current rate of spending the disaster relief fund will run dry by the end of next week. That means that to pay for emergency assistance in California, which comes first—the human emergency comes first—eligible public assistance projects in Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin may very well be delayed. FEMA is providing funds to projects which would relocate communities that are perpetually located in floodplains. A number of communities have new requests in to FEMA, and unless we pass this bill, these projects will not be funded.

I asked my office to call FEMA and try to prevail upon them to give them an idea of the kinds of projects that will not be funded unless the legislation is passed. What we have learned is that the following new applications that are pending will not be funded: In Kansas, Riley County, $4.3 million; the city of Ellsworth, $200,000; the city of St. Marys, $200,000; in Missouri, $600,000 for Hannibal and $300,000 for Rhineland; in Nebraska, $57,000 for Jefferson County, $500,000 for Sarpy County, and $3 million for Douglas and Sarpy Counties; in the State of Iowa, $5.1 million. Again, these are new applications that will not be funded if this supplemental is not concluded and the conference report passed.

(Mr. SHELBY assumed the chair.)

Mrs. FEINSTEIN. I have also been told that aid to 22 other States is in jeopardy if the bill is not passed. So what is happening, as we entertain amendment after amendment, is that one State will eventually be pitted against the other; and somehow it occurs to me that that is not the way the Senate of the United States should be doing business in a time of emergency.

I say this quite respectfully because I know that to the people making the amendments, the amendments are very important and they worked a long time to develop them. But I urge my colleagues to find another vehicle so that we do not pit floodplain relief in the Midwest against emergency supplemental relief in California.

In this bill, in one of the amendments pending, there will be an amendment to take the Cypress Expressway—which was destroyed during the Loma Prieta earthquake—off on the basis that it is no longer an emergency. I point out that in this bill there is $685 million in continuing relief for the Midwest floods. It is not an emergency right now, but the prior supplemental was not adequate. Therefore, $685 million is added to this supplemental for floods.

So I say what is sauce for the goose is sauce for the gander. If, in a prior supplemental flood needs are not met, it is appropriate that they be in this supplemental, just as it is appropriate for the Cypress Expressway reconstruction funds to be in this supplemental.

I want to enter into the RECORD a letter sent by Mr. James Van Loben Sels, the Director of the California Department of Transportation. First, I would like to quote from it. It says:

> The engineering complexity, the number of multi-level structures damaged, the densely populated area and the environmental concerns have all impacted reconstruction of the system.

This letter refers to both the Embarcadero and the Cypress freeways.

> Two of the structures, the Cypress Street Freeway and Embarcadero Freeway have been completely demolished. The city and county of San Francisco are developing a replacement for the Embarcadero Freeway and expect it to be under construction by 1996. Under the direction of the State Department of Transportation, Caltrans, the Cypress Freeway replacement program has prepared several contracts, all of which can be underway in fiscal year 1994.

These funds are now necessary, and an effort is going to be made to eliminate them from this supplemental.

Quoting from the letter:

> Under earlier congressional action, $1 billion of Federal emergency relief funds had been made available for repair of earthquake-damaged highways and freeways. This amount has been determined to be $385 million short of the funds needed for the full share of the work eligible for emergency relief funding.

Three hundred fifteen million dollars is in this emergency supplemental. It is no less an emergency just because Loma Prieta took place in 1989 than it is today. It is the remaining amount that is necessary to move on with construction of the Cypress Freeway. As I might point out, both the Embarcadero and the Cypress are two huge structures that were entirely demolished, not a section of the structure, but huge structures, entirely demolished by this earthquake.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> SACRAMENTO, CA,
> *October 5, 1993.*
>
> Hon. DIANNE FEINSTEIN,
> *U.S. Senate,*
> *Senate Hart Office Building,*
> *Washington, DC.*
>
> DEAR SENATOR FEINSTEIN: The Loma Prieta Earthquake caused damage to the transportation system in the San Francisco-Oakland Bay area that was unprecedented in modern history.
>
> The engineering complexity, the number of multi-level structures damaged, the densely populated area and the environmental concerns have all impacted the reconstruction of the system. Two of the structures, the Cypress Street Freeway and the Embarcadero Freeway have been completely demolished. The City and County of San Francisco are developing a replacement for the Embarcadeo Freeway and expect it to be under construction by 1996. Under the direction of the State Department of Transportation (Caltrans), the Cypress Freeway replacement program has prepared several contracts, all of which can be underway in Fiscal Year 1994.
>
> Under earlier Congressional action, $1 billion of Federal Emergency Relief Funds had been made available for repair of earthquake-damaged highways and freeways. This amount has been determined to be $385 million short of the funds needed for the full share of the work eligible for Emergency Relief Funding.
>
> The Cypress Freeway contracts alone would require the $315 million of additional Emergency Relief Funding that the President has requested for earthquake repair.
>
> As you well know, any additional Federal funds that can be allocated to reconstruction of the Bay Area Transportation System will be beneficial to an economic revitalization of the entire State of California.
>
> Your continuing support is greatly appreciated.
>
> Sincerely,
> JAMES W. VAN LOBEN SELS,
> *Director.*

Mrs. FEINSTEIN. It would seem to me, Mr. President, that as we look at 30 possible remaining amendments to this bill, at 10 minutes after the noon hour, I know for a fact that within 24 hours Members are booked on planes to return to their districts. This bill may not be passed, and the conference will not have taken place. Then we go away for 10 days and we come back, and FEMA will effectively have run out of money.

They will begin making judgments between one State disaster and another as to which has the highest priority for funding. And FEMA has said they will fund emergency relief prior to public assistance relief.

I do not think we want to be in this situation. I certainly do not want to be in this situation.

I know this is a large supplemental and I regret it. The damage is commensurately large.

I think it is our duty to come to grips with this bill and to make a decision. I am hopeful that Members that have amendments will recognize the shortness of time before their colleagues embark on planes to return to their districts and that we might be able to conclude this business today. It is really important. It is important not only to the people of California, it is important to the flood plain areas in the Midwest and many other States as well.

Just in conclusion, it obviously is legitimate to have a discussion of whether a supplemental item is of an emergency nature or not. I think that is a legitimate debate. I know under the rules of this Senate anything is legitimate in debate. However, the clock is ticking and the people are needful.

Thank you, Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1456

(Purpose: To offset the cost of the Emergency Supplemental Appropriations Act of 1994 by rescinding an additional $2.2 billion from the FHA, as requested by the President)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1456.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

> On page 108, on line 20, insert the following new proviso:
>
> *Provided further*, That of the amounts appropriated for the Federal Highway Administration, an additional amount of $2,209,716,000 is hereby rescinded in accordance with the rescission proposals reflected on page 1018 of the "Budget of the U.S. Government Appendix" for fiscal year 1995.

Mr. MCCAIN. Mr. President, this amendment is one which is based on a proposal that was made by the President of the United States contained in his budget for fiscal year 1995 on page 1018, which later was taken out of the main body of the budget. It calls for the elimination of $2.2 billion in highway demonstration projects, which in the view of the President, at least at that time, are unneeded projects.

On page 1018, under "Miscellaneous Appropriations, Rescission Proposal," $343 million is one part of it, $1.7 billion is another part of it, and $144 million the other part. The reasons given in the President's budget need no elaboration by me. They read as follows.

> The first proposal, transmitted November 1, 1993, reflects savings from eliminating funding provided by annual appropriations acts from all unauthorized highway demonstration projects that are not under construction. Such highway projects should compete for funds through the normal allocation and planning processes within the Federal-aid highways grants program.
>
> A second proposal would rescind savings from the elimination of selected highway demonstration projects. Such projects should compete for funds through the normal allocation and planning processes at the State level.
>
> The second proposal is consistent with and in addition to the November 1, 1993 proposal.
>
> In its reports, the General Accounting Office has found that such highway demonstra-

> tion project completion costs will greatly exceed authorized Federal and State contributions, and that State officials are uncertain where they will find more funding. The rescission of these funds is in accordance with the recommendations of the Vice President's National Performance Review.

The explanation for the other two are exactly the same as the first, ending with: "The rescission of these funds is in accordance with the recommendations of the Vice President's National Performance Review."

Mr. President, I would again quote from an item in Congress Daily, entitled "Clinton Switches Stance on Cutting Highway Projects."

> The Clinton administration, which in its new FY95 budget Monday proposed rescinding about $3 billion in budget authority for highway demonstration projects, has decided not to rescind the money after all, a congressional said today. "That isn't what they're proposing now," said the source, who said the "special message" President Clinton sent to Congress containing his requested rescissions did not include the highway money, even though the administration's budget—prepared earlier—includes a reference to the cuts in the appendix. The source said the change was made after the administration got pressure last week from legislators representing Pennsylvania, West Virginia, New York and California—four states that were to get 40 percent of the $2.2 billion for demonstration projects in FY94. "The administration got cold feet" about the cuts, the source said.
>
> Clinton was going to use the money saved from cutting the demonstration projects to help fully fund the FY95 component of the 1991 surface transportation bill. The administration assumed $400 million in outlay savings in FY95 by cutting the demonstration projects it planned to use to fund the larger highway bill, which administration officials announced as a budget priority on Monday. But now, the source said, the administration has "a $400 million outlay problem" that has to be solved because it no longer has all the money it would need to fully fund the highway bill. The administration's new plan, the source said, would let Transportation Secretary Pena make adjustments in the highway program to save $58.7 million in FY94 and another $406.3 million in FY95 to make up the gap. But because of the slow spendout rate for demonstration projects, the highway obligation limitation would have to be cut by $2.5 billion in FY95 to produce the necessary outlay savings next year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to engage in a brief colloquy with my comanager of this supplemental appropriations bill, if he will be willing to do so.

First, I would like to check his records against mine. I believe that last night we were able to ascertain, from both the Republican side and the Democratic side of the aisle, what amendments were planned, at least, to be offered during this period of time.

Does he have such figures available?

Mr. INOUYE. Mr. President, if the Senator will yield, to the best of my recollection there are 25 amendments remaining to be considered. Senator MCCAIN has just touched upon one, so there are 24 to be debated.

Mr. HATFIELD. Twenty-four.

Mr. INOUYE. However, I have been advised that of the remaining 24, all but four or five have been somehow addressed in other amendments. So we may be faced with serious, lengthy debates on four or five other amendments.

Mr. HATFIELD. Four or five out of the twenty-four remaining?

Mr. INOUYE. Yes.

Mr. HATFIELD. I would like to also——

Mr. INOUYE. If I may also advise the Senator, I am certain he is aware that at this moment there are five amendments awaiting votes.

Mr. HATFIELD. Yes. We have what we call stacked, or expected-to-have rollcalls, on five amendments.

Mr. INOUYE. Yes.

Mr. HATFIELD. Then I would like to ask the Senator from Hawaii if he has any estimate of the time required to accommodate the Senators in handling this list of amendments, if he has any way of estimating, counting the rollcall times and the debate, what we are looking at as far as timeframe?

Mr. INOUYE. If I may respond in this manner. After conferring with the leadership of the Senate, both Democrat and Republican, I am led to believe and conclude that we should be finished by 10 p.m. this evening.

Mr. HATFIELD. Ten p.m.

Mr. INOUYE. The bill. Hopefully tomorrow we will go into conference.

Mr. HATFIELD. Would the Senator not agree that is within the context that we would be moving along with these, from the time he made that inquiry and that estimate from the leadership, and, with the exception of the Senator from Arizona [Mr. MCCAIN], we have really not accomplished very much this morning? We have been here on the floor since 10:15, I believe, when we went on this bill, and to my knowledge we have not had any conclusion of any of these amendments we have had pending. Senators have been alerted. I know the Republican Cloakroom—and I understand the Democratic Cloakroom as well—has informed the Senators on this list that we are ready to handle those amendments. We are here to do business.

Again, with the exception of the Senator from Arizona, we have had colloquies, we have had statements, but I am not aware of any amendment that has been, really, offered, with that exception.

Mr. INOUYE. We have accepted the amendment submitted by Senator COHEN, as my colleague knows.

Mr. HATFIELD. Yes. Yes. That was really not a controversial amendment and that did not necessitate extended debate.

Mr. INOUYE. Not at all.

Mr. HATFIELD. In effect, those the Senator has identified as requiring a period of time for debate—we both understand we do not know precisely how much time, but we know it is controversial enough that it will elicit debate—none of those amendments really are in the process; are they?

Mr. INOUYE. In conferring with the leadership of the Senate, I am led to conclude that in their assessment of the schedule, an assumption was made that very little would be done in the morning and that the activities should commence in about 30 minutes.

Mr. HATFIELD. As the Senator knows, it has been observed we operate like mushrooms, often. We tend to do our growing activity at nighttime. Yet here we are, convened to do the business of the Senate as of 10:15 this morning on this particular bill.

What are the options that we have as managers of this bill, to expedite this bill's handling, as my colleague sees it? In light of the fact that the leader, Mr. MITCHELL, indicated very clearly on more than one occasion that we must complete this bill, getting this aid—as the Senators from California and others have emphasized again and again and again today—we must complete this before the recess begins for the Presidential recess, Lincoln Day, we used to call it. And that is scheduled to begin tomorrow, Friday.

At the same time, we must complete this bill in the Senate, we must go to conference with the House to resolve the differences between the two, and come back here again to report to the body to adopt the conference report.

We have no idea how long it is going to take in the conference. I can say one thing, if we had adopted one of the amendments that was offered yesterday, we would be in conference, I am convinced, at least days, not just hours, but perhaps days. So we do not know what kinds of complexities may create a longer conference than we would like, by amendments that may be adopted that are pending today.

Is that a correct analysis? What are the options we have to expedite this?

Mr. INOUYE. The Senator is absolutely correct. I believe the leadership, in concluding that we would be finished by 10 this evening, has assumed that we would pass a clean bill without controversial amendments. If the amendment that the Senator has referred to was adopted yesterday, my conference with House leaders would lead me to believe that we would not even have a conference. They would consider that as a waste of time.

There is another matter that we should consider. Because I was advised that it would be as late as 10 o'clock this evening, I came to work this morning with a small overnight bag. I have a suit, change of shirts, underwear, socks because if we are here until 10 o'clock, it will be extremely difficult for Members to get home. We are looking forward to one of the worst sleet storms in the history of the District this evening.

So if we wish to spend the evening, then let us stay until 10 or 11 o'clock. We can almost guarantee that half of us—those who do not live in the neighborhood—will have to spend the evening here.

Mr. HATFIELD. I thank the Senator for making that observation because it was the next issue I wanted to get to, and that is the so-called weather prediction. We will be urged, I am sure, as managers of the bill, to not have rollcalls after a certain time so that staff and Members may get home because of this pending storm, plus the fact we want to start a recess tomorrow.

Will the Senator not agree that at some particular point in time any Senator—not just the managers—any Senator can stand here and ask for third reading of this bill?

Mr. INOUYE. At this moment, in fact.

Mr. HATFIELD. So I am correct. In other words, if patience tends to run out and the clock tends to run out and the weather begins to worsen and the contingencies they represent, we could, in effect, say third reading of this bill, closing out those amendments that the Senators, who have said they would perhaps offer them, refuse to come to the floor to offer them. They will be cut out; is that correct?

Mr. INOUYE. According to the rules of the Senate, that is possible.

Mr. HATFIELD. I am talking about options. I am not talking about actions but options.

Is it also true that the managers of the bill have another option? We can call up these amendments in the absence of the author, and we could expedite this by taking those amendments in a series of actions to wipe the slate clean and thereby move to third reading; is that another option?

Mr. INOUYE. That is an option, but I doubt we will exercise that option.

Mr. HATFIELD. I would just like to know what our options are. I am not suggesting these will be actions taken because I assume we will confer with the leadership before such drastic actions might be taken. But I just want to say, I would like to put the Senate on notice that Members who have indicated that they are planning to offer amendments, if they have had a change of mind, I urge them to let us know so we can chalk those amendments off our list. But otherwise to please come to the floor and let us utilize this time and get this bill completed because of the sequence of events that we have already stated that follow the Senate action; namely, conference with the House, resolving the differences, coming back here and getting the report adopted.

I will at this point indicate, it might be my desire to have a rollcall on the conference report so that I do not think Senators ought to feel like they can escape into the recess feeling that there will be no further rollcall votes because the conference report will be voice voted. I want to put on notice that it is my intention right now to possibly call for a rollcall vote on the final conference report.

Mr. INOUYE. If that is the case, I would like to make two observations. One, we are here to provide extraordinary relief and assistance to those citizens, fellow citizens, in the Midwest and in California who have suffered unimaginable problems, tragedies. If we do not resolve this by this weekend—and I am not speaking of the recess—then certain funding programs will cease, and it will take weeks, if not months, to revive them again.

In the meantime, certain people may have to go without shelter, without medical care, and I do not think that is the intention of this body.

I hope we can resolve this matter by this evening, permitting the managers and the conferees to begin our discussions with the House and hopefully by tomorrow noon conclude that, get back here and vote on it.

If we stay until 10 o'clock, then the conference will not begin tonight. We will have to be here despite the sleet and the snow. Hopefully, we can conclude it at some reasonable hour and Members will have to stick around if that request for the yeas and nays is made.

Mr. HATFIELD. I thank the Senator.

Mr. DORGAN. I wonder if the Senator from Oregon will yield for a question.

Mr. HATFIELD. I will be very happy to yield.

Mr. DORGAN. I have listened to this interesting discussion.

Mr. HATFIELD. Just discussion.

Mr. DORGAN. I was thinking about the stories I read about the difficulty of moving a wagon train across the West. They usually came through North Dakota. The difficulty with moving wagon trains was that a wagon train could only move under any condition as fast as the slowest wagon.

I am reminded of that pace when I watch the Senate from time to time. The Senator from Oregon is talking about those who want to offer amendments should really be here to do it, otherwise, we perhaps ought to move to third reading.

This body is full of a lot of wonderful people and it is full of, occasionally, a few bad habits. One of those bad habits that all of us probably have is not getting here to offer the amendments when we should. I think from time to time, we ought to consider going to third reading if nobody is around with amendments.

We should never disadvantage a Member of this body who wants to offer an amendment, who wishes to offer a legislative initiative. They have every right to do that under every circumstance. But it seems to me from time to time we ought to try to find some pressure to move ahead with more dispatch, and one way to do that is to serve ample notice to anybody who wants to offer an amendment, to say now is the time. If time elapses, I encourage those who manage the bill, let us move ahead and consider third reading.

I know they are reluctant to do that. I urge you by saying that some Members would say to you, "Congratulations." Do not disadvantage anybody, but give fair notice and then after fair time, let us try to move ahead.

Mr. INOUYE. If the Senator will yield, we are debating at this moment with smiles on our face, but I can assure you, as one of the managers, that if this debate continues on much longer, we may be forced to exercise that option.

As our two ladies from California have so eloquently reminded us this morning, we are here to provide extraordinary relief and assistance to those men and women who are still suffering.

As Senators of the United States, we are bound by our oath to carry out our responsibilities and duties. If it means calling for a third reading, I can assure the Senator that I am prepared to do that.

Mr. HATFIELD. Mr. President, I thank the Senator from North Dakota and the Senator from Hawaii for their comments.

Mr. President, both the Senator from Hawaii and the Senator from California, present in the Chamber, have kept our focus on this bill beyond the procedures by which we find ourselves frustrated at the moment. The real focus is that we have an emergency. We have people who are hurting, who are suffering, who are without homes, who are without services, and we must move this kind of aid to them more quickly than we are appearing to do at this moment. I like that focus, and I hope people in this body will understand that we are not just waiting patiently for them to offer an amendment to some other matter or related matter. We are really here waiting to get aid to the people in need in California.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the comments of the Senator from North Dakota. I have often managed bills on this floor, and I did have the same frustration those times that the Senator from North Dakota is expressing with respect to this bill. I think we all agree that the managers of the bill are doing a very good job dealing with an impossible situation. It is not their fault. They have not caused this by any stretch of the imagination. There are other recalcitrant Senators who are not playing as well as they should.

I might say, Mr. President, I have a comment I would like to make to help move this process along, and that is a comment on the pending amendment of the Senator from Arizona.

The amendment of the Senator from Arizona is proposing to rescind highway demonstration projects. The administration is working on another way of dealing with a problem. What was the problem? The problem is that presently the ISTEA is not fully funded.

An earlier effort to solve that problem was the President's decision to rescind approximately $2.2 billion in demonstration project expenditures. There may be a better way to be sure that ISTEA is fully funded. Namely, it is my thought that the Environment and Public Works Committee will work with the Appropriations Committee this year to fully fund ISTEA, instead of going back and automatically rescinding these projects. One option presented by the Secretary would cut about $400 million in outlays in fiscal year 1994 across the board from all of the programs in ISTEA. That option would include not only demonstration projects but the entire highway program. And I note that ISTEA funding is almost $18 billion for this year.

I believe that there is a far better approach than this amendment. And if we agree to work on another approach, an approach that the administration is in agreement with, I believe this amendment would not be necessary. We can work to fully fund ISTEA using another approach. We do not need to pass the amendment offered by the Senator from Arizona to rescind demonstration projects.

So I urge the Senator from Arizona to withdraw his amendment because it really is not the right solution. We can accomplish the same objective of funding ISTEA by a much better procedure.

If the Senator wishes to proceed with his amendment and wants a vote on his amendment, I strongly urge all Senators to refrain from voting in favor of his amendment. We can come up with a much better approach to making sound investments in our infrastructure.

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the remarks of the Senator from Montana that he has a much better approach. I hope that approach will be implemented soon. I do not see how that approach will affect $2.2 billion in demonstration projects which have to be acted on now; otherwise, it is too late. But I would certainly be interested in his new approach because I can tell the Senator from Montana that the American people are tired of the old approach of the earmarking of special interest projects which have no competitive process, which many times do not even have a hearing, much less some kind of competitive, open process where they should compete for the taxpayers' hard-earned dollars, which they are not in this case.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I thank the Chair. I yield the floor.

Mr. INOUYE. Mr. President, I ask unanimous consent that this matter be set aside and placed on the list of those amendments which will be considered later this afternoon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The presence of a quorum has been questioned. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes as in morning business.

CHILD PORNOGRAPHY

Mr. ROTH. Mr. President, last November we passed the Roth-Grassley amendment to the crime bill, 100–0. In that amendment, we denounced the Justice Department's new, narrow interpretation of the Federal child pornography statutes announced by the Solicitor General in the case of United States versus Knox. We implored the Justice Department to enforce the law and to protect our children.

President Clinton supported our effort by sending a letter to the Attorney General which stated that he "fully agree(d) with the Senate about what the proper scope of the child pornography law should be." I was heartened by the President's words of support.

Unfortunately, I have to report today that despite the President's words, the Justice Department has done nothing to alter its new, narrow, and dangerous interpretation of the child pornography laws.

To review the facts, the Justice Department successfully prosecuted Stephen Knox for possession of child pornography, Mr. Knox having previously been convicted of a similar offense. The Third Circuit then upheld the conviction on appeal. In March 1993, the Justice Department's initial Supreme Court brief argued that the Third Circuit was right and that the conviction should stand. The video tapes at issue depicted girls as young as 10 who, although not nude, were posed provocatively with the camera frequently zooming in on the children's pubic and genital areas for extended periods. Advertising catalogs for the tapes showed they were designed to pander to pedophiles with descriptions such as "bathing suits on girls as young as 15 that are so revealing it's almost like seeing them naked (some say even better)."

In September 1993, the new Solicitor General reversed the Justice Department's earlier position. He filed a new brief in the Knox case, arguing that the Third Circuit was wrong and that the conviction of Knox should be vacated. Most disturbingly, the new Justice Department brief introduced a new requirement for what qualifies as child pornography—that the material "must depict a child lasciviously engaging in sexual conduct (as distinguished from lasciviousness on the part of the photographer or viewer)." In other words, the Justice Department's new interpretation of the law focuses exclusively on the acts of the child rather than on the actions of the pornographer. This completely ignores the fact that children can, for example, be photographed in a lascivious manner even while they are sleeping.

As I have said before, my concern goes beyond the facts of the Knox case, because under the new Justice Department interpretation even totally nude depictions of children may not be prosecuted unless the child herself is acting lasciviously. Thus the new interpretation of the law threatens to prevent the prosecution of many child pornographers and creates a giant loophole in our child pornography laws for the benefit of pornographers and pedophiles.

The Justice Department has tried to claim that its new interpretation of the law would have no practical effect. On November 18, 1993, I received a letter from the Department of Justice asserting that not a single prosecution or investigation "of which we are aware" would be terminated because of the new standards adopted in the Knox brief. As it turned out, the emphasis was on the word "aware." At my request, a subsequent survey of the 93

U.S. Attorneys offices conducted by the Justice Department turned up at least 10 pending investigations with facts similar to the Knox case.

At the same time, the Justice Department is trying to avoid a court test of its new, narrow interpretation of the law. On December 23, 1993, the Department filed a motion with the Third Circuit Court of Appeals urging a new trial for Knox because Knox "has never been tried under the interpretation of the statute now urged by the government." But the Justice Department now wants to try Knox, not for possession of the video tapes for which he was originally charged, but for the possession of other tapes that the Department has previously stipulated it would not introduce into evidence. Normally one would expect that an already convicted defendant would jump at the chance for a new trial when offered one by the prosecutors. But defendant Knox opposed the Government's motion, asserting that the Department was engaged in a political strategy to avoid the issue and the "political brouhaha" caused by the Solicitor General's brief. On this point, at least, Mr. Knox is exactly right.

To be assured that our voice is heard, on January 12, 1994, 137 Members of the Senate and House filed a friend of the court brief opposing the Justice Department's motion to give Knox a new trial. We have also been granted the privilege of filing a friend of the court brief on the merits. I urge my colleagues to sign onto this brief. With the pornographers and the prosecutors on the same side, we must be certain the court will hear from someone who is prepared to defend the children.

I recently wrote to President Clinton about the Justice Department's latest actions. I informed the President that in light of his past statements and the Justice Department's latest action, I can only conclude that the Justice Department is acting against his wishes.

If the President believes what he has been saying about child pornography, it is time for him to back up his words with action. The Solicitor's brief must be disavowed and Federal prosecutors must be instructed that they will continue to enforce the law as most courts had interpreted it before the flip-flop brief in the Knox case muddied the waters.

I know what Congress intended when we passed the Child Protection Act of 1984. We intended to stamp out the business of child pornography in this country and to stop the sexual exploitation of our children by pornographers and pedophiles.

Mr. President, I ask unanimous consent that my letter to President Clinton, dated February 2, 1994, be printed in the RECORD following my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 2, 1994.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I have received the reply of your counsel, Mr. Bernard W. Nussbaum, to my November 12, 1993 letter to you regarding child pornography. As I mentioned in my November letter, I was pleased by your support for my amendment to the crime bill expressing the sense of the Congress regarding the Supreme Court brief filed by the Department of Justice in the case of United States v. Knox.

As you will recall, the Roth-Grassley amendment, adopted by the Senate by a vote of 100–0, declared "It is the sense of the Congress that in filing its brief in United States v. Knox, No. 92–1183 * * * the Department of Justice did not accurately reflect the intent of Congress." The Senate made it clear that it unanimously believes that the current law is sound and that it was the intent of Congress, when the child pornography law was passed in 1984, that the law would cover cases involving facts such as those revealed in the Knox case.

I am very concerned by the recent motion filed by the Justice Department in the Third Circuit Court of Appeals in the Knox case. On December 23, 1993, the Justice Department filed a motion with the Third Circuit requesting that the Knox case be remanded to the Federal District Court to be retried under the very interpretation that the Senate unanimously repudiated. The Department's motion states, "[b]ecause appellant has never been tried under the interpretation of the statute now urged by the government, we agree with appellant [Knox] that a new trial is required."

In light of the Justice Department's latest action, I can only conclude that the Justice Department is acting against your wishes.

Moreover, since the Department of Justice has already been irretrievably compromised in the Knox case by the filing of two briefs in the Supreme Court taking different positions, I renew my suggestion that you appoint a special counsel with instructions to file a new brief with the Court of Appeals, which accurately reflects your view and the Senate's view of the current scope of the law.

Unless the Justice Department immediately disavows its narrow interpretation of the child pornography laws, I fear child pornographers currently under prosecution or under investigation, including the defendant in the Knox case, could go free. To prevent that result, I urge that you direct the Justice Department to immediately apply the intended interpretation of the child pornography laws to any and all child pornography cases currently under investigation or litigation.

I look forward to your response and to working with your Administration on this important issue.

Sincerely,

WILLIAM V. ROTH, JR.,
U.S. Senate.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

APPROPRIATION FOR EMPLOYEE/MANAGEMENT RELATIONS OFFICE

Mr. GRASSLEY. Mr. President, I would like to speak for a few moments on a provision in the bill that is before us, which, compared to the billions of dollars in the bill, is a very small provision that is tucked away in this emergency supplemental. It happens to be $1.05 million to fund lawyers retained by the Senate to defend Senators in employment discrimination cases.

First and foremost, it can hardly be characterized, in my judgment, as an emergency. Second, it seems to me that, even if there is a need for some money in this area, $1.05 million is an excessive amount of money.

In 1991, I worked very closely with Senator MITCHELL on an amendment to cover the Senate under the civil rights laws, and I thank Senator MITCHELL for that. Without his cooperation, it would not have been possible for us to make this breakthrough of starting to cover Congress under laws that it previously has exempted itself from.

Our amendment in 1991 created a Fair Employment Office to hear discrimination cases and also to hear complaints. It set out a four-step process to resolve these charges. It allowed for an appeal to the Federal appellate court.

The amendment was enacted, and in the summer of 1992, the Fair Employment Office opened its doors. This represented the first time the Senate would be governed by the same laws—in this case the civil rights laws of our Nation—as businesses of America.

The enforcement mechanism, however, was quite a bit different from the system that governed the private sector. The different enforcement mechanism was one of the compromises that I made to get the process of congressional coverage under way.

Sometime last year, there was a decision, I believe at the leadership level, that the Senate should have some lawyers on the staff to defend Senators and other employing units, such as the Sergeant at Arms, the Secretary, and other branches of the Senate, in any discrimination cases. After all, it was too expensive to hire private lawyers to represent the employer's interests every time a charge might be filed.

For the first time, in a very real sense, since this decision had to be made, we found ourselves as a body—maybe not individually yet—experiencing the burdens and the pressures felt by businesses, businesses of every size across America—the cost of hiring lawyers.

The Senate can handle it, of course, by simply appropriating money to hire lawyers in-house. Although I believe there is too much money contained in this bill for that purpose, that can be done.

But American businesses, large or small, cannot just appropriate more money to hire lawyers. These businesses have to earn it. So it means that these businesses may forego investing in new equipment or may not give employees a needed raise. Here in the Senate, though, we can just appropriate money. We can do it by calling it an emergency.

I hope no one mistakes what I am saying here. I am not suggesting that we do away with the civil rights laws. I fought too hard applying them to the Senate. And there is now justice not only for the average citizen in America, but for employees of this body, as well. But it seems to me that we have to find a way to make these important laws less costly and less burdensome to enforce, both here in the Congress and in the private sector.

I am hopeful that we will have a chance to consider all-encompassing congressional coverage sometime later this year. I hope we have an opportunity to do that when the Senate considers the legislative reform package. If we do not consider that package, then I hope we have an opportunity to consider it as a separate item so that all of the laws that Congress has exempted itself from—going back to the 1930's, I believe—will now cover Congress so that our employees will have the same protections that employees in the private sector have. And, since we are all individual employers in the Senate when we hire our respective staffs, I hope we also will then know the burdens that small and large businesses in America endure to comply with laws passed by this body.

Now, there are going to be costs. You cannot deny there are going to be some costs associated with congressional compliance with all these labor and enforcement laws.

I hope we have a chance to consider the need for hiring lawyers. I believe it would have been better to consider that need in the context of the hearings that come out of that process, as opposed to putting this $1.05 million in this emergency bill. The bottom line, whether it is for this bill or something we do in the future about congressional coverage, is that we must consider the subject of hiring lawyers. Because once we in Congress understand and experience firsthand what these costs are, maybe then we will be able to devise more efficient ways for all Americans to meet the responsibilities of these laws. We will sense it firsthand.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I also ask unanimous consent to proceed for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 3 minutes.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise today as part of my continuing effort to put a human face on the health care crisis in our country. Today I want to share the story of Brant and Dorothy Venlet, who are senior citizens who live in Morley, MI.

Mr. and Mrs. Venlet are on a fixed income and they are struggling with the out-of-pocket expenses that they have to pay for prescription drugs.

The husband, Brant, is 76 years old and his wife Dorothy is 75. They are both covered by Medicare, which currently does not cover prescription drugs. Brant has been retired for 14 years and has been purchasing a MediGap insurance policy to try to pick up what he can of what Medicare does not cover. Mr. Venlet did not get any retiree health benefits because his former employer, a manufacturing company, cut the benefits right before he retired.

Brant suffers from kidney failure and he now needs dialysis treatments three times each week. I can tell you from my own family experience that is a very difficult thing to have to go through. Medicare only pays for a portion of the dialysis.

So the Venlets need to maintain their supplemental policy to try to cover the additional costs. Unfortunately, Brant and Dorothy, in their midseventies, are not able to afford a supplemental policy that covers prescription drugs. In addition to the medication that Brant needs for his kidney problem, Dorothy needs medication for lung problems. So at the present time, the Venlets are paying somewhere between $150 and $200 a month out of pocket for the medications they need just to keep from getting sicker.

Mr. President, costs like these are devastating to senior citizens, whether separate or in couples, and those on fixed incomes. The Venlets only make about $1,300 a month from Social Security and Social Security disability, and about 15 percent of that now goes just for the prescription drugs. This is in addition to their MediGap policy premium, which they have to have and which was just increased to almost $400 every 2 months.

Mr. Venlet wrote to me last September to tell me what a financial hardship this has been for him and his wife. He said this, and I want to quote him:

> Considering our fixed income, we just cannot continue with these increases.

And he went on to describe their situation.

Unfortunately, Mr. President, the Venlets are not alone. There are millions of senior citizens throughout the United States who are struggling with the high cost of prescription drugs and the premiums for their supplemental policies. So I think it is a vitally important step that President Clinton has included Medicare coverage of prescription drugs under his reform proposal. The medicines that people need to stay alive and maintain their health are a real bargain when you compare that with a worsening medical condition or the need for somebody to actually have to undergo intensive medical treatment, oftentimes in a hospital.

We all know that senior citizens are just one of dozens of groups in our society who are struggling under our current health care system, a system that needs to be reformed and one that I think we can and must reform this year.

So I am going to do everything I can to work with my colleagues to iron out and pass a reform package that will make comprehensive health care coverage affordable and available to every American.

I again salute President Clinton for bringing this issue forward. He and his wife have made this a driving, top priority issue for this legislative session. I think they are right to do that. We need to go ahead and act on this issue so that we can help families like the Venlets, that I described today, in Morley, MI.

I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 1845 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. DECONCINI. Mr. President, the Senator from Colorado [Mr. BROWN] has introduced an amendment dealing with a reduction in the urgent supplemental that is before us. It is incumbent upon me to not only oppose this amendment but also to offer an explanation of the funding request.

The Senate Appropriations Committee bill includes $12.4 million for funds to pay the cost of converting thousands of computer tapes to a readable format. This expense is in response to numerous Federal court orders and appellate decisions in Armstrong versus Executive Office of the President.

The funds are paid for by transfers from the Air Force and a reduction in the IRS tax system modernization programs. These funds have not been designated as emergency.

The Armstrong case originated back in 1989 when private citizens requested, through the Freedom of Information Act, access to National Security Council E-Mail, including Oliver North's E-Mail and other information that he had on the computers and the mail system then, as well as other agencies of the Executive Office of the President.

The court determined that the Executive Office of the President had to maintain, preserve, and make accessible in a reasonable form such mail, or so-called E-Mail backup tapes. The U.S. district court has held the Executive Office of the President in contempt including a fine of $50,000 a day if they do not comply with that order. Currently, the fines are stayed during negotiation with the plaintiff and the Government.

This supplemental provides the resources to make the tape conversions mandated by the Court. The Armstrong case focused on E-Mail communication during the Reagan and Bush administrations, particularly the National Security Council system, that were the subject of the Iran-Contra investigations.

The Bush administration was held in contempt for failing to issue recordkeeping guidelines and failing to adequately preserve backup tapes.

So if the Brown amendment carries and we eliminate this money, that means the Executive Office of the President will continue to be in contempt of court. And talk about the rule of law. That is what is before us, to comply with the court order even if we do not like it.

The Clinton administration has been saddled with this tremendous resource burden. It has the burden of coming up with the funds and also of providing those backup tapes for the E-Mail for the year that they have been in office. To preserve and restore these backup tapes from the Reagan-Bush administration through this administration. And that costs some money.

I will include for the record a breakdown of how the money will be spent. It covers $4.9 million for conversion of existing tapes. It covers $50,000 for purchase of various supplies, $700,000 for a VAX mini-computor to process these, and $1.7 million for various hardware, software and labor costs. It is all set out in this document which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF ADMINISTRATION FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION REQUEST RELATED TO ARMSTRONG V. EOP

For FY 1994, OA is requesting $7.4 million in no-year funds for expenses associated with Armstrong v. Executive Branch of the President. Of that amount, $4.95 million will be used to process backup tapes containing E-Mail messages generated during the Bush Administration and the first year of the Clinton Administration. The remaining $2.45 million will be used to acquire, install and test an Automated Record System, which will be used to process and categorize e-mail currently being generated on the OA system. Further delineation is as follows:

CONVERSION COSTS

$4.9 million for conversion of existing Bush-era and Clinton backup tapes to ASCII format.

$50,000 for purchases of various supplies necessary for the conversion process.

RECORD MANAGEMENT SYSTEM COSTS

$700,000 for the purchase of a VAX minicomputer cluster to provide necessary capability for processing e-mail messages under a rudimentary records management system;

$1,750,000 for various hardware, software and labor costs associated with installing and upgrading an Automated Records Management System as follows: $225,000 for Data Center Hardware and software; $150,000 for Enhanced Storage Media; $375,000 for Integration/Installation costs; $900,000 for Desktop Integration; and $100,000 for Network Configuration.

NATIONAL SECURITY COUNCIL FY 1994 SUPPLEMENTAL APPROPRIATION RELATED TO ARMSTRONG V. EOP

The NSC is seeking a FY 94 supplemental appropriation of $5.65 million for expenses associated with Armstrong v. EOP. The full amount will be used for the preservation, restoration, and processing of tapes containing E-Mail messages from both the Reagan and Bush administrations. Associated costs include software, supplies and labor. NSC, at this time, is not seeking funds for the development and enhancement of an Automated Records Management System, as its current system already possesses sufficient capability to meet its minimal needs.

USTR 1994 SUPPLEMENTAL APPROPRIATION RELATED TO ARMSTRONG V. EOP

The Office of the United States Trade Representative is seeking a supplemental FY 94 appropriation of $75,000 for costs associated with Armstrong v. EOP. The funds will be used both for conversion of existing tapes to readable format and for the development of an Automated Records Management system. Costs include hardware, software, and contract support.

Mr. DECONCINI. So, Mr. President, I hope my colleagues will vote to table or in opposition to the amendment of the distinguished Senator from Colorado [Mr. BROWN].

Now, Mr. President, on another amendment that I believe is pending, the amendment of the Senator from Massachusetts [Mr. KERRY], I wish to take a few minutes to discuss his amendment which would place a moratorium on public building construction and acquisition.

The Vice President's National Performance Review made a recommendation that there be a moratorium placed on the net increase in GSA's acquisition of Federal office space with an estimated savings of $2 billion. Beginning in July of last year, GSA began what is known as a "Time-Out and Review" of all new Federal construction and building acquisition projects.

From that review, GSA recommended savings of $127.7 million, the amount included by the committee by specific projects for rescission in title III of this bill. That is what is in this bill right here, exactly what the GSA has recommended.

The GSA review proposed an elimination of only two Federal building projects but savings from many due to reduced scope and value engineering. The committee adopted these recommendations.

It does make sense that if there will be a downsizing in the Federal work force, as proposed by the President in his budget last year and this year, that the need for increased Federal office space may not be totally justified. We have taken that into consideration. So has the GSA.

However, the amendment proposed by the Senator from Massachusetts would propose a moratorium on all public building construction and acquisition. I believe this goes much too far for many reasons. And it may just have the unintended, I am sure, effect of increasing the cost to the Federal Government.

For example, in President Clinton's fiscal year 1995 budget, he is requesting $999 million in new budget authority for the acquisition of new Federal office space for 48 leases which are due to expire in fiscal year 1995. Studies conducted by the GSA just last fall concluded that the Federal Government would spend three times—let me repeat that. The Federal Government would spend three times as much if they renewed these existing leases than if it went out and constructed new space or purchased existing buildings. So the amendment of the Senator from Massachusetts would prohibit the GSA, as I read it, from taking advantage of the most economic housing alternative for the Government, based on the market conditions, which just may be direct construction or purchase of new buildings owned now by the private sector, but converted for Government use.

I think the Senator from Massachusetts would agree that where our courts are concerned the Congress is constantly adding more judges. We are constantly federalizing more crimes. Study after study demonstrates that prisoners have too far to travel, and this creates a security risk. Jurors have to commute long distances, and that creates additional costs.

This dramatically impacts the court and its ability to deliver the justice system that we are so proud of in this country.

Court design changes can save money. There is no question about it. We have seen some of that. The Senator from Oregon [Mr. HATFIELD], involved himself in reducing the cost of the new Portland courthouse in Oregon by over $25 million. And we have included over $100 million in savings in the rescission package from value engineering which will reduce the cost of many, many courthouses. However, we have no way at this time to assess the savings from long-term design changes.

I want to talk about the Boston, MA, courthouse. This is a $218 million project that was funded in 3 fiscal years by the Appropriations subcommittee that I chair; $184 million in fiscal year 1991 as requested by the administration and requested by the Senators from Massachusetts, and rightfully which was a commitment by our Government to proceed to the construction of this project. Let me repeat that; we appropriated $184 million in 1991; another $20 million in 1993; and another $14.5 million in fiscal year 1994.

Approximately $48 million has actually been obligated to date on this project. That means that it has been committed and will be spent timely.

I point this out because the Senator's amendment would exempt projects already under construction or under contract for acquisition. It is very handy because it protects the Boston courthouse. I do not blame the Senator. I do think we should protect that courthouse. But I think we have other courthouses that are just as important as the courthouse in Boston.

This amendment would terminate most of the other courthouse projects where sites have already been purchased and design is already underway. And anyone who is familiar with building construction realizes that a lot of time and a lot of money and effort go into the design and site acquisition activities before you actually see the bricks and mortar.

So I would hope the Senator from Massachusetts has an idea about what the cost to the Government would be for funds already sunk in site acquisition and design.

I would further point out that just because the Boston courthouse project was funded in fiscal year 1991 that does not make it any more of a priority or necessity than other courthouses planned in California, in Arizona, West Virginia, Nevada, New Jersey, or in any other State.

So I urge the defeat of the Kerry amendment on this subject matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION IN SPENDING ON FEDERAL BUILDINGS

Mr. DORGAN. Mr. President, let me very briefly respond to something said by my colleague from Arizona. Senator KERRY of Massachusetts has included a provision in a piece of legislation he just introduced, one with respect to building moratoriums, or a reduction in spending for Federal buildings. I think there does need to be some additional flexibility here and there. I do not disagree with my colleague from Arizona. But I must say this: The Senator from Massachusetts is dead right on this issue with respect to the need to reduce spending for Federal buildings. I introduced, about a year ago, legislation here in the Senate calling for a 2-year moratorium on building projects.

If we are going to reduce the Federal work force by 250,000 workers, we can surely reduce the amount of money spent on building new, elaborate Federal buildings. I commend the Senator from Massachusetts. We may need to make some modifications as we go.

I also say that the new head of the GSA is a breath of fresh air, but we need to provide the strength to stop spending on new projects. If we are going to have a quarter million less people in the work force, we do not need all of these projects in the future.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, I have taken the floor to briefly speak on the behavior of the Federal Reserve Board.

Back in ancient Roman days, there was a practice called "augury," in which the Romans would call on wise men who had wide experience to predict the future by observing the flight of birds and evaluating the entrails of cattle. These Roman priests, or augurs, gave advice to the folks who were in charge at the time. Of course, now we do not have augurs, and our advisers do not practice augury, and they do not read the entrails of cattle. For better or for worse, we have economists instead.

Economists do our prognostication for us today. They call it a science. There is some question as to whether economics is truly a science. One economist for whom I have great affection has predicted nine of the last two recessions. And he is an economist whom I hold in very high regard.

In 1990, on the eve of the most recent recession in our country, 40 of our leading economists made their predictions about the coming year. Thirty-five predicted that in the next 12 months there would be steady growth—35 of 40—and, in fact, in the next 12 months we entered into a recession.

Using all of that as an introduction, let me tell you that I was dumbstruck last week by the decision by the Federal Reserve Board to increase interest rates. At a time when we have had steady reductions—steady reductions—in the rate of inflation, at a time when we are just coming out of recession, when this country's economic engine is not yet at to cruising speed, we have the Federal Reserve Board, for reasons unknown to me and I think unknown to most people here, deciding to increase interest rates, to put on the brakes.

Surely, deep in the bowels of that marble edifice that houses the Fed, there is a dark, dimly lit room in which two or three dozen "augurs" must be reading the flights of birds or the entrails of cattle. What else would explain a decision by the Federal Reserve Board to increase interest rates now? What other conceivable explanation could there be? There is none by the evidence. Productivity is up, inflation is down, 10 million people are still jobless, and this country's economy is just coming out of a recession. What could possibly persuade them to increase interest rates?

Let me try to answer this question, because I have introduced legislation with some of my colleagues, Congressman HAMILTON and Senator SARBANES. We are suggesting that we should change the way the Fed behaves.

Do you know there are people on the Fed's Open Market Committee who make decisions about this interest rate policy and are never confirmed, never appointed, never accountable to the public sector? These are the Federal Reserve Bank regional presidents. They are in the room helping make interest rate decisions. Why would they have a hair trigger, as the Senator from Maryland says, on inflation but be tone deaf to jobs and economic growth? It is because they serve their constituency, and their constituency is the big banks.

We need to change the Federal Reserve Board. The reform bills I have supported include the requirement that the day the Federal Reserve Board makes a decision, it ought to be announced that day. That has not been the practice, although last week it happened, and the press release floored the markets, because they had almost never seen one from the Fed before. Generally speaking, the Fed operates in great secrecy, behind a cloak of secrecy. Usually the Fed withholds its decision, and then ordinary people do not understand what is happening to monetary policy. That is one goal of my legislation: to have the Fed announce its decision on the same day it is made.

Second, no one should vote on monetary policy who is not accountable in some way to the public. Five votes in the Open Market Committee are cast by people who are presidents of the regional Federal Reserve banks, and they are accountable to nobody but the big banks. This must change. They ought not to be voting members of the Open Market Committee. They might represent their constituency, but they don't speak for mine.

Third, the Federal Reserve Board ought to be open to audit. It has spent well over $1 billion and has not been audited. We ought to open the door just a bit and shine some light in on the Federal Reserve Board, give it a little fresh air. More open air and more sunshine around what the Federal Reserve Board does and how it affects the American people cannot, in my judgment, harm the public interest.

My point today is to say that what the Federal Reserve Board did last week was wrongheaded. I watched the Senator from Maryland [Mr. SARBANES], come to the floor and talk about these policies. He was right. He is an effective and eloquent voice on these issues. What the Federal Reserve Board has done runs counter to what we are trying to do in this country.

We were told a year ago: Let us take the tough medicine on fiscal policy and cut spending, and let us increase taxes and do everything that is necessary to grapple with this Federal debt. Let us reduce the Federal deficit. If we do that, we were told, we will then see interest rates fall, and lower rates will then propel economic growth.

So we took the tough economic medicine and fiscal policy. And now the people at the Fed who serve another constituency decide they are going to have a counterbalancing or countervailing policy of higher interest rates.

We want this economy to begin moving up to cruising speed. We want to get some juice to move this economy forward. We need economic growth, and opportunity, and renewal. Instead, as the Senator from Maryland said, we have a Federal Reserve Board that has a hair trigger on the subject of inflation. Inflation is going down, not up. There is no conceivable reason for this Federal policy of last Friday.

Mr. SARBANES. If the Senator will yield for a moment, the Senator is on to a very important subject, and I agree with everything he is saying. Furthermore, the Fed says to us, "Stay the course on maintaining a tight fiscal policy," which, of course, the Congress is committed to doing. We expect to do exactly that. But it seems to me that part of the package is that the Fed should have stayed the course on an accommodating monetary policy. If they start tightening up the monetary policy, they are going to slow down the economy, and all of these efforts, like economic growth and job restoration, are going to be dealt a real blow.

I thank the Senator.

Mr. DORGAN. The Senator from Maryland puts it better than I could. In my 30 final seconds, let me give three messages:

One to the Fed: Get your foot off the brake and let the economy grow.

Second to Congress: Pass the Federal Reserve bill and stop people from voting down at the Open Market Committee who are not accountable to the American people.

Third: We have two vacancies on the Federal Reserve Board. I ask the President to appoint people to the Federal Reserve Board who understand the price of groceries and the cost of living. Appoint my Uncle Joe, for that matter. Or appoint some people who believe that we should start this economic engine, and get it running, in order to provide new jobs, opportunity, and new economic growth.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I note the presence on the floor of the distinguished Senate Republican leader.

Mr. President, I will momentarily propound a unanimous-consent request so that we can begin to dispose of some of the several amendments that have been, and are to be, offered to this bill.

I repeat what I have said many times. This is an emergency bill. The people of California have a right to expect that we will act promptly, as we did when natural disasters struck Florida, South Carolina, and Midwestern States. We did not wait in those cases. We did not delay. We acted promptly.

This is the largest of all of those natural disasters, certainly in economic effect, and I think we should act promptly. So I encourage my colleagues, first, to stop offering amendments that do not have anything to do with this tragic emergency situation and can serve only to delay action on the bill. I know that is not the intention of any Senator. I know there is no Senator who is deliberately and intentionally trying to delay action on the California earthquake needs, but that is the effect of a lot of these amendments, the ones that have nothing to do with the subject platter.

Obviously, if they relate to the subject matter of the bill, Senators have a perfect right to offer them. But I hope that even those we could keep to a minimum and bring to a close.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I now ask unanimous consent that, at 3:15 p.m. today, the Senate vote on, or in relation to, the pending Brown amendment to strike funding for Presidential salaries and electronic communications; that upon the disposition of the Brown amendment, the Senate vote on, or in relation to, the pending Murkowski amendment, which is a sense-of-the-Senate regarding emergency checkoff funds; that upon the disposition of the Murkowski amendment, the Senate vote on or in relation to, an amendment by Senator KERRY of Massachusetts regarding rescissions; that upon disposition of the Kerry amendment, the Senate vote on, or in relation to, an amendment by Senator Feingold, striking the section on peacekeeping; that upon the disposition of the Feingold amendment, the Senate vote on in relation to, the Durenberger amendment regarding a natural disaster trust fund; that upon the disposition of the Durenberger amendment, the Senate vote on, or in relation to, the McCain amendment regarding highway funds; that no second-degree amendments be in order to the pending amendments; that each of these votes occur without any further debate; and that all votes after the first one be for 10 minutes in duration.

The PRESIDING OFFICER. Is there objection.

Mr. DOLE. Mr. President, I am not going to object. We may be able to have another couple of votes ready by the time those are completed.

I hope to offer my amendment. I am only going to take about 10 minutes on it. I think there is only one other amendment on this side. That may not be offered.

We would like to get an agreement that we limit amendments, if we can, right now or in the next few minutes, so we do not have anybody coming out to the floor at 5:30 with some new amendment. So we are going to try to do that on this side.

I understand there may be 2 or 3 amendments on that side that may not be offered.

I just say to the leader and the manager that we want to expedite this as quickly as we can.

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I take it the phrase "on or in relation to," which the distinguished majority leader has used in his request a number of times, includes the making of a point of order. In other words, points of order are not waived by this request.

Mr. MITCHELL. Mr. President, my intention in using the phrase "on or in relation to" is to permit the making of a motion to table. Absent an explicit request to waive points of order, I regard points of order as remaining in order. So it is not my intention, either in my words or in the effect of this, to preclude either motions to table or points of order.

Mr. BYRD. Reserving the right to object, Mr. President, the response of the distinguished majority leader satisfies that point.

In the event there should be a point of order raised, I say to the leader, in connection with one of the amendments, I hope we would not require that that provision which the majority leader uttered, meant there be no debate intervening. There might need to be a little debate if a point of order is raised.

Mr. MITCHELL. Mr. President, I inquire of the Chair, in a parliamentary inquiry, whether the agreement as propounded would, in fact, preclude debate in the event a point of order were made?

The PRESIDING OFFICER. Points of order are not debatable and would be rendered nondebatable unless provisions were made.

Mr. MITCHELL. Then I understand the response to be that points of order are not debatable; that motions to waive the Budget Act to overcome the point of order are ordinarily debatable but would not be so under the formulation presented.

Therefore, Mr. President, I am going to suggest the absence of a quorum so that we can agree on an alternative procedure that would permit debate in the event a point of order is made and a motion to waive in response thereto.

Mr. BROWN. I wonder if the Senator would be willing for us to proceed with an amendment while that discussion goes forward?

Mr. MITCHELL. I have no objection to that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not think the majority leader meant to indicate there has been any delay on this bill. We were on the bill yesterday at 10 o'clock. One of the amendments from that side of the aisle took about 7 hours.

So I do not think anybody has been trying to delay this bill. It is very important legislation. It involves very important issues of emergency funding and what should be included in emergency funding. We think many of the things that are included are not emergencies.

Certainly, even though we understand the need to get this done, we are going to respond as quickly as we can. We have tried to offer amendments, for the most part, that were constructive and at least make the case. We probably are not going to prevail on any case. But I can cite a number of cases that are not emergencies that are going to be funded as emergencies. In the view of many, I think on both sides, this is setting a bad precedent.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President.

AMENDMENT NO. 1457

Mr. BROWN. Mr. President, I rise to offer an amendment. The amendment is at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1457.

On page 72 line 16 after the word Congress: insert "provided further, that the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request."

Mr. BROWN. Mr. President, I wanted to draw the attention of my colleagues to page 72 of the bill, chapter 8, "Funds Appropriated to the President." Included therein is a provision that is not without precedent, but is fairly unusual. It is a grant of $550 million to the President. That money is to be used under his discretion with very, very broad scope outlines.

Specifically, it is allowed for a very broad set of purposes. The money can be spent for the southern California earthquake, for the Midwest floods, or other disasters. And the other disasters are not limited with regard to what disasters those are or when they even occur. So presumably, it could be back quite a ways. It is an extremely broad, broad grant of discretion. In addition, any Federal agency may be used that meets that purpose. So it is extremely broad in that regard.

I would feel much better if our appropriations committees had, at least, an opportunity to see how the President proposed to spend this money before, indeed, the money was spent.

So this amendment does a couple of things. It simply asks the President to identify what he is going to spend it on and give the Appropriations Committees at least 15 days before that money is actually spent.

There is no intent to cause unnecessary delays here, but my hope is that this will encourage working together of our appropriators and the executive branch, to make sure there is at least some review of these funds before they are spent from the Treasury.

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to renew the request.

To accommodate the concern expressed by the distinguished chairman of the Appropriations Committee, I renew my request, modified to state that, in the event a point of order is raised and a motion to waive is made in response thereto, it being ordinarily debatable under the rules, that would continue to be debatable, and that the language which I used with respect to further debate not be applicable in that circumstance.

The PRESIDING OFFICER. Is there objection? Without objection, the modified unanimous-consent request of the majority leader is agreed to.

Mr. MITCHELL. Mr. President, I now ask all Senators to be aware, and the offices of all Senators not now in the Capitol to notify Senators that, beginning at 3:15 p.m., there will be a series of at least six votes. There will be at least six votes on pending amendments. I have stated them previously. So I encourage Senators to be present.

The first vote will be under the usual time limitations. Each of the succeeding votes will be for 10 minutes. We have to complete action on this bill and we want to move promptly on it.

I thank my colleagues for their cooperation, and I thank the chairman for his cooperation.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The request is agreed to.

The Senator from West Virginia is recognized.

AMENDMENT NO. 1457

Mr. BYRD. Mr. President, I believe the distinguished Senator from Colorado has an amendment which both sides have agreed to accept.

Has his amendment been called up?

Mr. BROWN. I thank the chairman. The amendment has been called up.

Mr. BYRD. Very well, then the amendment has been stated.

Mr. President, this side is ready to accept the amendment offered by Mr. BROWN.

Mr. HATFIELD. We have no objections on this side.

Mr. BYRD. So there is no objection. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1457) was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration, and I ask unanimous consent the amendments now before the Senate be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1458

(Purpose: To strike all but the emergency relief provisions and rescission provisions)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1458.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, strike line 1 and all that follows through page 89, line 10, and insert the following:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: *Provided*, That not more than $50,000,000 of assistance shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size: *Provided further*, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: *Provided*, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103–50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: *Provided*, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103–112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103–112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102–394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81–874, $165,000,000, to remain available through September 30, 1995: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: *Provided*, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994–1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993–1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993–1994, pursuant to Public Law 103–75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993–1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994–1995 by institutions that received such reallocations.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: *Provided further*, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: *Provided further*, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102–368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

CHAPTER 6

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): *Provided*, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: *Provided further*, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: *Provided further*, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: *Provided further*, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: *Provided*, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): *Provided*, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: *Provided further*, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disaster, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

Mr. BROWN. Mr. President, this amendment, while it is somewhat lengthy, and thus I asked it be considered as read, is fairly straightforward. What it does is simply strike from the bill all the money that does not fit the category of emergency spending.

As I think the Senate is well aware, this bill has been expedited, as I think all of us would feel is appropriate. Unfortunately, a number of items which are nonemergency in nature were attached to the bill or included therein.

Those items, it is this Senator's feeling, ought to have the scrutiny of our Appropriations Committee in the normal process. That committee is committed to keeping our spending within the budget guidelines. It has a responsibility which I know they take very seriously. It is thus inappropriate for us to include in this measure items that are of a nonemergency nature.

Senators are well aware of the fact that being included in this emergency bill provides certain waivers from the Budget Act. It also provides waivers from the limits that are so essential in making progress in reducing the deficit. What is more, if they are included in this process, these particular expenditures are brought up and shot through the process without the kind of scrutiny that I know the committee is committed to and interested in providing.

For those Members who do not recall off the tops of their heads, let me reiterate what the Budget Act calls for. It calls for emergency spending items to come under this classification, they must be sudden. Some of the items that are of nonemergency status have been around for years. They are in no way sudden. The Budget Act calls for them to be urgent in nature. These matters are not urgent, and I suspect regarding many of them, no one would claim they fit in the urgent category. They must be unforeseen. A very, very large number of these are anything but unforeseen. Most of them or many of them have been considered at some length in previous discussions or previous times. And, of course, they must be necessary. That is a judgment call by the members of the committee.

I do not rise to question their judgment in that matter, except to say my hope is that we will make sure they have had the time to consider them, had the normal markup, and had provisions for testimony on them so they can receive the kind of deliberations they need.

Should we move quickly to provide for the victims of the earthquake? Absolutely. There is no question that that deserves prompt consideration and prompt action. But we should not use this vehicle to violate the Budget Act. To the extent we do, we undermine the very credibility of this body in trying to deal with the deficit that threatens the very lifeblood of our economy.

I believe nonemergency spending should be handled in the normal process, in accordance with the budget guidelines and with hearings. This amendment will strike from the bill $2.493 billion, which is the amount of the various items that do not fit the emergency category. It may well be that Members of the Senate decide in their wisdom that ultimately these things should pass and should be appropriated. My guess is there will be some that very few in the Senate will favor. My guess is there will be some, also, that a large portion of the Senate favor. But none of these items should be passed with this bill—with the emergency declaration.

In simple terms, these are not emergencies. They do not fit the definition of the Budget Act. They do not fit the parameters of the bill. They have not had the proper hearings. It would be a tragedy to include them in this process and thus distort our efforts to try to deal with the deficit.

I reserve the remainder of my time.

Mr. President, I will of course defer to the judgment of the distinguished chairman of the Appropriations Committee in the timing of the vote, but it may well be the distinguished chairman will wish to include this with the other record votes.

If so, I will be happy to accommodate him.

Mr. President, at this point I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1459

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of myself, Senator NICKLES, Senator SIMPSON, Senator BURNS, and Senator ROTH.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. NICKLES, Mr. SIMPSON, Mr. BURNS, Mr. ROTH, and Mr. KEMPTHORNE, proposes an amendment numbered 1459.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. DOLE. Mr. President, the amendment I have sent to the desk is a substitute amendment to this emergency supplemental appropriations bill. We all agree that we must provide timely Federal disaster assistance to those affected by the devastating earthquake and fires that rocked southern California and the 500-year flood that soaked the Midwest. In person or on television, we have all seen the devastation, and the need to respond. My amendment has one simple goal: To deliver much-needed aid to the victims of these tragedies, and to do it without adding to the deficit, without sticking a lot of stuff in there that is not an emergency so that we do not have to deal with it later and cut other programs.

There is no question that these emergencies are legitimate, and that the need for relief is real. We all want to provide help as quickly as we can. We also all want to contain the deficit. My amendment offers us a chance to do both. The question is simple: Are we going to ring up another $10 billion on Uncle Sam's credit card, or are we going to shift our spending priorities to pay for this essential investment?

I might add, if you have not read the article in yesterday's paper about the tax rate of the younger generation in the future, it is going to be about 82 percent—82 percent—for your children born this year or later, grandchildren, whatever. They are going to be in that big bracket according to a study that was released yesterday. It is going to be even worse if we do not start putting our fiscal house in order.

This disaster relief is going to be approved whether we pay for it or not. We know that. It is going to be approved. But it seems to me the responsible thing to do—and I might add we offer an amendment to pay for it that involves the Midwest floods, which is my State of Kansas and other States in the Midwest. We have to make the tough calls and pay for this assistance now instead of sending Uncle Sam's credit card bill to future generations of Americans.

We made a similar effort to pay for last year's flood relief package. That effort did not succeed, but it does not mean we should not start doing the right thing now.

Doing the right thing also means providing assistance for real emergencies. That is why my amendment eliminates the provision in the committee bill that, in the view of many, does not qualify as a real emergency.

It is hard to justify labeling as an "emergency" the $315 million that is earmarked to relocate a Federal highway damaged in the Loma Prieta earthquake back in 1989—almost 40 months ago. The Federal Government has already provided the money to rebuild the damaged highway—I do not think anyone here would deny that that was clearly a Federal obligation. But when local officials—nothing to do with the earthquake—decide to relocate a highway at an even greater expense than rebuilding, I am not certain that Uncle Sam should have to pick up the tab for the incremental cost of relocating.

Maybe somebody got a better view, but the taxpayers are not going to get a view at all. They have to pay for it. In any event, this additional funding is certainly not an emergency, and it ought to be considered on the merits during the normal appropriations process.

I said it last year and I will say it again today: If in a supplemental they want to pay for this $315 million extra cost for relocation and they pay for it, that does not create any problem for me. That is what it is all about. This is not an emergency. The earthquake was 4 years ago, 3½ years ago. They are still saying there is some emergency. Just because the local officials—and I have more information on that; I know it will be disputed. But I have information that says that is precisely what it was.

I was also surprised to see the $1.2 billion to cover Defense Department costs of peacekeeping sent to the Congress as a deficit-increasing emergency request. If there is an emergency here, it is man-made. The emergency was created by putting the needs of the United Nations before the needs of American defense readiness.

The American people are getting tired of seeing more and more money flow to United Nations' operations with little effect on American security. While I will not oppose paying back the Defense Department for costs incurred in U.N. peacekeeping, my amendment ensures these costs are offset with spending reductions.

In order to prevent the legitimate disaster relief and the peacekeeping funding from being tacked on to the deficit, my amendment deletes all of the emergency designation language in the committee bill, and instead pays for the remaining $6.3 billion in new discretionary spending. The bill is paid for using a cut in world bank funding to the level approved by the Senate last year; increasing the committee-recommended rescission for aid to the New Independent States; a cut in Agency for International Development funding to the level requested by the administration; and an additional cut of $3 billion in Federal outlays for so-called administrative expenses that would be allocated among Government departments and agencies by the Director of OMB.

This administrative expense reduction is similar to an amendment offered by Senators HUTCHISON and SHELBY last year. It targets travel expenses, transportation, printing and reproduction costs, consulting services, supplies and materials.

The amendment has been modified to accommodate many of the concerns that were raised during last year's debate. It exempts the administrative expenses of the Defense Department because of the deep defense cuts that have already been approved by Congress. It exempts the expenses of the Federal Emergency Management Agency because of the added burdens placed on FEMA by the disasters targeted in this bill.

It would also exempt programmatic expenses in various agencies that are typically funded through these administrative expenses accounts. For example, Drug Enforcement Agency travel is exempted from this cut. Veterans Health Administration travel, supplies, and materials are exempted. NASA other services are exempted.

Mr. President, the bottom line is this: we need to provide timely relief to the victims of these natural disasters. We also need to provide relief to future generations of Americans who will have to pay the bill if we add this spending to the deficit. We can do both by cutting spending to pay for this much-needed disaster relief.

I urge the adoption of my amendment, and at the appropriate time I will ask for the yeas and nays.

But, Mr. President, I will make one final point.

I know the budget is tight. I know the appropriators have great difficulty. I know it is tempting to call everything an emergency, to have money available for other things later on. But if anybody can tell me that relocating a highway after the damage has been paid for by the Government is an emergency or peacekeeping operations that we have certainly known about—should have known about—is an emergency, then there is something I fail to understand about that particular provision.

It is a clear-cut case. Do we want to pay for it or do we not want to pay for it? I am not under any illusion that I am going to prevail in this debate. I will prevail in the debate, but lose the vote, because the facts are on our side.

But there will be, I understand, some point of order raised because it did not come up in different committees. I am not sure the American people understand that. That is one way to kill this amendment that would pay for all the things we want to do in California, the Midwest, and other cases that are listed here as emergencies. So we can kill this on a technicality and probably will, I assume. But the point is the American people should understand we have an amendment to pay for it. It would not hurt anybody—cut down on travel of a lot of bureaucrats. We have a lot of video techniques. You do not have to fly everywhere these days. And some places they fly, they fly at the wrong time of the year.

So we could save a lot of money just in travel of the Federal employees in Government, Federal bureaucrats in the Government who travel a great deal.

So I suggest that if we want to do this, we have a way to pay for it. It is not totally painless, but as I said it rescinds the AID assistance requested in the President's letter.

So I will be on record supporting the President here. It adopts the Senate-passed level for World Bank contributions, $28 million in budget authority, $3 million in outlays; it increases the former Soviet Union aid rescission. We save $108 million in budget authority and about $23 million in outlays. The big reduction comes in Federal administrative expenses. That is $6 billion in budget authority, $3 billion in outlays; rescind voluntary peacekeeping contributions. That is $13 million in budget authority, $9 million in outlays. And rescinds 5 percent of the Economic Development Administration. That is $40 million in budget authority and only $4 million in outlays. The Loma Prieta highway relocation, about $315 million in budget authority and $31.5 million in outlays.

And again I see my colleague from California in the Chamber. If they can find an offset to go ahead, they should. This is certainly not an emergency. Nobody is going to convince me it is an emergency. But in any event I am prepared to vote.

And I would just say before I yield the floor, I hope anybody who has an amendment will try to get them offered before we start voting at 3:15. We have six straight votes, and that would take us well into 4:30, 5 o'clock. The managers, Senator HATFIELD and Senator BYRD, still need to go to conference, and it is important we complete action on this very important bill either late tonight or tomorrow before we leave for the weekend.

Mr. PELL. Mr. President, I am opposed to this amendment's cut of $253 million from the assistance to the New Independent States account. This amendment comes at a delicate point in the development of these new states, and it is critical that we stick to our commitments.

I believe that in paring down our assistance, we would be sending a dangerous political signal to Russia, Ukraine, Kazakhstan, Belarus, and the other States of the former Soviet Union. Reformers in the New Independent States are, for the most part, facing uphill battles as they try to change fundamentally the way their economies and governments operate and as they seek consensus on arms control issues that are of vital importance to the United States.

Precisely because the reformers are facing challenges to their agendas, our continued commitment to support their reforms becomes even more crucial. Reducing funding for the newly independent states would only confirm what the reformers in the New Independent States fear—that the West will not support them when the going gets tough.

Last year, President Clinton made a commitment to the emerging democracies that we would help to bolster their reform efforts. Although we were facing difficult budgetary times, the Congress fully funded the President's request because we recognized that helping these new countries is in our national interest. I believe it is still in the national interest to operate programs with goals that include supporting privatization, democratization, and the transition from a defense-oriented to a civilian-based economy.

I believe that it is important to remember that our bilateral technical assistance does not consist of cash handouts. Rather, much of our aid targets private and privatizing firms, the health, energy, and agriculture sectors, and supports democratic development. Our programs support structural reforms at the grass roots level that will lay the foundation for further economic transformation down the road.

It is too early to pass final judgment on the success or failure of our assistance program to the New Independent States. United States assistance efforts have, in fact, just begun, with AID launching its technical assistance program just over 1 year ago. Our aid efforts are just starting to gain some momentum and show some preliminary results. But real results will only be evident over the long term, and will require uninterrupted support. To cut back on our efforts now would nearly ensure that our efforts to date have been a waste. I would strongly urge my colleagues to stick by the commitment we have made to the reformers in the NIS by opposing this amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1460

(Purpose: To direct funds previously appropriated to the Federal Bureau of Investigation for certain law enforcement purposes)

Mr. BYRD. Mr. President, I have an amendment here that has been agreed to on both sides, and I send it to the desk. I ask unanimous consent that reading of the amendment be dispensed with, that a statement in support of it appear in the RECORD, the amendment be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the purpose of this amendment is to provide a temporary increase in staffing levels at the FBI's Criminal Justice Information Services Division. Presently, the FBI has partially exempted the Criminal Justice Information Services Division from a hiring freeze, permitting the hiring of 10 people a month. At this rate, the Criminal Justice Information Services Division will be left nearly 1400 employees short of its proposed goal when its new facility opens and is fully equipped with the most modern computers, representing many millions of dollars of investment.

The amendment does not appropriate any additional funds. Rather, it redirects $20 million within the funds previously appropriated to defray expenses for the automation of fingerprint identification services. The amendment would provide that the $20 million would be used to address the immediate critical shortages of personnel required to effectively staff the revitalization and relocation initiative.

The Criminal Justice Information Services Division is the Nation's central clearinghouse and repository for criminal history and fingerprint identification records. These records are at the very core of our criminal justice system. The ability to identify criminals and to determine their prior criminal history is crucial, if violent, recidivist criminals are to be removed from our streets. These records are also necessary for support of the Brady bill and the many other laws and pending laws that require screening out individuals with certain prior criminal convictions, such as child care providers, airport security personnel, border security personnel and local law enforcement applicants. There is widespread support and recognition of the necessity for the revitalization of the FBI's identification throughout the law enforcement community. The revitalization project has been characterized as the single greatest increase in law enforcement capability since police use of the car radio. These record systems support all law enforcement officers, including the additional 100,000 provided for by the "Crime Bill". They also contribute to officer safety, a necessity due to the pervasiveness of violence on our streets. Mr. President, it does not make sense to construct a building, equip it with state of the art computers, and understaff the facility by 1400 employees. What type of message are we sending here?

Mr. President, I was instrumental in providing the initial $185 million to initiate the fingerprint identification revitalization and relocation project. At that time, the FBI was faced with a prospect of the identification division's remaining in its then current deprived condition, with no realistic hope of upgraded technology of the ability to retain sufficient employees to run its obsolescent operation. Faced with these circumstances, the revitalization and relocation solution was the only reasonable answer to save the FBI's identification division and the jobs of more than 2500 employees. Without the revitalization effort, the FBI would be unable to provide the services required by the criminal-justice system to defeat sophisticated criminals attacking our Nation's infrastructure with organized drug-trafficking, violent crime, and related criminal enterprises.

Mr. President, anti-crime efforts must become an established priority. Efforts are emerging in the Congress and in the Administration to deal with the rampant criminal activity that abounds in our country. Congress is working on a Crime Bill designed to reduce the scourge of crime, drugs and violence which is sweeping across most of this country.

Mr. President, the revitalization of the FBI's fingerprint division was, and remains, a priority bi-partisan concern, with the strong support of the current and previous OMB Directors. The Presidents of both parties have acknowledged the importance of the revitalization of the FBI's fingerprint division by designating it as a Presidential Priority System and including the necessary funds in Presidential budget requests to keep the project on schedule. The Congress has consistently supported the project by providing more than $400 million to revitalize the identification division.

Although I applaud the overall reduction in the number of Federal employees, I find it contradictory to uniformly apply such reductions to Federal law enforcement agencies. These agencies play a key role in our Nation's law enforcement efforts. They provide essential training, intelligence, forensic services, criminal history records and identification services to State and local law enforcement agencies. They are the mainstay of numerous joint task forces that are addressing the problem of drugs, terrorism, and violent crime.

The amendment I am proposing will allow this high priority initiative to get back on schedule by allowing the FBI to bring on board the necessary personnel, most of whom have already been recruited and are awaiting the finalization of the necessary personnel actions.

Mr. President, I urge my colleagues to support this amendment.

So the amendment (No. 1460) was agreed to, as follows:

On page 89, between lines 10 and 11, insert the following:

SEC. . Of the funds made available for the purpose of defraying expenses for the automation of fingerprint identification services under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Public Law 103–121), $20,000,000 shall be available (to remain available until expended) to hire 500 employees to carry out the automation of fingerprint identification services without regard to any employment ceiling imposed by the President or by law.

Mr. BYRD. I intend to speak on the amendment by Senator DURENBERGER. If the distinguished Senator from California wishes to speak at this moment, I will be glad to delay my own remarks.

Mrs. BOXER. I am waiting very patiently, I say to the Chairman. That is fine.

Mr. BYRD. I have no problem waiting. Five minutes, would that help the Senator?

Mrs. BOXER. Yes, that would be fine.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be recognized following the remarks of the distinguished Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask the Chair advise me when I have spoken for 5 minutes, if that would be all right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am very sad to rise today to say to my friend from Kansas, the distinguished Republican leader, that for him to suggest that it is not an emergency when a structure such as the Cypress structure has been down since that fateful day in 1989—and the fact is we have certain rules in California, as well we should, which is that we do not rebuild a structure in the same way it was before, if in fact in doing so it would remain a danger and a hazard to the people who use it.

Mr. President, I have a picture here from the New York Times that shows the Cypress structure collapsing, the top deck, right onto the bottom deck. Forty-two people were killed. And I would say as I remember back to that day, that had there not been a World Series game scheduled that night, there would have been far more people caught on this freeway. Forty-two people are dead, and, yes, it is true it has taken time to come up with a plan that is a safe and good plan.

The fact that we did not rush to rebuild a collapsed freeway in a way that may have been wrong is to the credit of the State of California.

The new alignment of the Cypress Freeway section of Interstate 880 will improve safety and traffic congestion in the east bay region.

The distinguished Republican leader says, oh, they realigned it to get a better view. I would like to inform my friend from Kansas—and I think it is important that he know this—this freeway goes through one of the poorest communities in Oakland. We are not talking about fancy hillside homes here and fancy freeways. We are talking about a community, a community that has suffered greatly since this Cypress structure went down.

Yes, the environmental impact statement took 2 years. It is in the law. And I really believe this amendment that the Republican leader wishes to offer—perhaps it will have a point of order against it. I am not certain of that—is detrimental to the very goal he says he shares with the Senator from California, and I quote him. He does not want to "interfere with the timely relief to Californians."

Everyone says that. Everyone who comes to the floor to offer these amendments says we do not want to interfere with timely relief. The bottom line is, I assure my friend, that if there was a disaster in Kansas, and in good faith and in good will the community came together, the engineers came together, the experts came together, the political leaders came together, both Democrats and Republicans, and it took them a while to come up with the safest way to rebuild that structure so it would not collapse again, I would be there supporting him with every ounce of energy I have. And I have a lot of energy. And I would be there by his side. I would not be standing up striking these dollars from this bill.

I know that the Governor of our great State has discussed this with the Republican leader, and he has asked him not to move forward with this. I will say one thing. The Republican leader is steadfast. It did not matter if a Republican elected official called him or a Democrat. He feels it is wrong. But I would implore him to understand that this is not a fancy community in the hills. These are poor people in a devastated community. Commerce has been disrupted, the people's lives disrupted, and it took time so that we would not rebuild this thing in a way where it would collapse again. It is now a single-level structure. It is safer. It makes sense. I urge my colleagues to defeat this amendment. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I wish to make it clear. I am not opposed. I am just saying we pay for it. I know it is a word we throw around here a lot. But I would like to read for the RECORD excerpts from an article—I did not write this article—which appeared in the San Francisco Chronicle of July 19, 1993:

> As Bay Area monuments go, the new Cypress structure in Oakland won't be much to look at. . . but mile for mile the 2.2-mile concrete ribbon of freeway has turned into one of the most expensive construction projects in Bay Area history.
>
> With an estimated pricetag of $695 million—

It is going to go up to $1 billion—

> which includes the cost of about 1 mile of ramps, the new East Bay connector will cost as much as two Golden Gate Bridges, five Candlestick Parks or six TransAmerica Pyramid towers in 1993 dollars.
>
> The new elevated Cypress roadway will cost about half of what it cost to build the entire 800 miles of Interstate 5, California's main north-south artery, which was started in the late 1950's
>
> The new Cypress will replace the deadly double-deck freeway that collapsed in the 1989 Loma Prieta earthquake, although the route will be somewhat different.
>
> At about $200 million per mile, the price of the new freeway comes to nearly $500 per square foot. That's 200 times more expensive than a mile of I-5 roadway, and more than three times as expensive as the standard per-foot cost of building a skyscraper.
>
> Despite the astronomical costs of the new roadway, few people are complaining—perhaps because most of the money comes from Washington and is far removed from local taxpayer' pockets.
>
> And besides, the project's millions of dollars in concrete, tar and asphalt will mean a boon in business for a slew of local building contractors in these recession-wracked times.
>
> The new Cypress also includes a number of costly political and engineering goodies.
>
> For starters, Southern Pacific will get about 30 miles of new track in return for agreeing to allow about 100 miles of track to be remove from its Oakland yard.
>
> The U.S. Postal Service will get a new $10 million parking garage, and the Oakland Fire Department will get a new station.
>
> Plus, the project calls for relocating scores of utility lines—including moving a mile-long stretch of giant East Bay Municipal Utility District water pipes that are 26 feet below ground.
>
> And there may be more. In return for signing off on the project, Oakland is demanding about $2.5 million to help relocate about a dozen businesses in the freeway's path.
>
> Engineers say a major chunk of the cost can be attributed to having to build a largely elevated freeway, requiring the latest in seismic reinforcement, with a complicated series of interchanges.
>
> What's more, engineers say, the construction must be done without disrupting traffic on adjacent streets and freeways, something that Bill Hein, a deputy at the Metropolitan Transportation Commission, says is like "remodeling your kitchen with your wife doing gourmet dinners out of there every day."
>
> The project manager, Hilmer Forsen, said: "I've worked for Caltrans for 35 years * * * and this thing is so much bigger and more complicated than anything I've run into."
>
> "It's a real animal."
>
> Preparation of the new roadway site is under way, with major construction set to begin as early as January.
>
> Completion of the project is slated for the last summer of 1997.

So again, despite all of this, despite the cost and all the other political goodies, engineering goodies, the Senator from Kansas is not trying to stand in the way of the amendment. All we have to do is pay for it. I know it may seem strange to some that we ought to pay for things. But we are not going to offset. I do not lower it down one bit. I just pay for it. Get it through a regular supplemental. Get it through a regular supplemental. That would be fine with the Senator.

The PRESIDING OFFICER. Under the regular order, the Chair recognizes the Senator from West Virginia.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The regular order is to recognize the Senator from West Virginia.

The Chair recognizes the Senator from West Virginia.

Mr. DOLE. I apologize. I did not know the Senator had reserved the floor.

Mr. BYRD. I do not intend to make a matter out of it. If I felt strongly about it, I would have called for regular order. I have no problem with that. I have great respect for the present occupant of the chair. He is a very gracious man. The Chair is supposed to enforce the rights of Senators, and to enforce the order that has been entered.

Mrs. BOXER. Mr. President, will the Senator yield for a question? Will the Senator from West Virginia yield for a very brief question?

Mr. BYRD. Mr. President, I cannot continue to yield for very long because we are going to start voting at 15 after 3 p.m. today. I have a few things to say about some of the pending amendments because we are going to vote on them back to back.

How long does the distinguished Senator from California want me to yield at this time?

Mrs. BOXER. If the Senator would yield 1½ minutes, I think I can get my points in quickly.

Mr. BYRD. Mr. President, I ask unanimous consent—I want the Chair to pay attention to this request, if it is agreed to, I ask unanimous consent that I be permitted to yield to the Senator from California for not to exceed 2 minutes, and that I retain the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. BYRD. Regular order for the moment.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER], is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I thank the distinguished Senator from West Virginia. I will be most brief.

I need to respond to my friend from Kansas, the distinguished Republican, leader and say to him that it is interesting that he read an article that said this was more expensive than Interstate 5. Interstate 5 collapsed. That is the point. Interstate 5 collapsed in this last earthquake. We do not want to rebuild the Cypress Freeway the way Interstate 5 was built. And I agree with what Senator WARNER said yesterday. If we go back and rebuild these structures exactly as they were before they fell, we are wasting taxpayers' money.

In terms of paying for these things, let me say this: I agree with the Senator. I look forward to a new system where we do have a trust fund, where we are prepared for these dire emergencies. But to change the rules in the middle of an emergency like this I think is wrong. It is a wrong signal to people who have never really come to the government for help before.

In conclusion, Mr. President, I ask unanimous consent to enter into the RECORD a letter from the Port of Oakland; very important, interested in commerce and business in support of rebuilding this freeway. It is essential for economic growth and stability in the region.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORT OF OAKLAND,
October 5, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The Port of Oakland supports and appreciates your efforts to secure $315 million in emergency funding in the Senate Transportation Appropriations bill for the reconstruction of the Cypress Freeway, which was destroyed in the 1989 Loma Prieta Earthquake.

The Port of Oakland is situated at the hub of transportation in Northern California for water, air, rail and freeway routes. The ability of export cargo to easily reach the Port is a cornerstone of our growth. We supported the immediate rebuild of this vital transportation artery, but understood and supported the extensive negotiations with land owners and residents for the optimum routing. We participated in the design and functional offramps to route traffic away from populated areas and to centralize cargo traffic.

It will be four years this month that the Port and the region will have been without this critical connection. The alternative routes are increasingly overburdened.

The Port of Oakland is the fourth largest containerport in the U.S., and 19th in the world. Over 90% of the containerized cargo moving under the Golden Gate is handled at Oakland. We are strategically situated between the bustling Pacific Rim and the industrial areas of America. The four year continued disruption of the transportation arteries leading to the Port has definitely had a negative impact on the ability of the Port to provide world class service.

The Cypress Freeway needs to be reconstructed now. The emergency funds necessary to accomplish this vital link should be secured in the Senate Transportation Appropriations bill now being considered.

We strongly support your efforts to end this four year delay with the negative impacts for the Port, the City of Oakland, and the region.

Sincerely,

CHARLES R. ROBERTS,
Executive Director.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The regular order is that the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I call attention to the fact that the amendment of Mr. DOLE is not included in the list of amendments that will be voted on back to back. There will be ample opportunity to talk on the amendment later if any Senator wants to talk further on it.

Mr. KERRY. Mr. President, I ask the distinguished President pro tempore. I know we are going to vote at 3:15 p.m. He wants to speak in opposition. I have been tied up and unable to be at the floor until now. I would like to ask him if I could have 3 minutes or so in order to address the amendment. Then I know he will speak in opposition to it. But it is one of the amendments we are voting on.

Mr. BYRD. Mr. President, I yield 3 minutes, for not to exceed 3 minutes. I do not control the time. I yield for not to exceed 3 minutes with my rights protected to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized for 3 minutes.

Mr. KERRY. Mr. President, I thank my friend from West Virginia.

AMENDMENT NO. 1452

Mr. KERRY. Mr. President, Senator BRADLEY, Senator FEINGOLD, Senator LAUTENBERG, Senator BUMPERS, and I and others join together in offering an amendment, a rescission amendment, that cuts $43 billion over 5 years; $3 billion this year. We are looking for a way to fund what we are about to spend. We offer that. But more importantly, what we have offered to the Senate is an opportunity to register our votes for real choices, for a set of choices that reflect what the American people would really like to be spending their money on as opposed to being forced to spend it by the continuation of programs that the President has asked to have cut; that the National Academy of Sciences boards have said are worthless; that most of the evaluations say are wasteful.

There are nine programs in our amendment that the President has specifically asked us to cut and that he proposes in his budget be cut.

There are, in addition to that, programs that we suggest do not reflect an appropriate judgment when you are choosing between things that we ought to be doing versus things we would like to do or things that need something by perhaps one single district in a State but are not within the national priorities of the country.

If we are cutting low income energy assistance to people, as we are being asked to, if he were cutting education funds in certain areas, if we are cutting or do not have sufficient funds for drug treatment, if he were struggling to find money for adequate prison construction or cops in the street, how can we possibly void those choices in favor of continuing programs that for instance fund a whole set of USDA field offices that do not reflect the needs of the agricultural community of this country?

I respectfully say to my colleagues, I cannot go into all of the cuts. They are in front of everybody. We can make judgments about them. But with this amendment there are no gimmicks, no tricks. We do not double count. There is no accounting chicanery. We do not include health care. We do not include the 252,000 people that we are going to cut that are already spoken for the crime program.

We have a straight program for program cuts, cutting items that we have spent months looking at and making judgments about based on the best assessments of our budgeteers at CBO, the GAO, and of other individual entities and agencies and individuals who have made judgments about this budget.

I would respectfully suggest that each and every one of these systems that we cut, or each would be one of these programs that we cut, is a reflection of the best judgment of most of those looking hard at the budget today.

And it underscores the great distinction: Do we need to be spending this money? Should we be spending this money, or are there better things that we ought to be putting this money to? I respectfully submit to my colleagues that every one of these items withstands the test and is an item that we do not need to be spending on and we would be far better off cutting to reduce the deficit or to spend on those items we ought to be cutting. I thank the Senator from West Virginia and yield whatever time remains.

Mr. BYRD. Mr. President, the amendment offered by the Senator from Massachusetts would reduce the fiscal year 1994 budget for national defense by nearly $4 billion.

Members ought to recall that Congress already reduced the Defense Department budget in 1994 by more than $18 billion. Moreover, in each year for the past 10 years Congress has cut the funds provided for defense. We have already cut defense spending drastically.

The bill before the Senate already rescinds more than $900 million from the Department of Defense reductions. That will tax the ability of the Department of Defense to meet its base closure requirements. Cutting another $4 billion is simply unwise and insupportable. I oppose it, and I hope that the Senate will either vote the amendment down or vote to table the amendment, whichever motion is voted on by the Senate.

Mr. LAUTENBERG. Mr. President, last night the Senator from Massachusetts [Mr. KERRY] offered an amendment designed to save over $40 billion over the next 5 years. I am proud to be a cosponsor of that amendment.

The amendment was the product of a lengthy and at times heated discussion between a number of Senators. None of us, if acting on our own, would have put every item in the amendment on our own personal list of cuts. All of us, if acting on our own, would have added at least a few more programs to the list. But we agreed to act together, to find some common ground and use some common sense in a serious effort to actually reduce the deficit.

We agreed to do a few other things as well: to avoid counting savings which had already been claimed in other legislation and avoid taking savings which need to be claimed to finance health care reform. We also agreed that all our cuts would be real and specific, scored by the Congressional Budget Office.

Some of the cuts were made because we believe the programs are no longer justified or, in a few cases, have been so badly managed or designed that they simply waste the money that the American people pay in taxes. But many more cuts were made on a much difficult basis: the programs, while justified and effective, simply were not high priorities. In an age of $200 billion deficits and over $4 trillion debt, we simply cannot afford to do all the things we want. We cannot even afford to do all the things we ought to do. We can barely afford to do all the things we need to do.

Mr. President, I have the pleasure of serving on the Appropriation Committee and chairing the Transportation Subcommittee. I have some sense of the number of requests that Senators make for programs and projects. I have an even better sense of how our ability to meet those requests is constrained. We have to set some priorities. We have to make some decisions. We cannot continue to try to do everything.

The package that Senator KERRY and I and others have put together is, we believe, balanced. It does not only cut Defense programs which have become obsolete in the wake of the cold war; it also targets domestic programs which no longer are justified.

Now, Mr. President, I know that it is easy to justify a vote against this amendment because you do not agree that we ought to cut this program or that one. But we have to make some on-balance judgements here, Mr. President. We have to look at the whole instead of just a few of the parts. That is what we have done in constructing this package. And that, I hope, is what Members will do when they vote on it.

But let me close on this note, Mr. President. If this package amendment is defeated, we will bring the individual pieces back when the Senate considers the appropriation bills later this year. One way or another, as a whole or in parts, we have to make additional cuts in spending. The American people want it. Fiscal reality requires it. And economic growth depends on it.

Mr. DECONCINI. Mr. President, the Kerry amendment includes a $1 billion cut in fiscal year 1994 and $5 billion over the next 5 years from intelligence activities.

President Clinton has pledged to reduce intelligence spending by $7 billion over the next 5 years. As chairman of the Intelligence Committee, I fully support the President's commitment to further reductions. In fact, I have lead the effort that has already reduced intelligence spending in fiscal years' 1993 and 1994 by nearly $3.5 billion over President Bush and Clinton's budget requests.

Last year I was able to put the votes together in the Intelligence Committee for a $1.2 billion reduction in fiscal year 1994 intelligence spending. The Senate appropriaters cut an additional $100 million from the President's intelligence request.

Senator KERRY supported my reduction in committee and offered no amendment in the committee or on the floor to cut deeper.

I continue to believe today that last year's intelligence cut was as deep as the intelligence community can withstand during its post-cold-war transition. I have continually told Jim Woolsey—I'm sure more than he wants to hear—that the intelligence community must downsize and reduce duplication and its infrastructure.

To his credit, Jim Woolsey is doing a good job to maintain a balance between reducing the intelligence budget and maintaining adequate capabilities to meet the community's critical role of supporting policymakers and war fighters.

Overall, intelligence resources have been reduced in real terms more than 13 percent compared with 1989 appropriations. In addition to funding cuts, Congress has already levied an across-the-board personnel cut of 17.5 percent in all intelligence agencies by 1997. The administration has increased the personnel cut to 23 percent by 1999.

Yes, the world has changed. We no longer face the same sort of threat to our survival that we faced during the cold war.

But the world remains a dangerous place and an uncertain place. We continue to face challenges to our Nation's interests all around the world. You have only to read the newspapers.

The recent developments in Russia demonstrate what a fragile political situation still exists in that country.

There are still nuclear weapons out there which are targetted against the United States and whose control we worry about. There are countries not friendly to us which seem bent upon developing their own weapons of mass destruction. We still face the possibility that U.S. military forces might be deployed around the globe to accomplish a variety of missions. We no longer seem immune from acts of terrorism in the United States and the scourge of narcotics has hardly abated.

We have to stay ready. It makes no sense for us to close our eyes and ears to developments around the world which could ultimately save U.S. lives and resources.

The Intelligence Committee has taken a long hard look at what we are spending on intelligence. We have attempted to strike a balance between the need to reduce the deficit and the need to maintain an adequate capability.

Mr. BYRD. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. BYRD. Under the order entered previously, does the Senate begin voting at the hour of 3:15 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Would the Chair kindly state the amendments that will be voted on ad seriatim?

The PRESIDING OFFICER. The first amendment will be amendment No. 1444, offered by the Senator from Colorado [Mr. BROWN]; the second will be amendment No. 1445, offered by the Senator from Alaska [Mr. MURKOWSKI]; the third will be amendment No. 1452, offered by the Senator from Massachusetts [Mr. KERRY]; the fourth will be amendment No. 1453, offered by the Senator from Wisconsin [Mr. FEINGOLD]; the fifth will be amendment No. 1454, offered by the Senator from Minnesota [Mr. DURENBERGER]; the sixth will be amendment No. 1456, offered by the Senator from Arizona [Mr. MCCAIN].

Mr. BYRD. I thank the Chair.

Mr. President, a point of order has been made and will be considered at the time the amendment by Mr. DURENBERGER is reached on the list.

The PRESIDING OFFICER. The Senator from West Virginia is correct. That will be the case under a previous order.

Mr. BYRD. In the event that points of order are made against other amendments on the list, such points of order have not been waived by virtue of the majority leader's request; am I correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1444

Mr. BYRD. Mr. President, this is on the amendment by Mr. BROWN.

Mr. President, the Senate Appropriations Committee bill includes $12.4 billion in requested funds to pay the cost of converting thousands of computer tapes to a readable format. This expense is in response to numerous Federal court orders and appellate decisions—Armstrong versus Executive Office of the President.

The funds are fully paid for through a transfer from the Air Force and a reduction in IRS tax system modernization. The funding is not designated as an emergency. The Armstrong case originated in 1989 when private citizens requested, through the Freedom of Information Act, access to National Security Council e-mail, including Oliver North's, as well as other EOP agencies. The court determined that the Executive Office of the President had to maintain, preserve, and make accessible, in a readable form, such e-mail back-up tapes.

This supplemental provides the resources to make the tape conversion mandated by the court.

I have a more detailed history, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL EXPENDITURES ASSOCIATED WITH RESOLUTION OF ARMSTRONG VERSUS EXECUTIVE OFFICE OF THE PRESIDENT (EOP)

In January 1989, a group of plaintiffs brought suit against the Archivist and various EOP agencies—including the Office of Administration and the National Security Council—alleging that the defendants were improperly disposing of government records contained on EOP electronic mail ("e-mail") systems.

Shortly thereafter, the Federal District Court entered an order requiring the defendants to preserve backup tapes of existing e-mail systems.

The government sought appellate review of certain aspects of the district court's ruling. The appeal was still unresolved at the end of the Bush Administration, and the court once again ordered the preservation of backup tapes. Pursuant to these orders thousands of backup tapes were preserved.

In January 1993, the district court ruled that the defendants' record keeping standards were "arbitrary," "capricious" and "unreasonable." Related orders further required that the EOP continue to preserve backup tapes for its e-mail systems until defendants had disseminated satisfactory "guidance" concerning e-mail records management. The EOP agencies promulgated new guidance in May 1993, which again failed the district court's standards. While the government appealed the district court's ruling to the Court of Appeals, it was required to continue to maintain backup tapes of e-mail messages.

In August 1993, the D.C. Circuit Court of Appeals definitively ruled that the EOP had failed to properly provide for the management of its e-mail messages as electronic records under the Federal Records Act. In order to address some of the concerns identified by the courts, and in an effort to resolve certain aspects of the litigation, the government has pursued the following course of action:

1. The parties have entered into settlement negotiations in an effort to arrive at mutually acceptable records keeping guidance;

2. The Administration undertook to put in place an electronic records management system that would ensure that an accurate historical record of the e-mail associated with the Clinton Administration is adequately preserved, managed and available for public disclosure.

3. In light of the inadequate preservation of the e-mail messages during the previous administrations, the EOP has initiated the complex process of recapturing the voluminous records that were preserved on systems backup tapes during the pendency of the litigation. These systems backup tapes—which in themselves are not capable of being preserved, managed or read—require conversion and proper disposition by the Archivist and the EOP agencies.

The Supplemental Appropriation requests funds for the conversion of the thousands of accumulated backup tapes to readable format in order to provide for proper disposition of the records contained on those tapes. In addition, funds are requested for the acquisition and installation of a records management system sufficient to insure continued compliance with the Federal Records Act and related legislation.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Thank you, Mr. President.

With regard to the Brown amendment, which will be the first one that is voted on, it deals with the amount appropriated for the White House. That level is one in which President Clinton had recommended a 25-percent cut.

As you know, and I think Members of this body are well aware, instead of cutting the White House—it did not receive the 25-percent cut that the President had talked about—as a matter of fact, there was an increase in funds.

What is included in this bill right now is an additional increase of $7 million. At least in this Senator's mind, it is not an emergency. It does, indeed, relate, as has been mentioned on the floor, to the Armstrong case. But that Armstrong case came down almost 2 years ago. It came down in the spring of 1992. To suggest that it is sudden or urgent or unexpected, I do not believe squares with the facts in the case.

The reality is, this matter should be and is included, I believe, in the normal appropriations. To suggest that, instead of a 25-percent cut, you are not going to get any cut but an increase, to me, is the height of irresponsibility.

VOTE ON AMENDMENT NO. 1444

The PRESIDING OFFICER. Under the previous order, the hour of 3:15 having arrived, the question is on agreeing to amendment No. 1444, offered by the Senator from Colorado [Mr. BROWN].

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—51

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

So, the amendment (No. 1444) was rejected.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was rejected, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1445

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1445 offered by the Senator from Alaska.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, the pending Murkowski amendment addresses the process by which Congress establishes mandatory ceilings on appropriations bills and, thus, contains matters within the jurisdiction of the Budget Committee under the standing order on the referral of the budget process legislation.

As the underlying bill has not been reported by the Budget Committee, I raise a point of order that the pending Murkowski amendment violates section 306 of the Congressional Budget Act of 1974.

Mr. CRAIG. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to waive the Budget Act with respect to the Murkowski amendment No. 1445. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The yeas and nays resulted—yeas 37, nays 58, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—37

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

The PRESIDING OFFICER. On this vote the yeas are 37, and the nays are 58. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

The Chair, therefore, rules that the amendment contains subject matter within the jurisdiction of the Budget Committee and was offered to a bill that has not been reported by that committee. The point of order is sustained, and the amendment is rejected.

VOTE ON AMENDMENT 1452

The PRESIDING OFFICER. The question occurs now on amendment number 1452 offered by the Senator from Massachusetts [Mr. KERRY]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 20, nays 75, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—20

Boren
Bumpers
Conrad
Dorgan
Feingold
Grassley
Harkin
Hatfield
Hollings
Jeffords
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Pell
Pryor
Wellstone
Wofford

NAYS—75

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Heflin
Helms
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

So, the amendment (No. 1452) was rejected.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. FEINGOLD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1453

Mr. LAUTENBERG. Mr. President, I rise to support this amendment.

The issue before the Senate today is not whether we support our troops. Of course we do. And of course we should provide funds to cover the cost of these operations. All this amendment says is that we ought not do it by adding $1.2 billion to the deficit; instead, we should find the resources within the Pentagon's existing $260 billion budget to pay the bills.

Mr. President, the real issue before the Senate today is whether the Defense Department should be subject to the same fiscal rules and constraints as all other agencies in the Federal Government. I believe it should be.

The Defense Department should have anticipated that it would need to pay these $1.2 billion in bills and budgeted accordingly. But it didn't. It is unfair to ask the American taxpayers to excuse the Pentagon's mistakes by adding another $1.2 billion to the deficit.

Mr. President, the criteria used by the Office of Management and Budget to determine whether spending qualifies for an emergency designation—and subsequently can be added to the deficit—are clear. One is that the expenditure be sudden—quickly coming into being, not building up over time. Another is that it be unforeseen—not predictable or seen beforehand as a coming need.

The $1.2 billion in new spending included in this bill for the Pentagon doesn't meet these criteria by any stretch of the imagination. All of the military operations in Somalia, Haiti, Bosnia, and in Iraq were underway at the time Congress considered the budget last September. We've been in Somalia for over a year. Operation Provide Comfort for the Kurdish people living in Iraq has been underway for nearly 3 years, having begun in April 1991, and we've been enforcing the no-fly zone in southern Iraq since August 26, 1992. With respect to Haiti, the Governors' Island Agreement was signed July 3, 1993. Under that agreement, the U.N. and OAS agreed to monitor compliance, and President Clinton agreed to send 350 engineers. On October 6, 1993, the initial United States contingent landed in Haiti. Five days later, one of our Navy ships transporting the bulk of the engineers was turned around.

As you can see, all of these operations have been ongoing for some time. They cannot be called sudden or unforeseen. That we would ultimately need to pay bills should have been very predictable.

Mr. President, we need to bring order and consistency to the military budget process. The Pentagon should not get in the habit of asking for supplemental, new deficit spending to pay the bills for all oveseas operations. Clearly, there will be times when we will have unanticipated costs. But the Pentagon needs to do a better job anticipating the costs for overseas operations. The Pentagon needs to be subject to the same budgetary discipline as every other agency in the Federal Government.

We fund the Department of Defense to ensure that our military will be prepared to defend our interests should the Commander in Chief and the Congress believe it is justified. Yet, our military budget planners seem to act as if those funds are only designed to buy equipment and train personnel—not use the equipment or deploy the people.

Mr. President, the United States humanitarian, peacekeeping, and peace enforcing operations in Bosnia, Somalia, Haiti, and Iraq are worthy efforts. Our military is doing a superb job, and they deserve our support. We need to ensure that our military personnel are adequately trained for the challenges ahead. We need to guarantee that our readiness will be top-notch. Continually asking the Congress to provide supplemental funds to pay these bills is the wrong way to reach these goals. The path to success in readiness is through sound budgeting.

Mr. President, this amendment is fiscally responsible, it is good public policy, and I urge my colleagues to support it.

The PRESIDING OFFICER. The question occurs on amendment No. 1453 offered by the Senator from Wisconsin [Mr. FEINGOLD].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 76, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—19

Bingaman
Boxer
Brown
DeConcini
Dorgan
Feingold
Grassley
Gregg
Harkin
Hatfield
Kerry
Kohl
Lautenberg
Mathews
Metzenbaum
Sasser
Simon
Wellstone
Wofford

NAYS—76

Akaka
Baucus
Bennett
Biden
Bond
Boren
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

So the amendment (No. 1453) was rejected.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1454

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I address the following remarks to the amendment by Mr. DURENBERGER, in connection with which the Senate will be voting soon. I hope the Senate will not support that amendment by Mr. DURENBERGER. It is an attempt to set up a procedure whereby the executive branch would reserve in the disaster relief fund an amount they determine would be necessary to fund the average annual amount expended for disaster relief during the preceding 5 years.

The problem with this approach is that it would supersede the present process for handling emergencies that was negotiated after lengthy discussions during the 1990 budget summit and is incorporated in the budget of 1990. In so doing, the pending amendment would take away from discretionary spending the amount that would be reserved in this newly established trust fund. This would mean that we would have literally billions of dollars less to spend on discretionary spending, including defense, over the coming years if this amendment were agreed to. The reason is that this amendment would separate out billions of dollars that will be required for natural disasters and other emergencies and not allow those funds to be used for any other purpose.

Whatever amounts were determined by the executive branch to go into the disaster relief trust fund would be taken away from the discretionary caps each year. As all Senators are aware, those caps are extremely binding, extremely tight, extremely constrained. The committee, agreeing by amendment in the markup of this, recognized that disasters and other emergency funding needs have grown dramatically over the past several years. It is for that reason that my amendment, cosponsored by Senators INOUYE, HATFIELD, and STEVENS, would establish a bipartisan task force to examine the history of funding natural disasters and make recommendations to the Senate prior to the convening of the 104th Congress on better ways to provide these essential appropriations in the future, without at the same time throwing our deficit reduction goals out the window.

So I urge my colleagues not to support this amendment. I intend to make a point of order against it, and I hope the point of order will be sustained.

The pending amendment would create a new trust fund and exclude the outlays from that trust fund from being taken into account for the purposes of the Congressional Budget Act of 1974, the Balanced Budget Act, or Emergency Deficit Control Act of 1985. Under section 306 of the Congressional Budget Act, it is not in order to consider an amendment dealing with matters under the jurisdiction of the Budget Committee unless such an amendment is offered to a measure reported from that committee. The pending bill was not reported from the Budget Committee and therefore a point of order lies.

Mr. President, I shall now make the point of order, and I ask unanimous consent that the Chair not rule on it until the Senate reaches the amendment's place on the list previously entered under the majority leader's order. I make the point of order against the amendment for violating section 306 of the Congressional Budget Act.

VOTE IN RELATION TO AMENDMENT NO. 1454

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, on behalf of Senator DURENBERGER, I move to waive the Budget Act for consideration of the Durenberger amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. I do not believe the minority leader could be heard. There will be order in the Chamber.

Mr. DOLE. I thank the Chair.

Mr. President, on behalf of Senator DURENBERGER, I move to waive the Budget Act for consideration of the Durenberger amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. FEINGOLD). The question is on agreeing to the motion of the Senator from Kansas to waive the Budget Act for the consideration of amendment No. 1454.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 41, nays 54, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—41

Bennett
Bond
Cochran
Cohen
Coverdell
Craig
D'Amato
DeConcini
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Brown
Burns
Hatch
Hollings
Jeffords
Kassebaum
Kempthorne
Kohl
Lott
Mathews
McCain
McConnell
Metzenbaum
Murkowski
Chafee
Coats
Pressler
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Helms
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wofford

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

The PRESIDING OFFICER. If there are no other Senators wishing to vote, on this vote, the yeas are 41, the nays are 54.

Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

The amendment contains subject matter within the jurisdiction of the Budget Committee that was offered to the bill which has not been reported by that committee. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1456

Mr. BYRD. Senator MCCAIN's amendment would take away from States over $1.7 billion in funds provided through the ISTEA legislation and another $488 million which has been provided to States through annual appropriations. The $1.7 billion proposed for rescission is not within the jurisdiction of the Appropriations Committee. These are funds provided over the life of the ISTEA legislation for specific projects in all 50 States.

Senator MCCAIN's amendment would pull the rug out from the States that have been planning to use this money this year or in the near future. In many cases, States have conducted the necessary environmental impact statements, site planning preparation, and preliminary engineering studies, and are ready to go to construction.

In other words, States have in many cases invested a significant amount of either their own resources or Federal resources to be ready to obligate the highway construction dollars. Many of the projects that would lose money on the McCain amendment were planning to go to construction as early as the upcoming spring construction season.

To withdraw this money at this time would not only be disruptive to a

State's construction plans but would waste the resources already invested in these projects. States cannot immediately go to construction when they receive Federal dollars for a project. There is a long and complex permitting process that must be complied with, such as holding public hearings and obtaining necessary permits, often to comply with Federal regulations, and 2 years go by before a shovel can be put into the ground.

Senator MCCAIN's amendment assumes that these projects are not under construction. In many cases what the Federal listing failed to recognize was that the projects were under construction but had been going forward using State funds. It also fails to recognize that, under the Federal regulations, the State cannot obligate Federal highway funds until all of the resources necessary to complete a usable segment are in hand.

Mr. President, I hope that the Senate will not adopt the amendment. A motion to table may be offered at the time, in which case I hope the Senate will vote to table the amendment.

I ask unanimous consent that there be printed in the RECORD a U.S. Department of Transportation Federal Highway Administration list of the ISTEA projects that are proposed for rescission, and the appropriated projects that are proposed for rescission, and the total proposed rescission for each State on the list.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

State	ISTA proposed rescission	Appropriated proposed rescission	Total proposed rescission
Alabama	21,166,624		21,166,624
American Samoa	1,030,400		1,030,400
Arizona	4,777,600	21,554,862	26,342,462
Arkansas	81,080,208	9,850,357	90,930,565
California	132,475,367	13,030,000	145,505,267
Colorado	1,299,200		1,299,200
Connecticut	3,741,730		3,741,730
District of Columbia	9,727,200		9,727,200
Florida	72,156,530	18,154,396	90,310,926
Georgia	27,494,435	7,997,401	35,491,836
Hawaii	2,688,000	5,560,000	8,248,000
Idaho	22,207,997		22,207,997
Illinois	96,366,368	1,928,530	98,294,898
Indiana	37,706,930	31,168,897	68,875,877
Iowa	9,261,510	21,846,723	31,108,233
Kansas	25,567,368	22,125,880	47,693,248
Kentucky	29,498,889	8,750,000	38,248,889
Louisiana	31,219,680	600,000	31,819,680
Maine	14,532,947		14,532,947
Maryland	4,256,000	25,966,667	30,222,667
Massachusetts	2,613,200	5,939,303	8,582,503
Michigan	27,916,809	8,023,000	35,939,809
Minnesota	45,866,498		45,866,498
Mississippi	11,851,649	3,220,000	15,071,649
Missouri	49,978,176	680,000	50,658,176
Montana	6,953,485	3,200,000	10,153,485
Nebraska	10,941,120	2,640,000	13,581,120
Nevada	24,737,029	1,331,280	26,068,309
New Jersey	36,621,726	36,566,872	73,188,598
New Mexico	3,887,149	5,010,191	8,897,340
New York	119,571,386	53,286,509	172,857,895
North Carolina	9,838,400		9,838,400
North Dakota	5,394,780		5,394,730
N. Hampshire	9,235,133	6,656,413	15,891,546
Ohio	66,489,920	7,550,000	74,039,920
Oklahoma	11,083,520	6,722,367	17,805,887
Oregon	11,558,400	3,488,333	15,046,733
Pennsylvania	319,843,651	38,892,158	358,735,809
Rhode Island	10,930,132		10,930,132
South Carolina			
South Dakota	1,612,800	3,295,000	1,908,800
Tennessee	29,925,884		29,925,884
Texas	68,536,170	16,610,125	85,146,295
Utah	3,110,660	11,400,000	14,510,660
Various	448,000		448,000
Vermont	7,570,400	729,413	8,299,813
Virgin Islands	4,154,800		4,154,800
Virginia	49,313,500	4,950,000	54,263,600
Washington	6,095,648		6,095,648
West Virginia	132,032,597	71,850,996	203,833,593
Wisconsin	672,000	10,199,867	10,871,867
Wyoming	5,732,600		5,732,600
Subtotal	1,722,802,255	490,786,540	2,213,588,795
Less: Obligations anticipated through February 7, 1994	(1,532,255)	(2,338,985)	(3,871,240)
Total	1,721,270,000	(488,447,555)	2,209,717,555

Note: Amounts are unobligated balances as of January 10, 1994.

Mr. BYRD. I hope that Senators, in voting, will review this list so that each Senator may see precisely how much money will be rescinded from his State's projects before he votes.

WISE RESCISSION PROPOSAL

Mr. GRAHAM. Mr. President, I am pleased to support the amendment offered by the Senator from Arizona [Mr. MCCAIN]. This amendment would rescind highway demonstration projects which have not begun construction. The list, submitted by President Clinton as part of the 1995 budget, totals over $2.2 billion.

Each dollar which is spent on a demonstration project is taken either from deficit reduction or from a rational allocation process which awards highway funds based on their merits.

This Nation has tremendous infrastructure needs, and our annual transportation appropriations cannot come close to meeting those needs. Fortunately, most Federal highway money is distributed according to a thorough planning process by which States and metropolitan areas prioritize their projects and proceed only with those that top the priority list. In every State and community, high-priority projects go unfunded for a lack of money.

Given these severe constraints, we simply cannot afford to divert Federal funds to the pet projects of Members of Congress. Very few so-called demonstration projects actually can justify the label of demonstrating anything at all other than that one or more Member of Congress was successful in inserting funding for them into a piece of legislation.

Mr. President, I have an article from the February 6 Orlando Sentinel which is an excellent analysis of this issue. The article, written by Mr. Sean Holton, outlines the history of congressional transportation earmarks and documents their rise in number throughout the last decade. It is my hope that the epilog to the story will be the adoption of the McCain amendment, rescinding funding for $2.2 billion in projects which have yet even to begin construction.

I ask unanimous consent that the text of Mr. Holton's article be printed in the RECORD following my remarks and urge my colleagues to support the amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Orlando Sentinel, Feb. 6, 1994]

SPECIAL HIGHWAY PROJECTS BRING HOME THE BACON

(By Sean Holton)

WASHINGTON.—They are called "highway demonstration projects," but the main thing they demonstrate is the power of the pork-barrel kings of Congress.

If you live near a place like Altoona, Pa., you might think of these projects as manna from heaven. If you live someplace else—Florida, say—you might call them highway robbery.

Since 1987, demonstration projects—intended to stimulate innovative road building—have become a wildly popular way for Congress to spend billions of taxpayers' dollars without going through the regular highway program.

And this year, against the advice of their expert accountants, lawmakers are preparing to spend still more.

The money used for demo projects amounts to less than 5 percent of the $20-billion-a-year federal highway program. But transportation experts—including those at the General Accounting Office—say this is money not well spent.

"In 1991 we found that about half of the demonstration projects we reviewed did not appear on state or regional transportation plans," GAO official Kenneth Mead told a congressional committee last year. As such, the demo projects leapfrogged what local transportation officers had set as priorities.

The demo projects give individual lawmakers, generally the most powerful ones, a chance to circumvent established road-building priorities and channel money directly to pet projects in their home states or districts.

The dealing is done out of the public eye, and the results eventually wind up in the fine print of multiyear highway bills and annual spending bills. Powerful lawmakers on committees that control those bills either insert the demo projects for themselves or in a horse trade with a colleague.

Florida, which has less clout than other states on key congressional committees that dole out demo projects, has suffered in the competition, to the tune of at least $143 million since 1991, according to a study by The Orlando Sentinel.

"When you have a person—a member of the House or Senate—with the seniority, then you are going to see some results," said Bill Taylor, who has lobbied in Washington for 23 years on behalf of Florida's Transportation Department. "We lost a hell of a lot of seniority in the worst possible places."

STRINGS ATTACHED

Even the money that Florida has received comes with strings attached.

The dollars are dedicated to many non-priority projects such as the "Mosquito Creek Bridge" near Chattahoochee, or the Interstate 4 interchange near State Road 46A, approved at the insistence of real estate developer Jeno Paulucci in 1987 to benefit the exclusive Heathrow development. A construction date has not been set.

Over the years, the line between demo projects ostensibly intended to be truly innovative and those that are routine has blurred. Now, the money may go for anything from "paving a gravel road to building a multilane highway," according to the GAO.

"Some [demo projects] are probably questionable, and I'm being charitable with that description," said Florida Transportation Secretary Ben Watts. "I think a lot of times the only thing they demonstrate is that you can get a demonstration project."

How much money has been spent this way?

More than $12.3 billion since 1970, according to an analysis of highway administration data by the Sentinel. During that time, Congress has authorized 1,223 separate expenditures for demo projects.

A closer look at the data shows just how huge the recent increase in demo project authorizations has been.

Between 1970 and 1986, the country got by with only 78 demo project authorizations by Congress. In the eight years since, Congress has approved 1,145 more of these expenditures.

No one on Capitol Hill seems to have a good explanation for the increase, except to say that doling out demo projects in tight budget years has become a favorite way for legislative leaders to buy loyalty and support from members.

The banner year came in 1991, when Congress larded a 6-year highway bill and an annual appropriations bill with 679 projects totaling $7.8 billion. Since then, Congress has approved another 233 demo projects worth $978 million and has put out the call for more requests from members this year.

Where does all that money go?

In 1991, $2.4 million went toward the Mosquito Creek Bridge, a county road bridge planned to carry traffic over a set of railroad tracks outside Chattahoochee in the Florida Panhandle. The project isn't a national or even a State priority, but it is in the district of Rep. Pete Peterson, D-Marianna, a member of the House Appropriations Committee.

Another 1991 "demo project" was $14.2 million for a paintjob on the Chicago Skyway, a lightly traveled tollway that the Chicago Tribune once dubbed "the bag lady of Chicago-area highways."

But the lowly bag lady had a very powerful friend: Rep. Dan Rostenkowski, D-Ill., chairman of the tax-writing House Ways and Means Committee, who also wangled $35 million for "various intermodal facilities" at the Chicago Museum of Science & Industry. The facilities turned out to be a parking garage.

State transportation experts acknowledge that not all demo projects are purely pork. Some are desperately needed, but simply too expensive to pay for with regular federal highway assistance.

Thus, Florida's transportation department is supporting a project request for $185 million this year to replace the Fuller Warren Bridge in Jacksonville, where Interstate 95 crosses the St. Johns River.

A TURNABOUT FOR MAINE

In most cases, though, the demo projects are dictionary definition pork barrel; government appropriations for political patronage, as for local improvements to please legislators' constituents.

Consider, for example, this reversal of fortune for the State of Maine during the period studied by the Sentinel:

Between 1970 and 1989, Maine pulled down just $24 million in demo project money—making it 29th among all States. Then in 1989 Maine Democrat George Mitchell became Senate Majority Leader.

Two years later—in the 1991 highway bill—Maine jumped in a single bound to 17th place in the Demo Project Sweepstakes, with $187 million worth of bridge improvements.

But not even Mitchell's performance could top that of Rep. Bud Shuster, R-Pa., who brought home nearly a half-billion dollars in highway demo projects in 1991, according to the highway department data.

Shuster, the ranking Republican on the House Public Works and Transportation Committee which writes highway bills, steered at least $454 million to his district in Altoona. Were it a State unto itself, the district would have ranked fourth in getting highway demo project dollars that year.

"These little piglets that have now become giant hogs," Sen. Bob Graham, D-Fla., said of demo projects in a 1991 speech on the Senate floor.

But being a politician, Graham is not above rounding up a few hogs of his own.

On the day of that speech, he landed a $97.5 million demo project to acquire right-of-way and begin construction on a magnetic levitation train line from Orlando International Airport to International Drive.

HOW FLORIDA LOSES

Florida has garnered $445 million in demonstration projects since 1970 and ranks sixth among all States in the period studied by the Sentinel.

The biggest chunk of that money was $126 million in 1974 for replacing about three dozen decrepit bridges that carry U.S. 1 over the sea to Key West—a project that, were it built today, would cost many times as much, because of inflation.

Since 1991, the State has received $218 million, putting it 10th among the states in demo dollars during that period.

But a look at the fine print, especially since 1991, shows why Florida officials would just as soon do without demo projects.

Over that three-year period, Congress has approved $8.7 billion worth of highway demo projects. Florida's $218 million represents about 2.5 percent of that total.

What if the same $8.7 billion had been put into the regular highway fund instead and allotted according to the standard formula for distributing federal highway dollars among States? Under that scenario, Florida would have received about 4.1 percent of the money—or $361 million.

The difference represents a loss to Florida of $143 million in potential federal highway aid.

Florida is not the only State in that situation: Under the same analysis, California loses $317 million; Texas, $304 million; and Georgia, $135 million. In all, 34 States plus the District of Columbia lose more than they gain because of demonstration projects, according to the Sentinel study.

So which States are the big winners? Under the regular distribution formula, Pennsylvania would get about 4.2 percent, or $371 million, of the demo project money. But thanks to pork barons such as Bud Shuster, Pennsylvania has instead received more than $1 billion in demo project dollars since 1991.

Cross-index the other "winning" States with a "Congressional Directory", and you've got an all-star lineup of Capitol Hill power brokers:

New York, $646 million net gain (Sen. Daniel Patrick Moynihan (D) and Alfonse D'Amato, the ranking Republican on the Senate Appropriations subcommittee on transportation).

West Virginia, $585 million net gain (Sen. Robert Byrd (D), chairman of the Appropriations Committee, and Rep. Nick Rahall (D), the new chairman of the Public Works subcommittee on surface transportation).

Arkansas, $277 million net gain (former Rep. John P. Hammerschmidt, Shuster's predecessor as ranking Republican on the Public Works committee).

CAUTION: PORK AHEAD

More demo projects are in the pipeline this year as part of legislation Congress is considering for designation of a new National Highway System.

Officials of the House Public Works and Transportation Committee refuse to say how many new requests for highway demo projects they had received as of a Jan. 7 deadline.

"We're still tabulating," a committee aide said. "And even when we do, we're not releasing that number."

But all indications are that lawmakers are hoping for a bumper crop: The Florida delegation alone filed requests for 13 projects totaling $630 million and publicly released those proposals last month.

Some demo project opponents such as Graham are counting on President Clinton to call for transferring money from demo projects to regular highway accounts when be submits his budget to Congress on Monday.

"We're unlikely to have the self control to deal with this problem," Graham said of Congress. "It's going to take a presidential hammer to the heads of these little piglets."

WINNERS AND LOSERS

Since 1991, Congress has authorized $8.8 billion worth of highway demonstration projects. States with more political pull in Congress grabbed much bigger shares of that pot than they would have received had the same money been allotted under the standard formula for distributing federal highway dollars. High-growth States such as Florida, Texas and California—which put in more money than they get back, even under the standard formula—lost still more money because of the demo projects.

The biggest winners:

	Standard formula (percent)	Percent demo project share	Dollars gained (millions)
Pennsylvania	4.2	12.0	680.8
New York	5.3	12.6	646.8
West Virginia	.9	7.6	585.2
Arkansas	1.1	4.3	277.5
Maine	.4	2.1	144.4
Illinois	3.4	4.9	131.9

The biggest losers:

	Standard formula (percent)	Percent demo project share	Dollars lost (millions)
Massachusetts	0.1	0.1	523.8
California	9.3	5.8	317.3
Texas	6.4	3.0	304.4
Ohio	3.6	2.0	144.5
Florida	4.1	2.5	143.1
Georgia	2.9	1.4	135.0

Source: Orlando Sentinel computer analysis of Federal Highway Administration and U.S. General Accounting Office data.

VOTE ON AMENDMENT NO. 1456

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1456 offered by the Senator from Arizona [Mr. MCCAIN].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Maine [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 72, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—23

Brown
Chafee
Coverdell
Dole
Faircloth
Gorton
Graham
Gramm
Gregg
Helms
Hollings
Kassebaum
Lieberman
Mack
McCain
Nunn
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NAYS—72

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
DeConcini
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

So the amendment (No. 1456) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent in an effort to expedite the procedures that we vitiate the request for the yeas and nays on my amendment No. 1458.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1456

Mr. BYRD. Mr. President, does the Senator wish a vote on his amendment?

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I can briefly comment on the results of the last vote.

The distinguished chairman of the Appropriations Committee was kind enough to send around a list of the amounts of money in these so-called demonstration projects which have been called by the General Accounting Office "highway demonstration project completion costs would greatly exceed authorized Federal and State contributions. The State officials are uncertain whether they will find the money."

In the words of the President himself, "It will eliminate funding provided by annual appropriations acts for all unauthorized highway demonstration projects that are not under construction."

Mr. President, apparently we are afraid to make projects compete based on merit.

Mr. BYRD. Mr. President, may we have order in the Senate for once during this long and hectic day?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not belabor the subject except to say that this is the kind of thing that the American people in the ballot booth have rejected time after time—billions, not millions, not tens of millions, not hundreds of millions—billions of dollars, billions of dollars, in projects that are unauthorized, that have no competition associated with it, no scrutiny, no examination, but are placed in appropriations bills directly related to virtues other than merit.

I would like to tell this body I will continue to tell the people of this country about this process. I will continue to fight for a line-item veto. I will continue to urge the President of the United States to bring forth rescissions on appropriations like these because the American people deserve it.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. These items were authorized. The ISTEA projects were authorized and the appropriated projects were authorized.

So the distinguished junior Senator from Arizona is simply in error. These projects constitute infrastructure. They represent jobs. They are beneficial to the States and the Nation. They are good from the standpoint of national defense.

Those Senators who voted against the Senator's amendment were voting in the interests of the Nation and in the interest of their respective States. I respect them for that.

I respect the Senator from Arizona for writing to the Appropriations Committee on behalf of the Turquoise Trail Economic Development Highway Project in Arizona. On September 30, 1991, the distinguished Senator wrote to the Appropriations Committee as follows.

> As you go to conference with the House on the FY '92 Transportation Appropriations bill, I respectfully urge you to hold firm for the $3 million funding level recommended by the Senate for the Turquoise Trail Economic Development Highway Project.
>
> I know you are aware of the critical need for infrastructure.

That is what we are talking about. That is what Senator MCCAIN was referring to when he wrote to the Appropriations Committee. I respect him for writing on behalf of the project that affects his constituents.

He said:

> I know you are aware of the critical need for infrastructure and economic development in Indian country, and I especially appreciate the support you have given the Turquoise Trail project in the past. Indian roads are oftentimes gravel tracks or graded dirt paths which erode with every rainfall. Business development and tourism are hindered by these road conditions, and the economies of the Indian tribes suffer as a result.
>
> The Turquoise Trail is a joint effort of the Navajo and Hopi Indian tribes. It is significant that these Indian nations, which have been embroiled in a bitter land dispute, are working so closely on this project to help overcome their differences and improve the surrounding communities.
>
> Again, I urge you to accept the Senate's recommended $3 million in funding for the Turquoise Trail, and I thank you for your consideration.
>
> Sincerely,
>
> JOHN MCCAIN,
> *United States Senator.*

Also, on May 1991, Mr. MCCAIN wrote to Mr. LAUTENBERG, chairman of the Appropriation Subcommittee on Transportation, as follows:

> DEAR FRANK: The purpose of this letter is to request your assistance in providing funds for a critical highway project in Arizona which has a significant federal interest.

I do not blame the Senator for writing that letter. He was doing what his constituents expect him to do.

> For over three years, the State of Arizona, along with Maricopa and Pinal Counties, the Ak-Chin and Gila River Indian communities and the private sector through the Maricopa Road Association, have been working to fund a four-lane highway—the new Maricopa Road/State Route 347.
>
> Maricopa County has contributed over $6.5 million, Pinal County almost $14 million and the Arizona Department of Transportation over $12.5 million toward the construction of the roadway to date.
>
> Unfortunately, despite this substantial cooperative effort, there remains a funding gap on the lands of the Gila River Indian Community to complete the project. The Pinal County bond funds cannot be spent on the stretch across the reservation and since the stretch is within another county, Maricopa County funds cannot be spent there. Finally, the ADOT has no additional monies to expend for this segment of the project. Because the funds do not exist to complete the stretch within the reservation, soon there will be an hour-glass effect, where a four-lane road becomes two lanes through the Gila River Indian Community and then back to four lanes south of the reservation.
>
> In order to enable this new highway to fully function as a major regional transportation corridor, $8 million is needed to complete the roadway to four lanes through the Gila River Indian Community. The tribe fully supports this request and needs the road expansion to assist in developing the tribal economy—a significant federal interest.
>
> I recognize the serious constraints within which the committee is operating. I believe, however, that this is a vital project worthy of the committee's support.
>
> Thanks for the consideration. If I may provide you with any additional information, please don't hesitate to contact me.
>
> Sincerely,
>
> JOHN MCCAIN,
> *United States Senator.*

Notice that the Senator wrote those letters because he felt it was his responsibility to write on behalf of his constituents concerning a matter affecting his State. I respect him for that.

But, Mr. President, if a Senator is going to criticize other Senators because they likewise stand up for the interests of their States, their constituents, and infrastructure projects that benefit the Nation, then one should be careful not to ask for favors of the Appropriations Committee on his own behalf.

I want to help the Senator when he has a project that we can help him with. I am not criticizing him for doing what he thinks is best on behalf of his constituents. Likewise, I accord that same courtesy to other Senators whose States would have been adversely affected by the amendment offered by the distinguished Senator from Arizona.

I thought it would be good for the Senate to have this correspondence called to the attention of the Senate, in view of the fact that the Senator from Arizona is quick to criticize other Senators for trying to do something for their own States. He is very considerate of the taxpayers when it comes to infrastructure projects in other States, but he supports such projects in his own State. I do not blame him for supporting projects in his own State. But I think that if we are going to be critical of the Appropriations Committee and of other Senators for supporting road projects in their States, we should have some hesitancy about writing to the Appropriations Committee and requesting support for one's own State projects of the same nature.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, if the Senate voted this afternoon on building a cheese factory on the Moon, I would no doubt vote against it. But if the Senate decided, in its collective lack of wisdom, to build a cheese factory on the Moon, I would want engineers from Texas to design that cheese factory. I would want a construction company from Texas, since we have the best construction companies in the world, to build that cheese factory. If we were going to use milk from earthly cows, I would want milk from Texas cows to be used to make the cheese in the factory on the Moon, and I would want the celestial headquarters for it in Texas. But am I for a cheese factory on the Moon? No.

The point is, if the Senate decides to build such a cheese factory, every Member is obligated, once that decision is made, to try to see that his State is to some degree a beneficiary, since his State or her State is paying part of the cost.

It seems to me that the point of the amendment of the Senator from Arizona was that the President had given us a way of saving money by eliminating the demonstration grants. I remind my colleagues that $26 million of them were in the State of Arizona.

The point is, if we are going to have demonstration grants, if we are going to move outside the merit selection process, if we in Congress are going to decide where to spend the money based on our ability to get projects in the bill, all of us are obligated to participate in that activity.

But, Mr. President, going back to my analogy about the cheese factory on the Moon, I see absolutely nothing inconsistent between being against demonstration projects, but, if the Senate is going to fund them, trying to see that demonstration projects are funded in someone's State. If the Senator from Arizona had listed all of the States here save one, and that had been Arizona, then I think one might raise a question about his amendment.

But the fact that the Senator was going to cut $26 million from his own State, believing that demonstration projects do not represent the best way to make the decision, and that perhaps we should have a merit selection process and that maybe we should break gridlock by supporting our President, it seems to me that on that basis one can agree or disagree with the Senator from Arizona, but one cannot say that there is something inconsistent about the amendment that he has offered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I will not take very much time of the Senate. But now I have to rise again, as I did earlier today. We are now talking about cheese factories on the Moon. I want to bring us back to the ground. This is what happened in the Los Angeles region now about a month ago: Fires burning out of control; people thrown out of bed; people losing their homes—and we cannot go back. In Los Angeles City alone, 26,000 homes were red or yellow tagged.

I say to my friends: Please let us get back to the reason we are here today—the emergency supplemental appropriations. Referring to this picture, this is the way the faces of the emergency workers looked on that day. For your information—and you may be interested—they are digging people out of a house that crumbled. I know my colleagues would rather not look at this. Obviously, they would not. And they are fortunate that they can look away. But I have to tell you that these emergency workers cannot forget the dead bodies that came out of this home.

We will have time to debate ISTEA. We will have time to get into these very important matters that Senators wish to raise. But I hope that we will get back to the heart of what brings us here today and pass this bill. And, yes, let us find better ways to pay for emergencies, because whether they happen in Texas, whether they happen in Arizona, whether they happen in Colorado, whether they happen in California, or Kentucky, or New York, or West Virginia, we have to help our fellow Americans.

Thank you very much. I yield the floor.

Mr. SPECTER. Mr. President, I will just have a comment or two about the applicability of the pending appropriation for disasters which have occurred in Pennsylvania, where there was an extraordinary earthquake in Berks County, Reading, and where there have been very substantial damages due to severe winter weather as specified in a letter from the Governor of Pennsylvania, Governor Casey, to the President, dated February 2, 1994.

I ask unanimous consent that a copy of Governor Casey's disaster declaration letter, copies of my letter to Senator BYRD and Senator HATFIELD, dated February 2, 1994, together with a copy of a letter dated February 1, 1994, from the Berks County Emergency Management Agency to Congressman TIM HOLDEN be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, February 2, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

Through: The Federal Emergency Management Agency, Ms. Rita A. Calvan, Director, Region III, Liberty Square Building (Second Floor), 105 South Seventh Street, Philadelphia, PA.

DEAR MR. PRESIDENT: On January 22 1994, I wrote to you in regard to federal assistance to help address the effects of a series of severe storms and earthquakes that caused widespread damages in a number of counties in the Commonwealth of Pennsylvania. Pursuant to the provisions of Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, and implemented by 44 CFR Part 206.35, I request that you declare an emergency for the Commonwealth of Pennsylvania due to damages from a series of severe storms that began on January 4, 1994, and continued through January 31, 1994. These storms consisted of snow, rain, freezing rain and ice, coupled with earthquakes and an energy crisis which included power shortages and outages. These events created major threats to public health and safety which resulted from inaccessibility of roads due to extreme record cold, record snowfall and extensive icing. In addition, the Mid-Atlantic grid system experienced one week of voltage reductions and rolling blackouts. Furthermore, earthquakes measuring 4.6, 4.0 and 2.9 on the Richter Scale took place on January 15, 1994, and successive dates.

In response to the situation, I have taken appropriate action under Commonwealth law by declaring a State Disaster Emergency effective January 6, 1994, for the counties of Fayette, Greene, Washington, and Westmoreland which I amended on January 19, 1994, to include all other sixty-two (62) counties of Pennsylvania.

Further, I directed the implementation of the State Emergency Operations plan and authorized Commonwealth agencies to take appropriate actions to assist affected counties in restoring vital public utilities and transportation systems as well as providing other assistance as necessary to protect the public health and safety.

The amount and severity of the cumulative effect of the weather systems required a massive governmental response. At present, response and recovery efforts are still ongoing. I have determined that the cumulative effect of this series of storms and the earthquake are of such severity and magnitude that effective response is beyond the capability of the State and the affected county/local governments. The resources of Pennsylvania's county/local governments and volunteer organizations have been exceeded by the urgent requirements imposed by these sequential periods of severe winter weather and all possible state assistance has been provided.

Supplemental federal emergency assistance is necessary to save lives, to protect property, public health and safety and to lessen the threat of further disasters. I am specifically requesting the full assistance available under 44 CFR Part 206 Paragraph 206.225 and 206.277 to include anti-skid material costs and emergency repairs to public utilities/facilities. I request this assistance be made available to all eligible applicants in accordance with Paragraph 206.222, specifically to include state/county/local governments, mass transit authorities, municipal airports, municipal authorities, schools, hospitals, and eligible private nonprofit organizations.

The following state and local resources have been committed or will be used to alleviate this emergency: all county emergency management staffs, county and municipal road maintenance and snow removal teams, individual county and municipal sub-contractors, and individual county and municipal emergency service agencies. The following state agencies have committed resources and mobilized personnel: Pennsylvania Emergency Management Agency, the Pennsylvania National Guard, the Pennsylvania Department of Transportation, Pennsylvania Department of Aging, Pennsylvania Department of Education, Pennsylvania Energy Office, Pennsylvania Department of Health, Pennsylvania Department of Public Welfare, Pennsylvania Department of Environmental Resources, Fish and Boat Commission, Public Utility Commission, Pennsylvania Turnpike Commission, Pennsylvania State Police, Department of General Services, Department of Corrections, Game Commission, and the State System of Higher Education. A more detailed impact statement is at Enclosure A.

I certify that for this emergency, state and local contributions and expenditures will comply with all applicable cost-sharing requirements of the Stafford Act.

Furthermore, I certify that the Commonwealth of Pennsylvania hereby agrees to:

1. Provide all lands, easements and right-of-way necessary to accomplish the approved work without cost to the United States;
2. Hold and save the United States free from damages due to the requested work, and to indemnify the federal government against any claims arising from such work; and
3. Assist FEMA and applicable federal agencies in all support and local jurisdictional matters.

I intend to designate Joseph L. LaFleur as the State Coordinating Officer for this request. He will work with the Federal Emergency Management Agency and may provide further information or justification on my behalf. I also intend to designate Carl C. Kuehn to fill the position of Governor's Authorized Representative and Karen L. Critchfield as an alternate.

Sincerely,

ROBERT F. CASEY,
Governor.

U.S. SENATE,
Washington, DC, February 2, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR ROBERT: As the full Committee prepares to consider the fiscal year 1994 Supplemental Appropriations bill for emergency assistance for areas struck by recent natural disasters, I urge the Committee's consideration of federal assistance requested by the Commonwealth of Pennsylvania.

I recognize the magnitude of the disaster caused by the January 17th earthquake in Southern California and fully support the Committee's efforts to quickly address the funding needs of that region. In so doing, I wish to bring to the Committee's attention the significance of Pennsylvania's recent disasters due to the very unusual occurrence of three separate earthquakes on January 15, 1994 in Southeastern Pennsylvania and the recent severe cold, record snowfall, and extensive ice conditions throughout the Commonwealth.

Congressman Tim Holden of Pennsylvania's Sixth District and I have met to discuss specific damages to his district as a result of the earthquakes. I am advised that the earthquakes measured 4.6, 4.0 and 2.9 on the Richter Scale, with the 4.6 earthquake the largest on record for the East Coast. Congressman Holden informs me that recent estimates of the damage total $2,645,100 for Berks County alone.

The severe weather during January caused serious, life threatening problems across the entire Commonwealth. Record snow in the southwest, central, and northeast regions of Pennsylvania followed by heavy ice in the east paralyzed the state for days. Further, record arctic cold coupled with wind chill temperatures of 50 below zero forced rolling power blackouts and voltage reductions for over 1.5 million across the Commonwealth. Costs associated with the snow removal are estimated at $60 million, which does not include the cost to repair infrastructure damaged by the inclement weather.

As a result of the earthquakes and extreme winter storm conditions during January, Pennsylvania recently announced that efforts to respond to the needs of its citizens are beyond the capability of the state and affected local governments. Therefore, the Commonwealth has sought supplemental federal assistance to save lives and protect property from further disaster.

Accordingly, I urge your consideration of the emergency situation facing the Commonwealth of Pennsylvania when preparing the Senate's legislation for supplemental appropriations for disaster assistance in fiscal year 1994. Further, I support efforts to release emergency Low-Income Home Energy Assistance funds to assist States experiencing severe cold weather.

Sincerely,

ARLEN SPECTER.

BERKS COUNTY EMERGENCY
MANAGEMENT AGENCY,
Leesport, PA, February 1, 1994.

Hon. TIMOTHY HOLDEN,
6th District Pennsylvania, Longworth Building, Washington, DC.

Attn: Thomas Gajewski.

DEAR CONGRESSMAN HOLDEN: Enclosed are the estimated costs for damages incurred as a result of the earthquakes on January 5, 1994. These are only estimates and should not be used in establishing final costs, since many final assessments cannot be made until the snow/ice have disappeared, and contractors/engineers are able to completely inspect all dwellings, roadways, sewage systems, etc.

If you have any questions or if I can be of any further service to you, please do not hesitate to contact me.

Sincerely,

JOHN E. LOOS,
Director.

Enclosure.

Municipal damage as reported:	
Wyomissing Hills: Streets, sewer lines	$800,000–1,000,000
Spring Township:	
Replacement of Bridge #2	380,000
Road repairs	60,000
Repairs to park pavilion	1,000
Repairs to Sewage Treatment Plant	87,200
Total	528,200
Lower Heidelberg Twp.: Road repair	3,500
Total estimated municipal damage	$1,331,700–1,531,700
Residential damage as reported:	
15 Homes moderate to severe damage—estimated cost	333,400
(Most of these homes assessed value would be approximately	125,000)
173 Homes minor damage—estimated costs	980,000
Total estimated residential damage	1,313,400
Total estimated damage from earthquake	2,645,100

ATTACHMENT A

On January 24, 1994, I requested a State and local survey of the effects on local, county and state agencies. Preliminary assessments as of January 27 indicate severe impacts as follows:

1. Based on information provided to-date, State Agency/Department costs to respond to these situations are in excess of $59,000,000. Of that total, approximately $11,000,000 exceeds budgeted funds, $5,000,000 of which is PennDot's projected shortfall. PennDot also indicates that should the winter season continue as during the last month their projected shortfall could be as high as $30–50 million dollars.

2. Attached are preliminary county totals on winter/ice/snow budgets expenditures. Of the sixty-seven (67) counties, thirteen (13) exceeded their budget by 125%. Of special significance is the fact that most counties are on a calendar fiscal year.

Mr. BYRD. Mr. President, I hope that the Senate will get on with the remaining amendments. There is a bad buildup of weather, and I do not want to be one of those who spends the night in the Capitol. I would like to go home and be with Lady Byrd and Billy Byrd, my little Maltese terrier.

Does Mr. MCCONNELL have an amendment?

Mr. MCCONNELL. I say to my friend from West Virginia, it is my understanding that Senator DOLE's amendment was pending; is that correct?

The PRESIDING OFFICER. The business now pending before the Senate is amendment No. 1459 by Senator DOLE.

Mr. MCCONNELL. It is my understanding that there will be a short time agreement on Senator DOLE's amendment, and I have had an amendment we have run by the Senator's staff. I suggested 15 minutes, which would get us voting very shortly.

I am informed that it is OK with Senator DOLE if I offer my amendment now, if the Senator would like me to go ahead.

Mr. BYRD. Very well.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Dole amendment be temporarily laid aside.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to respond to the statement just made by the Senator from West Virginia concerning two letters that I wrote in 1991, more than 3 years ago, on behalf of two native American tribes who are sovereign nations within the State of West Virginia, geographically.

The fact is that it was on behalf of two native American tribes, actually three—Navajo, Hopi, and the Gila River Tribes. The fact that I wrote a letter on behalf of an authorized project has very little relation to $203 million in demonstration projects.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD].

Mr. BYRD. I will be happy for the Senator to have the last word. The Senate has already made its decision and rejected his amendment.

He who the sword of heaven will bear
Should be as holy as severe.

Does the Senator from Kentucky wish to proceed?

Mr. MCCONNELL. Mr. President, I will be happy to go ahead if the chairman would like me to.

Mr. President, I ask unanimous consent that the Dole amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1461

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. DOLE, proposes an amendment numbered 1461.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

The Senate finds,

That, Investigative reports prepared by the Department of State's Office of Inspector General (OIG) are protected by the Privacy Act, the Freedom of Information Act, and the Inspector General's Act;

That, investigative reports prepared by the State OIG are not publicly releasable without review and redaction of privacy protected information;

That, Congressional committees with legitimate oversight responsibilities have in the past, and may continue to review OIG reports while maintaining the reports' confidential status;

That, the OIG recently has concluded a report on whether the contents of personnel files of Bush Administration political appointees had been improperly released to the public by the staff of the White House Liaison Office;

That, based on this report, the OIG forwarded a prosecutive summary to the Department of Justice outlining criminal violations of the Privacy Act;

That, the Department of Justice declined to prosecute the case; and,

That, the OIG re-opened the inquiry to reinterview key witnesses associated with the search and disclosure of Bush personnel files;

Therefore it is the sense of the Senate,

That the Senate has not been provided sufficient information to reach on conclusion about the circumstances surrounding the disclosure of protected Bush Administration files;

The entire report and related annex documents should be made available to the appropriate Congressional offices with legitimate oversight interests;

That the confidentiality of the report should be protected by Congress unless and until the OIG conducts a review and releases the report in accord with relevant statutes;

That the OIG should report in writing to the Majority Leader and the Republican Leader clarifying why such procedures were not observed in the release of the OIG report entitled "Special Inquiry into the Search and Retrieval of William Clinton's Passport File."

That the Attorney General should report in writing to the Majority Leader and the Republican Leader the basis for declining to prosecute the case.

Mr. MCCONNELL. Mr. President, let me explain the amendment. We may not need a time agreement. I will not need but a few moments to describe it. I hope it will pass overwhelmingly.

My amendment deals with the question of the State Department file search by this administration.

I am at a real disadvantage in that I can not discuss why I am so disappointed in the report conducted by the inspector general on the release of Bush appointee files.

That report is appropriately protected by the Privacy Act and unless the IG decides to review, redact, or release its contents I am not free to discuss its scope or conclusions.

What I can say is when I was briefed, the IG told me directly that "There was a clear case of criminal violation of the Privacy Act provable beyond a reasonable doubt and proven in his report."

After my briefing I learned that the IG felt obliged to reinterview key witnesses under oath.

What this tells me is he was either not confident of his initial conclusions which he had officially forwarded to Justice or he was not confident of the previous statements under oath of the witnesses.

In either event, reinterviewing the same witnesses to hear the same story did not and does not address the serious reservations I have about the inquiry.

Without discussing the reports contents, I am concerned that the IG appears to have failed to independently corroborate statements by key senior officials.

He told me point blank that he accepted their sworn statements without further investigation.

Now, I do not know how State's Office of Inspector General operates, but we are a little more thorough in the Ethics Committee, as I know most other committees are.

I do not think any of us fully understand the scope, basis or method of the IG's investigation and given the inconsistencies we ought to have access to the entire record.

That is precisely what I urge in this amendment—that the whole record be made available and I might add protected in accordance with the Privacy Act.

The second point in my amendment asks the IG to explain why it was appropriate to release his entire report on the Clinton passport case in advance of sending the matter to Justice, yet this time, the Privacy Act prohibits its release.

Either it was inappropriate for him to release the report last time or it is inappropriate to withhold the document this time.

I have asked that he establish the standard and reasoning behind his decision in 1992.

Finally, I have asked the Attorney General to explain why Justice declined to prosecute when the IG maintains that there was a provable case of criminal wrongdoing.

Short of a sound, legal explanation, we can only assume politics played a part in this decision.

I want to point out that it is not for lack of trying that we do not understand the basis for the Justice Department decision.

My office has repeatedly tried to contact the lawyer in congressional relations at Justice who is responsible for answering questions on this case but he has failed to return four phone calls.

While I think this issue is controversial, I do not think this amendment is.

By any account, there has been a double standard in the handling of these two cases.

By reviewing the full report, we may come to a better understanding of why one was released and the other withheld.

And, there may be a perfectly sound legal reason why Justice declined to prosecute.

I hope my colleagues will join me in seeking some straightforward answers to these questions.

We have crafted this sense-of-the-Senate amendment in a rather responsible fashion. I hope it will be approved by a very large vote.

I think it would be appropriate to have a rollcall vote on this amendment, Mr. President. Therefore, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, this is a sound amendment. The distinguished Senator from Kentucky has led efforts to bring the facts of the outrageous scandal to public attention. We cannot have a double standard—one for Republican administrations and one for the Democrats. Certain facts are clear: Nearly 200 files of Bush administration political appointees were ransacked, and the contents of some files leaked to the press—a textbook case of criminal violations of the Privacy Act. In this case, it was not justice that was blind, it was the Justice Department. For unknown reasons, the Justice Department decided not to prosecute the individuals responsible for the violations detailed in the inspector general's report.

The IG's report itself raises as many questions as it answers. I cannot address those questions because the inspector general decided not to release the full report. In a letter transmitting a copy of the report to my staff, the IG's office wrote:

> Although the report is unclassified, it is not publicly releasable in its present form and may be entirely exempt from release under provisions of the privacy and freedom of information acts.

This seems to be a newfound dedication to laws protecting privacy on the part of the inspector general. In November 1992, a 104-page report on the alleged search of one passport file was released. No comment about the Privacy Act. No comment about the Freedom of Information Act. No comment about the effect on the lives of individuals named in the report. Just a big press conference where the IG congratulated himself on a job well done. Nobody noticed the IG himself was briefed on the passport search 2 weeks before he decided to begin his investigation.

This amendment recognizes the need to protect elements of IG reports but also that the Senate need more information on this case. Protecting privacy should not be a partisan issue—Republicans' privacy matters as much as Democrats'. I urge my colleagues to support the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I have sought recognition for just a moment or two, first to support the amendment which was offered by Senator McCONNELL. I think the reasons for the sense-of-the-Senate resolution is to provide detailed information on the issue of the Bush administration files has been well articulated.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Is there further debate on the McConnell amendment?

Mr. GRAMM. Mr. President, if no one wants to speak on the McConnell amendment, I know several of our colleagues are trying to leave. I had 2 minutes reserved on the Dole amendment. I believe it is pending, is that not right?

The PRESIDING OFFICER. It has been temporarily set aside. The amendment now is the McConnell amendment.

Mr. GRAMM. If no one wants to speak on the McConnell amendment, I can save 2 minutes by going ahead and speaking on the Dole amendment, if no one objects.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may speak on the Dole amendment.

AMENDMENT NO. 1459

Mr. GRAMM. Mr. President, Senator DOLE has offered an amendment that tries to do something related to the California disaster relief that every business and every American family in America has to do, and that is when something bad happens, you have to adjust your spending plans in order to deal with the problem that comes into existence.

All over America, when people's children fall down and break their arms, people do not say, "Well, this is a disaster and, therefore, we don't have to pay our bills." They basically look at their budgets and they decide, "Well, I was going to replace that old refrigerator this year, but I'm going to wait a year because we had this accident in our household and Johnny was hurt."

All over America, people have to set priorities. And yet every day in the U.S. Senate, something happens and we say, "Well, this is a disaster and, therefore, we do not have to deal with the costs. We will simply pass them along to the next generation."

I am very strongly in favor of helping the people of California. When we had hurricanes in Texas, we have been helped. When we had the hurricanes in Florida and in South Carolina, we helped.

The debate is not about helping. The debate is about paying for the help.

Senator DOLE has offered an amendment. If I were writing the amendment, I might pick other items to cut. I might have slightly different priorities. But the point is, Senator DOLE's amendment offers us a way to help and to do it in a fiscally responsible manner so that we are paying for the help and we are not driving up the deficit.

This one disaster declaration, if we do not pay for it, is going to eliminate more net real cuts in spending than exist in the President's budgets for 1993, 1994, and 1995 combined.

So the issue here is: Do we help by doing what every family and every business in America would have to do if something similar happened to them? Or are we going to do it in a way that says there is a disaster and so, as a result, we do not have to pay our bills? We can simply go out and borrow the money and in the process pass the debt on to somebody else.

So I hope my colleagues who want to help California—and I do want to help California—will support the Dole amendment. I intend to support the disaster relief. We are going to provide it today.

Senator DOLE has given us a way to pay for it. I hope we will take that opportunity and that we will adopt the Dole amendment to help, to be compassionate, but to do it in a fiscally responsible manner.

I think that is the relevant issue here. I hope Senators are persuaded to support the Dole amendment.

AMENDMENT NO. 1461

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the pending amendment before the Senate the amendment by Mr. DOLE?

The PRESIDING OFFICER. The Dole amendment has temporarily been set aside.

The McConnell amendment No. 1461 is the pending business.

Mr. BYRD. I ask for the regular order.

The PRESIDING OFFICER. The regular order is the Brown amendment No. 1458.

Does the Senator from West Virginia yield the floor?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Did I understand the Chair to say the regular order is the amendment by Mr. BROWN?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thought we had a voice vote on that, did we not?

Mr. President, I ask that the Senate return to the amendment by Mr. DOLE.

The PRESIDING OFFICER. Will the Senator repeat his request?

Mr. BYRD. I ask unanimous consent the Senate return to the amendment by Mr. DOLE.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1459

Mr. BYRD. Mr. President, I shall make a point of order against this amendment. I assume Mr. DOLE would like to move to waive the Budget Act, and I will protect him in that, if nobody is here I will move on his behalf.

Mr. President, the pending amendment would delete the emergency designations on all funds in title I of this bill. This would cause $5.6 billion in budget authority and $1.237 billion in outlays to be charged against the VA/HUD Subcommittee's discretionary allocation. Offsets elsewhere in the bill for this subcommittee total $1.6 billion in budget authority and $586 million in outlays. Combining the emergency amounts with the offsets brings a total $4 billion in net new budget authority and $561 million in net new outlays in this bill. By striking the emergency designation, these amounts would be charged against the VA/HUD Subcommittee's allocation.

Before consideration of this bill, the VA/HUD Subcommittee had only $8 million in budget authority and no outlays remaining in its allocation. Therefore, enactment of this amendment would cause the subcommittee to breach its 602(b) allocation.

Mr. President, I therefore make such a point of order under section 602(c) of the Congressional Budget Act that the pending amendment would breach the VA/HUD Subcommittee's allocation.

I ask the Chair not to rule until Mr. DOLE or his designee has had an opportunity to move to waive the Budget Act.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I move to waive the Budget Act.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

Mr. BYRD. Vote.

The PRESIDING OFFICER. Is there a further debate?

Hearing none, the question is on agreeing to the motion of the Senator from Oklahoma to waive section 602(b) of the Budget Act for the consideration of the Dole amendment, No. 1459.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 43, nays 52, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—43

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Robb
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. As it pertains to a point of order raised by the

Senator from West Virginia [Mr. BYRD], the Chair would rule the pending amendment violates sections 602(c) and 302(f) of the Congressional Budget Act of 1974. The point is well taken and the amendment falls.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The present business is amendment No. 1458 offered by the Senator from Colorado.

Mr. BYRD. I wonder if we could ascertain whether or not there are other amendments to be offered behind the amendment by Mr. MCCONNELL.

Mr. DOLE. No.

Mr. BYRD. No more on the other side?

Mr. DOLE. No. Wait a minute.

Mr. BYRD. Are there any other amendments on this side of the aisle?

Very well. I am informed that there are—am I informed that there are no more amendments requiring rollcall votes after the amendment by Mr. MCCONNELL?

Mr. DOLE. Just that and final passage.

Mr. BYRD. No more amendments?

Mr. DOLE. No.

Mr. BYRD. Mr. President, I ask unanimous consent that following the disposition of the amendment by Mr. MCCONNELL, no more amendments will be in order unless they are accepted on both sides and that the vote then occur after passage of 10 minutes to ascertain if there are any amendments that can be accepted between the two managers, the vote occur on final passage with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I think the majority leader has a proposal with respect to a conference report on this measure if he would like to make it.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I am not at this moment prepared to deal with the schedule beyond passage of this pending bill because we have to wait and get that cleared on both sides, in discussion with several Senators. But Senators should be aware that there are now only two remaining votes on this bill: Disposition of the McConnell amendment, which will be further debated for a brief period, I understand; and then final passage on the bill.

At that time, I will have had a chance to discuss the matter with the distinguished Republican leader, the managers, and others, and will be in a position to suggest a procedure for further handling of the matter after final passage.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY], is recognized.

Mr. KERRY. Mr. President, I just want to take a moment to explain to my colleagues where we are on this amendment of the Senator from Kentucky. I will be very, very brief.

First of all, this is an amendment that has absolutely no linkage, connection, nexus, or rationale for being part of an emergency appropriations for an earthquake. If you live in California, and you are waiting for the U.S. Senate to do something responsible, and to act with the kind of speed that we ought to on this, you would ask why the U.S. Senate is taking up a totally extraneous amendment. That is No. 1.

No. 2, the substance of the amendment, what the Senator from Kentucky is asking us to state as a sense of the Senate, is not, in this Senator's view, an accurate reflection of the facts.

This amendment states in its sense-of-the-Senate that the Senate has not been provided sufficient information to reach a conclusion about the circumstances surrounding the disclosure of protected Bush administration files.

I would say to my colleagues that on the face of it, that is simply not true. The House Foreign Affairs Committee, the House Government Operations Committee, and the House Republican Policy Committee, have all been briefed by the IG personally. The IG has briefed the Senator from Kentucky and his staff. The IG has offered to brief Senate staff on both sides.

I hold in my hand the report of the investigation from the Office of the Inspector General. This provides any Senator with the full ability to make a determination which is absolutely contrary to what is set forth in the amendment by the Senator.

Moreover, the IG has sent a copy of this report to Senator MCCONNELL, to Senator HELMS, to Senator DOLE, to Senator BROWN, to myself, and to Congressman HAMILTON.

In addition, the IG will make this report fully available to the public by tomorrow; positively before the end of the week.

Mr. President, this is an effort to play politics, to somehow shove it to the administration, to simply come to the floor and play more partisan politics on an issue in, frankly, an incorrect manner.

Fair is fair in the processes of the U.S. Senate. I do not think any U.S. Senator should sign onto a sense of the Senate that does not represent accurate facts.

The IG has been public. The IG will be public. The IG has made information available to us. And this has absolutely nothing to do with the earthquake or emergency assistance.

I urge my colleagues to reject it.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. Senator MCCONNELL is recognized.

Mr. MCCONNELL. Mr. President, I do not want to unduly delay this. We are not under a time agreement.

I thought this was an amendment that would pass by 95 to nothing. I cannot imagine what could be controversial about the amendment that the Senator from Kentucky has offered, first with regard to relevancy. We voted on other amendments that were not entirely germane to the supplemental before us.

So I do not think that is an argument that ought to prevail in the discussion. This is, after all, only a sense-of-the-Senate resolution that asks for three things: First, for the IG to provide the entire report to Congress, stating its confidentiality would be protected; and second, that the IG explain the standard for release of the Clinton report, but why he withheld this particular report; and third, to ask the Justice Department to explain why it declined to prosecute.

With specificity, regarding Senator KERRY's observations, we just learned today for example that in addition to the report that some of us have been provided, the confidential——

Mr. WALLOP. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MCCONNELL. In addition to the public report, the confidential report. This is a third report sent to the Justice Department, entirely different from what some of us have had access to.

Second, in a meeting with the inspector general, when I asked to see the annexes and determine who had been interviewed, I was told it could not be made available. Yet, the House staff was told they could see it.

On the point the Senator made about full disclosure in the report, I was wondering if Senator KERRY could tell us who has been interviewed. We do not know who has been interviewed.

Mr. KERRY. Let me say to my colleague that though we can spend a lot of time going through each aspect of this and why it is different, the issue is the information is in the report. The IG came and saw the Senator from Kentucky.

Mr. MCCONNELL. I met with him. I am telling Senators, his explanation was completely inadequate. That is what this is all about.

Mr. KERRY. I say to the distinguished Senator that the IG is making the report fully public. The IG has made it clear he is willing to come to any Senator and any Senate staff. The implication of this amendment is that the IG is somehow shielding something or the process is inadequate.

I say to my friend, I am not going to sign onto an amendment where the underlying facts establish a case that does not exist.

For instance, the fourth paragraph says that the IG should report in writing to the majority leader and the Republican leader clarifying why such procedures would not be observed in this report, entitled "Special Inquiry and the Search and Retrieval of William Clinton's Passport File."

As the Senator knows, I know why this is a different handling here. There was a prosecutive summary because there was a potential initial filing of wrongdoing. And they sent the file to the Justice Department and the Justice Department insisted, because it was a matter of criminal inquiry, that it be held confidential.

That is not a mystery to me, if the Senator is asking the Senate to ratify some notion that this represents some different handling that is somehow suspect. All I am saying to my friend is the information is available, and it is inappropriate for the Senate to pass a sense-of-the-Senate that does not reflect the sense of the Senate.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If I may say to the Senator from Massachusetts, the two cases are indistinguishable on the point that he makes. Yet, when President Clinton says files were allegedly searched and the report was made public; when these files were allegedly searched, the reports were not made public. There was a recommendation apparently for criminal prosecution in both cases. So they are indistinguishable on that point, as well.

In short, there is simply no rational objection to oppose this sense-of-the-Senate resolution essentially trying to glean from the IG and from the Justice Department with specificity why one case was handled one way, when the files allegedly searched were of a prominent American, and the case was handled in a different way when the files were allegedly searched for people not so prominent.

What is good for the goose is good for the gander. The Senate is simply saying: Please provide us more of an explanation than you have already.

With regard to the observation of the Senator from Massachusetts that the IG's report was adequate, it was not adequate. I talked with him, I spent an hour with him. I do not see any conceivable harm done by the Senate adopting this sense-of-the-Senate resolution if it would really like to know whether this matter was handled appropriately.

I cannot imagine why any Senator would oppose this resolution. I do not see the need to prolong the debate. But we can if the Senator from Massachusetts would like to.

Mr. KERRY. I do not want to prolong this either, particularly since this is the last issue and colleagues want to leave, and we all understand the impatience here. I respect that. But I do want the RECORD to be accurate.

My colleague has just suggested to the Senate that there is no reason for these cases to be treated differently, that there is somehow something inappropriate or suspect in that. That is not accurate. I want my colleagues to understand the facts here.

This case began as an administrative inquiry, with no immediate evidence of wrongdoing. The violations or potential violations of law were not discovered until the process of the administrative inquiry was underway. At that time, a prosecutive summary was appropriately sent to the Justice Department, and people were dismissed. In the case of Acting Secretary Eagleburger, he personally intervened and made it public because it occurred in the middle of the election. It was a front-page issue at the time, and there was sufficient pressure and visibility that he made a personal decision that it was important to clear the air in that context, and so he made it public without any administrative inquiry or criminal prosecution at the time.

So that is the distinction. In the current case, there were clear violations of the law. So the assistant secretary for the administration did what is appropriate. He sent it to the Justice Department for appropriate action. To come in here now and suggest, as this amendment does, that the administration has been less than forthcoming, or that the administration has somehow not made information availability, it may be the Senator's personal judgment that he does not have enough information, but colleagues ought to see this report, which will be made totally public. Why should the U.S. Senate come here tonight, when we are trying to pass emergency aid for California, and tie ourselves up to tell them to do something that they are going to do? This is called wasted time, wasted action, fundamentally for political purposes.

I respectfully suggest, unless my colleague wants to add something, I am going to move to table.

Mr. McCONNELL. Madam President, the only one wasting time, I suggest, is the Senator from Massachusetts, who is choosing to debate an issue that I, frankly, am surprised is even in contention. The IG said he forwarded the last case because of criminal violations. The difference is he released his conclusions, in the first case, the Clinton passport case, publicly before sending the report. In addition to that, the IG in this particular instance has indicated that he recommended criminal prosecution. I assume the Senate would like to know why the Justice Department chose not to criminally prosecute.

In any event, I welcome the Senator's motion to table. It seems to me the issue is clear: Do we think this case is over, or do we think the explanation is inadequate?

Madam President, I ask unanimous consent that Senator NICKLES be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

For the information of the Senate, the pending business of the Senate is the Brown amendment No. 1458.

Mr. BYRD. Madam President, I am prepared to move to table the amendment.

Mr. KERRY. Madam President, what is the pending amendment?

The PRESIDING OFFICER. The Brown amendment No. 1458.

Mr. HATFIELD. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HATFIELD. Madam President, I believe a while ago Senator BROWN came to my desk and indicated he was not going to raise that amendment, and then he moved to vitiate the yeas and nays on the amendment. Whether or not it has been formally withdrawn, I do not know. But he verbally indicated to me he was not going to pursue the amendment. I will find out in the meantime.

Mr. BYRD. Madam President, I ask unanimous consent that the pending amendment by Mr. BROWN be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1461

Mr. BYRD. Is the pending amendment now before the Senate the amendment by Mr. McCONNELL?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Madam President, I move to table the pending amendment and ask for the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy

Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—39

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—6

Bradley
Danforth
Durenberger
Hutchison
Nickles
Packwood

So the motion to table the amendment (No. 1461) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was tabled.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader, the Senator from Maine.

ORDER OF PROCEDURE

Mr. MITCHELL. May we have order, Madam President? Madam President, if I could have the attention of Senators?

Under the agreement entered into a short time ago, we will vote in just a very few minutes on final passage of this bill. As I have previously stated publicly on several occasions, and I know all Senators agree, we must complete final action on this legislation before departing for the Lincoln Day recess. The House bill differs in some respects from the Senate bill and consequently a conference between the two bodies will be necessary.

Anticipating that we will pass this bill shortly, the conference will begin first thing tomorrow morning. The Members of the conference have been working, their staffs have been working to prepare for that conference even as we consider the bill. And then the bill must go back to the House before it returns to the Senate. The best and most optimistic prospect is that we will get it in the Senate sometime tomorrow evening. If any Senator desires a rollcall vote on the conference report, that is, of course, the right of any one Senator, and we will simply come back into session and all Senators will be required to return—at least those who wish to cast their votes—and pass the conference report.

If, however, it is agreeable to all Senators that we, Senator DOLE and I and the managers, be present and pass the conference report by voice vote, then the rollcall vote we are about to take on final passage of the bill will be the last rollcall vote until February 22 when we return from the Lincoln Day recess.

I would like to accommodate the large number of Senators who have travel schedules and wish to depart following the next vote, but that depends upon all of the Members of the Senate.

I do not want any misunderstanding. Any Senator has a right to ask for a vote, and, if that is the case, we will have a vote either tomorrow night or Saturday, or whenever we get this back from the House of Representatives. That is a decision to be made by the Members of the Senate.

So, first, I inquire of Senators, in terms of an immediate response, if there is a Senator present who will insist upon a recorded vote on adoption of the conference report and that Senator now expresses that view, then we will go ahead and simply say that we will come back in session tomorrow and we will have a rollcall vote tomorrow night, Saturday, or whenever we do that.

If no Senator responds in that manner now, I want to give time for those Senators not present on the floor to respond. I will then ask that they communicate with either myself or Senator DOLE in the time between now and the 10 or 15 minutes or so that will elapse before we vote on final passage of the bill itself.

So my first inquiry is directed to those Senators present on the floor. Is there any Senator present on the floor who will insist upon a recorded vote on the conference report on this legislation when it returns to the Senate tomorrow evening or Saturday?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I say to my colleague, the manager, and to the leader of the Senate, I have no desire to have a vote, but I would like to be permitted to make an inquiry of the manager of the bill, if I may do so at this time.

Mr. MITCHELL. The Senator certainly has that right.

Mr. METZENBAUM. I ask the manager of the bill, is he aware of the fact that there is considerable controversy between the Senator from New York, the Senator from Alaska and myself? There is an amendment that was adopted to extend the statute of limitations with respect to the RTC that is provided in the legislation. It was passed by a vote of 95 to 0. Do we have an assurance, or can we have an assurance, from the manager of the bill that that amendment will, to the total of his ability, remain in the conference report when it returns? I know that you cannot speak for the House.

Mr. D'AMATO. If I might add to that inquiry—actually give some information—I just——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. METZENBAUM. I yield.

Mr. D'AMATO. I want to supplement and augment, and I join my colleague from Ohio in his observation. I might point out that the House voted 390 to 1 to instruct their conferees to accept that amendment. Therefore, I think while some might say, "What are you worried about?" there are those slips between the cup and the lip, and I join in asking that, given the overwhelming support of 95 to 0 here and 390 to 1, that we certainly make every effort to insist upon that provision being kept in the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, both the distinguished Senator from Ohio [Mr. METZENBAUM] and the distinguished Senator from New York [Mr. D'AMATO] know that for them "my affection hath an unknown bottom, like the bay of Portugal." But I am not quite in a position to assure something that I cannot deliver on. I will do my best. I cannot assure them that I will prevail. I do not know what the circumstances will be in the conference.

Mr. METZENBAUM. Madam President, I have worked with the Senator from West Virginia for about 19 years off and on—18 years I guess it is—and I would say when he is determined that something will be in a bill, whether it is on the floor of the Senate, in the Appropriations Committee, or any other committee around here, he always gets his way. If we have the kind of assurance that he will use all of his persuasive powers and the power of his position and all the other facets that are available to him to see that it remains, then it will indeed remain.

And may I ask whether we can get some assurance to that effect, because I think there would be a keen sense of disappointment. It was a matter of considerable controversy between the Senator from New York and myself. It was resolved in this manner. It is a significant matter. It involves the possibility of proceeding against officers and directors of savings and loans that owe the Government hundreds of millions of dollars, actually billions of dollars. So we do not take the matter lightly.

I really would appreciate it if the Senator from West Virginia could give us a little more fulsome statement than the previous response.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I just wanted to assure my colleagues, as the majority leader was speaking and referred to the Wellstone squeeze, that I have talked to the majority leader and, from my point of view, if we are going to have a rollcall vote right now, then I certainly would not call for a rollcall vote on the conference report. It is one or the other.

So I just wish to state that to my colleagues, unless my colleagues are disappointed, in which case we can do it another way.

Mr. DOLE. Which one do you prefer?

Mr. WELLSTONE. I think I prefer the vote tonight, I say to the minority leader, instead of tomorrow.

Mr. MITCHELL. I say to the chairman, let us be clear, if Senators do not now insist on a rollcall vote, there will not be one. The chairman has said he will do his best to try. You have no guarantee. I am going to be here. Senator DOLE is going to be here. Senator BYRD is going to be here. And Senator HATFIELD is going to be here. So it has nothing to do with conveniencing or inconveniencing us. I am not going to accept a request tomorrow night from someone who says, "Gee, I expected this to be different; I thought maybe this would happen," so forth and so on. That is the situation we are in, and Senators have to decide. It is the chairman's response that he will do his best.

Madam President, I ask the managers to proceed. They did want to permit a period of 10 minutes under the order for Senators who have amendments that may be acceptable to both managers—the majority and minority—to come forward with those amendments and then we proceed to final passage.

The PRESIDING OFFICER. The Senator from West Virginia is advised that the Brown amendment No. 1458 remains the pending business.

Mr. MITCHELL. That is right. And my understanding is that there will be a voice vote defeating that amendment that will be forthcoming, and then we will proceed to final passage on the bill.

In the interim, in these 10 minutes, if nobody comes up to me or Senator DOLE and says, "I insist on a rollcall vote," I will make an announcement one way or the other just prior to the vote and then everybody has been on full notice as to the situation and everybody has a right to exercise their rights in any manner each Senator deems appropriate.

Mr. METZENBAUM. So there not be a misinterpretation of my position, I do wish to explore the subject further with the manager of the bill before I am prepared to sign off. If we have to come back, we will have to come back.

Mr. BYRD. I regret that the Senator from Ohio feels he has to explore the matter further with me. I cannot guarantee I will prevail in conference. I do not know what the attitude of the House Members will be. I have said that I will do the best I can.

Mr. METZENBAUM. If the Senator from West Virginia assures us he will do the best he can that it will remain in, that is satisfactory.

Mr. BYRD. "It is like a barber's chair that fits all buttocks."

[Laughter.]

Mr. MITCHELL. I suggest we proceed to the disposition of the Brown amendment. Following that, the managers can take the 10 minutes they have suggested they will take to consider any other amendments. And then, after that, prior to the vote, I will deal with the Republican leader and make another announcement.

Mr. BYRD. Will the majority leader yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. As far as I am concerned, the 10 minutes have expired. And I have in my hand several amendments which I am prepared to offer en bloc as soon as we dispose of the amendment.

Mr. MITCHELL. Could we have a vote on the Brown amendment now?

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1458 offered by the Senator from Colorado.

The amendment (No. 1458) was rejected.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was defeated.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NOS. 1463, 1464, 1465, 1466, AND 1467

Mr. BYRD. I send to the desk a number of amendments which have been agreed to on both sides. I ask unanimous consent that the amendments be considered en bloc, agreed to en bloc, the motion to reconsider be laid on the table, and appropriate statements in explanation of the amendments be included in the RECORD as though read.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 1463 through 1467.

Mr. BYRD. Madam President, I am advised there is one additional amendment being cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendments en bloc are agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1463

Mr. BYRD offered amendment No. 1463 for Mr. LEVIN.

The amendment is as follows:

In the appropriate place in the bill, add the following new section:

SEC. . TRANSPORTATION GENERAL PROVISION. TO ESTABLISH AN AUXILIARY FLIGHT SERVICE STATION.

The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than May 1, 1994, using available funds.

Mr. LEVIN. Madam President, today I am offering an amendment to direct the Administrator of the Federal Aviation Administration to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

Madam President, this amendment requires no additional funding and is simply instructing the FAA to establish an Auxiliary Flight Service Station that it promised in 1991. We've been waiting since then for this critical weather station and it has yet to be established.

The Marquette Flight Service Station was closed in December 1990. In October 1991, the FAA announced that it would establish an Auxiliary Flight Service Station [XFSS] at Marquette and 30 other sites. The Marquette XFSS was scheduled to be established in August, 1992, but the FAA did not meet the schedule and it was not established.

Marquette is unique because it is the only airport of the 30 promised Auxiliary Flight Service Stations that has had its Flight Service Station closed. Because of the surrounding mountainous terrain and the frequent variations in weather due to this terrain and nearby Lake Superior, this airport is considered difficult to fly in and out of. This makes the establishment of the Auxiliary Flight Service Station in Marquette an urgent matter.

I understand this amendment has been cleared, and I appreciate the committee's cooperation.

AMENDMENT NO. 1464

(Purpose: To provide an appropriation of $40 million ($20 million of which is an advance appropriation for fiscal year 1995) to assure continued NASA contract payments for the commercial mid-deck augmentation module).

Mr. BYRD offered amendment No. 1464 for Mr. BOND.

The amendment is as follows:

On page 84, after line 9, insert the following new paragraph:

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: *Provided*, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

Mr. BOND. Madam President, the amendment would correct an oversight in the bill before us.

In last year's conference report, we provided $45 million for the commercial mid-deck augmentation module [CMAM], or spacehab, which was a reduction of $21.5 million from the requested amount. In making the cut, the conferees made clear that we were aware that the CMAM Program could face difficult financial and technical adjustments due to the lower funding level. To address that problem, we made clear that we intended to provide additional funding in a supplemental appropriations bill this year.

Let me quote directly from the conference report:

> The conferees have agreed, therefore, after further consultations with NASA, to include an advanced fiscal year 1995 appropriation of $40,000,000 in a 1994 supplemental bill.

This amendment would simply fulfill that commitment.

I would point out that it is critical that we live up to our commitments on this program. Spacehab is financed in large part by private bank loans. As a result of the cut in last year's budget, those loans had to be restructured, and the restructuring was undertaken based on the language in the conference report. Failing to provide this funding will not only drive the spacehab company into financial difficulty and possible default, it would deprive the U.S. space program of an important tool.

Spacehab, which provides additional experiment space in the unused middeck portion of the shuttle, is flying today on the current shuttle *Discovery* mission. By all reports, it is performing flawlessly as it did in its maiden voyage last year.

Spacehab represents a valuable opportunity for NASA, because if can provide the flexibility to carry additional experiments on the planned shuttle flights on space station *MIR* as well as those that will support the new space station.

Failing to appropriate this money would send the wrong signal to private companies and to our international partners. It would basically tell them that NASA is not a reliable partner. It would tell companies that space is not a valid investment risk, and it would tell other nations that they should rethink their contributions to the space program. We must not make that mistake.

I urge adoption of the amendment.

AMENDMENT NO. 1465

(Purpose; To amend the National Defense Authorization Act for Fiscal Year 1994)

Mr. BYRD offered amendment No. 1465 for Mr. WARNER and Mr. MACK.

The amendment is as follows:

At the appropriate place, add:

SEC. . Subsection (b) of section 347 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

AMENDMENT NO. 1466

Mr. BYRD offered amendment No. 1466 for Mr. LEAHY.

The amendment is as follows:

On page 92, strike lines 19 through 22.

Mr. LEAHY. Madam President, I am offering an amendment which addresses a crucial component of emergency relief efforts—the Emergency Food Assistance Program [TEFAP].

TEFAP emergency foods are often the first line of defense when disaster strikes.

And yet the rescission title of the committee reported bill cuts the TEFAP by $30 million. Taking food away from California is a big mistake.

John Healy, executive director of the California Emergency Foodlink, sent me a letter saying:

> We urge you to take note of the significant impact TEFAP has on feeding hungry people and providing emergency relief in every natural disaster suffered by Californians. When the earthquake hit Los Angeles, the Department of Social Services sent over 600,000 pounds of tuna, powdered milk, juice and other badly needed food supplies from TEFAP stocks.

I was informed by USDA that, as of yesterday, a total of 900,000 pounds of TEFAP foods have been diverted for earthquake assistance.

After Hurricane Andrew devastated Florida and Louisiana these emergency foods were provided by USDA immediately. After Hurricane Hugo hit South Carolina, TEFAP commodities were shipped in.

This network of TEFAP food reserves is one of the first ways the Federal Government can respond to an emergency.

TEFAP commodities are used by USDA in disasters because they are ready to eat, prepackaged in family usable sizes, available in warehouses, and higher in nutrient value—especially protein—than most donated foods.

TEFAP food is especially crucial if grocery stores are destroyed in a disaster. For example, large quantities of TEFAP foods went to Florida after Hurricane Andrew because food could not be purchased in stores, making both cash and food stamps worthless.

Hurricane damage in Florida required 650,000 pounds of TEFAP commodities according to Foylen Bryant, the Florida TEFAP Director.

Given how important the TEFAP program is to emergency relief efforts, it is outrageous that today's bill includes a provision cutting TEFAP by $30 million. I cannot understand how such a cut can be justified given the role the program has just played in this disaster, and how important it has been in previous disasters.

In 1993, $160 million worth of food was distributed by TEFAP. Funding in 1994 was cut in half, to $80 million, despite the President's budget request of $209 million.

Now it is being suggested that we cut TEFAP further—after they have already been allocated.

The TEFAP program stockpiles stores of ready-to-eat foods, ready to be shipped out the moment a disaster hits in any area of our Nation. Without those ready stores, a quick response of emergency food to a disaster site is much more difficult.

Funding TEFAP will help maintain a national network of local food shelves operated largely by volunteers.

TEFAP maintains distribution networks—at the local, State, and national levels—so America can quickly respond to disasters. Funding local food reserves will help maintain that network.

It is my view that USDA and local agencies should be able to respond to any disaster where food is no longer available. TEFAP helps them do just that.

My amendment stops the rescission of $30 million.

Let us keep this national network of emergency food relief. I urge my colleagues to support my amendment to stop the TEFAP rescission.

TEFAP proved its effectiveness in the aftermath of the California earthquake. We should support, not cut, this vital emergency food program.

TEFAP is a great program. Food stamps often run out well before the end of the month, then needy families rely on TEFAP foods.

The elderly often prefer TEFAP to food stamps because of the welfare stigma associated with food stamps. Food stamp processing can take up to 30 days, but TEFAP is much faster. Verification of income is now required for TEFAP but that can usually be completed in one day. Congress imposed verification requirements to avoid providing benefits to families that are not needy.

In a survey taken 2 years ago, Arkansas claimed they needed a 300-percent increase in TEFAP commodities; 10 other States requested a doubling of TEFAP assistance.

TEFAP provides bags of groceries to prevent hunger. Typically TEFAP provides peanut butter, canned meats, canned tuna, and other higher protein foods to low-income families.

In just the past 2 months I have received letters from low-income families, community volunteers, and social service agencies in 14 different States. All are concerned with the drastic cuts in TEFAP this year.

Michael Levenson, assistant director of commodity programs in the State of Washington, called TEFAP "an integral part of the State of Washington's disaster recovery plan."

The Mid Columbia Community Action Council in The Dalles, OR, told me that "TEFAP is critical to our efforts to assist people in crisis," and asked, "Please restore funding to TEFAP."

The Glen Cove Economic Opportunity Council, in Glen Cove, NY, had a similar plea. They wrote: "We urge you to restore funding to the TEFAP program. TEFAP is of great importance to those who are in most need."

A food bank in Cleveland, OH, said that "TEFAP is essential to the people we serve * * * we urge you to restore funding to the TEFAP program."

A recipient of TEFAP emergency food in the State of Colorado wrote to tell me: "[TEFAP] has saved me from going hungry many times. It would really be a loss if it was stopped."

And a community action agency in New Haven, CT, said that "Cuts in the TEFAP funding will mean that many of these families in need will be sent away with nowhere else to go. * * * TEFAP is essential to our caring for the hungry."

Last summer, concerns with shortfalls in TEFAP commodities led me to conduct a survey of all 50 States. States such as Arkansas and Missouri told me that three to six times the current amount of commodities would be necessary to meet the need in those States.

In light of this incredible need and the proven effectiveness of the TEFAP program in getting food to those in need, I urge all my colleagues to support my amendment restoring TEFAP funding. It is truly an essential program in meeting the food needs of families in crisis.

Mr. DECONCINI. Madam President, I am pleased that the Senate has accepted the amendment offered by the distinguished Senator from Vermont which will add $30 million to a critical program which has been slashed 80 percent over the last 7 years. TEFAP—the Emergency Food Assistance Program—is a program that works. It uses surplus commodities to provide groceries to Americans to prevent hunger. TEFAP is distributed through a voluntary emergency food network comprised mainly of churches, food banks, and community action agencies. It is a life-saving program in times of national disasters as well as for Americans needing assistance on a day-to-day basis.

After Hurricane Andrew, Florida required 650,000 pounds of TEFAP commodities. For almost a month after Andrew, food stamps proved worthless since food stores had been destroyed and transportation was nearly impossible. After the Los Angeles earthquake, California received 600,000 pounds of TEFAP commodities. It was a life-line for Californians who otherwise would have gone hungry.

This country needs TEFAP. It is an essential program—and not only in times of emergencies. It is the last stop for hungry people in America; 12 million low-income Americans depend on this program every day of their lives.

TEFAP used to provide over $1 billion in agricultural commodities each year. But since 1987 there have been major reductions in the program. These reductions have come in the face of Hurricane Hugo, Hurricane Andrew, 100-year floods in the Midwest, and now the Los Angeles earthquake.

Chairman LEAHY sent a questionnaire to all the States asking about the need for more TEFAP commodities. The response was overwhelming: Pennsylvania wanted a 100-percent increase, Minnesota a 100-percent increase, New York a 50-percent increase, Florida a 100-percent increase, Texas a 100-percent increase—and the list goes on.

We can add my State to that list. In Arizona, requests for emergency food is at an all-time high. So far this year our food banks have distributed 60 million pounds of food to more than 580,000 needy people. However, cuts to the TEFAP Program have struck a major blow. This year Arizona will distribute only half the amount of TEFAP food we were able to distribute last year.

Madam President, TEFAP is literally a life-line for millions of hungry people throughout America. It can be the only source of food in times of emergencies. I am pleased that the Senate has come to the aid of this program which time and again has proven to be a crucial source of hope to countless Americans at a critical time in their lives.

AMENDMENT NO. 1467

Mr. BYRD offered amendment No. 1467 for himself.

The amendment is as follows:

On page 98, line 19, strike "$107,300,000", and insert in lieu thereof "$97,300,000".

On page 74, line 19 after the word "amount" insert the following: for "Resource Management".

On page 75, line 24 after the word "amount" insert the following: "not to exceed $6,000,000".

On page 75, beginning on line 24, strike beginning with the word "to" through the word "Secretary" on page 75, line 25 (saving the comma).

On page 76, line 1 strike the word "head" and insert in lieu thereof the word "heading".

On page 76, line 5 insert a comma after the word "of".

On page 76, line 6 strike the comma after the word "flows".

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, there is one other matter on which I have had a continuing series of discussions with the Republican leader throughout the day today. It concerns the nomination of Strobe Talbott to be Deputy Secretary of State. That nomination has been reported by the Committee on Foreign Relations, and it is my strong desire and hope that we can complete action on that matter before the Senate departs for the forthcoming recess.

As we all know, under the rules of the Senate, any one Senator or group of Senators have the right to take certain steps which would not enable us to do that. We would then be required to file cloture to bring debate to a conclusion. The cloture motion would ripen at the time we return from session and having the vote. I hope we do not have to go through that.

I inquire of the Republican leader, who is present in the Chamber and with whom I have had a series of private discussions, whether it will be possible to proceed to vote on the nomination of Strobe Talbott to be Deputy Secretary of State?

The PRESIDING OFFICER. The minority leader, the Senator from Kansas.

Mr. DOLE. Madam President, I am constrained to object, but I think with some agreement we can agree to take it up right after we come back. I would indicate we will have approved today 72 nominations, we will be prepared to deal with 72 nominations, but we cannot deal with that one.

Mr. MITCHELL. Madam President, I appreciate the Republican leader's cooperation on the large number of nominations that we hope to complete action on today. I regret very much the decision not to permit a vote on Strobe Talbott's nomination since under the rules the earliest we could obtain a vote would be when we return, and that would be on cloture to terminate debate on the matter. I will discuss with the Republican leader how best we can set that matter up, and we will deal with that before we leave this evening.

Now, more than ample time having passed since I raised the subject of the vote on the conference report, with a large number, a clear majority of the Senators being present, I now inquire again whether any Senator will insist upon a recorded vote on the conference report on the emergency appropriations bill on which we are now about to vote by rollcall on final passage? And as we are all familiar with the auctioneer's call going once, going—

Mr. BAUCUS addressed the Chair.

Mr. MITCHELL. Yes.

Mr. BAUCUS. Reserving the right to object, we are trying to clear an amendment here. I will not object if we can work out some solution to an amendment on which, frankly, we have been working for the last several hours.

I understand now the objection has been cleared, so therefore I will not object.

AMENDMENT NO. 1468

Mr. BYRD. Madam President, I send to the desk an amendment that has been cleared on both sides. I ask unanimous consent that it be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:.

The Senator from West Virginia [Mr. BYRD], for Mr. BAUCUS, proposes an amendment numbered 1468.

Mr. BYRD. And that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, strike all after the word "available" on line 14 through the word "provided" on line 18 and insert in lieu thereof, the following: "until expended: Provided, that such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: Provided".

Mr. BAUCUS. Madam President, I would like to offer a word of explanation about the amendment just offered by the chairman of the Appropriations Committee, Senator BYRD. This amendment would allow the Soil Conservation Service to use the funds appropriated in this bill to repair levees and other watershed projects, regardless of drainage size. This would allow the SCS to provide needed assistance for levees and other watershed protection facilities damaged during the Midwest floods. The amendment also strikes the amendment adopted last evening, amendment No. 1447, which would have seriously undermined the Corps of Engineers Levee Rehabilitation Program and greatly weakened Federal flood control and rehabilitation policy.

With this amendment, we can provide needed emergency relief while we examine what the appropriate role of the Federal Government is with regard to flood protection and control. The recent unfortunate spate of major disasters has made the need to reexamine our disaster relief policy all the more urgent.

I want to thank Senator BYRD and the Members from the affected States, Senators HARKIN and BOND, for their work in helping craft this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1468) was agreed to.

Mr. MITCHELL. Madam President, no Senator having expressed an intention to require a recorded vote on the conference report, we will now then proceed to final passage of this bill, and this will be the last vote, and the conference report——

Mr. D'AMATO. Madam President, before the gavel goes down for the last time——

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I am going to attempt in less than 60 seconds to set the record as I see it.

Some may disagree with it. After quite a period of time, through the good offices of Senator MURKOWSKI and Senator METZENBAUM, we have been able to achieve the passage extending the statute of limitations to all those thrift institutions on which the statute might otherwise run out before December 19, 1995. We have managed to accomplish that by a recorded vote of 95 to nothing.

In the House of Representatives today, the conferees were instructed 390 to 1 to accept the Senate position.

Now, I do not want to keep our friends here, but I have to tell you something. I know about a barber chair. It can accommodate all kinds of people and sizes, as the manager of the bill has indicated. I am only suggesting to you that it would be absolutely unacceptable, it seems to me, to the American people, and to all of the Members of the House and the Senate if there were to be an accommodation that somehow would see this legislation not kept in the conference report.

Now, we can enter into little dalliances, et cetera, and I am not so good at verse and never was, and I do not attempt to think that I can keep up with any of my colleagues here, but I have to tell you something. I would like to understand that we are going to keep this in or not report one back. I do not believe that it is unreasonable to get a better assurance than the Senator from Ohio or I have received to date.

Mr. MITCHELL addressed the Chair.

Mr. D'AMATO. Best effort is not good enough for this Senator.

Mr. MITCHELL. Then, Madam President, the chairman has said he will make his best effort. He cannot guarantee the result. If that is not good enough, then let us right now say we will have a recorded vote on the conference report. We will come back tomorrow night and vote. We have now discussed this too long already. Let us make a decision right now. If anybody wants a recorded vote on final passage, say so now.

Mr. DOLE. Madam President, will the Senator yield to me?

Mr. D'AMATO. Yes.

Mr. DOLE. I have been around here quite a while, and I think, I say to my friend from New York, the distinguished chairman of the committee has indicated fairly strongly he will do the best he can. I have seen him do the best he can before, and I have always lost.

So I would think the Senator would be in a very strong position when he gives that message. And I hope that we can—everybody knows if it is not in the conference report, it will be back here next week and we will be voting on it almost daily. I do not think it is in anybody's interest to drop it out now. I hope my colleague from New York would accept that the chairman and the ranking Republican feel the same way. Is that correct?

I know the Senator feels the same way. Is that correct?

Mr. HATFIELD. Yes.

Mr. MITCHELL. Madam President, I want to say that this effort to extend the statute of limitations did not start just recently. It has been going on for a couple of years. We have had a lot of votes on that. A lot of people voted against it.

So we know that if it does not stay in this bill, which we all hope it will, and I support, it is going to be back, and back again. And I am going to support it every time. I hope all the others will support it.

But let us be clear on this. We all understand what is happening here with respect to the statute of limitations. We all understand what is going on.

So the fact is, either you are now going to decide one way or the other. We are going to have a vote or we are not. The chairman has said what any person of common sense, prudence, and good judgment would say. He is going to do the best he can. He cannot guarantee the result. Nobody here could ever say anything other than that. We all understand that. Who can make a guarantee that they cannot possibly be certain that they can carry out? That, I think, ought to be good enough for everybody. If it is not, let us have a vote.

Mr. D'AMATO. Madam President, given the emphatic nature of the presentations, both by the minority leader and the majority leader, my dear friend—and he is a good friend—and the assurance of our manager of the bill that he will give his best effort, I will certainly not call for a recorded vote.

Mr. MITCHELL. Madam President, let us proceed to a vote.

I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Madam President, as the Senate continues consideration of this emergency supplemental bill, I want to make some general observations. While I will vote for this bill, I will do so with great reluctance.

In the last 5 years, we were hit by a number of major disasters. The Loma Prieta earthquake. Hurricanes Andrew and Iniki. The L.A. riots in 1992 and the Midwest floods last summer. Most recently, the Los Angeles area earthquake. The costs of these disasters have gone through the roof.

Madam President, we hear a lot about the need to cut spending. That need is real. And one way to do it is to reexamine our approach to disaster funding.

I sympathize with the victims of the California earthquake. My own State of Montana has experienced natural disasters—the harsh winters, seemingly countless droughts and the devastating wildfires in the Yellowstone region, for example. So I do not suggest that Californians are not suffering tremendously because of this disaster. I am suggesting, though, that we must find a better way to prepare and pay for disasters.

Each year we appropriate disaster relief funds. But we never have enough to cover the actual costs of a major disaster.

That is why we continue to find ourselves appropriating additional funds on an emergency basis. We do not think ahead. Instead we wait, then just take out our national credit card and run up the bill.

As was stated on the floor this morning, the Senate will soon begin consideration of a balanced budget amendment. It is ironic that many—though not all—of my colleagues who support a balanced budget amendment are the same ones who clamor for Federal emergency assistance following a disaster in their State.

You cannot have it both ways. You cannot support unpaid for emergency spending that contributes to the deficit and then support a constitutional amendment for a balanced budget.

Congress can balance the budget without such a constitutional amendment. But only if we make tough choices. In fact, last month, the Environment and Public Works Committee did just that. The committee made over $137 million in cuts to public buildings projects. It was not easy. It sure was not popular. But it was necessary.

The size of the check for emergency disaster relief is not the only issue. There must be a more concerted effort to mitigate such tragedies at the Federal, State and local levels.

We already have programs in place to minimize the loss of life and property in natural disasters. We have flood insurance. We have earthquake insurance and crop insurance. We have strengthened building codes and seismic retrofitting. These are all good programs. But application and enforcement is spotty or nonexistent.

Madam President, we all watched the Midwest floods this summer. We all watched with sympathy and we helped out. Congress appropriated over $5 billion to pay for the floods and the bill before us today appropriates even more. But few people realize that many who live in the 100-year flood plain do not carry flood insurance. That is irresponsible.

If you choose to live in a flood plain, you should be required to have the necessary insurance protection. Only about 25 percent of property owners in the Midwest flood area were covered by flood insurance. When the flood came, it did not matter. The Federal Government came to the rescue to bail-out the residents who chose not to carry insurance.

The same is true with earthquake insurance. A majority of homeowners in the Los Angeles area did not carry earthquake insurance. As a result, the Federal Government will again pay to rebuild these homes, regardless of whether or not earthquake insurance was purchased.

What incentive is there to buy insurance, if you know the Federal Government will pay when there is a natural disaster? No wonder participation rates for these programs are so dismal.

I realize that it may not just be a case of irresponsibility on the part of homeowners. If high deductibles or premiums make these insurance policies prohibitive, Congress should take a hard look at that as well.

Federal generosity has a limit, Madam President. We need to enforce these programs so that property owners take personal responsibility for their action or inaction.

But it is not just a Federal problem. I urge my colleagues to work with State and local officials and make sure they understand that short-term investments have long-term advantages. As the saying goes, "an ounce of prevention is worth a pound of cure". Many of us breathe a sigh of relief when a disaster misses our State. But we are all in this together as taxpayers.

By creating a task force to look into the costs associated with disasters, the Majority Leader and the Speaker have also recognized that this is an important issue that needs to be examined. I commend them for their action and look forward to working with this task force in the weeks ahead.

FLOOD ASSISTANCE

Mr. HARKIN. Madam President, I rise in support of this important disaster assistance legislation. I commend the President and the distinguished and skillful chairman of the Appropriations Committee for assuring its prompt consideration.

This legislation appropriately responds to the tremendous destruction caused by the major earthquake in southern California. People have lost their homes, possessions, and jobs. The devastation included billions in damage to roads, bridges, and other public buildings. We in the Midwest know all too well what a disaster like this means and the need for a quick and thorough response in order to recover economically and emotionally from it.

I am also pleased that the legislation before us responds to additional unmet needs caused by the great midwest floods this past summer. I want to thank Chairman BYRD, President Clinton, and OMB Director Panetta for their work to make this possible.

As Senator BYRD wisely noted when the flood supplemental appropriations measure was considered last year, we did not at that time understand the full impact of the disaster. Frankly, we still do not have a final determination of the costs involved.

I have been continuing my efforts with Senate BOND and the other Senators from the flood States to determine the needs that still must be met.

On January 31, the President proposed $435.5 million in additional assistance for the Midwest. This included $340.5 million for the Soil Conservation Service to restore levees, stabilize soil around structures and to accelerate some construction in watersheds. This work is crucial if the flood areas are to have a chance of being properly prepared for likely future flooding in the area. The ground is still saturated, and many predict significant flooding this year. The SCS funds will also be used to put land into the wetlands program. It is cheaper to put some land into the program than to restore it or to restore damaged levees: $25 million was provided through the ASCS to help farmers restore their fields, and $70 million was provided for the Corps of Engineers for the restoration of levees.

Also, on January 31, the flood task force made up of State government officials in the affected States provided a partial list of $560 million of the most urgently needed assistance beyond the $435 million requested by the President.

Recognizing the limits on Federal aid, Senators from the affected States worked to scrub those requests. We met with Leon Panetta last week with a considerably pared down list of requests. His staff suggested further reductions after they worked with the Departments on a needs assessment. The President then requested and I offered an amendment in the appropriations markup to provide $250 million in additional CDBG funds for the affected States. In addition, $50 million was added to the "unanticipated needs" account. Those funds can be used for the Midwest, for the earthquake area or for other disasters.

The $250 million in CDBG funds are to be allocated to the Midwest flood will be used for a variety of purposes including: home relocation, in some cases the relocation of whole communities; the modification of sewer systems so they will not act as conduits for flood water. We had whole neighborhoods safely behind levees that held. But, the water came roaring out of the toilets and sinks causing great damage, and the use of funds by local governments for levees and other improvements that will reduce losses in future disasters.

Madam President, I urge quick adoption of this important legislation so that the people of California and the Midwest can fully recover from the natural disasters that have recently beset them.

Mr. COATS. Madam President, it has been said, "Blessed are the young, for they shall inherit the national debt." Today, every child born in America inherits $17,000 in public debt. Today, the total Federal income tax collected each year from west of the Mississippi River does not even cover the interest paid on our debt burden. Today, the Federal Government spends $3 for every $2 it collects. This is the destructive legacy of a Congress without courage. Our budget deficit represents a failure to lead, and that failure is felt in every city, in every community, on every farm, and in every family.

We clearly need to restore fiscal integrity and economic soundness to the budget process. I am proud to be a cosponsor of the Government downsizing, performance, and accountability act of 1994, introduced today by the Republican leader. This proposal offers real deficit reduction through 50 commonsense recommendations from a range of sources, including the Grace Commission and Vice President GORE's National Performance Review.

Other proposals fall short of real deficit reduction because they fail to reduce the caps on discretionary spending. Our plan cuts Federal spending by more than $50 billion over 5 years and, by lowering the caps, ensures that all of the non-defense savings goes to deficit reduction. It prevents Congress from using its timeworn tactic of using savings from one program to spend more on another, and it reduces the deficit without raising taxes.

Our bill also protects the military from those who would raid its budget to fund pet programs. By reinstating the defense firewall, this plan enables President Clinton to keep the promise he made in his State of the Union Speech not to cut defense spending any further than he already has. The Defense budget has already been cut to the bone. We must end the practice of compromising our national security to pay for the policy enthusiasm of the moment.

Any attempts to reduce the deficit are incomplete without institutional reform. The inclusion of the line item veto in this package ensures that Congress would not be permitted to continue to mortgage our children's future through pork-barrel spending. It would shine the light of debate into the dark corners of the budget process.

This plan is about honoring people who pay their taxes, lead productive lives and are tired of seeing Government waste their hard-earned money. Washington can reduce the deficit without raising taxes; this plan proves it.

Our national deficit is a burden on our children and our grandchildren. This plan eases that burden through reasonable cuts and meaningful savings. It is a chance for Congress to act on its ardent rhetoric about deficit reduction.

FUNDING FOR LIHEAP IN THE SUPPLEMENTAL APPROPRIATION.

Mr. KENNEDY. Madam President, in the aftermath of the severe cold wave last month in the Northeast, emergency aid through the Low Income Home Energy Assistance Program is clearly needed.

The bill before us asks President Clinton to release $300 million of the $600 million available in contingency funds for this program. The bill also requests that the Secretary of the Department of Health and Human Services be permitted to target this funding to the States that are most in need.

I strongly support both of these goals, and I commend Senator BYRD, the chairman of the Appropriations Committee, and Senator HARKIN, the chairman of the Labor and Health and Human Services Subcommittee, for their leadership on this provision. These Senators have been instrumental in ensuring that the LIHEAP Program serves the needs of low-income families. This emergency aid will ease the heavy burden of one of the coldest winters in recent memory.

We need this $300 million emergency appropriation, and we need it as soon as possible. Even before this winter began, the LIHEAP Program was being shortchanged. In fiscal year 1985, $2.1 billion was appropriated to LIHEAP. In fiscal year 1994, LIHEAP received only $1.4 billion, a 30-percent decrease.

In Massachusetts, only 27 percent of those eligible actually receive LIHEAP's aid. Low-income families have had to choose between heating their homes and feeding their children. In 1992, Boston City Hospital released a 3-year study on seasonal changes in weight for low-income children living in Boston. The study identified a relationship that researchers called the heat or eat effect: The number of clinically underweight children going to the hospital's emergency room increased dramatically in the period immediately following the coldest month of the winter. According to the study, "parents know their children will freeze to death before they starve to death." It is disgraceful to force families to make such a choice when it is in our power to prevent it.

Massachusetts is not alone in facing these urgent problems today. The Coalition of Northeast Governors, representing the Northeast States plus New York, Pennsylvania, and New Jersey, and the Association of State LIHEAP Directors, which includes administrators from across the country, have reported that many States will soon exhaust their LIHEAP funds. The winter goes on, but funds to help the poor pay their energy bills have dried up.

This emergency appropriation of $300 million will help the country's poorest families make it through the winter. I commend the committee for its action and I urge the Senate to approve it.

Mr. PRESSLER. Madam President, I rise in reluctant opposition to the rescission provisions in title III of the Senate version of H.R. 3759. On the one hand, I support cuts to offset spending. On the other hand, I must voice strong objection to rescinding funds for the Landsat satellite in the Department of Defense section of the package.

The administration's budget request for fiscal year 1995 contains no funding for the Department of Defense Landsat operations. This does not mean, however, that the administration no longer believes in the important mission of the Landsat satellite to support global climate change research and national security.

The President's National Science and Technology Council this week adopted a proposal to construct, launch, and operate a Landsat 7 system. While not all details of this proposal have been completed, it assumes a transfer of the Department of Defense fiscal year 1994 Landsat funds to NASA to cover a portion of the completion cost of Landsat 7. After the launch of Landsat 7, the National Oceanic and Atmospheric Administration would be responsible for the system's ground operations, including data processing, distribution and archiving at the EROS Data Center in Garretson, SD.

The Landsat program provides critical land remote sensing data for earth science research and a variety of operational applications of importance to national security as well as domestic and international use.

We are in the unfortunate position of considering construction and launch of Landsat 7 prematurely. Earlier this year, Landsat 6 was lost upon launch. One earlier satellite, Landsat 5, continues to operate, but it is beyond its expected lifetime. Data continuity becomes a priority consideration with the loss of Landsat 6, and the limitations of the older satellite. If Congress fails to commit to continuation of this program, we run a real risk of being without land remote sensing data.

NASA is in the middle of developing its Earth observing system data information system, which depends on Landsat data. If we do not build and launch Landsat 7, we will be in the position of trying to replicate some form of the program within 5 years. The cost of trying to build a new program will far exceed what we might spend to continue the current Landsat program.

The other body assumes continuation of the Landsat program in its companion to the measure we are considering today. I urge my colleagues in the strongest possible terms to accept the other body's support of Landsat in conference.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

Mr. INOUYE. Madam President, I would like to ask my esteemed colleague, Senator BUMPERS, chairman of the Subcommittee on Agriculture, Rural Development, and Related Agencies, to clarify a point in the rescission package that may affect Indian tribes and needy Indian people of our country. The House-passed bill and the Senate bill contain rescissions directed at the Food Donations Program for Selected Groups within the Agriculture Department's Food and Nutrition Service. Can the chairman expand on the report language which indicates that this rescission will not affect the availability of commodity foods available to Indian reservations?

Mr. BUMPERS. I would be glad to clarify this point for the distinguished chairman of the Indian Affairs Committee. The funds which are proposed to be rescinded in the Senate bill are, in fact, a portion of the fiscal year 1993 appropriation that carried over to the current fiscal year. The committee has been advised that these funds are not needed to maintain the current program level. Senator INOUYE can assure the Indian tribal governments and Indian people who receive such assistance that the rescission contained in this measure is not intended to diminish the current level of commodity foods available to them.

Mr. LEVIN. Madam President, I would like to engage in a brief colloquy with the distinguished chairman of the Transportation Appropriations Subcommittee, if he is available, on a matter in the bill before us.

Mr. LAUTENBERG. I am happy to discuss the bill with the Senator from Michigan.

Mr. LEVIN. I thank the Senator from New Jersey. The bill that the Appropriations Committee reported makes tangible progress toward responsible deficit reduction. However, I am concerned by one of the rescissions proposed by the committee for the Federal Highway Administration, the Monroe rail consolidation project.

The Monroe rail consolidation project has been included on the committee's proposed rescission list. Yet, this project is ready for construction and is important for southeast Michigan. The criterion that the committee appears to have used in determining if a project's funding should be rescinded is whether or not a project still has unobligated balance from before fiscal year 1991. These balances, in and of themselves, provide no indication of the merit of a project.

The Monroe rail consolidation project is ready for construction and is important for southeast Michigan. The project is necessary for economic and safety reasons. It will eliminate 25 public and private crossings, substantially reducing preventable vehicle/train accidents. Design and engineering is done. Work has been delayed only because the overall costs were underestimated. I ask unanimous consent that a description of the project prepared by the Michigan Department of Transportation be printed in the RECORD following my remarks.

Madam President, I know that without an offset it would be difficult to remedy this on the floor right now, but I would ask the Senator if he would work in conference to preserve the unobligated balances for this project.

Mr. LAUTENBERG. I appreciate the Senator bringing these facts to my attention. I have no intention of pulling the rug out from under those projects that are ready to go. I can assure the Senator from Michigan that I will keep in mind his concerns and the information he has provided as the conference committee considers the proposed rescissions.

Mr. LEVIN. I thank the subcommittee chairman for his assistance. I hope that the conferees on the bill will be able to delete this project from the rescissions list. Those unobligated fiscal year 1990 balances may appear to be free game here in Washington, but the people in Michigan are counting on them.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

MONROE RAILROAD CONSOLIDATION PROJECT, MONROE COUNTY, MI

1. Identify the State or other qualified recipient responsible for carrying out the project.

The Michigan Department of Transportation (MDOT) will be responsible for administering federal, state and local public funds used in the project; the City of Monroe and the involved railroads, CN North America (CNNA) and Consolidated Railroad Corporation (Conrail), will carry out the project.

2. Describe the design, scope and objectives of the project, including the phase or phases proposed for funding.

The Monroe Railroad Consolidation Project scope consists of consolidating three widely separated mainline tracks in a 7 mile long corridor passing through the City of Monroe into one double track main. The objectives achieved by consolidating these tracks are:

a. Increased grade crossing safety: The project would eliminate 25 of the 31 grade crossings in the corridor.

b. Increased efficiency of the street system: Travel delays on Monroe's street system caused by the movement of trains through the 25 crossings to be closed will be eliminated.

c. Improved air quality: Elimination of automobile idling time at grade crossings will reduce emissions.

d. Improved energy efficiency: The reduced automobile idling time at grade crossings and more stable vehicle operating speeds will reduce motor fuel consumption.

e. Enhanced land use/economic development opportunities: The elimination of two railroad rights-of-way through the city enhances the potential uses for adjacent parcels, and enables consolidation of properties into marketable opportunities for new enterprises and increased employment.

f. Improved residential neighborhood cohesiveness: The neighborhoods severed by the rights-of-way to be eliminated will be reconnected; dwellings now adjacent to the tracks will become more desirable and livable, improving the quality of housing stock in the area.

g. Improved economics for rail freight movement: The railroad companies' costs of crossing and signal maintenance, as well as liability exposure will be eliminated for the 25 crossings to be closed; mainline track maintenance costs will be shared by two railroad companies.

A special Federal appropriation of $2.975 million received in FY 1990 has been used to accomplish feasibility and preliminary engineering studies. The remaining existing funding will be used to finance preparation of the Environmental Assessment, completion of final design, and a small portion of the total cost of construction. New federal funding is sought for the remaining construction costs.

3. Is the project eligible for the use of Federal-aid funds?

The project is eligible for the use of Federal aid funds.

4. What is the total project cost and source of funds?

The total cost to complete the project is estimated (based upon preliminary engineering) at $16,000,000. Sources of funding are as follows:

Federal funds (80%)=12.8 million

Non-federal funds (20%)=3.2 million

Non-federal funds will be provided by Michigan Department of Transportation, the two private railroad companies, and affected local governments.

The federal share consists of the balance of the 1990 federal grant and the additional funding sought in this request, as follows:

Original grant balance	$2,775,000
Present grant request	10,025,000
Total federal funds	12,800,000

5. Will there be private sector funding for a portion of the project and, if so, how much private sector financing is being made available for the project?

A portion of the 20 percent non-federal fund match will be provided by the involved railroads.

6. Will the completion costs for the project exceed the amounts requested for the project?

Estimates of completion costs based upon preliminary engineering completed thus far indicate costs to be within the amount requested.

7. Has early work, such a preliminary engineering and environmental analysis been done on the project?

Preliminary engineering and Phase One Environmental Site Assessment have been completed.

8. What is the proposed schedule and status of work on the project?

Preliminary engineering, by Envirodyne Engineers, was completed and presented to local public officials and the railroads in April, 1993. The proposed plans were generally endorsed by all public and private entities affected. Concern was raised by a neighborhood at the northern limit of the project regarding the location of the crossover track near their residences. Early in 1994, Envirodyne Engineers will be retained to do further work to study alternative crossover locations, and to prepare an Environmental Assessment in compliance with federal requirements. Once Federal approval is granted, final design will commence. The target year for construction is 1995.

9. Is the project included in the metropolitan and/or State transportation improvement plan(s), and if so, scheduled for funding?

The project is included in the regional transportation improvement program prepared by the Southeast Michigan Council of Governments, and therefore is included, by reference, in the state transportation improvement program.

10. Is the project considered by State and/or regional transportation officials as critical to their needs?

The project is seen as very important by local, state, and federal officials.

11. Why have State and/or regional transportation officials not given this project sufficient priority to obtain funding through the normal ISTEA funding process?

State, regional, and local transportation officials have identified the importance of this project. The department has delayed the development of many needed projects due to inadequate funding levels, from both federal authorizations and state transportation revenues.

12. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

Public presentation of the preliminary engineering report in April, 1993, generated a concern regarding location of the northern crossover track. This concern will be addressed as the project moves to final design. There is strong local citizen support for the project. Environmental impacts, if any, will be identified as a result of the Environmental Assessment to be undertaken in 1994.

13. How will the project objectives be attained?

The project objectives will be attained through a project steering committee consisting of representatives from each affected local government, the two railroads, and M●DOT. The committee has functioned on an ad hoc basis since before the first federal grant was obtained, and accounts for the consensus already existing on the consolidation plan for which preliminary engineering has been completed.

Through the continuous communication afforded by the steering committee, the complex technical, operational, and staging aspects of the project will be effectively managed, bringing about as smooth a transition as possible from current operations to joint operations in one corridor.

14. Describe the economic, energy efficiency, environmental, congestion mitigation and safety effects associated with completion of the project.

See #2.

15. Will the project require an additional investment in other infrastructure projects? If so, how will these projects be funded?

This project is a complete project in and of itself. However, its design would permit future rail consolidation continuing from the north limits of this project in northern Monroe County to the downriver area of metropolitan Detroit. Funding for such future work is not being sought at this time.

16. In lieu of the proposed project, what other transportation strategies have been considered by State and local transportation officials?

A 1989 feasibility study recommended a consolidation scheme retaining two of the three track sets. A subsequent consultant study performed by Envirodyne Engineers, Inc. found that with proper design, utilization of only one rail right-of-way through Monroe could provide a level of utility to each railroad equal to that currently existing. (That study indicated that such an approach would incur less than a 10 percent cost increase over the two-track approach while allowing the closure of an additional eight area grade crossings.) If the project under consideration is not approved for federal funding, it is unlikely that any rail consolidation (i.e., the elimination of main line rail corridors) will be undertaken in the Monroe area.

17. Is the authorization requested an increase to a previously authorized amount for this project, or would this be the first authorization for this project? Has this project previously received federal funding, commitments regarding future federal funding (such as an LOI or Full Funding Agreement), or appropriations?

This request is for the funding necessary in addition to the original federal grant in 1990, to carry the project from preliminary engineering through construction.

18. If Highway Trust Fund revenues are not made available for the project, would you support general fund revenues for it?

General fund revenues would be acceptable for the advancement of this project.

NORTHRIDGE EARTHQUAKE

Mrs. BOXER. Madam President, damage caused by the Northridge earthquake has severely impacted the movement of people and goods. Until repairs and reconstruction of damaged facilities are completed, California will need to implement, over time, the necessary transportation management strategies to maximize the movement of people and goods.

Transportation management strategies—including but not limited to construction of detours and modifications to existing roads to increase transportation capacities including development of High Occupancy Vehicle facilities, motorist and public information systems, upgrading and increasing transit services, including increased bus, rail and van pooling services and implementation of an intermodal emergency universal transit pass—are critical to providing alternative services to those services that were lost with the damage to the transportation system. Many of these activities are similar to activities implemented following the Loma Prieta earthquake in 1989.

The Federal Highway Administration issued a memorandum on April 20, 1989, providing guidance for Federal funding eligibility for traffic management activities. That guidance provided that many of the strategies being used would be eligible for normal Federal funding as well as day-to-day operations for highway advisory radio and freeway service patrols during highway construction.

H.R. 3759, the emergency supplemental appropriations bill, does not specifically address the issue of traffic management strategies under the Emergency Relief Program. It is my understanding that these transportation management activities for Emergency Relief Program funding are eligible under the Emergency Relief Program to restore essential traffic service until such time as repairs and reconstruction of transportation facilities, damaged by the earthquake, are completed and reopened to traffic. Is this the understanding of the chairman of the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations?

Mr. LAUTENBERG. Madam President, I agree with Senator BOXER's assessment that activities to restore essential traffic services are eligible activities under the Emergency Relief Program and I urge FHWA to move quickly on this matter.

Mrs. BOXER. I thank Chairman LAUTENBERG for this clarification and his support.

Mr. COHEN. Madam President, I rise today to express my sympathies to the people of southern California. The devastating earthquake which shook the Los Angeles area last month has left many people dead or injured and thousands of others homeless. I intend to support this emergency supplemental which will provide desperately needed relief not only to the victims of this tragic earthquake, but also to the victims of the Midwest floods and the unusually bitter cold temperatures that various regions of the country, including my home State of Main, have experienced this winter.

I am extremely pleased that this legislation includes the directive to President Clinton to release $300 million in emergency funds from the Low Income Home Energy Assistance Program [LIHEAP]. It is up to President Clinton to declare an emergency and release these funds, but I am confident that he will support our call for immediate action.

As we all know, the winter in many parts of the country, but particularly in Maine and other parts of New England, has been unusually cold and shows no signs of abating. In Maine, temperatures have been well below freezing for many weeks.

Let me indicate just how dire the situation is for some of Maine's residents. In Washington and Hancock Counties, among Maine's poorest counties, the average LIHEAP benefit is now only $182 for the whole winter, a reduction of $166 from last year's level. Benefits for many households who heat with oil, kerosene or wood range from $48 to $120 for the entire winter. As you can imagine, this benefit level cannot possibly assist the poor in meeting the energy costs they face as a result of this relentless winter weather. Of those receiving benefits in this area, 74 percent have incomes below 100 percent of the poverty guidelines, with the remaining 26 percent with incomes between 101 and 150 percent of poverty guidelines.

It is critical that emergency fuel funds set aside in the fiscal year 1994 Labor/Health and Human Services appropriations bill be released immediately in order to provide the assistance to these needy citizens. It is for precisely this situation that emergency funds were allocated by Congress in last year's appropriations bill, and I urge the President to take the appropriate action and release the funds to needy areas like Maine.

I also want to speak to the issue of how we fund disaster relief. The Federal Government, in my view, has a responsibility to respond to natural disasters which strike without warning and leave people desperate for such basic necessities as food and shelter. Madam President, my own State of Maine suffered the aftermaths of three natural disasters in 1991 alone, causing substantial damage to public roads and bridges and private property throughout the State. At the same time, however, I firmly believe that we must begin to seriously address the Federal budget deficit. The Federal Government has been running deficits for more than two decades. The Congress and the President continue to ask Americans to pay higher taxes in an effort to tackle the deficit, but Americans want Congress and the President to cut spending first.

Since 1988, Congress has approved six disaster relief supplemental appropriations bills similar to the one we are considering today. While no one disputes the need for this relief to the victims of natural disasters, these measures have increased our Federal budget deficit by more than $17 billion. The number of natural disasters nationwide has increased in recent years and so has the cost of these disasters as is evidenced by both Hurricane Andrew and the earthquake in California. The early estimates for the California earthquake range between $15 and $30 billion.

While I continue to believe that the Federal Government must provide assistance to disaster victims in times of catastrophic disasters, and do so expeditiously, I firmly believe that we must also face our fiscal responsibilities. If we do not begin to address the deficit now, the problem will only worsen for our children and our grandchildren. As a result, I support the language in this legislation urging the creation of a bipartisan task force to look at the issue of how to pay for disaster relief in the future. During the Senate's debate on this legislation, I also supported amendments to offset the cost of the bill with spending cuts in other Federal programs and find an alternative way to finance disaster assistance in the future. Unfortunately, however, the Senate did not adopt these amendments.

In closing, Madam President, I again want to express my sympathies to the residents of southern California as they begin the difficult process of trying to rebuild their lives in the aftermath of what may be the worst natural disaster this country has ever seen.

Ms. MIKULSKI. Madam President, I strongly support this supplemental appropriations bill to provide much-needed aid to the thousands of victims of the Northridge, CA earthquake, and I commend the chairman of the Appropriations Committee, Senator BYRD, for moving this legislation so quickly.

All of America was gripped by the 6.6 earthquake that struck the San Fernando Valley on the morning of January 17. We watched with horror how people had lost their homes, their communities, and in 57 instances, their very lives, because of this act of nature. Now is the time to get aid to those victims as rapidly as possible.

FEMA tells us that its disaster relief fund is very close to running dry. That means that FEMA will have to withhold providing aid to all disaster victims—not just in California but also victims in the Midwest and other States which have had major disasters—until this bill is signed into law.

Madam President, the Northridge quake is the costliest major natural disaster in modern American history. This legislation will go a long way to helping people recover from that tragedy.

The amounts provided in the VA-HUD chapter reflect the administration's request.

FEMA: for FEMA disaster relief, the bill provides $4.7 billion. In addition, the administration recently released $408 million in contingency funds, for a total of over $5 billion.

These funds will provide for infrastructure repair, emergency transportation requirements, individual and family grants, hazard mitigation, and other disaster-related needs.

The bill also includes $15 million for a post-earthquake investigation.

HUD: For HUD, the bill includes $825 million for various housing and community development programs. For assisted housing account, the bill provides $225 million. Of that, $200 million will be allocated for section 8 housing rental subsidies for low-income families affected by the southern California earthquake. This will help provide housing for an estimated 10,000 families for up to 18 months. Most of the assistance will be used to aid families whose annual earnings are at or below 50 percent of the median income for the greater Los Angeles area. An additional $25 million will be allocated for the modernization of public housing projects damaged in the earthquake.

For the flexible subsidy fund, the bill provides $100 million. These funds will provide money to replace or rehabilitate federally-insured and/or -assisted multifamily housing projects damaged by the January 1994 earthquake in southern California. The Department's initial estimate indicates that 68 of 151 projects located within the earthquake zone, roughly 45 percent of federally-insured and/or assisted inventory, were affected by the quake.

The Committee has included bill language to increase the flexibility of FHA programs for victims of the southern California earthquake. These provisions were not recommended by the House because of concerns about the fact that they are legislative in nature.

And finally, for the CDBG program, the bill provides $500 million. These funds will be disbursed to entitled communities, and the State of California, for expenses resulting from immediate and long-term efforts to recover from the January 1994 southern California earthquake. Up to $75 million of those funds may be transferred to the HOME program for expenses resulting from the earthquake.

VA: The bill provides $66.6 million for the Department of Veterans Affairs. Together with $7 million in unspent disaster funds provided to the Department in a fiscal year 1992 dire emergency supplemental appropriations act, there will be $73.6 million available to VA.

These funds are needed for patient related expenses at six of California's VA facilities, including Sepulveda and West Los Angeles. There was extensive damage at the Sepulveda facility, requiring the facility to be closed and all patients to be moved to other medical facilities. The funds provided will pay for cleanup and minor repairs, transporting patients, additional patient workload, contract personnel, and other expenses.

In closing, Madam President, let me say that I am opposed to budget offsets for this supplemental appropriation.

I do not think it is fair to make the victims of this tragedy wait for aid while Congress haggles over budget cuts. We did not ask the victims of Hurricanes Hugo, Andrew, or Iniki to do that. We did not ask those who suffered from Loma Prieta to do that. And last summer, when floods affected nine different States in the Midwest, we did not do that.

KERREY-GRAHAM AMENDMENT

Mr. KOHL. Madam President, today I rise in support of the Kerrey amendment. The amendment contains specific spending cuts that could save the Government almost $95 billion over the next 5 years.

I will not speak for long today, Madam President. We have had enough speeches about cutting spending. It is time for action.

We all like to talk specifically about our ideas for spending Government money, but when it comes time to talk about reducing the deficit, we suddenly get vague. We are all against the deficit—in abstract. We are all against wasteful Government spending—if we do not go into details about exactly what we mean by wasteful. But there aren't many who want to stand up here and talk specifically about what programs we would cut. I commend Senator KERREY, and the bipartisan groups of Senators who support this plan, for doing just that.

And not only is this amendment specific. It is also even-handed. It cuts entitlements, defense, and domestic spending. No one group, State, or interest bears the brunt of the deficit reduction in this package.

And because the cuts in this package are numerous and specific, there are some items I support strongly, like the proposal to cut Senators' pay by 5 percent. And there are some items I wish were not in the package, like the reduction in Legal Services Corporation. But I support the entire package because I understand—and I hope the entire Senate understands—that we will not pass significant spending cuts until we are all willing to accept some cuts that hurt.

In the past, Madam President, too often we treated Government spending as if it were a reward for winning public office. We spent taxpayer money as if it were our own. Now it is time to treat Government spending as a responsibility of public office. We have to start spending taxpayer money as if it belonged to the taxpayers who worked hard for it.

I am glad the President has sent us a budget that brings the deficit down—at least for the next 5 years. But we have got to do more. By the year 2000, our deficit will still be over $200 billion, our debt will have topped $6 trillion. Is this the legacy we want to leave to a new generation? Is overwhelming debt piling up year after year a record we can be proud of? No. The answer is no.

Now is the time to take action. Now is the time to start paying back the trillions we have borrowed from future generations. Now is the time to cut spending. I urge my colleagues to support the Kerrey amendment.

FEDERAL BUILDINGS FUND

Mr. DECONCINI. The language contained in the explanatory statement accompanying this bill contained in title II, under the "Federal Buildings Fund" heading, in no way supersedes or alters the actions taken by the Environment and Public Works Committee with respect to the disapproval of funds for certain GSA building projects made available in the fiscal year 1994 Treasury Appropriations Act. For those projects where fiscal year 1994 funds were appropriated but for which a prospectus was not approved by the Environment and Public Works Committee, the funds cannot be expended by the General Services Administration in accordance with the provisions of Public Law 103-123, until such authorization is approved.

Mr. BYRD. Madam President, I ask unanimous consent that an explanatory statement of the recommendations of the Senate Committee on Appropriations on H.R. 3759 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 3759, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994, AND FOR OTHER PURPOSES.

The Committee on Appropriations, to which was referred the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, reported the same to the Senate with an amendment, and submits the following statement in explanation of its recommendations.

BILL HIGHLIGHTS

Title I.—The Committee is recommending fiscal year 1994 emergency supplemental appropriations to cover emergency expenses primarily arising from the consequences of the January 17, 1994, earthquake in southern California. The Committee recommendation totals $10,019,150,000 in budget authority and $1,109,000,000 in loan authority, the same as the President's request. These funds are broken down as follows:

Committee bill, total appropriations	[1]$10,019,150,000
Emergency appropriations	(9,069,150,000)
Contingency appropriations	(950,000,000)
Loan authority	1,109,000,000

[1] Includes subsidy appropriations of $254,750,000.

Major items in this bill include:

FEMA—disaster relief	$4,709,000,000
Small Business Administration (disaster loans)	1,109,000,000
Impact aid	165,000,000
Student financial assistance	80,000,000
Federal-aid highways, emergency relief (trust fund)	1,265,000,000
Direct appropriations	(950,000,000)
Contingency appropriations	(400,000,000)
VA major construction projects	45,600,000
VA medical care	21,000,000
HUD annual contribution for assisted housing	225,000,000
HUD flexible subsidy fund	100,000,000
Community development block grants	500,000,000
Unanticipated needs, contingency appropriations	550,000,000
Department of Defense, humanitarian assistance	1,198,300,000
Department of Agriculture, Midwest flooding	435,500,000
Federal-aid highways, Loma Prieta	315,000,000

EARTHQUAKE SITUATION

In the predawn of January 17, 1994, an earthquake shook southern California causing massive upheaval to many homes, infrastructure, and the nerves of the residents near the epicenter at Northridge in Los Angeles County. Upon receiving initial reports of the damage and destruction caused by the quake the President made available previously appropriated emergency contingency funds of $140,000,000 on January 19, 1994, so that help could begin to flow immediately. On January 22, 1994, an additional $143,000,000 in previously appropriated emergency contingency funds was made available by the President.

After receiving reports from local, State officials as well as members of his Cabinet the President made an initial request for additional emergency Federal assistance totaling $6,178,405,000 on January 26, 1994. After further reports from the field and more recent estimates of the damage the President forwarded a further request of $3,540,745,000 in emergency aid on January 31, 1994. Of this request $1,591,945,000 is for the additional expenses of the Los Angeles earthquake; $1,198,300,000 is for unbudgeted and unexpected Department of Defense humanitarian and peacekeeping activities; $435,500,000 is for expenses related to last summer's floods in the Midwest; and $315,000,000 is for highway repairs resulting from the Loma Prieta earthquake. Therefore, the Committee has considered requests from the President which total $9,719,150,000.

Title II.—On February 7 and 8, 1994, the President submitted fiscal year 1994 supplemental budget requests totaling $1,579,698,000, of which $862,600,000 are for mandatory items. The bill recommended to the Senate includes discretionary appropriations of $115,714,000, a reduction of $601,384,000 below the President's request. In addition to the Committee has recommended the full amount requested by the President for mandatory items.

Mandatory items include $698,000,000 for veterans compensation and pensions; $103,200,000 for veterans readjustment benefits; and $61,400,000 for advances to the unemployment trust fund.

The discretionary items included represent salaries and expense items in various agencies. These discretionary appropriations are all accommodated within each subcommittee's 602(b) allocation and are more than offset by rescissions contained in title III.

Title III.—According to the General Accounting Office, from the enactment of the Congressional Budget and Impoundment Control Act of 1974 through September 20, 1993, Presidents have proposed rescissions totaling $69,629,034,690, of which $21,585,250,366 were agreed to by Congress. In addition, over this same period, congressionally initiated and enacted rescissions total $67,114,961,718. Total rescissions that have been enacted over this period (1974 through September 20, 1993) equal $88,700,212,085, or $19,071,177,395 more spending cuts than have been requested by Presidents.

On November 1, 1993, the President requested 37 rescissions within the jurisdiction of eight subcommittees totaling $1,946,122,724 in budget authority. On February 7, 1994, the President submitted additional rescissions bringing the total of the President's rescission requests to $3,172,183,170 for fiscal year 1994.

The bill as reported recommends rescissions totaling $3,442,677,882 in discretionary spending reductions, $270,494,712 in greater cuts than requested by the President. The bill as reported contains rescissions in the jurisdiction of 12 subcommittees.

While approving, in whole or in part, a substantial amount of rescissions requested, the Committee also recommends a number of rescissions not requested by the President. In some instances, these congressionally initiated rescissions are to be derived from general categories of spending for various agencies. These appropriations are not earmarked by the Congress, but are administered by the various agencies under authority delegated to them in appropriations acts. This delegation of authority to the executive branch is necessary because there are literally thousands of applicants for grants for many Federal programs. Congress is in no position to review and act upon these grant requests. Rather, the authority to carefully screen applicants for Federal funds so as to avoid wasteful and unnecessary spending and to approve only those grants which are of national importance, rests with the executive branch.

EMERGENCY DESIGNATION

Pursuant to the President's request, the Committee recommends language designating all disaster relief funds in this bill as emergency requirements under the terms of the 1990 Budget Enforcement Act. Under this act, appropriations that are designated as emergency requirements by both the President and the Congress are counted as automatic increases to the discretionary spending limits.

The emergency designations in this bill are consistent with past special disaster relief appropriations—in 1993 to cover the disaster costs caused by extensive flooding in the upper Mississippi River area; and in 1992 to cover the costs caused by other natural disasters, such as Hurricane Andrew, Hurricane Iniki, Hurricane Bob, the devastating fires in Oakland, CA, and the State of Washington;

the Northeastern storm that ravaged the New England area; and agricultural disasters such as the California freeze, the Red River Valley, TX, floods, the Kansas drought, the Minnesota/Iowa excessive rainfall, the Southeastern States drought, and the Louisiana/Texas freeze.

In addition, the Congress made emergency appropriations in 1991 at the request of the President to meet over $1,100,000,000 in international commitments and humanitarian needs such as aid to Kurdish refugees and economic support payments to the Governments of Turkey and Israel.

Prior to the 1990 Budget Enforcement Act, special emergency bills were enacted between 1980 and 1990 for large domestic and international disasters such as the Loma Prieta earthquake, Hurricane Hugo, the Mount St. Helen's volcanic eruption, African famine relief, and Italian earthquakes. These needs were all financed in a similar manner to this bill.

The Committee also wishes to note that while circumstances justify these expenditures, the Congress has had an excellent overall record in controlling discretionary spending. In total, over the first 4 years of the discretionary spending limits the Congress has appropriated $36,954,000,000 less than allowed under the statutory caps for discretionary spending.

Total discretionary appropriations—budget authority compared to budget caps

Fiscal year:	
1991	−$209,000,000
1992	−7,649,000,000
1993	−16,262,000,000
1994	−12,834,000,000
Total	−36,954,000,000

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

1994 appropriation to date	$241,965,000
1994 supplemental estimate	340,500,000
House allowance	340,500,000
Committee recommendation	340,500,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $340,500,000 for the Emergency Watershed Protection Program through the "Watershed and flood prevention operations" account. This amount is the same as the House allowance and the budget estimate.

These funds will provide additional assistance to areas damaged by the Midwest floods, the southern California earthquake, and other natural disasters to safeguard lives and property. For the affected Midwestern States, funds would be used to repair levees and other flood-retarding structures, as well as to allow additional enrollments into the Emergency Wetlands Reserve Program from willing landowners. In California, funds would be used for erosion control in areas affected by the recent fires.

In addition, bill language provides that not more than $50,000,000 of this amount shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size.

The entire amount requested has been designated by the President and is herein designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

1994 appropriation to date	
1994 supplemental estimate	$25,000,000
House allowance	25,000,000
Committee recommendation	25,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends $25,000,000 for the Emergency Conservation Program. This amount is the same as the House allowance and the budget estimate.

These funds will provide additional cost-share assistance to eligible producers for the repair of farmland damaged by the 1993 flooding in the nine affected Midwestern States.

The entire amount requested has been designated by the President and is herein designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY CREDIT CORPORATION

The Committee concurs with House bill language to provide that funds previously made available for disaster assistance may be used for orchard and nursery crops affected by the Midwest floods of 1993 and other natural disasters.

The Committee recommends bill language designating the use of funds for these purposes an emergency and making the use of funds for such purposes available only to the extent the President designates such use an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985.

The Committee recommends bill language allowing papayas to be treated like other crops damaged by 1992 disasters, and specifies that use of funds for this purpose is an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

1994 appropriation to date	[1] $216,101,000
1994 supplemental estimate	309,750,000
House allowance	309,750,000
Committee recommendation	309,750,000

[1] Of this amount, $140,000,000 was provided as contingency appropriations.

The Committee recommends an emergency appropriation of $309,750,000 for the Small Business Administration's [SBA] "Disaster Loans Program" account. This is the same as the level requested by the President and provided in the House allowance. Of the funds recommended, $254,750,000 provides credit subsidies for disaster loans and $55,000,000 supports related administrative and processing expenses. Under current OMB credit subsidy rates, the appropriation will support an additional $1,109,000,000 in SBA disaster loans for businesses and homeowners. In conjunction with existing contingency appropriations which the administration recently released, a total of $1,500,000,000 in SBA disaster loans will be available to assist in the recovery from the Los Angeles earthquake.

The Committee also has agreed to bill language proposed by the House which amends section 24 of the Small Business Act which authorizes the SBA natural resources or Tree Planting Program. This amendment provides priority to applicants that have been impacted by major disasters during the previous 3 years.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

SUPPLEMENTAL REQUEST

The President requested emergency fiscal year 1994 supplemental appropriations in the amount of $1,198,300,000 for the Department of Defense. These funds are requested to cover urgent, unbudgeted, and unforeseen expenses of the Department's humanitarian relief and peacekeeping operations in and around Somalia, Bosnia, Southwest Asia, and Haiti.

SUMMARY OF COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of $1,198,300,000 in new budget authority for military personnel, operation and maintenance, and procurement programs of the Department of Defense. This amount is the same as that requested by the President and provided by the House.

These funds will be used to cover only incremental costs associated with ongoing humanitarian, peacekeeping, and peace enforcing operations of the Department, in the amounts and for the purposes listed below:

—*Somalia.*—$424,100,000 is provided to sustain United States military operations in and around Somalia through the planned departure date of March 31, 1994. Funds will be made available to the Army, Navy, and Air Force for combat pay, equipment operations and repair, equipment purchases, and other logistics support.

—*Bosnia.*—$276,700,000 is recommended to cover the full fiscal year 1994 costs of supply airdrops, hospital operations, and other support activities associated with United States humanitarian efforts in Bosnia. These funds also will be used to support U.S. actions to enforce the no-fly zone in this area.

—*Southwest Asia.*—$449,700,000 is recommended for ongoing U.S. military peacekeeping activities in Southwest Asia. Specifically, these funds will be made available to meet the full fiscal year 1994 combat pay, operations, and support costs of Operation Provide Comfort (relief efforts for the Kurdish population living in northern Iraq) and Operation Southern Watch (efforts to enforce the no-fly zone in southern Iraq.)

—*Haiti.*—$47,800,000 is provided to cover unbudgeted fiscal year 1994 incremental expenses of the Navy arising from increased ship operations and flying hours by units assigned to maritime interception operations around Haiti.

Appropriating funds in the amount requested is necessary to maintain the well being of our military forces. The expenses associated with the operations described above were neither anticipated nor provided for in the Fiscal Year 1994 Defense Appropriations Act (Public Law 103–139). Thus, the Department has been forced to redirect funds designated for planned peacetime training activities, equipment maintenance, and other programs in order to support these peacekeeping operations. Without these funds, the ability of our forces to maintain readiness certainly will be degraded. Moreover, the Committee concurs with the House's assessment that these expenses do fully satisfy the criteria used by the Office of Management and Budget to designate spending provisions as emergency in nature.

The specific details of the Committee's recommendations are discussed below.

1994 SUPPLEMENTAL APPROPRIATIONS

MILITARY PERSONNEL

The Committee recommends supplemental appropriations totaling $44,400,000 for military personnel pay and benefits programs.

MILITARY PERSONNEL, ARMY

1994 appropriation to date	$21,296,177,000
1994 supplemental estimate	6,600,000
House allowance	6,600,000
Committee recommendation	6,600,000

The Committee recommends appropriations of $6,600,000 for military personnel, Army to cover unanticipated combat pay and other pay and benefit costs incurred from ongoing humanitarian and peacekeeping operations. This is the same as the amount requested and approved by the House.

MILITARY PERSONNEL, NAVY

1994 appropriation to date	$18,330,950,000
1994 supplemental estimate	19,400,000
House allowance	19,400,000
Committee recommendation	19,400,000

The Committee recommends appropriations of $19,400,000 for military personnel, Navy to cover unanticipated combat pay and other pay and benefit costs incurred from ongoing humanitarian and peacekeeping operations. This is the same as the amount requested and approved by the House.

MILITARY PERSONNEL, AIR FORCE

1994 appropriation to date	$15,823,030,000
1994 supplemental estimate	18,400,000
House allowance	18,400,000
Committee recommendation	18,400,000

The Committee recommends appropriations of $18,400,000 for military personnel, Air Force to cover unanticipated combat pay and other pay and benefit costs incurred from ongoing humanitarian and peacekeeping operations. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE

Supplemental appropriations totaling $1,106,600,000 are recommended for the Department's operation and maintenance [O&M] accounts. These funds will be used to cover unanticipated expenses of the Department's humanitarian and peacekeeping efforts in Bosnia, Somalia, Southwest Asia, and Haiti. Such expenses are being incurred by the Army, Navy, Air Force, and special forces and include costs of equipment operations and repair, transportation and communications support, supply purchases, subsistence and other logistics support. A table is provided below which identifies amounts to be made available to the military services for specific operations.

FISCAL YEAR 1994 SUPPLEMENTAL O&M APPROPRIATIONS

[In thousands of dollars]

	Somalia	Bosnia	Southwest Asia	Haiti	Total
O&M, Army	305,000	48,100	67,000	....	420,100
O&M, Navy	22,800	19,800	14,400	47,800	104,800
O&M, Air Force	33,000	198,700	328,400	....	560,100
O&M, Defensewide	10,100	1,400	10,100	....	21,600
Total	370,900	268,000	419,900	47,800	1,106,600

OPERATION AND MAINTENANCE, ARMY

1994 appropriation to date	$15,802,057,000
1994 supplemental estimate	420,100,000
House allowance	420,100,000
Committee recommendation	420,100,000

The Committee recommends appropriations of $420,100,000 for operation and maintenance, Army. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE, NAVY

1994 appropriation to date	$19,860,309,000
1994 supplemental estimate	104,800,000
House allowance	104,800,000
Committee recommendation	104,800,000

The Committee recommends appropriations of $104,800,000 for operation and maintenance, Navy. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE, AIR FORCE

1994 appropriation to date	$19,093,805,000
1994 supplemental estimate	560,100,000
House allowance	560,100,000
Committee recommendation	560,100,000

The Committee recommends appropriations of $560,100,000 for operation and maintenance, Air Force. This is the same as the amount requested and approved by the House.

OPERATION AND MAINTENANCE, DEFENSEWIDE

1994 appropriation to date ...	$9,456,801,000
1994 supplemental estimate	21,600,000
House allowance	21,600,000
Committee recommendation	21,600,000

The Committee recommends appropriations of $21,600,000 for operation and maintenance, Defensewide. This is the same as the amount requested and approved by the House.

PROCUREMENT

The Committee recommends funding for various procurement programs in the total amount of $47,300,000. These funds will be used to replace equipment destroyed in support of operations and replenish items reserved for wartime.

AIRCRAFT PROCUREMENT, ARMY

1994 appropriation to date ...	$1,320,886,000
1994 supplemental estimate	20,300,000
House allowance	20,300,000
Committee recommendation	20,300,000

The Committee recommends appropriations of $20,300,000 for aircraft procurement, Army. This is the same as the amount requested and approved by the House.

OTHER PROCUREMENT, ARMY

1994 appropriation to date ...	$2,892,766,000
1994 supplemental estimate	200,000
House allowance	200,000
Committee recommendation	200,000

The Committee recommends appropriations of $200,000 for other procurement, Army. This is the same as the amount requested and approved by the House.

OTHER PROCUREMENT, NAVY

Aegis support equipment.—The fiscal year 1994 appropriation for Aegis support equipment included an increase of $5,000,000 only for the continued purchases of Navy standard AN/UYH-16 mass memory storage devices as proposed by the House and a reduction of $5,000,000 in the Aegis Support Equipment Program as proposed by the Senate. The Committee directs the Navy to implement this allocation of funds.

MISSILE PROCUREMENT, AIR FORCE

AMRAAM missile.—For several years the conferees on the Department of Defense appropriations bill have specifically provided authority to procure as many AMRAAM missiles as possible within the funds appropriated, provided it would be shown that any additional missiles procured beyond the budget estimate are needed to meet validated service requirements. The Senate report on H.R. 3116, the Department of Defense appropriation bill, 1994 (S. Rept. 103-153) specifically stated "The Committee recommends providing $469,329,000 for the procurement of as many AMRAAM missiles in fiscal year 1994 as these funds will allow".

It continues to be the intent of the Committee to encourage missile unit cost savings and to achieve inventory requirements in the most efficient manner. Because the Senate language directing the Air Force to buy as many missiles as appropriated funds would allow was not overturned in the conference report or the fiscal year 1994 Defense Appropriations Act, the Committee directs the Department of Defense to comply with the Senate language provisions.

OTHER PROCUREMENT, AIR FORCE

1994 appropriation to date ...	$7,637,250,000
1994 supplemental estimate	26,800,000
House allowance	26,800,000
Committee recommendation	26,800,000

The Committee recommends appropriations of $26,800,000 for other procurement, Air Force. This is the same as the amount requested and approved by the House.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

Lightweight torpedo development.—The Fiscal Year 1994 Defense Appropriations Act provided $9,000,000 to ascertain the feasibility of producing hybrid lightweight torpedoes. Use of the funds was restricted until after the Navy reported to the Committees on Appropriations on the programmatic objectives, schedule, technical risks, and annual and total program costs of the hybrid torpedo development program. Additional information provided by the Navy supports the use of $4,000,000 of the funds to perform the studies, analysis, and risk assessment demonstrations in order to submit the report to the Committees. The Committee approves the use of up to $4,000,000 only for these purposes.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Space test program.—No funds were provided in the Fiscal Year 1994 Defense Appropriations Act for space shuttle-related and piggyback secondary payload experiments. The Air Force has submitted additional information demonstrating the military utility of accomplishing this work. Based on the revised program plan, the Committee approves the reallocation, from within existing program funds, of $3,580,000 for the space shuttle work and $1,967,000 for the piggyback experiments.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE

Electric vehicles.—The Committee recommends the reallocation of funds among the following projects: $3,250,000 for the Los Angeles agile manufacturing project; and $4,000,000 for the California Environmental Vehicle Consortium [CEVCO] project.

GENERAL PROVISIONS

The Committee recommends striking section 302 of the House-passed bill. Section 301 is retained. Section 303 of the House-passed bill is retained and renumbered as section 302.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

1994 appropriation to date	$20,000,000
1994 supplemental estimate	70,000,000
House allowance	70,000,000
Committee recommendation	70,000,000

The Committee recommends an appropriation of $70,000,000 to complete repairs to levees damaged in the disastrous floods of 1993 as requested by the President and passed by the House. The additional funding is required based on refined estimates and unforeseen work which the Corps of Engineers was not able to accurately identify at the time.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

Safety of dams.—The Bureau of Reclamation has informed the Committee that serious seepage caused by erosion has weakened Ochoco Dam in Oregon. The Bureau has ordered emergency repairs to prevent a catastrophic failure that could endanger the lives and property of over 5,000 downstream residents. Understanding that the repairs at Ochoco Dam are the highest priority in the Safety of Dams Program, the Committee has included a provision in the bill to waive the 60-day waiting period before construction can begin. The Committee understands the Bureau will use existing funds to begin this work.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The Committee recommendation includes bill language permitting the Secretary of Health and Human Services to target $300,000,000 of existing Low-Income Home Energy Assistance Program [LIHEAP] emergency funds among the States. These funds are intended to help impoverished households cope with extraordinary heating costs due to recent extreme cold weather, which has been particularly severe in New England, Mid-Atlantic, and Midwestern States.

These funds can only be made available if the President submits a formal budget request to Congress designating the entire amount of the request as an emergency defined in the Balanced Budget and Emergency Deficit Control Act of 1985. The Director of the Office of Management and Budget has notified Congress that the administration intends to utilize this procedure to make available at least $100,000,000 due to the recent severe cold weather and has requested bill language to permit targeting of funds to impacted States. The House-passed version of this emergency supplemental appropriations legislation modifies the administration's bill language request to increase the targeting authority to $200,000,000. The President currently has authority to release up to $600,000,000 in emergency LIHEAP funds, through the nationwide statutory allocation formula.

The Committee notes that the regular LIHEAP appropriation of $1,437,408,000 available for the current year serves less than 25 percent of the eligible low-income population. While the law permits assistance to households below 150 percent of the poverty level, more than two-thirds of the funds serve recipients earning less than $8,000, far below the poverty threshold. Applications have been increasing rapidly, severely straining existing funds which provide an average benefit of only $200, a small fraction of heating costs.

The Committee concurs with the House in recommending bill language to extend availability of the regular fiscal 1994 program funding through September 30, 1994, to cover the current funding gap between the fiscal 1994 and 1995 appropriations.

DEPARTMENT OF EDUCATION

IMPACT AID

1994 appropriation to date	$798,208,000
1994 supplemental estimate	165,000,000
House allowance	165,000,000
Committee recommendation	165,000,000

The Committee recommends $165,000,000, the same as the budget request and House allowance, for impact aid disaster assistance under section 7 of Public Law 81-874. These funds will be used for grants to help school districts meet increased operating costs resulting from the January 1994 California earthquake and to compensate for reduced local revenue directly related to the disaster.

STUDENT FINANCIAL ASSISTANCE

1994 appropriation to date	$6,553,566,000
1994 supplemental estimate	80,000,000
House allowance	80,000,000
Committee recommendation	80,000,000

The Committee recommends $80,000,000, the same as the budget request and House allowance, for the Pell Grant Program for increased costs associated with the January 1994 California earthquake. These funds will finance Pell grants to partially meet additional financial needs of postsecondary students during academic years 1993–94 and 1994–95.

In addition, the bill authorizes the Secretary to waive the statutory requirements for the institutional allocation of student aid provided under two of the campus-based student aid programs—work study and Perkins loans. The waiver would allow the Secretary to reallocate unused fiscal year 1993 appropriations under the two programs to institutions enrolling students who have been adversely affected by the earthquake and other disasters, including the Midwest floods of 1993. Flexible reallocation authority already exists for the third campus-based program, the Supplemental Educational Opportunity Grant Program.

The Committee has also included bill language to extend the availability of fiscal year 1992 funds that were reallocated under the three campus-based student aid programs—Federal work-study, Perkins loans, and Federal supplemental opportunity grants. These funds will remain available to institutions for use in award year 1994–95 to assist individuals who have suffered financial harm as a result of the Midwest floods of 1993.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

1994 appropriation to date	
1994 supplemental estimate	$1,665,000,000
House allowance	1,665,000,000
Committee recommendation	1,665,000,000

The Committee recommends the full amount requested by the administration for the Federal Highway Administration's emergency relief program. Of the funds recommended, $1,350,000,000 is to address those emergency highway needs resulting from the southern California earthquake. In addition to those funds, $315,000,000 is recommended for highway needs resulting from the Loma Prieta earthquake.

The Committee has included the bill language submitted by the administration, which allows California to exceed the annual $100,000,000 emergency relief per State cap, and the provision which sets the Federal share at 100 percent for projects' costs on the Federal-aid highway system that are incurred during the first 180 days from the date of the earthquake.

For fiscal year 1994, the Intermodal Surface Transportation Efficiency Act, Public Law 102-240, provided a total of $100,000,000 in contract authority for emergency relief highway projects.

The Committee has included bill language which would protect the Northridge earthquake relief effort from any shortfalls in funding before enactment of the supplemental appropriations by permitting reimbursement to the State Department of Transportation for costs incurred before additional emergency relief funds are provided by the supplemental appropriations bill. This provision would ensure uninterrupted repairs of damage to the freeway system.

The Committee has also included technical bill language which allows funds already provided to the State of Hawaii to be spent on emergency relief plans for the Island of Kauai, which suffered the greatest damage from Hurricane Iniki. Usually, planning funds are generally designated for metropolitan planning organizations [MPO's]; but Kauai does not have an MPO.

In the wake of the southern California earthquake, the Committee is reminded of the significant cost savings resulting from the seismic retrofitting of highway spans and bridges. In addition, evidence suggests lives are saved as a result of this retrofitting. The Secretary is directed to provide to the Committees on Appropriations a priority listing of the seismic retrofit needs of bridges and spans along Interstate 5. The report is to be delivered no later than June 1, 1994.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

1994 appropriation to date ...	$15,622,452,000
1994 supplemental estimate	21,000,000
House allowance	21,000,000
Committee recommendation	21,000,000

The Committee has recommended $21,000,000 for the Department of Veterans Affairs "Medical care" account, as requested. Together with $7,000,000 in unspent disaster funds provided to the Department in a Fiscal Year 1992 Dire Emergency Supplemental Appropriations Act (Public Law 102-368), there will be $28,000,000 available in the "Medical care" account for expenses related to the Northridge earthquake.

These funds are needed for patient-related expenses at six of California's VA facilities, including Sepulveda and west Los Angeles. The Committee notes there was extensive damage at the Sepulveda facility, requiring the facility to be closed and all patients to be moved to other medical facilities. The funds provided will pay for clean up and minor repairs, transporting patients, additional patient workload, contract personnel, and other expenses.

Bill language has been included, as requested, providing that not to exceed $802,000 is available for transfer to the "General operating expenses" account, the "Guaranty and indemnity program" account, and the "Vocational rehabilitation loans program" account. These funds will provide for additional vocational rehabilitation subsistence loans, damage assessments for earthquake-damaged homes that are guaranteed by VA loans, and benefits counselors and psychologists at FEMA disaster assistance centers.

The Committee has also added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

1994 appropriation to date ...	$369,000,000
1994 supplemental estimate	45,600,000
House allowance	45,600,000
Committee recommendation	45,600,000

The Committee has provided the administration's request of $45,600,000 for construction, major projects. These funds will provide for restoration of numerous buildings, utility repair, trash and hazardous material disposal, security needs, damage assessment, and other disaster-related needs at the Sepulveda and at the west Los Angeles VA medical centers.

Bill language has been included enabling the Department to transfer such sums as may be necessary to the "Medical care" and "Construction, minor projects" accounts, for these disaster-related needs.

The Committee notes that this appropriation will not provide for rebuilding the main facility (building No. 3) at the Sepulveda VA Medical Center, which incurred major structural damage and may require replacement. The Committee understands that funds may be made available for this purpose through the appropriation for unanticipated needs.

The Committee has added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

1994 appropriation to date ...	$9,312,900,000
1994 supplemental estimate	225,000,000
House allowance	225,000,000
Committee recommendation	225,000,000

The Committee recommends an appropriation of $225,000,000 for the "Annual contributions for assisted housing" account. This amount is the same as requested by the administration on January 26, 1994, and its supplementary request of February 1, 1994, and is the same as proposed by the House. Of the amounts provided, $200,000,000 will be allocated for section 8 housing rental subsidies for low-income families affected by the southern California earthquake. This will help provide housing for an estimated 10,000 families for up to 18 months. Most of the assistance will be used to aid families whose annual earnings are at or below 50 percent of the median income for the greater Los Angeles area. An additional $25,000,000 will be allocated for the modernization of public housing projects damaged in the earthquake.

Of the amounts provided for rental assistance, $100,000,000 will be used to replenish funds already released for earthquake relief from the Secretary's headquarters reserve. An additional $100,000,000 will augment funds already released.

The Committee has included bill language requested by the administration and carried in recent disaster supplementals that waives any statute or regulation in administering these funds, except those provisions related to nondiscrimination and fair housing, the environment, or labor standards. This language will help provide the affected area with greater flexibility in aiding earthquake victims.

The Committee has also added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

1994 appropriation to date	$35,747,000
1994 supplemental estimate	100,000,000
House allowance	100,000,000
Committee recommendation	100,000,000

The Committee recommends an appropriation of $100,000,000 for the flexible subsidy fund. This amount is the same as requested by the administration and that proposed by the House.

These funds will provide money to replace or rehabilitate federally insured and/or assisted multifamily housing projects damaged by the January 1994 earthquake in southern California. The Department's initial estimate indicates that 68 of 151 projects located within the earthquake zone, roughly 45 percent of federally insured and/or assisted inventory, were affected by the quake. These dwellings service approximately 7,500 low- and moderate-income families. Surveys reveal damage to these projects which ranges from broken doors and cracked walls to structural dislocation, serious enough to inhibit their continued use as housing.

The Committee has included bill language requested by the administration that waives any statute or regulation in administering these funds, except those provisions related to nondiscrimination and fair housing, the environment, or labor standards. This language will help provide the affected area with greater flexibility in aiding earthquake victims. The Committee recognizes that subsequent authorization legislation may augment the authority provided in this language, but believes that it is necessary at this time to expedite the use of these funds to aid the people of southern California.

The Committee has added language, requested by the Department in a February 8, 1994 letter to the Committee, to permit section 8 and section 312 projects to be eligible to receive assistance from this flexible subsidy appropriation.

The Committee has also added language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The Committee has included bill language, requested by the administration, to increase the flexibility of FHA programs for victims of the southern California earthquake. These changes in Federal law would apply only in those areas covered by a Presidential disaster declaration, and only for the period of time during which the Presidential disaster declaration exists. These provisions were not recommended by the House because of concerns about the fact that they are legislative in nature. The Committee recognizes that subsequent authorization legislation may augment or alter the authority provided in this language. It believes, however, that providing this authority now is necessary to guarantee that homeowners in southern California have the chance to utilize FHA initiatives to rebuild their homes. The Department testified before the Committee on February 3, 1994, that they believed these FHA changes needed to be in place as soon as possible, but no later than March 1, 1994, if homeowners in southern California are to be able to use them to obtain housing lost as a result of the recent earthquake. To accommodate the urgent need for this provision, but still provide the flexibility for the appropriate legislative committees to act on this matter later in the year, the Committee has included language that would sunset the Department's authority to utilize these FHA changes within 18 months after the date of enactment.

The language would include the following changes to current law:

First, the Secretary would be given the discretion to increase the maximum mortgage limit for FHA-insured mortgages on single-family dwellings up to $203,150, the applicable limit for conforming loans of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. Such a change is needed to make FHA-insurance programs accessible to disaster victims since the median price of an existing house in the Los Angeles area is in excess of $200,000.

Second, the Secretary would be permitted to provide FHA insurance on loans that provide up to 100 percent financing of condominiums in disaster areas. Current law restricts such financing to single-family dwellings. This change is necessitated because condominiums are typical in earthquake- and hurricane-prone areas, and current law provides FHA insurance on a portion of the amount of the loan for condominiums.

Third, the Secretary would be given the discretion to provide rehabilitation loan insurance for multifamily dwellings under FHA's 203(k) program at an amount up to $203,150, the applicable limit for conforming loans of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. Section 203(k) assistance may be used in connection with the purchase or refinance of a property. Such a change is needed to make FHA-insurance programs accessible to disaster victims since the median price of an existing house in the Los Angeles area is in excess of $200,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

1994 appropriation to date	$4,400,000,000
1994 supplemental estimate	500,000,000
House allowance	250,000,000
Committee recommendation	500,000,000

The Committee recommends an appropriation of $500,000,000 for community development block grant activities, the same as the administration request and the House allowance. Of these funds, $250,000,000 will be disbursed to entitled communities, and the State of California, for expenses resulting from immediate and long-term efforts to recover from the January 1994 southern California earthquake, and $250,000,000 for activities connected with the 1993 Midwest floods. Funds will be allocated among grantees in the effected areas on the basis of damage estimates and recovery needs once they become available. The additional $250,000,000 for victims of the Midwest floods was requested by the administration as an emergency on February 8, 1994.

Language has been included that would permit the Secretary to transfer up to $75,000,000 of these supplemental CDBG funds to the HOME Program for expenses resulting from the earthquake. Any such transfer is subject to the normal reprogramming guidelines. The Committee has added this additional $25,000,000 in transfers to the HOME Program at the request of the Department, made in a February 8, 1994, letter to the Committee. This change is based upon more accurate estimates of the need for HOME funds in southern California.

Language has also been included that makes clear that CDBG funds may only be used for activities not covered by programs of the Small Business Administration or which are not eligible for reimbursement from FEMA.

While no final damage and recovery estimates are complete, the proposed amount is based upon the best available information to date. For example, in the city of Los Angeles' assessment of the first 75 percent of affected buildings, it found 45,319 damaged, and 11,000 homes determined to be uninhabitable. The final number of uninhabitable dwellings is expected to reach 15,000. Total damage in housing to the city of Los Angeles is expected to be at least $1,582,865,000 based upon current estimates.

HUD has accelerated the obligation of regular fiscal year 1994 CDBG and HOME funds available to the areas affected by the earthquake. These regular funds can be used for disaster needs. These funds used for disaster-related activities would be replenished subsequently with supplemental funds.

The Committee has included bill language requested by the administration and carried in recent disaster supplementals that waives any statute or regulation in administering these funds, except those provisions related to nondiscrimination and fair housing, the environment, or labor standards. This language will help provide the affected area with greater flexibility in aiding earthquake victims.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

1994 appropriation to date	$292,000,000
1994 supplemental estimate	4,709,000,000
House allowance	4,709,000,000
Committee recommendation	4,709,000,000

The Committee has provided $4,709,000,000 for FEMA disaster relief. In addition, the Committee notes that $408,000,000 in contingency funds have been released by the President, for a total of $5,117,000,000.

These funds will provide for infrastructure repair, emergency transportation requirements, individual and family grants, hazard mitigation, and other disaster-related needs following the devastation of the Northridge, CA, earthquake of January 17, 1994. Thousands of homes, schools, businesses, and other facilities have been damaged or destroyed, and the situation has been exacerbated by numerous aftershocks.

The approximate breakdown of the disaster relief fund request, including contingency funds, is as follows: $1,430,000,000 will provide for the repair of public buildings; $325,000,000 will provide for the repair of water systems and other utilities; $315,000,000 will go to repairing and restoring mass transit; $315,000,000 will provide for emergency measures such as the costs of police, fire, and shelter; $200,000,000 will provide for the repair of local roads; $100,000,000 will provide for debris removal; $100,000,000 will provide for law enforcement; $1,339,000,000,000 will provide for human services and individual assistance; $586,000,000 will provide for hazard mitigation; $142,000,000 will provide for administration; and $265,000,000 is available for additional unforeseen needs.

The Committee notes that demand for Federal financial assistance has far exceeded earlier catastrophic disasters. Applications for individual and family grants have already surpassed 295,000, and are expected to grow to 350,000. Following Hurricane Andrew, an earlier disaster of comparable proportions, FEMA received approximately 200,000 applications over a 6-month period. The Committee commends FEMA for the speed with which it has delivered aid to southern California's earthquake victims.

The Committee is concerned about the costs of natural disasters, which have risen steadily over the past several years. The Committee is particularly concerned about the magnitude of uninsured losses because many homeowners who accept the risk of residing in hazard-prone areas have chosen not to purchase insurance for such hazards, especially floods and earthquakes. The Committee directs FEMA to provide a report within 6 months of enactment of this act recommending options to provide incentives to homeowners to purchase insurance for such hazards, and to improve the availability and lower the cost of such insurance.

The Committee has added bill language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The Committee urges the Federal Emergency Management Agency not to exercise waivers of sections 13(c) and 3(e) of the Federal Transit Act in the administration of transit-related funding in this bill.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

1994 appropriation to date	$212,960,000
1994 supplemental estimate	15,000,000
House allowance	15,000,000
Committee recommendation	15,000,000

The Committee has provided $15,000,000 as requested for emergency management planning and assistance. These funds are required for a postearthquake investigation.

It is expected that expenditure of these funds by the Director of FEMA will be in accordance with section 11 of the Earthquake Hazards Reduction Act, which established a postearthquake investigations program in the U.S. Geological Survey. Section 11 provides that the Survey should coordinate with, and utilize, the Agency, the National Science Foundation, and the National Institute of Standards and Technology, as well as other Federal agencies and private contractors as necessary.

The Committee has added bill language requested by the administration that designates the entire amount as an emergency, pursuant to the requirements in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

EXECUTIVE OFFICE OF THE PRESIDENT

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

1994 appropriation to date	$1,000,000
1994 supplemental estimate	50,000,000
House allowance	500,000,000
Committee recommendation	550,000,000

The Committee makes available $550,000,000 as requested by the President for unanticipated needs arising from the earthquake in southern California, the Midwest floods, and other disasters. These funds are available to the President for transfer to other departments and agencies for disaster-related repairs and assistance programs. The funds provided in this account are to give the President the flexibility required to provide financial support to cover the costs of disaster assistance programs for which estimates have not been fully developed. The Committee believes that the funds made available in this account should not be exclusive to the California earthquake and should be available for other disasters including the effects of last year's Midwest flood. Examples of programs which may be eligible for funds through this account are: emergency assistance grants to State and local governments of the Department of Commerce; emergency repairs to health and social services facilities of the Department of Health and Human Services; emergency housing and community development needs of the Department of Housing and Urban Development; assistance to dislocated workers; emergency legal services; and funds for the General Services Administration to establish alternative Federal office space through telecommuting centers and repair of Federal buildings. The Committee expects the Office of Management and Budget to provide quarterly reports on the obligation of funds from this account.

The Committee recognizes that many historic structures have been damaged as a result of the Northridge earthquake. Restoring these structures to their pre-earthquake condition is important to restoring the culture and history of the region. The Committee recommends that a portion of the funds made available out of the funds appropriated to the President for unanticipated needs should be allocated to the National Park Service to evaluate the damage to these historic structures and to provide necessary repairs.

GENERAL PROVISION

The Committee concurs with the House in rejecting the requested general provision to provide authority for the General Services Administration to transfer funds between Federal buildings fund accounts to meet emergency Federal building repair requirements. The Committee notes that the GSA currently has authority in law to transfer funds available in Federal building fund accounts with prior Committee approval, therefore, the requested general provision is unnecessary.

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

1994 appropriation to date	$434,582,000
1994 supplemental estimate	1,400,000
House allowance	
Committee recommendation	1,400,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $1,400,000 for the Extension Service as proposed by the President. These funds would finance an integrated pest management project. The funding would support applied research to find alternative control methods for addressing the severe outbreak of a new late blight fungus strain affecting potatoes.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

1994 appropriation to date	$867,339,000
1994 supplemental estimate	(2,284,000)
House allowance	
Committee recommendation	(2,284,000)

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $2,284,000 for the Food and Drug Administration, as proposed by the President. This proposal will adjust the amount of fees appropriated, pursuant to section 736(g) of the Federal Food, Drug, and Cosmetic Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

1994 appropriation to date	$401,607,000
1994 supplemental estimate	670,000,000
House allowance	
Committee recommendation	

The Committee has not recommended an additional $670,000,000 for U.N. peacekeeping arrearages owed by the United States. This supplemental was submitted with the President's budget on February 7, 1994.

Providing these additional funds without a corresponding reduction in budget authority and outlays under the Commerce, Justice, and State, the Judiciary, and Related Agencies Subcommittee's jurisdiction would subject the bill to points of order under the Congressional Budget Act of 1974, as amended. The Committee notes that the administration considered $1,198,300,000 in Department of Defense peacekeeping and peace enforcing appropriations to be emergencies under the Budget Act, while the payment of U.N. peacekeeping arrearages were required to be offset and did not qualify for such treatment.

RELATED AGENCY

OFFICE OF THE U.S. TRADE REPRESENTATIVE

SALARIES AND EXPENSES

1994 appropriation to date	$20,600,000
1994 supplemental estimate	875,000
House allowance	
Committee recommendation	75,000

The Committee has provided an additional $75,000 for salaries and expenses, as requested, to cover the mandatory costs to comply with a court order and resolve the requirements under the court case known as *Armstrong* v. *Executive Office of the President*. These funds will be used to cover the costs of electronic records management activities of the Office of the U.S. Trade Representative. The Committee has not recommended the $875,000 requested by the administration for general trade negotiations.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

1994 appropriation to date	$484,313,000
1994 supplemental estimate (by transfer)	(2,100,000)
House allowance	
Committee recommendation (by transfer)	(2,100,000)

These funds are recommended, as proposed by the President, to enable the Fish and Wildlife Service to meet its responsibilities under the Pacific Northwest forest plan. The funds will be used to promulgate a special rule relating to timber harvesting on non-Federal lands, permitted under section 4(d) of the Endangered Species Act. The objective of this rule will be to ease restrictions on timber harvesting, wherever possible, due to changed management practices on Federal lands. Activities to be conducted in association with this rulemaking effort include public hearings, information outreach, and the preparation of a draft environmental impact statement.

CONSTRUCTION

1994 appropriation to date	$73,565,000
1994 supplemental estimate (transfer out)	(−4,000,000)
House allowance	
Committee recommendation (transfer out)	(−4,000,000)

This supplemental request, reflected in the bill language contained under the "Land acquisition" heading, would provide a one-time transfer of $4,000,000 from construction to land acquisition (of funds appropriated in the emergency flood supplemental (Public Law 103–75)) to permit the purchase, on a willing-seller basis, of lands affected by the Midwest floods in lieu of dike or levee reconstruction. A portion of these funds might be used for easements rather than outright acquisition of lands.

LAND ACQUISITION

1994 appropriation to date	$82,655,000
1994 supplemental estimate (by transfer)	(4,000,000)
House allowance	
Committee recommendation (by transfer)	(4,000,000)

The Committee recommends, as proposed by the President, a one-time transfer of $4,000,000 from construction to land acquisition for the purchase, on a willing-seller basis, of lands affected by the Midwest flooding of 1993, to (1) serve as an alternative to the protection of these lands through dike or levee reconstruction, or (2) increase floodplain habitat to offset the effects of less intensive management of Fish and Wildlife Service lands. The possibilities for acquisitions or easements as compared to reconstruction were not known at the time the Midwest flood supplemental (Public Law 103–75) was passed during the summer of 1993.

NATIONAL PARK SERVICE

CONSTRUCTION

1994 appropriation to date	$201,724,000
1994 supplemental estimate	13,102,000
House allowance	
Committee recommendation	13,102,000

The Committee recommends, as proposed by the President, $13,102,000, to replenish construction funds transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm, flood, and hurricane damage at various park units nationwide. Funds were transferred out of the construction account by the Department using the emergency authorities provided to the Secretary, which also require that a supplemental be requested as soon as possible thereafter, to replenish any budget authority transferred.

The Committee has included language, discussed under the "Land acquisition" heading, to provide for the transfer of up to $6,000,000 in funds previously appropriated for project modifications in the vicinity of Everglades National Park to the "Land acquisition" account to be used for a nonstructural solution to flood control in the area.

LAND ACQUISITION

1994 appropriation to date	$95,250,000
1994 supplemental estimate	1,274,000
House allowance	
Committee recommendation	1,274,000

The Committee recommends, as proposed by the President, $1,274,000 to replenish land acquisition funds transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm damage at various park units. Funds were transferred from this account by the Department using the emergency authorities provided to the Secretary, which also require that a supplemental be requested as soon as possible thereafter, to replenish any budget authority transferred.

The Committee has modified language proposed by the President, to allow for the transfer of up to $6,000,000 in prior-year unobligated funds for the purpose of providing a grant to the State of Florida, to pursue a nonstructural land acquisition solution to flood control on lands adjacent to the Everglades National Park.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The Committee has included bill language proposed by the President to provide that not to exceed $316,111,000 of funds appropriated in the fiscal year 1994 Interior appropriations bill (Public Law 103–138) are for school operations costs of Bureau-funded schools and other education programs, which shall become available for obligation on July 1, 1994, and remain available for obligation until September 30, 1995. The funding for these Indian education programs is provided about 1 year in advance of the actual school year, based on student enrollment projections developed nearly 2 years in advance. Thus, actual enrollment could be greater or less than the estimates used in developing the budget. In the event actual student enrollments are less than projected for the 1994–95 school year, the inclusion of this language change will allow for the possible redirection of funds to other bureau programs which might experience shortfalls during fiscal year 1994. The Committee expects the Bureau and the Department to follow the normal reprogramming procedures should student enrollment be lower than projected and any portion of these funds be proposed for transfer to other program areas. This requirement applies regardless of whether a shift is proposed for education or noneducation purposes.

CONSTRUCTION

1994 appropriation to date	$166,979,000
1994 supplemental estimate	12,363,000
House allowance	
Committee recommendation	12,363,000

The Committee recommends, as proposed by the President, $12,363,000 to replenish BIA construction projects from which funds were transferred in 1993 using the Secretary's emergency authorities to respond to emergency construction and operations associated with flood damage in Arizona and California and to the oilspill in Bethel, AK. The funds transferred came from the facilities improvement and repair program of the Bureau's education construction appropriation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The Committee recommends, as proposed by the President, bill language which would amend the fiscal year 1994 Interior appropriations bill (Public Law 103–138) to permit the Bureau of Indian Affairs to use a portion of the $3,000,000 appropriated for payments to trust account holders to reimburse Indian trust fund account holders for losses to their accounts due to differences between their initial claims and amounts subsequently included in judgments or settlement agreements approved by the Department of Justice. Similar language was provided in fiscal year 1993.

TERRITORIAL AND INTERNATIONAL AFFAIRS

COMPACT OF FREE ASSOCIATION

1994 appropriation to date	$22,102,000
1994 supplemental estimate (transfer out)	(−1,700,000)
House allowance	
Committee recommendation (transfer out)	(−1,700,000)

The Committee recommends, as proposed by the President, the one-time transfer of $1,700,000 in funds unobligated since their appropriation in 1986. The funds were provided originally for various Federal services to Palau, including reimbursement to the Department of Education for higher education grants. The Department of Education has since begun providing such grants, without reimbursement, to the U.S. territories and freely associated States (for the duration of their compacts), so these funds are no longer needed for this purpose.

OFFICE OF THE SECRETARY

OILSPILL EMERGENCY FUND

1994 appropriation to date	
1994 supplemental estimate (transfer out)	(−$400,000)
House allowance	
Committee recommendation (transfer out)	(−400,000)

The Committee recommends, as proposed by the President, the one-time transfer of $400,000 in excess of needs of the oilspill emergency program in fiscal year 1994.

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS

The Committee has included bill language, as proposed by the President, and included by the House in H.R. 3759, eliminating employment floors in several Department of Energy programs. These floors were established originally in fiscal year 1982 and have been modified several times since then. Absent the statutory floors, the Committee expects the Department to continue to provide adequate personnel resources in support of the program funding levels appropriated for energy conservation, fossil energy, clean coal technology, and the strategic petroleum reserve.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

1994 appropriation to date	$2,899,900,000
1994 supplemental estimate	61,400,000
House allowance	
Committee recommendation	61,400,000

An additional $61,400,000 in entitlement advances are needed to finance benefits related to the extension of the Emergency Unemployment Compensation Act (Public Law 103–6) and the "Federal unemployment benefits and allowance" general funding appropriation account which finances the Trade Adjustment Assistance Program and the costs associated with the North American Free Trade Agreement.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

1994 appropriation to date	$282,018,000
1994 supplemental estimate	10,100,000
House allowance	
Committee recommendation	10,100,000

The Committee has included the supplemental request of $10,100,000 for the new current population parallel survey. The Committee is concerned that the Department planned to use Employment and Training Administration moneys for BLS activities without prior consultation and notification. Therefore, the Committee advises that it expects prior consultation and notification in advance of any similar action.

DEPARTMENTAL MANAGEMENT

The Committee has deferred, without prejudice, supplemental requests of $1,750,000 for Department of Labor responsibilities under the North American Free Trade Agreement. Of this amount, $1,000,000 is being requested for U.S. contributions to the International Secretariat of the Commission on Labor Cooperation, and $750,000 for the U.S. National Administrative Office, the domestic agency responsible for coordinating U.S. participation in the Labor supplement to NAFTA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The Committee has deferred, without prejudice, action on the administration's $15,000,000 supplemental request to establish the Medicare and Medicaid coverage data bank, which was authorized by the Omnibus Budget and Reconciliation Act of 1993.

The Committee encourages the administration, however, to consider transmitting a reprogramming request to finance this initiative within existing resources.

The administration has proposed offset savings of $2,250,000 in the Department of Labor, and $37,500,000 in the Department of Health and Human Services. The Committee has addressed these proposals in title III of the bill.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS, AND EMPLOYEES

OFFICE OF THE SECRETARY

1994 appropriation to date	$11,715,000
1994 supplemental estimate	450,000
House allowance	(1)
Committee recommendation	450,000

[1] Not considered.

These funds are necessary to provide for the compensation and related costs of the Office of Senate Legal Counsel, Employee/Management Relations. This office was established in May 1993 at the direction of the joint Senate leadership to represent, advise, and assist Senate employing offices in employment matters. The Office of the Secretary absorbed the fiscal 1993 costs of this office but, because no estimate for the office was included in the fiscal 1994 budget, no funds were provided in the fiscal 1994 appropriation act (Public Law 103–69).

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

1994 appropriation to date	$1,366,500
1994 supplemental estimate	600,000
House allowance	(1)
Committee recommendation	600,000

[1] Not considered.

These funds are necessary to provide for contract services including the cost of outside counsel and other related expertise for the Office of Senate Legal Counsel, Employee/Management Relations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

The Committee does not concur in the President's request to rescind excess funds appropriated under Public Law 102–368 for costs arising from the consequences of Hurricane Andrew and Hurricane Iniki. Instead, the Committee proposes to make these funds available for uncompensated Coast Guard operating and acquisition costs arising from the consequences of the Midwest floods. Specifically, the Coast Guard has been required to lease temporary space for the relocation of Base St. Louis and Group Upper Mississippi River. In addition, the Coast Guard is now required to construct a new facility to jointly house these two units. These construction costs were not provided under Public Law 103–75, the emergency supplemental appropriations bill for Midwest floods. As such, the Committee has included bill language extending the availability of funds provided for the Midwest floods for these purposes, as well as making excess funds from Hurricanes Andrew and Iniki available for these purposes.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Consistent with the Committee's recommendation regarding operating expenses cited above, the Committee does not concur in the President's proposal to rescind excess funds initially appropriated for the consequences of Hurricanes Andrew and Iniki, and instead has made these funds available for the purpose of uncompensated costs arising from the Midwest floods.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

(SUPPLEMENTAL APPROPRIATIONS)

1994 appropriation to date	
1994 supplemental estimate	$10,000,000
House allowance	
Committee recommendation	10,000,000

The Committee has provided a supplemental appropriation of $10,000,000 for the Pennsylvania Station redevelopment project, as requested by the Administration. The current Pennsylvania Station in New York City, is the single most heavily used intermodal transportation facility in the United States. Roughly 500,000 people use the station each day in the process of boarding and disembarking Amtrak trains and utilizing local transit service (including service provided by two of the Nation's largest commuter railroads). The President's budget request for fiscal year 1995 envisions a $100,000,000 total Federal investment toward an ambitious project (currently budgeted at $315,000,000) to relocate the central Amtrak station to the James A. Farley Post Office in New York City. The U.S. Postal Services envisions vacating the eastern portion of the Farley Building by the end of 1994. The administration expects that the cost of the redevelopment project over and above the $100,000,000 Federal investment will be provided by the city and State of New York, as well as private investment.

The Committee has provided the $10,000,000 requested for fiscal year 1994, which will be used for schematic design work, asbestos abatement planning, and the preparation of a preliminary environmental impact statement, as well as structural remediation of the existing Pennsylvania Station and the Farley Building. The Committee is concerned, however, that several questions need to be addressed before construction commences on this project. As such, the Committee has included a provision in the bill prohibiting funds provided for fiscal year 1994 to be used for construction until the Secretary of Transportation has certified in writing to the House and Senate Appropriations Committees that these questions have been satisfactorily addressed. Specifically, these questions include: the financing of safety deficiencies, as well as code compliance deficiencies, including electrical, ventilation, and asbestos abatement problems at the existing station; and the financing of police, utilities, maintenance and lease costs at the current station, once Amtrak has relocated to the Farley Building; as well as the financing of significantly expanded operating costs to the commuter railroads currently utilizing Pennsylvania Station, once Amtrak vacates the building. The Committee expects the Secretary to work with all affected parties to seek a satisfactory agreement on these and other issues, and report on such agreement to the Committee so it can consider funding for project construction in fiscal year 1995.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(SUPPLEMENTAL APPROPRIATIONS)

(HIGHWAY TRUST FUND)

(LIMITATION ON OBLIGATIONS)

1994 appropriation to date	($3,500,000)
1994 supplemental estimate	(4,452,000)
House allowance	
Committee recommendation	(4,452,000)

The Committee has provided a supplemental appropriation of $4,452,000 for the trust fund share of next generation rail technology development, as requested by the President. This supplemental appropriation is made necessary due to the Federal Railroad Administration inadvertently allowing funds provided in fiscal year 1993 for this activity to lapse. Funds will be made available as contracts to projects already identified in 1993 by the Federal Railroad Administration.

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

1994 appropriation to date	$24,850,000
1994 supplemental estimate	1,400,000
(By transfer)	(6,000,000)
House allowance	
Committee recommendation	1,030,000
(By transfer)	(6,000,000)

The Committee has provided an additional $7,030,000 for salaries and expenses to cover the costs of complying with and resolving the requirements resulting from *Armstrong* v. *Executive Office of the President*. This amount is $370,000 less than requested and $7,030,000 above the House allowance. These funds will be used to cover the costs of electronic records management activities of the Office of Administration. Of the amount provided, $6,000,000 shall be derived by transfer from Department of Defense, "Research, development, test and evaluation, Air Force" account.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

1994 appropriation to date	$6,648,000
1994 supplemental estimate	5,650,000
House allowance	
Committee recommendation	5,320,000

The Committee has provided an additional $5,320,000 for salaries and expenses to cover the costs of complying with and resolving the requirements resulting from *Armstrong* v. *Executive Office of the President*. This amount is $330,000 below the request and $5,320,000 above the House allowance. These funds will be used to cover the costs of electronic records management activities of the National Security Council.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

1994 appropriation to date	$16,828,446,000
1994 supplemental estimate	698,000,000
House allowance	
Committee recommendation	698,000,000

The Committee has provided $698,000,000 for additional compensation and pension costs. The additional costs in this program are attributed to a number of unanticipated events. First, there has been an increase in disability compensation caseload, which will be 19,374 greater than originally estimated, increasing cost by $101,900,000. The additional caseload is attributed to the military downsizing as well as the recent decision to provide compensation to veterans who developed certain diseases following herbicide exposure. In addition, average payments to veterans have increased by $329,100,000 over the original estimate owing to higher average degree of disability than previously anticipated. And finally, a 2.6-percent cost-of-living adjustment, which became effective December 1, 1993, will cost $267,000,000.

READJUSTMENT BENEFITS

1994 appropriation to date	$947,400,000
1994 supplemental estimate	103,200,000
House allowance	
Committee recommendation	103,200,000

The Committee has provided $103,200,000 for readjustment benefits. These funds are necessary to fund increased average benefit payments for chapter 30 basic benefits and vocational rehabilitation training, chapter 31. In addition, there has been an increase of 4,774 trainees above the number originally estimated.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

1994 appropriation to date	$68,500,000
1994 supplemental estimate	
House allowance	
Committee recommendation	
(By transfer)	(3,500,000)

The Committee has provided a transfer of $3,500,000 from the "Medical care" account to the "Medical administration and miscellaneous operating expenses" account in order to prevent a reduction-in-force or furloughs within the Veterans Health Administration central policy and management office operations.

The Committee notes that while headquarters quality assurance functions were transferred from the "Medical care" account to the MAMOE account last year, the fiscal year 1994 budget did not transfer the required resources, owing to budget constraints. In addition, the Committee notes that payroll costs have been significantly higher than estimated. Therefore, the Committee believes the transfer of funds is warranted.

The Committee notes its concern however, that despite the MAMOE shortfall, the Veterans Health Administration recently awarded a $500,000 contract, which was not included in the fiscal year 1994 budget. This contract is providing support to the Department in its efforts to plan for health care reform. While the Committee supports this goal, it does not believe the Department made a prudent decision to award the contract prior to relief being provided to this account. VHA is directed to manage its resources more judiciously in the future.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The Committee has not included language proposed by the administration that would legislate certain cost-saving reforms in the subsidies paid to preserve federally subsidized housing developments. This proposal is legislative in nature and the Committee expects any action on it to be addressed by the appropriate legislative committees.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(LIMITATION ON GUARANTEED LOANS)

1994 appropriation to date	$64,564,000,000
1994 supplemental estimate	20,000,000,000
House allowance	
Committee recommendation	20,000,000,000

The Committee recommends increasing the guaranteed loan limitation for the FHA mutual mortgage insurance fund [MMIF] by $20,000,000,000 as proposed by the Administration. This is necessary to satisfy expected demand for guaranteed loans which have resulted from current homeowners and new homebuyers seeking to take advantage of the continued low interest rate environment. Higher loan levels would generate increased collection of fees to help increase the MMI fund's capital reserve. No subsidy appropriation is required because the program has a negative subsidy rate under the Federal Credit Reform Act of 1990.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(LIMITATION ON GUARANTEED LOANS)

1994 appropriation to date	$13,436,205,000
1994 supplemental estimate	2,000,000,000
House allowance	
Committee recommendation	2,000,000,000

The Committee recommends increasing the guaranteed loan limitation for the FHA general and special risk insurance fund by $2,000,000,000 as proposed by the administration. This is necessary to satisfy greater demand for single-family condominium mortgage insurance caused largely by the surge in mortgage refinancing. This increase would generate receipts for the insurance fund by underwriting mortgages low in risk relative to their premiums. No subsidy appropriation is required because the program has a negative subsidy rate under the Federal Credit Reform Act of 1990.

ADMINISTRATIVE PROVISION

The Committee has included an administrative provision that is technical in nature. It permits the use of funds previously appropriated as a special purpose grant to provide assistance for two sugarcane mills in Hawaii to be used to aid community-based and employee-support organizations in the same community.

INDEPENDENT AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

1994 appropriation to date	$375,000
1994 supplemental estimate	425,000
House allowance	
Committee recommendation	

The Committee has not recommended an additional appropriation for the Council on Environmental Quality and Office of Environmental Quality. The administration's request would provide for additional staffing for the office.

The Committee has not recommended additional funds for CEQ because no justification has been provided to support the additional staffing. In addition, no offset was proposed by the administration to fund this additional appropriation.

The Committee notes that no funds were requested in the original fiscal year 1994 budget, based on the administration's decision to terminate this office. Despite the lack of any official request from the administration, the conferees on the fiscal year 1994 appropriations bill provided $375,000. Funds were provided in order to provide a minimal staffing level at CEQ for compliance oversight for the National Environmental Policy Act. The Committee understands that authorization legislation to address future NEPA compliance oversight is pending

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The Committee has included language requested by the administration and recommended by the House that deletes a provision in the regular fiscal year 1994 VA, HUD, and Independent Agencies Appropriations Act that requires the Office of Science and Technology Policy to reimburse other agencies for not less than one-half of the personnel costs of individuals detailed to it.

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

In the fiscal year 1994 appropriation bill, the Committee provided bill language providing up to $500,000,000 for waste water treatment grants to areas with special needs, provided that an authorization be enacted by May 31, 1994, when these funds were to become available. The Committee has included bill language, as requested by the administration, extending this date to September 30, 1994, in order to provide additional time to enact the requisite authorization legislation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The Committee has included two provisions requested by the administration to expedite the restructured space station program.

The first lifts the specific statutory limitation on funds made available for the space station program included in Public Law 103–124. This will permit NASA to cover any space station termination costs from within all NASA research and development funds in the event that the program is canceled in fiscal year 1994 at a point in the year at which time there is insufficient funds remaining from the $1,946,000,000 already appropriated for the space station to cover necessary termination expenses. This step is necessary for the agency to proceed with new contractual arrangements with the new space station prime contractor. In providing NASA with this statutory flexibility, however, the Committee wishes to make clear that the cap contained in House Report 103–273 for space station program activities, other than potential termination costs, for fiscal year 1994 of $1,946,000,000 remains in place. No amounts above that level are to be spent on the space stations activities unless approved through the normal reprogramming process by the Committees on Appropriations.

The second provision, which has been transmitted both on November 1, 1993, and February 7, 1994, provides NASA with greater flexibility to proceed to implement the United States-Russia agreement on space cooperation signed by the Vice President and Russian Prime Minister Chernomyrdin that was signed September 2, 1993. The language permits NASA to spend up to $117,200,000 on cooperative activities between the two countries. In approving increasing the amount available for these activities, the Committee expects a detailed description of all activities in connection with this approval by February 15, 1994, including all specific outyear costs associated with these activities.

RESEARCH AND PROGRAM MANAGEMENT

1994 appropriation to date	$1,635,508,000
1994 supplemental estimate	60,000,000
House allowance	
Committee recommendation	60,000,000

The Committee has included $60,000,000 in additional funds for research and program management activities as requested by the administration. No formal request was made before House action on H.R. 3579 or H.R. 3511. These funds are to be allocated as follows: $46,000,000 to fund the locality pay adjustment for civil service employees that was effective in January 1994; and $14,000,000 to fund personnel and compensation benefits required to meet the costs of a higher than anticipated work force. Without these funds, NASA estimates an across-the-board furlough of 10 days for all NASA employees.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

The Committee has included bill language consistent with an agreement between it and the Corporation for National and Community Service to provide up to $3,000,000 in fiscal year 1994 to initiate a loan forgiveness demonstration program authorized under section 428 of the Higher Education Act of 1965. The offset for this activity may be taken at the Corporation's discretion, subject to the normal reprogramming guidelines.

GENERAL PROVISIONS—TITLE II

The Committee has inserted a general provision authorizing the Architect of the Capitol to transfer from the appropriation account "Senate Office Buildings", to the Senate appropriation account "Settlements and awards reserve", funds necessary to pay for agreements or awards to specific employees of the Architect, resulting from the Governments Employees Rights Act of 1991.

The Committee has included bill language urging the creation of a bipartisan task force on funding disaster relief. This task force would be charged with developing options and recommendations with regard to prospective mechanisms for financing the provision of disaster assistance and other emergencies in the future.

At present, discretionary funding for disaster assistance and other emergency requirements is governed by the provisions of section 251(b)(2)(D) of the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Enforcement Act of 1990. That provision reads as follows:

> If, for fiscal years 1991–95, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

The effect of this provision is to exempt Presidentially determined emergency spending from caps on discretionary spending. It should be noted that a Presidential designation is the sine qua non for such exemptions. The criteria for defining emergencies for purposes of this provision were specified by the Office of Management and Budget shortly after the enactment of the Budget Enforcement Act during Director Richard Darman's tenure. Under this policy, to qualify for designation a given appropriation must be necessary (essential or vital, not merely useful or beneficial) to meet requirements that are sudden (quickly coming into being, not building up over time), urgent (pressing and compelling, requiring immediate attention), unforseen (not predictable or seen beforehand as a coming need), and not permanent (temporary in duration).

Since fiscal year 1988, the Congress has enacted six major disaster relief supplemental appropriation bills that have provided $17,012,000,000 in budget authority for Federal domestic disaster assistance. H.J. Res. 407, Public Law 101-100, which was passed by the Senate on September 28, 1989, by a vote of 100-0, contained $2,827,000,000 for the victims of Hurricane Hugo in North and South Carolina, the Virgin Islands, and Puerto Rico.

H.J. Res 423, Public Law 101-130, which was passed by the Senate on October 25, 1989, by a vote of 97-1, contained $2,682,000,000 for victims of the Loma Prieta earthquake in northern California.

H.J. Res 157, Public Law 102-229, which was passed by the Senate on November 27, 1989, by voice vote, contained $943,000,000 for costs associated with Hurricane Bob.

H.R. 5132, Public Law 102-302, which was passed by the Senate on May 21, 1992, by a vote of 61-36, contained $995,000,000 for victims of the Los Angeles riots, and floods in Chicago which resulted from the collapse of that city's main water tunnel.

H.R. 5620, Public Law 102-368, which was passed by the Senate on September 15, 1992, by a vote of 84-10, contained $4,424,000,000 for the victims of Hurricanes Andrew and Iniki, in Florida, Louisiana, and Hawaii, as well as those of Typhoon Omar on the Territory of Guam.

H.R. 2667, Public Law 103-75, which was passed by the Senate on August 4, 1993, by voice vote, contained $5,141,000,000 for the victims of last summer's Midwest floods.

Clearly the burgeoning costs of this emergency assistance is in increasing tension with the tightening constraints on discretionary spending under the Budget Enforcement Act of 1990 and the President's deficit reduction program as incorporated in the Omnibus Budget Reconciliation Act of 1993. The resolution of this problem, however, must be sought in prospective systematic reforms based upon a thorough analysis of all the issues involved. It is not to be found in ill-considered ad hoc reductions in other important programs. The task force called for in the Committee's language will provide the institutional flexibility needed to conduct the kind of comprehensive review that is required for the development of rational policy in reconciling fiscal constraint with the imperatives of dealing with unanticipated domestic disasters and other emergencies.

The Committee has included a general provision in the bill which relates to the establishment of an Office of the Under Secretary for Enforcement within the Department of the Treasury. Section 105 of Public Law 103-123 required the Secretary of the Treasury to establish an Office of the Under Secretary for Enforcement within the Department of the Treasury by no later than February 15, 1994. The Committee is advised that the Secretary plans to comply with this provision and the Committee applauds that decision. The general provision in this bill would make conforming changes to title 31 of the United States Code to permit the President to nominate, with the advice and consent of the Senate, a third Under Secretary of the Treasury. The provision further amends 5 U.S.C. section 5314 to provide that the new Under Secretary is paid at level III of the Executive Schedule, the same rate of pay as that of Treasury's existing Under Secretaries.

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

1994 appropriation to date	$55,219,000
1994 rescission request	
House allowance	
Committee recommendation	−4,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $4,000,000 for the Economic Research Service which takes into consideration the original reduction proposed in the President's 1994 budget. No rescission was proposed by the President.

AGRICULTURAL RESEARCH SERVICE

(RESCISSION)

1994 appropriation to date	$692,469,000
1994 rescission request	−16,233,000
House allowance	−1,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission for the Agricultural Research Service. The President recommended a rescission of $16,233,000.

BUILDINGS AND FACILITIES

(RESCISSION)

1994 appropriation to date	$32,743,000
1994 rescission request	−8,460,000
House allowance	
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission for buildings and facilities of the Agricultural Research Service. The President recommended a rescission of $8,460,000.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

1994 appropriation to date	$453,736,000
1994 rescission request	−30,002,000
House allowance	−14,279,000
Committee recommendation	−12,463,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,463,000 for the Cooperative State Research Service. This amount is $17,539,000 less than the President's request (R94-6). Of the amount rescinded, $4,375,000 is a reduction to special research grants, $6,729,000 is a reduction to competitive research grants, and $1,359,000 is a reduction to grants under Federal administration. Each special research grant, each division within the Competitive Research Grants Program, and each category under Federal administration, as specified in House Report 103-212 is to be reduced by the same proportionate amount, that is, 6 percent.

BUILDINGS AND FACILITIES

(RESCISSION)

1994 appropriation to date	$56,874,000
1994 rescission request	−34,000,000
House allowance	−2,897,000
Committee recommendation	−2,897,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $2,897,000 for buildings and facilities of the Cooperative State Research Service, $31,103,000 less than the amount proposed by the President (R94-7). A 6-percent reduction is recommended for all facilities funded by the Fiscal Year 1994 Agriculture Appropriations Act with the exception of those facilities slated for completion as specified by House Report 103-212.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$730,842,000
1994 rescission request	−12,167,000
House allowance	
Committee recommendation	−12,167,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,167,000, the same as the amount proposed by the President, for salaries and expenses of the Agricultural Stabilization and Conservation Service (R94-8).

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

1994 appropriation to date	$61,614,000
1994 rescission request	
House allowance	−100,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission in this account.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

1994 appropriation to date	$591,049,000
1994 rescission request	−12,167,000
House allowance	
Committee recommendation	−12,167,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,167,000, the same as the amount proposed by the President, for conservation operations of the Soil Conservation Service (R94-9).

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

1994 appropriation to date	$241,965,000
1994 rescission request	
House allowance	
Committee recommendation	−21,158,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $21,158,000 of funds available for watershed and flood prevention. No rescission was proposed by the President and the House made no recommendation.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$1,114,729,000
1994 rescission request	−15,654,000
House allowance	−35,000,000
Committee recommendation	−15,654,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $15,654,000 in rural housing loan subsidies, the same as the rescission request. Of this amount, $1,515,000 is for section 502 low-income housing loans, $12,443,000 is for section 515 rental housing loans, $1,204,000 is for section 504 housing repair loans, and $483,000 is for section 514 farm labor housing loans. This rescission reflects the fact that the subsidy budget authority appropriated for fiscal year 1994 is in excess of amounts necessary to fund estimated loan levels included in the appropriations act due to the reestimate of subsidy rates for the first quarter of fiscal year 1994. According to the President, even after this rescission, total rural housing loan obligations should be greater than those estimated in the 1994 appropriations act. The Committee notes that loan levels specified in the appropriations act, pursuant to section 721 of that act, are considered estimates, not limitations. The Committee expects the maximum amount of loans to be obligated in all loan accounts within the confines of the subsidy authority.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$473,589,000
1994 rescission request	−5,094,000
House allowance	
Committee recommendation	−5,094,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $5,094,000 in loan subsidies for credit sales of acquired property through the "Agricultural credit insurance fund program" account. This rescission reflects the fact that the subsidy budget authority appropriated for 1994 is in excess of amounts necessary to fund estimated loan levels included in the appropriations act due to the reestimate of subsidy rates for the first quarter of 1994. According to the President, even after this rescission, total farm loan obligations should be greater than those estimated in the 1994 appropriations act. However, credit sales of acquired property would be decreased by $31,000,000 resulting in a program level of $92,783,000, which would still exceed the expected program level of $80,000,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

1994 appropriation to date	$25,000,000
1994 rescission request	
House allowance	
Committee recommendation	−25,000,000

COMMITTEE RECOMMENDATIONS

Due to budgetary constraints and the need to make further budget cuts at this time, the Committee recommends that the total amount provided for the Rural Housing Voucher Program be rescinded and that this new program not be started this fiscal year.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(RESCISSION)

	Loan	Subsidy
1994 appropriation to date	$100,000,000	$56,000,000
1994 rescission request		
House allowance	−35,714,000	−20,000,000
Committee recommendation		

COMMITTEE RECOMMENDATION

The Committee recommends no rescission for this account.

RURAL WATER AND WASTE DISPOSAL GRANTS

(RESCISSION)

1994 appropriation to date	$500,000,000
1994 rescission request	
House allowance	−25,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

The Committee recommends no rescission for this account.

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$35,552,000
1994 rescission request	−12,167,000
House allowance	−12,167,000
Committee recommendation	−12,167,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $12,167,000, the same as the amount proposed by the President, for salaries and expenses of the Farmers Home Administration (R94–10).

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$112,398,000
1994 rescission request	−12,133,000
House allowance	
Committee recommendation	−6,610,000

COMMITTEE RECOMMENDATIONS

The Committee recommends a rescission of $3,222,000 in subsidy authority for the rural telephone 5 percent direct loans. This rescission will reduce the loan level by approximately $25,000,000. The President requested a rescission of $6,445,000 for a corresponding reduction of $50,000,000 in loan authority (R94–11). The Committee does not concur with the President's request to rescind an additional $2,300,000 for direct telephone loans. In addition, the Committee recommends the rescission of $3,388,000 for direct electric loans as proposed by the President. This rescission reflects the fact that the subsidy budget authority appropriated for 1994 is in excess of amounts necessary to fund estimated loan levels included in the appropriations act due to the reestimate of subsidy rates for the first quarter of 1994. According to the President, even after this rescission, total direct electric loan obligations should be greater than those estimated in the 1994 appropriations act.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

1994 appropriation to date	$104,500,000
1994 rescission request	−12,600,000
House allowance	−12,600,000
Committee recommendation	−6,100,000

COMMITTEE RECOMMENDATIONS

For the Commodity Supplemental Food Program [CSFP], the Committee recommends a rescission of $6,100,000, $6,500,000 below the amount proposed by the President (R94–12). In the past, the Committee has directed that unused funds be used to expand elderly caseloads and approve applications for additional CSFP sites. Priority should be given to projects that make best use of available funds. The Department has received requests to expand caseloads as well as new site requests for the women and children as well as the elderly programs. However, the Committee is disappointed that the Department has not granted expansions to the full extent possible. Therefore, a lower rescission is provided to meet current needs and to expand the program as directed.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

1994 appropriation to date	$218,641,000
1994 rescission request	
House allowance	−6,000,000
Committee recommendation	−5,200,000

COMMITTEE RECOMMENDATIONS

For the food donations programs, the Committee recommends a rescission of $5,200,000 for the food distribution program on Indian reservations. These funds were carried over into fiscal year 1994 and are not needed to maintain the current program level.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

(RESCISSION)

1994 appropriation to date	$120,000,000
1994 rescission request	
House allowance	
Committee recommendation	−30,000,000

COMMITTEE RECOMMENDATIONS

For the Emergency Food Assistance Program [TEFAP], the Committee recommends a rescission of $30,000,000. Of this amount, $10,000,000 is a reduction to storage and intrastate distribution expenses and $20,000,000 is a reduction to the cost of commodity purchases.

The Emergency Food Assistance Program was established in 1983 as the temporary Emergency Food Assistance Program both to reduce our surplus commodities held in CCC and feed low-income people. Some $50,000,000 was appropriated annually from 1983 to 1988 to cover States' costs of storage and distribution of donated commodities. The program was successful and our surplus commodities were reduced. The Hunger Prevention Act of 1988 provided for the continuation of the program and mandated that USDA purchase commodities for the program.

The Committee has a long history of providing assistance to low-income individuals through a variety of programs, and it continues to do so. The difficult fiscal constraints faced by this Committee and the country have forced us to reevaluate programs and shift funding to those that provide the greatest benefit to the most needy and are more cost effective. The Committee believes the increased funding in Public Law 103–111 for fiscal year 1994 for the following programs better targets the nutritional needs of these individuals.

Congress increased funding for commodity purchases for soup kitchens. Commodities in this program are distributed to established feeding operations and are used to provide hot meals to needy homeless and low-income persons. In cases where the State's allocation of commodities cannot be used by these organizations, the commodities are made available to food banks for distribution.

Congress also increased funding for the Elderly Feeding Program. This program prepares meals which are served in senior citizen centers or delivered to the home-bound elderly. These meals focus on nutrition and the promotion of better health, and targets a growing low-income population.

Funding was also increased for the Commodity Supplemental Food Program [CSFP]. This program provides a monthly food package to certified low-income participants. The commodities in the package are specific to the health and nutritional requirements of the participant. Like the WIC Program, CSFP also has a nutrition education component.

Finally, Congress increased funding for the special supplemental food program for women, infants, and children [WIC]. It received the largest single increase in Public Law 103–111 and is considered the highest priority feeding program.

PUBLIC LAW 480

TITLE I PROGRAM ACCOUNT

(RESCISSION)

1994 appropriation to date	$349,425,000
1994 rescission request	−35,400,000
House allowance	
Committee recommendation	−35,400,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $35,400,000 in subsidy costs for title I of

Public Law 480 as proposed by the President. Under this title, USDA provides concession loans (30 year terms, 7 year grace, 2 to 3 percent interest) to developing countries that have agricultural market development potential. The proposal would reduce a portion of the subsidy costs available to support title I loans.

GRANT ACCOUNT—(TITLE I OCEAN FREIGHT DIFFERENTIAL, TITLE II AND TITLE III)

(RESCISSION)

1994 appropriation to date	$1,147,580,000
1994 rescission request	−49,600,000
House allowance	−20,000,000
Committee recommendation	−49,600,000

COMMITTEE RECOMMENDATIONS

The Committee recommends the rescission of $49,600,000 in the Public Law 480 grant account, as proposed by the President. Of this amount $4,600,000 is for ocean freight differential under title I and $45,000,000 is for title III grants.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

1994 appropriation to date	$1,694,753,000
1994 rescission request	−6,000,000
Committee recommendation	

The Committee does not recommend rescission of $6,000,000 from the National Oceanic and Atmospheric Administration's operating account as proposed by the administration. The Committee recommends that such savings be more appropriately applied to other Commerce accounts.

CONSTRUCTION

(RESCISSION)

1994 appropriation to date	$109,703,000
1994 rescission request	−4,000,000
Committee recommendation	

The Committee does not recommend rescinding $4,000,000 from the National Oceanic and Atmospheric Administration's "Construction" appropriation account as proposed by the administration. Environmental compliance, facility construction and renovation, and real property maintenance requirements for the agency are far in excess of current appropriation levels, and a rescission of existing funds makes little sense.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

1994 appropriation to date	$248,590,000
1994 rescission request	−2,000,000
Committee recommendation	−2,000,000

The Committee recommends a rescission of $2,000,000 from the ITA "Operations and administration" account, the same as the President's rescission request (R94–15). The Committee recommends that these funds be rescinded from prior year carryover funds which ITA had intended to use for computer software, trade initiatives, and trade policy information studies.

EXPORT ADMINISTRATION

OPERATIONS AND MAINTENANCE

(RESCISSION)

1994 appropriation to date	$34,747,000
1994 rescission request	
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from the Export Administration's "Operations and maintenance" account. The administration in "A Vision of Change for America" noted that the Export Administration's workload has declined and that the agency's budget should be reduced. Both the House and Senate accordingly approved the President's budget request and policy change. However, the Committee has learned that the Export Administration carried over $3,500,000 in funds from fiscal year 1993 which nullifies the programmatic reduction and policy change proposed and highlighted by the administration. Accordingly, the Committee recommends a rescission of $3,000,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$42,100,000
1994 rescission request	
Committee recommendation	−500,000

Public Law 103–121 included $500,000 for a grant to the Catawba Indian Tribe in South Carolina for business and economic development and planning. The Committee recommends rescission of these funds.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

1994 appropriation to date	$26,000,000
1994 rescission request	
Committee recommendation	−4,254,000

The Committee recommends a rescission of $4,254,000 from NTIA's Information Infrastructure Grant Program. This appropriation account supports an entirely new administration program which was recommended for funding of $31,000,000 in the Senate version of the fiscal year 1994 Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill. In recognition of the administration's desire to reduce appropriations as evidenced by transmittal of rescissions, the Committee believes that the funding level originally proposed in the House version of the fiscal year 1994 bill, $21,746,000, represents a sufficient level of funding for this new program.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

1994 appropriation to date	
1994 rescission request	
Committee recommendation	−$20,000,000

The Committee recommends a rescission of $20,000,000 from balances in the EDA economic development revolving fund. These funds are excess to projected liabilities in the fund.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

1994 appropriation to date	$280,000,000
1994 rescission request	
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from defender services, the same amount recommended by the House of Representatives in H.R. 3400. The projected carryover of unobligated funds in this account from fiscal year 1993 assumed in the conference agreement on the Fiscal Year 1994 Appropriations Act was $18,000,000. The Committee understands the actual carryover is $21,000,000 and recommends a rescission of these unanticipated carryover balances.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

1994 appropriation to date	$1,704,589,000
1994 rescission request	−600,000
Committee recommendation	−600,000

As proposed by the President (R94–28), the Committee recommends the rescission of $600,000 from diplomatic and consular programs. This amount reflects the estimated savings to be achieved through the implementation of the Vice President's "National Performance Review" proposal to reduce the number of overseas missions with U.S. Marine Corps Guard detachments.

BUYING POWER MAINTENANCE

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$8,800,000
Committee recommendation	−8,800,000

The Committee recommends a rescission of $8,800,000 from balances in the Department of State buying power maintenance fund as proposed by the President (R94–51). The recovery of the U.S. dollar overseas in selected countries reduces fiscal year 1994 demands on the buying power maintenance fund. The House of Representatives recommended a rescission of $8,800,000 in H.R. 3400.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$1,700,000
Committee recommendation	−1,700,000

The Committee recommends a rescission of $1,700,000 as proposed by the President (R94–65). This rescission is from remaining prior year appropriations which were provided for construction of a shortwave radio facility in Israel. This project has been canceled and $180,000,000 was rescinded during fiscal year 1993. The House of Representatives also proposed rescinding this additional $1,700,000 in H.R. 3400.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$258,900,000
1994 rescission request	−13,100,000
Committee recommendation	−4,100,000

The Committee recommends a rescission of $4,100,000, instead of $13,100,000 as proposed by the President (R94–34). The House and Senate conferees provided $8,000,000 above either the House or Senate versions of H.R. 2519 for staffing and general support of the Small Business Administration during fiscal year 1994. Further, in fiscal year 1993, the SBA identified and reprogrammed $4,000,000 in excess funds for relocation and realignment of agency functions. The Committee-recommended rescission eliminates one-half of the additional funds provided to the Administrator of SBA for general support and agency operations.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$13,550,000
1994 rescission request	−6,775,000
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from the State Justice Institute.

The rescission would reduce Federal funding of the Institute but not terminate the program in the second half of 1994 as proposed by the President (R94–35).

Among its activities, the Institute funds grants to study criminal justice programs, supports demonstration projects, sponsors conferences, and provides technical assistance. While these activities serve a useful purpose and benefit the State criminal justice system, the Committee notes that the need to reduce the deficit requires the reduction of Federal funding for some programs. Additionally, the Committee notes that other Federal grant programs, including those of the Department of Justice, can be used to support State criminal justice systems.

U.S. INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

1994 appropriation to date	$730,000,000
1994 rescission request	−3,000,000
Committee recommendation	−3,000,000

As proposed by the President (R94–36), the Committee recommends the rescission of $3,000,000 from the U.S. Information Agency "Salaries and expenses" account. This amount reflects the estimated savings to be achieved by the U.S. Information Agency through implementation of the Vice President's "National Performance Review" proposal to restructure its organization and field structure and public diplomacy activities.

NORTH/SOUTH CENTER

(RESCISSION)

1994 appropriation to date	$8,700,000
1994 rescission request	−8,700,000
Committee recommendation	−8,700,000

The Committee recommends a rescission of $8,700,000 from the North/South Center at the University of Miami as proposed by the President (R94–37).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The Committee recommends rescissions totaling $305,300,000. With the exception of the specific rescissions recommended in this section of the report, the Committee directs that none of the proposed funding adjustments modify in any way the allocations, guidance, and directions contained in its report on the Department of Defense Appropriations Act, 1994, and in the conference report and joint explanatory statement of the committee of conference on that act. Details of the Committee's recommendations are provided below.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

(RESCISSION)

1994 appropriation to date	$1,094,009,000
1994 rescission request	−48,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

TOW II missile.—The Committee recommends no rescission of funds provided by Congress in fiscal year 1994 for the TOW II missile program as proposed by the President (R94–44).

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

1994 appropriation to date	$5,694,420,000
1994 rescission request	−51,700,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

SH–60 helicopters.—The Committee recommends no rescission of funds provided by Congress in fiscal year 1994 for the SH–60 helicopter program as proposed by the President (R94–45).

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

1994 appropriation to date	$4,183,775,000
1994 rescission request	−50,000,000
Committee recommendation	

COMMITTEE RECOMMENDATIONS

LHD–7 amphibious assault ship.—The Committee recommends no rescission of funds provided by Congress in fiscal year 1994 for advance procurement of the LHD–7 amphibious assault ship as proposed by the President (R94–46).

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

1994 appropriation to date	$6,002,953,499
1994 rescission request	−105,600,000
Committee recommendation	−12,800,000

COMMITTEE RECOMMENDATIONS

Advanced tactical airborne reconnaissance system.—The Committee recommends a rescission of $12,800,000 for the advanced tactical airborne reconnaissance system [ATARS], as proposed by the President (R94–47). The ATARS program was terminated and the funds are no longer required.

C–135 modifications.—The Committee recommends no rescission for C–135 modifications as proposed by the President (R94–47).

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

1994 appropriation to date	$7,588,968,000
1994 rescission request	
Committee recommendation	−27,500,000

COMMITTEE RECOMMENDATIONS

Mobility command and control.—The Committee recommends a rescission of $27,500,000 of the funds appropriated in fiscal year 1994 for mobility command and control equipment. These funds are no longer required to meet mission requirements.

PROCUREMENT, DEFENSEWIDE

(RESCISSION)

1994 appropriation to date	$1,803,639,000
1994 rescission request	
Committee recommendation	−104,500,000

COMMITTEE RECOMMENDATIONS

Landsat–7.—The Committee recommends a rescission of $104,500,000 of the funds appropriated in fiscal year 1994 for the Landsat–7 program. These funds have become excess as a result of the President's decision to cancel the Landsat–7 program in fiscal year 1995.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

1994 appropriation to date	$12,978,924,000
1994 rescission request	
Committee recommendation	−50,000,000

COMMITTEE RECOMMENDATIONS

Milstar satellite communications system.—The Committee recommends rescission of $50,000,000 from fiscal year 1993 funds for the Milstar satellite communications system.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSEWIDE

(RESCISSION)

1994 appropriation to date	$8,760,050,000
1994 rescission request	−50,000,000
Committee recommendation	−110,500,000

The Committee recommends a rescission of $110,500,000. This amount is $60,500,000 more than proposed for rescission by the President (R94–48).

COMMITTEE RECOMMENDATIONS

Theater missile defense.—The Committee proposes rescission of $26,000,000 designated by BMDO for the LEAP technology demonstration program and the sea-based wide area program.

Advanced research projects agency space programs.—The President's request to rescind $50,000,000 appropriated for ARPA space programs is approved by the Committee (R94–48).

Land remote sensing satellite system.—The Committee proposes rescission of $34,500,000 allocated for the development of the high resolution multispectral imager [HRMSI] within the Landsat 7 program.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE–CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

1994 appropriation to date	$207,540,000
1994 rescission request	−24,970,000
Committee recommendation	−24,970,000

The Committee recommends rescinding $24,970,000, the same amount requested (R94–23). Funds provided under this heading are used for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects; restudy of authorized projects; miscellaneous investigations; and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction.

The Corps is directed to carry out the projects, programs, and directives contained in Public Law 103–126 and the conference report accompanying that act.

CONSTRUCTION, GENERAL

(RESCISSION)

1994 appropriation to date	$1,400,875,000
1994 rescission request	−97,319,000
Committee recommendation	−97,319,000

This account provides for the construction by the Army Corps of Engineers of river and harbor, flood control, shore protection, and related projects authorized by law.

The Committee recommendation would rescind $97,319,000 of appropriated funds. This is the same as the amount requested (R94–24).

The Corps is directed to carry out the projects, programs, and directives contained in Public Law 103–126 and the conference report accompanying that act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

1994 appropriation to date	$464,423,000
1994 rescission request	−16,000,000
Committee recommendation	−40,000,000

An amount of $40,000,000 in unobligated funding carried forward into fiscal year 1994 in the construction program of the Bureau of Reclamation is recommended for rescission. This is $24,000,000 more than the amount requested in rescission proposal R43–27.

The Bureau of Reclamation is directed to carry out the projects, programs, and directives contained in Public Law 103–126 and the conference report accompanying that act.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$3,223,910,000
1994 rescission request	−107,300,000
Committee recommendation	−107,300,000

The administration has proposed to rescind $97,300,000 in the "Energy supply, research, and development activities" account (R94–25). The Committee agrees with the total amount of the rescission but directs that the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project, or activity in the "Energy supply, research, and development activities" account as included in the reports accompanying Public Law 103–126.

R94–49 would eliminate funding for the superconducting magnetic energy storage [SMES] program, for which funds were added in fiscal year 1994 in the energy storage activities within the solar and renewable energy program. The SMES program would continue technology efforts previously funded within the Defense Nuclear Agency to develop SMES as part of a DOD star wars directed-energy weapon system. DOD has not requested funds for the SMES activity in recent years. The program is presented as a dual-use technology with defense and utility applications. However, the President and the Department of Energy believe the current program has no commercially viable prospects in the utility industry.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

1994 appropriation to date	[1]$177,092,000
1994 rescission request	−42,000,000
Committee recommendation	−42,000,000

[1] Net appropriation for fiscal year 1994.

The administration has proposed to rescind $42,000,000 as a result of curtailing the atomic vapor laser isotope separation project (R94–25). The Committee agrees that this rescission should be funded from prior-year balances available in the "Uranium supply and enrichment activities" account.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

1994 appropriation to date	$520,900,000
1994 rescission request	−12,700,000
Committee recommendation	−12,700,000

This appropriation funds the Nuclear Regulatory Commission [NRC] "Salaries and expenses" account. This account provides for reactor safety and safeguards regulation; reactor special and independent reviews, investigations, and enforcement; reactor safety research; nuclear material and low-level waste safety and safeguards regulation; and high-level nuclear waste regulations.

This proposed rescission reflects savings in the various projects due to actions being taken by the Commission to stream-line the agency and to reduce the cost of operations. The ability of the Commission to accomplish its mission successfully would not be affected by this rescission proposal.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

1994 appropriation to date	$135,000,000
1994 rescission request	
Committee recommendation	−2,700,000

The Committee recommends a rescission of $2,700,000 from fiscal year 1994 funds made available to the President for the United States contribution to the sixth replenishment of the African Development Fund. The rescission would result in funding for the United States contribution to the African Development Fund at the level contained in the House-passed version of H.R. 2295. The President has not proposed rescission of these funds.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

1994 appropriation to date	$811,900,000
1994 rescission request	−160,000,000
Committee recommendation	−40,879,000

The Committee recommends a rescission of $40,879,000 from unexpended or unobligated funds made available for the Development Assistance Fund [DAF] for fiscal year 1994 and prior years. The level provided for the DAF in the fiscal 1994 Foreign Operations, Export Assistance and Related Programs Act (Public Law 103–87) already represents a reduction from fiscal 1993 of $225,580,000, a cut of nearly 22 percent. The Committee believes rescission of an additional $160,000,000 in the DAF would cause serious damage to important programs in Central and Latin America and other areas. Therefore, the Committee recommends a rescission of $40,879,000. The President has proposed a rescission of $160,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR REFORM AND DOWNSIZING

(RESCISSION)

1994 appropriation to date	$3,000,000
1994 rescission request	
Committee recommendation	−3,000,000

The Committee recommends a rescission of $3,000,000 from fiscal year 1994 funds made available to the Agency for International Development in a special appropriation for operating expenses to meet the costs of implementation of the recommendations of the report of the "National Performance Review." The Committee recommends that implementation of the AID reform portions of the "National Performance Review" be funded out of the regular AID "Operating expenses" account for fiscal 1994. The President has not proposed a rescission of these funds.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

1994 appropriation to date	$2,212,820,000
1994 rescission request	
Committee recommendation	−145,000,000

The Committee recommends a rescission of $145,000,000 from the unexpended or unobligated balances of funds made available in fiscal year 1994 and prior years for assistance to the new independent states of the former Soviet Union [NIS]. In fiscal 1994 and prior years more than $3,000,000,000 has been made available for assistance to the NIS. In order to find the funds for the NIS, the Committee has had to recommend substantial cuts in other programs. If further reductions in foreign assistance beyond the $800,000,000 cut already provided in Public Law 103–87 are required, the Committee believes the NIS program should contribute a share. The President has not proposed a rescission of these funds.

ECONOMIC SUPPORT FUND

(RESCISSION)

1994 appropriation to date	$2,364,562,000
1994 rescission request	−90,000,000
Committee recommendation	−32,700,000

The Committee recommends a rescission of $32,700,000 from funds made available from 1987 through 1994 for the Economic Support Fund, $57,300,000 less than requested by the President. This proposed rescission, together with the $203,000,000 of ESF rescinded in Public Law 103–87, would make the fiscal 1994 and prior years' rescissions of ESF total $235,700,000. The Committee's intent in reducing the President's proposed ESF rescission is to ensure that some ESF funds remain available for Central and South American programs. The Committee intends that this rescission will not be taken from the Camp David countries, because of the sensitivity of the peace process. The President proposed a rescission of $90,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

1994 appropriation to date	$3,149,279,000
1994 rescission request	−65,562,000
Committee recommendation	−91,283,000

The Committee recommends rescissions of $91,283,000 from funds made available to the President for the Foreign Military Financing Program for fiscal 1994 and prior years. Of this amount, $65,562,000 is to come from funds made available in fiscal 1993 and prior years, as proposed by the President, and $25,721,000 is to come from unearmarked funds made available for fiscal 1994. The effect of the proposed rescission is to reduce fiscal 1994 foreign military financing grants to the level in H.R. 2295 as passed by the Senate. The President had proposed a rescission of $65,562,000 from fiscal 1993 and prior years only.

MILITARY ASSISTANCE

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$438,000
Committee recommendation	−438,000

The Committee recommends rescissions of $438,000 from funds made available to the President for Military Assistance in Public Law 102–391 and prior years. The President had proposed a rescission of $438,000.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

1994 appropriation to date	$73,565,000

1994 rescission request	
House allowance	−3,874,000
Committee recommendation	−3,874,000

The Committee recommends a rescission of $3,874,000 for unobligated funds associated with completion of the Umbarger Dam modifications at the Buffalo Lake National Wildlife Refuge, TX. These funds are available for rescission since the project has been completed at a lower cost than originally estimated.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

1994 appropriation to date	
1994 rescission request	−$16,275,000
House allowance	−16,275,000
Committee recommendation	−16,275,000

The Committee recommends a rescission of $16,275,000 for unobligated balances in the "Biomass energy development" account. This amount is excess to the needs of the program which is responsible for administering loan guarantees and assets from alcohol fuel plants, and is derived from previous appropriations and revenues credited to the account.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

ADMINISTRATIVE COST REDUCTIONS

The Committee recommends a rescission of $50,000,000 from amounts appropriated for fiscal year 1994 for salaries and expenses and administrative costs of the Departments of Labor, Health and Human Services, and Education. An amount of $4,000,000 would be rescinded from the Department of Labor, $37,500,000 from the Department of Health and Human Services, and $8,500,000 from the Department of Education. The Social Security Administration would be exempted from any reductions in salaries and expenses and administrative costs other than the automation initiative.

The amounts recommended for rescission represent approximately 25 percent of the increases provided over fiscal year 1993 for this purpose. The Committee believes that these reductions can be achieved without causing undue hardship in the executive branch, although it realizes that certain economies and sacrifices will have to be made.

The Committee intends that the reductions be distributed to each appropriation account proportionate to the increase that it received over 1993 for salaries and expenses and administrative costs, as reflected in the individual agency budget justifications. In those cases where appropriations are lower in 1994 than in 1993, no reductions should be taken.

This mechanism shall apply to all relevant accounts with the exception of the National Institutes of Health. With regard to the NIH, the Committee recommends that the reductions in administrative costs by Institute shall be determined by the NIH Director in order to best protect its research programs. The reductions by Institute should be done in consultation with the Appropriations Committees, and the NIH shall notify the Committees of its reductions, prior to implementation. This discretion shall not reduce the National Institute of Health's share of the total administrative cost reductions of the Department of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME

LIMITATION ON ADMINISTRATIVE EXPENSES

The Committee recommends a rescission of $80,000,000 from the automation initiative for which $300,000,000 was provided in the Fiscal Year 1994 Appropriations Act under the "Limitation on administrative expenses" account. The remaining $220,000,000 for the first year of this initiative will fund approximately one-fifth of the total cost of this 5-year automation project for which the President requested a total of $1,125,000,000.

In addition, $10,909,000 is rescinded in the "Supplemental security income" [SSI] account, which is the amount that would have been reimbursed to the trust funds for the SSI Program share of the $80,000,000 that is proposed for rescission in the "Limitation on administrative expenses" account. Therefore, the net proposed rescission is $80,000,000, of which $10,909,000 is derived from the SSI account.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

The Committee recommends a rescission of $1,500,000 from the appropriation account "Sergeant at Arms and Doorkeeper of the Senate". This represents savings in fiscal 1992 funds from completed projects that came in under budget.

HOUSE OF REPRESENTATIVES

(RESCISSION)

The Committee concurs with the House in rescissions totaling $2,985,000 from various accounts in the House of Representatives. In keeping with the longstanding tradition of comity between the Houses on matters pertaining solely to one House, the Committee makes no judgment of the House action.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

(RESCISSION)

The Committee has deleted the rescission of $1,000,000 in fiscal year 1993 budget authority and $2,000,000 in fiscal year 1994 budget authority for installation of energy efficient lighting devices in the Capitol complex. Section 122 of Public Law 103–110, the Military Construction Appropriations Act of 1994, authorized the transfer of a parcel of approximately 100 acres at Fort Meade, MD, to the Architect of the Capitol to serve as the site for a long-term storage facility for the legislative branch. The Committee directs the Architect to apply these funds to the costs of maintaining and converting the property and facilities at Fort Meade for this purpose.

The $3,000,000 rescinded by the House will not be required for the energy efficient lighting program.

LIBRARY OF CONGRESS

(RESCISSION)

The Committee recommends a rescission of $1,000,000 in funds available to the Library of Congress under the fiscal year 1994 appropriations act (Public Law 103–69). The Library participated in a retirement-incentive program in fiscal year 1994 during which 234 Library employees paid from appropriated funds in this bill retired. The Librarian is directed to take the rescission amounts from any net savings resulting from this retirement program.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

1994 appropriation to date	$430,815,000
1994 rescission request	
House recommendation	−1,300,000
Committee recommendation	−650,000

The Committee reduces the House recommendation to $650,000 for the General Accounting Office. The reductions to GAO's budget over the past 2 years in combination with the retirement incentives authorized in Public Law 103–69 (the Legislative Branch Appropriations Act, 1994) will cut GAO's work force by at least 450 full-time equivalent positions. This rescission will result in cuts to travel and miscellaneous expenses associated with the positions eliminated.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The Committee recommends rescission of $601,224,000 from Public Law 103–110, the Military Construction Appropriations Act for Fiscal Year 1994. This is the same amount recommended for rescission by the administration. The Committee notes that the Congress previously approved rescissions totaling $277,595,000 when Public Law 103–110 was enacted. The Committee also notes that the Congress reduced the budget request for the fiscal year 1994 Military Construction Appropriations Act by $729,227,000, a reduction of 7 percent from the total administration budget request.

The Committee does not approve the following rescissions recommended by the administration:

R94–16 Military construction, Army	−$116,134,000
R94–17 Military construction, Air Force	−85,094,000
R94–18 Military construction, Army Reserve	−19,807,000
R94–19 Military construction, Naval Reserve	−4,438,000
R94–20 Military construction, Air Force Reserve	−18,759,000
R94–21 Military construction, Army National Guard	−251,854,000
R94–22 Military construction, Air National Guard	−105,138,000

The administration recommended lump-sum rescissions, which, if approved by the Congress would allow the Department of Defense to determine the specific projects which would be canceled. The administration's recommendations, therefore, place in jeopardy projects which have specifically been approved in House and Senate authorization and appropriations bills. These projects were also approved by the administration when the President signed into law the Military Construction Appropriations Act for Fiscal Year 1994. Future military construction rescission requests submitted by the administration should not be in a lump-sum format but should be line item specific, detailing each specific project recommended for rescission.

The Committee has approved the following rescission:

BASE REALIGNMENT AND CLOSURE, PART III

(RESCISSION)

1994 appropriation to date	$1,144,000,000
1994 rescission request	
Committee recommendation	−601,224,000

The Committee has approved a rescission totaling $601,224,000 for the "Base realignment and closure" [BRAC] account, part III. This account is a lump-sum appropriation which provides funds to close and realign military bases. Fiscal year 1994 is the first year BRAC, part III has been funded. The rescission approved by the Committee leaves $542,776,000 appropriated to the account for fiscal year 1994. The Committee notes that the first year funding for BRAC, part I was $500,000,000 and first year funding for BRAC, part II was $331,700,000. Therefore, the amount which remains for part III exceeds the first year funding rate of the prior two base closure and realignment accounts. The Committee is also concerned with the excessively slow obligation rate in the base closure accounts. As the Committee pointed out in its report accompanying H.R. 2446, almost $2,000,000,000 previously appropriated for base closures has yet to be obligated by the military services.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

1994 appropriation to date	$33,423,077
1994 rescission request	−10,067,000
House allowance	−10,068,243
Committee recommendation	−10,067,000

The Committee is recommending the rescission of unobligated balances of contract authority for the essential air services program. The rescission does not affect the provision of services allowed under Public Law 103–122.

RENTAL PAYMENTS

(RESCISSION)

1994 appropriation to date	$149,605,000
1994 rescission request	−1,781,000
House allowance	
Committee recommendation	−1,781,000

The Committee has included, as requested, a rescission of $1,781,000 of funds for rental payments by the Office of the Secretary. This rescission reflects revised requirements for GSA space rental and related services.

COAST GUARD

OPERATING EXPENSES

1994 appropriation to date	$2,586,770,000
1994 rescission request	−5,000,000
House allowance	−5,000,000
Committee recommendation	

The Committee does not concur in the President's request to rescind excess funds appropriated under Public Law 102–368 for costs arising from the consequences of Hurricane Andrew and Hurricane Iniki.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

1994 appropriation to date	$327,500,000
1994 rescission request	−2,000,000
House allowance	−2,000,000
Committee recommendation	

Consistent with the Committee's recommendation regarding operating expenses cited above, the Committee does not concur in the President's proposal to rescind excess funds initially appropriated for the consequences of Hurricanes Andrew and Iniki.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

1994 appropriation to date	$4,580,518,000
1994 rescission request	−2,750,000
House allowance	−750,000
Committee recommendation	−2,750,000

The Administration has proposed the rescission of $2,750,000 from the Federal Aviation Administration's "Operations" account. The Committee concurs with the Administration's request. The Administration, in its rescission message R94–29, stated that this proposal is consistent with the Vice President's "National Performance Review" proposal.

Funding of $2,000,000 would be rescinded from the mid-America aviation resource consortium, which is a private air traffic controller training program; and $750,000 is rescinded from the vocational technical grants program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

1994 appropriation to date	$2,120,104,000
1994 rescission request	−40,257,111
House allowance	−29,451,111
Committee recommendation	−65,205,300

The administration has proposed the rescission of $40,257,111 in funding previously provided for the airway science curriculum grant program. Under the administration's proposal, the following funds would be rescinded.

[In thousands of dollars]

Fiscal year available	Amount appropriated	Unobligated	Description
1985–89	$35,795	$2,305	
		1,425	Florida Memorial College.
		880	Unearmarked.
1991	10,000	1,899	Do.
1992	20,000	9,777	
		3,000	Daniel Webster College, NH.
		250	Middle Tennessee State University.
		3,000	Southern University, LA.
		3,527	Unearmarked.
1993	30,000	28,275	
		175	Central Washington State University.
		4,500	Dowling College, NY.
		10,000	Embry-Riddle Aeronautical University.
		2,235	Henderson State University, AR.
		556	Middle Tennessee State University.
		1,925	Southern University, LA.
		6,884	University of Alaska.
Total unobligated balance		40,257	As of September 30, 1993.

The Committee has proposed the rescission of $65,205,300. The money proposed for rescission includes funding provided as early as fiscal year 1985 and as late as fiscal year 1992. The Committee recommends the rescission of the following amounts from the following programs.

Program	Fiscal year available	Amount
Airway science grants	1985–89	$2,305,000
Interim support plan	1990	13,911,000
System engineering support	...do	746,000
Center lease	...do	113,000
Traffic control simulators	...do	2,519,000
Test and evaluation	...do	1,440,000
Part-task trainers	...do	2,534,000
TCAS II system	...do	438,000
B–727 retrofit	...do	217,000
Center lease	...do	98,000
Engineering support	...do	330,000
Interim support plan	1991	20,000,000
B–727 upgrade	...do	581,000
CV–580 upgrade	...do	3,200,000
Airway science grants	...do	1,899,000
Do	1992	3,527,000

The Committee's suggestion is based on the quarterly accounts obligation status report that FAA submits to the Senate and House Committees on Appropriations. The Committee recognizes that some adjustment to the above projects might be necessary and directs the FAA to submit to the House and Senate Committees on Appropriations a list of programs with dollar amounts on how it will meet the target of a $65,205,300 rescission in the "facilities and equipment" account.

GRANTS-IN-AID FOR AIRPORTS

(RESCISSION)

(AIRPORT AND AIRWAYS TRUST FUND)

1994 appropriation to date	$1,690,000,000
1994 rescission request	−488,200,000
House allowance	−488,200,000
Committee recommendation	−488,200,000

The Committee recommends the rescission of $488,200,000 of unobligated contract authority of the airport improvement grant program. This proposal would rescind a portion of the unobligated contract authority that is not available for obligation due to limitations on obligation in annual appropriations acts.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$156,362,000
1994 rescission request	−174,968,734
House allowance	−85,774,222
Committee recommendation	−35,696,647

The administration would rescind all unobligated appropriated funds for unauthorized highway demonstration projects that the Federal Highway Administration reports are not under construction (R94–32a).

The Committee proposes the rescission of unobligated appropriated balances of highway projects that are listed below. In addition, the Committee recommends the rescission of the contract authority of highway projects that was provided pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and unobligated balances of the bridges on Federal dams program.

Under the Committee's proposal, funds for the following projects would be rescinded:

Title	*Amount*
Bridges on Federal dams	$9,478,139
Hillsboro Bridge, Illinois	378,530
U.S. 20 realignment, Iowa	1,756,709
Des Moines Inner Loop, Iowa	2,792,000
I–70 and 110th St. improvements, Kansas	3,446,600
Center Street extension, Massachusetts	3,360,000
Blackstone River bikeway, Massachusetts	212,032
Rail consolidation, Michigan	2,735,000
I–20/Norrell Rd. interchange, Mississippi	1,620,000
Railroad overpass, New Mexico	1,363,391
Irondequoit Bay outlet bridge, New York	4,249,893
Texarkana Rd., Texas	1,379,960
Relocation of U.S. 35, West Virginia	406,920
STURA of 1987	2,517,473

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$42,500,000
1994 rescission request	
House allowance	
Committee recommendation	−20,000,000

The advanced acquisition of rights-of-way program was established by section 110(a) of the Federal-aid Highway Act of 1956. Section 7 of Public Law 90–495, the Highway Act of 1968, established the revolving fund feature. The Committee recommends the rescission of $20,000,000 of revolving fund balances.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$174,000,000
1994 rescission request	
House allowance	−7,056,000
Committee recommendation	−219,750,000

The Committee recommends the rescission of contract authority totaling $219,750,000 for Highway Traffic Safety Grants under the National Highway Traffic Safety Administration.

Rescinded funds will be derived from the following programs:

Section 408 alcohol safety incentive grants	$6,493,000
Section 209 safety, education, and information grants	11,000,000
Section 153 safety belt and motorcycle helmet grants	24,000,000
Section 402 State and community highway safety grants	178,257,000

The levels proposed for rescission represent unobligated contract authority which is not available for obligation in fiscal year 1994.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$37,613,000
1994 rescission request	−17,000,000
House allowance	
Committee recommendation	−17,000,000

The Committee concurs in the President's request to rescind $17,000,000 from funds appropriated for fiscal year 1994 for research and analysis in the area of high-speed magnetically levitated ground transportation [maglev]. Shortly after the enactment of the fiscal year 1994 transportation appropriations act, the National Maglev Initiative [NMI], a cooperative effort of the Federal Railroad Administration, U.S. Army Corps of Engineers, and the Department of Energy, completed its report on the technical and market feasibility of maglev. As a result, the Administration recognizes a need of not more than $3,000,000 in fiscal year 1994 for continued study of maglev issues and the initiation of a market feasibility of high-speed ground transportation, as called for in the Intermodal Surface Transportation Efficiency Act [ISTEA].

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

1994 appropriation to date	$1,785,000,000
1994 rescission request	−50,537,525
House allowance	−40,478,975
Committee recommendation	−808,935

The administration has proposed the rescission of any unobligated funds made available for fiscal year 1991 or earlier under section 3 of the Federal Transit Act, as amended (R94–31). Under the Committee's proposal, the following project would lose previously appropriated funds:

Project	*Amount*
Buffalo, NY, Naval Park Station	$808,935

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

1994 appropriation to date	$1,485,917,000
1994 supplemental estimate	
House allowance	
Committee recommendation	(6,400,000)

The Committee has recommended a rescission of $6,400,000 in information systems activities of the Internal Revenue Service. The Committee is advised that IRS has achieved savings in procurement contracts for new automated data processing systems and these savings will be applied to the supplemental costs of ADP requirements for the Executive Office of the President.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

The Committee has recommended the rescission of $127,691,000 in obligational authority from many Federal building projects under the control of the General Services Administration [GSA]. This amount is the same as that recommended by the President for rescission in the General Services Administration's Federal buildings fund for fiscal year 1994.

However, the Committee has rejected the administration's proposal to make rescissions in programs, projects and activities funded in the Fiscal Year 1994 Appropriations Act. Instead, the Committee recommends the rescission of a specific amount of funds by project for a series of construction and repair and alterations projects funded in fiscal year 1994 and previous fiscal years. These savings are the result of the "Time-Out and Review" of projects initiated and conducted by GSA in 1994. In many cases, the savings are minimal and should have no impact on the quality of the buildings or original construction or repair objective. GSA indicates that savings can be achieved in many projects by adopting a value-engineering concept. Specifically, the Committee recommends the rescission of funds for the following projects in the following amounts:

Alabama: Montgomery, U.S. courthouse	$5,000,000
Arizona:	
Naco, U.S. border station	74,000
Sierra Vista, U.S. Magistrates Office	1,000,000
California:	
Calexico, U.S. border station	900,000
Menlo Park, U.S. Geological Survey Office and laboratory buildings	783,000
Sacramento, U.S. courthouse and Federal building	3,391,000
Tecate, U.S. border station	165,000
District of Columbia:	
Army Corps of Engineers, headquarters building	11,309,000
Federal Office Building 6	11,100,000
Federal Bureau of Investigation field office	5,679,000
White House remote delivery and vehicle maintenance facility	5,382,000
U.S. Secret Service headquarters	23,274,000
Florida:	
Lakeland, Federal building	4,400,000
Tampa, U.S. courthouse	7,472,000
Iowa: Burlington, parking facility	2,400,000
Massachusetts: Boston, U.S. courthouse	4,076,000
Maryland:	
Bowie, Bureau of Census, computer center	660,000
New Carrollton, IRS	30,100,000
Minnesota: Minneapolis, Federal building and U.S. courthouse	4,197,000
New Hampshire: Concord, U.S. courthouse	867,000
Nevada: Reno, Federal building and U.S. courthouse	875,000
New Jersey: Newark, Federal building, 20 Washington Plaza	327,000
Pennsylvania: Philadelphia, Veterans Affairs Federal Building	1,276,000
Tennessee: Knoxville, U.S. courthouse	800,000
U.S. Virgin Islands: Charlotte Amalie, St. Thomas, U.S. courthouse and annex	2,184,000

GSA FEDERAL BUILDINGS

The Committee has recommended rescissions within the Federal buildings fund totaling $127,691,000, the same amount as requested by the President. However, the President requested a lump sum rescission without specific reference to individual projects. In a January 27, 1994, report to the Congress, the General Accounting Office noted that section 1012 of the Impoundment Control Act requires the President to report proposed rescissions to the Congress in a special message that provides detailed information concerning the basis and effect of the rescission, including: "any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved * * *". Therefore, the Committee has recommended project specific reductions, commensurate with the recommendation made by the General Services Administration in its time out and review process.

The Committee directs that all Federal building projects funded in the 1994 Treasury, Postal Service and General Government Appropriations Act, Public Law 103–123, with the exception of those affected by the proposed rescission in this bill, proceed immediately at the funding levels provided.

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

1994 appropriation to date	$369,000,000
1994 rescission request	
House allowance	−26,000,000
Committee recommendation	

The Committee does not concur with the House rescission of $26,000,000 from the working reserve of the "Construction, major projects" account. This rescission would virtually deplete the construction working reserve.

The Committee notes that in the fiscal year 1994 appropriation, the working reserve was reduced by approximately $93,000,000. The additional rescission proposed by the House may pose serious problems in managing the construction program. Funds in the working reserve may be required for construction contingencies, unforeseen site conditions, or other variables that could impact project costs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

1994 appropriation to date	$109,190,000
1994 rescission request	−66,000,000
House allowance	−66,000,000
Committee recommendation	−50,000,000

The Committee recommends a rescission of $50,000,000 in funds appropriated for homeownership and opportunity for people everywhere grants. The reduction should be taken subject to the normal reprogramming guidelines. The House and the administration recommended specific cuts in the HOPE 1 and HOPE 2 programs. None of the funds should be taken from funds provided under this account in Public Law 103–124 for Youthbuild.

The Committee notes that the HOPE Program contains an unobligated balance of funds from fiscal years 1993 and before of approximately $173,000,000, an amount greater than the entire appropriation for the program in the original fiscal year 1994. Even after the rescission, the Department will have more than $232,000,000 for awards under the HOPE Program.

Given the Department's decision to phase out this program, the Committee believes it preferable to rescind a portion of these funds, rather than other higher priority housing programs which have a substantial backlog of need.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

1994 appropriation to date	$9,312,900,000
1994 rescission request	−180,000,000
House allowance	−25,000,000
Committee recommendation	−325,000,000

The Committee recommends a rescission of $325,000,000 from the "Annual contributions for assisted housing" account. Funds would be taken from funds appropriated for preservation subsidies on units whose owners are eligible to prepay on HUD-insured mortgages.

The Committee has taken this step because the Department has $496,000,000 in unobligated preservation funds that were carried over from fiscal year 1993 into fiscal year 1994. This means that approximately 83 percent of the fiscal year 1993 appropriation was neither obligated or committed. As a result, even with this rescission, the Department will still have funds available for preservation activities in fiscal year 1994 equal to what was appropriated in the Department's regular appropriations bill.

The Committee wishes to note its concern over the slow pace of HUD's obligation of preservation funds. Large annual carryover of preservation funds is becoming a regular occurrence. Given the limited amounts of budget authority already available for discretionary spending, it makes little sense for the Department to receive new appropriations for a program that has not obligated the vast majority of the previous year's funding. Through this rescission, the Committee hopes to provide an incentive for the Department to obligate preservation funds more quickly in the future.

The Committee has denied the two proposed rescissions requested by the administration in the "Annual contributions" account: $130,000,000 from public housing modernization, and $50,000,000 from lead-based paint abatement grants. Both programs are used to tackle perhaps the most serious public health hazard faced by children in the United States today: blood poisoning from the harmful effects of lead paint and lead paint dusts. In addition, modernization funds are used for a host of reconstruction and security measures that are needed to combat crime in housing authorities in rural and urban communities throughout the United States.

As the Committee noted in Senate Report 103–137, the vast majority of public housing modernization funds are now obligated by housing authorities within the period expected in the program's authorization—the first 3½ years after their award by HUD to local housing authorities. The administration's estimate of the backlog of unspent modernization funds is based upon flawed analysis. The overwhelming number of instances of unspent funds is due to inertia by the Department itself, a situation which the new Secretary is desperately trying to remedy.

HUD estimates that the backlog of public housing modernization needs runs in excess of $20,000,000,000. The estimated cost of abating lead from federally assisted nonpublic housing is in excess of $100,000,000,000. Therefore, the Committee believes that the administration's proposed assisted housing rescissions would be harmful in tackling these nagging housing, public health, and public safety problems.

The Committee has not included the reduction of $25,000,000 proposed by the House from section 8 contract amendments. It is unclear at this time if the Department will need these funds to meet current section 8 contractual commitments in fiscal year 1994.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 CONTRACTS

(RESCISSION)

1994 appropriation to date	$4,558,106,000
1994 rescission request	
House allowance	−20,000,000
Committee recommendation	

The Committee does not concur with the recommendation to rescind $20,000,000 from the "Assistance for the renewal of expiring section 8 contracts" account. No rescission in this account was proposed. Since this account was cut in House Report 103–273 by more than $1,000,000,000 below the budget request, the Committee does not believe it should be a source of further reductions at this time.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

1994 appropriation to date	$2,477,000,000
1994 rescission request	
House allowance	−22,000,000
Committee recommendation	

The Committee does not concur with the House in rescinding $22,000,000 from the "Water infrastructure/State revolving funds" account. The Committee notes that the amount provided for this activity in fiscal year 1994 represented a decrease of $73,000,000 below the fiscal year 1993 level. In addition, the need for waste water treatment construction exceeds $100,000,000,000 nationwide. Finally, the Committee notes that a rescission of $22,000,000 would result in the loss of approximately 1,250 construction-related jobs.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

1994 appropriation to date	$212,960,000
1994 rescission request	
House allowance	−2,000,000
Committee recommendation	

The Committee does not concur with the House in rescinding $2,000,000 from FEMA emergency management planning and assistance. The Committee notes that the amount provided for this account in fiscal year 1994 represented a decrease of $40,000,000 below the fiscal year 1993 budget and $10,000,000 below the original budget fiscal year 1994 estimate. Additional reductions to this account could inhibit the agency's reorganization and ability to respond effectively to disasters.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

1994 appropriation to date	$7,529,300,000
1994 rescission request	−88,000,000
House allowance	−25,000,000
Committee recommendation	−63,000,000

The Committee recommends a rescission of $63,000,000 from funds in the "Research and development" account. This reduction is needed to offset a portion of the amount provided for a pay supplemental in title II of this bill. The reduction should be taken, in agreement between the Committee and NASA, as follows:

- $7,000,000 from space station, with $5,000,000 of this amount through delaying the centrifuge procurement.
- $12,000,000 from space transportation capability development, with a $2,000,000 general reduction and $10,000,000 from the single-engine centaur.
- $6,200,000 from physics and astronomy, with $2,000,000 as a general reduction and $4,200,000 through applying a portion of the fee recovery from the settlement on the Hubble Space Telescope.
- $5,800,000 from life and microgravity sciences as a general reduction.
- $1,000,000 from the mission to planet Earth.
- $7,000,000 from aeronautics as a general reduction.
- $5,000,000 from advanced studies on space communications.
- $19,000,000 as a general reduction.

The Committee notes that all reductions are taken subject to the normal reprogramming guidelines. None of the funds are to be taken from high-priority areas identified in House Report 103-273 or Senate Report 103-137.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

1994 appropriation to date	$4,853,500,000
1994 rescission request	−32,000,000
House allowance	
Committee recommendation	−32,000,000

The Committee recommends the rescission of $32,000,000 from space flight, control, and data communications activities. These reductions are needed to offset a portion of the amount provided for a pay supplemental in title II of this bill. The reduction should be taken, in agreement between the Committee and NASA, as follows:

- $20,000,000 from shuttle operations, including $10,000,000 as a general reduction and $10,000,000 from research operations support.
- $10,000,000 from launch services and expendable launch vehicle upgrades.
- $2,000,000 from space communications.

The Committee notes that all reductions are taken subject to the normal reprogramming guidelines. None of the funds are to be taken from high-priority areas identified in House Report 103-273 or Senate Report 103-137.

CONSTRUCTION OF FACILITIES

(RESCISSION)

1994 appropriation to date	$517,700,000
1994 rescission request	−25,000,000
House allowance	−25,000,000
Committee recommendation	−25,000,000

The Committee proposes a rescission of $25,000,000 from activities in the "Construction of facilities" account. This amount should be taken as a general reduction, subject to the normal reprogramming guidelines.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

1994 appropriation to date	$110,000,000
1994 rescission request	−10,000,000
House allowance	−10,000,000
Committee recommendation	

The Committee does not concur with the House in recommending a rescission of $10,000,000 in academic research infrastructure activities. The current backlog in repair and renovation needs of scientific facilities at America's colleges and universities is between $6,000,000,000 and $8,000,000,000. As a result, the Committee believes the NSF's modest program to help address this problem, particularly at institutions that do not normally have access to large amounts of Federal research funds, should be preserved.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(RESCISSION)

1994 appropriation to date	$370,000,000
1994 rescission request	
House allowance	−5,000,000
Committee recommendation	

The Committee has not agreed to the recommendation of the House to rescind $5,000,000 of the amounts made available for the national service program. This reduction was not requested and is premature since the national service initiative as envisioned by the last year's authorization is only now beginning.

GENERAL PROVISION

The Committee has reinserted as a general provision, bill language included in the House rescission of funds for the installation of energy efficient lighting devices in the Capitol complex which the Committee bill deletes. This language will bring the Architect of the Capitol under the authority granted heads of agencies in section 155 of the Energy Policy Act of 1992, regarding energy savings performance contracts.

Energy savings companies [ESCO] are companies that agree to finance the cost of retrofitting facilities with more energy efficient lighting and return for a share of the projected savings.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS					
	CHAPTER 1					
	DEPARTMENT OF AGRICULTURE					
	Soil Conservation Service					
103-204	Watershed and flood prevention operations	340,500,000	340,500,000	340,500,000		
	Agricultural Stabilization and Conservation Service					
103-204	Emergency conservation program	25,000,000	25,000,000	25,000,000		
	Total, chapter 1: New budget (obligational) authority	365,500,000	365,500,000	365,500,000		
	CHAPTER 2					
	SMALL BUSINESS ADMINISTRATION					
	Disaster loans program account:					
103-199 103-204	Direct loans subsidy	254,750,000	254,750,000	254,750,000		
103-199 103-204	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
103-199 103-204	Administrative expenses	55,000,000	55,000,000	55,000,000		
	Total, chapter 2: New budget (obligational) authority	309,750,000	309,750,000	309,750,000		
	CHAPTER 3					
	DEPARTMENT OF DEFENSE—MILITARY					
	Military Personnel					
103-204	Military personnel, Army	6,600,000	6,600,000	6,600,000		
103-204	Military personnel, Navy	19,400,000	19,400,000	19,400,000		
103-204	Military personnel, Air Force	18,400,000	18,400,000	18,400,000		
	Total, military personnel	44,400,000	44,400,000	44,400,000		
	Operation and Maintenance					
103-204	Operation and maintenance, Army	420,100,000	420,100,000	420,100,000		
103-204	Operation and maintenance, Navy	104,800,000	104,800,000	104,800,000		
103-204	Operation and maintenance, Air Force	560,100,000	560,100,000	560,100,000		
103-204	Operation and maintenance, Defense-wide	21,600,000	21,600,000	21,600,000		
	Total, operation and maintenance	1,106,600,000	1,106,600,000	1,106,600,000		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Procurement					
103–204	Aircraft procurement, Army	20,300,000	20,300,000	20,300,000		
103–204	Other procurement Army	200,000	200,000	200,000		
103–204	Other procurement, Air Force	26,800,000	26,800,000	26,800,000		
	Total, procurement	47,300,000	47,300,000	47,300,000		
	Total, chapter 3: New budget (obligational) authority	1,198,300,000	1,198,300,000	1,198,300,000		
	CHAPTER 4 DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY Corps of Engineers—Civil					
103–204	Flood control and coastal emergencies	70,000,000	70,000,000	70,000,000		
	CHAPTER 5 DEPARTMENT OF EDUCATION					
103–199	Impact aid	165,000,000	165,000,000	165,000,000		
103–199	Student financial assistance	80,000,000	80,000,000	80,000,000		
	Total, chapter 5: New budget (obligational) authority	245,000,000	245,000,000	245,000,000		
	CHAPTER 6 DEPARTMENT OF TRANSPORTATION Federal Highway Administration					
	Federal-aid highways (highway trust fund):					
103–199 103–204	Emergency relief program	1,265,000,000	1,265,000,000	1,265,000,000		
103–199	Contingency appropriations	400,000,000	400,000,000	400,000,000		
	Total, chapter 6:					
	New budget (obligational) authority	1,665,000,000	1,665,000,000	1,665,000,000		
	*COM001*Appropriations	(1,265,000,000)	(1,265,000,000)	(1,265,000,000)		
	Contingency appropriations	(400,000,000)	(400,000,000)	(400,000,000)		
	CHAPTER 7 DEPARTMENT OF VETERANS AFFAIRS Veterans Health Administration					
103–199	Medical care	21,000,000	21,000,000	21,000,000		
	Departmental Administration					
103–204	Construction, major projects	45,600,000	45,600,000	45,600,000		
	Total, Department of Veterans Affairs	66,600,000	66,600,000	66,600,000		
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT Housing Programs					
103–199 103–204	Annual contributions for assisted housing	225,000,000	225,000,000	225,000,000		
103–199	Flexible subsidy fund	100,000,000	100,000,000	100,000,000		
	Total, housing programs	325,000,000	325,000,000	325,000,000		
	Community Planning and Development					
103–199 103–	Community development grants	500,000,000	250,000,000	500,000,000		+250,000,000
	Total, Department of Housing and Urban Development	825,000,000	575,000,000	825,000,000		+250,000,000
	INDEPENDENT AGENCY Federal Emergency Management Agency					
103–199 103–204	Disaster relief	4,709,000,000	4,709,000,000	4,709,000,000		
103–199	Emergency management planning and assistance	15,000,000	15,000,000	15,000,000		
	Total, Federal Emergency Management Agency	4,724,000,000	4,724,000,000	4,724,000,000		
	Total, chapter 7: New budget (obligational) authority	5,615,600,000	5,365,600,000	5,615,600,000		+250,000,000
	CHAPTER 8 FUNDS APPROPRIATED TO THE PRESIDENT					
103–199 103–204 103–	Unanticipated needs (contingency appropriations)	550,000,000	500,000,000	550,000,000		+50,000,000
	Total, title I:					
	New budget (obligational) authority	10,019,150,000	9,719,150,000	10,019,150,000		+300,000,000
	Appropriations	(9,069,150,000)	(8,819,150,000)	(9,069,150,000)		(+250,000,000)
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)		(+50,000,000)
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
	TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994 CHAPTER 1 DEPARTMENT OF AGRICULTURE					
---	Agricultural Research Service (by transfer)		(10,068,000)			(−10,068,000)
103–180	Extension Service	1,400,000		1,400,000		+1,400,000
	Rural Development Administration					
---	Salaries and expenses (by transfer)		(4,493,000)			(−4,493,000)
	Food and Drug Administration					
103–180	Salaries and expenses	(2,284,000)		(2,284,000)		(+2,284,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Total, chapter 1:					
	New budget (obligational) authority	1,400,000		1,400,000		+1,400,000
	(By transfer)		(14,561,000)			(−14,561,000)
	CHAPTER 2					
	DEPARTMENT OF STATE					
103–180	Contributions for international peacekeeping activities	670,000,000			−670,000,000	
	RELATED AGENCY					
	Office of the United States Trade Representative					
103–180 103–	Salaries and expenses	875,000		75,000	−800,000	+75,000
	Total, chapter 2: New budget (obligational) authority	670,875,000		75,000	−670,800,000	+75,000
	CHAPTER 3					
	DEPARTMENT OF THE INTERIOR					
	United States Fish and Wildlife Service					
103–180	Resource management (by transfer)	(2,100,000)		(2,100,000)		(+2,100,000)
103–180	Land acquisition (by transfer)	(4,000,000)		(4,000,000)		(+4,000,000)
	Total, United States Fish and Wildlife Service					
	National Park Service					
103–180	Construction	13,102,000		13,102,000		+13,102,000
103–180	Land acquisition and State assistance	1,274,000		1,274,000		+1,274,000
103–	(By transfer)	(6,000,000)		(6,000,000)		(+6,000,000)
	Total, National Park Service	14,376,000		14,376,000		+14,376,000
	Bureau of Indian Affairs					
103–180	Construction	12,363,000		12,363,000		+12,363,000
	Total, chapter 3:					
	New budget (obligational) authority	26,739,000		26,739,000		+26,739,000
	(By transfer)	(12,100,000)		(12,100,000)		(+12,100,000)
	CHAPTER 4					
	DEPARTMENT OF LABOR					
	Employment and Training Administration					
103–180	Advances to the unemployment trust fund	61,400,000		61,400,000		+61,400,000
	Bureau of Labor Statistics					
103–180	Salaries and expenses	10,100,000		10,100,000		+10,100,000
	Departmental Management					
103–180	Salaries and expenses	−2,250,000			+2,250,000	
	Total, Department of Labor	69,250,000		71,500,000	+2,250,000	+71,500,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
103–	Salaries and expenses	15,000,000			−15,000,000	
	Health Care Financing Administration					
103–	Program management	−37,500,000			+37,500,000	
	Total, chapter 4: New budget (obligational) authority	46,750,000		71,500,000	+24,750,000	+71,500,000
	CHAPTER 5					
	CONGRESSIONAL OPERATIONS					
	SENATE					
	Salaries, Officers and Employees					
103–180	Office of the Secretary	450,000		450,000		+450,000
	Contingent Expenses of the Senate					
103–180	Secretary of the Senate	600,000		600,000		+600,000
	Total, chapter 5: New budget (obligational) authority	1,050,000		1,050,000		+1,050,000
	CHAPTER 6					
	DEPARTMENT OF TRANSPORTATION					
	Federal Railroad Administration					
103–180	Penn Station redevelopment project	10,000,000		10,000,000		+10,000,000
103–180	High-speed ground transportation (limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	Total, Department of Transportation	10,000,000		10,000,000		+10,000,000
	Total, chapter 6:					
	New budget (obligational) authority	10,000,000		10,000,000		+10,000,000
	(Limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	CHAPTER 7					
	EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
103–	National Security Council	5,650,000		5,320,000	−330,000	+5,320,000
103–	Office of Administration	1,400,000		1,030,000	−370,000	+1,030,000
103–	(By transfer)	(6,000,000)		(6,000,000)		(+6,000,000)
	Total, chapter 7:					
	New budget (obligational) authority	7,050,000		6,350,000	−700,000	+6,350,000
	(By transfer)	(6,000,000)		(6,000,000)		(+6,000,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	CHAPTER 8					
	DEPARTMENT OF VETERANS AFFAIRS					
	Veterans Benefits Administration					
103–180	Compensation and pensions	698,000,000		698,000,000		+698,000,000
103–180	Readjustment benefits	103,200,000		103,200,000		+103,200,000
	Total, Veterans Benefits Administration	801,200,000		801,200,000		+801,200,000
	Veterans Health Administration					
---	Medical administration and miscellaneous operating expenses (by transfer)			(3,500,000)	(+3,500,000)	(+3,500,000)
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Housing Programs					
103–158	Annual contributions for assisted housing	−45,791,000			+45,791,000	
	Federal Housing Administration:					
103–	FHA—Mutual mortgage insurance program account: (Limitation on guaranteed loans)	(20,000,000,000)		(20,000,000,000)		(+20,000,000,000)
103–	FHA—General and special risk program account: (Limitation on guaranteed loans)	(2,000,000,000)		(2,000,000,000)		(+2,000,000,000)
	INDEPENDENT AGENCIES					
	Executive Office of the President					
103–180	Council on the Environmental Quality and Office of Environmental Quality	425,000			−425,000	
	National Aeronautics and Space Administration					
103–180	Research and program management	60,000,000		60,000,000		+60,000,000
	Total, chapter 8:					
	New budget (obligational) authority	815,834,000		861,200,000	+45,366,000	+861,200,000
	(By transfer)			(3,500,000)	(+3,500,000)	(+3,500,000)
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)		(+22,000,000,000)
	Total, title II:					
	New budget (obligational) authority	1,579,698,000		978,314,000	−601,384,000	+978,314,000
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(+3,500,000)	(+7,039,000)
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)		(+22,000,000,000)
	(Limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY PROPOSED TO BE RESCINDED IN SPECIAL MESSAGES TRANSMITTED TO THE CONGRESS BY THE PRESIDENT ON NOVEMBER 1, 1993, AND FEBRUARY 7, 1994					
	CHAPTER 1					
	DEPARTMENT OF AGRICULTURE					
---	Economic Research Service			−4,000,000	−4,000,000	−4,000,000
103–157	Agricultural Research Service	−16,233,000			+16,233,000	
---	Human Nutrition Information Service		−1,000,000			+1,000,000
103–157	Buildings and facilities	−8,460,000			+8,460,000	
	Total, Agricultural Research Service	−24,693,000	−1,000,000	−4,000,000	+20,693,000	−3,000,000
103–157	Cooperative State Research Service	−30,002,000	−14,279,000	−12,463,000	+17,539,000	+1,816,000
103–157	Buildings and facilities	−34,000,000	−2,897,000	−2,897,000	+31,103,000	
	Total, Cooperative State Research Service	−64,002,000	−17,176,000	−15,360,000	+48,642,000	+1,816,000
	Agricultural Marketing Service					
---	Marketing services		−100,000			+100,000
	Agricultural Stabilization and Conservation Service					
103–157	Salaries and expenses	−12,167,000		−12,167,000		−12,167,000
	Soil Conservation Service					
103–157	Conservation operations	−12,167,000		−12,167,000		−12,167,000
---	Watershed and flood prevention operations			−21,158,000	−21,158,000	−21,158,000
	Total, Soil Conservation Service	−12,167,000		−33,325,000	−21,158,000	−33,325,000
	Farmers Home Administration					
	Rural Housing Insurance Fund Program account:					
	Single-family, low-income housing (sec. 502):					
---	(Loan authorization): Direct		(−174,825,000)			(+174,825,000)
103–	Loan subsidy: Direct	−1,515,000	−35,000,000	−1,515,000		+33,485,000
103–	Rental housing (sec. 515): Loan subsidy	−12,443,000		−12,443,000		−12,443,000
103–	Housing repair (sec. 504): Loan subsidy	−1,204,000		−1,204,000		−1,204,000
103–	Farm labor (sec. 514): Loan subsidy	−483,000		−483,000		−483,000
103–	Agricultural Credit Insurance Fund Program account: Credit sales of acquired property loan subsidy	−5,094,000		−5,094,000		−5,094,000
	Rural Development Loan Fund Program account:					
---	(Loan authorization)		(−35,715,000)			(+35,715,000)
---	Loan subsidy		−20,000,000			+20,000,000
---	Rural housing voucher program			−25,000,000	−25,000,000	−25,000,000
---	Rural water and waste disposal grants		−25,000,000			+25,000,000
103–157	Salaries and expenses	−12,167,000	−12,167,000	−12,167,000		
	Total, Farmers Home Administration	−32,906,000	−92,167,000	−57,906,000	−25,000,000	+34,261,000
	Rural Electrification Administration					
	Rural Electrification and Telephone Loans Program account:					
	Direct loans (telephone):					
103–157	(Loan authorization)	(−50,000,000)		(−25,000,000)	(+25,000,000)	(−25,000,000)
103–157						
103–	Loan subsidy	−8,745,000		−3,222,000	+5,523,000	−3,222,000
103–	Direct loans (electric): Loan subsidy	−3,388,000		−3,388,000		−3,388,000
	Total, Rural Electrification and Telephone Loans Program	−12,133,000		−6,610,000	+5,523,000	−6,610,000
	Food and Nutrition Service					
103–157	Commodity supplemental food program	−12,600,000	−12,600,000	−6,100,000	+6,500,000	+6,500,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
---	Food donations programs for selected groups: Needy family program		−6,000,000	−5,200,000	−5,200,000	+800,000
---	The emergency food assistance program			−10,000,000	−10,000,000	−10,000,000
---	Commodity purchases—TEFAP			−20,000,000	−20,000,000	−20,000,000
	Total, Food and Nutrition Service	−12,600,000	−18,600,000	−41,300,000	−28,700,000	−22,700,000
	FOREIGN ASSISTANCE AND RELATED PROGRAMS					
	Public Law 480 Program account:					
103–	Title I—Credit sales: Ocean freight differential	−4,600,000		−4,600,000		−4,600,000
	Title III—Commodity grants:					
103–	Program level	(−45,000,000)	(−20,000,000)	(−45,000,000)		(−25,000,000)
103–	Appropriation	−45,000,000	−20,000,000	−45,000,000		−25,000,000
103–	Loan subsidies	−35,400,000		−35,400,000		−35,400,000
	Total, chapter 1:					
	Rescissions	−255,668,000	−149,043,000	−255,668,000		−106,625,000
	(Loan authorization)	(−50,000,000)	(−210,540,000)	(−25,000,000)	(+25,000,000)	(+185,540,000)
	CHAPTER 2					
	DEPARTMENT OF COMMERCE					
	National Oceanic and Atmospheric Administration					
103–157	Operations, research, and facilities	−6,000,000			+6,000,000	
103–157	Construction	−4,000,000	−3,000,000		+4,000,000	+3,000,000
	Total, National Oceanic and Atmospheric Administration	−10,000,000	−3,000,000		+10,000,000	+3,000,000
	International Trade Administration					
103–157	Operations and administration	−2,000,000		−2,000,000		−2,000,000
	Export Administration					
---	Operations and administration			−3,000,000	−3,000,000	−3,000,000
	Minority Business Development Agency					
---	Minority business development			−500,000	−500,000	−500,000
	National Telecommunications and Information Administration					
---	Information infrastructure grants			−4,254,000	−4,254,000	−4,254,000
	Economic Development Administration					
---	Economic development revolving fund		−29,000,000	−20,000,000	−20,000,000	+9,000,000
	Total, Department of Commerce	−12,000,000	−32,000,000	−29,754,000	−17,754,000	+2,246,000
	THE JUDICIARY					
	Courts of Appeals, District Courts, and Other Judicial Services					
---	Defender services		−3,000,000	−3,000,000	−3,000,000	
	DEPARTMENT OF STATE					
	Administration of Foreign Affairs					
103–157	Diplomatic and consular programs	−600,000		−600,000		−600,000
103–	Buying power maintenance	−8,800,000	−8,800,000	−8,800,000		
---	New diplomatic posts		−1,000,000			+1,000,000
	Total, Department of State	−9,400,000	−9,800,000	−9,400,000		+400,000
	RELATED AGENCIES					
	Board for International Broadcasting					
103–	Israel Relay Station	−1,700,000	−1,700,000	−1,700,000		
	Small Business Administration					
103–157	Salaries and expenses	−13,100,000		−4,100,000	+9,000,000	−4,100,000
	State Justice Institute					
103–157	Salaries and expenses	−6,775,000		−3,000,000	+3,775,000	−3,000,000
	United States Information Agency					
103–157	Salaries and expenses	−3,000,000	−1,177,000	−3,000,000		−1,823,000
---	Educational and cultural exchange programs		−850,000			+850,000
---	Radio construction		−2,000,000			+2,000,000
103–157	North/South Center	−8,700,000		−8,700,000		−8,700,000
	Total, United States Information Agency	−11,700,000	−4,027,000	−11,700,000		−7,673,000
	Total, chapter 2: Rescissions	−54,675,000	−50,527,000	−62,654,000	−7,979,000	−12,127,000
	CHAPTER 3					
	DEPARTMENT OF DEFENSE—MILITARY					
	Procurement					
103–	Missile procurement, Army	−48,000,000			+48,000,000	
103–	Aircraft procurement, Navy	−51,700,000			+51,700,000	
103–	Shipbuilding and conversion, Navy	−50,000,000			+50,000,000	
103–	Aircraft procurement, Air Force	−105,600,000		−12,800,000	+92,800,000	−12,800,000
---	Other procurement, Air Force			−27,500,000	−27,500,000	−27,500,000
---	Procurement, Defense-wide			−104,500,000	−104,500,000	−104,500,000
	Total, procurement	−255,300,000		−144,800,000	+110,500,000	−144,800,000
	Research, Development, Test and Evaluation					
---	Research, development, test and evaluation, Air Force			−50,000,000	−50,000,000	−50,000,000
103–	Research, development, test and evaluation, Defense-wide	−50,000,000		−110,500,000	−60,500,000	−110,500,000
	Total, research, development, test and evaluation	−50,000,000		−160,500,000	−110,500,000	−160,500,000
	Total, chapter 3: Rescissions	−305,300,000		−305,300,000		−305,300,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	CHAPTER 4 DEPARTMENT OF DEFENSE—CIVIL Corps of Engineers—Civil					
103–157	General investigations	−24,970,000	−24,970,000	−24,970,000		
103–157	Construction, general	−97,319,000	−97,319,000	−97,319,000		
	Total, Department of Defense—Civil	−122,289,000	−122,289,000	−122,289,000		
	DEPARTMENT OF THE INTERIOR Bureau of Reclamation					
103–157	Construction program	−16,000,000	−16,000,000	−40,000,000	−24,000,000	−24,000,000
	DEPARTMENT OF ENERGY					
103–157 103–	Energy supply, research and development activities	−107,300,000	−97,300,000	−107,300,000		−10,000,000
103–157	Uranium supply and enrichment activities	−42,000,000	−42,000,000	−42,000,000		
	Total, Department of Energy	−149,300,000	−139,300,000	−149,300,000		−10,000,000
	INDEPENDENT AGENCIES Nuclear Regulatory Commission					
103–	Salaries and expenses	−12,700,000		−12,700,000		−12,700,000
	Total, chapter 4: Rescissions	−300,289,000	−277,589,000	−324,289,000	−24,000,000	−46,700,000
	CHAPTER 5 MULTILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT International Financial Institutions					
	Contribution to the International Bank for Reconstruction and Development:					
---	Paid-in capital		−27,910,500			+27,910,500
---	(Limitation on callable capital)		(−902,439,500)			(+902,439,500)
	Contribution to the Inter-American Development Bank:					
---	Inter-regional paid-in capital		−16,063,134			+16,063,134
---	(Limitation on callable capital)		(−626,407,732)			(+626,407,732)
	Contribution to the Asian Development Bank:					
---	Paid-in capital		−13,026,366			+13,026,366
---	(Limitation on callable capital)		(−95,438,437)			(+95,438,437)
---	Contribution to the African Development Fund			−2,700,000	−2,700,000	−2,700,000
	Total, contribution for multilateral economic assistance		(−1,681,285,669)	(−2,700,000)	(−2,700,000)	(+1,678,585,669)
	Rescissions		−57,000,000	−2,700,000	−2,700,000	+54,300,000
	(Limitation on callable capital)		(−1,624,285,669)			(+1,624,285,669)
	BILATERAL ECONOMIC ASSISTANCE Agency for International Development					
103–157	Development assistance fund	−160,000,000	−160,000,000	−40,879,000	+119,121,000	+119,121,000
---	Reform and downsizing			−3,000,000	−3,000,000	−3,000,000
103–157	Economic support fund	−90,000,000	−90,000,000	−32,700,000	+57,300,000	+57,300,000
---	Assistance to former republics of the Soviet Union			−145,000,000	−145,000,000	−145,000,000
	Total, Agency for International Development	−250,000,000	−250,000,000	−221,579,000	+28,421,000	+28,421,000
	MILITARY ASSISTANCE					
	Foreign Military Financing Program:					
103–157 103–	Grants	−65,562,000	−66,000,000	−91,283,000	−25,721,000	−25,283,000
103–	Military assistance	−438,000		−438,000		−438,000
	Total, chapter 5: Rescissions	−316,000,000	−373,000,000	−316,000,000		+57,000,000
	CHAPTER 6 DEPARTMENT OF THE INTERIOR United States Fish and Wildlife Service					
---	Construction and anadromous fish		−3,874,000	−3,874,000	−3,874,000	
	DEPARTMENT OF ENERGY					
103–	Biomass energy development	−16,275,000	−16,275,000	−16,275,000		
	Total, chapter 6: Rescissions	−16,275,000	−20,149,000	−20,149,000	−3,874,000	
	CHAPTER 7 DEPARTMENT OF LABOR					
---	Salaries and expenses		−4,000,000	−4,000,000	−4,000,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
---	Salaries and expenses		−37,500,000	−37,500,000	−37,500,000	
	Social Security Administration					
---	Supplemental security income program		−10,909,000	−10,909,000	−10,909,000	
---	Limitation on administrative expenses: Trust funds		(−80,000,000)	(−80,000,000)	(−80,000,000)	
	Total, Department of Health and Human Services		−48,409,000	−48,409,000	−48,409,000	
	DEPARTMENT OF EDUCATION					
---	Departmental Management: Program administration		−8,500,000	−8,500,000	−8,500,000	
	Total, chapter 7:					
	New budget (obligational) authority		−60,909,000	−60,909,000	−60,909,000	
	Rescissions		(−60,909,000)	(−60,909,000)	(−60,909,000)	
	(Limitation on trust funds)		(−80,000,000)	(−80,000,000)	(−80,000,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	CHAPTER 8 CONGRESSIONAL OPERATIONS SENATE Contingent Expenses of the Senate					
---	Sergeant at Arms and Doorkeeper of the Senate			−1,500,000	−1,500,000	−1,500,000
	HOUSE OF REPRESENTATIVES Salaries and Expenses House Leadership Offices					
---	Salaries and expenses		−253,000	−253,000	−253,000	
	Committee on the Budget (Studies)					
---	Salaries and expenses		−4,000	−4,000	−4,000	
	Allowances and Expenses					
---	Official expenses of Members		−1,004,000	−1,004,000	−1,004,000	
---	Supplies, materials, administrative costs and Federal tort claims		−125,000	−125,000	−125,000	
---	Office equipment		−364,000	−364,000	−364,000	
---	Stenographic reporting of committee hearings		−67,000	−67,000	−67,000	
---	Government contributions		−16,000	−16,000	−16,000	
	Total, allowances and expenses		−1,576,000	−1,576,000	−1,576,000	
	Committee on Appropriations (Studies and Investigations)					
---	Salaries and expenses		−595,000	−595,000	−595,000	
	Standing Committees, Special and Select					
---	Salaries and expenses		−378,000	−378,000	−378,000	
	Salaries, Officers and Employees					
---	Office of the Postmaster		−19,000	−19,000	−19,000	
---	Office of the Historian		−26,000	−26,000	−26,000	
---	House Democratic Steering Committee and Caucus		−73,000	−73,000	−73,000	
---	House Republican Conference		−61,000	−61,000	−61,000	
	Total, salaries, officers and employees		−179,000	−179,000	−179,000	
	Total, House of Representatives		−2,985,000	−2,985,000	−2,985,000	
	ARCHITECT OF THE CAPITOL Capitol Buildings and Grounds					
---	Capitol buildings		−3,000,000			+3,000,000
	Total, congressional operations		−3,000,000			+3,000,000
	LIBRARY OF CONGRESS					
---	Library of Congress		−900,000	−1,000,000	−1,000,000	−100,000
	GENERAL ACCOUNTING OFFICE					
---	General Accounting Office		−1,300,000	−650,000	−650,000	+650,000
	Total, chapter 8: Rescissions		−8,185,000	−6,135,000	−6,135,000	+2,050,000
	CHAPTER 9 DEPARTMENT OF DEFENSE—MILITARY Military Construction					
103–157	Military construction, Army	−116,134,000	−22,319,000		+116,134,000	+22,319,000
---	Military construction, Navy		−13,969,000			+13,969,000
103–157	Military construction, Air Force	−85,094,000	−24,787,000		+85,094,000	+24,787,000
---	Military construction, Defensewide		−13,663,000			+13,663,000
103–157	Military construction, Army National Guard	−251,854,000	−7,568,000		+251,854,000	+7,568,000
103–157	Military construction, Air National Guard	−105,138,000	−6,187,000		+105,138,000	+6,187,000
103–157	Military construction, Army Reserve	−19,807,000	−2,551,000		+19,807,000	+2,551,000
103–157	Military construction, Naval Reserve	−4,438,000	−626,000		+4,438,000	+626,000
103–157	Military construction, Air Force Reserve	−18,759,000	−1,862,000		+18,759,000	+1,862,000
	Total, military construction	−601,224,000	−93,532,000		+601,224,000	+93,532,000
---	North Atlantic Treaty Organization Infrastructure		−70,000,000			+70,000,000
---	Base realignment and closure account, part III		−437,692,000	−601,224,000	−601,224,000	−163,532,000
	Total, chapter 9: Rescissions	−601,224,000	−601,224,000	−601,224,000		
	CHAPTER 10 DEPARTMENT OF TRANSPORTATION Office of the Secretary					
103– ---	Payments to air carriers (airport and airway trust fund)	−10,067,000	−10,068,243	−10,067,000		+1,243
103–	Rental payments	−1,781,000		−1,781,000		−1,781,000
	Coast Guard					
103–	Operating expenses	−5,000,000	−5,000,000		+5,000,000	+5,000,000
103–	Acquisition, construction, and improvements	−2,000,000	−2,000,000		+2,000,000	+2,000,000
	Total, Coast Guard	−7,000,000	−7,000,000		+7,000,000	+7,000,000
	Federal Aviation Administration					
103–157	Operations	−2,750,000	−750,000	−2,750,000		−2,000,000
103–157	Facilities and equipment (airport and airway trust fund)	−40,257,111	−29,451,111	−65,205,300	−24,948,189	−35,754,189
103–	Grants-in-aid for airports (airport and airway trust fund)	−488,200,000	−488,200,000	−488,200,000		
	Total, Federal Aviation Administration	−531,207,111	−518,401,111	−556,155,300	−24,948,189	−37,754,189

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[Amounts in dollars]

Doc. No.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Federal Highway Administration					
103–157						
---	Federal-aid highways (highway trust fund)	−174,968,734	−85,774,222	−35,696,647	+139,272,087	+50,077,575
---	Right-of-way revolving fund (highway trust fund)			−20,000,000	−20,000,000	−20,000,000
	Total, Federal Highway Administration	−174,968,734	−85,774,222	−55,696,647	+119,272,087	+30,077,575
	National Highway Traffic Safety Administration					
---	Operations and research		−7,056,000			+7,056,000
---	Highway traffic safety grants (highway trust fund)			−219,750,000	−219,750,000	−219,750,000
	Total, National Highway Traffic Safety Administration		−7,056,000	−219,750,000	−219,750,000	−212,694,000
	Federal Railroad Administration					
103–	Railroad research and development	−17,000,000		−17,000,000		−17,000,000
	Federal Transit Administration					
103–157	Discretionary grants (highway trust fund)	−52,037,325	−40,478,975	−808,935	+51,228,390	+39,670,040
	Total, chapter 10: Rescissions	−794,061,170	−668,778,551	−861,258,882	−67,197,712	−192,480,331
	CHAPTER 11					
	DEPARTMENT OF THE TREASURY					
	Internal Revenue Service					
---	Information systems			−6,400,000	−6,400,000	−6,400,000
	GENERAL SERVICES ADMINISTRATION					
103–157 103–	Federal Buildings Fund: Construction	−127,691,000	−126,022,000	−127,691,000		−1,669,000
	Total, chapter 11: Rescissions	−127,691,000	−126,022,000	−134,091,000	−6,400,000	−8,069,000
	CHAPTER 12					
	DEPARTMENT OF VETERANS AFFAIRS					
	Departmental Administration					
---	Construction, major projects		−26,000,000			+26,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Housing Programs					
103–	Homeownership and opportunity for people everywhere grants (HOPE grants)	−66,000,000	−66,000,000	−50,000,000	+16,000,000	+16,000,000
103–157	Annual contributions for assisted housing	−180,000,000	−25,000,000	−325,000,000	−145,000,000	−300,000,000
---	Assistance for the renewal of expiring section 8 subsidy contracts		−20,000,000			+20,000,000
	Total, Department of Housing and Urban Development	−246,000,000	−111,000,000	−375,000,000	−129,000,000	−264,000,000
	INDEPENDENT AGENCIES					
	Environmental Protection Agency					
---	Water infrastructure/State revolving funds		−22,000,000			+22,000,000
	Federal Emergency Management Agency					
---	Emergency management planning and assistance		−2,000,000			+2,000,000
	National Aeronautics and Space Administration					
103–	Research and development	−88,000,000	−25,000,000	−63,000,000	+25,000,000	−38,000,000
103–	Space flight, control, and data communications	−32,000,000		−32,000,000		−32,000,000
103–	Construction of facilities	−25,000,000	−25,000,000	−25,000,000		
	Total, National Aeronautics and Space Administration	−145,000,000	−50,000,000	−120,000,000	+25,000,000	−70,000,000
	National Science Foundation					
103–	Academic research infrastructure	−10,000,000	−10,000,000		+10,000,000	+10,000,000
	National Service Initiative					
---	Corporation for national and community service		−5,000,000			+5,000,000
	Total, chapter 12: Rescissions	−401,000,000	−226,000,000	−495,000,000	−94,000,000	−269,000,000
	Total, title III:					
	New budget (obligational) authority	−3,172,183,170	−2,561,426,551	−3,442,677,882	−270,494,712	−881,251,331
	Rescissions	−3,172,183,170	−2,561,426,551	−3,442,677,882	−270,494,712	−881,251,331
	(Limitation on trust funds)		(−80,000,000)	(−80,000,000)	(−80,000,000)	
	(Loan authorization)	(−50,000,000)	(−210,540,000)	(−25,000,000)	(+25,000,000)	(+185,540,000)
	Grand total, all titles:					
	New budget (obligational) authority	8,426,664,830	7,157,723,449	7,554,786,118	−871,878,712	+397,062,669
	Appropriations	(10,648,848,000)	(8,819,150,000)	(10,047,464,000)	(−601,384,000)	(+1,228,314,000)
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)		(+50,000,000)
	Rescissions	(−3,172,183,170)	(−2,561,426,551)	(−3,442,677,882)	(−270,494,712)	(−881,251,331)
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(+3,500,000)	(+7,039,000)
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)		(+22,000,000,000)
	(Limitation on obligations)	(4,452,000)		(4,452,000)		(+4,452,000)
	(Limitation on trust funds)		(−80,000,000)	(−80,000,000)	(−80,000,000)	
	(Loan authorization)	(−50,000,000)	(−210,540,000)	(−25,000,000)	(+25,000,000)	(+185,540,000)

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—85

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—10

Brown
Faircloth
Feingold
Gregg
Helms
Kohl
Nickles
Pressler
Smith
Wallop

NOT VOTING—5

Bradley
Danforth
Durenberger
Hutchison
Packwood

So, the bill (H.R. 3759), as amended, was passed.

H.R. 3759

Resolved, That the bill from the House of Representatives (H.R. 3759) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: Provided, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: Provided further, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103–50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: Provided, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

Funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be made available to fund crop loss disaster assistance as under the provisions of Public Law 101–624 for 1993 losses of nursery stock and inventory being grown for commercial sale, if such stock or inventory would mormally have been sold in 1993, 1994 or 1995: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget *and Emergency Deficit Control Act of 1985, as amended.*

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $200,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994–1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993–1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993–1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993–1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994–1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

In addition, for emergency expenses resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to Gen-

eral Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That with respect to funds made available by this head that are proposed to be used by recipients affected by the Midwest floods of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation, the Secretary shall secure assurances from grantees that such activities will be subject to the requirements of sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (Public Law 103–181, 107 Stat. 2054–2056): Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to *carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $75,000, to remain available until expended, for electronic records management activities to comply with Armstrong against Executive Office of the President.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Resource Management" to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction" in Public Law 103–75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction," to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and state assistance," $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount not to exceed $6,000,000, to remain available until expended, to be derived by transfer from balances under the heading "Construction," for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of, natural water flows to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103–138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction," $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103–138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97–257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101–512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102–154, both concerning Federal employment, are repealed.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000: Provided, That an amount equal to the amount obligated in the "Training and employment services" account for this purpose upon the date of enactment of this Act shall be transferred from this account and merged into the "Training and employment services" account.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Of funds provided under this heading under Public Law 103–75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102–368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Of the funds made available under this heading under Public Law 102–368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital *costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.*

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103–122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway-safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $7,030,000, to remain available until expended, of which $6,000,000 shall be derived by transfer from Department of Defense, "Research, Development, Test and Evaluation, Air Force."

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $5,320,000, to remain available until expended.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $3,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103–124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102–389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purpose grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103–124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103–124 is repealed.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $300,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: Provided, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

The second proviso under this heading in Public Law 103–124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103–124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $60,000,000.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

From the amounts appropriated to the Corporation for National and Community Service in Public Law 103–124, up to $3,000,000 may be made available for a demonstration program for Stafford Loan Forgiveness authorized under section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078).

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDINGS' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the American people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit or-

ganizations after disasters strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary for Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

SEC. 2004. Of the funds made available for the purpose of defraying expenses for the automation of fingerprint identification services under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Public Law 103-121), $20,000,000 shall be available (to remain available until expended) to hire 500 employees to carry out the automation of fingerprint identification services without regard to any employment ceiling imposed by the President or by law.

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $4,000,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $2,897,000 are rescinded.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103-111, $5,094,000 are rescinded.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading in Public Law 103-111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $1,515,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $25,000,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $3,388,000; for the cost of 5 percent rural telephone direct loans, $3,222,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $6,100,000 are rescinded.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $5,200,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111 for title III, $45,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103-111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $35,400,000 are rescinded.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available for the Catawba Indian Tribe in Public Law 103-121, $500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $4,254,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

From unobligated balances available under this heading, $20,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $600,000 are rescinded.

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying power maintenance account, $8,800,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RADIO RELAY STATION

(RESCISSION)

Of the balances available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $4,100,000 are rescinded.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $8,700,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $27,500,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $104,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $50,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $110,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102–27, 102–368, 102–377 and prior years Energy and Water Development Acts, $40,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–126, $97,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103–126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103–126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for the United States contribution to the sixth replenishment of the African Development Fund, $2,700,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $40,879,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for expenses related to the implementation of the recommendations of the Report of the National Performance Review, $3,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and title VI of Public Law 103–87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $145,000,000 are rescinded.

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1994 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $32,700,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSIONS)

Of the funds made available under this heading (including earmarked funds) in Public Law 102–391 and prior appropriations acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $65,562,000 are rescinded.

Of the funds made available under this heading in Public Law 103–87, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $25,721,000 are rescinded: Provided, That such rescission shall be derived only from nonearmarked amounts.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102–391 and prior appropriations acts, $438,000 are rescinded.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100–446 and Public Law 102–154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading, $16,275,000 are rescinded.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Health and Human Services (except the Social Security Administration), $37,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Doorkeeper of the Senate" in Public Law 102–90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 101–520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of

purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102–90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, as follows:

"Office of the Postmaster", $19,000; "for salaries and expenses of the Office of the Historian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–110, $601,224,000 are rescinded.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $2,750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,205,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $23,701,035 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90–495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 95–599, as amended, $219,750,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $17,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99–190, $808,935 are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103–123, $6,400,000 are rescinded.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, and from available unobligated balances from previous appropriations acts, $127,691,000 are rescinded for the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse, $5,000,000.

Arizona:

Naco, U.S. Border Station, $74,000.

Sierra Vista, U.S. Magistrates Office, $1,000,000: Provided, That up to $1,000,000 shall be made available for such project from funds made available in Public Law 103–123 for nonprospectus construction projects.

California:

Calexico, U.S. Border Station, $900,000.

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000.

Sacramento, U.S. Courthouse and Federal Building, $3,391,000.

Tecate, U.S. Border Station, $165,000.

District of Columbia:

Army Corps of Engineers, Headquarters Building, $11,309,000.

Federal Office Building No. 6, $11,100,000.

Federal Bureau of Investigation, Field Office, $5,679,000.

White House remote delivery and vehicle maintenance facility, $5,382,000.

U.S. Secret Service, Headquarters, $23,274,000.

Florida:

Lakeland, Federal Building, $4,400,000.

Tampa, U.S. Courthouse, $7,472,000.

Iowa:

Burlington, Parking Facility, $2,400,000.

Massachusetts:

Boston, U.S. Courthouse, $4,076,000.

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000.

New Carrollton, Internal Revenue Service, $30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $4,197,000.

New Hampshire:

Concord, U.S. Courthouse, $867,000.

Nevada:

Reno, Federal Building and U.S. Courthouse, $875,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, $1,276,000.

Tennessee:

Knoxville, U.S. Courthouse, $800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, $2,184,000.

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–124, an additional $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts earmarked under this heading in Public Law 103–124, $325,000,000 are rescinded: Provided, That the $541,000,000 earmarked in the sixth proviso under this heading shall be reduced accordingly.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $770,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $25,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety;

(3) temporary housing assistance provided in this Act may be made available to individuals and families for a period of up to 90 days without regard to the requirements of subsection (4);

(4) immediately upon the enactment of this Act, other than for the purposes set forth in subsections (2) and (3) of this section, any Federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States; and

(5) the implementation of this section shall not require the publication or implementation of any intervening regulations.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

SEC. 406. EXTENSION OF RTC CIVIL STATUTE OF LIMITATIONS.

Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C)) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995 or ending on the date of the termination of the Corporation pursuant to section 21A(m)(1), whichever is later; or".

SEC. 407. REPEALS.

Except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act are repealed effective October 30, 1992.

SEC. 408. It is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not later than 45 days after enactment of this Act.

SEC. 409. (a) Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(b) Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(c) The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

SEC. 410. TRANSPORTATION GENERAL PROVISION TO ESTABLISH AN AUXILIARY FLIGHT SERVICE STATION.

The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

SEC. 411. Subsection (b) of section 347 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103–160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

Mr. KERREY. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses on H.R. 3759, and the Chair is authorized to appoint conferees on the part of the Senate.

The Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KERREY, Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. D'AMATO, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. MACK, and Mr. BURNS conferees on the part of the Senate.

Mr. BYRD. Madam President, for the information of conferees, the conference on the supplemental appropriations bill will convene in the morning at 10 o'clock in room SC–5.

I yield the floor.

Mrs. BOXER. Madam President, I will not take much time of the Senate. I just feel it is a moment for me to say thank you, on behalf of Senator FEINSTEIN and myself, to every single Member of this Senate who voted for that emergency supplemental appropriation. I know many of my colleagues wanted certain amendments to be agreed to. I know many tried to get them passed. I know many did not even offer them because they saw the hour was growing late and they could tell from the Senators from California that our people were getting a little nervous as they watched us debate on other matters.

Senator FEINSTEIN would be here herself saying thank you but she is at the moment speaking with the Governor, and I am sure the Governor is most grateful for this bipartisan action, as is Mayor Riordan of Los Angeles, and the mayors from all the areas in southern California.

The people of California have an indomitable spirit, as do the people all across this great country. But sometimes our spirit is tested and, when you see you cannot get back into your home, and you wonder if you ever will be able to, and you watch this debate, you hope we will help. Your spirit surely drags when you worry that we will not reach the point that we send this over to the conference.

We reached that point. We had some tough debates. A couple of times I brought out some pictures from the earthquake to try to remind us why we were really debating this. I can only say, from the bottom of my heart, this means a whole lot to us. I think we are going to rebuild southern California. We are going to get back on our feet. We are going to help now to add to this economic recovery which has eluded us thus far.

Again, I say to my friends from both sides of the aisle how much this vote means to me and to Senator FEINSTEIN and to all the people, the 31 million people, of California.

I thank the Chair and yield the floor.

Mrs. FEINSTEIN. Madam President, I would like to join with my colleague, Senator BOXER, in saying thank you to my colleagues. I particularly would like to thank Senator BYRD for the excellent way in which he protected the State of California in this supplemental appropriation. I think it puts us on the road to recovery. It is a major step forward and, in a State with a budget that is deeply troubled, there is no way the State of California, and there is no way the people of the State, could have handled this problem.

What the earthquake does point out to me, particularly, is the fact that only 25 percent of the people who own homes had earthquake insurance. When asked why, the reason that came back was, "Well, the premiums are so high and the deductible is so high, we did not think it was worthwhile for us to get earthquake insurance."

I think what this points out is the real need for Federal legislation, perhaps as an amendment to Senator INOUYE's bill, that will provide Federal incentives for private insurance to be provided in a national pool to people in disaster-prone areas.

There certainly is going to be no end to hurricanes, floods, and earthquakes. If you add up the sum total of what was spent on this since I have been here, almost $10 billion in this supplemental, the Loma Prieta supplemental of almost $4 billion, the supplemental for the floods, you see very fast that it is the amount, just about, of the stimulus package that went down. So, in essence, we stimulate by providing emergency disaster relief. To me that does not seem to make very good sense.

So I think there is a very real need for us to work on a plan. I would like to be part of it, to work on a plan that, in essence, is going to be able to provide some lower deductible and lower premium for earthquake, disaster, flood, or hurricane insurance to people who need it throughout America.

But for tonight at least, California can take this first healing step, let the contracts that are necessary, and FEMA can itself have the funds not only to fund the Midwest with the $600 million that is in this supplemental, but also the State of California.

It was a long day. It was a trying day for those of us from the State, but it was a day that eventually produced a result.

Madam President, I would like to thank you, I would like to thank all my colleagues for their vote in the affirmative. It is greatly appreciated by the people of our State. Thank you. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Republican leader.

Mr. DOLE. Mr. President, could I proceed as if in morning business?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. DOLE. Mr. President, media reports this evening indicate that the cease-fire in Sarajevo has already been broken—that heavy artillery shells and machinegun fire struck the city only hours after the U.N.-brokered ceasefire had gone into effect.

We will be waiting and watching to see whether and how the United Nations and NATO respond to this attack if it is verified. We will be watching to see if the pattern of international inaction has truly been broken. The time for talking is over.

As I stated earlier today, I support NATO's long overdue decision to launch air strikes in the event that the Bosnian Serbs do not withdraw their heavy weapons within 10 days, or if the shelling of Sarajevo continues. I am pleased that the President has finally moved the alliance forward even in this limited way. And I hope that this time NATO will follow through on its threats.

However, it seems to me that NATO air strikes would receive greater support here at home if the U.S. Congress is formally on board with the President's decision. That can best be achieved if the Congress discusses the matter and passes a resolution supporting this course of action.

This is not just a matter of getting the Congress on board, it is a matter of getting the American people on board—explaining what our interests are and how this NATO action advances those interests. Recent opinion polls suggest that public support—which appears to narrowly favor NATO action—will be greater if Congress supports this action.

Indeed, our experience during the Gulf war was that the support of the American people for Desert Storm dramatically increased after Congress passed an authorizing resolution.

But, another benefit of seeking congressional approval is the opportunity for all Members of Congress to make their views known. Not everyone in the Senate shares my views—although I do believe that a majority of my colleagues do support the President's decision.

And those who do not share that view or share the President's view certainly should have an opportunity to express their views.

I talked to the distinguished Senator from Arizona and the distinguished Senator from Georgia who both have very strong reservations about this course of action. We are not going to have the opportunity unless there is a request and authorization for a resolution of approval of the President's plan to have that debate.

RTC FOOT-DRAGGING

Mr. DOLE. Mr. President, last month, I joined with my distinguished colleague from New York, Senator D'AMATO, in asking both Attorney General Reno and the interim chief executive officer of the Resolution Trust Corporation, Roger Altman, to enter into agreements tolling the civil statute of limitations with respect to Madison Guaranty Savings & Loan. We have already taken action on this bill, so maybe that will not be necessary if it is left in the conference report.

As Senator D'AMATO has explained, the RTC has a 5-year period in which to bring a civil suit for fraud, starting from the date it becomes the conservator or receiver of a failed institution. Since Madison Guaranty was taken over by Federal regulators in February 1989, it appears that the statute of limitations will expire later this month. Once the statute expires, the RTC—and the American people—are out of luck.

Unfortunately, Mr. Altman's response to our request was evasive at best. According to Mr. Altman:

> The RTC will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to toll the statute of limitations.

Notice the choice of words: It is not would seek these tolling agreements. It is could seek the agreements. Nothing firm. No commitments.

Mr. Altman's unwillingness to state unequivocally that the RTC will enter into tolling agreements waiving the civil statute of limitations cannot be explained by saying that the RTC needs more time to investigate Madison. The RTC took over Madison in 1989, nearly 5 years ago. In fact, the RTC knows enough about Madison that it made a criminal referral to the Justice Department as early as October 1992.

Yesterday, the Senate tried to sidestep Mr. Altman's stonewall by passing legislation extending the limitations period. While this extension may help remove some of the legal obstacles to a full investigation of Madison, it does not resolve the political problem created by Mr. Altman's evasiveness. I do not know his reason for not being more forthcoming, but I am glad the Senate has taken this action.

In addition to his responsibilities at the RTC, Mr. Altman is also the Deputy Secretary of Treasury, the No. 2 person in the Treasury Department and a political appointee. While the Senate has confirmed Mr. Altman for the Treasury post, he has not received Senate confirmation for the top job at the RTC. In fact, Mr. Altman has not been officially nominated, even though he has held the RTC post for almost a full year.

Mr. Altman's tenure at the RTC was lengthened last December when Stanley Tate, who had been nominated to head the RTC, withdrew his name from consideration. In explaining his withdrawal, Mr. Tate claimed that he had discovered examples of RTC mismanagement, but had been told by Senior Treasury officials that "if I revealed too much, or put people in high places on the defensive, I had better be prepared for a barrage of new allegations and accusations about me and even about my family. I was further advised that these accusations would be made up, even outright lies."

Now, Mr. President, I do not know whether Mr. Tate's charges are in fact true. But I do know that the RTC should act with independence, insulated from the rough-and-tumble of politics. With a multibillion-dollar budget and with its law enforcement responsibilities, this insulation is critical. And that is why the Senate confirmation process is critical too—to ask the tough questions and to get assurances from the nominee that political considerations will take a back seat in his or her decisionmaking.

Unfortunately, Mr. Altman has given none of these assurances. And, in fact, it is fair to speculate that politics may be the driving force behind his statute-of-limitations stonewall.

Mr. Altman is a longtime friend of the President, a former classmate of the President at Georgetown University, and a significant fundraiser during the 1992 campaign.

Whether Mr. Altman can separate his personal friendship with the President from his RTC responsibilities is still an open question. But what is not an open question is that Mr. Altman should step aside and let someone else do the RTC job, if he is unwilling to do the job himself. And I do not see why he ought to be permitted to do so, why we should wait a full year—I can see why we wait a full year. It seems to me it ought to be filled.

And if Mr. Altman wants to keep the RTC position, he should now recuse himself from any matter related to the Whitewater/Madison guaranty affair.

Mr. President, I have one final comment: According to a story appearing in yesterdays' Washington Times, the shredding machines are working overtime down in Little Rock. the Washington Times states that employees of the Rose law firm—the former law firm of the First Lady, associate attorney general Webster Hubbell, and the late Vince Foster—have admitted shredding—that is right, shredding—documents relating to the Whitewater matter. If this shocking story is true, and it has been denied by the Rose law firm, we have gone beyond simple bureaucratic foot-dragging and moved into the realm of obstruction of justice.

I am pleased that independent counsel Robert Fiske has publicly stated that he will investigate the alleged shredding incident. It is my hope Mr. Fiske will act promptly and take whatever legal steps may be necessary to ensure that the integrity of the Whitewater documents are not compromised.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent we now have a period for morning business with Senators allowed to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA

Mr. COVERDELL. Mr. President, I rise to strongly endorse the comments made by the Republican leader in calling for a congressional resolution with regard to the tragic circumstances in Bosnia. This morning we had a very eloquent presentation in the Foreign Relations Committee from the distinguished Senator from West Virginia on the subject of definition of the utilization of armed forces in the post-cold-war era. This subject came before the committee, at least briefly. There was discussion in the committee about the need for more congressional consultation and more congressional participation in the utilization of armed forces in this new world.

I am among those Senators who do not believe that the armed forces of the United States, the men and women of the United States serving our country, should be subjected to a hostile environment by another commander, foreign commander, or the United Nations. I am perfectly comfortable with the peacekeeping concept, such as we have in Macedonia, where we have U.S. personnel serving under a U.N. commander. But the situation we discovered for ourselves, I think imprudently, in Somalia, I think was a very flawed concept. We saw the consequences of it. There are some striking similarities as we approach these difficult times in Bosnia.

It was the Secretary General prompting the change of the mission in Somalia. We even had a circumstance where the President of the United States indicated to us that he was unclear about the fact the mission had been changed.

In this morning's New York Times it says, talking about the situation in Bosnia, "Formally it will be up to the U.N. Secretary General, Boutros-Boutros Ghali, to order the first strike." Of course, everyone suggests after that it moves on to NATO. But I do not know what his military credentials are to order the first strike. If that involves U.N. military personnel, I think it moves us back into this very murky and very unclear relationship between the United States, which is defining its modern role in the new world, and the United Nations, which is busily defining its own role—and I am not comfortable with the direction I have seen of late from the United Nations.

In fact, more and more we see a direction not of peacekeeping but of a peacemaking; not of monitoring an agreement between warring parties but of imposing a decision made in the policymaking of the United Nations on the warring parties. That is a very, very different circumstance that we are setting before the world. I see these very tracks that left us in such an uncomfortable position in Somalia beginning to appear again in Bosnia.

I hope this Senate, and I hope the Congress of the United States, will engage, as has been suggested today, in a resolution that causes it to be a participant in this process and that contributes to the clarification, when the United Nations is involved, as it relates to American men and women in the military in a hostile situation.

I yield the floor.

DISABILITY DRUG ABUSE PREVENTION AND REHABILITATION ACT OF 1994

Mr. COHEN. Mr. President, today I am announcing a legislative package on behalf of myself and Senators DOLE, KASSEBAUM, THURMOND, D'AMATO, and LUGAR to reform the Social Security disability process and to stop taxpayers' dollars from fueling the addictions of illegal drug users and other substance abusers.

Absurd as it must seem to hard-working Americans, who see more and more of their paychecks going to taxes, and to severely disabled persons who truly need assistance, we are now paying over a billion dollars a year in disability payments to drug addicts and alcoholics—many of whom are using taxpayer dollars to buy more drugs and alcohol.

This legislative package is the result of an investigation of the SSI and SSDI programs that was conducted by the Minority Staff of the Senate Special Committee on Aging and the General Accounting Office.

Our investigation found that the current policy of allowing addicts and alcoholics to use disability payments to turn around and buy more drugs and drink seriously undermines our efforts to combat crime, promote preventive health care and reform our welfare system. Far from encouraging rehabilitation, the current laxity of the Social Security Administration in enforcing the statutory treatment requirement hurts the addicts themselves by perpetuating drug and alcohol abuse.

Our investigation revealed that the word on the street is that SSI gives easy cash for drugs and alcohol. For example,

> The director of a homeless shelter in Denver has called SSI "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for follow-up or treatment. He maintains that the first day of every month is considered "Christmas Day" by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.
>
> A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about "99.5 per cent" SSI recipients. He said that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming."

In our investigation, we heard several allegations that the current disability process has spawned a cottage industry of clinics, attorney representatives, and doctors who help abusers get on the disability rolls.

We also found that lump sum disability benefits of thousands of dollars are being paid to substance abusers who are using these funds to buy drugs and alcohol. Even more astounding is that benefits are awarded to claimants even in cases where the SSA or the administrative law judge hearing the case is directly told that the claimant is engaged in criminal activity, such as drug dealing, to support his or her addiction.

Let's try to explain that one to the American taxpayer.

Mr. President, in establishing substance abuse as a disability which qualifies for benefits under the SSI programs, Congress placed two conditions on the payment of benefits to substance abusers: first, the substance abuser must receive treatment; and second, a third party, such as a friend or relative, must collect the benefits on behalf of the substance abuser.

Unfortunately, both of these protections have failed. For example, up until last month, the SSA had set up programs to monitor and enforce the treatment requirement in only 18 states. In fact, 26 States have never had an agency approved by SSA to monitor treatment.

Fewer than one-third of the approximately 250,000 drug addicts and alcoholics are required to get treatment or have someone else collect their benefits for them.

Of the $1.4 billion in benefits flowing to drug addicts and alcoholics on the SSI and disability programs, less than $320 million of these payments are even covered by these protections. So, over $1.1 billion in payments are exposed to widespread abuse—with no controls in place. Maine, for example, has never had an agency approved by SSA to monitor treatment.

There are widespread problems in the collection of payments by third parties on behalf of the drug and alcohol abusers—in fact, we found cases where the bartender, the local drug dealer, or another addict was appointed as the guardian of the payments.

The legislative package we are announcing today addresses many of these problems by strengthening the enforcement of the current law, extending those protections to the SSDI program, and by reforming the disability programs so that it is not life-time maintenance for substance abusers.

Mr. President, I urge my colleagues to join me in sponsoring this legislation and request unanimous consent that the following explanation of the legislation be included in the CONGRESSIONAL RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

SENATOR COHEN'S PROPOSED LEGISLATION TO REFORM THE SSI AND DI PROGRAMS

Extend current statutory Supplemental Security Income (SSI) disability treatment and representative payee requirements to recipients of Social Security Disability (SSDI) benefits:

Currently, the SSI disability program imposes two special statutory requirements on drug addicts and alcoholics who qualify for the program on the basis of their substance addiction. First, in order to prevent benefits from being used to fuel addition, all cash payments must be paid to a "representative payee" rather than directly to the beneficiary. Second, these beneficiaries must participate in a substance abuse treatment program approved by the Social Security Administration as a condition of eligibility, and must also demonstrate that they are in compliance with the terms and conditions of treatment in order to retain their eligibility.

Even though the SSDI program provided $380 million in benefits to drug addicts and alcoholics in 1993, the SSDI places no requirements of treatment or representative payee as conditions of receiving the benefits. The proposed legislation extends these treatment and representative payee requirements to SSDI beneficiaries who qualify for the program on the basis of their substance abuse.

Extend current conditions of treatment and third-party payment of benefits to all SSI/SSDI recipients who are substance abusers regardless of whether the substance abuse is the primary or secondary basis for disability:

The Social Security Administration does not classify individuals who have substance addiction as a secondary impairment as subject to the treatment and representative payee requirements. In other words, substance abusers who have other impairments which are independent of their addiction, and whose addiction is not material to the finding of their disability, are not considered formal substance abusers and are not required to seek treatment or have a representative payees. The effect of this distinction is that SSI payments are being made to a large class of substance abusers who are not subject to any controls to ensure that they attend treatment or do not use their benefits to buy drugs or alcohol.

This agency policy is contrary to the language of the Social Security Act which provides that the treatment and payee requirements should apply to all disability recipients who are addicts and alcoholics.

The legislation would expressly extend these requirements to beneficiaries in both programs who have a secondary impairment of addiction or alcoholism.

Reform the representative payee program:

A "representative payee" is a third party who assists in managing the funds of a substance abuser to ensure that benefits are not used for drugs or alcohol. Currently, a representative payee can be a friend, relative, social service agency, or anyone else selected by the Social Security Administration (SSA).

Recent reports by the Minority Staff of the Senate Special Committee on Aging and the Inspector General of Health and Human Services found that the current representative payee system is not working to protect against abuse of payments to substance abusers. Responsible representative payees are difficult to find, particularly for drug and alcohol abusers. Family members are often unable to resist pressure or even threats of abuse if benefits are not turned over. Some representative payees are drug or alcohol abusers themselves, and there are numerous cases where liquor store operators and bartenders have even been approved by the SSA to serve as representative payees.

The legislation would limit the designation of representative payees to government agencies, state licensed or certified facilities, or state-bonded and licensed community-based nonprofit agencies.

Prohibit the payment of lump-sum benefits to drug addicts and alcoholics:

Since it frequently takes a year or longer to be awarded benefits for SSI and DI, and, because benefits are retroactive to the date of initial application, lump sums as high as $15,000 to $20,000 can be awarded to substance abusers. Despite existing representative payee requirements, the Aging Committee Minority Staff investigation uncovered disturbing evidence that many lump sums are often used immediately to buy more drugs or alcohol with life-threatening or even fatal consequences for the claimant.

Therefore, the legislation would prohibit the payment of lump sum disability benefits to substance abusers and would require that these funds be held in trust to be managed for them while they are in rehabilitation.

Require SSA to establish Referral Monitoring Agencies in every state:

To enforce the treatment requirements for drug addicts and alcoholics, the Social Security Administration has entered into agreements with state agencies or private firms to refer these beneficiaries to treatment facilities and to monitor them on a regular basis in order to ensure compliance with the law. These agencies are known as "Referral Monitoring Agencies."

The Aging Committee Minority staff investigation revealed that the SSA has failed to give adequate priority to the statutory requirement that drug addicts and alcoholics receive treatment. Despite the tripling of the numbers of these individuals receiving benefits from 1990 to 1993, the SSA had established RMA's for only 18 states as of August 1993. Despite a recent contract award covering 29 additional states and the District of

Columbia, seven states still do not have an RMA.

Therefore, the legislation requires SSA to establish RMAs in every state within one year of enactment, and to report these periodically to Congress on the effectiveness of the RMAs.

Clarify that proceeds from illegal activities such as drug dealing constitute substantial gainful activity and are therefore a basis for denying benefits:

The 7th Circuit Court of Appeals recently upheld the denial of SSI benefits on the grounds that illegal activity can constitute substantial gainful activity for purposes of denying SSI payments. However, other courts have found that active drug dealing is not enough to deny benefits. The 9th Circuit Court of Appeals ruled this month, for example, that a heroin addict who sold drugs to support his habit could not be denied benefits due to this illegal activity. This interpretation of the current law allows claimants in some areas of the country to legally receive benefits while dealing drugs or actively engaging in other criminal activities.

Therefore, the legislation clarifies that any criminal activity undertaken to support substance abuse would be prima facie evidence of substantial gainful activity, and thus preclude awarding of either SSDI or SSI disability benefits.

In order to ensure adequate treatment for SSI and DI recipients, priority will be given for treatment for such recipients in programs of the Substance Abuse Mental Health Services Administration:

In light of a requirement that SSI and DI substance abusers receive treatment, this would assure adequate treatment sites.

Revision of disability definition and procedures regarding substance abusers.

In order to improve monitoring and enforcement of treatment requirements, the legislation will revise the definition of disability and its application to substance abusers. The goal of these revisions will be to limit disability benefits for substance abusers to the time such individuals are actually disabled.

Study the feasibility of replacing cash benefits with a voucher system for substance abusers:

The Aging Committee Minority Staff Report found that the current system of awarding cash benefits to substance abusers perpetuates addiction and undermines treatment efforts. The legislation will require a study of the feasibility of providing voucher in lieu of cash payments to substance abusers.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 564, 620, 621, 623 to and including 628, 630 to and including 691.

I might say, Mr. President, Calendar No. 649 is Joe Russell Mullins, of Kentucky; calendar No. 660 is Charles William Logsdon, of Kentucky; and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon the confirmation, the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Nancy Gertner, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

MISSISSIPPI RIVER COMMISSION

The following-named officer for appointment to be a member and president of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642):

To be a Member and President of the Mississippi River Commission: Brig. Gen. Eugene S. Witherspoon, xxx-xx-xxxx, U.S. Army.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Richard Thomas Moore, of Massachusetts, to be an Associate Director of the Federal Emergency Management Agency.

DEPARTMENT OF COMMERCE

William W. Ginsberg, of Connecticut, to be an Assistant Secretary of Commerce.

DEPARTMENT OF STATE

Sandra Louise Vogelgesang, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

David Nathan Merrill, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Wesley William Egan, Jr., of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Robert H. Pelletreau, Jr., of Connecticut, to be an Assistant Secretary of State, vice Edward P. Djerejian.

Esther Peterson, of the District of Columbia, to be a Representative of the United States of America to the Forty-eighth Session of the General Assembly of the United Nations.

AFRICAN DEVELOPMENT BANK

Alice Marie Dear, of New York, to be United States Director of the African Development Bank for a term of five years. (New Position)

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

James H. Scheuer, of New York, to be U.S. Director of the European Bank for Reconstruction and Development.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Jill B. Buckley, of Washington, to be an Assistant Administrator of the Agency for International Development.

Thomas A. Dine, of Ohio, to be an Assistant Administrator of the Agency for International Development.

DEPARTMENT OF THE TREASURY

Mary Ellen Withrow, of Ohio, to be Treasurer of the United States.

DEPARTMENT OF AGRICULTURE

Frederick Gilbert Slabach, of Mississippi, to be an Assistant Secretary of Agriculture.

ASSASSINATION RECORDS REVIEW BOARD

Kermit L. Hall, of Oklahoma, to be a Member of the Assassination Records Review Board. (New Position)

John R. Tunheim, of Minnesota, to be a Member of the Assassination Records Review Board. (New Position)

William L. Joyce, of New Jersey, to be a Member of the Assassination Records Review Board. (New Position)

Anna K. Nelson, of the District of Columbia, to be a Member of the Assassination Records Review Board. (New Position)

Henry F. Graff, of New York, to be a Member of the Assassination Records Review Board. (New Position)

POSTAL RATE COMMISSION

Edward Jay Gleiman, of Maryland, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1998.

THE JUDICIARY

Thomas I. Vanaskie, of Pennsylvania, to be U.S. District Judge for the Middle District of Pennsylvania vice a new position created by Public Law 101–650, approved December 1, 1990.

Tucker L. Melancon, of Louisiana, to be U.S. District Judge for the Western District of Louisiana.

Michael A. Ponsor, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

Lesley Brooks Wells, of Ohio, to be U.S. District Judge for the Northern District of Ohio.

Majorie O. Rendell, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania.

DEPARTMENT OF JUSTICE

Michael David Skinner, of Louisiana, to be U.S. Attorney for the Western District of Louisiana for the term of 4 years.

James J. Molinari, of California, to be U.S. Marshal for the Northern District of California for the term of 4 years.

Joe Russell Mullins, of Kentucky, to be U.S. Marshal for the Eastern District of Kentucky for the term of 4 years.

John Patrick McCaffrey, of New York, to be U.S. Marshal for the Western District of New York for the term of 4 years.

Phylliss Jeanette Henry, of Iowa, to be U.S. Marshal for the Southern District of Iowa for the term of 4 years.

Charles M. Adkins, of West Virginia, to be U.S. Marshal for the Southern District of West Virginia for the term of 4 years.

Don Carlos Nickerson, of Iowa, to be U.S. Attorney for the Southern District of Iowa for the term of 4 years.

Stephen John Rapp, of Iowa, to be U.S. Attorney for the Northern District of Iowa for the term of 4 years.

G. Ronald Dashiell, of Washington, to be U.S. Marshal for the Eastern District of Washington for the term of 4 years.

Nancy J. McGillivray-Shaffer, of Massachusetts, to be U.S. Marshal for the District of Massachusetts for the term of 4 years.

Donald R. Moreland, of Florida, to be U.S. Marshal for the District of Florida for the term of 4 years.

Brian C. Berg, of North Dakota, to be U.S. Marshal for the District of North Dakota for the term of 4 years.

Floyd A. Kimbrough, of Missouri, to be U.S. Marshal for the Eastern District of Missouri for the term of 4 years.

Charles William Logsdon, of Kentucky, to be U.S. Marshal for the Western District of Kentucky for the term of 4 years.

James Marion Hughes, Jr., of Oklahoma, to be U.S. Marshal for the Northern District of Oklahoma for the term of 4 years.

John Steven Sanchez, of New Mexico, to be U.S. Marshal for the District of New Mexico for the term of 4 years vice Alfonso Solis.

James V. Serio, Jr., of Louisiana, to be U.S. Marshal for the Eastern District of Louisiana for the term of 4 years. (Reappointment)

Wesley Joe Wood, of Tennessee, to be U.S. Marshal for the Western District of Tennessee for the term of 4 years.

Stephen Simpson Gregg, of California, to be U.S. Marshal for the Southern District of California for the term of 4 years.

Conrad S. Patillo, of Arkansas, to be U.S. Marshal for the Eastern District of Arkansas for the term of 4 years.

Hugh Dinsmore Black, Jr., of Arkansas, to be U.S. Marshal for the Western District of Arkansas for the term of 4 years.

Robert Dale Ecoffey, of South Dakota, to be U.S. Marshal for the District of South Dakota for the term of 4 years.

Rosa Maria Melendez, of Washington, to be U.S. Marshal for the Western District of Washington for the term of 4 years.

Robert James Moore, of Alabama, to be U.S. Marshal for the Southern District of Alabama for the term of 4 years.

James Robert Oakes, of Louisiana, to be U.S. Marshal for the Western District of Louisiana for the term of 4 years.

Cleveland Vaughn, of Nebraska, to be U.S. Marshal for the District of Nebraska for the term of 4 years.

Richard Rand Rock II, of Kansas, to be U.S. Marshal for the District of Kansas for the term of 4 years.

Rebecca Aline Betts, of West Virginia, to be U.S. Attorney for the Southern District of West Virginia for the term of 4 years.

Robert Charles Bundy, of Alaska, to be U.S. Attorney for the District of Alaska for the term of 4 years.

Larry Herbert Colleton, of Florida, to be U.S. Attorney for the Middle District of Florida for the term of 4 years.

Harry Donival Dixon, Jr., of Georgia, to be U.S. Attorney for the Southern District of Georgia for the term of 4 years.

David Lee Lillehaug, of Minnesota, to be U.S. Attorney for the District of Minnesota for the term of 4 years.

Daniel J. Horgan, of Florida, to be U.S. Marshal for the Southern District of Florida for the term of 4 years. (Reappointment)

Patrick J. Wilkerson, of Oklahoma, to be U.S. Marshal for the Western District of Oklahoma for the term of 4 years.

James Lamar Wiggins, of Georgia, to be U.S. Attorney for the Middle District of Georgia for the term of 4 years.

Paul Michael Gagnon, of New Hampshire, to be U.S. Attorney for the District of New Hampshire for the term of 4 years.

Mark Timothy Calloway, of North Carolina, to be U.S. Attorney for the Western District of North Carolina for the term of 4 years.

James Douglas, Jr., of Michigan, to be U.S. Marshal for the Eastern District of Michigan for the term of 4 years.

William Stephen Strizich, of Montana, to be U.S. Marshal for the District of Montana for the term of 4 years.

Terrence Edward Delaney, of Illinois, to be U.S. Marshal for the Southern District of Illinois for the term of 4 years.

Janice McKenzie Cole, of North Carolina, to be U.S. Attorney for the Eastern District of North Carolina for the term of 4 years.

James Howard Benham, of Idaho, to be U.S. Marshal for the District of Idaho for the term of 4 years.

Michael Hayes Dettmer, of Michigan, to be U.S. Attorney for the Western District of Michigan for the term of 4 years.

Stephen Lawrence Hill, of Missouri, to be U.S. Attorney for the Western District of Missouri for the term of 4 years.

Alan D. Lewis, of Pennsylvania, to be U.S. Marshall for the Eastern District of Pennsylvania for the term of 4 years.

Nominations placed on the Secretary's desk

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Robert John Mcanneny, and ending Harold Edward Zappia, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1994.

Foreign Service nominations beginning Victor B. Olason, and ending Emi Lynn Yamauchi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1994.

Foreign Service nominations beginning Suzanne K. Hale, and ending Lyle J. Sebranek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1994.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

GOALS 2000: EDUCATE AMERICA ACT

The text of H.R. 1804 entitled "An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes", as passed by the Senate on February 8, 1994, is as follows:

H.R. 1804

Resolved, That the bill from the House of Representatives (H.R. 1804) entitled "An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.
Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

Sec. 201. Purpose.
Sec. 202. National education goals panel.
Sec. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.
Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Sec. 211. Purpose.
Sec. 212. National Education Standards and Improvement Council.
Sec. 213. Duties.
Sec. 214. Annual reports.
Sec. 215. Powers of the council.
Sec. 216. Administrative provisions.
Sec. 217. Director and staff; experts and consultants.
Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 231. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Sec. 301. Findings.
Sec. 302. Purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Allotment of funds.
Sec. 305. State applications.
Sec. 306. State improvement plans.
Sec. 307. Secretary's review of applications; payments.
Sec. 308. State use of funds.
Sec. 309. Subgrants for local reform and professional development.
Sec. 310. Availability of information and training.
Sec. 311. Waivers of statutory and regulatory requirements.
Sec. 312. Progress reports.
Sec. 313. National leadership.
Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.
Sec. 315. Clarification regarding State standards and assessments.
Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

Sec. 401. Public schools.
Sec. 402. Construction.
Sec. 403. Kalid Abdul Mohammed.
Sec. 404. Prohibition on Federal mandates, direction, and control.
Sec. 405. School prayer.
Sec. 406. Daily silence for students.
Sec. 407. Funding for the Individuals With Disabilities Education Act.
Sec. 408. National Board for Professional Teaching Standards.
Sec. 409. Forgiveness of certain overpayments.
Sec. 410. Study of Goals 2000 and students with disabilities.
Sec. 411. Mentoring, peer counseling and peer tutoring.

Sec. 412. Content and performance standards.
Sec. 413. State-sponsored higher education trust fund savings plan.
Sec. 414. Amendments to sumer youth employment and training program.
Sec. 415. State and local government control of education.
Sec. 416. Protection of pupils.
Sec. 417. Contraceptive devices.
Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.

TITLE V—NATIONAL SKILL STANDARDS BOARD

Sec. 501. Short title.
Sec. 502. Purpose.
Sec. 503. Establishment of National Board.
Sec. 504. Functions of the National Board.
Sec. 505. Deadlines.
Sec. 506. Reports.
Sec. 507. Authorization of appropriations.
Sec. 508. Definitions.
Sec. 509. Sunset provision.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

Sec. 601. Short title; statement of purpose.
Sec. 602. Safe schools program authorized.
Sec. 603. Eligible applicants.
Sec. 604. Applications and plans.
Sec. 605. Use of funds.
Sec. 606. National leadership.
Sec. 607. National cooperative education statistics system.
Sec. 608. Coordiation of Federal assistance.
Sec. 609. Effective date.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

Sec. 621. State leasership activities to promote safe schools program.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Sec. 701. Short title.
Sec. 702. Grants for midnight basketball league training and partnership programs.
Sec. 703. Public housing midnight basketball league programs.

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

Sec. 801. Purpose.
Sec. 802. Findings.
Sec. 803. Provisions.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 911. Repeal.
Sec. 912. Office of Educational Research and Improvement.
Sec. 913. Savings provisions.
Sec. 914. Field readers.

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

Sec. 921. International Education Program.

SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. 931. National Occupational Information Coordinating Committee.

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. 941. Short title.
Sec. 942. Statement of purpose.
Sec. 943. Program authorized.
Sec. 944. Allotments of funds.
Sec. 945. State application.
Sec. 946. Local application.
Sec. 947. Participation of private schools.
Sec. 948. Program requirements.
Sec. 949. Federal administration.
Sec. 950. Authorization of appropriations.

SUBPART 4—MEDIA INSTRUCTION

Sec. 951. Media instruction.

SUBPART 5—STAR SCHOOLS

Sec. 961. Star schools.

SUBPART 6—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. 971. Office of Comprehensive School Health Education.

SUBPART 7—MINORITY-FOCUSED CIVICS EDUCATION

Sec. 981. Short title.
Sec. 982. Purposes.
Sec. 983. Grants authorized; authorization of appropriations.
Sec. 984. Definitions.
Sec. 985. Applications.

PART C—DEFINITIONS

Sec. 991. Definitions.

TITLE X—PARENTS AS TEACHERS

Sec. 1001. Findings.
Sec. 1002. Statement of purpose.
Sec. 1003. Definitions.
Sec. 1004. Program established.
Sec. 1005. Program requirements.
Sec. 1006. Special rules.
Sec. 1007. Parents As Teachers Centers.
Sec. 1008. Evaluations.
Sec. 1009. Application.
Sec. 1010. Payments and Federal share.
Sec. 1011. Authorization of appropriations.
Sec. 1012. Home instruction program for preschool youngsters.

TITLE XI—GUN-FREE SCHOOLS

Sec. 1101. Short title.
Sec. 1102. Gun-free requirements in elementary and secondary schools.

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1201. Short title.
Sec. 1202. Findings.
Sec. 1203. Definitions.
Sec. 1204. Nonsmoking policy for children's services.
Sec. 1205. Technical assistance.
Sec. 1206. Federally funded programs.
Sec. 1207. Report by the Administrator.
Sec. 1208. Preemption.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of teaching and learning in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on United States education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;

(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

(7) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the Goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare,

retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals;

(3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) FORM; DATA.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the members of the Goals Panel.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school.

(b) ACTIVITIES.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) COMPOSITION.—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) NOMINATIONS.—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) REPRESENTATION.—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) TERMS.—

(1) IN GENERAL.—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) INITIAL TERMS.—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) OFFICERS.—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) CONFLICT OF INTEREST.—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student perform-

ance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify challenging State content standards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) REQUIREMENT.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) ELEMENTS ADDRESSED.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) ADDITIONAL DUTIES.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) RECOMMENDATIONS AND COORDINATION.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) APPROVAL.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) ASSESSMENTS.—

(1) IN GENERAL.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) IMPLEMENTATION.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i)(I) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(II) will support effective curriculum and instruction;

(ii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iii) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) PERFORMANCE OF DUTIES.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, con-

tent, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) CONSTRUCTION.—Nothing in this Act shall be construed to—

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) HEARINGS.—

(1) IN GENERAL.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) LOCATION.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) APPLICATIONS.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) AWARD CONSIDERATION.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. FEDERAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this

part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal departments or agencies.

(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

(2) PLAN REQUIREMENTS.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act.".

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) PERSONNEL.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

(c) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Office of Educational Technology.".

SEC. 224. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section:

"SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter.".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated $1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated $5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing systemwide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this title only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be *made available from non-Federal sources for the activities assisted under this title.*

SEC. 305. STATE APPLICATIONS.

(a) Application.—

(1) In general.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) Additional information.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) First Year.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) Subsequent Years.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) Basic Scope of Plan.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) Plan Development.—

(1) In general.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) Appointment.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

(3) Representation.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) Consultation.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) Outreach.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) Procedure and approval.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) Submission.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) Matters not under the jurisdiction of the State educational agency.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) Monitoring; revisions; reporting.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) Teaching, Learning, Standards, and Assessments.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, including the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) Opportunity-to-Learn Strategies.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.

(e) Accountability and Management.—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) Parental and Community Support and Involvement.—Each State improvement plan shall describe comprehensive strategies to in-

volve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) MAKING THE IMPROVEMENTS SYSTEMWIDE.—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL OF PLAN.—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) DISAPPROVAL.—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) REVIEW.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) PREEXISTING STATE PLANS AND PANELS.—

(1) IN GENERAL.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) PAYMENTS.—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) FIRST YEAR.—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $100,000,000, but less than $200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than $100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) SUCCEEDING YEARS.—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs; and

(L) collecting and analyzing data; and

(M) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

(c) Limit on Administrative Costs.—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or $100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) Special Rule.—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) Subgrants to Local Educational Agencies.—

(1) In general.—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) Application required.—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school districtwide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) Monitoring.—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) Authorized activities.—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) Subgrants for Preservice Teacher Education and Professional Development Activities.—

(1) In general.—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) Application.—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) Authorized activities.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sus-

tained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) SPECIAL AWARD RULES.—

(1) IN GENERAL.—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) WAIVER.—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a sufficient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

(A) IN GENERAL.—Each waiver under this section may be for a period not to exceed 5 years.

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements de-

scribed in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school improvement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) DATA AND DISSEMINATION.—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) INAPPLICABILITY OF PUBLIC LAW 95-134.—The provisions of Public Law 95-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be *made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.*

(c) Secretary of Defense.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) Purpose.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) Program Authorized.—

(1) Authority.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) Formula.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or $75,000, whichever is greater.

(3) Duration.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) Plan Objectives.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) Plan Requirements.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) Reports.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act;

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;

(3) to mandate limitations or class size for a State, local educational agency or school;

(4) to mandate a Federal teacher certification system for a State, local educational agency or school;

(5) to mandate teacher instructional practices for a State, local educational agency or school;

(6) to mandate equalized spending per pupil for a State, local educational agency or school;

(7) to mandate national school building standards for a State, local educational agency or school;

(8) to mandate curriculum content for a State, local educational agency or school; and

(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 405. SCHOOL PRAYER.

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State of local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately $10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) Matching Funds Requirement.—

"(1) In General.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) Non-Federal Contributions.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) In General.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) Study Required.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) Definition.—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) Study Components.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) Study Panel Membership.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) Findings and Recommendations.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) Funding.—From such accounts as the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) Congressional Findings.—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) Sense of the Congress.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) Program Design.—

(1) Academic Enrichment Authorized.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education,".

(2) Required Services and Design.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) Basic Education and Preemployment Training.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) Integration of Work and Learning.—

"(A) Work Experience.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) Classroom Training.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.".

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) Educational Linkages.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) Prohibition on Private Actions.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) Transfer of Funds to Year Round Program.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) Findings.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96–88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96–88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96–88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

(5) The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

(6) Public Law 96–88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

(7) Public Law 96–88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, now therefore

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of mem-

bers described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) INITIAL CHAIRPERSON.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) GIFTS.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) TERMINATION OF THE COMMISSION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONS.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, persons with disabilities, or older persons.

(3) EXPERTS.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATIONS.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(III) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than

10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

SEC. 603. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this part, a local educational agency shall demonstrate in the application submitted pursuant to section 604(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. 605. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

*(1) in the section heading by inserting "**AND ASSISTED**" after "**PUBLIC**";*

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit

organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa–8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a

safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) Local Discipline Control.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) Shared Information.—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) Parental Responsibility.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) Repeal.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) Conforming Amendment.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) Purposes; Composition; Definitions.—

(1) Purposes.—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) Composition.—

(A) In general.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) Advisory Board of Educational Research.—

(i) Advisory Board of Educational Research.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) Qualifications.—

(I) In general.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) Consideration.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) Recommendations.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) Term.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) Prohibition regarding removal.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) Chairperson.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) Quorum.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) Staff.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) Responsibilities.—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) Committees and reports.—

(I) In general.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) Definitions.—For the purposes of this section—

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research

and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) OPEN COMPETITION.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) ASSISTANT SECRETARY.—

(A) IN GENERAL.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) SECRETARY.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) DIRECTOR.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) RESEARCH SYNTHESES.—The Assistant Secretary shall provide for and promote research syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each

level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than $1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and inservice training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools located on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) NATIONAL DIRECTORATE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decision-making and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as

appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION, LITERACY AND LIFELONG LEARNING.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS-15 under section 5332 of title 5, United States Code.

(2) REAPPOINTMENT.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) SELECTION PROCEDURES AND FELLOWSHIPS.—

(1) SELECTION PROCEDURES.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) FELLOWSHIPS.—

(A) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) COMPETITION.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds $38,000,000, the Assistant Secretary may use the amount in excess of $38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds $2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) DUTIES.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) APPLICATION.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) SPECIAL RULE.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) CONTRACT DURATION.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) REVIEW.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11)± CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) COORDINATION.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(l) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—

(1) IN GENERAL.—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dis-

semination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) DUTIES.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) NATIONAL EDUCATION LIBRARY.—

(1) ESTABLISHMENT.—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) MISSION.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all educational issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) FUNCTIONS.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS–15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(A) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) APPROPRIATIONS OF $70,000,000 OR LESS.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is $70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN $70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than $70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appro-

priated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. 913. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.".

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) RESERVATIONS.—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in

constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as The Federalist Papers, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PRINTER MATERIALS AND PROGRAMS.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the results of which can be integrated into the occupational information system developed under this section.".

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. 941. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 942. STATEMENT OF PURPOSE.

It is the purpose of this subpart to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

SEC. 943. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 944 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

SEC. 944. ALLOTMENTS OF FUNDS.

(a) IN GENERAL.—From the amount appropriated under section 950 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

(b) ALLOTMENT.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) DEFINITION.—For the purposes of this subpart the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) DATA.—The number of children aged 5 to 11, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

SEC. 945. STATE APPLICATION.

(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this subpart shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) provide assurances that—

(A) the State educational agency shall use the allotment provided under this subpart to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this subpart;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. 946. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this subpart only once.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(c); and

(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 949. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. 950. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

(2) by adding at the end the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.".

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.— In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. 984. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 985. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE X—PARENTS AS TEACHERS

SEC. 1001. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

"(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

"(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

"(II) parents who have limited or unsuccessful formal schooling.

"(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

"(C) For the purpose of this paragraph—

"(i) the term 'Home Instruction Program for Preschool Youngsters' means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

"(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

"(II) includes—

"(aa) group meetings with other parents participating in the program;

"(bb) individual and group learning experiences with the parent and child;

"(cc) provision of resource materials on child development and parent-child learning activities; and

"(dd) other activities that enable the parent to improve learning in the home;

"(ii) the term 'limited or unsuccessful formal schooling' means the—

"(I) completion of secondary school with low achievement during enrollment;

"(II) noncompletion of secondary school with low achievement during enrollment; or

"(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

"(iii) the term 'near poor families' means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

"(iv) the term 'working poor families' means families that—

"(I) have family members—

"(aa) who are working; or

"(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

"(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).".

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Gun-Free Schools Act of 1994".

SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994".

SEC. 1202. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 1204(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 12, 1993, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act [IEEPA], 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. On December 3, 1993, I announced new measures to tighten economic sanctions against Libya. These measures are taken pursuant to the imposition by the world community of new sanctions against Libya under Security Council [UNSC] Resolution 883 of November 11, 1993, and are designed to bring to justice the perpetrators of terrorist attacks against Pan Am flight 103 and UTA flight 772. The actions signal that Libya cannot continue to defy justice and flout the will of the international community with impunity.

UNSC Resolution 883 freezes on a worldwide basis certain financial assets owned or controlled by the Government of Libya or certain Libyan entities and bans provision of equipment for refining and transporting oil. It tightens the international air embargo and other measures imposed in 1992 under UNSC Resolution 748. It is the result of close cooperation between the United States, France, and the United Kingdom, whose citizens were the principal victims of Libyan-sponsored terrorist attacks against Pan Am 103 and UTA 772, and of consultations with Russia and other friends and allies.

On December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extends the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan Government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of U.S.-origin products, including equipment for refining and transporting oil.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 CFR Part 550 [the Regulations], administered by the Office of Foreign Assets Control [FAC] of the Department of the Treasury, since my last report on July 12, 1993. The amendment [58 Fed. Reg. 47643] requires U.S. financial institutions to provide written notification to FAC of any transfers into blocked accounts within 10 days of each transfer. It also standardizes registration and reporting requirements applicable to all persons holding blocked property and requires the annual designation of an individual contact responsible for maintaining the property in a blocked status. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 65 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (17) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Libyan interest. One license involved export transactions from the United States to support a United Nations program in Libya. Six licenses were issued authorizing intellectual property protection in Libya. Two licenses were issued that permit U.S. attorneys to provide legal representation under circumstances permitted by the Regulations. FAC has also issued one license authorizing U.S. landlords to liquidate the personality of the People's Committee for Libyan Students, with the net proceeds from the sale paid into blocked accounts. Finally, FAC has issued three licenses to the Embassy of the United Arab Emirates, as Protecting Power for Libya, to manage Libyan property in the United States subject to stringent FAC reporting requirements.

4. During the current 6-month period, FAC has continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 130 transactions involving Libya, totaling more than $20.7 million, were blocked.

Since my last report, FAC has collected 39 civil monetary penalties totaling nearly $277,000 for violations of U.S. sanctions against Libya. All but eight of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks, with five of the remainder involving the U.S. companies that ordered the funds transfers. The balance involved one case each for violations involving a letter of credit, trademark registrations, and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. FAC continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby U.S. Government officials and to engage in public relations work on behalf of the Government of Libya without FAC authorization.

FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

FAC has continued to pursue the investigation and identification of Libyan entities as Specially Designated Nationals of Libya. During the reporting period, those activities have resulted in the addition of one third-country Libyan bank to the Specially Designated Nationals list; and FAC has intervened with respect to a Libyan takeover attempt of another foreign bank. FAC is also reviewing options for additional measures directed against Libyan assets in order to ensure strict implementation of UNSC Resolution 883 that has imposed international sanctions against Libyan financial assets.

5. The expenses incurred by the Federal Government in the 6-month period from July 7, 1993, through January 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1 million. Personnel costs were largely centered in the Department of the Treasury, particularly

in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service, the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by UNSC Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1994*.

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 2339) to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 119. Joint Resolution to designate the month of March 1994 as "Irish-American Heritage Month".

At 4:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 24) to reauthorize the independent counsel law for an additional five years, and for other purposes and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BROOKS, Mr. BRYANT, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. FISH, Mr. HYDE, and Mr. GEKAS as the managers of the conference on the part of the House.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 206. Concurrent Resolution providing for an adjournment of the House from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994 and an adjournment or recess of the Senate from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2159. A communication from the Secretary of Defense, transmitting, notice relative to an emergency program supplemental request; to the Committee on Appropriations.

EC–2160. A communication from the Secretary of State, transmitting, a draft of proposed legislation entitled "Peace, Prosperity and Democracy Act of 1994"; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 476. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act (Rept. No. 103–225).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing and Urban Affairs:

Andrew C. Hove, Jr., of Nebraska, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years and Vice Chairperson;

Ricki Rhodarmer Tigert, of Tennessee, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years, and to be chairperson;

Anne L. Hall, of Ohio, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs:

Raymond John Vogel, of West Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs, for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mrs. HUTCHISON, Mr. ROTH, Mr. MACK, Mr. SIMPSON, Mr. MURKOWSKI, Mr. PRESSLER, Mr. COATS, Mr. BENNETT, Mr. CRAIG, Mr. MCCAIN, Mr. NICKLES, Mr. DANFORTH, Mr. FAIRCLOTH, Mr. BROWN, Mr. SMITH, Mr. HELMS, and Mr. COVERDELL):

S. 1843. A bill to downsize and improve the performance and accountability of the Federal Government; to the Committee on Governmental Affairs.

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. COCHRAN):

S. 1844. A bill to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission, and for other purposes; to the Committee on Indian Affairs.

By Mr. DECONCINI (for himself and Mr. LIEBERMAN):

S. 1845. A bill to authorize the President to transfer defense articles out of Department of Defense stocks to the Government of Bosnia and Hercegovina; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Mr. BENNETT):

S. 1846. A bill to provide fundamental reform of the system and authority to regulate commercial exports, to enhance the effectiveness of export controls, to strengthen multilateral export control regimes, and to improve the efficiency of export regulation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1847. A bill to reduce injuries and deaths caused by accidental firearm shootings by children and others; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself and Mr. BRYAN):

S. 1848. A bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. MACK, Mrs. FEINSTEIN, Mr. BRYAN, Mrs. BOXER, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 1849. A bill to require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 1850. A bill to suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid; to the Committee on Finance.

By Mr. WOFFORD:

S. 1851. A bill to exclude shipboard supervisory personnel from selection as employer representatives, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. KASSEBAUM, Mr. COATS, Mr. WOFFORD, Mr. JEFFORDS, Mr. BINGAMAN, Mr. DURENBERGER, Mr. METZENBAUM, Mr. WELLSTONE, Mr. PELL, and Mr. SIMON):

S. 1852. A bill to amend the Head Start Act to extend authorizations of appropriations for programs under that Act, to strengthen provisions designed to provide quality assurance and improvement, to provide for orderly and appropriate expansion of such programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. WELLSTONE, and Mr. BINGAMAN):

S. 1853. A bill to amend the Elementary and Secondary Education Act of 1965 to extend Federal assistance programs related to educational television programming, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. PRYOR, Mr. DOLE, Mr. HEFLIN, Mr. HELMS, Mr. CONRAD, Mr. COCHRAN, Mr. DASCHLE, Mr. MCCONNELL, Mr. BAUCUS, Mr. CRAIG, Mr. COVERDELL, and Mr. GRASSLEY):

S.J. Res. 163. A joint resolution to proclaim March 20, 1994, as "National Agricultural Day"; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. COATS, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. DURENBERGER, Mr. FORD, Mr. GRAMM, Mr. HATCH, Mr. HEFLIN, Mr. JEFFORDS, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMPSON, Mr. SPECTER, and Mr. DECONCINI):

S.J. Res. 164. A joint resolution to designate June 4, 1994, as "National Trails Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 181. A resolution to authorize testimony of a Senate employee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mrs. HUTCHISON, Mr. ROTH, Mr. MACK, Mr. SIMPSON, Mr. MURKOWSKI, Mr. PRESSLER, Mr. COATS, Mr. BENNETT, Mr. CRAIG, Mr. MCCAIN, Mr. NICKLES, Mr. DANFORTH, Mr. FAIRCLOTH, Mr. BROWN, Mr. SMITH, Mr. HELMS, and Mr. COVERDELL):

S. 1843. A bill to downsize and improve the performance and accountability of the Federal Government; to the Committee on Governmental Affairs.

THE GOVERNMENT DOWNSIZING PERFORMANCE AND ACCOUNTABILITY ACT OF 1994

Mr. DOLE. Mr. President, when President Clinton unveiled his 1995 budget plan yesterday, Republicans offered their cooperation to help the President cut unnecessary Government spending. Today, we are putting our money where our mouth is, and offering 50 billion reasons to reduce the deficit and improve Government performance. Joined by 16 of my colleagues—and I extend an invitation to every Senator in the Chamber and in their offices to take a look at this plan—we are introducing a 50-point plan to cut Federal spending by $50 billion during the next 5 years, a plan that includes ideas from the Vice President's National Performance Review, the so-called Penny-Kasich plan, and the nonpartisan organization—Citizens Against Government Waste.

We have tried to take the best of a number of plans, including some of our own ideas, to put together this 50-point plan. It is not a partisan effort. I hope my Democratic colleagues will have an opportunity to take a look at it.

This is not intended to be a comprehensive budget alternative. But the 50–50 plan is a step toward even lower deficits, a step the President did not take by shifting Federal dollars to new programs.

When it comes to cutting the deficit, Republicans believe that the best way—the only way—to get the deficit under control and improve the prospects for long-term economic growth is to cut Federal spending. And when it comes to improving Government performance, we agree that there are ways to make Government work better, but our No. 1 priority is to make it easier for people in the private sector—individuals and businesses—to deal with Government.

Last fall, Senator KAY BAILEY HUTCHISON, Senator BILL ROTH, Senator CONNIE MACK, and I got together with Peter Grace who now chairs Citizens Against Government Waste. We decided to begin work on a plan that would build on the good work in the national performance review, save the taxpayers money, streamline the Federal bureaucracy, and improve Government accountability.

We got the ball rolling, but others—like Senator MURKOWSKI, Senator COATS, Senator BENNETT, Senator PRESSLER, and Senator CRAIG—have played a key role in developing this plan. Working together we have produced a 50-point plan to cut Federal spending by more than $50 billion over 5 years and lock in those savings for deficit reduction.

Our proposal includes 8 recommendations to eliminate, phase-out or privatize Federal programs, and 21 more specific proposals to cut spending.

We offer 10 recommendations to cut Government red tape by consolidating overlapping agencies, reforming the Federal procurement process, reducing paperwork requirements, and streamlining procedures—particularly for small businesses.

We have included seven recommendations, developed under the leadership of Senator ROTH, to improve Government accountability and performance by establishing new Federal accounting standards, audited financial statements, and performance goals for each Federal program.

Our plan includes a real line-item veto, sunset provisions to ensure that all Federal programs come up for periodic review, and a super-majority requirement for future emergency spending legislation.

And finally, our plan reinstates the defense firewall to help the President fulfill his commitment to oppose additional cuts in defense spending. We believe that any defense savings that result from our plan should be used to help the Pentagon withstand the deep cuts that have already been approved by Congress.

Mr. President, the vote on the Penny-Kasich amendment in the House demonstrated that there is broad bipartisan support for efforts to cut spending to continue the progress that has been made in reducing the deficit. I hope that we will have an opportunity to vote on this and other measures to cut spending in the near future and I hope that this time around, we will get the support of the President and the Democrat leadership here in Congress.

I ask unanimous consent that a section-by-section summary of our plan and an analysis of our plan prepared by the Congressional Budget Office be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT DOWNSIZING, PERFORMANCE AND ACCOUNTABILITY ACT OF 1994

The Act includes 50 commonsense recommendations from the Grace Commission, the National Performance Review and other sources that would save the taxpayers money, streamline the Federal bureaucracy, and improve government accountability and performance.

The plan would cut Federal spending by more than $50 billion over 5 years and ensure that ALL of the non-defense savings go to deficit reduction.

TITLE I—SAVING THE TAXPAYERS MONEY

The plan contains 8 proposals to eliminate, phase-out, or privatize Federal programs, and 21 more specific proposals to cut spending. Recommendations include:

Cutting both Legislative Branch and Executive Office of the President spending by 7.5%, and cutting non-defense Federal government administrative expenses—like travel, consulting services, and printing.

Selling the Alaska Power Administration, privatizing the NOAA research fleet, and eliminating the Small Business Administration tree-planting program.

TITLE II—STREAMLINING THE FEDERAL BUREAUCRACY

The plan contains 10 proposals to reduce government bureaucracy by consolidating overlapping government agencies, reducing paperwork burdens, and streamlining procedures. Recommendations include:

Reorganizing the U.S. Department of Agriculture; Federal procurement reform; reducing paperwork requirements on purchases under $100,000 and Davis-Bacon contracts; and establishing clearinghouses for death data, disability and veterans benefit claims.

TITLE III—IMPROVING GOVERNMENT PERFORMANCE AND ACCOUNTABILITY

The plan contains 7 recommendations to improve accountability and performance by establishing new Federal accounting standards, audited financial statements, and performance goals for each Federal program. Recommendations include:

Requiring 23 key Federal agencies to prepare audited financial statements; and increasing the importance of job performance in Federal promotion and reduction-in-force procedures.

TITLE IV AND TITLE V—REFORMING THE LEGISLATIVE PROCESS AND ENFORCEMENT

The plan contains a Presidential line-item veto, limits new programs authorizations to a maximum of 5 years, and establishes a super-majority requirement for all "emergency" spending legislation. The plan reinstates the defense firewall to help the President meet his commitment not to cut defense spending any further. And, finally, the plan locks in all non-defense savings for deficit reduction by reducing the discretionary spending cap.

GOVERNMENT DOWNSIZING, PERFORMANCE AND ACCOUNTABILITY ACT OF 1994

[Preliminary 5-year spending cut total—$50.5 billion; dollars in millions]

	Source	5-year estimate
TITLE I—SAVING THE TAXPAYERS MONEY		
Part I: Specific spending cuts:		
1. Legislative Branch, Reduce Appropriations 7.5%.	K,S	$573
2. Members of Congress, COLA Reform	K,S	1
3. Executive Office of the President, Reduce Approps 7.5%.	N*,G*,S*	72
4. Federal Overhead Expenses Cut	Hutchison*	41,700
5. State Department Mission Operating Costs	N,G,K,S	624
6. Raise Davis-Bacon Threshold to $100,000	N*,G*,K*,S*	98
7. Repeal Prohibition on Use of Davis-Bacon Helpers.	G*	412
8. Federal Arts & Humanities Funding, Phase-in 10% Cut.	K,S	619
9. Federal Buildings, 1-year Moratorium on Construction of New Office Space.	K*,S	146
10. Appalachian Regional Commission, Freeze at FY93 Level.	K,S	160
11. Legal Services Corporation, 50% Cut	K*,CBO*,S*	861
12. CDBG at President's FY94 Request, Freeze through FY98.	CBO*,S*	1,114
13. TVA, Reduce Nonpower Programs by 33%	K,CBO,S	98
14. Substitute Vouchers for New Construction of Public Housing.	K,S	303
15. Cut Economic Development Administration by 10%.	K*,S*,CBO*	240
16. Increase Reemployment Programs for Occupationally-Disabled Federal Workers.	N	82
17. Reduce International Development Association Funding.	K,S	149
18. Allow Industry to Co-generate Power at DOE Labs /b.	N,K,S	24
19. Refinance HUD Sec. 235 Mortgages	N	22
20. Reduce World Bank Funding	K,S	106
21. Reduce Voluntary U.S. Contribution to U.N. Peacekeeping.	Dole	13
Part II: Reducing the size of Government:		
22. Sell Alaska Power Administration	N,G,S	63
23. Privatize NOAA Research Fleet	N,K,S	350
24. Phase-out and Close Certain VA Supply Depots.	N	89
25. State Justice Institute, Terminate Program	K	40
26. Eliminate SBA Tree-planting program	S	64
27. DoD to Contract Competitively for "Non-core" Functions.	N,G	—
28. Privatize Federal Debt Collection	N,G	130
29. New Executive Branch Printing Policy	N	—
TITLE II—STREAMLINING THE FEDERAL BUREAUCRACY		
30. USDA Consolidation	N*,G*,S*	563
31. Procurement Reform, Rely More on Commercial Products.	N,G	—
32. Procurement Reform, Streamlined Procedures for Purchases Under $100,000.	N,K	—
33. Davis-Bacon Reform, Paperwork Reduction	N,K,S	220
34. Consolidate Social Services Programs & Reduce Budgets to Account for Administrative Savings.	K,CBO	913
35. Competitive Contracting—HCFA Claims Processing.	N,G	24
36. Social Security Admin., Death Data Clearinghouse.	N	a
37. SSA Disability Claims Processing Improvements.	N,G	0
38. VA Benefit Clearinghouse	N	230
39. Streamline HUD Multifamily Housing Disposition Process.	N,K,S	449
TITLE III—IMPROVING GOVERNMENT PERFORMANCE AND ACCOUNTABILITY		
40. Congress to Establish Performance Goals for Each Federal Program.	Roth	—
41. Link Federal w/in Grade Increases to Job Performance.	N	—
42. Modify RIF—Increase Importance of Performance Ratings.	Roth	—
43. Comprehensive Fed. Accounting Standards w/in 18 Months.	N,G	—
44. Require Audited Financial Statements	N,G	−4
45. Federal Employee Compensation Act, Reduce Fraud.	N	1
46. Eliminate Congressionally-mandated Employment Floors.	N,G	—
TITLE IV—IMPROVING THE LEGISLATIVE PROCESS		
47. Line-Item Veto (Coats-Bradley)	Coats	—
48. Sunset All New Program Authorizations w/in 5 Years.	G*	—
49. Three-fifths Majority Required to Pass "Emergency" Spending Legislation.	Dole	—
TITLE V—ENFORCEMENT		
50. Lock in Non-Defense Savings for Deficit Reduction.		
Total Spending Cuts		50,549

Key: N National Performance Review; G Grace Commission and/or Citizens Against Government Waste; K Penny-Kasich Plan; S Senate Bipartisan Plan; * Modified version of original proposal; a Less than $500,000; b Estimate reflects non-defense savings.

Note: All estimates in outlays. Based on preliminary CBO estimates.

SECTION-BY-SECTION SUMMARY

TITLE I—SAVING THE TAXPAYERS MONEY

Part I: Specific spending cuts

1. Legislative Branch, Reduce Appropriations by 7.5%.

5-year savings estimate: $573 million.

The President and Congress must lead by example. The same cut that applies to the Executive Office of the President should apply to the Legislative Branch. Modified version of Penny-Kasich Task Force and Kerrey-Brown Plan recommendations.

2. Members of Congress, COLA Reform.

5-year savings estimate: $1 million.

This proposal would freeze Member pay at FY 1993 levels for one year. In future years, the formula for computing Members' COLAs is adjusted so that Members' COLAs can never exceed those of other federal employees. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

3. Executive Office of the President, Reduce Appropriations by 7.5%.

5-year savings estimate: $72 million.

The Executive Office of the President includes OMB, USTR, the Council of Economic Advisers, the Economic Policy Council, and various other offices. Source: Modified version of Grace Commission, NPR, and Kerrey-Brown Plan recommendations.

4. Federal Government Administrative Expense Reduction.

5-year savings estimate: $41.7 billion.

This proposal would reduce outlays for federal administrative expenses by $3 billion for FY 1994 and an additional $3 billion in FY 1995. In FY 1996, outlays for federal administrative expenses would be frozen at FY 1995 levels. Administrative expenses are defined by using 8 OMB object classes: 1) Travel and Transportation of Persons; 2) Transportation of Things; 3) Rental Payments to Others; 4) Communications, Utilities, and Misc.; 5) Printing and Reproduction; 6) Consulting Services; 7) Other Services; and 8) Supplies and Materials

Administrative expenses of the Department of Defense are exempted from this proposal because the Department has already had its budget cut substantially. Certain program expenses that are accounted for in the administrative expense object classes—1) Object Class 25.2 "other services" expenses of the Atomic Energy Defense Environmental Restoration program, Atomic Energy Defense Weapons Activities program, Superfund, and NASA; 2) Object Class 21.0 "travel and transportation" expenses of the Drug Enforcement Agency; 3) Object Class 21.0 "travel and transportation" and Object Class 26.0 "supplies and materials" expenses of the Veterans Health Administration Medical Care program—are exempted from these cuts. The OMB Director is given flexibility in allocating these cuts among the other Departments and agencies. Source: Senator Hutchison.

5. State Department/USIA, reduce mission operating costs.

5-year savings estimate: $624 million.

The NPR recommends "reducing U.S. costs to operate missions overseas, including eliminating certain facilities reducing security costs and considering altogether new forms of overseas representation." Source: Grace Commission, NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

6. Raise Davis-Bacon Threshold to $100,000.

5-year savings estimate: $98 million.

Under the Davis-Bacon Act of 1931, the Secretary of Labor sets wage rates and prescribes work rules for every category of worker employed on federally-financed construction, alteration, and repair projects, based on "locally prevailing" wages and labor practices. Since 1935, the Act has applied to contracts larger than $2,000. Raising the threshold to $100,000 for contracts within the geographical limits of the 48 contiguous states of the United States is consistent with the recommendations contained in the National Performance Review. The change would exempt only 3.5% of the dollar volume of federal construction, comprising a large number of small contracts. This would open up competition for federal contracts to many small and minority-owned businesses. Artificially splitting larger contracts into contracts smaller than $100,000 for the purpose of evading the Act would be prohibited. Source: Modified version of recommendations by the Grace Commission, NPR, the Penny-Kasich Task Force and the Kerrey-Brown Plan.

7. Repeal Prohibition on the Use of Davis-Bacon Helpers.

5-year savings estimate: $412 million.

The Davis-Bacon Act of 1931 requires the Labor Department (DOL) set minimum wage rates for every classification of worker on federally-funded construction projects, based on "locally prevailing wages." However, until 1992, DOL regulations largely failed to account for the widespread industry practice of employing "helpers" to assist skilled mechanics. in 1992, DOL began issuing prevailing wage determinations for helpers in areas where their use already was a "prevailing practice." The FY 1994 Labor-HHS Appropriations Act suspended the use of helpers for one year. Employment of helpers is especially prevalent among small and minority contractors. Source: Modified Grace Commission recommendation.

8. Federal Arts & Humanities Funding, Phase-in 10-Percent Cut.

5-year savings estimate: $619 million.

Would reduce federal funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Smithsonian Institution, the National Gallery of Art, and the Corporation for Public Broadcasting by 2 percent per year FY 1994 through FY 1998. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

9. Federal Buildings, One-year Moratorium on Construction of Net New Office Space for Lease or Purchase.

5-year savings estimate: $146 million.

The FY 1994 Treasury-Postal Appropriations bill was amended to cut funding for construction of new courthouses and federal office buildings by 2 percent. The moratorium would apply a prospective one-year hold on construction of net new office space, for purchase or lease, by GSA. To avoid a shift in outlays to future years, this proposal would also rescind $150 million in obligational authority from the Federal Buildings Fund for new construction and acquisitions. Source: Modified version of recommendations by the Penny-Kasich Task Force and Kerrey-Brown Plan.

10. Appalachian Regional Commission, Freeze at FY 1993 Level.

5-year savings estimate: $160 million

The ARC has spent almost $6 billion and built roughly 2,500 miles of new roads, yet high poverty rates still persist in Appalachia. Some programs supported by the ARC duplicate activities funded by other federal agencies, such as the Department of Transportation and the Department of Housing and Urban Development. Also, although the ARC allocates resources to poor rural communities, those areas are no worse off than many others outside the Appalachian region. Source: CBO, Penny-Kasich Task Force, Kerrey-Brown Plan.

11. Legal Services Corporation, 50% cut.

5-year savings estimate: $861 billion

The Legal Services Corporation (LSC) receives income from private sources and interest on escrow accounts in addition to federal money. Penny and Kasich note that LSC lawyers are accused of gearing legal assistance towards certain social causes as opposed to the more general aim of providing free legal aid to the poor. This proposal would rescind 20% of LSC funds in FY 1994 and cut FY 1995 funding to 50% of current levels. Source: Modified version of recommendations by the CBO, the Penny-Kasich Task Force and the Kerrey-Brown Plan.

12. Community Development Block Grant (CDBG) at President's Request for FY 1994, Freeze through FY 1998.

5-year savings estimate: $1.1 billion

Congress approved $180 million more in CDBG funding than President Clinton requested in his FY 1994 Budget. This proposal would rescind CDBG funds in excess of the President's request and freeze CDBG funding for 4 years. Source: Modified CBO proposal.

13. Tennessee Valley Authority (TVA), Reduce Non-power Programs by 33%.

5-year savings estimate: $98 million

Many of the activities the TVA undertakes are beyond the scope of its mission. Federal support for these activities should be reduced. Source: CBO, Penny-Kasich Task Force, Kerrey-Brown Plan.

14. Substitute Vouchers for New Construction of Public Housing.

5-year savings estimate: $303 million

HUD's construction of new public housing is "roughly twice as expensive as tenant-based assistance such as vouchers," and should be replaced where possible to simultaneously offer choice to recipients and minimize government costs. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

15. Cut Economic Development Administration (EDA) by 10%.

5-year savings estimate: $240 million

The EDA provides grants to state and local governments for public works, technical assistance, and job programs as well as guarantees to forms for business development. One criticism of EDA programs is that federal assistance should not be provided for activities are primarily local and, therefore, whose responsibility should be that of state and local governments. In addition, EDA programs have been criticized for substituting federal credit for private credit and for facilitating the relocation of businesses from one distressed area to another through competition among communities for federal funds. EDA has also been criticized for its broad eligibility criteria, which allows areas containing 80 percent of the U.S. population to compete for benefits. The Penny-Kasich Task Force recommended a 20% cut in EDA funding; the Kerrey-Brown Plan includes a 10% cut. Source: Modified version of CBO, Penny-Kasich Task Force and Kerrey-Brown Plan recommendations.

16. Increase Reemployment Programs for Occupationally-Disabled Federal Workers.

5-year savings estimate: $82 million

Expands a program which assists Federal employees disabled on the job and helps them to find new employment, and strengthens efforts to review records to assure that those receiving benefits are entitled and that beneficiaries are receiving the proper amounts. Source: NPR.

17. Reduce International Development Association (IDA) to Senate FY 1994 Level.

5-year savings estimate: $149 million.

The IDA is the soft loan window of the World Bank. The Senate recommended an appropriation of $957.1 million for IDA and stated that it "could not support an increase in the U.S. contribution under IDA-10." The Administration agreed to an increase of nearly $225,000,000 in the U.S. annual commitment. The Committee report accompanying the Senate version of the FY 1994 Foreign Operations Appropriations bill included the following language:

"[G]iven the intense budgetary pressures on the foreign aid program, concerns raised by IDA's performance in the areas of environment, population and poverty alleviation, the World Bank's inadequate policy on information disclosure and its failure to establish a public appeals panel, the Committee cannot support the requested increase."

The proposed would rescind the FY 1994 funds approved for IDA in excess of the Senate's funding recommendation. Source: Penny-Kasich Task Force, Kerrey-Brown Plan.

18. Allow Industry to Co-Generate Power at Department of Energy (DOE) Labs.

5-year savings estimate: $24 million.

Currently, only the Defense Department has this authority. All federal agencies should be allowed to install co-generation at sites where it is cost-effective. Estimate reflects only non-defense savings from this proposal. Source: NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

19. Refinance Department of Housing and Urban Development (HUD) Section 235 Mortgages.

5-year savings estimate: $22 million

Authorizes HUD to provide incentives to encourage refinancing of old, high-interest rate mortgages subsidized by the government. Source: NPR.

20. Reduce World Bank Funding to Senate FY 1994 Level.

5-year savings estimate: $106 million.

The Committee report accompanying the Senate version of the FY 1994 Foreign Operations, Export Financing, and Related Programs Appropriations bill stated:

"An internal review of the World Bank's loan portfolio concluded that the number of projects judged unsatisfactory at completion increased from 15 percent in fiscal 1981 to 37.5 percent in fiscal 1991. It also determined that borrowers' compliance with loan conditions . . . was only 25 percent. It found that the role of Bank staff has evolved from independent evaluators of country-proposed projects to advocates of projects to move money and gain promotions, with a resulting decline in project quality."

The Senate Appropriations Committee expressed concern about "the overly generous salaries and benefits to World Bank employees" and reports that "the Bank underestimated the cost of its new headquarters by over $100,000,000."

21. Reduce Voluntary U.S. Contribution to U.N. Peacekeeping to Senate FY 1994 Level.

5-year savings estimate: $13 million

In FY 1993, $27.1 million was appropriated for voluntary contributions to U.N. Peacekeeping. In FY 1994 the President requested $77 million, the Senate approved $62.5 million, and the FY 1994 Foreign Operations Appropriations Act included $75.6 million. This one-time rescission is aimed at curtailing the use of these contributions as a slush fund to finance activities distantly related to peacekeeping. Source: Senator Dole.

PART II: REDUCING THE SIZE OF GOVERNMENT

22. Sell the Alaska Power Administration.

5-year savings estimate: $63 million

The Alaska Power Administration (APA) was created to encourage economic development in Alaska by making low-cost hydropower available to industry and to residential customers. "The project has succeeded and can now be turned over to local ownership." Source: Grace Commission, NPR, Kerrey-Brown Plan.

23. Privatize NOAA Research Fleet.

5-year savings estimate: $350 million

The National Oceanic and Atmospheric Administration (NOAA) owns and operates a fleet for scientific research and other duties. These vessels carry out scientific experiments and maintain buoys and navigational beacons. GAO has recommended that the fleet be phased out and privatized over a 5-year period. GAO has criticized the government-operated fleet for being far more expensive to maintain and operate than comparable private sector vessels. Source: NPR, GAO, Penny-Kasich Task Force, Kerrey-Brown Plan.

24. Phase-out and Close Certain Veterans Administration (VA) Supply Depots.

5-year savings estimate: $89 million

The Veteran Administration should convert its existing centralized depot storage and distribution program to a commercial just-in-time delivery system and close unneeded supply deports. Source: NPR.

25. State Justice Institute, Terminate Program.

5-year savings estimate: $40 million

This program "aims to improve the efficiency of state courts . . ." and has no clear federal purpose. Source: Penny-Kasich Task Force.

26. Rescind Funds for Small Business Administration (SBA) Tree Planting.

5-year savings estimate: $64 million

These funds were not requested by the Administration or by SBA. Tree planting does not fall under the jurisdiction of job promotion by the SBA. The program should be terminated. Source: Kerrey-Brown Plan.

27. DOD permitted to contract competitively for non-core functions such as data processing, billing, and payroll.

5-year savings estimate: CBE

From 1979 to 1982, DOD performed cost-comparison studies of commercial activities involving 17,600 personnel positions. These studies found that it would be more economical to contract out approximately two-thirds of the department's commercial activities.

This resulted in the transfer of 11,700 positions from DOD to the private sector, with an annual savings of approximately $70 million. Even if an activity remained in-house after a cost comparison study, substantial savings were achieved as a result of improved efficiencies or streamlining. Source: Grace Commission, NPR.

28. Improve Federal Debt Collection.

5-year savings estimate: $130 million

Federal resources are not adequate to deal with the volume of debt owed to the government, and private-collection companies have proven themselves to be cost-effective. Yet many agencies—including the Farmers Home Administration, Social Security, the IRS, and the Customs Service—are statutorily prohibited from using private agencies for the job, even on a contingency-fee basis. Congress should lift those restrictions. CBO estimates that virtually all of the savings from this proposal would accrue to the Social Security Administration. Source: Grace Commission, NPR.

29. Eliminate the Current Federal Printing Monopoly.

5-year savings estimate: N/A

Phases out the requirement that agencies use the Government Printing Office, permitting them to procure their own printing and allowing GPO to bid for the work. CBO estimates that this proposal would save an estimated $220 million over 5 years. These savings should occur as part of the general reduction in Federal overhead expenses outlined in Proposal #4. Source: NPR.

TITLE II—STREAMLINING THE FEDERAL BUREAUCRACY

30. USDA Consolidation—Close Obsolete Field Offices.

5-year savings estimate: $563 million

USDA's focus has shifted dramatically since the 1980s, when its present structure evolved: 60% of its budget now deals with nutrition, less than 30% with agriculture. This shift in focus will allow USDA to consolidate agencies, "cutting administrative costs by more than $200 million over the next five years." This effort will reduce facility operating costs, reduce manpower, and create providing "one-stop" shopping for farmers. Source: Grace Commission, National Performance Review, Penny-Kasich Task Force, Kerrey-Brown Plan.

31. Procurement Reform, Rely More on Commercial Products.

5-year savings estimate: Cannot Be Estimated at This Time

The National Performance Review highlighted the need for the federal government to buy a greater share of its purchase from the commercial marketplace, rather than requiring products to be designed to government-unique specifications. Our government buy such items as integrated circuits, pillows, and oil pans, designed to government specifications—even when there are equally good commercial products available. Source: Modified version of Grace Commission and NPR recommendations.

32. Procurement Reform, Streamline Procedures for Purchases under $100,000.

5-year savings estimate: Cannot Be Estimated at This Time

For several years, burdensome procurement statutes have been waived for purchases up to $25,000. Several recent studies, including the National Performance Review, have shown that increasing this threshold to $100,000 will generate savings on about 70 percent of all government purchases. Source: Modified version of NPR recommendation.

33. Davis-Bacon Reform, Paperwork Reduction.

5-year savings estimate: $220 million

Under the Copeland Act of 1934, employers on contracts covered by Davis-Bacon are required to submit complete, certified payroll records to the Department of Labor (DOL) or the contracting agency every week. This requirement places a significant administrative burden on DOL, the contracting agencies, and contractors. Approximately 11 million payroll reports are submitted annually to contracting agencies, at an estimated cost of 5.5 million hours or industry employee time. This proposal would eliminate the requirement for these weekly payroll reports and, instead, require contractors to simply certify that they have complied with the law. Contractors would be required to keep records to prove their compliance for 3 years in case a complaint is filed. Source: NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

34. Consolidate Social Service Programs and Reduce Their Budgets by 4 Percent to Account for Administrative Savings.

5-year savings estimate: $913 million

This proposal would consolidate the Social Service Block Grant, the Community Services Block Grant, Title IV-A "At Risk" Child Care, the Child Care and Development Block Grant, and two activities of the Administration for Children and Families (specifically, Title III services and meals for the aging, and Dependent Care Planning and Development Grants). Social Services are currently provided to individuals and families through an array of programs. Each program has its own rules and regulations. By consolidating all of these programs into a single block grant, services could be provided more efficiently, duplicate services would be eliminated, and fewer Federal workers would be needed to administer the programs. Source: Penny-Kasich Task Force.

35. Competitive Contracting—HCFA Claims Processing.

5-year savings estimate: $24 million

NPR recommends that the Health Care Financing Administration be authorized to permit full and open competition for Medicare claims processing contracts. Source: Grace Commission, NPR.

36. Social Security Administration (SSA) Clearinghouse for the reporting and disclosure of death data.

5-year savings estimate: Less than $500,000

No federal agency should continue paying benefits after recipients have died. But stopping payments is not easy because sharing death information among different levels of government is restricted. For example, the Social Security Administration (SSA) obtains death information from states but many restrict SSA's disclosure of death data, so the information cannot always be shared with other government benefits programs. Source: Grace Commission, NPR.

37. Social Security Administration (SSA) Disability Claims Processing Improvements.

5-year savings estimate: $0 million

The NPR contains a recommendation to improve SSA disability claims processing to reduce backlogs and avoid paying benefits to those who are no longer disabled. Source: Grace Commission, NPR.

38. Veterans Administration Benefit Clearinghouse.

5-year savings estimate: $230 million

Under current law, the VA can seek reimbursement from private insurers for care related to non-service-connected conditions. This proposal would authorize the VA to use the Medicare/Medicaid Coverage Data Bank to determine whether veterans receiving health care have private insurance. Source: NPR.

39. Streamline HUD Multifamily Housing Disposition Process.

5-year savings estimate: $449 million

HUD currently owns 69,000 units of multifamily housing. Although HUD was never meant to function as a landlord, the agency has been unable to sell these units because of restrictions in Section 203 of the Housing and Community Development Amendments of 1978 requiring that each unit must be sold with 15-year project-based Section 8 assistance. Over the past several years, funding for Section 8 has been significantly reduced. This proposal would loosen the restrictions of Section 203, allowing HUD to dispose of the multifamily units more easily. Source: NPR, Penny-Kasich Task Force, Kerrey-Brown Plan.

TITLE III—IMPROVING GOVERNMENT PERFORMANCE AND ACCOUNTABILITY

40. Congress to Establish Performance Goals for Each Federal Program.

5-year savings estimate: CBE

The newly enacted "Government Performance and Results Act of 1993" requires that all Federal agencies establish program goals and report results beginning in 1997. Several management experts have urged that Congress should provide agencies with clear performance guidelines. This proposal would require that beginning on January 1, 1997, all authorization and appropriation legislation must contain performance goals for the programs funded in the bill. Source: Senator Roth.

41. Link Federal Within-Grade Pay Increases to Job Performance.

5-year savings: CBE

This proposal stipulates that only the time that a Federal employee is doing satisfactory work would be credited toward the required waiting period for a pay raise. Source: NPR.

42. Modify Reduction in Force (RIF) Requirements to Increase the Importance of Performance Ratings.

5-year savings estimate: CBE.

During a major downsizing of the Federal work force, there is a reasonable chance that voluntary separations will not be sufficient to reduce the number of Federal workers to targeted levels. This proposal would modify current reductions-in-force procedures to specify that employee "efficiency or performance ratings" be given greater weight than "tenure of employment" or "length of service". Source: Senator Roth.

43. Comprehensive set of Federal Accounting Standards to be Issued within 18 Months.

5-year savings estimate: Cannot Be Estimated (CBE)

"We require corporations to meet strict standards of financial management before their stocks can be publicly traded," the NPR notes. "They must fully disclose their financial condition, operating results, cash flows, long-term obligations, and contingent liabilities. But we exempt the $1.5 trillion federal government from comparable standards." In 1984, the Grace Commission found 332 incompatible accounting systems (along with 319 separate payroll systems) and recommended folding them into one; the National Performance Review found 287 different accounting systems and said they should be consolidated. For the sake of sound financial management and accountability to the taxpayers, the federal government should adopt a comprehensive set of federal accounting standards like all major corporations. Source: Grace Commission, NPR.

44. Require Audited Financial Statements.

5-year savings estimate: —$4 million

To provide greater accountability to the American people, this proposal would require 23 key Federal agencies, many of which have cash flows comparable to the nation's largest corporations, to prepare audited financial statements that cover organizationwide activities of these agencies. These additional reports will give program managers and Congress better information on which to base future funding decisions. Source: Grace Commission, NPR.

45. Federal Employees' Compensation Act, Reduce Fraud.

5-year savings estimate: $1 million

The Federal Employees' Compensation Act assists federal employees disabled on the job and helps them to find new employment. This proposal would amend the law to: make it a felony to lie on benefit applications; bar from the program those convicted of defrauding it; and cut off benefits to people in jail. Source: NPR.

46. Eliminate Congressionally-mandated Employment Floors.

5-year savings estimate: CBE

The NPR proposes to reduce the size of the civilian, non-postal work force by 12%, or 252,000 positions over the next five years. This would bring the federal work force below two million employees for the first time since 1967. This reduction cannot be carried out, however, unless Congress repeals mandated personnel levels for federal agencies. Source: Grace Commission, NPR.

TITLE IV—IMPROVING THE LEGISLATIVE PROCESS

47. Line-Item Veto.

5-year savings estimate: CBE

The President should have the authority to veto line-items in appropriations bills and tax expenditures in revenue bills. This proposal would require that each line-item in an appropriations bill and each tax expenditure in a revenue bill be enrolled as a separate bill to be presented to the President. This change would effectively subject all of these items to the Presidential veto and ensure that the override provisions of the Constitution would apply. This authority would sunset in 2 years. Source: Senators Coats and Bradley.

48. Sunset All New Program Authorizations within 5 years.

5-year savings estimate: CBE

Many programs currently lack sunset provisions. Without sunset provisions programs that have fulfilled their mission or become obsolete may continue indefinitely. Sunset provisions will ensure that all newly created programs will come up for periodic review. Source: Modified Grace Commission recommendation.

49. Three-fifths Majority Required to Pass "Emergency" Spending Legislation.

5-year savings estimate: CBE

Both the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990) and the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993) exempt "emergency" spending legislation from all budget points of order. Currently, a simple majority may pass "emergency" legislation while a super-majority is needed to waive most Budget Act points of order on other bills. Use of the "emergency" designation should be limited to legitimate, sudden, unforeseen emergencies. Source: Senator Dole.

TITLE V—ENFORCEMENT

50. Lock-in Non-Defense Savings for Deficit Reduction

The plan includes enforcement provisions to ensure that all non-defense savings go to deficit reduction. Any mandatory spending savings are deleted from the annual pay-as-you-go scorecard and the discretionary spending cap is reduced each year consistent with CBO estimates of the non-defense discretionary savings resulting from this plan. In addition, this section would reinstate the defense firewall to help President Clinton fulfill his commitment to oppose additional cuts in defense. Source: Modified version of Penny-Kasich Task Force recommendation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 8, 1994.

Hon. ROBERT A. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you requested, the Congressional Budget Office has reviewed a draft of a bill entitled the "Government Downsizing, Performance, and Accountability Act of 1994." CBO estimates that enacting this bill as drafted would have the direct effect of reducing the deficit by $3.7 billion in fiscal year 1994 and by another $1.3 billion over the 1995–1999 period. In addition, the legislation would diminish projected deficits over the 1995–1999 period by $45.8 billion by reducing the discretionary spending limits currently in effect. It also would make changes in numerous programs funded by discretionary appropriations that would make possible future savings in those programs that would help in complying with the discretionary caps.

The bill would change mandatory spending, existing appropriations, net Social Security spending, asset sale receipts, and caps on discretionary appropriations. These changes would occur as a direct consequence of the bill, without any further legislative action. CBO estimates that over the period of fiscal years 1994 through 1999 the bill would:

(1) Decrease 1994 spending by $3.2 billion by rescinding existing appropriations;

(2) Decrease mandatory spending (mandatory programs and offsetting receipts) by $1.6 billion;

(3) Reduce net Social Security spending by $145 million;

(4) Lead to about $85 million in additional receipts from the sale of federal assets; and

(5) Reduce the existing discretionary outlay caps for 1995–1998 by $45.8 billion.

Table 1 shows the estimated budgetary impact of changes in mandatory programs, offsetting receipts, Social Security spending, and asset sales. Table 2 shows the savings estimated for rescissions of existing appropriations. Taken together, the first-year savings from the rescissions along with the savings shown in Table 1 total $5.0 billion over the 1994–1999 period. (The remaining outlay reductions from the rescissions would be available to help meet the reduced discretionary caps.)

The reductions in the discretionary caps would constrain future appropriations even more than those already in place. In order to adhere to the existing caps, total discretionary outlays over the 1995–1998 period would have to be $115.5 billion below CBO's unconstrained baseline, which assumes that 1994 appropriations for discretionary programs are adjusted annually for projected inflation over the 1995–1999 period. The lower caps mandated in this bill would require an additional $45.8 billion in discretionary outlay cuts over that four-year period.

You also requested a tabulation of potential savings that could result from future reductions in discretionary appropriations, based on programmatic changes made by the bill and assuming that the lower 1994 funding levels resulting from the rescissions contained in the bill are projected into the future. These potential outlay savings are shown in Table 3 and total $55.9 billion over the 1995–1999 period. Such potential savings reduce authorizations of appropriations rather than direct spending and are subject to future appropriations action. CBO's estimate of these potential savings is measured relative to an unconstrained baseline, which does not reflect the existing caps on discretionary spending for the years 1995 through 1998. (There is no cap under current law for years after 1998.) Of the $55.9 billion in potential outlay savings, $42.1 billion would occur between 1995 and 1998, and thus could help in achieving the $161.3 billion in cuts required to comply with the limits on discretionary spending specified in this bill.

Table 4 summarizes CBO's estimates for the draft bill. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Peter Fontaine, who can be reached at 226–2860.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

Enclosures.

TABLE 1. SENATOR DOLE'S PROPOSAL: DIRECT SPENDING, SOCIAL SECURITY, AND ASSET SALE CHANGES

[In millions of dollars]

Section number, proposal	Fiscal year						6-year sum
	1994	1995	1996	1997	1998	1999	
1003 Reform pay adjustments for Members of Congress:.							
Budget authority	0	[1]	[1]	[1]	[1]	[1]	−1
Outlays	0	[1]	[1]	[1]	[1]	[1]	−1
1016 Disabled employees reemployment:.							
Budget authority	0	−8	−27	−3	8	4	−26
Outlays	0	−8	−27	−3	8	4	−26
1019 Section 235 mortgage refinancing:.							
Budget authority	0	18	13	−26	−26	−26	−48
Outlays	0	18	13	−26	−26	−26	−48
1101 Sell Alaska Power Administration-asset sale receipts:.							
Budget authority	0	−83	0	0	0	0	−83
Outlays	0	−83	0	0	0	0	−83
1101 Sell Alaska Power-Loss of annual power sale receipts:.							
Budget authority	0	0	11	11	11	11	144

TABLE 1. SENATOR DOLE'S PROPOSAL: DIRECT SPENDING, SOCIAL SECURITY, AND ASSET SALE CHANGES—Continued

[In millions of dollars]

Section number, proposal	Fiscal year						6-year sum
	1994	1995	1996	1997	1998	1999	
Outlays	0	0	11	11	11	11	144
1103 Closure of VA supply depots.							
Budget authority	0	0	0	0	0	0	0
Outlays	−45	−44	0	0	0	0	−89
1107 Improved federal debt collection (Social Security Administration):.							
Budget authority	−30	−40	−25	−20	−15	−15	−145
Outlays	−30	−40	−25	−20	−15	−15	−145
2102 Consolidate social services programs:.							
Budget authority	0	−124	−124	−124	−124	−124	−620
Outlays	0	−116	−124	−124	−124	−124	−612
2104 Federal clearinghouse on death information:.							
Budget authority	[1]	[1]	[1]	[1]	[1]	[1]	[1]
Outlays	[1]	[1]	[1]	[1]	[1]	[1]	[1]
2105 Continuing disability reviews:.							
Budget authority	0	0	0	0	0	0	0
Outlays	0	0	0	0	0	0	0
2106 Provision of data bank information to VA:.							
Budget authority	0	0	−5	−85	−140	−200	−430
Outlays	0	0	−5	−85	−140	−200	−430
2107 Reform HUD multifamily disposition program:.							
Budget authority	−425	0	0	0	0	0	−425
Outlays	−425	0	0	0	0	0	−425
3006 Deter fraud and abuse in FECA program:.							
Budget authority	[1]	[1]	[1]	[1]	[1]	[1]	−1
Outlays	[1]	[1]	[1]	[1]	[1]	[1]	−1
Total—Direct Spending:							
Budget authority	−425	−114	−132	−227	−271	−335	−1507
Outlays	−425	−150	−132	−227	−271	−335	−1588
Total—Social Security:							
Budget authority	−30	−40	−25	−20	−15	−15	−145
Outlays	−30	−40	−25	−20	−15	−15	−145
Total—Asset Sale Receipts:							
Budget authority	0	−83	0	0	0	0	−83
Outlays	0	−83	0	0	0	0	−83

[1] Less than $500,000.

TABLE 2. SENATOR DOLE'S PROPOSAL: RESCISSIONS

[In millions of dollars]

Section number, proposal	Fiscal year—						6-yr sum
	1994	1995	1996	1997	1998	1999	
1001 Rescission of funds for the legislative branch:							
Budget authority	−60	0	0	0	0	0	−60
Outlays	−52	−8	0	0	0	0	−60
1002 Rescission of funds for the Exec. Office of the President:							
Budget authority	−8	0	0	0	0	0	−8
Outlays	−8	−2	0	0	0	0	−8
1004 Cuts federal overhead expenses:							
Authorization	−6000	0	0	0	0	0	−6000
Outlays	−3000	−2300	−600	−100	0	0	−6000
1005 Rescind funds for AID, State, and USIA:							
Budget authority	−172	0	0	0	0	0	−172
Outlays	−20	−93	−32	−13	−6	0	−164
1008 Rescission funds for the arts and humanities programs:							
Budget authority	−15	0	0	0	0	0	−15
Outlays	−9	−4	−1	−1	0	0	−15
1009 Rescission from the Federal buildings fund [1]:							
Budget authority	−150	0	0	0	0	0	−150
Outlays	−4	−15	−38	−50	−29	−10	−146
1010 Rescind funds for Appalachian Regional Commission:							
Budget authority	−59	0	0	0	0	0	−59
Outlays	−3	−15	−18	−10	−7	−6	−59
1011 Rescind funds for Legal Services Corporation:							
Budget authority	−33	0	0	0	0	0	−33
Outlays	−25	−8	0	0	0	0	−33
1012 Rescind fund for Community Development Block Grants:							
Budget authority	−180	0	0	0	0	0	−180
Outlays	−7	−74	−74	−25	0	0	−180
1013 Rescind funds for TVA:							
Budget authority	−23	0	0	0	0	0	−23
Outlays	−18	−6	0	0	0	0	−23
1014 Suvstitute voucher assistance for public housing new construction:							
Budget authority	−367	0	0	0	0	0	−367
Outlays	2	24	−48	−64	−91	−67	−245
1015 Rescind funds for EDA:							
Budget authority	−80	0	0	0	0	0	−80
Outlays	−8	−25	−25	−15	−6	−2	−80
1017 Rescind funds for International Development Assocation:							
Budget authority	−67	0	0	0	0	0	−67
Outlays	−9	−9	−9	−12	−7	0	−47
1020 Rescind funds for World Bank:							
Budget authority	−28	0	0	0	0	0	−28
Outlays	−3	−13	−13	0	0	0	−28
1021 Rescind funds for UN Peacekeeping:							
Budget authority	−13	0	0	0	0	0	−13
Outlays	−9	−4	0	0	0	0	−13
1102 Rescind funds for NOAA research fleet:							
Budget authority	−65	0	0	0	0	0	−65
Outlays	−10	−16	−23	−13	−3	0	−65
1105 Repeal national small business tree planting program:							
Budget authority	0	0	0	0	0	0	0
Outlays	0	0	0	0	0	0	0
Total—Rescissions:							
Budget authority	−7321	0	0	0	0	0	−7321
Outlays	−3181	−2567	−879	−304	−150	−85	−7167

[1] The estimates for the federal buildings fund do not include budgetary impacts from the one-year moratorium included in the bill. The moratorium would have no net impact on outlays over the 1994–1999 period.

TABLE 3.—SENATOR DOLE'S PROPOSAL: DISCRETIONARY SPENDING ASSUMPTIONS, RELATIVE TO CBO'S UNCONSTRAINED BASELINE

[In millions of dollars]

Section number, proposal	Fiscal year						6-Yr. Sum
	1994	1995	1996	1997	1998	1999	
1001 Reduce legislative branch approp. by 7.5 percent:							
Authorization	0	−125	−130	−135	−140	−145	−675
Outlays	0	−114	−128	−133	−138	−143	−656
1002 Reduce Exec. Office of the President appropriations by 7.5 percent:							
Authorization	0	−17	−18	−18	−19	−19	−91
Outlays	0	−12	−16	−17	−18	−19	−83
1004 Cut federal overhead expenses:							
Authorization	0	−7400	−10200	−10500	−10800	−11000	−49900
Outlays	0	−5500	−9100	−10300	−10700	−11000	−46600
1005Cut AID, State, and USIA:							
Authorization	0	−177	−182	−187	−192	−197	−934
Outlays	0	−20	−117	−153	−170	−180	−640
1006 Davis-Bacon contract threshold at $100,000:							
Authorization	−16	−62	−33	−34	−35	−36	−216
Outlays	−2	−14	−24	−28	−30	−32	−130
1007 Repeal prohibition on use of Davis-Bacon helpers:							
Authorization	0	−425	0	0	0	0	−425
Outlays	0	−60	−187	−133	−33	−13	−425
1008 Reduction in funding for arts and humanities programs:							
Authorization	0	−81	−146	−201	−256	−293	−977
Outlays	0	−60	−127	−181	−236	−278	−882
1010 Cut Appalachian Regional Commission:							
Authorization	0	−61	−62	−64	−66	−67	−319
Outlays	0	−3	−18	−37	−49	−57	−164
1011 Cut Legal Services Corporation:							
Authorization	0	−205	−211	−217	−222	−228	−1084
Outlays	0	−181	−210	−216	−222	−228	−1056
1012 Cut Community Development Block Grants:							
Authorization	0	−299	−422	−545	−673	−805	−2744
Outlays	0	−12	−139	−317	−465	−591	−1525
1013 Cut TVA:							
Authorization	0	−24	−25	−25	−26	−27	−126
Outlays	0	−7	−20	−23	−25	−26	−101
1014 Substitute voucher assistance for public housing new construction:							
Authorization	0	−377	−387	−398	−408	−419	−1989
Outlays	0	2	15	−37	−105	−200	−325
1015 Cut funds for EDA:							
Authorization	0	−82	−84	−87	−89	−91	−433
Outlays	0	−4	−30	−56	−73	−81	−243
1016 Disabled employees reemployment:							
Authorization	0	9	−2	−28	−31	−30	−82
Outlays	0	8	−1	−28	−31	−30	−82
1017 Cut International Development Association:							
Authorization	0	−69	−71	−73	−75	−77	−364
Outlays	0	−10	−20	−30	−43	−51	−153
1018 Federal-private cogeneration of electricity:							
Authorization	0	0	0	−30	−30	−30	−90
Outlays	0	0	0	−10	−25	−30	−65
1020 Cut World Bank funding:							
Authorization	0	−29	−29	−30	−31	−32	−151
Outlays	0	−3	−16	−29	−30	−31	−109
1101 Sell Alaska Power Administration-operating costs savings:							
Authorization	0	0	−4	−5	−5	−5	−19
Outlays	0	0	−4	−4	−5	−5	−18
1102 Reduce funding for NOAA research fleet:							
Authorization	0	−123	−127	−130	−134	−138	−652
Outlays	0	−19	−50	−94	−122	−131	−416
1104 Terminate State Justice Institute:							
Authorization	0	−14	−14	−15	−15	−16	−74
Outlays	0	−4	−9	−13	−15	−15	−55
1105 Repeal national small business tree planting program:							
Authorization	0	−17	−17	−18	−18	−19	−89
Outlays	0	−12	−16	−18	−18	−19	−83
1106 Contracting for certain functions of the Department of Defense:							
Authorization	0	[1]	[1]	[1]	[1]	[1]	[1]
Outlays	0	[1]	[1]	[1]	[1]	[1]	[1]
1201–1208 Eliminating Government Printing Monopoly:							
Authorization	0	0	−50	−100	−100	−110	−360
Outlays	0	0	−40	−80	−100	−100	−320
2001 USDA consolidation:							
Authorization	0	−31	−112	−178	−254	−330	−905
Outlays	0	−30	−108	−175	−250	−326	−889
2051–2081 Procurement reform for commercial items:							
Authorization	0	[1]	[1]	[1]	[1]	[1]	[1]
Outlays	0	[1]	[1]	[1]	[1]	[1]	[1]
2101 Amend the Copeland Act:							
Authorization	0	−85	−90	−90	−95	−95	−455
Outlays	0	−20	−50	−70	−80	−85	−305
2102 Consolidate social services programs:							
Authorization	0	−96	−99	−101	−103	−106	−505
Outlays	0	−55	−63	−330	−103	−106	−531
2103 Increased flexibility in contracting for Medicare claims processing:							
Authorization	0	−6	−6	−6	−6	−6	−30
Outlays	0	−6	−6	−6	−6	−6	−30
2107 HUD multifamily housing disposition process:							
Authorization	0	−6	−7	−7	−7	−7	−34
Outlays	0	−4	−6	−7	−7	−7	−31
3005 Annual financial reports:							
Authorization	0	0	0	2	2	2	6
Outlays	0	0	0	2	2	2	6
3006 Deter fraud and abuse in FECA program:							
Authorization	0	[2]	[2]	−1	−1	−1	−3
Outlays	0	[2]	[2]	−1	−1	−1	−3
Total—Authorization changes:							
Authorization	−16	−9801	−12529	−13220	−13828	−14326	−63719
Outlays	−2	−6139	−10364	−12523	−13097	−13787	−55913

[1] Potential savings cannot be estimated.

[2] Less than $500,000.

TABLE 4. SUMMARY OF CBO'S ESTIMATES FOR SENATOR DOLE'S PROPOSAL

[In millions of dollars]

Spending category	Fiscal year						6-Year sum
	1994	1995	1996	1997	1998	1999	
Direct Spending:							
Estimated budget authority	−425	−114	−132	−227	−271	−335	−1507
Estimated outlays	−470	−150	−132	−227	−271	−335	−1588
Rescissions:							
Estimated budget authority	−7321	0	0	0	0	0	−7321
Estimated outlays	−3181	−2567	−879	−304	−150	−85	−7167
Social Security:							
Estimated budget authority	−30	−40	−25	−20	−15	−15	−145
Estimated outlays	−30	−40	−25	−20	−15	−15	−145
Asset sale receipts:							
Estimated budget authority	0	−83	0	0	0	0	−83
Estimated outlays	0	−83	0	0	0	0	−83
Authorizations, subject to appropriations:							
Estimated authorization level	−16	−9801	−12529	−13220	−13828	−14326	−63719
Estimated outlays	−2	−6139	−10364	−12523	−13097	−13787	−55913

Mr. ROTH. Mr. President, history has shown that there are two keys necessary to effectively reduce the Federal budget deficit. The first is to strengthen the economy, make the pie bigger. Business prospers. Jobs and opportunity increase. Families have more disposable income. Tax revenues soar, the Treasury reaps a windfall, and government is better able to care for its legitimate responsibilities.

But this key, alone, will not work. To take control of the deficit, it is not enough to strengthen the economy.

The record-setting economic growth of the eighties proved that a second key is needed if we are to place this country back on a sound financial foundation. Due largely to the income tax cuts that stimulated the longest peacetime economic expansion in history, Federal revenues between 1980 and 1992 increased by 100 percent. Money poured into the Treasury. It is true that Americans were paying a lower percentage of their income to taxes, but the windfall resulted because Americans were making more money—much more, as some 18 million new jobs were created and more than 4 million new businesses opened their doors.

While these economic boom years cut into the budget deficit, reducing it by more than 60 percent between 1986 to 1989, from $227 to $142 billion in 1987 dollars, the economic expansion was not as effective as it should have been in addressing the long-term deficit problem. Why? The answer is simple. And it points to the second key we must use if we are to effectively cut the deficit. That key is responsible Government spending.

As the New York Times' David Rosenbaum wrote: "One popular misconception is that the Republican tax cuts caused the crippling Federal budget deficit. * * * The fact is, the large deficit resulted because the Government vastly increased what it spent each year. * * *" In other words, had Congress been able to control the Federal appetite in the eighties, it is very possible that the deficit would not be the issue it is today.

There are two keys, Mr. President, the first is to strengthen the economy, the second is to cut Government spending, to make Washington more responsible and keep the money in the private sector where it can be invested to create jobs.

Growth and jobs—global competitiveness—these are the goals we seek in our governmental policy. Frankly, I believe portions of President Clinton's budget offers a first step toward effectively using the second key. While his record-setting tax increases last year were certainly a set back—as millions of Americans will discover come April—the near 300 cuts he calls for in Government programs demonstrate that he understands and is willing to make hard choices when it comes to trimming the size and growth of the bureaucracy. While I do not necessariy agree with all of his cuts, I am encouraged by the fact that he proposes to eliminate over 100 Government programs.

But as I said, Mr. President, this budget is only a first step. We must see it as a beginning. With members of his party controlling both Houses of Congress, President Clinton should be able to go much farther in trimming and cutting and regaining control over a government that has become far too fat for its own good. I believe President Clinton is right to reallocate money to reflect the priorities of his administration. He's right to do this rather than simply raise more taxes, upon the taxes he imposed last year, thus further increasing the financial burden Government places upon American families. But certainly the cuts he calls for are not the only cuts that can be made. For example, the 115 program eliminations listed only cuts $3.2 billion from the budget: $3.2 billion out of a $1.5 trillion budget. That's only 3 cents of cuts for every $15 of spending.

And to put that $3.2 billion into perspective, the SSN 21 *Sea Wolf*, a submarine designed to hunt and kill Soviet nuclear strategic submarines—Soviet subs that are no longer a threat—costs well over $3 billion apiece to build, operate and maintain. Cut that one program and we could immediately double or triple the savings to the taxpayers.

President Clinton does make cuts in defense. In fact, what he is calling for is the most dramatic defense cuts since World War II. Unfortunately, these cuts do not fall on all the right programs; many do not reflect the real needs and strategic changes in today's defense policy. For example, programs like the SSN 21 *Sea Wolf* continue, while reductions in operation and maintenance seriously undermine the readiness of our Armed Forces—readiness which proved itself invaluable during Operation Desert Storm.

Events continue to demonstrate that this is an unsafe world. In many ways, conflicts in the post-cold war environment are greater in number and much more complex in nature. We need to reinstate the defense firewall and insure that there are adequate funds and that those funds are spent on defense needs to reflect world security demands. While we do not need SSN 21 submarines, at some $3 billion a copy, to track a marine threat that has radically diminished, we do need well-trained troops—men and women with high morale and the best equipment available.

My other major problem with this budget concerns all that President Clinton fails to include. Despite the fact that the most costly item on President Clinton's domestic agenda is health care reform—that reform is not fully addressed in this budget. We need answers, Mr. President. The American people deserve full disclosure. This budget does not deliver it, and one has to ask, "Why?" While we may have $3.2 billion in spending cuts in this $1.5 trillion package, I fear that there is much, much more money that the President plans to spend that he has not even included in the report.

The President has, time and again, made reference to his appreciation for Thomas Jefferson. There's a little advice Thomas Jefferson left us that I believe President Clinton would do well to follow. I gave this same advice to his predecessor. Jefferson said, the finances of the Union should be "as clear and intelligible as a merchant's books, so that every Member of Congress, and every man of any mind in the Union, should be able to comprehend them to investigate abuses, and consequently control them."

Given this criterion, this budget is beyond redemption.

But again, Mr. President, I applaud the fact that it does include an effort to contain costs. I hope it indicates that President Clinton is serious about moving forward with real deficit reduction. If we are really going to get the budget down and legitimately address the deficit, it will take a combination of cuts—both small and large. It will take long-term economic growth—growth based on responsible and reasonable taxation. The two must go hand in hand.

The time has come to get serious about cutting Government spending, about downsizing, about enhancing the performance of Government and holding it accountable for its performance. This can be done. The President's budget is a first step, but only a first step. I'm pleased to announce that today we are introducing legislation that goes much farther. It's called the Government Downsizing, Performance and Accountability Act of 1994. It offers 50 recommendations that will reduce the deficit by $55 billion over the next 5 years. At the same time, it will make the Federal bureaucracy more efficient, improve the legislative process and hold Government accountable for its actions.

These recommendations are not new; they come from the Grace Commission, the National Performance Review, and other well-respected studies and groups. They have four specific objectives: First, to save the taxpayers money; second, to streamline the Federal bureaucracy; third, to improve Government performance; and, fourth, to reform the legislative process. These, of course, are all part of the second key I have referred to, and they go far beyond the reductions and spending control President Clinton has asked for in his budget.

Frankly, I believe the Government Downsizing, Performance and Accountability Act is Government's answer to a trend that has already taken hold in the private sector. In the competitive global economic environment, those companies that are surviving—even thriving—are the companies that are becoming lean, efficient and cost-effective; they are the companies that are delivering more goods and services for the money, the companies that can respond quicker and are accountable for their performance. Governments should be no different.

Our client is the taxpayer, and frankly, the taxpayers aren't getting their money's worth. The Government Downsizing, Performance and Accountability Act is a good first step toward correcting that.

It includes 8 proposals to eliminate, phase-out or privatize Federal programs, and 22 more specific proposals to cut spending. Both the legislative and the executive branches are called upon to make cuts. The plan also includes 10 proposals to reduce Government bureaucracy by consolidating overlapping Government agencies, reducing paperwork, and streamlining procedures. And, I am pleased to say, it contains what I believe is a critical tool for fiscal responsibility—a tool most Americans want to see adopted—the line-item veto.

Mr. President, this plan is specific. It is workable. It is needed. It is an example of the second key to taking control of Federal spending. While I applaud President Clinton's cost containment in the budget he has just delivered, I believe most—if not all—Americans would agree that much more needs to be done. The Government Downsizing, Performance and Accountability Act is one more important step. I encourage all of my colleagues to embrace it.

Mr. CRAIG. Mr. President and Members of the Senate, I am pleased to join today with our Republican leader, Senator DOLE, and 15 of our colleagues in introducing the Government Downsizing, Performance and Accountability Act. Also known as the 50-50 bill, this legislation comprises a 50-point plan to cut Federal spending by more than $50 billion over the next 5 years. Most importantly, these savings would apply to deficit reduction because the bill would lower the discretionary spending caps.

I have been part of an informal task force that has shaped this bill over the last few months drawing from recommendations of the Grace Commission, Citizens Against Government Waste, the Vice President's National Performance Review, Penny-Kasich, and the legislation of yesterday, the Kerry-Brown amendment, and a lot of other individual Senator's ideas. I commend the leader and his staff for their work in pulling together the many diverse ideas and interests that are embodied in this bill.

In a similar legislative vein, I am disappointed that the Senate did not adopt the spending cut amendment proposed yesterday by the Senator from Nebraska [Mr. KERREY] and the Senator from Colorado [Mr. BROWN] to the disaster relief bill that is before us.

Earlier yesterday, the press reported the Senator from Nebraska to be discouraged that some Senators would vote against his amendment while supporting a balanced budget amendment to the Constitution. This is one Senator who voted for the Kerrey-Brown amendment, and I am one of the original authors of the balanced budget amendment that we will be debating in the Chamber by the end of this month.

I understand and I share his frustration. However, I point out to him that the Senate did not adopt his amendment because it was not worthy; it certainly was. It was important. But I wish he would become a cosponsor of our balanced-budget amendment and bring to the floor once and for all this debate, which would then make a Kerrey-Brown type amendment, something on which this Congress could not "pass go," or this Senate could not "pass go," as it did yesterday, but it would have to wrestle with it in a much more sincere vain.

It is just this kind of frustration, with a business as usual budget process, that has converted many former skeptics into committed supporters of a balanced budget amendment. In fact, one of those is the chairman of the subcommittee of the Judiciary Committee that has led this issue, Senator PAUL SIMON, of Illinois, in his support and his leadership on Senate Joint Resolution 41.

It is understandable if many of my colleagues have turned to a constitutional mandate out of frustration. We saw the reason yesterday in the Chamber. Today, we introduce a bill which we hope can become law. But more than likely the process and the forces inside the process will submerge it or sidetrack it in a way that it will not bet a fair up-or-down vote.

So when I speak out about a balanced budget amendment, as I did in the Chamber last week, it is to demonstrate that a fundamental and critical right is at stake, the right of the people to be free from the burdens created by excessive Government debt. Today, I wish to rise to point out that the nature and the importance of this right make it the very kind of right traditionally and appropriately protected in the Constitution.

Mr. President, you know that the Constitution is that which spells out our rights and protects them. I argue that the right to be free from Federal debt for future generations is just as important a right as all of the others that are embodied in the Constitution.

Last week I noted that President Woodrow Wilson had made the clear difference between spending without taxation and taxation without representation as being one and the same.

This was more than just a comparison. Deficit spending is in fact a form of taxation without representation. Deficit spending confers a benefit to one group in our society—those who benefit from the largesse of the Government in the immediate sense—at the expense of an innocent and unrepresented group who are sent the bill in the next generation. This is something this Congress and this Senate has to stop. Starting on February 22, we will have an opportunity to debate a constitutional amendment, Senate Joint Resolution 41, that brings all that have to focus for the first time in this body in a good many years.

Let us remember, Mr. President, that we fought a revolution over taxation without representation, and when you talk to young people today who realize that the Federal Government already has a $17,000 debt bill to hand them when they become of age, when they become voters and taxpayers, I do not blame them for being frustrated. I would argue that they ought to be angry over that kind of an approach.

The issue of taxation without representation was addressed originally in the Constitution by allowing bills to raise revenue to originate exclusively in the House of Representatives. Remember that, originally, the significance of the popular vote was unforseen in Presidential elections and U.S. Senators were chosen by State legislatures. The House was the only part of any of the three branches that was popularly chosen and directly representative of the people. The Framers assumed that limiting tax bills to originating in the House would adequately protect the right of those who are taxed to be fully represented.

The Framers, of course, could not foresee that they had accounted for only one-half of the equation.

They also assumed as a given that, by specifically enumerating the relatively few powers of the Federal Government, and because of their understanding of the definitions of those powers, they were creating a Federal Government that always would be small as national governments go, with its scope strictly limited.

And in fact, as late as 1929, the Federal Government accounted for only about 3 percent of the gross national product.

Therefore, the Framers never envisioned a Federal Government that could grow to a size and scope where its budgetary activities could profoundly affect the economy.

Similarly, the Framers assumed a government with its finances tethered by adherence to a gold standard. This firm assumption was indirectly acknowledged in Article I, section 10, which still says, in part, "No State shall * * * make any Thing but gold and silver Coin a Tender in Payment of Debts. * * *" Thus, the Government's ability to borrow would be further constrained by the limited ability of the money supply to expand to accommodate it.

Finally, historical authorities agree that the norm of balanced budgets at virtually all times except during war was always a part of the unwritten constitution.

For example, University of Virginia professor, William Breit, was quoted in 1985, in the Judiciary Committee's Senate Report 99–162, as follows:

> The balanced-budget rule which served as part of the Constitution was, of course, not in the form of a written statement. * * * But it nevertheless had constitutional status. For expenditures in excess of receipts were considered to be in violation of moral principles. The imperative of the balanced budget was an extra-legal rule or custom that grew up around the formal document. It existed outside the precise letter of the Constitution on all fours with the system of political parties, the presidential cabinet, the actual operation of the electoral college system, and the doctrine of judicial review.

The original Constitution was bitterly controversial. It was ratified by a handful of votes in several States, and then only after firm promises were made to add a Bill of Rights in the First Congress.

In other words, many of the Framers did not think it was really that necessary to include explicit provisions protecting rights like freedom of speech and religion, the right to keep and bear arms, and freedom from unreasonable searches and seizures. Even more so, they could hardly imagine the need for a balanced budget provision, because even a government that would quarter soldiers in private homes and impose taxation without representation, as the British despot had done, would not be so reckless in its operations as to incur massive debts.

Uniquely among the Nation's Founders, however, Thomas Jefferson did foresee what abuses of the public purse were possible. That's why, in a 1798 letter to John Taylor, he wrote:

> I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution; I mean an additional article, taking from the federal government the power of borrowing.

And again, in 1798, he wrote:

> If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of government to borrow money.

Jefferson and John Adams were perhaps the most adamant among the Founders to insist that refraining from excessive indebtedness was a moral imperative for the Government. Unfortunately, when the original Constitution was being drafted, Jefferson was representing our young Nation in France and Adams was in England. Had they not been abroad, we probably would not have to debate a balanced budget amendment today.

When the Senate returns after President's Day, I will resume this discussion of how the balanced budget amendment is appropriate to the rest of the Constitution, how the fundamental rights it seeks to protect have been violated and the people harmed, and how a constitutional amendment is the only remedy.

Mrs. HUTCHISON. Mr. President, I rise today to join Senator DOLE and 15 of my colleagues in introducing the Government Downsizing, Performance, and Accountability Act of 1994 and to call for its prompt enactment.

Its not surprising to me, Mr. President, that when something goes on for a long time we forget that it's happening. We get distracted by daily life and don't notice it anymore. Modern technology makes space flight and satellite communications possible, and as time passes we don't even notice when a space shuttle flight takes off or when we see events shown live on television from the other side of the world.

But if we overspend on our credit cards, we get a bill in the mail at the end of the month. We have to notice it—it's a rude awakening that no matter how we rationalize spending, eventually we need cash to pay the bill. But too many Senators don't look at the accounts of the Treasury, mailed to us each month, so we keep spending more money. We're $4.5 trillion in debt, and we keep spending money, and borrowing to pay the interest, and because daily life goes on we don't notice that we're moving towards financial ruin.

Financial ruin will come eventually because we can't afford to pay the interest on an ever increasing debt. Gross interest on the public debt for fiscal year 1994 is projected by President Clinton's budget to be $299 billion. That's more than half of all domestic discretionary spending. The budget deficit for fiscal year 1994 is less than expected, but that is because of lower interest rates for financing the debt and increases in taxes, not because of spending cuts. We can't keep borrowing money to finance current spending. We must cut spending, stop borrowing, and pay off the debt.

Our first step must be to cut spending now. That is why we are introducing the Government Downsizing, Performance, and Accountability Act of 1994 today. The Act contains 50 commonsense proposals to save money and make the Government more efficient. The act includes my Federal Government reduction plan, which will cut Federal administrative expenses by $3 billion for fiscal years 1994 and 1995, and freezes such expenses at the 1995 level for fiscal year 1996. The Congressional Budget Office has estimated that this will save $41.7 billion over 5 years.

Administrative expenses that will be cut by the act include travel and shipping; non-Government rents; communications and utilities; printing; consultants fees; supplies and materials; and other services. Administrative expenses under the act do not include expenses of the Department of Defense, which has had its budget cut substantially already. Administrative expenses under the act also do not include certain program expenses that are accounted for under the Office of Management and Budget's Object Class 25.2 "other services" expense category.

The administrative expense cuts we are proposing will not harm government services, but will streamline the Federal bureaucracy by eliminating waste. I know firsthand that overhead can be trimmed, even while productivity is increased. When a business or a corporation—indeed, even a household—encounters financial trouble, the first thing it does is cut overhead. The

Federal Government can do the same. And with the reduced number of Government employees needed under the administration's reinventing government plan, less administrative services will be needed.

The act contains 49 other proposals to save taxpayer's money, streamline the Federal bureaucracy, improve Government performance, and reform the legislative process. The act saves taxpayer's money by cutting 7.5 percent from the legislative branch and Executive Office of the President's budgets. I have voluntarily cut 20 percent from my Senate office budget. The act improves Government performance by imposing a single accounting standard instead of the 287 we are working under now. The act reforms the legislative process by calling for a line-item veto, a 5-year limit on authorization for new programs, and a super-majority vote for emergency spending legislation.

Most important, the $50 billion that the Government Downsizing, Performance and Accountability Act will save will all go towards deficit reduction. The act ensures that the savings will not be spent on any new spending plans because it reduces the discretionary spending cap. Only by cutting spending and reducing the cap can we protect our Nation's financial future. I urge my colleagues to join us by supporting this act to reduce the deficit and the long-term burden of carrying interest on the national debt.

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. COCHRAN):

S. 1844. A bill to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission, and for other purposes; to the Committee on Indian Affairs.

INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1994

Mr. MCCAIN. Mr. President, today I am introducing the Indian Federal Recognition Administrative Procedures Act of 1994. I am pleased to note that Senators INOUYE and COCHRAN have joined with me as cosponsors of this legislation.

From the earliest times, the Congress has acted to recognize the unique government-to-government relationship with the tribes. There are and always have been some Indian tribes which have not been recognized by the Federal Government. This lack of recognition does not alter the fact of the existence of the tribe or of its retained inherent sovereignty; it merely means that there is no formal political relationship between the tribal government and the Federal Government and that the enrolled members of the tribe are not eligible for the services and benefits accorded to Indians because of their status as members of federally recognized Indian tribes.

Over the years, the Federal courts have ruled that recognition, while solely within the authority of the Congress, may also be conferred through actions of the executive branch. Both the President and the Secretary of the Interior have historically acted in ways which the courts have found to constitute recognition of Indian tribes. And beginning in 1954, it was the established policy of the Congress to officially sanction the termination of the Federal/tribal relationship. This misguided policy was only effectively ended in 1970 when President Nixon called for the beginning of an era of self-determination and the end of termination.

In 1978, the Department of the Interior promulgated regulations to establish criteria and procedures for the recognition of Indian tribes by the Secretary. Since that time tribal groups have filed 147 petitions for review. Of those, 28 have been resolved and 75 are letters expressing an intent to petition, and 7 require legislative authority to proceed. The remainder are in various stages of consideration by the Department. During this same time, the Congress has recognized six other tribal groups through legislation.

In 1978, 1983, 1988, 1989, and 1992 the Committee on Indian Affairs held oversight hearings on the Federal recognition process. At each of those hearings the record has clearly shown that the process is not working properly. The process in the Department of the Interior is time consuming and costly. Some tribal groups allege that it leads to unfair and unfounded results. It has been hindered by a lack of staff and resources needed to fairly and promptly review all petitions, although there has been some improvement over the years. At the same time, the Congress extends recognition to tribes with little or no reference to the legal standards and criteria employed by the Department. The result is yet another layer of inconsistency and apparent unfairness.

The record from our previous hearings reveals a clear need for the Congress to address the problems affecting the recognition process. I believe that the bill we are introducing today will go a long way toward resolving the problems which have plagued both the Department and the petitioners over the years. This bill is not an attempt to rewrite the existing body of laws that apply to the recognition process. It incorporates the Secretary's existing recognition criteria and by doing so avoids the need to reevaluate prior decisions of the Department and the need for tribal groups to file new petitions.

The Indian Federal Recognition Administrative Procedures Act provides for the creation of the Commission on Indian Recognition. The Commission will be composed of three members appointed by the President. The Commission would be authorized to hold hearings, take testimony, and reach final determinations on petitions for recognition. The bill provides realistic timeliness to guide the Commission in the review and decisionmaking process. Under the existing process, some petitioners have waited 10 years or more for even a cursory review of their petition. The bill we are introducing today requires the Commission to complete an initial review within 12 months from the date of the filing of the petition. It also requires the Commission to make a proposed finding on the petition within 1 year from the date that active consideration of the petition began.

To ensure fairness, the bill provides for appeals of adverse decisions to the U.S. Circuit Court of Appeals for the District of Columbia. To ensure promptness, the bill authorizes increased funding for the costs of processing petitions through the Commission and to assist petitioners in the development of their petitions. This bill will also provide finality for both the petitioners and the Department. The Department has had a process of one type or another for recognizing Indian tribes since the 1930's. Great uncertainty has existed about how or when this process might be concluded and how many Indian tribes will ultimately be recognized. I believe that it is in the interests of all parties to have a clear deadline for the completion of the recognition process. Accordingly, the bill requires all interested tribal groups to file their petitions within 6 years after the date of enactment and the Commission must complete all of its work within 12 years from the date of enactment.

Mr. President, I ask unanimous consent that the full text of the Indian Federal Recognition Administrative Procedures Act of 1994 and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Federal Recognition Administrative Procedures Act of 1994".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) establish an administrative procedure for the recognition of the existence of certain Indian tribes;

(2) extend to Indian groups the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility;

(3) extend to Indian groups the immunities and privileges available to federally recognized Indian tribes as well as the responsibilities and obligations of such Indian tribes;

(4) ensure that the special government-to-government relationship between the United States and Indian tribes has a consistent legal and historical basis;

(5) provide clear and consistent standards of administrative review of recognition petitions for Indian groups; and

(6) expedite the administrative review process by providing definitive timelines for review and adequate resources to process recognition petitions.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Secretary" means the Secretary of the Interior or a representative designated by the Secretary of the Interior.

(2) The term "Commission" means the independent commission established under section 4.

(3) The term "Department" means the Department of the Interior.

(4) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(5) The term "area office" means an area office of the Bureau of Indian Affairs.

(6) The term "Indian tribe" means any Indian entity that—

(A) is located within any of the States of the United States, and

(B) is recognized by the Secretary of the Interior to be an Indian tribe.

(7) The term "Indian group" means any Indian entity that—

(A) is located within any of the States of the United States, and

(B) is not recognized by the Secretary of the Interior to be an Indian tribe.

(8) The term "petitioner" means any entity which has submitted, or submits, a petition to the Secretary requesting recognition that the entity is an Indian tribe.

(9) The term "autonomous" means having its own tribal council, internal process, or other organizational mechanism which the Indian group has used as its own means of making decisions independent of the control of any other Indian governing entity, and in using such term for purposes of this Act, such term must be understood in the context of the culture and social organization of that Indian group.

(10) The term "member of an Indian group" means an individual who—

(A) is recognized by an Indian group as meeting its membership criteria;

(B) consents to being listed as a member of that group; and

(C) is not a member of any Indian tribe.

(11) The term "member of an Indian tribe" means an individual who—

(A) meets the membership requirements of the Indian tribe, as set forth in its governing document or recognized collectively by those persons comprising the governing body of the Indian tribe, and

(B) has continuously maintained tribal relations with the tribe, or is listed on the tribal rolls of that Indian tribe as a member, if such rolls are maintained.

(12) The term "historical" means dating back to the earliest documented contact between—

(A) the aboriginal Indian group from which the petitioners descended, and

(B) citizens or officials of the United States, colonial or territorial governments, or if relevant, citizens and officials of foreign governments from which the United States acquired territory.

(13) The term "continuous" means, with respect to any Indian group, extending from generation to generation throughout the Indian group's history essentially without interruption.

(14) The term "indigenous" means native to the area that constitutes the continental United States in that at least part of the group's aboriginal range extended into what is now the area that constitutes the continental United States.

(15) The term "community" means any people living within such a reasonable proximity as to allow group interaction and maintenance of tribal relations.

(16) The term "other party" means any affected person or organization other than the petitioner who submits comments or evidence in support of, or in opposition to, a petition.

(17) The term "petition" means a petition submitted to the Commission under section 5(a)(1) or transferred to the Commission under section 5(a)(3).

(18) The term "treaty" means any treaty—

(A) negotiated and ratified by the United States with, or on behalf of, any Indian group,

(B) made by any sovereign with, or on behalf of, any Indian group, whereby the United States acquired territory by purchase or cession, or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

COMMISSION ON INDIAN RECOGNITION

SEC. 4. (a)(1) There is established, as an independent commission, the "Commission on Indian Recognition".

(2)(A) The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

(B) No more than 2 members of the Commission may be members of the same political party.

(C) The Commission shall hold its first meeting no later than 30 days after the date on which all members of the Commission have been appointed and confirmed by the Senate.

(D) Each member of the Commission shall be entitled to one vote which shall be equal to the vote of every other member of the Commission.

(E) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(F) In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian tribes, and

(ii) individuals who have a background in Indian law or policy, anthropology, genealogy, or history.

(3) At the time appointments are made under paragraph (2)(A), the President shall designate one of such appointees as chairman of the Commission.

(4) Two members of the Commission shall constitute a quorum for the transaction of business.

(5) The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(b)(1)(A) Each member of the Commission not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation, but such service shall be without interruption or loss of civil service status or privilege.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(2) The principal office of the Commission shall be in the District of Columbia.

(c) The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(d)(1) Subject to such rules and regulations as may be adopted by the Commission, the chairman of the Commission is authorized to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the chairman deems advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) The Commission is authorized—

(A) to hold such hearings and sit and act at such times,

(B) to take such testimony,

(C) to have such printing and binding done,

(D) subject to the availability of funds, to enter into such contracts and other arrangements,

(E) to make such expenditures, and

(F) to take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(4)(A) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this Act, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman of the Commission.

(B) Upon the request of the chairman of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Commission shall cease to exist on the date that is 60 days after the date on which the Commission publishes in the Federal Register the last determination the Commission is required to make under section 8(b) with respect to petitions filed under section 5(a). All records, documents, and materials of the Commission, prior to its termination, shall be transferred by the Commission to the National Archives and Records Administration.

PETITIONS FOR RECOGNITION

SEC. 5. (a)(1) Any Indian group that is indigenous (including any Indian group whose relationship with the Federal Government was terminated by law) may submit to the Commission, during the 72-month period beginning on the date of enactment of this Act, a petition requesting that the Commission recognize that the Indian group is an Indian tribe.

(2) The provisions of this Act do not apply to the following groups or entities, which shall not be eligible for recognition under this Act—

(A) Indian tribes, organized bands, pueblos, communities, and Alaska Native entities which are already recognized by the Secretary as eligible to receive services from the Bureau;

(B) splinter groups, political factions, communities, or groups of any character which separate from the main body of an Indian tribe that, at the time of such separation, is recognized as being an Indian tribe by the Secretary, unless it can be clearly established that the group, faction, or community has functioned throughout history until the date of such petition as an autonomous Indian tribal entity; and

(C) groups, or successors in interest of groups, that prior to the date of enactment of this Act, have petitioned for, and been denied or refused, recognition as an Indian tribe under regulations prescribed by the Secretary.

(3) No later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate, the Secretary shall transfer to the Commission all petitions pending before the Department that request the Secretary, or the Federal Government, to recognize or acknowledge an Indian group as an Indian tribe. On the date of such transfer, the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal Government, any Indian group as an Indian tribe. Petitions transferred to the Commission under this paragraph shall, for purposes of this Act, be considered as having been submitted to the Commission as of the date of such transfer.

(b) Any petition submitted under subsection (a) by an Indian group shall be in a form which clearly indicates that it is a petition requesting the Commission to recognize that the Indian group is an Indian tribe and shall contain each of the following:

(1) A statement of facts establishing that the petitioner has been identified from historical times until the present, on a substantially continuous basis, as Indian, except that a petitioner shall not be considered as having failed to satisfy any requirement of this subsection merely because of fluctuations of tribal activity during various years. Evidence which can be offered to demonstrate Indian identity of the petitioner on a substantially continuous basis shall include one or more of the following:

(A) Repeated identification of the petitioner as Indian by Federal authorities, including actions which constitute legislative or administrative termination.

(B) Longstanding relationships of the petitioner with State governments based on identification of the petitioner as Indian.

(C) Repeated dealings of the petitioner with a county, parish, or other local government in a relationship based on the Indian identity of the petitioner.

(D) Repeated identification of the petitioner as an Indian entity by records in courthouses, churches, or schools.

(E) Repeated identification of the petitioner as an Indian entity by anthropologists, historians, or other scholars.

(F) Repeated identification of the petitioner as an Indian entity in newspapers and books.

(G) Repeated identification of the petitioner as an Indian entity by, and dealings of the petitioner as an Indian entity with, Indian tribes or recognized national Indian organizations.

(2) Evidence that—

(A) a substantial portion of the membership of the petitioner lives in a community viewed as Indian and distinct from other populations in the area, and

(B) members of the petitioner are descendants of an Indian group or groups which historically inhabited a specific area.

(3) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity from historical times until the present.

(4) A copy of the present governing document of the petitioner describing in full the membership criteria of the petitioner and the procedures through which the petitioner currently governs its affairs and members.

(5) A list of all current members of the petitioner and their current addresses and a copy of each available former list of members based on the petitioner's own defined criteria. The membership must consist of individuals who have established descendancy from an Indian group which existed historically or from historical Indian groups which combined and functioned as a single autonomous entity. Evidence of tribal membership required by the Commission includes (but is not limited to)—

(A) descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(B) State, Federal, or other official records or evidence identifying present members of the petitioner, or ancestors of present members of the petitioner, as being an Indian descendant and a member of the petitioner;

(C) church, school, and other similar enrollment records indicating membership in the petitioner;

(D) affidavits of recognition by tribal elders, leaders, or the tribal governing body as being an Indian descendant of the Indian group and a member of the petitioner; and

(E) other records or evidence identifying the person as a member of the petitioner.

NOTICE OF RECEIPT OF PETITION

SEC. 6. (a) Within 30 days after a petition is submitted or transferred to the Commission under section 5(a), the Commission shall send an acknowledgment of receipt in writing to the petitioner and shall have published in the Federal Register a notice of such receipt, including the name, location, and mailing address of the petitioner and such other information that will identify the entity submitting the petition and the date the petition was received by the Commission. The notice shall also indicate where a copy of the petition may be examined.

(b) The Commission shall also notify, in writing, the Governor and attorney general of, and each recognized Indian tribe within, any State in which a petitioner resides.

(c) The Commission shall publish the notice of receipt of the petition in a major newspaper of general circulation in the town or city nearest the location of the petitioner. The notice will include, in addition to the information described in subsection (a), notice of opportunity for other parties to submit factual or legal arguments in support of, or in opposition to, the petition. Such submissions shall be provided to the petitioner upon receipt by the Commission. The petitioner shall be provided an opportunity to respond to such submissions prior to a determination on the petition by the Commission.

PROCESSING THE PETITION

SEC. 7. (a)(1) Upon receipt of a petition, the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) The review conducted under paragraph (1) shall include consideration of the petition, supporting evidence, and the factual statements contained in the petition.

(3) The Commission may also initiate other research for any purpose relative to analyzing the petition and obtaining additional information about the petitioner's status and may consider any evidence which may be submitted by other parties.

(b) Prior to actual consideration of the petition and by no later than the date that is 12 months after the date on which the petition is submitted or transferred to the Commission, the Commission shall notify the petitioner of any obvious deficiencies, or significant omissions, that are apparent upon an initial review of the petition and provide the petitioner with an opportunity to withdraw the petition for further work or to submit additional information or a clarification.

(c)(1) Except as otherwise provided in this subsection, petitions shall be considered on a first come, first served basis, determined by the date of the original filing of the petition with the Commission, or the Department of the Interior if the petition is one transferred to the Commission pursuant to section 5(a). The Commission shall establish a priority register including those petitions pending before the Department of the Interior on the date of enactment of this Act.

(2) Petitions that are submitted to the Commission by Indian groups whose relationship with the Federal Government was terminated by law or by Indian groups that were parties to treaties—

(A) shall receive priority consideration over petitions submitted by any other Indian groups, and

(B) shall be considered on an expedited basis.

(d) The Commission shall provide the petitioner and other parties submitting comments on the petition notice of the date on which the petition comes under active consideration.

(e) A petitioner may, at its option and upon written request, withdraw its petition prior to publication in the Federal Register by the Commission of proposed findings under section 8(a) and may, if it so desires, resubmit a new petition. A petitioner shall not lose its priority date by withdrawing and resubmitting its petitions, but the time periods provided in section 8(a) shall begin to run upon active consideration of the resubmitted petition.

PROPOSED FINDINGS AND DETERMINATION

SEC. 8. (a)(1) Within 1 year after notifying the petitioner under section 7(d) that active consideration of the petition has begun, the Commission shall make a proposed finding on the petition and shall publish the proposed finding in the Federal Register.

(2) The Commission may delay making proposed findings on a petition under paragraph (1) for 180 days upon a showing of good cause by the petitioner.

(3) In addition to the proposed findings, the Commission shall prepare a report on each petition which summarizes the evidence for the proposed findings. Copies of such report shall be available to the petitioner and to other parties upon request.

(4) Upon publication of the proposed findings under paragraph (1), any individual or organization wishing to challenge the proposed findings shall have a response period of 120 days to present factual or legal arguments and evidence to rebut the evidence upon which the proposed findings are based.

(b)(1) After consideration of any written arguments and evidence submitted to rebut the proposed findings made under subsection (a)(1), the Commission shall make a determination of whether the petitioner is recognized by the Federal Government to be an Indian tribe. Except as otherwise provided by this Act, the determination shall be considered to be a determination on such recognition by the Federal Government, and shall also be treated as a determination on such recognition by the Secretary, for all purposes of law.

(2) By no later than the date that is 60 days after the close of the 120-day response period described in subsection (a)(4), the Commission shall—

(A) make a determination of whether the petitioner is a federally recognized Indian tribe;

(B) publish a summary of the determination in the Federal Register; and

(C) deliver a copy of the determination and summary to the petitioner.

(3) Any determination made under paragraph (1) shall become effective on the date that is 60 days after the date on which the summary of the determination is published under paragraph (2).

(c) In making the proposed findings and determination under this section with respect to any petition, the Commission shall recognize the petitioner as an Indian tribe if the petition meets all the requirements of section 5(b). The Commission shall not make such findings or determination of recognition of the petitioner if such requirements have not been met by the petitioner.

(d) If the Commission determines under subsection (b)(1) that the petitioner should not be recognized by the Federal Government to be an Indian tribe, the Commission shall analyze and forward to the petitioner other options, if any, under which application for services and other benefits of the Bureau may be made.

(e) A determination by the Commission that an Indian group is recognized by the Federal Government as an Indian tribe shall not—

(1) have the effect of depriving or diminishing the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of such Indian group,

(2) have the effect of depriving or diminishing any property right held in trust or recognized by the United States for such other Indian tribe prior to the recognition of such Indian group, or

(3) have the effect of depriving or diminishing any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for such other Indian tribe prior to the recognition of such Indian group.

APPEALS

SEC. 9. (a) By no later than 60 days after the date on which the summary of the determination of the Commission with respect to a petition is published under section 8(b), the petitioner, or any other party, may appeal the determination to the United States Court of Appeals for the District of Columbia Circuit.

(b) The prevailing parties in the appeal described in subsection (a) shall be eligible for an award of attorney fees and costs under the provisions of section 504 of title 5, United States Code, or section 2412 of title 28 of such Code, as the case may be.

IMPLEMENTATION OF DECISIONS

SEC. 10. (a) Upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes and entitled to the privileges and immunities available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States, as well as having the responsibilities and obligations of such Indian tribes. Such recognition shall subject the Indian tribes to the same authority of Congress and the United States to which other federally recognized tribes are subject.

(b) While the Indian tribes that are newly recognized under this Act shall be eligible for benefits and services, recognition of the Indian tribe under this Act will not create an immediate entitlement to existing programs of the Bureau. Such programs shall become available upon appropriation of funds by law. Requests for appropriations shall follow a determination of the needs of the newly recognized Indian tribe.

(c) Within 6 months after an Indian tribe is recognized under this Act, the appropriate area offices of the Bureau of Indian Affairs and the Indian Health Service shall consult and develop in cooperation with the Indian tribe, and forward to the respective Secretary, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe. The recommended budget will be considered along with other recommendations by the appropriate Secretary in the usual budget-request process.

LIST OF RECOGNIZED INDIAN TRIBES

SEC. 11. By no later than the date that is 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an up-to-date list of all Indian tribes which are recognized by the Federal Government and receiving services from the Bureau.

ACTIONS BY PETITIONERS FOR ENFORCEMENT

SEC. 12. Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act and the district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

REGULATIONS

SEC. 13. The Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act. All such regulations must be published in accordance with the provisions of title 5, United States Code.

GUIDELINES AND ADVICE

SEC. 14. (a) No later than 90 days after the date of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research required information, but such examples shall not preclude the use of any other format.

(b) The Commission, upon request, is authorized to provide suggestions and advice to any petitioner for his research into the petitioner's historical background and Indian identity. The Commission shall not be responsible for the actual research on behalf of the petitioner.

ASSISTANCE TO PETITIONERS

SEC. 15. (a)(1) The Commissioner of the Administration for Native Americans of the Department of Health and Human Services may award grants to Indian groups seeking Federal recognition to enable the Indian groups to—

(A) conduct the research necessary to substantiate petitions under this Act, and

(B) prepare documentation necessary for the submission of a petition under this Act.

(2) The grants made under this subsection shall be in addition to any other grants the Commissioner of the Administration for Native Americans is authorized to provide under any other provision of law.

(b) Grants provided under subsection (a) shall be awarded competitively based on objective criteria prescribed in regulations promulgated by the Commissioner of the Administration for Native Americans.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. (a) There are authorized to be appropriated for the Commission for the purpose of carrying out the provisions of this Act (other than section 15), $1,500,000 for fiscal year 1995 and $1,500,000 for each of the 12 succeeding fiscal years.

(b) There are authorized to be appropriated for the Administration for Native Americans of the Department of Health and Human Services for the purpose of carrying out the provisions of section 15, $500,000 for fiscal year 1995 and $500,000 for each of the 12 succeeding fiscal years.

SECTION-BY-SECTION SUMMARY

SECTION 1

Section 1 cites the short title of the Act as the "Indian Federal Recognition Procedures Act of 1994."

SECTION 2

Section 2 sets out the purposes of the Act.

SECTION 3

Section 3 sets out the definitions used in the Act, including: Secretary, Commission, Department, Bureau, area office, Indian tribe, autonomous, member of an Indian group, member of an Indian tribe, historical, continuous, indigenous, community, other party, petition and treaty.

SECTION 4

Section 4 of this bill provides that there will be established the "Commission on Indian Recognition" as an independent commission. The Commission shall have three members who shall be appointed by the President with the advice and consent of the Senate.

The Commission shall hold its first meeting no later than 30 days after the date on which all members have been appointed and confirmed by the Senate.

This section provides that the President shall give careful consideration to recommendations from Indian tribes and individuals who have a background in Indian law or policy, anthropology, genealogy or history. The President shall designate one appointee as the Chairman of the Commission and two members shall constitute a quorum for the transaction of business.

"Subsection (b) of this section provides that each member of the Commission not employed by the Federal government shall receive compensation at a rate equal to the daily equivalent of the annual rate of pay per level V of the Executive Schedule under section 5316 of title 5, U.S.C. for each day the member is engaged in the performance of duties authorized by the Commission. This subsection provides that employees or officers of the Federal government shall serve without additional compensation except for reimbursement of travel and per diem expenses incurred during performance of their duties. Finally, this subsection provides that the principal office of the Commission shall be in Washington, D.C.

"Subsection (c) provides that the Commission shall carry out the duties and meet the requirements imposed by this Act.

"Subsection (d) provides that the Chairman is authorized to appoint, terminated and fix compensation for an Executive Director of the Commission and such other personnel as deemed advisable. The Chairman is also authorized to procure temporary and intermittent services to the same extent as is authorized by law for other agencies.

"This subsection also provides that the Commission is authorized to hold hearings, to take testimony, to administer oaths or affirmations to witnesses and to enter into contracts or other arrangements as the Commission may deem advisable. The provisions of the Federal Advisory Commission Act shall not apply to the Commission on Indian Recognition.

"Subsection (d) authorizes the Commission to secure information from any agency, department or instrumentality of the Federal government as it may require for the purposes of this Act. Each agency, department, or instrumentality of the Federal government is authorized and directed to furnish such information to the extent permitted by law. The Chairman of the Commission may request the use of any facilities, services or personnel of any agency, department or instrumentality of the Federal government to assist the Commission in carrying out its duties under this section.

"Subsection (e) of this section provides that the Commission shall cease to exist on the date that is 60 days after the date on which the Commission publishes in the Federal Register the last determination on petitions required under section 5(a) of the Act. All records, documents and materials shall be transferred by the Commission to the National Archives and Records Administration."

SECTION 5

Section 5 provides that any Indian group, including a terminated Indian tribe, may submit to the Commission a petition requesting that the Commission recognize that the Indian group is an Indian tribe. A recognition petition submitted under this Act must be submitted during the 72 month period beginning on the date of enactment of this Act. This section provides that the provisions of this Act shall not apply to Indian tribes or Alaska Native entities which are already federally recognized, splinter groups or political factions which have separated from the main body of a federally recognized Indian tribe, of groups or successors in interest of groups which have petitioned for Federal recognition and been denied.

This section also provides that no later than 30 days after the date on which all members have been appointed or confirmed by the Senate, the Secretary shall transfer to the Commission all petitions for Federal recognition pending before the Department of the Interior. On the date of the transfer, the Secretary shall cease to have any authority to recognize or acknowledge on behalf of the Federal government any Indian group as an Indian tribe. Petitions transferred to the Commission shall be considered as having been submitted to the Commission as of the date of such transfer.

"Subsection (b) of this section provides that a petition submitted to the Commission on Indian Recognition shall contain a statement of facts establishing that the petitioner has been identified from historical times to the present, on a substantially continuous basis, as Indian. A petitioner shall not be considered as having failed to satisfy any requirement of this subsection merely because of fluctuations in tribal activity during various years. A petition for Federal recognition shall contain evidence that a substantial portion of the membership of the petitioner lives in a community viewed as Indian and distinct from other populations and that members of the petitioner are descendants of an Indian group which historically inhabited a specific area.

"The petition submitted under this section shall include a statement of facts which establishes that the petitioner has maintained tribal political influence over its members as an autonomous entity from historical times to the present. The petition shall also include a copy of the governing document of the petitioner and a list of all current members of the petitioner."

SECTION 6

Section 6 provides that within 30 days of receipt of a petition the Commission shall send an acknowledgment of receipt to the petitioner and have published in the Federal Register a notice of such receipt. The Commission shall also notify in writing the Governor and attorney general of, and each recognized Indian tribe within any state in which a petitioner resides. The Commission shall also publish a notice of receipt in a major newspaper of general circulation in the town or city nearest the location of the petitioner. This notice will also provide notice of opportunity for other parties to submit factual or legal arguments in support of, or opposition to, the petitions. Copies of such submissions shall be provided to the petitioner upon receipt. Petitioner shall have an opportunity to respond to such submissions prior to a Commission determination on the petition.

SECTION 7

Section 7 provides that upon receipt of a petition, the Commission shall conduct a review of the petition, including any supporting evidence, to the determine whether the petitioner is entitled to be recognized as an Indian tribe. The Commission may initiate research to assist in the analysis of the petition and supporting documentation. Prior to actual consideration of the petition and by no later than the date that is 12 months after the date the Commission receives the petition, the Commission shall notify the petitioner of any obvious deficiencies or significant omissions that are apparent upon initial review of the petition. The petitioner may withdraw the petition or submit additional information.

"Subsection (c) of this section provides that petitions shall be considered on a first come, first served basis which is determined by the date of original filing of the petition with the Commission. The Commission shall establish a priority register of all petitions including those petitions pending before the Department of the Interior. Petitions submitted by groups that were terminated by law or groups that were parties to treaties shall receive priority consideration over all other petitions and shall be considered on an expedited basis.

"Subsection (d) of this section states that the Commission shall notify the petitioner and other interested parties of the date on which the petition comes under active consideration.

"Subsection (e) of this section provides that a petitioner may withdraw its petition prior to publication of the Commission's proposed findings and may resubmit a new petition. A petitioner shall not lose its priority date by withdrawing and resubmitting its petition but the time period will begin to run upon active consideration of the resubmitted petition."

SECTION 8

Section 8 provides that the Commission shall make a proposed finding on the petition within one year of the notice of active consideration. The proposed finding shall be published in the Federal Register. Upon a showing of good cause by the petitioner, the Commission may delay making a proposed finding for 180 days. The Commission shall prepare a report which summarizes the evidence to support each proposed finding. Copies of the report shall be available to the petitioner and to other parties upon request. Any party may submit a legal or factual challenge to the proposed findings within 120 days of their publication.

"Subsection (b) of this section provides that the Commission shall make a determination of whether the petitioner should be recognized by the Federal government to be an Indian tribe after consideration of all written arguments and evidence submitted to the Commission. The Commission shall make a determination of whether the petitioner is a federally recognized Indian tribe and publish a summary of such determination in the Federal Register within 60 days after the close of the 120-day response period under subsection (a)(4). The determination made under this subsection shall become effective on the date that is 60 days after the summary is published in the Federal Register.

"Subsection (c) of this section states that the Commission shall recognize the petitioner as an Indian tribe if the petition meets all the requirements under section 5(b).

"Subsection (d) provides that if the Commission determines that the petitioner should not be recognized to be an Indian tribe, then the Commission shall analyze and forward to the petitioner other options for services or benefits from the Bureau of Indian Affairs.

"Subsection (e) provides that a determination by the Commission that an Indian group is recognized as an Indian tribe shall not have the effect of depriving or diminishing: (1) the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of the group; (2) any property right held in trust or recognized by the United States for an Indian tribe prior to the recognition of the Indian group; (3) any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for another Indian tribe prior to the recognition of the Indian group."

SECTION 9

Section 9 states that no later than 60 days after the date on which the summary of the determination of the Commission on the petition for recognition is published, the petitioner, or any other party, may appeal the determination to the United States Court of Appeals for the District of Columbia. The prevailing parties in the appeal shall be eligible for an award of attorneys fees and costs under the provisions of section 504 of title 5 or section 2412 of title 28 U.S.C. as the case may be.

SECTION 10

Section 10 provides that upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for services and benefits from the Federal government. The Indian tribe shall have the same responsibilities and obligations as other federally recognized Indian tribes. Programs and services provided by the Bureau of Indian Affairs shall be provided to the newly recognized Indian tribe when funds have been appropriated for such programs. Requests for appropriations shall follow a determination of the needs of the newly recognized Indian tribe.

Finally, this section provides that within 6 months after an Indian tribe is recognized under this Act, the area offices of the Bureau of Indian Affairs and the Indian Health Service shall consult and develop in cooperation with the Indian tribe a determination of needs and a recommended budget. The needs determination and recommended budget shall be forwarded to each Secretary for their consideration.

SECTION 11

Section 11 provides that within 90 days of enactment of this Act and annually thereafter, the Secretary shall publish in the Federal Register an up-to-date list of all Indian tribes which are recognized by the Federal government and receiving services from the Bureau.

SECTION 12

Section 12 provides that any petitioner may bring an action in Federal District Court to enforce the provisions of this Act including any time limitations established under this Act and the District Court shall issue such orders as may be necessary to enforce the provisions of this Act.

SECTION 13

Section 13 authorizes the Commission to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act.

SECTION 14

Section 14 provides that within 90 days of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions including suggestions on research required in the documentation of a petition for Federal recognition. This section also provides that the Commission may provide advice and technical assistance to a petitioner in documenting the historical background and Indian identity of the Indian group. It further provides that the Commission shall not be responsible for actual research on behalf of the petitioner.

SECTION 15

Section 15 provides that the Commissioner of the Administration for Native Americans may award grants to Indian groups seeking Federal recognition. Grants may be used to conduct research necessary to substantiate petitions for Federal recognition and to prepare documentation necessary for the submission of a petition for Federal recognition. The Commissioner shall award grants on a competitive basis pursuant to objective criteria established by regulation.

SECTION 16

Section 16 provides that there shall be authorized to be appropriated for the Commission on Indian Recognition $1,500,000 for each fiscal year 1995 through 2007 to carry out the purposes of this Act. This section provides that there shall be authorized to be appropriated for the Administration for Native Americans $500,000 for each fiscal year 1995 through 2007 to carry out the purposes of section 15 of this Act.

By Mr. DECONCINI (for himself, and Mr. LIEBERMAN):

S. 1845. A bill to authorize the President to transfer defense articles out of Department of Defense stocks to the Government of Bosnia and Herzegovina; to the Committee on Foreign Relations.

BOSNIA ARMS ACT OF 1994

Mr. DECONCINI. Mr. President, the latest NATO response to Serb aggression in Bosnia and Herzegovina is a good one. It gives some reason for optimism that further loss of life can be prevented. Such a response, if backed by credible NATO action, can be the key to stopping the conflict and preventing its spread to other countries in the region.

I am encouraged that NATO is finally coming out of its cold war mentality and recognizing the serious implications of regional conflicts. I am encouraged that President Clinton is becoming more actively involved.

But we must not expect that this NATO action will solve the problem.

We need to keep in mind that this response is limited in its objectives and further measures are needed.

To that end, I am today, introducing a bill authorizing the President to direct the transfer of arms and related equipment to the Government of Bosnia and Herzegovina up to but not exceeding $50 million if requested by that country.

This transfer was already agreed to in the fiscal year 1994 foreign operations bill. My bill incorporates the language of the recently passed Dole resolution on lifting the arms embargo unilaterally and the arms transfer provision from the foreign OPS bill.

Some may ask why, at this point, should we do this. My answer is that it is now more important than ever to give the Bosnians their right to defend themselves if needed because the NATO ultimatum is by no means a done deal. There is no certainty that we will now see serious negotiations take place on the part of the Serbs. As long as the Serbs have the upper hand militarily, I do not believe they will not negotiate in good faith.

We must work more closely with the Bosnian Government. They are the victims. It is their country, a member state of the United Nations, which is being destroyed. We should not pressure them into signing anything which does not give them a viable state. We should allow the Bosnians to arm themselves in order to provide them with a sufficient deterrent to further aggression.

I am very concerned about this point because I believe we could become embroiled in a long, expensive peacekeeping operation requiring many thousands of U.S. troops if we are still just trying to get a peace at any price.

It is not realistic to expect a total rollback but the Bosnians cannot be expected to live in isolated, ethnically cleansed enclaves as is currently envisioned.

We must also remember, and I am disturbed by President Clinton's statements on this point, that this is not a matter of warring factions simply stopping the killing. The Bosnians are the victims. It is the Bosnian Serb nationalists and the Serbs and now some Croatians who are the aggressors. Unless this point is made very clear, I am afraid it will lead to unfair pressure on the Bosnian Government by the United States and the NATO to sign an unworkable agreement.

We have an obligation to act because a member country of the United Nations is being destroyed. We have an obligation to act because genocide is taking place once again in the heart of Europe. This is not a civil war.

Sarajevo is in the news because the TV cameras can record tragedy after tragedy. But Bosnia is a country of hundreds of Sarajevos.

We must allow the U.N. troops to use the authority given them as far back as August of 1992 to use any means necessary to deliver humanitarian aid to the so-called safe havens.

Mr. President, the Senate has already voted 87 to 9 to lift the arms embargo. The Congress has already accepted in the fiscal year 1994 foreign operations bill language allowing for the transfer of $50 million worth of arms to the Bosnian Government. I urge my colleagues, therefore, to seriously consider this bill which incorporates language already agreed to but importantly gives the President the authority to act unilaterally.

We are not seeing an end to the Bosnian conflict. Regrettably, we are only, at long last, just starting to address it.

By Mrs. MURRAY (for herself and Mr. BENNETT):

S. 1846. A bill to provide fundamental reform of the system and authority to regulate commercial exports, to enhance the effectiveness of export controls, to strengthen multilateral export control regimes, and to improve the efficiency of export regulation; to the Committee on Banking, Housing, and Urban Affairs.

COMMERCIAL EXPORT ADMINISTRATION ACT

Mrs. MURRAY. Madam President, today I am introducing legislation to modernize and streamline the Federal Government's system that controls exports of commercial goods and technology.

This system is a relic of the cold war. It hurts our most promising industries. It intimidates small companies, and it costs us jobs.

In 1993, the Institute for International Economics estimated this system cost U.S. companies up to $30 billion a year in lost exports. That translates into more than 650,000 lost jobs.

Since 1987, exports have contributed almost 45 percent of the real economic growth in this Nation. Seven million Americans owe their jobs to exports. Exports are key to many of our leading industries. Exports account for 40 percent of sales in semiconductors, 50 percent in aircraft, 35 percent in computers, and 30 percent in industrial and analytical instruments.

A 1992 report by the Office of the U.S. Trade Representative found wages connected with export-related jobs are 17 percent higher than the average industrial wage in the United States.

The economy of my own State is heavily dependent on exports. Trade provides one out of every five jobs in Washington. If Washington's economy is to continue to provide highly skilled, family-wage jobs, the United States cannot afford to continue unilateral controls on exports from high technology, telecommunications, aerospace, and other companies.

Companies like Microsoft, Oracle, PACCAR, and Boeing are very familiar with what needs fixing in our export control system.

The system needs a major overhaul. I know only a decade ago, even exports of children's toys like Speak-and-Spell, or Pampers, were controlled. American companies should not be prohibited from selling commercial products abroad that are widely available from foreign competitors. A small business should not have to hire a bunch of lawyers to wade through 1,500 pages of export regulations, or to figure out which agency oversees its product.

At the same time, we must make sure we have tough, multilateral restrictions on truly dangerous items. Our national security controls should target those items that really should be controlled to prevent the proliferation of weapons of mass destruction. We need higher fences around fewer products.

My legislation seeks to strike that balance. It is based on a 1991 report by the National Academy of Sciences, called Finding Common Ground: U.S. Export Controls in a Changed Global Environment. Our new Secretary of Defense, William Perry, worked on this report. The report provides strong arguments for the reforms contained in my bill.

> Changes in the world today are so dramatic and profound that they outstrip traditional thinking. Many of our policies are still rooted in the rubric of the 1970s and 1980s; the deep-seated views that have served us well for several decades are difficult to give up or change. But change they must if we are to respond to, and even lead in forming the economic and political realities of the new world. * * * Because so much of the job creation and economic development of our nation depends on small and mid-sized firms, we cannot burden them with excessively complex regulatory processes, nor with policies that prejudice their ability to compete in world markets. * * * With the emergence of other foreign economic powers comparable to the United States, we will not have as much power to force others to follow our lead in imposing sanctions or controls as we have had in the past.

This is the basis for my export control reform bill.

My legislation will put an end to our driftnet approach to export controls. It will focus the system on those dangerous items that really need to be controlled. It will eliminate the maze and red tape of export licensing. It will tell our exporters in plain English exactly what is controlled, to where and why.

We need a system that lets U.S. exporters focus on winning markets overseas rather than winning battles with bureaucrats in Washington, DC.

One example of what's wrong with our export control system is the way it deals with encoded software. There are two almost identical software file management programs made by a small company with 10 employees in Redmond, WA, called hDC Computer. U.S. export controls on data encryption force hDC to make two versions of the same product at a cost of almost $10,000.

One can be exported. The other can't, if you read the fine print.

But a foreign agent could walk into Egghead Software, or Computerland tomorrow, and buy the controlled version and take it home on the plane. With a phone line and a computer, this controlled software can be transmitted across the country and around the world on the information highway.

The U.S. export control system gives foreign buyers a choice: they either can pirate the controlled U.S. software, or they can buy foreign. Either way, the American company loses.

A May 1993 survey by the Software Publishers Association found 552 cryptographic products, developed or distributed by 366 companies—211 foreign; 155 domestic—in at least 33 countries.

Almost one-half of the foreign products use the controlled encryption data, or DES, comparable to that throughout the United States. However, in contrast to the United States, the products made by our foreign competitors can be exported around the world.

The legislation I am introducing today proposes several major reforms in the United States export control system.

First, the bill requires that national security controls be multilateral. Cooperation among supplier nations is essential in denying critical technologies to those who should not have them. We need a clear and common set of standards for licensing and enforcement. Without multilateral cooperation, controls are useless and only hurt U.S. companies.

In order to strengthen multilateral regimes, my bill provides incentives, such as license-free trade, to countries to join multilateral control groups.

Second, in cases where there is a direct threat to the U.S. and in cases involving weapons of mass destruction, the bill gives the President clear authority to control commercial items. The bill continues emergency powers to allow the President to deal with situations like that in Kuwait in 1990.

The President may impose unilateral controls for 180 days. To extend unilateral export restrictions beyond 6 months, the President may either move to impose a two-way trade embargo, or seek approval from Congress. This standard has been in place since 1985 for agricultural exports, and it should be applied to manufactured items as well.

Third, the bill eliminates today's maze of export licensing red-tape. It codifies the recommendations of the National Academy of Science. It keeps broad policymaking and final dispute resolution in the hands of the President and responsible cabinet secretaries and consolidates the administration of controls in one agency, the Commerce Department. A one-stop shop for the day-to-day mechanics of export licensing is particularly important for small companies.

Fourth, another provision that will especially help smaller exporters is the 30-day deadline on licensing decisions. In 1990, the Bush administration issued an Executive order imposing a 15-day turnaround on licensing decisions. This was never carried out. Thirty days is more than enough time to process a license.

Fifth, my bill makes no change in the licensing of munitions items, like combat aircraft, tanks and assault rifles. The legislation would move commercial goods and technology, like civil aircraft and mass-market computer software, from the State Department's munitions office to the Commerce Department's commercial licensing office. Such items should not be regulated like missiles and nuclear weaponry. This is consistent with a provision passed by both the House and Senate in 1990.

The legislation I am introducing is supported by more than 100 companies nationwide in the business coalition, including several in my State.

The principal purpose of this bill is to help, not hurt, U.S. exporters. It recognizes the new global economic and strategic challenges we face. Our exporters will no longer be forced to compete in a world market with one hand tied behind their backs. Of course, we tighten control on critical technology to problem countries. This legislation, however, brings our Federal export control system in line with the realities of the 21st century.

I look forward to working with the Clinton administration and the Banking Committee on this important legislation.

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1847. A bill to reduce injuries and deaths caused by accidental firearms shootings by children and others; to the Committee on the Judiciary.

CHILD SAFETY FIREARMS ACT OF 1994

Mr. METZENBAUM. Mr. President, I rise today on behalf of myself and Senator CHAFEE, to introduce legislation to address one of the saddest consequences of the proliferation of guns in this country—injuries and deaths of hundreds of children and thousands of others from accidental shootings each year.

The stories are truly horrifying. A 4-year-old boy shoots his 2-year-old brother with the 22-caliber pistol he finds under the seat of his father's pickup truck. A 10-year-old finds a 38-caliber revolver in a dresser drawer. He does not think it is loaded and accidentally kills his 8-year-old sister while playing with the gun.

You may think that tragic stories like these are rare and unusual accidents. But the shocking truth is that they are far too common.

The legislation I am introducing today—"The Child Safety Firearms Act of 1994"—will do something about this appalling and senseless loss of lives. It will require gun manufacturers to add a simple child-proof safety device and a device that prevents a gun from firing when the magazine has been removed to all new firearms, and to add an indicator that shows whether a handgun is loaded to new handguns.

This legislation is a response to a recent report by the General Accounting Office that I had requested. I asked the GAO to investigate whether certain safety devices on guns could prevent many of the thousands of deaths and injuries by accidental shootings each year.

In its report, GAO found that firearms are the fourth leading cause of accidental deaths among children 5 to 14 years old and the third leading cause of accidental deaths among 15 to 24 years old.

Currently in the United States, about 1,400 to 1,500 people are killed each year from accidental firearms shootings, and thousands more are injured. In 1988 alone, 277 children under age 15 were killed by accidental shootings.

GAO estimated that 31 percent of accidental deaths caused by firearms might be prevented by the addition of two simple devices: a child-proof safety device that prevents the trigger from accidentally being engaged by young children and a device that indicates whether a gun is loaded. So about 1 out of every 3 deaths from accidental shootings could be prevented by these safety features. A device that prevents a gun from firing when the magazine has been removed would further reduce accidental shootings that result when children or others do not realize that a bullet may be in the chamber after the magazine has been removed.

Although there is no information on the actual number of nonfatal injuries from firearm accidents nationwide, it is reasonable to infer that the number of accidental injuries is substantial and far exceeds the number of fatalities. GAO examined data on accidental shootings in 10 cities and found that in 1988 and 1989, these areas had a ratio of more than 100 injuries for each death. That means if 1,400 people are killed each year from accidental shootings, about 140,000 people are injured from accidental shootings.

In addition to the lives that could be saved by equipping guns with safety features, there are medical expenses and other economic costs to society that could be avoided. The GAO found that averting one-third of the accidental firearms deaths that occurred in 1988 would have avoided costs of over $170 million. The overall costs associated with accidental firearm injuries and deaths were estimated to be $1 billion per year.

All of this does not mean that we should prevent law abiding citizens from having guns in their homes—we should not. But it does mean that we should make every reasonable attempt to make guns safer. The human, economic, and public health costs of these accidental shootings to the victims, their families, and society at large requires that we make all possible efforts to reduce the number of accidental shootings.

Preventing accidental death and injury from the products we use has always been a crucial public policy objective. It's about time that we applied the same common sense we have with respect to other potentially dangerous consumer products to guns.

We all know that firearms are inherently dangerous products, and they should be regulated as such. If pharmaceuticals, toys, and other household goods are required to be manufactured safely, why not guns? If aspirin bottles are required to have child-proof safety devices, so should guns. Clothing manufacturers did not stop making pajamas when they were required to make them flame-retardant. Car manufacturers did not go out of business because they had to make seatbelts.

But make no mistake. The legislation I am introducing today will help to reduce accidental deaths and injuries of children, but it cannot solve other problems that easy access to guns pose for the safety of our children. We read every day about guns in our schools, guns in our neighborhoods, and guns used by youth gangs. Efforts to make guns safer must be combined with other efforts to limit access to firearms by children, to require licensing and registration of handgun purchases, to penalize gun owners who are negligent in their storage of weapons, and to require safety training for handgun purchasers.

That is why I soon will be introducing comprehensive gun control legislation that will include such measures.

These problems demand action. I urge my colleagues to join me in supporting this measure. This legislation will provide protection to persons who use firearms. And it will reduce the alarming and unnecessary numbers of injuries and deaths caused by accidental gun shootings. I believe that gun owners and their families are entitled to the same protection as owners of any other dangerous product.

I am happy to say that this bill has the full support of Jim and Sarah Brady. I have a letter from Sarah Brady supporting the bill.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Firearms Act of 1994".

SEC. 2. CHILD-PROOF SAFETY DEVICES.

(a) UNLAWFUL ACT.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(u) It shall be unlawful for a person to manufacture or import a firearm that does not have as an integral part a device or devices that—

"(1) prevent a child of less than 7 years of age from discharging the firearm by reason of the amount of strength, dexterity, cognitive skill, or other ability required to cause a discharge;

"(2) prevent a firearm that has a removable magazine from discharging when the magazine has been removed; and

"(3) in the case of a handgun other than a revolver, clearly indicate whether the magazine or chamber contains a round of ammunition.".

(b) PENALTY.—Section 924(a)(5) of title 18, United States Code, is amended by striking "or (t)" and inserting "(t), or (u)".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 year after the date of enactment of this Act.

HANDGUN CONTROL, INC.,
Washington, DC, February 10, 1994.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: Every year, over one thousand Americans are accidentally killed by firearms. Over the past decade alone, more than 15,000 have lost their lives and thousands more have been seriously injured.

Sadly, many of the victims are young children. Fortunately, we can do something about it. Gun manufacturers can make guns safer. They can child proof the safety so that pre-school children cannot accidentally or intentionally release it. They can equip pistols with load indicators, so that the user can readily tell whether the gun is loaded. They can also produce a magazine safety that will prevent the gun from firing the bullet that remains in the chamber once the magazine is removed.

If we can make automobiles safer to drive through the use of seatbelts and airbags, we can also make guns safer to handle. And just as it took government leadership to make major advances in automotive safety, so too will it require government leadership to achieve major advances in gun safety.

I commend you, Senator Metzenbaum, for your leadership on this vital public safety issue. The legislation that you are introducing today—legislation that will require manufacturers to equip guns with load indicators, child proof safeties and magazine safeties—will help to save hundreds of lives in the years ahead. This is good legislation. We owe it to ourselves, and to our children, to pass it before more lives are tragically and needlessly lost.

Sincerely,

SARAH BRADY,
Chair.

By Mr. DANFORTH (for himself and Mr. BRYAN):

S. 1848. A bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles; to the Committee on Commerce, Science, and Transportation.

AUTOMOBILE AND MINIVAN BUMPER IMPROVEMENT ACT

• Mr. DANFORTH. Mr. President, bumpers on cars go largely unnoticed; that is, until consumers need them. Low-speed vehicle collisions occur frequently. In fact, 20 percent of all insurance claims for automobile damage are the result of parking lot collisions. The 20-percent figure does not include the bumps that cars experience in driveways, at stop lights, or at stop signs. Many of these collisions go unreported since they are below insurance deductibles. Unfortunately, today's bumpers are failing to protect vehicles in low-speed collisions, and consumers, without any information on bumper performance, are left with large repair bills. Even though 67 percent of car buyers surveyed are concerned with the capacity of bumpers to prevent damage in these low-speed collisions, in 47 States they are unable to obtain relevant information on bumper performance.

Historically, Congress has been concerned about bumper performance. The 1972 Motor Vehicle Information and Cost Savings Act required the National Highway Traffic Safety Administration [NHTSA] to promulgate bumper safety standards. The NHTSA standard required that bumpers withstand 5-mile-per-hour collisions without damage to the bumper or safety-related equipment. In 1975 and in 1979, NHTSA conducted a cost-benefit analysis of 5-mile-per-hour bumpers. Both times they rejected a proposed reduction in the bumper requirement. In 1982, NHTSA reviewed the issue again and rolled back the standard to 2.5 miles per hour. To justify the weaker standard, NHTSA contended that the cost savings from better fuel economy and lower sticker prices would offset any increased repair costs and inconvenience created by weaker bumpers.

Ideally, a bumper should act as a buffer which absorbs energy from low-speed crashes before the car's body can be damaged. Before the standard was dropped, vehicle manufacturers designed bumpers that completely protected cars from damage in 5-mile-per-hour crashes. For example, the 1981 Ford Escort underwent a four part, 5-mile-per-hour crash test without sustaining any damage. After the standard was rolled back, the performance of the Escort bumpers slipped. The 1984 Escort L two-door model sustained $877—1993 dollars—while the 1992 Escort LX two-door sustained $2,720 damage in the same tests.

Instead of benefiting consumers, the 2.5-mile-per-hour bumper standard has led to increased costs and inconvenience. The Insurance Institute for Highway Safety [IIHS] has conducted and evaluated studies demonstrating that NHTSA's 1982 predictions of cost savings were greatly overstated. According to an IIHS "Status Report," NHTSA's erroneous predictions include the following:

First, NHTSA predicted that 2.5-mile-per-hour bumpers would be 63–67 percent as effective as 5-mile-per-hour bumpers in preventing damage during crashes. In fact, NHTSA ignored a Volkswagen example where a 1982 Rabbit pickup truck with 2.5-mile-per-hour bumpers sustained $364 in damage, while a 1981 Rabbit Sedan with 5-mile-per-hour bumpers sustained only $21 damage in the same tests.

Second, NHTSA estimated that over a 10-year period 2.5-mile-per-hour bumpers would only incur $34–69 additional repair and insurance costs when compared with 5-mile-per-hour bumpers. In a cost comparison, insurance collision coverage losses went up 21 to 35 percent when GM downgraded the bumpers on Buicks while insurance losses only went up 4 to 8 percent on Oldsmobile models which retained the 5-mile-per-hour bumpers.

Third, NHTSA's predictions of weight savings, and thus fuel savings from the weaker bumpers have not materialized. A comparison of 10 1980–83 models and their 1991 counterparts showed that, on average, there was no weight saved with the 5-mile-per-hour bumpers. In testimony before the Senate Commerce Committee's Consumer Subcommittee, a Chrysler official admitted that fuel savings only amounted to 50 cents per year—1989 dollars.

Fourth, NHTSA suggested that consumers would save an average of $18–35 off vehicle sticker prices with the rollback of the bumper standard. With the steady increase in car prices, the effect of the 2.5-mile-per-hour bumper is cloudy at best. A comparison of current bumper replacement prices for 1991–92 models shows that some prices are higher and some are lower.

Fifth, in 1982, NHTSA said that 2.5-mile-per-hour bumpers would add $6 for lost time and inconvenience over a 10-year period. A 1981 survey of consumers showed that 83 percent felt it was worth $100 and 58 percent said $200 or more to avoid the extra time and inconvenience associated with 2.5-mile-per-hour bumpers.

Perhaps the most telling evidence of the inferiority of 2.5-mile-per-hour bumpers comes from a four part, 5-mile-per-hour crash tests conducted by IIHS. When IIHS tested nine 1993 passenger car models, it found cumulative damage totals ranging from $1,771 to $4,418. The most expensive model tested, the Toyota Camry performed the worst overall. On the other hand, one of the least expensive models, the Dodge Spirit, performed the best.

Minivans have rapidly become the most popular family passenger vehicle. Despite their common use, minivans are not subject to any Federal bumper safety requirement. The January 6, 1994 edition of USA Today ran a front page story on the poor performance of minivan bumpers in a four part, 5-mile-per-hour test conducted by IIHS. Each of the seven models tested sustained damage ranging from $1,862 to $7,643. The poorest performer, the Mazda MPV, could not be driven after the angle-barrier test. Following the tests, IIHS President, Brian O'Neill called for a uniform and effective Federal bumper standard for passenger cars and vans.

Consumers are understandably concerned with low-speed crash protection. In a 1990 Insurance Research Council survey, 70 percent said that car bumpers should provide protection in crashes at 5 miles per hour or higher. Moreover, 83 percent of the respondents in a 1992 IIHS survey said that they would prefer protection over stylish bumpers. Despite their interest in bumper performance, consumers are unable to evaluate bumper quality. A buyer is left to judge quality from outward appearance. The quality of a bumper, however, is not evident from its outer shell. The bumper parts responsible for damage resistance, are beneath the outer, plastic cover. Without the aid of some sort of labeling, consumers are unable to compare bumpers.

Three States have passed bumper disclosure laws. California, Hawaii, and New York require automakers to disclose the protection afforded by bumpers on new cars. While the laws differ, each is aimed at providing consumers with bumper information when choosing car models. In practice, California has experienced a minimum level of compliance. Most stickers merely note that cars met minimum Federal standards and stickers are often placed where they would be easy to miss. New York law, which requires labels to specify the maximum speed at which a bumper sustained no significant damage, is not being enforced.

In answer to the call for safer bumpers and the need for information on bumper performance, I am joining Senator BRYAN in introducing the Automobile and Minivan Bumper Improvement Act of 1994. This legislation would improve bumpers in two ways. It would require NHTSA to reinstate the 5-mile-per-hour bumper collision standard and would require NHTSA to promulgate a rule to provide labeling of vehicles with bumper impact capability information. In addition, it would apply the new requirements to minivans.

The facts are straightforward and clear. The 12-year experiment which rolled back the bumper standard has failed. NHTSA's cost-benefit analysis was erroneous. Despite having the technology to build "zero damage", 5-mile-per-hour bumpers, manufacturers, have not, and will not, volunteer to build safe bumpers. The current 2.5-mile-per-hour standard allows too much damage and jeopardizes the safety of vehicle passengers. Consumers deserve to have good bumpers and bumper performance information. I urge my colleagues to support this much-needed legislation.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automobile and Minivan Bumper Improvement Act of 1994".

SEC. 2. DISCLOSURE OF BUMPER IMPACT CAPABILITY.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting immediately after section 102 the following new subsection:

"DISCLOSURE OF BUMPER IMPACT CAPABILITY

"SEC. 102A.(a) The Secretary shall promulgate, in accordance with the provisions of this section, a regulation establishing bumper system labeling requirements for passenger motor vehicles—

"(1) manufactured for model years beginning more than 180 days after the date such regulation is promulgated, as provided in subsection (c)(2); and

"(2) constructed without special features for occasional off-road operation.

"(b)(1) the regulation promulgated under this section shall provide that, before any such passenger motor vehicle is offered for sale, the manufacturer shall affix a label to such vehicle, in a format prescribed in such regulation, disclosing an impact speed at which the manufacturer represents that the vehicle meets the applicable damage criteria.

"(2) For purposes of this subsection, the term 'applicable damage criteria' means the damage criteria applicable under the bumper standard set forth in part 581 of title 49, Code of Federal Regulations, or under a successor bumper standard.

"(c)(1) Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register a proposed initial regulation under this section.

"(2) Not later than 180 days after such date of enactment, the Secretary shall promulgate a final initial regulation under this section.

"(d) The Secretary may allow a manufacturer to comply with the labeling requirements described in subsection (b) by permitting such manufacturer to make the required bumper system impact speed disclosure on the label required by section 506 of this Act or on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(e) The regulation promulgated under this section shall provide that the information disclosed under this section be provided to the Secretary at the beginning of the model year for the model involved. As soon as practicable after receiving such information, the Secretary shall furnish and distribute to the public such information in a simple and readily understandable form in order to facilitate comparison among the various types of passenger motor vehicles. The Secretary may by rule require automobile dealers to distribute to prospective purchasers any information compiled pursuant to this subseciton.".

SEC. 3. BUMPER STANDARD FOR CERTAIN PASSENGER MOTOR VEHICLES.

(a) AMENDMENT OF BUMPER STANDARD.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall amend the bumper standard published as part 581 of title 49, Code of Federal Regulations, to ensure that such standard is identical to the bumper standard under such part 581 that was in effect on January 1, 1982. The amendment standard shall apply to all passenger motor vehicles—

(A) manufactured after September 1, 1994; and

(B) constructed without special features for occasional off-road operation.

(b) MORE STRINGENT BUMPER STANDARDS NOT AFFECTED.—Nothing in this section shall be construed to prohibit the Secretary of Transportation from requiring under such part 581 that passenger motor vehicle bumpers be capable of resisting impact speeds higher than those specified in the bumper standard in effect under such part 581 on January 1, 1982.

(c) DEFINITION.—For purposes of this section, the term "passenger motor vehicle" has the meaning given that term in section 2 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901).●

● Mr. BRYAN. Mr. President, I support legislation introduced by Senator DANFORTH, the Automobile and Minivan Bumper Improvement Act. As chairman of the Commerce Committee's Consumer Subcommittee, I am proud to be a cosponsor of this important consumer information and safety legislation. In the last two Congresses, I have supported raising bumper standards in passenger cars, and the Commerce Committee has favorably reported out such legislation as part of authorization bills for the National Highway Traffic Safety Administration [NHTSA]. Although the bumper provisions were deleted prior to final passage of the NHTSA bill, I am hopeful that they will be adopted as a separate measure in this Congress.

Federal bumper standards in effect from 1980 to 1982 required cars to withstand front and rear crash tests at 5 miles per hour with no more than minor cosmetic damage to the bumper itself—and no damage to the car parts. As a result, bumpers protected cars from damage in many low-speed collisions, leading to lower and less frequent repair bills. In 1982, however, NHTSA rolled back the standard from 5 miles per hour to 2.5 miles per hour, arguing that a 5-mile-per-hour bumper would weigh more than a 2.5-mile-per-hour bumper, thus resulting in both extra gas consumption and higher vehicle cost.

The Insurance Institute for Highway Safety [IIHS] has conducted several tests which reveal that NHTSA's predictions of fuel savings and vehicle sticker saving may have been overstated. IIHS tests have demonstrated that bumper performance is not related to the weight of bumpers, and, in fact, some good bumpers weigh less and are less costly than some poor bumpers. In IIHS 5-mile-per-hour crash tests of nine 1993 model cars, each model sustained damage ranging from $1,771 to $4,418; in contrast, a 1981 model Ford Escort sustained no damage in similar 5-mile-per-hour crash tests, thereby illustrating the feasibility of crash-proof bumpers.

The need for bumper standards for minivans is particularly great. Minivans have been steadily increasing in consumer popularity, especially among families looking for a safe and reliable vehicle. Yet, these vehicles are completely exempt from even the 2.5-mile-per-hour bumper standard. IIHS recently conducted 5-mile-per-hour crash tests on seven 1994 model minivans. After the tests, one model could not be driven, and six of the seven sustained some degree of damage to safety-related parts, with one sustaining such serious safety-related damage that the tailgate came unlatched and could not be closed again, presenting the risk of occupant ejection. Repair costs were extreme as well, ranging from $1,862 to $7,643.

The Automobile and Minivan Bumper Improvement Act addresses these problems in two ways. First, the legislation requires NHTSA to raise the bumper collision standard to 5 miles per hour, the pre-1982 standard, to allow vehicles to withstand certain levels of damage to the safety features of the vehicle, the exterior of the vehicle, and the bumper itself. Second, the bill requires NHTSA to promulgate a rule to provide labeling of vehicles. Such a label will disclose to consumers information regarding bumper impact capability. These requirements would apply equally to minivans.

Given the frequency of low-speed bumper crashes and the current level of damage expenses, this legislation is clearly needed. I would note, Mr. President, that I chaired two subcommittee hearings on the issue of automobile repair fraud over the past several years. The one point we heard consistently was that consumers are extremely wary and mistrustful of repair shops—and often for good reason, I would add—and anything that could be done to reduce the frequency of repair shop visits would represent a tremendous consumer benefit.

I would therefore urge my colleagues to support this important consumer safety legislation.●

By Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. MACK, Mrs. FEINSTEIN, Mr. BRYAN, Mrs. BOXER, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 1849. A bill to require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens; to the Committee on the Judiciary.

CRIMINAL ALIENS FEDERAL RESPONSIBILITY ACT

Mr. GRAHAM. Mr. President, today I am introducing the Criminal Aliens Federal Responsibility Act of 1994 with my colleagues Senators D'AMATO, MACK, FEINSTEIN, BRYAN, BOXER, MCCAIN, and HUTCHISON. The legislation is similar to an amendment I successfully offered to the crime bill in the Senate on November 16, 1993.

This bill strengthens the language in the Senate crime bill and would require the Federal Government, as the entity that is solely responsible for our Nation's immigration and naturalization policy, to incarcerate or to reimburse State and local units of government for the cost of incarcerating criminal aliens.

During consideration of the crime bill in the Senate late last year, much was said about the failure of State and local government to control crime. The failure is one of a lack of adequate resources and one for which the Federal Government also has a responsibility.

Consequently, to address this problem, our legislation attempts to acknowledge the following: First, the Federal Government should be a partner with State and local units of government and assist them in the effort to attack our Nation's crime problem; and, second, the Federal Government has failed to accept its responsibility for immigration policy, and thereby, criminal aliens.

With respect to the latter point, the Federal Government has never fully addressed its fundamental responsibility for our Nation's immigration policy as enumerated in Article I, Section 8 of the Constitution. That power and singular responsibility was conferred upon the Federal Government by states "to establish an uniform rule of naturalization." Consequently, immigration and naturalization is a core, but often failed, responsibility of the Federal Government.

Individual States have no capacity, either under law or in resources, to control access to illegal entrants to our Nation. Unfortunately, when the Federal Government does not adequately address its responsibility for illegal immigration, State and local government is often left with the burden of that failure.

The day before I offered the amendment to the crime bill, Michael Fix and Jeffrey S. Passel of the Urban Institute provided an analysis of immigration cost shifting in testimony before the House Ways and Means Subcommittee on Human Resources. They said, "* * * the distribution of costs and revenues within the intergovernmental system can be viewed as being in imbalance. Immigrant tax payments flow to Washington while most of the costs of providing services fall to State and local government."

This is something that is readily apparent in the criminal justice system. The States of California, New York, Texas and Florida—just four of our Nation's States—estimate they have 25,510 criminal aliens incarcerated in their prisons at a cost of over $500 million.

Ironically, the Senate crime bill contains a provision calling for the building of 10 regional prisons to house 2,500 prisoners, each at an authorized cost of $3 billion. Even if 100 percent of those slots were made available to the States for the transfer of their incarcerated criminal aliens, the criminal aliens in just the four States of California, New York, Texas and Florida would clearly exceed the slots made available by these regional prisons.

Incredibly, the regional prisons provision does not even acknowledge Federal responsibility for criminal aliens until States can meet federally imposed sentencing guildlines and inmates have served at least 85 percent of their sentences. We have it backward.

In Florida's circumstance, we would get a lot further along the road toward keeping prisoners behind bars and off the streets if the Federal Government would take responsibility for its criminal aliens in the State's prison system and not wait 4 to 5 years from now when these regional prisons are built.

According to Secretary Harry Singletary of the Florida Department of Corrections, approximately 6-7 percent of the State's prison population, or 3,433 out of approximately 50,000 inmates, are criminal aliens and cost Florida an estimated $58.6 million annually.

As New York Governor Mario Cuomo wrote in a letter to me on November 16, 1993,

> It is the responsibility of the Federal Government to prevent illegal immigration. When the Federal Government fails at this task, the ensuing costs remain a federal responsibility. In particular, the financial burden of incarcerating illegal alien felons have been borne exclusively by states, straining our criminal justice budgets and prison systems.

Governor Cuomo estimates that 2,600 criminal aliens are housed in New York State prisons.

Texas Governor Ann Richards adds,

> * * * the Texas prison system houses some 2,000 criminal aliens who illegally crossed the United States border with Mexico permitted by weak efforts of the Federal Government to control its border. Certainly the States should not be expected to assume that responsibility abdicated by the Federal Government, although we do.

This legislation has the support of Florida Governor and former U.S. Senator Lawton Chiles, New York Governor Mario Cuomo, Texas Governor Ann Richards, California Governor Pete Wilson, Florida Attorney General Robert Butterworth, the National Conference of State Legislators, the National Association of Counties and the Association of State Correctional Administrators.

I urge my colleagues to join me in support of this legislation to have the Federal Government assume its responsibility for the incarceration of criminal aliens.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Aliens Federal Responsibility Act of 1994".

SEC. 2. INCARCERATION OF OR PAYMENT FOR CRIMINAL ALIENS BY THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this section, "criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility" means an alien who—

(1)(A) is in the United States in violation of the immigration laws; or

(B) is deportable or excludable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(2) has been convicted of a felony under State or local law and incarcerated in a correctional facility of the State or a subdivision of the State.

(b) FEDERAL CUSTODY.—At the request of a State or political subdivision of a State, the Attorney General shall—

(1)(A) take custody of a criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility; and

(B) provide for the imprisonment of the criminal alien in a Federal prison in accordance with the sentence of the State court; or

(2) enter into a contractual arrangement with the State or local government to compensate the State or local government for incarcerating alien criminals for the duration of their sentences.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, November 16, 1993.
Hon. BOB GRAHAM,
SH-524, Washington, DC.

DEAR SENATOR GRAHAM: I strongly support your amendment to the Violent Crime Control and Law Enforcement Act of 1993 to offset the fiscal impact of illegal alien criminals on state and local governments. Such assistance is sorely needed in New York and other states that are bearing the tremendous costs of incarcerating these aliens.

It is the responsibility of the federal government to prevent illegal immigration. When the federal government fails at this task, the ensuing costs remain a federal responsibility. In particular, the financial burdens of incarcerating illegal alien felons have been borne exclusively by states, straining our criminal justice budgets and prison systems.

The Congress recognized this responsibility when it enacted Section 501 of the Immigration Reform and Control Act of 1986: "Subject to the amounts provided in advance in appropriations Acts, the Attorney General shall reimburse a State for costs incurred by the State for the imprisonment of any undocumented alien * * * who is convicted of a felony by such state."

Unfortunately, for states such as New York, Texas, Illinois, California, and Florida that are disproportionately affected by this problem, no funds have ever been appropriated to fulfill the mandate of Section 501.

State prisons are presently facing unprecedented challenges posed by the rapid rise in their criminal alien populations. New York, for example, is now housing an estimated 2,600 individuals who entered the U.S. illegally and then committed some other crime for which they were convicted and incarcerated. Because it costs an average of $24,000 a year to house an inmate, New York is paying approximate $63 million annually in incarceration costs, not including the related costs of added prison construction and an overburdened judicial system.

The cost to state governments nationwide of incarcerating illegal alien criminals is close to a billion dollars annually. Like many of my fellow governors, I believe it is patently unfair to impose this hardship on states when the problem is not one of their own making.

Federal immigration policy governs entry into this country, and often the initial destination of immigrants. In addition, the federal government is ultimately responsible for the flow of illegal immigrants as well. New York State and others are proud to serve as gateways for the nation, but we cannot shoulder the resultant burdens alone. The costs of undocumented alien felons are of particular concern, especially as they drain precious state resources from other crime-fighting efforts and beneficial programs for our residents.

I believe that your amendment to the 1993 crime bill helps to address the negative impacts of undocumented aliens on our communities. Although this amendment is "subject to the availability of appropriations," and does not guarantee funding to states for housing these prisoners, it is a step in the right direction by affirming that the responsibility for incarcerating illegal alien criminals belongs to the federal government.

I am grateful for your leadership on this important issue. I look forward to working with you and others in the future to restore an equitable balance of responsibilities between the federal government and the states with regard to illegal alien criminals.

Sincerely,

MARIO M. CUOMO.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, November 9, 1993.
Hon. JOSEPH R. BIDEN,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: You are undoubtedly better informed than I about what all other states are doing but you are wrong about this Governor and the State of Texas.

Last week, the Texas taxpayers voted to pass a bond issue that provides an additional $1 billion for prison construction. Last session, Texas legislators appropriated $93 million of state funds for the largest incarcerated substance abuse treatment initiative in the nation. All of these funds are in addition to the $1 billion bond issue for increased prisons construction that the Texas taxpayers passed two years ago.

Texas elected officials and taxpayers alike have assumed responsibility for the crime problem in this state and are requesting assistance from the federal government for a problem that is often beyond our control. For example, the Texas state prison system houses some 2,000 criminal aliens who illegally crossed the United States border with Mexico permitted by weak efforts of the federal government to control it border. Certainly the states should not be expected to assume the responsibility abdicated by the federal government, although we do.

I am particularly concerned with the formulas that are being considered in crime legislation to allocate funds to states. These formulas, as currently written, do no allow for equity in the distribution of funds. For example, under the current formula for substance abuse treatment funds in state prisons, Texas was receive $114 per inmate while states with small prison populations will receive over $200 per inmate with the greatest allocation of $852 per inmate going to North Dakota. This disparity in funding will only further states' reliance on the Federal government for assistance in the future.

Senator Bob Graham will be introducing an amendment to the Violent Crime Control and Law Enforcement Act of 1993 that would allocate funds to states based on a formula that better represents the ratio of crime across the nation.

I urge you to consider these changes to the formulas in the crime legislation currently being considered.

If I may be of any assistance, please do not hesitate to contact me.

Sincerely,

ANN W. RICHARDS,
Governor.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, November 4, 1993.

DEAR SENATOR: I am writing on behalf of the National Conference of State Legislatures to register our concerns about sections of S. 1607, "The Violent Crime Control and Law Enforcement Act of 1993."

The purported purpose of habeas corpus reform is to streamline litigation. It is ironic that Section 310 is added as an enforcement mechanism subjecting states to suits in Federal court for failure to abide by new standards set by Congress with respect to the appointment of counsel. The abrogation of sovereign immunity should not be approached lightly. There has been no consideration of the potential harm to states by this section. We strongly object to using the threat of lawsuit to accomplish these congressional goals.

With respect to provisions relating to background checks for child care providers, Title VIII, we are most concerned that sufficient funds be authorized and appropriated in order for states to adequately meet the mandates of the act for disposition and automation. It is also important that states retain the flexibility to determine how the background checks may be used. Title VIII makes participation voluntary, but the restrictions binding participants may have the unintended consequence of limiting state participation in the program. We concur in the need for improving criminal history records, but see it as only a small part of providing a safer environment in day care settings. If the federal government has a different opinion about the priority for spending to improve the records, then it must undertake the primary responsibility for funding.

Because the states have no responsibility for the control of federal immigration policy, NCSL opposes all federal attempts to shift the cost of resettling newcomers to state budgets. NCSL supports an amendment to be offered by Senator Graham respecting criminal aliens because it requires the federal government to take responsibility for the fiscal consequences of its immigration policy—here, the cost of imprisoning undocumented alien felons. NCSL further opposes efforts to curtail federal funding for mandated programs for newcomers. States should not be solely responsible for the fiscal impact of court-driven mandates such as education for undocumented alien children.

Finally, I must reiterate NCSL's strong opposition to Senator Biden's amendment for a so-called "police officers' bill of rights," a provision that would federalize noncriminal police disciplinary procedures. This amendment would remove from localities issues related to personnel administration and implicitly community relations. I can think of no other issue that is so intensely local or beyond Washington's competence.

Sincerely,

WILLIAM T. POUND,
Executive Director, NCSL.

Mr. MACK. Mr. President, I rise today with my colleague from Florida, and with the support of many others, to ask that the Federal Government be responsive to a problem of its own creation. This bill requires the Attorney

General of the United States to take custody of, or financial responsibility for, criminal aliens incarcerated in State prisons and jails. The flow of illegal immigrants into this country is a Federal problem, not a State problem. An individual State such as Florida can do nothing to prevent illegal immigration. This is solely the province of the Department of Justice, the Federal Customs Service and INS. Florida citizens like those of California, New York, Texas and Illinois, are weary of bearing the financial burden for the failure of these agencies to secure our borders.

The injustice perpetrated upon the good citizens of our States are twofold: First, these aliens are able to circumvent our immigration system and illegally gain entry to our country. In many cases, this results in a draw down of scarce State human resources funds. Federal reimbursement for unpaid medical bills and the educational costs for the children of these immigrants never fully compensates our States. Worse yet, some of these illegal aliens commit crimes, again subjecting the State taxpayers to paying the freight for incarceration costs. The fact of the matter is that these individuals would not be in our jails, and thus depleting our State resources if it weren't for the failures of the Federal Government.

It is not the fault of anyone in my State that the Customs Service didn't catch the boat coming in, or the passenger with fraudulent documents. Why should my constituents or those of any other State be forced to pay for their mistakes? In Florida alone, we have 3,433 illegal aliens serving time in our prisons. That comes out to $58.6 million in State taxpayer funds that could be going to keep more violent criminals behind bars for longer.

The bill we have offered is based on fundamental fairness and the notion that the Federal Government can and should be accountable for its failure to maintain control of our borders and I urge my colleagues to vote in favor of its passage.

Mrs. FEINSTEIN. Mr. President, I also want to thank my colleague, Senator GRAHAM of Florida, for his leadership in putting the Criminal Aliens Federal Responsibility Act before the Senate. I rise today as an original cosponsor of the bill and respectfully ask that each and every one of my colleagues consider joining the bipartisan group of Senators who have already signed on to this critical legislation.

Senator GRAHAM has admirably and completely explained the purpose of our bill: to relieve State and local governments of the high cost of incarcerating persons who enter this country illegally and are later convicted of felonies. The broad principal on which the bill is based is very simple. Controlling illegal immigration is a Federal responsibility. The failure to do so, and its financial consequences, are thus a Federal responsibility, as well.

This issue is of critical concern to California. According to the Governor, California taxpayers have spent more than $1 billion in the last 5 years to house convicted felons illegally in the United States.

There are, he estimates, more than 15,000 such inmates in the State's prisons now and expects that number to increase to more than 18,000 in this fiscal year.

The cost to California of housing those prisoners in fiscal year 1994–1995 is expected to exceed $375 million, and that doesn't include another $18 million for the cost of housing 600 to 700 illegal alien juveniles in the care of the California Youth Authority.

Congress has twice recognized the moral imperative to assume the States' costs of incarcerating illegal alien felons:

Once in 1986, when it expressly required the Attorney General to reimburse the States in the Immigration Reform and Control Act;

And again in the omnibus crime bill adopted by the Senate just last Session, which permits the Attorney General to transfer such prisoners to Federal facilities or to reimburse States' for their costs.

The directive in IRCA, however, was made subject to appropriations and, once again, no Federal funds to reimburse States for these costs are contained in the President's fiscal year 1995 budget. As for the crime bill, permitting the Attorney General to act is very different from requiring her to do so.

The Criminal Aliens Federal Responsibility Act that Senator GRAHAM and I are introducing today with a number of our colleagues will replace warm words with cold cash—funds sorely needed by California and many other States' and localities' across the country. As a member of the Appropriations Committee, I look forward to working closely with him to pass, and fully fund, this bill in this Congress.

By Mr. DANFORTH:

S. 1850. A bill to suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. DANFORTH. Mr. President, today I am introducing legislation to suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid. This chemical, commonly known as propionic acid and salts, is an active ingredient in certain non-carcinogenic commercial herbicides. To the best of my knowledge, there is no domestic producer of this product in the United States. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON 2-(4-CHLORO-2-METHYL PHENOXY) PROPIONIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	2-(4-chloro-2-methyl phenoxy) propionic acid (CAS No. 93–65–2) (provided for in subheading 2918.90.10).	Free	No change	No change	On or before 12/31/96."

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. KASSEBAUM, Mr. COATS, Mr. WOFFORD, Mr. JEFFORDS, Mr. BINGAMAN, Mr. DURENBERGER, Mr. METZENBAUM, Mr. WELLSTONE, Mr. PELL, and Mr. SIMON):

S. 1852. A bill to amend the Head Start Act to extend authorizations of appropriations for programs under that Act, to strengthen provisions designed to provide quality assurance and improvement, to provide for orderly and appropriate expansion of such programs, and for other purposes; to the Committee on Labor and Human Resources.

THE READY TO LEARN REAUTHORIZATION ACT OF 1994

Mr. KENNEDY. Mr. President, today I am introducing The Ready to Learn Reauthorization Act of 1994, which mobilizes the power of television to bring quality educational programming to all children in our Nation. We know that each year, our 19 million preschoolers watch 14 billion hours of television—an average of 28 hours each week. Television has the capability to be a remarkable teacher, and a highly cost-effective source of information and education. By making quality educational programming widely available, all children can benefit—whether they live in distant rural towns or the inner city.

Ready to Learn also puts a strong emphasis on providing parents and child care givers materials and resources to work with their preschool children, getting the most out of educational programming. We have seen families and Head Start providers in isolated and disadvantaged communities benefit from training materials developed and provided over the airwaves—where local resources could never support these educational opportunities.

The Ready to Learn Act is a key tool to move forward with the Number One Education goal—school readiness for all children. We fall far short of that goal today. According to a study by the

Carnegie Foundation for the Advancement of Teaching, 35 percent of the country's children do not enter school ready to learn. These children must play catch-up, to master basic skills and concepts which are the building blocks for their success. The Ready to Learn Act offers these children a healthy diet of educational programming that can bring a lifetime of benefits.

I commend the President for including $10 million for Ready to Learn in the 1995 budget. I am pleased that my colleagues Senator COCHRAN, Senator PELL, Senator DODD, Senator SIMON, Senator WELLSTONE, and Senator BINGAMAN join me as cosponsors of this legislation, and I look forward to working with all Members to ensure its swift consideration by the Congress.

Mr. President, I ask unanimous consent that the full text of the act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready To Learn Reauthorization Act of 1994".

SEC. 2. ELIGIBLE ENTITIES.

Section 4702(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3161a(b)(1)) is amended by striking ", nongovernmental".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 4706(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3161e(a)) is amended—

(1) by striking "$25,000,000 for fiscal year 1993" and inserting "$50,000,000 for fiscal year 1995"; and

(2) by striking "for fiscal year 1994." and inserting "for each of fiscal years 1996 and 1997.".

Mr. COCHRAN. Mr. President, I am pleased to join with Senator KENNEDY to sponsor the "Ready To Learn Act of 1994." This reauthorization supports the development of new educational television programming for preschool children and written materials for parents and daycare providers to help young children learn from these television programs. The bill authorizes $50 million for these purposes.

The emphasis behind the Ready To Learn Act is the first national education goal, which states:

> By the year 2000, all children in America will start school ready to learn.

This goal may be the most important of the six education goals established by President Bush and the Nation's Governors at the historic education summit held in 1989 which helped to build a consensus among States on how to improve educational opportunities for the Nation's students.

At this summit, the Governors concluded that in order to succeed in school, children must enter healthy and with a respect for learning instilled from infancy. Children who begin school with a solid educational foundation have a much better chance of high achievement later on.

In many cases, television is a child's most powerful teacher. In busy, two-parent households, in single parent homes, and crowded day-care facilities, television is the baby sitter.

By taking advantage of the significant number of hours of television most children watch every day, we have a wonderful opportunity to build a foundation for future learning.

This bill establishes a partnership between the Department of Education and producers of children's programming to develop criteria for educational television programming. These criteria will serve as guidelines for the selection of projects to be funded. This strategy draws on the strong commitment of the Corporation for Public Broadcasting, which has many years experience in providing young children with quality educational television. I am pleased that the Department of Education has requested $10 million in its fiscal year 1995 budget for the Ready to Learn program.

In rural States, like Mississippi, educational television has traditionally offered students educational opportunities that would not otherwise be available. In fact, Mississippi ETV currently offers six educational networks, providing more than 65 hours of educational programming each day for students, teachers, individuals, and families. On average, Mississippi's elementary and secondary schools offer 7 hours of various course instruction every school day. This bill will expand the educational programming available to preschool children.

Another component of this bill offers to parents, teachers, libraries, and daycare providers specially designed supporting materials to enhance the value of the television programming. The materials will be developed through grants to local educational television networks.

I hope the Senator will support the passage of this bill.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. WELLSTONE, and Mr. BINGAMAN):

S. 1853. A bill to amend the Elementary and Secondary Education Act of 1965 to extend Federal assistance programs related to educational television programming, and for other purposes; to the Committee on Labor and Human Resources.

HEAD START ACT AMENDMENTS OF 1994

Mr. KENNEDY. Mr. President, today we take another important step toward our bipartisan national goal of providing a high quality Head Start experience to all eligible families in need.

Today we affirm our belief in the core elements of this proven national resource and to commit to a working partnership designed to take what is good about Head Start and make it even better. We do not seek to hide behind old rhetoric, but to move forward with the implementation of a bold strategy for the Head Start of the 21st century.

By introducing the Head Start Amendments Act of 1995, we in the Congress, and those in the administration, lay out a blueprint for more effective action in the years ahead. With this legislation we will enhance the program's quality and extend the program's reach—making it more responsive to the needs of today's families.

Low-income children and families today face enormous challenges, struggling to survive in neighborhoods plagued by lack of opportunity, violence, and drugs. Since we last reauthorized Head Start—the number of children growing up in poverty has increased dramatically—and so has the pressure on Head Start programs to help turn the tide.

If we are serious about national priorities of reducing juvenile crime and welfare dependency—and promoting family values and school readiness, Head Start must continue to be a centerpiece of our community-based response. Head Start strengthens families, builds communities, and gives children a chance.

Research, and a long track record of success, demonstrates that comprehensive preschool programs—such as Head Start—have brought about positive results—including greater economic independence and fewer juvenile crimes and school failures. We know that for the price of a single space in a juvenile facility—we can provide a full day full year Head Start experience for five young people. Prevention is a more productive approach and it is far more cost effective.

Drug dealers are getting to our kids young—and we have to beat them to the punch.

It is for this reason that we have people like the Attorney General, the FBI Director, and the drug czar all joining the chorus for increased Head Start funding.

And Head Start programs not only lay the foundation on which to build more successful futures—they provide a place to deal with the more immediate effects of violence on our children and families. The scars of war not only effect children in Bosnia—but children in Boston, and Birmingham, and Bridgeport as well.

A study done by Boston City Hospital found that 1 out of 10 children served by their pediatric clinic witnessed a shooting or stabbing before the age of 6—half in their own home.

Far too many of our children are living on the frontlines of battle—and many have only Head Start to turn to.

Both the tasks and the stakes are great. And while the price of success may be high—the cost of failure is far greater. But if Head Start is to live up to its potential—it will need new authority, support, and resources. And that is what the Head Start Amendments Act of 1995 is designed to deliver.

The act builds on the commitment to program quality which we began in the 1990 reauthorization—setting aside at least 25 percent of all new money for quality improvements.

These critically important funds can be used to offer training and career development opportunities to Head Start staff, and to provide for a livable wage and health benefits in an effort to reduce staff turnover and increase the continuity of caregivers for children.

The quality funds can be used to increase the number of family service staff in Head Start programs, thereby reducing staff caseloads and facilitating more extensive family support, family literacy, parental involvement, and comprehensive services. Family services workers, each responsible for a hundred families—cannot possibly be expected to truly assist families in securing the services they need—much less provide them directly.

The act will also put a strong oversight system in place—where programs will be monitored by the Feds and by their peers. Those with deficiencies will be given the opportunity and the technical assistance to come into compliance. Those that have been squeezed into trying to do too much with too little—will be given the support to improve. But those programs who cannot make the grade—will be opened up to others who can. Our children and families deserve no less than the best we can provide—we all agree with that.

We must focus on quality—we have and we will. But as we maximize the effectiveness of our investment—we must also remember that hundreds of thousands of eligible children wait to be given their Head Start in life.

This act continues our commitment to expanding the program to reach more eligible families and to do so in a way that meets their needs. The act, accompanied by the funds included in the President's budget request, will ensure several hundred million dollars to create more Head Starts slots, and more full day, full year programs able to meet the needs of low-income working parents or those in training. If we are serious about promoting self sufficiency—we must be prepared to assist in removing obstacles to progress.

In addition, it has become clear to all that 1 year of Head Start may be too little and too late. To begin to act on this knowledge—this act seeks to provide an early start to thousands of low-income children and families in need.

This act creates a phased-in set-aside to develop programs which provide early, continuous, and comprehensive services to very young children and families—from pregnancy to preschool. These formative years are critically important to the healthy physical, social, emotional, and intellectual development of children. And it is during this period that new parents can benefit most from efforts to enhance parenting skills and promote positive parent-child interaction.

The lessons we have learned from the comprehensive child development centers have been incorporated into this aspect of the reauthorization—and I am extremely pleased we are moving forward with this effort.

Finally, we must continue to build bridges with the public school system to ease the transition from Head Start to elementary school.

I am pleased that the act continues this commitment and I look forward to working with all those assembled here today—and the Department of Education—to make sure that as we forward with both Head Start and ESEA—that we do all we can to stimulate cooperation and coordination at the local level.

I want to thank Secretary Shalala, Senator DODD, Senator KASSEBAUM, and Senator COATS, and our colleagues in the House of Representatives for their dedication to this program and this process. Today's bipartisan bill introduction is a clear indication that there is the will in the Congress to move swiftly toward enactment on the President's package.

The Labor Committee began hearings on the Head Start reauthorization the day the advisory committee report was issued, we continue them today, and I plan to send a bill to the full Senate in April.

Every eligible child in America deserve a high-quality Head Start. Today we move closer to fulling that promise.

I ask unanimous consent that the complete text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) This act may be cited as the "Head Start Act Amendments of 1994".

(b) Except where otherwise specifically provided, references in this Act shall be considered to be made to the Head Start Act, or to a section or other provision thereof.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references in Act; table of contents.
Sec. 2. Monitoring and quality assurance.
Sec. 3. Appeals, notice, and hearing.
Sec. 4. Staff qualifications and development.
Sec. 5. Goals and priorities for training and technical assistance.
Sec. 6. Allocation of funds for program expansion.
Sec. 7. Allocation and use of funds for quality improvement.
Sec. 8. Transition coordination with schools.
Sec. 9. Research, demonstrations, evaluation, and reports.
Sec. 10. Initiative on families with infants and toddlers.
Sec. 11. Enhanced parental involvement.
Sec. 12. Authorization of appropriations.
Sec. 13. Minor and technical amendments.
Sec. 14. Effective date.

SEC. 2. MONITORING AND QUALITY ASSURANCE.

(a) IN GENERAL.—The Act is amended by inserting after section 641 the following new section:

"QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS

"SEC. 641A. (a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish by regulation standards applicable to Head Start agencies, programs, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, education, parental involvement, social and other services;

"(B) administrative and financial management standards;

"(C) standards relating to the condition and location of facilities; and

"(D) such other standards as the Secretary finds appropriate.

"(2) MINIMUM REQUIREMENTS.—The regulations under this subsection shall indicate the minimum levels of overall accomplishment that a Head Start agency or program must achieve in order to meet the standards specified in paragraph (1).

"(3) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the regulations required under paragraph (1), the Secretary shall—

"(A) consult with experts in the fields of child development, early childhood education, family services, administration, and financial management, and with persons with experience in the operation of Head Start programs; and

"(B) take into consideration—

"(i) past experience with use of the standards currently in effect;

"(ii) changes over the period the program has been in effect in the circumstances and problems typically facing Head Start children and families;

"(iii) developments concerning best practices with respect to child development, family services, program administration, and financial management; and

"(iv) projected needs of an expanding Head Start program;

"(C) not later than one year after enactment of this section, review and revise as necessary the performance standards in effect under this subchapter on the date of enactment of this section (but any revisions in performance standards shall not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, social, or other services required to be provided under such standards in effect on November 2, 1978).

"(b) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Within one year after enactment of this section, the Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of child development, family services, and program management, shall develop methods and procedures for measuring, annually and over longer periods, the quality and effectiveness of programs operated by Head Start agencies.

"(2) DESIGN OF MEASURES.—The performance measures developed under this subsection shall be designed—

"(A) to assess the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices;

"(B) to be adaptable for use in self-assessment and peer review of individual Head Start agencies and programs; and

"(C) for other program purposes as determined by the Secretary.

"(3) USE OF MEASURES.—The Secretary shall use the performance measures developed pursuant to this subsection—

"(A) to identify strengths and weaknesses in the operation of Head Start programs nationally and by region; and

"(B) to identify problem areas that may require additional training and technical assistance resources.

"(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

"(1) IN GENERAL.—In order to determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, fiscal, and other requirements, the Secretary shall conduct the following reviews of designated Head Start agencies, and of the Head Start programs operated by such agencies)—

"(A) a full review of each such agency at least once during each 3-year period;

"(B) a review of each newly designated agency immediately after the completion of the first year such agency carries out a Head Start program;

"(C) follow-up reviews including prompt return visits to agencies and programs that fail to meet minimum standards for participation; and

"(D) other reviews as appropriate.

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs; and

"(B) are supervised by such an employee at the site of such Head Start agency.

"(d) CORRECTIVE ACTION; TERMINATION.—(1) If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the minimum standards for participation in programs under this subchapter, the Secretary shall—

"(A) inform the agency of the deficiencies that must be corrected;

"(B) with respect to each identified deficiency, at the Secretary's discretion (taking into consideration the seriousness of the deficiency and the time reasonably required to correct it), require the agency—

"(i) to correct the deficiency immediately, or

"(ii) to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

"(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency as required by the Secretary pursuant to subparagraph (B).

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY RESPONSIBILITIES.—In order to retain its designation under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) shall—

"(i) develop in a timely manner, obtain the Secretary's approval of, and implement a quality improvement plan that specifies—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions identified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than one year after the date the agency received notice of the determination and of the specific deficiencies to be corrected).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(3) TRAINING AND TECHNICAL ASSISTANCE.—To the extent the Secretary finds feasible and appropriate given available funding and other statutory responsibilities, the Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of quality improvement plans.

"(e) SUMMARIES OF MONITORING OUTCOMES.—The Secretary shall publish annually, following the end of each fiscal year, a summary report on the findings of reviews conducted pursuant to subsection (c) and on the outcomes of quality improvement plans under subsection (d).".

(b) EXPENDITURES FOR MONITORING AND RELATED ACTIVITIES.—Section 640(a)(2)(D) is amended by inserting "(including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs, and of activities related to the development and implementation of quality improvement plans, pursuant to section 641A)".

(c) CONFORMING AMENDMENTS.—(1) Section 641(c) is amended by striking paragraphs (2) through (4).

(2) Section 641(d) is amended—

(A) in the first sentence, by striking all that precedes "then the Secretary" and inserting "If there is in a community no entity entitled to the priority specified in subsection (c),";

(B) by striking the second sentence; and

(C) in the third sentence, by striking "and subject to the preceding sentence".

(3) Section 642(b)(4) is amended by striking "in accordance with the performance standards in effect upon section 651(b)" and inserting "either through such program".

(4) Section 651(b) is repealed.

(5) Section 651(g)(10) is amended by striking "evaluations conducted under section 641(c)(2)" and inserting "monitoring conducted under section 641A(c)".

SEC. 3. APPEALS, NOTICE, AND HEARING.

(a) ELIMINATION OF PROVISION FREEZING REGULATIONS.—Section 646 is amended by striking subsection (b).

(b) TERMINATION OF DESIGNATION NOT STAYED PENDING APPEAL.—Section 646 is further amended by adding at the end the following new subsection:

"(b) ADVERSE ACTION NOT STAYED PENDING APPEAL.—In any case where a termination, reduction, or suspension of financial assistance under this subchapter is upheld in an administrative hearing under this section, such termination, reduction, or suspension shall not be stayed pending any judicial appeal of such administrative decision.".

SEC. 4. STAFF QUALIFICATIONS AND DEVELOPMENT.

(A) REQUIREMENTS CONCERNING STAFF QUALIFICATIONS AND DEVELOPMENT.—

(1) CLASSROOM TEACHERS.—(A) Section 648(b) is relocated and redesignated as subsection (a) of a new section 648A, captioned as follows: "STAFF QUALIFICATIONS AND DEVELOPMENT".

(B) Section 648A(a), as relocated and redesignated, is further amended—

(i) by striking "(a)(1)" and inserting "(a) CLASSROOM TEACHERS.—(1) DEGREE REQUIREMENTS.—";

(ii) in paragraph (1), by striking "1994" and inserting "1996";

(iii) in paragraph (2), by striking "(2)" and inserting "(2) WAIVER.—"; and

(iv) in paragraph (2)(B), by striking "a child development associate credential (CDA)" and inserting "any credential specified in paragraph (1)".

(2) MENTOR TEACHERS; FAMILY SERVICE WORKERS; FELLOWSHIPS.—Section 648A is further amended by adding after subsection (a) the following new subsections:

"(b) MENTOR TEACHERS.—

"(1) DEFINITION; FUNCTION.—For purposes of this subsection, a 'mentor teacher' is an individual responsible for observing and assessing classroom activities and providing on-the-job guidance and training to Head Start program staff and volunteers, in order to improve the qualifications and training of classroom staff, to maintain high quality education services, and to promote career development.

"(2) REQUIREMENT.—In order to assist Head Start agencies to establish positions for mentor teachers, the Secretary shall—

"(A) provide technical assistance and training to enable Head Start agencies to establish such positions;

"(B) give priority consideration, in providing assistance pursuant to subparagraph (A), to Head Start programs which have substantial numbers of new classroom staff or which are experiencing difficulty in meeting applicable education standards; and

"(C) encourage programs to give priority consideration for such positions to Head Start teachers at the appropriate level in the career ladders of such programs.

"(c) FAMILY SERVICE WORKERS.—In order to improve the quality and effectiveness of staff providing in-home and other services to families of Head Start children (including needs assessment, development of service plans, family advocacy, and coordination of service delivery), the Secretary, in collaboration with concerned public and private agencies and organizations currently examining the issues of standards and training for family service workers, shall—

"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

"(2) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

"(3) promote the establishment of a credential indicating attainment of those competencies that is accepted nationwide.

"(d) HEAD START FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to establish a program of head Start Fellowships, in accordance with this subsection, for staff in local Head Start programs and other individuals working in the field of child development and family services.

"(2) PURPOSE.—The fellowship program under this subsection shall be designed to enhance the ability of participating fellows to make significant contributions to programs authorized under this subchapter, by providing them opportunities to expand their knowledge and experience through exposure to activities, issues, resources, and new approaches in the field of child development and family services.

"(3) ASSIGNMENTS OF FELLOWS.—

"(A) PLACEMENT SITES.—Fellowship positions under the program under this subsection may be located (subject to subparagraphs (B) and (C))—

"(i) in agencies of the Department of Health and Human Services administering programs authorized under this subchapter (and in national and regional offices of such agencies);

"(ii) in local Head Start agencies and programs;

"(iii) in institutions of higher education;

"(iv) in public and private entities and organizations concerned with services to children and families; and

"(v) in other appropriate settings.

"(B) LIMITATION FOR FELLOWS OTHER THAN HEAD START EMPLOYEES.—A Head Start Fellow who is not an employee of a local Head Start agency or program may be placed only in a fellowship position specified in clause (i) or (ii) of subparagraph (A).

"(C) NO PLACEMENT IN LOBBYING ORGANIZATIONS.—Head Start Fellowship positions may not be located in any agency whose primary purpose, or one of whose major purposes, is to influence Federal, State, or local legislation.

"(4) SELECTION OF FELLOWS.—Fellowships under this subsection shall be awarded, on a competitive basis, to individuals (other than Federal employees) selected from among applicants who are currently working in local Head Start programs or otherwise working in the field of child development and children and family services.

"(5) DURATION.—Fellowships under this subsection shall be for terms of one year, and shall be renewable for a term of one additional year.

"(6) AUTHORIZED EXPENDITURES.—From amounts appropriated under this subchapter and allotted under section 640(a)(2)(D), the Secretary is authorized to make expenditures of not to exceed $1,000,000 for any fiscal year, for stipends and other reasonable expenses of the program under this subsection.

"(7) STATUS OF FELLOWS.—Except as otherwise provided in this paragraph, Head Start Fellows shall not be deemed employees or otherwise in the service or employment of the United States Government. Head Start Fellows shall be considered Federal employees for purposes of compensation for injuries under chapter 81 of title 5 of the United States Code. Head Start Fellows assigned to positions specified in paragraph (3)(A)(i) shall be considered Executive Branch employees for the purposes of chapter 11 of title 18 of the United States Code, and of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

"(8) REGULATIONS.—The Secretary shall promulgate regulations implementing the provisions of this subsection.".

(b) MODEL STAFFING PATTERNS.—Section 648 is amended by adding at the end the following new subsection:

"(e) MODEL STAFFING PATTERNS.—Within one year after enactment of this subsection, the Secretary, in consultation with appropriate public and private agencies and organizations and with individuals with expertise in the field of child and family services, shall develop model staffing plans to provide guidance to local Head Start agencies and programs on the numbers, types, responsibilities, and qualifications of staff required to operate a Head Start program.".

(c) CONFORMING AMENDMENT.—Section 648 is amended in the caption, to read:

"TECHNICAL ASSISTANCE AND TRAINING".

SEC. 5. GOALS AND PRIORITIES FOR TRAINING AND TECHNICAL ASSISTANCE.

Section 648, as amended by section 4, is further amended—

(1) in subsection (a)(2), by striking "Head Start programs, including" and inserting instead "Head Start programs, in accordance with the process, goals, and priorities set forth in subsections (b) and (c). The Secretary shall provide, either directly or through grants or other arrangements,";

(2) by redesignating and relocating as subsection (f) the final sentence of subsection (a), as amended by paragraph (1);

(3) by striking subsection (c); and

(4) by inserting after subsection (a) the following new subsections:

"(b) GOALS.—The process for determining the technical assistance and training activities to be carried out under this section shall—

"(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible;

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the Head Start community; and

"(c) SPECIFIC PURPOSES.—In allocating resources for technical assistance and training under this section, the Secretary shall—

"(1) give priority consideration to activities to correct program and management deficiencies identified through monitoring pursuant to section 641A (including the provision of assistance to local programs in the development of quality improvement plans);

"(2) address the training and career development needs of both classroom and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

"(3) assist Head Start agencies and programs to conduct and participate in community-wide strategic planning and needs assessment;

"(4) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures; and

"(5) assist in efforts to secure and maintain adequate facilities for Head Start programs.".

SEC. 6. ALLOCATION OF FUNDS FOR PROGRAM EXPANSION.

(a) ALLOCATION OF FUNDS WITHIN STATES.—Section 640(g) is amended—

(1) by striking "(g)" and inserting "(g)(1) COST-OF-LIVING ADJUSTMENTS TO GRANTEES.—"; and

(2) by adding at the end the following new paragraphs:

"(2) ALLOCATION OF EXPANSION FUNDS WITHIN STATES.—In allocating funds within a State, for the purpose of expanding Head Start programs, from amounts allotted to a State pursuant to paragraph (4), the Secretary shall take into consideration the following factors:

"(A) the quality of the applicant's current programs (including Head Start and other child care or child development programs and, in the case of current Head Start programs, the extent to which such programs meet or exceed performance standards and other requirements under this subchapter);

"(B) the applicant's capacity to expand services (including, in the case of current Head Start programs, whether the applicant accomplished any prior expansions in an effective and timely manner);

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations serving children and families;

"(D) the numbers of eligible children in each community who are not participating in Head Start; and

"(E) the concentration of low-income families in each community.

"(3) ALLOCATION OF EXPANSION FUNDS TO INDIAN AND MIGRANT PROGRAMS AND TO TERRITORIES.—In determining the amount of funds reserved pursuant to section 640(a)(2)(A) or (B) to be used for expanding Head Start programs under this subchapter, the Secretary shall take into consideration, to the extent appropriate, the factors specified in paragraph (2).".

(b) CONFORMING AMENDMENTS.—Section 641(f) is repealed.

SEC. 7. ALLOCATION AND USE OF FUNDS FOR QUALITY IMPROVEMENT.

(a) ALLOCATION; USE OF FUNDS.—Section 640(a)(3) us amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) in the matter preceding clause (i) of subparagraph (A), to read as follows:

"(3) QUALITY IMPROVEMENT.—

"(A) RESERVATION.—

"(i) ————.—The Secretary shall reserve, for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), a share of the amount (if any) by which such appropriations exceed the adjusted prior year appropriation (as defined in clause (ii)) equal to—

"(I) 25 percent of such amount, plus

"(II) any additional amount the Secretary may find necessary to address a demonstrated need for additional quality improvement activities.

"(ii) ADJUSTED PRIOR YEAR APPROPRIATION DEFINED.—The term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated pursuant to section 639(a) for the preceding fiscal year adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

"(B) GOALS.—Quality improvement funds reserved under this paragraph shall be used to accomplish any or all of the following goals:

"(i) Ensuring that Head Start programs meet or exceed performance standards pursuant to section 641A.

"(ii) Ensuring that programs have adequate qualified staff, and that such staff are furnished adequate training.

"(iii) Ensuring that salary levels are adequate to attract and retain qualified staff.

"(iv) Using salary increases to improve staff qualifications and to assist with the implementation of career development programs.

"(v) Improving community-wide strategic planning and needs assessments.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families.

"(vii) Making such other improvements in program quality as the Secretary may designate.

"(C) ACTIVITIES.—Quality improvement funds reserved under this paragraph shall be used to carry out any or all of the following activities:";

(3) in subparagraph (C), as redesignated, by adding at the end the following new clause:

"(vii) Such other activities as the Secretary may designate."; and

(4) in subparagraph (D), as redesignated—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "for the first, second, and third fiscal years for which funds are so reserved"; and

(ii) in subclause (II), by inserting "territories, and programs serving Indian and migrant children," after "States,";

(B) by striking clauses (ii) and (iii);

(C) in clause (iv)—

(i) by striking all that precedes the first comma and inserting "Funds";

(ii) by striking "clause (ii)" the first place it appears and inserting "clause (i)";

(iii) by inserting before the period at the end of the first sentence, ", for expenditure for activities specified in subparagraph (C)"; and

(iv) by striking the second sentence; and

(D) by striking clause (v) and redesignating clauses (iv) and (vi) as clauses (ii) and (iii), respectively.

(b) Conforming Amendment.—Paragraphs (4) and (5) of section 637 are repealed.

SEC. 8. TRANSITION COORDINATION WITH SCHOOLS.

(a) Coordination Requirements.—Section 642 is amended—

(1) in subsection (c), by striking "schools that will subsequently serve children in Head Start programs,"; and

(2) by adding after subsection (c) the following new subsection:

"(d) Facilitating Transition to School.—

"(1) General requirement.—Each Head Start agency shall undertake the actions specified in this subsection, to the extent feasible and appropriate in the circumstances (including the extent to which such agency is able to secure the cooperation of parents and schools) to enable children to maintain the developmental gains achieved in Head Start and to build upon such gains in further schooling.

"(2) Coordination with schools.—The Head Start agency shall take steps to coordinate with the local educational agency and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including the following;

"(A) developing and implementing a systematic procedure for transferring Head Start records on each participating child to the school in which such child will enroll;

"(B) establishing channels of communication between Head Start staff and their counterparts in the receiving schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(C) conducting meetings involving parents, kindergarten or primary school teachers, and Head Start teachers to discuss the developmental and other needs of individual children; and

"(D) organizing and participating in joint transition—related training of school staff and Head Start staff.

"(3) Promotion of parental involvement.—In order to promote the continued involvement of Head Start parents in their children's education upon transition to school, the Head Start agency shall—

"(A) provide training to Head Start parents—

"(i) to inform them about their rights and responsibilities concerning their children's education; and

"(ii) to enable them to understand and work with schools in order to communicate with teachers and other school personnel, to support their children's school work, and to participate as appropriate in decisions relating to their children's education; and

"(B) take other actions, as appropriate and feasible, to support the active involvement of parents with schools, school personnel, and school-related organizations.

"(4) Application of demonstration results.—The Secretaries of Health and Human Services and Education shall assess the results of the demonstration projects funded under the Head Start Transition Project Act and shall work together to provide technical assistance to enable communities to implement proposing practices emerging from these demonstrations for improving the Head Start program and programs of the schools.".

"(b) Extension of Set-Aside for Head Start Transition Project Act.—

(1) In general.—Section 639(c) is amended—

(A) by striking paragraph (1);

(B) by striking "(2)"; and

(C) by striking '1992, 1993, and 1994" and inserting "1992 through 1996".

(2) Reference.—Section 640(a)(5) is amended by striking "The" and inserting "Allotments Among States.—Subjects to section 639(c), the".

SEC. 9. RESEARCH, DEMONSTRATIONS, EVALUATION, AND REPORTS.

(a) Research, Demonstrations, and Evaluation.—Section 649, including the caption thereof, is amended to read as follows:

"RESEARCH, DEMONSTRATIONS, AND EVALUATION

"Sec. 649. (a) In General.—

"(1) Requirements; general purposes.—The Secretary shall carry out a continuing program of research, demonstrations, and evaluation, in order to—

"(A) foster continuous improvement in the quality of the Heard Start program under this subchapter and in its effectiveness in enabling participating children and their families to succeed in school and in everyday life; and

"(B) use the Head Start program as a national laboratory for developing, testing, and disseminating new ideas and approaches for addressing the needs of low-income perschool children and their families and communities, and otherwise to further the purposes of this subchapter.

"(2) Plan.—The Secretary shall develop, and periodically update, a plan governing the research, demonstration, and evaluation activities under this section.

"(b) Conduct of Research, Demonstrations, and Evaluation.—The Secretary, in order to conduct research, demonstrations, and evaluations under this section—

"(1) may carry out such activities directly, or through grants to, or contracts or cooperatives agreement with, public and private entities;

"(2) shall, to the extent appropriate, undertake such activities in collaboration with other Federal and non-Federal agencies conducting similar activities;

"(3) shall ensure that evaluation of activities in a specific program or project are conducted by persons not directly involved in the operation of such program or project;

"(4) may require Head Start agencies to provide for independent evaluations; and

"(5) may approve, in appropriate cases, community-based cooperation research and evaluation efforts to enable local Head Start program to collaborate with qualified researchers not directly involved in program administration or operation.

"(c) Consultation and Collaboration.—In carrying out the activities under this section, the Secretary shall—

"(1) consult with individuals—

"(A) from relevant academic disciplines;

"(B) involved in the operation of Head Start and other child and family service programs; and

"(C) from other Federal agencies and organization involved with children and families, ensuring that such individuals reflect the multicultural nature of the Head Start population and the multi-disciplinary nature of the Head Start program;

"(2) whenever feasible and appropriate, obtain the views of persons participating in and served by programs and projects assisted under the subchapter with respect to activities under this section; and

"(3) establish, to the extent appropriate, working relationship with the faculties of colleges or universities located in the area in which any evaluation under this section is being conducted, unless there is no such college or university willing and able to participate in such evaluation.

"(d) Specific Objectives.—The research, demonstration, and evaluation programs under this part shall include components designed to—

"(1) permit ongoing assessment of the quality and effectiveness of the program under this subchapter;

"(2) contribute to developing knowledge concerning factors associated with the quality and effectiveness of Head Start programs and in identifying ways in which services provided under this subchapter may be improved;

"(3) assist in developing knowledge concerning the factors which promote or inhibit healthy development and effective functioning of children and their families both during and following the Head Start experience;

"(4) permit comparisons of children and families participating in Head Start programs with children and families receiving other child care, early childhood education, and child development services and with other appropriate control groups;

"(5) contribute to understanding the characteristics and needs of population groups eligible for services provided under this subchapter and the impact of such services on the individuals served and the communities in which such services are provided;

"(6) provide for disseminating and promoting the use of the findings from such research, demonstration, and evaluation activities; and

"(7) promote exploration of areas in which knowledge is insufficient, and which will otherwise contribute to fulfilling the purposes of this subchapter.

"(e) Longitudinal Studies.—In developing priorities for research, demonstration, and evaluation activities under this section, the Secretary shall give special consideration to longitudinal studies which—

"(1) examine the developmental progress of children and their families both during and following the Head Start program experience, including the examination of factors which contribute to or detract from such progress;

"(2) examine factors related to improving the quality of the Head Start program experience and the preparation it provides for children and their families to function effectively in schools and other settings in the years following Head Start; and

"(3) as appropriate, permit comparison of children and families participating in Head

Start programs with children and families receiving other child care, early childhood education, and child development services, and with other appropriate control groups.

"(f) OWNERSHIP OF RESULTS.—The Secretary shall take necessary steps to ensure that all studies, reports, proposals, and data produced or developed with Federal funds under this subchapter shall become the property of the United States.".

(b) REPORTS.—Section 651 is amended—

(1) in the caption, to read "REPORTS";

(2) by striking subsections (a) through (f);

(3) by striking "(g)";

(4)(A) by striking "and" at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting "; and"; and

(C) by adding after paragraph (12) the following new paragraph:

(13) a summary of the research, demonstration, and evaluation activities conducted under section 649, including—

"(A) a status report on ongoing activities; and

"(B) results, conclusions, and recommendations based on completed activities not previously reported on.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 640A, 650, and 651A are repealed.

(2) Section 651, as amended by subsection (b), is redesignated as section 650.

SEC. 10. INITIATIVE ON FAMILIES WITH INFANTS AND TODDLERS.

(a) ESTABLISHMENT OF PROGRAM.—The Act is amended by adding after section 645 the following new section:

"PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS

"SEC. 645A. (a) IN GENERAL.—The Secretary shall make grants, in accordance with the provisions of this paragraph, for—

"(1) programs providing family-centered services for low-income families with very young children designed to promote the development of their children, to fulfill their roles as parents, and to move toward self-sufficiency; and

"(2) evaluation of, and provision of training and technical assistance to, projects under the Comprehensive Child Development Centers Act of 1988.

"(b) FAMILIES ELIGIBLE TO PARTICIPATE.—Persons who may be served by projects described in subsection (a)(1) include pregnant women, and families with children under age three (or under age five, in the case of children served by a grantee specified in subsection (e)(2)), who meet the criteria specified in section 645(a)(1).

"(c) SCOPE AND DESIGN OF PROGRAMS.—Programs receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services which will enhance the physical, social, emotional, and intellectual development of participating children;

"(2) ensure that the level of services provided to families responds to their needs and circumstances;

"(3) promote positive parent-child interactions;

"(4) provide services to parents to support their role as parents and to help them move toward self-sufficiency;

"(5) coordinate services with existing programs in the State and community to ensure a comprehensive array of services;

"(6) coordinate with local Head Start programs in order to ensure continuity of services for children and families;

"(7) (in the case of a program operated by a Head Start agency that also provides Head Start services through the age of mandatory school attendance) ensure that participating children and families receive such services through such age; and

"(8) meet such other requirements concerning program design and operation as the Secretary may establish.

"(d) ELIGIBLE SERVICE PROVIDERS.—Entities that may apply to operate services projects under this section include—

"(1) entities operating Head Start programs under this subchapter;

"(2) entities that, on the date of enactment of this provision, were operating—

"(A) Parent-Child Centers receiving financial assistance under section 640(a)(4), or

"(B) Comprehensive Child Development Projects receiving financial assistance under the Comprehensive Child Development Centers Act of 1988; and

"(3) other public and non-profit private entities capable of providing child and family services that meet the standards for participation in programs under this subchapter and such other appropriate requirements relating to the program under this section as the Secretary may establish.

"(e) TIME-LIMITED PRIORITY FOR CERTAIN ENTITIES.—

"(1) IN GENERAL.—From amounts allotted pursuant to paragraphs (2) and (4) of section 640(a), the Secretary shall provide financial assistance in accordance with paragraphs (2) through (4) of this subsection.

"(2) PARENT-CHILD CENTERS.—The Secretary shall make financial assistance available under this section for each of fiscal years 1995, 1996, and 1997 to any entity that—

"(A) complies with the standards and requirements established by the Secretary under subsection (d); and

"(B) received funding as a Parent-Child Center pursuant to section 640(a)(4) for fiscal year 1994.

"(3) COMPREHENSIVE CHILD DEVELOPMENT CENTERS (CCDS).—In the case of an entity that—

"(A) complies with the standards and requirements established by the Secretary under subsection (d); and

"(B) received a grant for fiscal year 1994 to operate a project under the Comprehensive Child Development Centers Act of 1988, the Secretary—

"(i) shall make financial assistance available under this section for the duration of the demonstration project period specified in the grant award to such entity under such Act, and

"(ii) shall permit such entity, in the program assisted under this section, to serve children from birth through age 5.

"(4) EVALUATIONS, TRAINING, TECHNICAL ASSISTANCE RELATING TO CCDS.—The Secretary shall make funds available under this section as necessary to provide for the evaluation of, and furnishing of training and technical assistance to, child development projects (specified in paragraph (3)) under the Comprehensive Child Development Centers Act of 1988.

"(f) SELECTION OF OTHER GRANTEES.—From allotments pursuant to paragraphs (2) and (4) of section 640(a) (in amounts equal to the balance remaining of the amount specified in section 640(a)(6) after making grants to the eligible entities specified in subsection (e)), the Secretary shall award grants under this paragraph on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

"(g) SECRETARIAL RESPONSIBILITIES—

"(1) GUIDELINES.—The Secretary shall develop and publish guidelines concerning the content and operation of programs under this section—

"(A) in consultation with experts in early childhood development and family services; and

"(B) taking into consideration the knowledge and experience gained from other early childhood programs, including programs under the Comprehensive Child Development Centers Act of 1988.

"(2) MONITORING, EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—In order to ensure the successful operation of service programs under this section, the Secretary shall monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.".

(b) FUNDS SET-ASIDE.—Section 640(a) is amended—

(1) in paragraph (1), by inserting ", and subject to paragraph (6)" before the period;

(2) in paragraph (3), by striking "paragraph (5)" each place it appears and inserting "paragraph (4)";

(3) by striking paragraph (4), and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(4) by adding after paragraph (5), as redesignated, the following new paragraph:

"(6) FUNDING FOR PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.—From amounts allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs for families with infants and toddlers under section 645A, a portion of the combined total of such amounts equal to 3 percent for fiscal year 1995, 4 percent for each of fiscal years 1996 and 1997, and 5 percent for fiscal year 1998, of the amount appropriated pursuant to section 639(a).".

(c) CONSOLIDATION.—In recognition that the Comprehensive Child Development Centers Act has demonstrated positive results, and that its purposes and functions have been consolidated into section 645A of the Head Start Act, the Comprehensive Child Development Centers Act of 1988 is repealed.

SEC. 11. ENHANCED PARENTAL INVOLVEMENT.

(a) CONSIDERATIONS IN DESIGNATING NEW HEAD START AGENCIES.—Section 641(d) is amended—

(1) in paragraph (4), to read as follows:

"(4) the plan of such applicant—

"(A) to seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children;

"(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(C) to offer (directly or through referral to local entities, such as Even Start programs) to such parents—

"(i) family literacy services; and

"(ii) parenting skills training;

"(D) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(i) parental social self-sufficiency training;

"(ii) substance abuse counseling; or

"(iii) any other activity designed to help such parents become full partners in the education of their children; and

"(E) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) and (D) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities);";

(2) in paragraph (7), by inserting "and" after the semicolon;

(3) by striking paragraph (8); and

(4) by redesignating paragraph (9) as paragraph (8).

(b) Functions of Head Start Agencies.—Section 642(b) is amended—

(1) in paragraph (4), to read as follows:

"(4) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;";

(2) in paragraph (5), by inserting "and" after the semicolon;

(3) by striking paragraph (6);

(4) by redesignating paragraphs (5) and (7) as paragraphs (8) and (9), respectively; and

(5) by inserting after paragraph (4) the following new paragraphs:

"(5) offer (directly or through referral to local entities, such as Even Start programs) to parents of participating children family literacy services and parenting skills training;

"(6) at the option of such agency, offer (directly or through referral to local entities) to such parents parental social self-sufficiency training, substance abuse counseling, or any other activity designed to help such parents become full partners in the education of their children;

"(7) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (6) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);".

(c) "Family Literacy Services".—Section 637 is amended by adding after paragraph (11) the following new paragraph:

"(12) The term 'family literacy services' includes activities such as the following: interactive literacy activities between parents and their children, training for parents on how to be their children's primary teacher and to be full partners in the education of their children, parent literacy training, and early childhood education.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 639, as amended by section 8(b), is further amended—

(1) in subsection (a) by striking all that follows "651A)" and inserting "such sums as necessary for fiscal year 1995 and each of the three succeeding fiscal years."; and

(2) by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 13. MINOR AND TECHNICAL AMENDMENTS.

(a) Definition of "Poverty Line".—Section 637(9) is amended to read as follows:

"(9) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget).".

(2) Section 652 is repealed.

(b) Updating of Hold-Harmless for Indian and Migrant Programs.—Section 640(a)(2)(A) is amended by striking "1990" and inserting "1994".

(c) Use of Head Start Funds for Full-Day and Full-Year Services.—Section 640(h) is amended by striking "Each Head Start program may" and inserting "Financial assistance provided under this subchapter may be used by each Head Start program to".

(d) Designation of Head Start Agencies.—Section 641(c), as amended by section 2 of this Act, is further amended—

(1) in the first sentence—

(A) by inserting "(subject to paragraph (2))" before ", the Secretary shall give priority"; and

(B) by striking "unless" and all that follows through the end of subparagraph (A) and inserting the following: "unless the Secretary makes a finding that the agency involved fails to meet program, fiscal, and other requirements established by the Secretary.";

(2) by redesignating subparagraph (B) as paragraph (2) and relocating the left margin two ems to the left;

(3) in paragraph (2), as redesignated—

(A) by striking "except that, if" and inserting "If"; and

(B) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(4) by striking "Notwithstanding any other provision of this paragraph" and inserting the following:

"(3) Notwithstanding any other provision of this subsection".

(e) Federal Register Publication Requirement.—Section 644(d) is amended by striking "guidelines, instructions,".

(f) Duration of Services to Eligible Children.—Section 645(c) is amended—

(1) in the first sentence, by striking "may provide" and all that follows and inserting "shall be permitted to provide more than one year of Head Start services to eligible children in the State."; and

(2) by striking the second sentence.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act shall be effective with respect to fiscal year 1995 and succeeding fiscal years.

Mr. DODD. Mr. President, I rise today to offer my support for the President's proposed legislation to reauthorize the Head Start Program. I am very pleased to join the distinguished chairman of the Committee on Labor and Human Resources, Senator KENNEDY, as well as the ranking member of the Subcommittee on Children, Senator COATS, in introducing this most bipartisan of bills.

Head Start is the most concrete example of President Clinton's efforts to redirect scarce Federal resources into investments. Rather than consume for today, the President believes, we should invest for tomorrow. The budget released this week is a testament to his commitment to this principle. Despite painfully tight discretionary spending caps, President Clinton was able to recommend substantial increases for Head Start next year, and I commend him for doing that.

This administration recognizes how important Head Start truly is. For the key to safeguarding America's future is not primarily maintaining a strong defense or building an "information superhighway" for the 21st century, as important as those things are. Like many of my colleagues, I believe building a state-of-the-art transportation system is critical, but it is not enough. The future of America is not only in fighter planes or fiber-optic wires or high-speed bullet trains.

I would suggest, instead, that the future of this country is in the engineers of tomorrow who will build those planes, trains, and information highways—our Nation's children who, as we are debating in the Senate today, are singing, playing, putting together puzzles and learning the alphabet in small classrooms and community centers all across America.

The future of America is about 3½ feet tall and weighs well under 50 pounds. The future of America is our children—and thousands of them get the boost they need from Head Start. The issue before us now is how we can improve their experience and allow more kids to join them.

If, by the way, there is anyone who doubts how a preschool program can affect an individual's future, I wish they could have heard the testimony of Officer Mike Hunter from New Haven, CT at the hearing on this bill that I chaired earlier today. Mike was one of the first Head Start kids years ago and credits the program with putting his life on a totally different track.

This is a fitting week to begin the process of reauthorizing Head Start. On Tuesday, the Senate approved Goals 2000, a statement of the Federal Government's commitment to education. The very first education goal seeks to ensure that every child in this country begins elementary school ready to learn.

To reach this goal we will need to do a great deal more than simply provide more kids access to Head Start. We must make sure that when they walk through the Head Start door, there is a quality experience waiting for them and their families. In the majority of Head Start programs today, those expectations are being met. In some, however, the experience falls short.

We can and must do better. With the support of all the people present today, I am confident that we will. When Secretary Shalala presented the administration's proposal for the reauthorization this morning, she charted a roadmap that should lead us to a Head Start Program that will meet its full potential.

The only way we will get there is if we continue in the spirit of bipartisanship that has characterized Head Start from the beginning. Four-year-olds aren't Democrats or Republicans, they aren't liberals or conservatives. And Head Start defies political labelling as well.

In both the House and Senate, the bill is being sponsored by the chairs and ranking members of the full committees and subcommittees with jurisdiction over the program. I commend the administration for going the extra mile to achieve this level of consensus, and I applaud my Republican colleagues for being full partners in this important endeavor.

We began laying the groundwork for improving the quality of Head Start the last time we reauthorized it. In 1990, we set aside funds specifically to improve the program. As we heard in a hearing I chaired last summer, that money helped increase staff salaries, and higher salaries helped reduce staff turnover.

The money also supported the addition of new staff, many of them providing comprehensive services to the increasingly needy families who come to Head Start. This money also helped renovate shabby classrooms, so that children would have a clean, healthy, and comfortable environment in which to learn and grow.

The reauthorization bill we are introducing today builds on the legacy of the 1990 legislation. The President's bill focuses on giving the program highly qualified staff to serve children and families. It recognizes the importance of strengthening Head Start's capacity to address a whole range of families' social service needs.

Most important, in my view, the bill makes a very strong statement about the importance of upholding standards, standards that make Head Start a model for early childhood programs everywhere. Through provisions to strengthen program oversight and ensure accountability, the legislation says to Congress and to the American people that the substantial investment in Head Start is wisely spent.

But the legislation is not just about accountability; it is also about doing a better job of meeting the needs of Head Start families. For some families, the greatest need is just to get into the program. While funding has increased substantially in recent years, the program still serves only about 40 percent of eligible children. I am committed to working with the administration to realize the dream articulated in the 1990 reauthorization that someday every eligible child in America will be able to participate in Head Start.

For other families, a major obstacle to Head Start is the difficulty of squaring a half-day program with parents' need to work full time. Head Start programs technically have always had the ability to offer full-day, year-round services. Now, I believe we will see the commitment to make this happen in cases where it fits the community's needs.

This legislation also recognizes that many families could be more effectively served when their children are infants and toddlers. The legislation sets aside funds and lays out a leadership role for Head Start in achieving this goal.

Parent involvement has always been one of the hallmarks of Head Start. At our hearing earlier today, we heard from several parents whose own lives—and not just their children's—were changed by Head Start. Continuing parents' involvement in their children's education was the theme of another initiative in the 1990 reauthorization. The Head Start transition projects promoted such involvement—as well as the provision of comprehensive services—into the elementary grades. The legislation before us today continues to work toward this important goal.

But we cannot expect Head Start alone to help children and families transition successfully to the new educational environment of elementary school. The schools have to do their part as well. Therefore, shortly after we return from the recess, I plan to introduce the Transitions to Success Act. This legislation would create a funding priority within title I of the Elementary and Secondary Education Act to promote greater parental involvement in elementary education. The bill would also improve families' access to comprehensive social services.

None of these initiatives will succeed, however, if children do not have a quality Head Start. That's what the administration's proposal we are introducing today is all about. It embraces a broad vision for Head Start, but does not neglect all-important details of its nuts-and-bolts administration.

The vision sketches out the strong, effective program we want to achieve as we move into the next century, and the details provide the road map to take us there. I congratulate the administration on a fine effort in producing this bill. I, for one, am ready to roll up my sleeves and get to work on moving it from words on a piece of paper into Head Start centers all across the country.

Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleagues in the introduction of legislation reauthorizing the Head Start program. This legislation represents a true bipartisan effort to connect Head Start funding increases with measures designed to upgrade the quality of all program grantees.

The substantial increases in Head Start funding over the past 10 years, combined with proposed increases for the future, raise serious questions about the ability of the Head Start program to use funds efficiently. In addition, reports issued last year by the inspector general of the Department of Health and Human Services raised questions about the quality of many individual local programs.

This reauthorization bill deals specifically with the quality assurance, monitoring, and training and technical assistance issues upon which Representative GOODLING, Representative MOLINARI, and I focused our attention in developing the Head Start Quality Improvement Act (S. 670/H.R. 1528), which we introduced in March of last year. I am pleased that this Head Start reauthorization legislation builds on the program's strengths and allows programs the flexibility to respond to the needs of participants.

Head Start programs will be able to expand in a variety of ways: by providing full-day, full-year care; by including children aged 3, 4, and 5 who are not in kindergarten; and by including services to infants and toddlers from birth-to-3 years of age in some Head Start services. The legislation calls for better linkages between Head Start programs and the community—forging partnerships with schools, social service agencies, and other community organizations.

The legislation provides the Department of Health and Human Services with the tools and the mandate to focus resources on helping Head Start programs reach their full potential. Stringent provisions are included in the legislation to deal with programs that are not meeting high quality standards.

As the Head Start Program continues its expansion in services and funding, there is a need to make some constructive changes to ensure that this opportunity to provide quality services to low-income children and their families is not lost.

I have long supported the Head Start Program. However, I believe program expansion and increased funding are of limited value unless steps are taken to improve the quality of the services that are being provided—quantity with quality.

The legislation being introduced today represents a thoughtful response to the needs of the program—and more importantly, the children, families, and staff who make Head Start a success in communities throughout our country. I look forward to working with the administration and my colleagues to enact this legislation.

Mr. COATS. Mr. President, I am pleased today to join my House and Senate colleagues in introducing the reauthorization of the Head Start Program.

Few Federal programs engender the feelings of good will, bipartisanship, and sense of accomplishment that the Head Start Program does. This is a wonderful program, and I have enjoyed participating in helping a good program become even better.

Today, Head Start classrooms around the country are providing a valuable link between families and the services and opportunities they need. This is truly a program that embodies a commitment to providing a hand up, not a hand out.

It's also a program, I am pleased to say, that we can examine to find out what's working, rather than focusing on what's broken. This is a program that works. We are here today to express our commitment to the program and to its continued improvement.

I have had the privilege of visiting a number of Head Start centers in my own State, and have found at each one a common thread. The commitment of staff, like Donna Hogle of Bloomington to doing whatever it takes to help families, and commitment of parents to be there for their children. Parents serve as volunteers, as teachers, as aides, in whatever capacity they are needed. Many have told me that thanks to Head Start, they have gone on to higher education. Thanks to Head Start, their children have hope for a future.

The legislation we will introduce today continues this legacy, and ushers Head Start into the year 2000.

More Federal programs should look at the model of Head Start. One can only imagine what our school system would accomplish if it followed Head Start's lead and gave parents more say into how the school should be run, what teachers should be hired, and what curriculum should be taught.

Mr. President, I could go on, but let me say how much I appreciate the spirit which brings us to this point and I look forward to continued and enthusiastic support of this program.

I would also like to personally acknowledge and thank the staff at the Head Start Bureau and the legislative staff at HHS for their willingness to include us in early negotiations.

Mr. DURENBERGER. Mr. President, I'm pleased to join my distinguished colleagues from Massachusetts, Connecticut, Kansas, Vermont, Indiana, and other States as an original cosponsor of legislation reauthorizing the Head Start Program.

This is truly a bipartisan initiative and I look forward to continued close cooperation between Republicans and Democrats who care deeply about this Nation's children as this reauthorization goes forward.

I am pleased to cosponsor this legislation in part because of my strong past support for Head Start and because of the strong support that Head Start enjoys in my State.

During its last reauthorization, I was a cosponsor, conferee and strong proponent of the changes we made in the Head Start law, including increased authorized funding levels designed to "fully fund" this important program.

In the past, I've also communicated my strong support for substantial increases in annual appropriations for Head Start—through my votes and in letters and other communication with the Senate Labor/HHS Appropriations Subcommittee.

While I have been a strong supporter in the past, Mr. President, I also agree with a growing number of Head Start proponents who are calling for a fundamental review of this important program prior to approving significant additional increases in spending.

In particular, Mr. President, I feel it's essential that we revisit what we mean by "full funding" of Head Start as we consider this legislation as well as proposals to increase Head Start's annual appropriations levels.

In the past, with appropriations levels for Head Start lagging far behind authorized funding levels, this hasn't been such an important issue. The needs have been so great—and the numbers of children served so far below the number of children eligible—that we needed to place highest priority on what one might call the "quantitative aspects of full funding."

Mr. President, I believe we are now entering a new era during which we must give more focus to quality outcomes in programs like Head Start, * * * and a new era during which we must ensure that all programs serving children and families are more responsive to the interests of both those we intend to benefit, and those who pay the bills.

The issue, in other words, is not whether we continue to increase funding for Head Start, but how. And, as we do that, we must make sure that we get the maximum benefit for the children and families that Head Start has traditionally served.

My decision to become an original co-sponsor of this legislation, Mr. President, is not only intended to signal my strong support for this vital program, but also to signal my commitment to play an active role in improving this legislation between now and its final passage.

To do that, I intend to consult closely with Head Start leaders and others in Minnesota.

And, I intend to use my positions on both the Finance and Labor Committees to consider this reauthorization in the larger context of the initiatives we are considering this year on health care reform and welfare reform.

Among the issues I would like to see explored during this reauthorization, Mr. President, are:

Whether additional resources in Head Start should be directed only to meeting numerical targets or also to improving quality.

How quality and outcomes in Head Start can and should be measured and whether and how quality and outcomes should be tied to funding.

Whether the part-day, part-week, part-year model under which Head Start was founded is now relevant in an era of increased need for full-day supervision and care for children of low income parents who are working outside the home or in school or job training programs.

How funding for families eligible for Head Start and Federal and State child care assistance can be better integrated—for example, to provide Head Start services in child care settings and child care services at Head Start centers.

How closer links can be established between Head Start and elementary school programs—without losing the separate identity and organizational autonomy of Head Start.

At what pace the numbers of children in Head Start can grow relative to its infrastructure including availability of licensable facilities and recruitment and training of personnel.

Whether changes in the Head Start formula—between and within States—should be made to more closely reflect actual geographic differences in need and levels of eligible children being served.

How States and local communities could be given additional incentives to provide supplementary funding for Head Start programs—again, without losing the separate identity and organizational autonomy of Head Start.

Again, Mr. President, this is not intended to be an exhaustive list of questions that need to be addressed as we use the opportunity represented by this year's reauthorization. But, I do believe we owe the children and families of this country an in-depth debate on these and other issues as we reauthorize—and continue to increase overall funding for—this vital national program.

Mr. President, I realize that many of these questions have been asked during the extensive and bipartisan consultative process that has led up to this introduction. And, I believe a number of these questions are being addressed, at least in part, through the changes that the administration is recommending.

I look forward to continuing the dialogue that has produced this legislation, Mr. President, as we gain even broader input on how to position a vital national program for the 21st century.

I appreciate very much the leadership already taken on this issue by the administration, by the majority and minority leaders of the Labor Committee and its Subcommittee on Children, and by the Head Start community.

This bill will only get better as it works its way through the legislative process, Mr. President. I am committed to helping make Head Start an even better program for the generations of young Americans who will depend on its future.

By Mr. BROWN (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. COATS, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. DURENBERGER, Mr. FORD, Mr. GRAMM, Mr. HATCH, Mr. HEFLIN, Mr. JEFFORDS, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMPSON, Mr. SPECTER, and Mr. DECONCINI):

S.J. Res. 164. A joint resolution to designate June 4, 1994, as "National

Trails Day"; to the Committee on the Judiciary.

NATIONAL TRAILS DAY

• Mr. BROWN. Mr. President, I introduce legislation to designate June 4, 1994, as "National Trails Day." Our National Trails System consists of tens of thousands of miles nationwide, including 19 national scenic and historic trails. In addition to providing greater access to some of our country's most beautiful scenic vistas, trails also serve an educational role in the heightening awareness of our cultural heritage. National historic trails, such as the Pony Express and Santa Fe, enable people all across this country to hike, bike, or walk along routes which played an important part in America's history.

One lesser-known benefit of our trails system is the positive economic impact trails can have on surrounding communities. For example, each year an estimated $122 billion is spent on outdoor recreation. Recreation opportunities in our national forests generate nearly $3 billion and almost $190 million in jobs for nearby communities.

Our National Trails System also fosters an increased appreciation and responsibility for our public lands. Our trails give people a better perspective of our role in nature and how we can manage our public lands to allow for sustainable development while preserving our natural heritage.

In an era of growing appreciation of our public lands and increased physical awareness and fiscal restraint, trails provide healthy, inexpensive entertainment opportunities for people of all ages.•

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1119

At the request of Mr. ROBB, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1119, a bill to amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes.

S. 1175

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1175, a bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes.

S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1406

At the request of Mr. KERREY, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1406, a bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1439

At the request of Mr. LIEBERMAN, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1439, a bill to provide for the application of certain employment protection laws to the Congress, and for other purposes.

S. 1576

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1576, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

S. 1648

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1648, a bill to direct the Secretary of Transportation to demonstrate on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in the Great Lakes and other United States waters, and for other purposes.

S. 1669

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1715

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1715, a bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes.

S. 1795

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1795, a bill to amend title IV of the Social Security Act and other provisions to provide reforms to the welfare system in effect in the United States.

S. 1805

At the request of Mr. WARNER, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1817

At the request of Mr. ROBB, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1817, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable.

S. 1837

At the request of Mr. RIEGLE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1837, a bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Ms. MIKULSKI] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Concurrent Resolution 35, A concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

AMENDMENT NO. 1452

At the request of Mr. KERRY the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Amendment No. 1452 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENT NO. 1453

At the request of Mr. DORGAN his name was added as a cosponsor of amendment No. 1453 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

SENATE RESOLUTION 181—RELATIVE TO THE TESTIMONY OF A SENATE EMPLOYEE

Mr. FORD (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas, in the case of *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG), which was tried in the United States District Court for the District of Puerto Rico in 1992, the United States obtained the trial testimony of Claudia Breggia, a Senate employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to 2 U.S.C. §130b(e)(1), the Senate's authorization of testimony is required in order for witness travel expenses to be reimbursable: Now therefore be it

Resolved, That the testimony of Claudia Breggia in *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG) is deemed authorized.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

COHEN (AND OTHERS) AMENDMENT NO. 1455

Mr. COHEN (for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. GORTON, Mr. THURMOND, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. D'AMATO) proposed an amendment to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes; as follows:

At the appropriate place insert the following:

(a) Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(b) Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: "If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.".

(c) The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

MCCAIN AMENDMENT NO. 1456

Mr. MCCAIN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 108, on line 20, insert the following new proviso:

"*Provided further*, That of the amounts appropriated for the Federal Highway Administration, an additional amount of $2,209,716,000 is hereby rescinded in accordance with the rescission proposals reflected on page 1018 of the "Budget of the U.S. Government Appendix for Fiscal Year 1995."

BROWN AMENDMENT NO. 1457

Mr. BROWN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 72 line 16 after the word Congress: insert "provided further, that the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request."

BROWN AMENDMENT NO. 1458

Mr. BROWN proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 50, strike line 1 and all that follows through page 89, line 10, and insert the following:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: *Provided*, That not more than $50,000,000 of assistance shall be made available where the primary beneficiary is agriculture and agribusiness regardless of drainage size: *Provided further*, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: *Provided*, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103-50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: *Provided*, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: *Provided*, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993-1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993-1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994-1995 by institutions that received such reallocations.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: *Provided further*, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: *Provided further*, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

CHAPTER 6

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): *Provided*, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: *Provided further*, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: *Provided further*, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: *Provided further*, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: *Provided*, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): *Provided*, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: *Provided further*, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

DOLE (AND OTHERS) AMENDMENT NO. 1459

Mr. DOLE (for himself, Mr. NICKLES, Mr. SIMPSON, Mr. BURNS, Mr. ROTH, Mr. GORTON, and Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 3759, supra; as follows:

Resolved, That the bill from the House of Representatives (H.R. 3759) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other pur-

poses, $340,500,000, to remain available until expended: Provided, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters.

The second proviso of the matter under the heading "DISASTER ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION" of chapter I of the Supplemental Appropriations Act of 1993 (Public Law 103–50; 107 Stat. 241) is amended by inserting before the colon at the end the following: ", including payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices". Payments under this paragraph shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $200,000, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103–112 subject to the terms and conditions specified in Public Law 103–112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102–394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81–874, $165,000,000, to remain available through September 30, 1995.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994–1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993–1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further. That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993–1994, pursuant to Public Law 103–75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993–1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994–1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended. Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 per-

cent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That project costs incurred prior to implementation of this bill and subsequent to the January 17, 1994, Northridge Earthquake, that are funded from other than Federal Emergency Relief funds that were otherwise eligible for Emergency Relief funding, are approved for Emergency Relief funds and such costs regardless of initial funding sources are to be reimbursed with Emergency Relief funds: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102–368) under "Federal Highway Administration, Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California and other disasters, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraph:

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of a Presidentially declared major disaster event: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42

U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount is transmitted by the President to Congress.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, $75,000, to remain available until expended, for electronic records management activities to comply with Armstrong against Executive Office of the President.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Resource Management" to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction" in Public Law 103–75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction," to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and state assistance," $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount not to exceed $6,000,000, to remain available until expended, to be derived by transfer from balances under the heading "Construction," for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of, natural water flows to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103–138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction," $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103–138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97–257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101–512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102–154, both concerning Federal employment, are repealed.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000: Provided, That an amount equal to the amount obligated in the "Training and employment services" account for this purpose upon the date of enactment of this Act shall be transferred from this account and merged into the "Training and employment services" account.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Of funds provided under this heading under Public Law 103–75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102–368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Of the funds made available under this heading under Public Law 102–368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103–122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made

available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway-safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $7,030,000, to remain available until expended, of which $6,000,000 shall be derived by transfer from Department of Defense, "Research, Development, Test and Evaluation, Air Force."

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses for salaries and expenses for the costs of electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $5,320,000, to remain available until expended.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $3,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103–124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102–389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purpose grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103–124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The second proviso under this heading in Public Law 103–124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103–124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $60,000,000.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

From the amounts appropriated to the Corporation for National and Community Service in Public Law 103–124, up to $3,000,000 may be made available for a demonstration program for Stafford Loan Forgiveness authorized under section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078).

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDINGS' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the American people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit organizations after disasters strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary for Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $4,000,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $2,897,000 are rescinded.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103–111, $5,094,000 are rescinded.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $1,515,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $3,388,000; for the cost of 5 percent rural telephone direct loans, $3,222,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $6,100,000 are rescinded.

FOOD DONATIONS PROGRAM FOR SELECTED GROUPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $5,200,000 are rescinded.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $30,000,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for title III, $45,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103–111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $35,400,000 are rescinded.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available for the Catawba Indian Tribe in Public Law 103–121, $500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $4,254,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

From unobligated balances available under this heading, $20,000,000 are rescinded.

ECONOMIC DEVELOPMENT ASSISTANCE FUNDS

From unobligated balances available under this heading, $40,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $600,000 are rescinded.

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying power maintenance account, $8,800,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RADIO RELAY STATION

(RESCISSION)

Of the balances available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $4,100,000 are rescinded.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $3,000,000 are rescinded.

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $8,700,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $27,500,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $104,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $50,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $110,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years Energy and Water Development Acts, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102–27, 102–368, 102–377 and prior years Energy and Water Development Acts, $40,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–126, $107,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103–126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103–126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for the United States contribution to the sixth replenishment of the African Development Fund, $2,700,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $16,100,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87, for expenses related to the implementation of the recommendations of the Report of the National Performance Review, $3,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and title VI of Public Law 103–87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $253,700,000 are rescinded.

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1994 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $32,700,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSIONS)

Of the funds made available under this heading (including earmarked funds) in Public Law 102–391 and prior appropriations acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $65,562,000 are rescinded.

Of the funds made available under this heading in Public Law 103–87, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $25,721,000 are rescinded: Provided, That such rescission shall be derived only from nonearmarked amounts.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102–391 and prior appropriations acts, $438,000 are rescinded.

PEACEKEEPING OPERATIONS

Of the funds made available for necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $13,123,000 are rescinded.

INTERNATIONAL FINANCIAL INSTITUTIONS

CONSTRIBUTION TO THE INTERNATIOAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100–446 and Public Law 102–154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this heading, $16,275,000 are rescinded.

Of the funds made available under the heading "Contribution to the International Bank for Reconstruction and Development" in the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1994 (Pub. L. 103–87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Health and Human Services (except the Social Security Administration), $37,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Doorkeeper of the Senate" in Public Law 102–90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 101–520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102–90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, as follows:

"Office of the Postmaster", $19,000; "for salaries and expenses of the Office of the Histo-

rian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–110, $601,224,000 are rescinded.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $2,750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,205,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $23,701,035 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90–495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 95–599, as amended, $219,750,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $17,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99–190, $808,935 are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103–123, $6,400,000 are rescinded.

RELATED AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, and from available unobligated balances from previous appropriations acts, $127,691,000 are rescinded for the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse, $5,000,000.

Arizona:

Naco, U.S. Border Station, $74,000.

Sierra Vista, U.S. Magistrates Office, $1,000,000: Provided, That up to $1,000,000 shall be made available for such project from funds made available in Public Law 103–123 for nonprospectus construction projects.

California:

Calexico, U.S. Border Station, $900,000.

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000.

Sacramento, U.S. Courthouse and Federal Building, $3,391,000.

Tecate, U.S. Border Station, $165,000.

District of Columbia:

Army Corps of Engineers, Headquarters Building, $11,309,000.

Federal Office Building No. 6, $11,100,000.

Federal Bureau of Investigation, Field Office, $5,679,000.

White House remote delivery and vehicle maintenance facility, $5,382,000.

U.S. Secret Service, Headquarters, $23,274,000.

Florida:

Lakeland, Federal Building, $4,400,000.

Tampa, U.S. Courthouse, $7,472,000.

Iowa:

Burlington, Parking Facility, $2,400,000.

Massachusetts:

Boston, U.S. Courthouse, $4,076,000.

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000.

New Carrollton, Internal Revenue Service, $30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $4,197,000.

New Hampshire:

Concord, U.S. Courthouse, $867,000.

Nevada:

Reno, Federal Building and U.S. Courthouse, $875,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, $1,276,000.

Tennessee:

Knoxville, U.S. Courthouse, $800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, $2,184,000.

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–124, an additional $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts earmarked under this heading in Public Law 103–124, $325,000,000 are rescinded: Provided, That the $541,000,000 earmarked in the sixth proviso under this heading shall be reduced accordingly.

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $25,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or *official to which the funds are made available that—*

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

CHAPTER —. REDUCTION IN ADMINISTRATIVE EXPENSES

(a) RESCISSION.—

(1) IN GENERAL.—Of the amounts appropriated in Public Laws 103-110, 103-111, 103-121, 103-127, 103-126, 103-187, 103-138, 103-112, 103-69, 103-122, 103-123, 103-124, and 103-139 for expenses, the amount referred to in paragraph (2) is rescinded. The Director of the Office of Management and Budget shall establish obligational limits for each agency and department to carry out this subsection.

(2) AMOUNT OF RESCISSION.—The amount referred to in paragraph (1) is the amount of budget authority necessary to achieve a reduction in budget outlays of $3,000,000,000 for fiscal year 1994 during the period beginning on the date of enactment of this Act and ending September 30, 1994. The Director of the Office of Management and Budget shall determine the amount.

(b) DEFINITION.—

(1) IN GENERAL.—For purposes of this section, the term "expenses" means the object classes identified by the Office of Management and Budget in Object Classes 21-26 as follows:

(A) * * * Transportation of Persons.

(B) 22.0: Transportation of Things.

(C) 23.2: Rental Payments to Others.

(D) 23.3: Communications, Utilities, and Misc.

(E) 24.0: Printing and Reproduction.

(F) 25.1: Consulting Services.

(G) 25.2: Other Services.

(H) 26.0: Supplies and Materials.

(2) EXCEPTIONS.—The term "expenses" shall not include the following:

(A) The expenses of the Department of Defense.

(B) Object Class 25.2 "Other Services" expenses of the Atomic Energy Defense Environmental Restoration program that are appropriated under the heading Department of Energy, Defense Environmental Restoration and Waste Management, Public Law 103-126.

(C) Object Class 25.2 "Other Services" expenses of the Superfund that are appropriated under the heading Environmental Protection Agency, Hazardous Substance Superfund, Public Law 103-124.

(D) * * * expenses of the Atomic Energy Defense Weapons Activities program that are appropriated under the heading Department of Energy, Atomic Energy Defense Activities, Weapons Activities, Public Law 103-126.

(E) Object Class 25.2 "Other Services" expenses of the National Aeronautic and Space Administration that are appropriated under the heading Independent Agencies, National Aeronautic and Space Administration, Public Law 103-124.

(F) Object Class 21.0 "Travel and Transportation of Persons" expenses of the Drug Enforcement Agency that are appropriated under the heading Department of Justice and Related Agencies, Drug Enforcement Administration, Salaries and Expenses, Public Law 103-121.

(G) Object Class 21.0 "Travel and Transportation of Persons" and Object Class 26.0 "Supplies and Materials" expenses of the Veterans Health Administration that are appropriated under the heading Department of Veterans Affairs, Veterans Health Administration, Medical Care, Public Law 103-124.

(H) The expenses of the Federal Emergency Management Agency.

(I) Object Class 26.0 "Supplies and Materials" expenses of the Department of Health and Human Services that are appropriated under the heading Centers for Disease Control and * * *.

BYRD AMENDMENT NO. 1460

Mr. BYRD proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 89, between lines 10 and 11, insert the following:

SEC. . Of the funds made available for the purpose of defraying expenses for the automation of fingerprint identification services under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I of the Departments of Commerce, Justice, and State, and Judiciary, and Related Agencies Appropriations Act, 1994 (Public Law 103-121), $20,000,000 shall be available (to remain available until expended) to hire 500 employees to carry out the automation of fingerprint identification services without regard to any employment ceiling imposed by the President or by law.

McCONNELL (AND OTHERS) AMENDMENT NO. 1461

Mr. McCONNELL (for himself, Mr. DOLE, and Mr. NICKLES) proposed an amendment to the bill H.R. 3759, supra; as follows:

The Senate finds,

That, Investigative reports prepared by the Department of State's Office of Inspector General (OIG) are protected by the Privacy Act, the Freedom of Information Act, and the Inspector General's Act;

That, investigative reports prepared by the State OIG are not publicly releasable without review and redaction of privacy protected information;

That, Congressional committees with legitimate oversight responsibilities have in the past, and may continue to review OIG reports while maintaining the reports confidential status;

That, the OIG recently has concluded a report on whether the contents of personnel files of Bush Administration political appointees had been improperly released to the public by the staff of the White House Liaison Office;

That, based on this report, the OIG forwarded a prosecutive summary to the Department of Justice outlining criminal violations of the Privacy Act;

That, the Department of Justice declined to prosecute the case; and,

That, the OIG re-opened the inquiry to re-interview key witnesses associated with the search and disclosure of Bush personnel files;

Therefore it is the sense of the Senate,

That, the Senate has not been provided sufficient information to reach a conclusion about the circumstances surrounding the disclosure of protected Bush Administration files;

The entire report related annex documents should be made available to the appropriate Congressional offices with legitimate oversight interests;

That the confidentiality of that report should be protected by Congress unless and until the OIG conducts a review and releases the report in accord with relevant statutes;

That the OIG should report in writing to the Majority Leader and the Republican Leader clarifying why such procedures were not observed in the release of the OIG report entitled "Special Inquiry into the Search and Retrieval of William Clinton's Passport File.

That the Attorney General should report in writing to the Majority Leader and the Republican Leader the basis for declining to prosecute the case.

BLACK LUNG BENEFITS RESTORATION ACT

SIMON AMENDMENT NO. 1462

(Ordered referred to the Committee on Finance.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill (S. 1773) to make improvements in the Black Lung Benefits Act, and for other purposes; as follows:

At the end of the bill, insert the following new section:

SEC. 13. FINANCING PROVISIONS.

(a) INCREASE IN COAL TAX.—Section 4121(b) of the Internal Revenue Code of 1986 (relating to determination of amount of coal tax) is amended to read as follows:

"(b) DETERMINATION OF RATES AND LIMITATION ON TAX.—

"(1) IN GENERAL.—For purposes of subsection (a)—

"(A) the rate of tax on coal from underground mines shall be $1.10, "(B) the rate of tax on coal from surface mines shall be $.55, and

"(C) the applicable percentage shall be 4.4 percent.

"(2) Additional Tax To Fund Black Lung Benefits Restoration Act.—In the case of sales after the date of the enactment of the Black Lung Benefits Restoration Act, for purposes of subsection (a)—

"(A) the rate of tax on coal from underground mines under paragraph (1)(A) shall be increased by 6 cents,

"(B) the rate of tax on coal from surface mines under paragraph (1)(B) shall be increased by 3 cents, and

"(C) the applicable percentage under paragraph (1)(C) shall be increased by .24 percentage point."

(b) Black Lung Disability Trust Fund.—

(1) Transfer to Fund.—Section 9501(b) of the Internal Revenue Code of 1986 (relating to transfer of taxes to Black Lung Disability Trust Fund) is amended by adding at the end the following new paragraph:

"(3) Separate Account for Additional Tax.—The Secretary shall establish a separate account within the Black Lung Disability Trust Fund and transfer to such account from amounts appropriated under paragraph (1) the portion of the taxes received in the Treasury under section 4121 which is attributable to the increase in the tax under section 4121(b)(2)."

(2) Expenditures.—Section 9501(b) of such Code is amended by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, amounts in the account established under subsection (b)(3) shall be available, as provided in appropriation Acts, only for the payment of benefits which are payable by reason of the amendments made by, and the provisions of, the Black Lung Benefits Restoration Act and to the extent of any funds in excess of those benefits, for payments described in paragraph (4)."

(3) Conforming Amendment.—The second sentence of section 9501(b) of such Code is amended by striking "this section" and inserting "the Black Lung Benefits Restoration Act".

Mr. SIMON. Mr. President, I am submitting an amendment to S. 1773, the Black Lung Benefits Restoration Act for the information and consideration of my colleagues.

The amendment would pay for the cost of the Black Lung Benefits Restoration Act by modestly increasing the black lung coal tax by 5.5 percent. This translates into an increase of $.06 per ton of coal for underground mines and $.03 per ton of coal for surface mines and an increase of the percentage tax for which the coal was sold to 4.64 percent. A separate account would be established within the black lung disability trust fund for the payment of benefits that are payable by reason of the Black Lung Benefits Restoration Act.

As my colleagues know, the current black lung coal tax is $1.10 per ton of coal for underground mines or 4.4 percent of the price for which the coal was sold, whichever is less—and $.55 per ton of coal for surface mines or 4.4 percent of the price for which the coal was sold, whichever is less.

With this amendment, the legislation will comply with the pay-go rules.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

LEVIN AMENDMENT NO. 1463

Mr. BYRD (for Mr. Levin) proposed an amendment to the bill H.R. 3759, supra; as follows:

In the appropriate place in the bill, add the following new section:

SEC. . TRANSPORTATION GENERAL PROVISION. TO ESTABLISH AN AUXILIARY FLIGHT SERVICE STATION.

The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

BOND AMENDMENT NO. 1464

Mr. BYRD (for Mr. Bond) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 84, after line 9, insert the following new paragraph:

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: *Provided*, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

WARNER (AND MACK) AMENDMENT NO. 1465

Mr. BYRD (for Mr. Warner for himself and Mr. Mack) proposed an amendment to the bill H.R. 3759, supra; as follows:

At the appropriate place, add

Sec. . Subsection (b) of section 347 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

LEAHY AMENDMENT NO. 1466

Mr. BYRD (for Mr. Leahy) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 92, strike lines 19 through 22.

BYRD AMENDMENT NO. 1467

Mr. BYRD proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 98, line 19, strike "$107,300,000", and insert in lieu thereof "$97,300,000"

On page 74, line 19 after the word "amount" insert the following: for "Resource Management"

On page 75, line 24 after the word "amount" insert the following: not to exceed $6,000,000

On page 75, beginning on line 24, strike beginning with the word "to" through the word "Secretary" on page 75, line 25 (saving the comma)

On page 76, line 1 strike the word "head" and insert in lieu thereof the word "heading"

On page 76, line 5 insert a comma after the word "of"

On page 76, line 6 strike the comma after the word "flows".

BAUCUS AMENDMENT NO. 1468

Mr. BYRD (for Mr. Baucus) proposed an amendment to the bill H.R. 3759, supra; as follows:

On page 50, strike all after the word "available" on line 14 through the word "provided" on line 18 and insert in lieu thereof, the following: "until expended: *Provided*, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size: *Provided*".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on boron-neutron cancer therapy.

The hearing will take place on Tuesday, May 3, 1994, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202-224-7569.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Thursday, March 10 and Thursday, March 17. The committee will hold hearings on title I, reform of the Senate, of S. 1824, the Legislative Reorganization Act of 1994. This section of the bill includes proposals to amend the Standing Rules of the Senate.

Senators who wish to appear as a witness or to submit a statement for the record should have their staffs contact Jack Sousa of the Rules Committee staff. Individuals and organizations wishing to submit a statement for the record are requested to contact Mr. Sousa. He can be reached at 202-224-5648.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet at 9:30 a.m. on Thursday, February 10, 1994, in closed session, to receive a briefing on the situation on the Korean Peninsula.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 10, to conduct a markup on the committee print of the Fair Trade in Financial Services Act and the nominations of Ricki Tigert to be Chairperson and a member of the FDIC Board of Directors, Andrew C. Hove to be Vice Chairperson and a member of the FDIC Board of Directors, and Anne L. Hall to be a member of the FDIC Board of Directors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on nominations to the U.S. Department of Commerce on Thursday, February 10, 1994, beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of health care for the uninsured.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 10 a.m. to hold a hearing on the role of U.S. Armed Forces in the post-cold war world.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 4:30 p.m. to receive a closed briefing from the administration on the situation in Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act, and S. 1066, to restore Federal services to the Pokagon Band of Potawatomi Indians.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 2 p.m. to hold a hearing on "review of the national drug control strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 10, 1994, at 9:30 a.m., to hold a hearing on the provisions regarding the Government Printing Office contained in title XIV of H.R. 3400, title XIV of the National Performance Review, and S. 1824, Legislative Reorganization Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. The Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of R. John Vogel to be Under Secretary for Benefits at the Department of Veterans Affairs. The markup will be held in the reception room after the first rollcall vote after 10 a.m. on Thursday, February 10, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Agricultural Research, Conservation, Forestry and general legislation be allowed to meet during the session of the Senate on Thursday, February 10, 1994, at 2:30 p.m., in SR–485, to review activities of the Federal Meat Inspection Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a joint hearing with the House Committee on Education and Labor's Subcommittee on Human Resources on the administration's proposal for Head Start reform, during the session of the Senate on February 10, 1994, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., February 10, 1994, to receive testimony of the following bills: H.R. 2947, to amend the Commemorative Works Act, and for other purposes; S. 1552, to extend for an additional 2 years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial; S. 1612, to extend the authority of the Women in Military Service for America Foundation to establish a memorial in the District of Columbia area; and S. 1790, the National Peace Garden Reauthorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, February 10, beginning at 10 a.m., to conduct a hearing on the administration's Superfund bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MACEDONIA

• Mr. DECONCINI. Mr. President, yesterday the United States finally took the step of recognizing the independent statehood of Macedonia, and announced its intention of establishing full diplomatic relations with that country, formerly a Yugoslav Republic. As Chairman of the Helsinki Commission, I have long advocated recognition. From the beginning, it deserved recognition. It did not seek the breakup of Yugoslavia, nor did it participate or encourage the use of force to keep it together. It met the criteria for recognition originally formulated by the European Community. It remains a crucial player in preventing the spread of war in the Balkans and in fostering a return of peace, stability and cooperation to this troubled region in the future.

Recognition is not an end, but a beginning. Greece needs to recognize its neighbor to the north as well, and be willing to resume a genuine dialog in which its concerns can, in fact, be addressed. Macedonia must, in turn, stand ready to participate in such a dialog, and I note the Macedonian President Kiro Gligorov stated yesterday that his country is prepared to resume immediately the talks held under the auspices of the United Nations.

The international community should also continue the process of integrating Macedonia into European and world affairs, including by granting that country full membership in the CSCE as soon as possible. Macedonia must, in turn, remain committed to respecting the human rights of all its citizens, including those belonging to ethnic minorities, and to building democratic institutions, encouraging social tolerance, and implementing economic reforms, all in accordance with the provisions of the Helsinki Final Act and other CSCE documents.

While we remain a long way from a peaceful, prosperous southeast Europe, Mr. President, I hope that yesterday's recognition of Macedonia by the United States is one small step toward that goal, and that our country, with its tremendous capabilities, will become more actively involved in the region. Again, let me welcome this development, and express my hope for a strong and mutually beneficial relationship between Macedonia and the United States of America.•

THE TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1994

• Mr. JEFFORDS. Mr. President, I rise in strong support of the reauthorization of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or the Tech Act.

This legislation reauthorizes and builds on a visionary program of technology-related assistance for individuals with disabilities enacted in 1988 with strong bipartisan support. As the author of this bill in the House of Representatives, I believed that this legislation was important to advancing our Nation's disability policy. Working with Senator HARKIN in the Senate, we crafted a bipartisan bill that unanimously passed both the House and Senate.

At the core of the act is a competitive grant program which provides seed money to States to set up programs to assist individuals with disabilities in acquiring assistive technology devices and services. The availability of assistive technology to people with disabilities leads to greater mobility and independence in daily living. It helps make life's tasks easier. In essence, it means more freedom and greater control over one's own life.

This legislation will reauthorize the competitive grant program for another 5 years, keeping the intent of the original act, especially with respect to State flexibility. It recognizes the advances that many States have made in the first 5 years of the program. However, it also acknowledges there is still more to do, with a strong need to support ongoing systems change and advocacy activities. I am pleased that States will retain discretion over how their projects are run, wild supporting fundamental systems change and advocacy.

Many States, such as my own State of Vermont, are well on their way to consumer responsive comprehensive systems change through innovative projects. The Vermont Assistive Technology Project has made remarkable progress in expanding access to assistive technology in Vermont. It is using interactive TV to bring assistive technology demonstrations from the Medical Center Hospital of Vermont in Burlington to the remote Northeast Kingdom. It has used grant money to establish alternative funding mechanisms including a loan fund, and a statewide recycling program for finding, repairing, and distributing used assistive technology devices. It has fostered strong consumer advocacy through the use of regional consultants throughout the State. Furthermore, the project has been instrumental in helping individuals with disabilities eliminate barriers to funding. In my mind, this success is directly related to the flexibility of the program.

Assistive technology has made a difference in the lives of thousands of Americans with disabilities. It has helped them to lead fuller and more productive lives, and it will continue to do so. This is a program that has shown results and should be reauthorized.

Mr. President, in closing I would like to commend Senators HARKIN and DURENBERGER, the chairman and ranking member of the Disability Policy Subcommittee, for their work in crafting a truly bipartisan bill, and for working out an earnest compromise with our colleagues in the House. I think we have a strong piece of legislation, one which enhances the concept of a program of technology-related assistance to individuals with disabilities I saw when I introduced the original act in the House in 1988. I urge my colleagues to support it.•

SAMUEL TENENBAUM: HONORS FOR A SOUTH CAROLINA RENAISSANCE MAN

• Mr. HOLLINGS. Mr. President, permit me to take a brief moment of the Senate's time to salute Samuel Tenenbaum on his selection as a 1994 recipient of South Carolina's prestigious Verner Award/Governor's Award. These honors are bestowed annually by the South Carolina Arts Commission to recognize outstanding achievements in the arts. Another winner this year is the Spoleto Festival U.S.A., Charleston's annual international arts exposition.

Mr. President, as a patron of the arts, Sam Tenenbaum is about as close as you get in South Carolina to a Medici prince—a modern-day Renaissance man who has done well in the world of business, and done good in the world of the arts. Sam is vice president of Chatham Steel in Columbia, and is active in a score of community service organizations across the State. He served on former Governor Dick Riley's arts task force and was a member of the South Carolina Arts Commission. For years, he has been a fund-raising wizard and board member for a number of arts groups, including the Columbia City Ballet and the Cultural Council of Richland and Lexington Counties. Sam has been extremely generous with both his time and his money in the cause of enriching South Carolina's cultural endowment.

Mr. President, Sam Tenenbaum is among the best and brightest in South Carolina. And he has been a terrific friend to me.•

100TH ANNIVERSARY FOR KELLY-SPRINGFIELD

• Mr. SARBANES. Mr. President, this year the Kelly-Springfield Corp., headquartered in Cumberland, MD, is celebrating its 100th anniversary, and I want to join in congratulating Kelly-Springfield and its fine employees on this important milestone. Since its founding, the company and its employees have succeeded in making Kelly-Springfield a business known throughout the world for its quality products.

Established in 1894, Kelly-Springfield is one of the oldest tire manufacturing companies in the world. Its first product was a solid rubber tire which silenced the clatter of carriage and buggy wheels.

In 1917 the company decided to consolidate its production in one plant. The Allegany County town of Cumberland was selected as the site for the new facility; however, the first tire in the new Maryland plant was not produced until 1921 due to the advent of World War I and delays in construction of the plant.

During World War II, tire production was curtailed in order to back the war effort. The Cumberland plant converted to the manufacture of 50-caliber small arms ammunition and other explosives. Kelly went back to producing tires in 1942, and due to increased demand for its products Kelly built three more plants during the 1960's, one in Tyler, TX, another in Freeport, IL and another plant in Fayetteville, NC.

Although the Kelly-Springfield plant in Cumberland is no longer in operation, we in Maryland are fortunate to be the site of the company's worldwide corporate headquarters.

Kelly-Springfield brand tires are sold throughout the Nation and the world. A leading supplier of custom brand tires, the firm lists among its customers leaders in the petroleum industry as well as automotive and farm equipment supply companies, discount chain and department stores, and mail-order companies.

Mr. President, I salute the efforts of the Kelly-Springfield Tire Co., its employees and the community. They have worked together to make the company one of Cumberland's and our State's most important economic assets and have, through their imagination, hard work, and diligence earned this company its superb reputation. Each of them deserves our praise and our thanks.•

ELENA DIAZ-VERSON AMOS: CUBAN PATRIOT

• **Mr. HOLLINGS.** Mr. President, Elena Diaz-Verson Amos is a grand woman, well known to many of us here in the Senate. We know her personally as a friend. We also know her as a passionate champion of restoring democracy and human rights in her native Cuba. Elena yields to no one in her dedication to liberating her homeland from the cancer of Castroism and communism. She has devoted her life to this goal, giving generously of her wealth, her time and her energy.

A year ago, it was Elena Amos who donated money to buy the Cesna jet that pilot Orestes Lorenzo Perez used to fly into Cuba for the daring rescue of his wife and sons. Perez landed on a remote highway where his family was waiting, then eluded Cuban air defenses to fly them to freedom.

Today, in the latest chapter of Elena Amos's crusade for a free Cuba, she has given sanctuary to the daughter and granddaughter of Fidel Castro. The daughter, Alina Fernandez Revuelta, recently escaped in disguise from Cuba. The granddaughter, Alina Maria, was later given permission to join her mother in the United States. The two of them are now living with Elena Amos in Columbus, GA.

Mr. President, Elena Diaz-Verson is a Cuban patriot and a remarkable woman. I would like to share with my colleagues a profile of Elena published in the Washington Post on January 31 edition. I ask that it be reprinted in the RECORD.

The profile follows:

THE BENEFACTRESS: HER HEART BELONGS TO CUBA

(By Gigi Anders)

What is Elena Diaz-Verson Amos—a fabulously wealthy 67-year-old Cuban American lady who favors designs by Chanel—doing in Columbus, Ga., a town so provincial that you can't even get a good cup of espresso?

Don't be misled: Amos, who is playing host to Fidel Castro's estranged daughter and granddaughter, has two other homes. One is on Capitol Hill, where she can be close to any legislative action affecting her beloved Cuba, and another is in Florida, the epicenter of the tumultuous Cuban exile community. And getting around is no problem for Amos; her private plane is hangared at the Columbus airport. She stays in Columbus because that's where her late husband built his health insurance business, AFLA (American Family Life Assurance Co.), the source of the wealth that she has put to work as one of the leading warriors against Castro's Cuba. Her son, 41, now runs the business, and her daughter, 39, lives nearby.

But Amos's heart remains in Cuba, a place she left precisely 50 years ago. She attributes her dogged devotion to the cause to her father, Salvador Diaz-Verson, a Miramar journalist and early critic of communism. He didn't want his only child to be "brain-amputated by the propaganda" of the Cuban school system, and sent her off to college in America in 1944. Two years later she was married to John Amos.

"My father raised me to be a fighter," she says, posed in a regal armchair in her pale mauve library. She is elegant and petite, a size 4 maybe. With her taut skin, high cheekbones and perfectly painted face, she looks startlingly pretty. Her fingernails are painted coral, but her fingers are bent and gnarled with advanced arthritis. Tonight she's wearing a silk emerald green-and-purple blouse with matching green slacks, gold Chanel belt, tasteful gold jewelry and black suede pumps.

"My parents stressed the dignity of human rights," she continues. "My paternal grandmother wrote poetry and always said that freedom is not easy to achieve. She taught me values."

But it was only recently that Amos dedicated herself full time to Cuban issues. Why is she so exceptionally generous?

"I am doing this out of love for my Cuban homeland. The whole situation of the Cuban people is a disgrace. I'm ashamed of Fidel Castro and the human consequences of his regime. Cuba is like a cancer, it destroys. And you have to be healthy to fight this disease. What Fidel Castro has done is not a crime, but a premeditated crime, fueled by cynicism and hatred."

But she's housing the "criminal's" child and grandchild. Isn't she at all ambivalent about her guests?

"No, not at all. For me, they are his victims, not his family. Alina is not the daughter of Fidel. She rejected him as her father, and that act takes a lot of valor. She's so vulnerable now. Have you ever seen a sadder face? And I love to watch this girl Alina Maria, because in her I can see that goodness exists. She didn't get corrupted, yet she's streetwise. * * *

"You know, I've always had the feeling that nothing gold can stay. What lasts is one's education, music and art, spiritually and what's inside the heart. What's truly fascinating is to help others in need, to be of use. That's what happiness is to me."

As for the apartment, it was built on top of AFLAC's employee parking lot in the late '80s, when John Amos became ill and needed to be closer to the office. He spent two Christmases in his opulent new home before his death in 1990.

It's some home. The grand and fragrant foyer has spotless skylights, twinkling chandeliers and softly whirring ceiling fans. There are chirping finches nesting inside a gilded aviary set atop a faux terra cotta pedestal embossed with cherubim. There are a caged trio of squawking parrots, a pair of canaries, some birds of paradise. Only the stuffed partridge squatting nearby is uncooped. Past the delicate fernery, the bestial topiaries, past the mulberry ficus and potted cactuses, past marvelous arrangements of begonias and tulips and floribunda, are glass cases full of antique Japanese dolls and free-standing human-size sculpted warrior figures and Afro-Caribbean artwork on every wall.

Teresita, Amos's daughter, bounces in with Tiffany, her miniature toy Yorkie. Suddenly the air smells all perfumy.

"It's '360 degrees,'" she explains, adjusting the flamingo-pink plastic barrette on Tiffany's head. "The Perry Ellis scent."

"It's nice, isn't it?" Amos remarks.

"Yeah," Teresita replies. "Tiffany really wears it well."

"You have to think responsibly about what may await you in this life," Amos says, stroking Tiffany. "When I first got married, we had nothing. But it's gone well for us, thank God. So to be able to help others with what I have is natural. That's why it's such an honor, such a pleasure to have Alina and Alina Maria stay here, for as long as they want to. Others have always given me a helping hand when I needed it. And I'm glad to be able to reciprocate. That's what I get out of it."•

EVERGLADES NATIONAL PARK PROTECTION AND EXPANSION ACT OF 1989 AMENDMENTS OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 363, H.R. 3617, relating to the Everglades National Park; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

So the bill (H.R. 3617) was deemed read the third time and passed.

AUTHORIZING SENATE EMPLOYEE'S TESTIMONY

Mr. FORD. Mr. President, on behalf of the majority leader and the Republican leader, I send a resolution to the desk on authorization of Senate testimony and ask unanimous consent that the Senate proceed to its immediate consideration; that the resolution be adopted; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that a statement by the majority leader be placed at the appropriate place in the RECORD.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

So the resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 181

Whereas, in the case *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91-380(GG), which was tried in the United States District Court for the District of Puerto Rico in 1992, the United States obtained the trial testimony of Claudia Breggia, a Senate employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to 2 U.S.C. §130b(e)(1), the Senate, authorization of testimony is required in order for witness travel expenses to be reimbursable: Now therefore be it *Resolved*, That the testimony of Claudia Breggia in *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91–380(GG) is deemed authorized.

Mr. MITCHELL. Mr. President, in the case of *United States* v. *Eduardo Lopez Ballori*, Cr. No. 91–380(GG), which was tried in the United States District Court for the District of Puerto Rico in 1992, the United States obtained the trial testimony of Claudia Breggia, a Senate employee, for the purpose of identifying official records. The purpose of this resolution is to authorize the reimbursement of Ms. Breggia's expenses related to her provision of testimony as a government witness.

Under Senate rule XI and Senate practice, no evidence under the control of the Senate can be taken by judicial process without the Senate's permission. Accordingly, when documents or the testimony of Senate employees in relation to official responsibilities are required for use in judicial proceedings, Senate authorization must be obtained. This authorization is provided by the adoption of a Senate resolution when the Senate is in session. When testimony or production of records is required during periods of recesses or adjournments, authorization may be provided by the Joint Leadership Group acting under Senate Resolution 490 of the 97th Congress.

The requirement of authorization provides the Senate with the opportunity, with review by the Senate Legal Counsel and concerned Members and committees, as the case may be, to determine whether any privileges of the Senate should be asserted in regard to a subpoena or other demand for Senate information. The Senate loses that opportunity when authorization is not sought.

Another consequence of not obtaining authorization is that expenses related to appearing as a witness are not eligible for reimbursement by the Senate. Under 2 U.S.C. §130b(e)(1), a congressional employee who provides testimony in an official capacity, and whose testimony is "authorized * * * by the House of the Congress disbursing his pay," may be reimbursed for travel expenses. The Committee on Rules and Administration has promulgated regulations governing the payment of such expenses. If testimony is not authorized by the Senate, however, witness expenses may not be reimbursed by the Senate.

Last year, a Senate employee, who obtained authorization to testify at trial in one case, inadvertently did not obtain authorization to provide similar testimony in a second trial. Accordingly, without the resolution that is now proposed, the employee could not be paid by the Senate for unreimbursed witness expenses related to her testimony at the second trial. Given the similarity of the employee's testimony at both trials, authorization would readily have been provided for the second trial. For this reason and because the failure to obtain authorization was inadvertent, the proposed resolution would authorize the employee's testimony retroactively, and authorize payment for unreimbursed expenses.

For the future, it is important to bear in mind the need for advance authorization for testimony or the production of documents, in order to protect the interests of the Senate and to avoid adverse consequences for Senate employees who incur expenses when they are summoned to testify or produce documents about official matters.

PROVIDING FOR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 206, the adjournment resolution, just received from the House; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 206) was agreed to.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF STROBE TALBOTT, TO BE DEPUTY SECRETARY OF STATE

Mr. FORD. Mr. President, as if in executive session, I ask unanimous consent that on Tuesday, February 22, immediately following the conclusion of the reading of the Washington's Farewell Address, the Senate proceed to executive session to consider the nomination of Strobe Talbott, to be Deputy Secretary of State; that there be 4 hours for debate equally divided between the chairman and ranking member of the Committee on Foreign Relations, or their designees; 20 minutes for debate under the control of Senator McCAIN; 20 minutes for debate under the control of Senator SPECTER; that immediately following the conclusion or yielding back of time, the Senate vote, without any intervening action, on the nomination; that if confirmed, the President be notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that it be in order at this time to request the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 11, 1994

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 3 p.m., Friday, February 11; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL FRIDAY, FEBRUARY 11, 1994, AT 3 P.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:35 p.m., recessed until Friday, February 11, 1994, at 3 p.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate February 10, 1994:

MISSISSIPPI RIVER COMMISSION

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642):

To be a member and president of the Mississippi River Commission

BRIG. GEN. EUGENE S. WITHERSPOON, 250-62-3736, U.S. ARMY.

FEDERAL EMERGENCY MANAGEMENT AGENCY

RICHARD THOMAS MOORE, OF MASSACHUSETTS, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DEPARTMENT OF COMMERCE

WILLIAM W. GINSBERG, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF STATE

SANDRA LOUISE VOGELGESANG, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

DAVID NATHAN MERRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

WESLEY WILLIAM EGAN, JR., OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

ROBERT H. PELLETREAU, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE.

ESTHER PETERSON, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-EIGHT SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

AFRICAN DEVELOPMENT BANK

ALICE MARIE DEAR, OF NEW YORK, TO BE U.S. DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

JAMES H. SCHEUER, OF NEW YORK, TO BE U.S. DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JILL B. BUCKLEY, OF WASHINGTON, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THOMAS A. DINE, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF THE TREASURY

MARY ELLEN WITHROW, OF OHIO, TO BE TREASURER OF THE UNITED STATES.

DEPARTMENT OF AGRICULTURE

FREDERICK GILBERT SLABACH, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

ASSASSINATION RECORDS REVIEW BOARD

KERMIT L. HALL, OF OKLAHOMA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

JOHN R. TUNHEIM, OF MINNESOTA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

WILLIAM L. JOYCE, OF NEW JERSEY, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

ANNA K. NELSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

HENRY F. GRAFF, OF NEW YORK, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD.

POSTAL RATE COMMISSION

EDWARD JAY GLEIMAN, OF MARYLAND, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING OCTOBER 16, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

NANCY GERTNER, OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

THOMAS I. VANASKIE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

TUCKER L. MELANCON, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

MICHAEL A. PONSOR, OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

LESLEY BROOKS WELLS, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

MARJORIE O. RENDELL, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DEPARTMENT OF JUSTICE

MICHAEL DAVID SKINNER, OF LOUISIANA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS.

JAMES J. MOLINARI, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

JOE RUSSELL MULLINS, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

JOHN PATRICK MCCAFFREY, OF NEW YORK, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

PHYLLIS JEANETTE HENRY, OF IOWA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

CHARLES M. ADKINS, OF WEST VIRGINIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS.

DON CARLOS NICKERSON, OF IOWA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

STEPHEN JOHN RAPP, OF IOWA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

G. RONALD DASHIELL, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS.

NANCY J. MCGILLIVRAY-SHAFFER, OF MASSACHUSETTS, TO BE U.S. MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS.

DONALD R. MORELAND, OF FLORIDA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

BRIAN C. BERG, OF NORTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS.

FLOYD A. KIMBROUGH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

CHARLES WILLIAM LOGSDON, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

JAMES MARION HUGHES, JR., OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

JOHN STEVEN SANCHEZ, OF NEW MEXICO, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF 4 YEARS.

JAMES V. SERIO, JR., OF LOUISIANA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS.

WESLEY JOE WOOD, OF TENNESSEE, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS.

STEPHEN SIMPSON GREGG, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

CONRAD S. PATILLO, OF ARKANSAS, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

HUGH DINSMORE BLACK, JR., OF ARKANSAS, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

ROBERT DALE ECOFFEY, OF SOUTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS.

ROSA MARIA MELENDEZ, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS.

ROBERT JAMES MOORE, OF ALABAMA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

JAMES ROBERT OAKES, OF LOUISIANA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS.

CLEVELAND VAUGHN, OF NEBRASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF 4 YEARS.

RICHARD RAND ROCK II, OF KANSAS, TO BE U.S. MARSHAL FOR THE DISTRICT OF KANSAS FOR THE TERM OF 4 YEARS.

REBECCA ALINE BETTS, OF WEST VIRGINIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS.

ROBERT CHARLES BUNDY, OF ALASKA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS.

LARRY HERBERT COLLETON, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

HARRY DONIVAL DIXON, JR., OF GEORGIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

DAVID LEE LILLEHAUG, OF MINNESOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF 4 YEARS.

DANIEL J. HORGAN, OF FLORIDA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

PATRICK J. WILKERSON, OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

JAMES LAMAR WIGGINS, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

PAUL MICHAEL GAGNON, OF NEW HAMPSHIRE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF 4 YEARS.

MARK TIMOTHY CALLOWAY, OF NORTH CAROLINA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

JAMES DOUGLAS, JR., OF MICHIGAN, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

WILLIAM STEPHEN STRIZICH, OF MONTANA, TO BE U.S. MARSHAL FOR THE DISTRICT OF MONTANA FOR THE TERM OF 4 YEARS.

TERRENCE EDWARD DELANEY, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

JANICE MCKENZIE COLE, OF NORTH CAROLINA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

JAMES HOWARD BENHAM, OF IDAHO, TO BE U.S. MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS.

MICHAEL HAYES DETTMER, OF MICHIGAN, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

STEPHEN LAWRENCE HILL, OF MISSOURI, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

ALAN D. LEWIS, OF PENNSYLVANIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT JOHN MCANNENY, AND ENDING HAROLD EDWARD ZAPPIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 26, 1994.

FOREIGN SERVICE NOMINATIONS BEGINNING VICTOR B. OLASON, AND ENDING EMI LYNN YAMAUCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 26, 1994.

FOREIGN SERVICE NOMINATIONS BEGINNING SUZANNE K. HALE, AND ENDING LYLE J. SEBRANEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 26, 1994.

EXTENSIONS OF REMARKS

NELLE HORLANDER: HONORED FOR SERVICE TO THE COMMUNICATIONS WORKERS OF AMERICA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. MAZZOLI. Mr. Speaker, today, I am paying well-deserved tribute to Nelle Pitcock Horlander who is retiring from her position as Kentucky representative of the Communications Workers of America [CWA], AFL–CIO.

When one looks over the life and career of Nelle Horlander, one cannot help but be impressed by her many achievements and accomplishments.

Nelle was born in Dry Fork, KY, and attended a one-room schoolhouse. Nelle eventually moved to Louisville, and completed her studies at the University of Louisville in 1948. Her entire life from that point on has been dedicated to service to her fellow man and woman.

Nelle's first job was at Walgreen Drugs and from there she moved to Southern Bell. It was at this point in her life that she began to serve her coworkers by becoming active in the Communication Workers Union [CWA]. In 1969, Nelle found her true calling in life, and went to work full time for the CWA. She has devoted her talents to the CWA Union for the past 44 years, 20 of which have been spent at the helm of the Kentucky CWA.

Her achievements in her CWA career include: Union steward, secretary-treasurer and president of Local 10310; committee memberships in the legislative-political committee and education committees; Retirees Club liaison; and member of the CWA's organizing committee, building committee, bylaws committee, and community services committee. But even more, she showed herself to be a very capable woman who also gave of herself to her community.

Nelle has also been active in the community serving on the Metro United Way, the Goals for Greater Louisville Organization, the Kentucky Health Care Coalition, and the Metropolitan Housing Coalition. She has also served the Democratic Party of Jefferson County and the Kentucky party in numerous ways over the years.

In 1975, Nelle received the League of Women Voters Citizenship Award. In 1977, she was awarded the Brotherhood Award by the National Conference of Christians and Jews, Kentuckiana Chapter. Nelle said in her acceptance speech: "In the spirit of Sisterhood, I proudly accept the Brotherhood Award." and, so, from that time on, the award has been known as the Brotherhood-Sisterhood Award.

It has been a privilege knowing and working with Nelle in our community. I join her coworkers, her friends, and her family, husband, Harold Horlander, children, Shelly and Jeffrey, and grandchildren, Anson, Austin, and Ashley, in wishing her all the best in her retirement and continued good fortune in the future.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. GONZALEZ. Mr. Speaker, today I am introducing the Housing and Community Development Act of 1994, H.R. 3838, an omnibus reauthorization bill of the programs within the jurisdiction of the Subcommittee on Housing and Community Development. This bill includes the regular reauthorizations required for the public and Indian housing programs, the assisted housing programs, the FHA insurance programs, the Community Development Block Grant Program, the HOME Investment Partnerships Program, the preservation program, the supportive housing programs for the elderly, persons with disabilities, and persons with AIDS, and regulatory programs. It includes authorizations for the rural housing programs administered by the Farmers Home Administration and for the programs for the homeless under the Stewart B. McKinney Act. Further, it contains a number of technical and clarifying changes that are intended to make programs more efficient and effective in serving the housing and community development needs of our citizens.

The bill authorizes a total of approximately $29.6 billion and $30.4 billion for fiscal years 1995 and 1996, respectively. The funding levels in the bill represent an approximate 3 percent increase above the levels authorized for these programs in fiscal year 1994. Some levels, however, have been inflated by 3 percent above the amount appropriated in fiscal year 1994, or in some cases have been increased beyond either the authorized or appropriated levels.

The bill contains an initiative to address a significant crisis in affordable housing in the United States. This provision revises the Emergency Homeowners Relief Act which would provide assistance to homeowners facing foreclosure. It is intended to provide emergency mortgage assistance to protect families from losing their homes.

The bill also contains a merger and rewrite of the section 8 certificate and voucher programs. The merger will mean better protection for low-income families and relief from administrative burdens for housing authorities.

I also have provided several rural housing initiatives, in addition to technical and clarifying changes, including a streamlined refinancing authority for rental housing, operating assistance in lieu of rental assistance for migrant farmworker housing, a delegated processing program for single family housing in underserved areas, and a technical assistance and capacity building program for Native American and Native Alaskan tribes and members of tribes so that they can apply for and obtain Federal rural housing assistance.

The Housing and Community Development Act of 1994 includes many of the initiatives and technical changes that were a part of the administration's 1993 legislative package, most notably reform of the multifamily property disposition program; the Community Partnerships Against Crime or COMPAC Program; a new economic grant program as part of the section 108 loan guarantee program; and provisions which will foster mixed income public housing communities.

The Multifamily Housing Property Disposition Reform Act in title IV incorporates, but restructures, many of the reforms proposed by HUD. These reforms will simplify this program as well as preserve all the units for low-income residents, and accelerate the property disposition process. This provision provides a balanced approach to address one of HUD's major weaknesses, the property disposition program.

I intend that this legislation, once more, focuses our attention to our most vulnerable citizens in our Nation's communities and to the Federal responsibility for improving the quality of life for our Nation's citizens. This legislation will help HUD and the Farmers Home Administration in their growing efforts to reverse Federal policy and priorities that produced little or no sustained domestic strategy or investment in affordable housing or rebuilding our cities and towns. More than a million low-income Americans are on waiting lists for public housing, more than 800,000 await section 8 assistance, the homeless population is burgeoning, and the infrastructure of our Nation's communities is crumbling, and the prospects for increased or even level funding are quite bleak.

I have attached the following supplementary materials for the record: a short summary, a section by section analysis of the bill, and a funding chart.

I would urge all Members to support and cosponsor this important bill.

SHORT SUMMARY OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Funding Levels: The Housing and Community Development Act of 1994 authorizes a total of approximately $29.6 billion and $30.4 billion for fiscal years 1995 and 1996, respectively. These programs are administered through the Department of Housing and Urban Development and the Farmers Home Administration. The funding levels in the bill represent an approximate 3% increase above the levels authorized for these programs in fiscal year 1994. Some levels, however, have been inflated by 3% above the amount appropriated in FY 1994, or in some

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cases, have been increased beyond either the authorized or appropriated levels. Of the $29.4 billion authorized for fiscal year 1995, the bill authorizes approximately $8.6 billion for HUD public and assisted housing programs; contains a such sums as may be necessary authorization for Section 8 contract renewals and amendments in order to prevent homelessness; provides $2.2 billion for the HOME Investment Partnership program; provides $558.8 million for the National Homeownership Trust; authorizes $685 million for the preservation of federally-subsidized housing; authorizes $1.6 billion for supportive housing for elderly and disabled persons; authorizes $4.2 billion for the Farmers Home Administration rural housing loan and grant programs; $4.5 billion for the Community Development Block Grant (CDBG) program; and $1.3 billion for the McKinney homeless programs under the Housing Subcommittee's jurisdiction.

Title I.—Housing Assistance.—Provides various revisions, clarifications, and technical changes to existing HUD public and assisted housing programs. Program changes provided for in the bill include: 1) disallowing counting as earned income for 18 months, increases in income due to the employment of public housing residents who were previously unemployed for a year; 2) making ceiling rents for public housing units reasonably related to the rental value of the units; 3) adding "community service activities" by residents and community members, as an eligible activity for planning and implementation grants under the Revitalization of Severely Distressed Public Housing program, and make other clarifying changes to that program; 4) making escrow savings accounts under the Family Self Sufficiency program voluntary instead of required. Technical changes made by the bill include: 1) clarifying the definition of "families" for housing assistance eligibility purposes; 2) eliminating requirements under the Comprehensive Improvement Assistance program regarding identification of projected replacement needs by public housing authorities; 3) requiring that all new amendments to public housing provisions in Title I of the United States Housing Act of 1937 be applicable to Indian housing authorities and Indian housing unless otherwise stated.

Provides for the merger of the Section 8 certificate and voucher rental assistance programs into a single rental assistance program. Combines and restates many current law section 8 provisions, removes outdated provisions, and generally clarifies and streamlines section 8 rental assistance provisions. This provision: 1) maintains the current law certificate program requirement that a low-income tenant cannot pay more than 30% of their adjusted gross income for rent; 2) strengthens privacy protections involving income reviews of low-income families receiving assistance; 3) requires the lease between the owner and tenant to contain terms and conditions for the termination of a tenancy, including a written notice requirement; 4) eliminates the current law limitation that PHAs can only use 15% of their section 8 assistance for project-based assistance; 5) requires PHAs to provide counseling on housing opportunities for section 8 recipient families; and 6) revises the current law portability provisions by making a twelve month residency requirement discretionary with a PHA, and providing additional rental assistance funds for portability for PHAs.

Extends the authority for the National Homeownership Trust and authorizes funding for the HOPE for multifamily and single family housing programs. Provides HUD the authority to provide refinancing incentives for section 235 mortgages. Provides an expanded authorization for housing counseling.

Establishes the Community Partnerships Against Crime program, which expands the current public and assisted housing drug elimination grant program, authorizing HUD to issue grants to PHAs and owners of federally assisted low-income housing for efforts directed to preventing and eliminating all types of crime in and around public and other federally assisted housing. Provides that grants are to be issued for two years, with one-year grants renewable for an additional four years available to PHAs with especially severe crime problems.

Establishes a separate authorization for the Public Housing Youth Sports Program. Provides a separate authorization for Youthbuild.

Clarifies, coordinates, and expands requirements under the multifamily planning and investment strategies, the flexible subsidy program, the capital improvements program, and loan management set aside program so that each program provides effective tools to prevent mortgage defaults on HUD insured and HUD assisted projects.

Title II.—Home Investment Partnerships.—Establishes a flat match of 25 percent for all HOME eligible activities. Provides technical changes to the HOME Investment Partnerships Program which are intended to simplify the administration of the program in an effort to increase and speed up usage of the program, including adding instrumentalities of state agencies as eligible grantees; simplifying income targeting, clarifying the definition of eligible homebuyer and usage of recaptured homeownership grant funds; clarifying comprehensive housing affordability strategy certification requirements; repealing separate audit requirement; defining environmental review requirements and delegation of review requirements; and clarifying the relationship between CDBG funds and HOME funds for administration and service delivery. Requires a GAO study of HOME program fund usage.

Title III.—Supportive Housing Programs.—Provides authorizations for the supportive housing for the elderly and supportive housing for persons with disabilities; the elder cottage housing demonstration program, the revised congregate housing services program, and service coordinators in mixed populations buildings. Establishes the elderly independence demonstration, separate from the HOPE program.

Makes several changes to the Housing Opportunities For Persons with AIDS program, including making non-profits that provide technical assistance eligible for nonformula allocation funding, and requiring grantees to establish and implement a process for ensuring coordination and community input in planning for and providing services

Title IV.—Mortgage Insurance and Secondary Mortgage Market.—Authorizes the Secretary to enter into commitments to insure mortgages under the National Housing Act for a reauthorized amount to be appropriated for FY 1995 and FY 1996. Extends the Federal Housing Administration Board's date of termination to January 1, 1997. Extends the Secretary's authority to insure home equity conversion mortgages for the elderly until September 30, 1996. Clarifies the requirements of the multifamily risk sharing Demonstration and the state housing finance pilot program. Reauthorizes appropriations for the Indian Housing Guarantee Loan Program. Establishes aggregate limits for GNMA guarantees of mortgage backed securities.

Establishes the "Multifamily Housing Property Disposition Reform Act" to ensure the preservation of all units for very low and low income tenants, current and future, and to accelerate the disposition of the inventory of HUD held mortgages and HUD owned properties. Provides a simpler and less rigid approach than current law, placing the reforms in more of a market context; providing required section 8 assistance and rent restrictions; providing discretionary assistance including short term loans, up front grants and loans, discounted sales prices, transfers for public housing and section 202 and section 811 housing; and alternative uses equal to 5% of those units disposed of in any one fiscal year; and providing predictable streams of income for all properties either through section 8 assistance or flat rents so acquisition and rehabilitation costs can be financed in the marketplace.

Reauthorizes appropriations and extends the Emergency Homeowners Relief Act of 1975 for FY 1995 and 1996. Amends the program to provide mortgage relief to single family homeowners, upon the Congress' finding that homeowners are experiencing severe economic hardship due to unemployment or income reduction that is causing them to default on their mortgage.

Title V.—Rural Housing.—Clarifies requirements for moratoria and for reamortizing section 502 single family loans and makes the deferred mortgage program permanent. Establishes a technical assistance program for Native American areas to enable tribes and members of tribes to apply for rural housing program assistance. Establishes a streamlined refinancing program for the section 515 rural rental housing program and provides permanent authorization for the section 515 program. Provides technical and clarifying changes for the rental housing prepayment program. Extends the designation period for the targeted underserved areas program from 1 year to 2 years, except on tribal lands where the designation will be in place for 3 years and extends the nonprofit set aside for the section 515 program. Establishes a set aside for new projects of rental assistance and provides for operating assistance in lieu of rental assistance for migrant farmworker housing. Establishes a rural community development initiative to attract foundation and other private funding for capacity building for nonprofit intermediaries in rural areas and establishes a delegated processing demonstration for section 502 loans in underserved areas.

Title VI.—Community Development.—Reauthorizes the following programs to be appropriated for FY 1995 and FY 1996: (1) the Community Development Block Grant (CDBG) program, (2) the section 108 loan guarantee program, (3) Special Purpose Grants for insular areas, historically black colleges, states or units of local government that jointly apply for a grant with an institution of higher learning to conduct eligible activities, work study grants for minority and economically disadvantaged students, state and local governments whose initial grant was miscalculated, technical assistance, planning community development and economic diversification activities, (4) Neighborhood Reinvestment Corporation, (5) John Heinz Neighborhood Development.

Amends the CDBG loan guarantee program to enable CDBG recipients participating in the loan program to apply for grants that will buy-down interest rates or create loan loss reserves. Provides that funding for these grants will be acquired from monies recaptured from allocated, but not expended, Urban Development Action Grants. Requires that the grants be distributed in conjunction with section 108 loans to applicants proposing to conduct economic development activities that meet the existing CDBG criteria.

Increases activities under the CDBG loan program to enable colonias to participate in the loan guarantee program in order to conduct public works activities. Extends the authority of the colonias program to September 30, 1996.

Title VII.—Regulatory and Miscellaneous Programs.—Reauthorizes the following programs to be appropriated for FY 1995 and FY 1996: (1) Fair Housing Initiatives Program, (2) HUD Monitoring and Research, (3) HUD Salaries and Expenses, (4) HUD Research and Development, (4) National Institute of Building Sciences, (5) Lead Based Paint Hazard Reduction, (6) New Towns Demonstration Program, and (7) National American Indian Housing Council. Authorizes the Housing Assistance Council. Clarifies subsidy layering review requirements.

Title VIII.—Housing Programs under Stewart B. McKinney Homeless Assistance Act.—Reauthorizes existing McKinney homeless programs administered by HUD.

	Fiscal year 1995	Fiscal year 1996
TITLE II—HOME INVESTMENT PARTNERSHIPS		
HOME Investment Partnership Program	2,238,820,360	2,305,984,971
Community Housing Partnership Strategies	(25,000,000)	(25,000,000)
State/Local Housing Strategies	(22,000,000)	(22,000,000)
Capacity Building for Community Development	(25,000,000)	(25,000,000)
Title II total	2,238,820,360	2,305,984,971
TITLE III—SUPPORTIVE HOUSING PROGRAMS		
Supportive Housing for Elderly/Disabled	1,591,350,000	1,639,090,500
Congregate Services	25,750,000	26,522,500
Elderly Independent Section 8 Certificates/Vouchers	41,092,979	42,325,768
Elderly Independent Services	10,732,600	11,054,578
AIDS Housing Program	250,000,000	257,500,000
Mixed Populations (Service Coordinators)	Such sums	Such sums
Title III total	1,918,925,579	1,976,493,346
TITLE IV—MORTGAGE INSURANCE/SECONDARY MARKET		
FHA Credit Limitation (MMI)	(85,000,000,000)	(85,000,000,000)
FHA Credit Limitation (GI/SRI)	(20,000,000,000	(20,000,000,000)
Multifamily Housing Task Force	6,439,560	6,632,747
Indian Housing Loan Guarantees	(50,000,000)	(50,000,000)
Multifamily Property Disposition	300,000,000	300,000,000
GNMA Credit Limitation	(130,000,000,000)	(130,000,000,000)
Emergency Mortgage Relief Provisions	Such sums	Such sums
Title IV total	306,439,560	306,632,747
TITLE V—RURAL HOUSING		
Sec. 502 Homeownership (Direct) Loans	1,802,500,000	1,856,575,000
Sec. 502 Unsubsidized Guaranteed Loans	772,500,000	795,675,000
Sec. 504 Improvement Loans	36,050,000	37,131,500
Sec. 514 Farm Labor Loans	18,053,950	18,595,569
Sec. 515 Multifamily Loans	793,675,770	817,486,043
Sec. 523 Mutual/Self-help Loans	1,000,000	1,030,000
Sec. 524 Site Loans	1,000,000	1,030,000
Aggregate Loan Authority	3,424,779,720	3,527,523,112
RURAL HOUSING SUPPORT PROGRAMS		
Sec. 502(c)(5) Preservation Technical Assistance	10,000,000	10,000,000
Sec. 504 Improvement Grants	31,000,000	31,930,000
Sec. 509(c) Construction Defects Grants	1,000,000	1,030,000
Sec. 509 Project Preparation Grants	5,688,278	5,858,926
Sec. 515 Service Coordinators	1,073,260	1,105,458
Sec. 516 Farm Labor Grants	23,289,742	23,988,434
Sec. 516(k) Migrant Homeless Program	11,269,230	11,607,307
Sec. 523 Mutual/Self-Help Grants	14,918,314	15,365,863
Sec. 533 Preservation Grants	33,056,408	34,048,100
Sec. 538 Indian Technical Assistance Program	10,000,000	
Sec. 539 Rural Community Development Initiative	20,000,000	20,600,000
Subtotal	161,295,232	155,534,089
Rental Assistance Payments (RAP)	454,079,620	467,702,009
Rural Prepayments/Supplemental RAP	13,070,160	13,462,265
Rural Housing Vouchers	144,200,000	148,526,000
Rural housing total	4,197,424,733	4,312,747,475
TITLE VI—COMMUNITY DEVELOPMENT		
Community Development Block Grants (CDBG)	4,532,000,000	4,667,960,000
Section 108 Loan Guarantees	(2,115,620,000)	(2,179,088,600)
Special Purpose/Projects Grants	(60,000,000)	(60,000,000)
Insular Areas	(7,000,000)	(7,000,000)
Historically Black Colleges	(6,500,000)	(6,500,000)
Community/University Partnership	(6,000,000)	(6,000,000)
Revitalization Prov.	(6,000,000)	(6,000,000)
CDBG Work Study Program	(3,000,000)	(3,000,000)
CD Reallocations and Technical Assistance	(Such sums)	(Such sums)
CD Mapping Provision	(Such sums)	(Such sums)
CD Community Planning Adjustments	(Such sums)	(Such sums)
CDBG Redevelopment Provision	(2,000,000)	(2,000,000)
Neighborhood Reinvestment Corp.	32,960,000	33,948,800
Neighborhood Development Demo.	5,000,000	5,150,000
Title VI total	4,569,960,000	4,707,058,800
TITLE VII—REGULATORY AND MISCELLANEOUS PROGRAMS		
Fair Housing Initiatives Program (FHIP)	26,780,000	27,583,400
HUD Monitoring and Evaluation	Such sums	Such sums
HUD Salaries and Expenses	1,150,000,000	1,184,500,000
HUD Research and Development	36,050,000	37,131,500
NIBS	2,000,000	2,000,000
Lead-Based Paint Provisions	257,500,000	265,225,000
New Towns Demonstration	Such sums	Such sums
Solar Bank	10,732,600	11,054,578
NAIHC	1,000,000	1,030,000
Housing Assistance Council	5,000,000	5,150,000
Title VII total	1,489,062,600	1,533,674,478
TITLE VIII—McKINNEY HOMELESS PROGRAMS		
Emergency Shelter Grants	150,000,000	154,500,000
Supportive Housing/Transitional Program	344,020,000	354,340,600
Safe Havens	66,542,120	68,538,384
Section 8 Assistance for SRO's	200,000,000	206,000,000
Shelter Plus Care Program	150,000,000	154,500,000
Rural Homeless Grants	32,197,800	33,163,734
Innovative Homeless Program	206,000,000	212,180,000
Interagency Council on the Homeless	1,609,890	1,658,187
FEMA Food and Shelter Program	193,186,800	198,982,404
Title VIII total	1,343,556,610	1,383,863,308
Grand total	29,573,008,234	30,435,920,196
HUD housing programs (Without FmHA Rural Housing Programs)	25,375,583,501	26,123,172,721

DRINKING WATER SAFETY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 19, 1994 into the CONGRESSIONAL RECORD:

The article follows:

DRINKING WATER SAFETY

INTRODUCTION

Compared to most countries, the United States has very clean and safe drinking water, arguably the best in the world, but that does not mean that it is safe in all places at all times. Outbreaks of water-borne illnesses and related public health alerts made headlines in several cities during 1993 and have challenged our false sense of complacency. Recent studies have blamed a previously unsuspected level of intestinal illness on contaminated drinking water and also raise questions about the levels of carcinogenic chemicals in some drinking water. Amid these and other concerns, Congress this year will consider how to revise and renew the legislation that is intended to keep our drinking water safe. Efforts must be made to ensure the quality that Americans expect.

THE PROBLEM

Safe drinking water has two major enemies: microbes (bacteria and viruses, which stem typically from human and animal wastes) and chemicals (including fertilizers, pesticides, industrial wastes). Other potential contaminants include lead and radon. Many small ground water systems do not have to contend with significant level of contaminants. And in ordinary circumstances most of the over 25,000 surface water treatment plants, including those in Indiana, do a good job eliminating microbes and many chemicals. But at times, microbes can overwhelm systems. In April 1993 Milwaukee, Wisconsin suffered the largest recorded outbreak of a waterborne disease in United States history when Cryptosporidium, a parasite, struck over 370,000 residents with flulike symptoms. Also, many facilities either do not have or cannot afford the technologies that might be necessary to cope with some chemicals that recently have come under federal standards. The combination of overburdened and aging facilities, new regulatory standards, and funding shortfalls has produced conflict between what federal laws call for and what many local water systems can afford to deliver.

FEDERAL LAWS

Two federal laws have a direct effect on the safety of drinking water: The Clean Water Act (CWA) of 1972, which regulates major sources of water pollution, and the Safe Drinking Water Act (SDWA) of 1974, which regulates the purity of drinking water.

THE CLEAN WATER ACT

The CWA is intended to reduce and prevent pollution going into water sources by regulating pollutant levels and helping to fund wastewater treatment construction. It has produced significant advances in the fight against water pollution. Nearly 75% of monitored waters now meet federal standards for major pollutants. Much of this has been accomplished by the construction of wastewater treatment facilities, for which the federal government since 1972 has contribute $60 billion in assistance grants. Nevertheless, the EPA and states estimate that an additional $83.5 billion is needed to meet CWA standards. Recent amendments to the law seek to curb other sources of pollution, in particular, toxic discharges and nonpoint pollution, such as agricultural runoff. The CWA has been, along with the Clean Air Act, the keystone in the fight for a cleaner environment. Its water pollution provisions have been broadly supported.

THE SAFE DRINKING WATER ACT

The SDWA is intended to ensure that the water we drink is pollution-free, and focuses on drinking water purification, also by setting contaminant standards and funding treatment facilities. While most agree that a funding gap exists here as well, some have argued that the SDWA regulations themselves are contributing to the problem. The Safe Drinking Water Act required the EPA to set safe levels for several dozen contaminants and enforce the standards for all 200,000 local water systems in this country. But in contrast to the gradual increase in standards after 1974, recent amendments to the law produced a lengthy set of regulations to be complied with in short order, during a time when both state and federal funding are becoming increasingly scarce. In particular, many water producers don't think they should be compelled to conduct expensive tests for contaminants that do not exist in their area (such as certain fertilizers or pesticides) or have not been demonstrated to be a threat to public health.

This regulatory burden can be acute in rural areas with higher percentages of small water systems, as in the Ninth Congressional District. Smaller systems often must do the same costly testing as large ones and some may be compelled to install expensive filtration units to comply with recently imposed standards. Small producers argue that they simply do not have the resources to pay for such tests and equipment and cannot pass such large costs on to their limited number of consumers. While the goals of the law remain essential, there is increasing congressional interest in revising the regulatory scheme it created.

NEW APPROACHES AND PROPOSALS

The gap between needs and dollars has produced honest disagreements over how best to solve the problem. Environmentalists talk about the dangers of the water supply while the water providers stress the costs and the inflexibility of present laws. Several proposals for renewals and revisions of the CWA and SDWA will come before Congress in 1994. The objective is to strike a balance between meeting public demands that water supplies are free from contamination and addressing the concerns of local officials about the costs and technical difficulties of compliance with national standards. For example, several SDWA proposals, including the President's, seek to change the structure of regulations by eliminating the set lists of contaminants and schedules for regulation and replacing them with a more flexible approach based on the actual risk of the substance and its degree of occurrence in water sources. Funding of new purification facilities is a high priority for the SDWA as well, through the creation of a revolving fund (a low interest loan pool) to help localities pay for upgraded and new facilities.

CONCLUSION

Most Americans have the assurance that their drinking water is safe, but money and effort are necessary to guarantee it to everyone. With limited resources, we must be sure to use the most cost-effective measures. I believe that special attention must be paid to the difficulties of rural areas, by designing manageable and flexible regulations and standards and by providing federal funds to assist necessary testing and improvements. Small systems should also be encouraged to merge and to share costs. The present water law is simplistic with a one-size-fits-all problems approach. Local governments have to be able to deal with local problems in their own way without sacrificing important safety standards.

LEGISLATION TO HELP CLEAN UP BROWNFIELDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. VISCLOSKY. Mr. Speaker, today I am introducing legislation designed to help clean up and revitalize our Nation's abandoned, contaminated industrial areas, known as brownfields. This legislation, which I am introducing with my colleague from Ohio, RALPH REGULA, has bipartisan support and was developed in consultation with the Clinton administration, State agencies, community and environmental organizations, and the Northeast-Midwest Congressional Coalition. The consensus is clear: The crucial issue of brownfield redevelopment must be addressed within the context of Superfund reauthorization.

Toward that goal, I am introducing two separate companion bills to spur brownfield cleanup and redevelopment. The first bill, the Brownfield Cleanup and Redevelopment Act, would establish a process whereby States would be authorized to make final decisions on the cleanup of sites with low or medium priority contamination. The other bill, the Brownfield Cleanup and Redevelopment Revolving Loan Fund Act, would provide loans to eligible sites in severely economically distressed areas that, with a small infusion of capital, would have the potential to attract private investment and create jobs in the communities where the cleanups are taking place.

Both of these bills are designed to encourage privately funded cleanup and redevelopment of contaminated industrial sites by removing some of the barriers that have driven prospective developers to build on undeveloped greenfield sites. State efforts to encourage voluntary cleanup and redevelopment of low- and medium-priority sites are currently hindered by Federal requirements for environmental permits to conduct the cleanups and by the lack of Federal certification for these efforts. Even when these sites are not subject to Federal corrective action, the fear of liability for past contamination often inhibits their cleanup and redevelopment. By giving States the power to create a distinct beginning and end to the voluntary cleanup process, we remove a crucial roadblock to redevelopment.

One of the most effective ways to promote the cleanup of our Nation's hundreds of thousands of mildly contaminated sites is through State voluntary cleanup programs. To date, almost 15 States—including my home State of Indiana—have implemented, or are in the process of implementing, voluntary cleanup programs. By certifying State voluntary cleanup programs at the Federal level, we would eliminate the threat of Federal EPA action on sites already deemed clean by State programs.

I have worked with the Clinton administration to ensure some measure of Federal support for these state voluntary cleanup programs, and am encouraged that the President has acknowledged this growing problem in his Superfund reauthorization proposal. In testimony before the Energy and Commerce Subcommittee on Transportation and Hazardous Materials, EPA Administrator Carol Browner noted that the growing trend towards the development of greenfields, rather than brownfields, contributes to suburban sprawl and exacerbates the chronic unemployment often found in innercity industrial areas.

However, while the Clinton administration's Superfund reauthorization plan acknowledges the benefit of State voluntary cleanup programs, it does not adequately address the major issues blocking the cleanup of brownfield facilities. Specifically, the administration's proposal would not allow the Federal Government to certify State programs to be the final decisionmakers on cleanup levels and liabilities for past problems. In addition, the administration's proposal does not address the need to have funding for site assessments of properties in distressed neighborhoods.

The administration's plan does include an offer of technical assistance to State voluntary cleanup programs. However, States and municipalities are unlikely to seek out such assistance because of concern that it would trigger greater EPA involvement and unnecessarily bog down cleanup and redevelopment. By empowering certified State voluntary programs to make the final decisions regarding the cleanup of low- and medium-priority sites, we would remove a crucial roadblock to economic and environmental development. Further, limited capital investment in depressed sites would help to rebuild communities that have been written off as lost causes.

The revitalization and re-use of brownfield sites is extremely important to communities across the country, including those I represent in northwest Indiana, where more than 50,000 good jobs have been lost since 1977. Abandoned industrial facilities in these communities are most often viewed as problems to be avoided rather than opportunities for investment. Environmental liabilities, vague cleanup guidelines, unrealistic cleanup standards, and a lack of financing are very serious obstacles to re-use.

The status quo seems to be that it is better to bulldoze and ignore abandoned industrial facilities and build on previously untouched land outside the city. However, this shift to outlying greenfields has serious adverse environmental and social impacts. Workers, businesses, and communities suffer when lender liability fears thwart investment in brownfield cleanups or modernization. Local and regional economies are stifled when mildly contaminated industrial sites remain dormant, because existing infrastructure goes unused. Finally, neighborhoods decay from ongoing economic and social distress.

Time and time again, the compelling need to remove the uncertainty from the process of redeveloping brownfield sites has been demonstrated. For example, plans to build a $3 million lumber treatment plant, which would have provided 75 jobs in Hammond, IN, were recently abandoned after the discovery of low levels of contamination at the proposed site. The daunting prospect of entering into a project with uncertain consequences resulted in a loss for the city of Hammond of not only one prospective developer, but the potential of any future development on this 20-acre site.

I urge your support for this effort to breathe life back into forgotten industrial communities. By encouraging the redevelopment of brownfields, we would achieve the dual purpose of revitalizing economically depressed areas and keeping our greenfields clean for future generations to enjoy.

CONGRATULATIONS TO THE LONGWOOD HIGH SCHOOL CHEERLEADERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate an outstanding group of my constituents, the Longwood High School varsity cheerleading team, who recently won the High School National Cheerleading Championship. The competition was held in Nashville, TN, from December 27–31, 1993 and included both varsity and junior-varsity cheerleading squads.

The Longwood cheerleading team was 1 of 20 squads invited to the national cheerleading contest after an impressive showing in the preliminaries. Guided by the leadership of their coach, Donna Beary, the Longwood varsity cheerleading team successfully completed the basket toss, a daring and difficult maneuver. When the competition was over, the team was rewarded for its hard work, dedication, and risk-taking spirit, with the National Championship.

When not performing at games or in competitions, Coach Beary's cheerleaders excel in other ways as well. For example, the Longwood cheerleading program is actively involved in several community service organizations such as Athletes Helping Future Athletes, a group which discourages the use of drugs. In recognition of these and similar efforts, the Longwood junior-varsity cheerleading team was presented with the All-American Award.

Mr. Speaker, I ask my colleagues to join me in saluting the Longwood cheerleaders, their coaches, and those who support them in their commitment to excellence in cheerleading, academics, and community service. It is my pleasure to recognize these outstanding individuals from Long Island.

RECOGNIZING FELIX GALAVIZ FOR HIS YEARS OF SERVICE TO THE HISPANIC CHAMBER OF COMMERCE OF ALAMEDA COUNTY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. STARK. Mr. Speaker, today, I would like to congratulate Felix Galaviz for his successful tenure as the president of the Hispanic Chamber of Commerce of Alameda County. During this time, Mr. Galaviz has led this organization to new heights.

Mr. Galaviz first joined HCCAC in 1982 and quickly became one of its executive officers. In 1986, as membership chairman, he recruited over 300 new members. The following year he chaired the California Hispanic Chamber of Commerce State Convention in Oakland, CA, which had over 5,000 attendees. Shortly afterward, he became HCCAC's president and immediately designed and implemented a 5-year strategic business and organizational plan; created the Hispanic-owned business data base, which has over 1,500 members; developed a legislative link to support the county's Hispanic business efforts; and established a corporate advisory board, which built strong partnerships with other business organizations like the California Hispanic Contractor Association.

Mr. Galaviz now plans to continue his efforts at the State level, where he already chairs the chamber's education and training committee and is a member of the commerce advisory board. He has testified before the State legislature and helped author legislation favorable to Hispanic business interests. Mr. Galaviz has also agreed to work with me to increase participation of his members in the U.S. Small Business Administration's Section 8(a) Contracting and Business Program.

Mr. Galaviz has been recognized with many awards for all his accomplishments. These include: Resolution of Honor by the California State Legislature, Resolution of Commendation from the California State Senate Rules Committee, California Hispanic Chamber of Commerce's Recognition for Building Leadership, and Commendation from the Hispanic Community Affairs Council.

Mr. Speaker, I come before you today to recognize Felix Galaviz for all his achievements and continued commitment to promote and develop Hispanic businesses in our community. I hope you and my colleagues will join me in congratulating this community leader for all his accomplishments and tenacious spirit.

WASHINGTON COUNTY HISTORY COMES ALIVE IN THE HANDS OF SALLY BRILLON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. SOLOMON. Mr. Speaker, I represent a district that is, among other things, one of the most historic in America. We are doubly fortunate to have had one very special lady who has worked tirelessly to preserve and survey our precious historical heritage.

In what must rank as one of the luckiest days in our history, Sally Brillon moved to Washington County, NY, in 1966. A teacher at Abraham Wing School in my hometown of Glens Falls, she also found the time to share her unique insights into our area's past and to take a leadership role in numerous preservation projects.

She became director of the Washington County Office of Information, Tourism, and Historical Preservation. As director, she supervised 200 volunteers in a survey of the county's historic resources. The result, "An Introduction to the Historical Resources of Washington County," was published in 1974.

Budget cuts closed the department, but that didn't diminish Sally Brillon's enthusiasm. On her own, she researched the history of her adopted hometown, Hebron. "Hebron: A Century in Review," a collection of her photographs and essays, was published in 1987.

She has had essays published in the New York State Preservation League's book "Farmsteads and Market Towns, a Handbook for Preserving the Cultural Landscape." She is an officer and past president of the Washington County Historical Society, and played a major role in obtaining the society's headquarters building. She also helped found the Washington County Council on Historic Preservation. The Rexleigh Covered Bridge is only one of the preservation projects on which she has been involved.

Recently, she was the recipient of the prestigious National History Award Medal of the Daughters of the American Revolution.

Mr. Speaker, Sally Brillon is one of those gifted and dedicated individuals who, without much fanfare, make priceless contributions to their communities. She has made our local history come alive, and preserved it for future generations.

Please join me in a grateful salute to Sally Brillon of Hebron, NY.

SALUTE TO CHARLES BUCK OF JEFFERSON, NY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. BOEHLERT. Mr. Speaker, I rise today to commend Charles Buck, a public servant who understands the meaning of the term and has served as Jefferson town supervisor for 20 years. Mr. Buck is a model of civic virtue and hard work, one that we can all do well to emulate.

In honor of his years of service to his town, I presented him with this proclamation on behalf of the Congress of the United States:

Whereas, Charles Buck, since 1935, has been a constant and enduring source of pride and leadership in the community of Jefferson; and

Whereas, Charles Buck, with vision and energy, enhanced and upgraded the educational and public infrastructure of the community; and

Whereas, Charles Buck, as Town Supervisor for Jefferson for over 20 years, has made a lasting difference in the lives of all its inhabitants; and

Whereas, Charles Buck has exhibited profound care and generosity in his gift of a meeting place that now serves as the center for the community's activities and services: Now, therefore be it

Resolved, That the Congress of the United States honor Charles Buck for his civic virtue and relentless responsibility to the community of Jefferson and all those who visit.

In witness whereof, I hereunto set my hand and seal this 30th day of January, 1994.

COLD WAR RADIATION EXPERIMENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 26, 1994, into the CONGRESSIONAL RECORD:

COLD WAR RADIATION EXPERIMENTS

Recent news about cold war nuclear program experiments have shocked many Americans. In the last two months Energy Secretary Hazel O'Leary has produced new information about radiation experiments on hundreds of human subjects and unannounced nuclear explosion tests. A recent congressional report disclosed that the U.S. conducted several nuclear radiation warfare tests by deliberately releasing radioactive gases from its nuclear weapons facilities.

The White House is now directing an investigation of human radiation experiments during the cold war. What began as an effort by Secretary O'Leary to acknowledge and deal with revelations about these experiments is now a government-wide inquiry and could involve many more citizens than the original estimate of 800.

BACKGROUND

Following Hiroshima and Nagasaki, U.S. scientists sought to study the effects of nuclear testing. The advent of the cold war and the USSR's emergence as a nuclear power lent an urgency to these experiments and investigations. Cold war national security also became a justification for widespread secrecy. The combination of secrecy and urgency resulted in questionable, perhaps unethical, testing methods. Congress issued a report on these tests in 1986, but it was not widely publicized, in part because the Reagan administration downplayed its findings.

HUMAN RADIATION EXPERIMENTATION

Revelations about federal radiation experiments on human subjects have drawn the most attention. By various means and in various places people were exposed to radioactive substances as part of early research on the effects of radiation. Although it is too early to draw general conclusions, some of the most cited cases raise troubling questions about this research, including whether many subjects gave their consent or were provided adequate information about what they were consenting to. Other experiments appear to have been for worthy purposes and properly conducted.

The investigation must address several aspects of the experimentation. What was the full scope of the experiments? Was this a controlled and directed process or were the experiments conducted with little overall control or planning? What were the exact purposes of the experiments? Which had well-defined medical and scientific purposes and which, if any, were random attempts to learn anything about the effects of radiation? Perhaps most critical are the questions about the conduct of the experiments. Informed consent is not the only issue. To what extent were minority and vulnerable populations targeted for these experiments? Finally, are there cases that require compensation for victims?

RADIATION RELEASES AND SECRET TESTS

A different line of experiments did not target human subjects but certainly affected them. The Atomic Energy Commission and the military conducted at least 13 deliberate releases of radioactive gases from nuclear materials production facilities between 1948 and 1952. One test in December 1949 released a large quantity of radioactive gas, estimated to be hundreds of times the amount released during the 1979 Three Mile Island accident, from the Hanford Nuclear Reservation in southeast Washington State and spread fallout over thousands of square miles and several cities. Other releases were conducted at the Army's Dugway, Utah site, and the AEC's Oak Ridge facility. Two different purposes motivated the various releases. Some were intended to test the ability of U.S. scientists to detect and monitor Soviet nuclear tests; others were part of the research and planning for a radiation warfare weapon that was never built.

Secretary O'Leary also disclosed information about 204 previously classified nuclear explosion tests between 1963 and 1990. The purpose of the secrecy surrounding these tests is unclear, but probably related to Soviet testing and their ability to monitor our testing program. Apparently the secrecy succeeded with Congress and the press, but not the Soviets. The Soviets always claimed to know that we had set off a much larger number of nuclear tests than we acknowledged—and they were right. These tests, all underground, released relatively little radiation, but combined with the revelation of the deliberate releases, raise anew concerns about the number of Americans indirectly exposed to nuclear radiation by governmental tests.

THE INVESTIGATION

The scope of the investigation is daunting. Secretary O'Leary's revelations were based on part of 32 million pages of secret documents awaiting declassification. Her efforts have led to the creation, by the White House, of an inter-agency task force composed of officials from several federal departments including Energy, Defense, and Veterans' Affairs. The task force is coordinating efforts to gather all evidence of experimentation, and could add significantly to the mountain of material to be reviewed and the number of activities to be investigated. While the focus is on medical and biological research, the investigation seeks information from those who may have been affected by all types of radiation experiments, including deliberate releases of radioactive gases from nuclear facilities.

The information gathered by the search will then be turned over to an independent civilian advisory panel that is being formed this month. The panel will review the evidence and could make recommendations about compensation, where justified. This process could take a year.

CONCLUSION

I support a thorough and complete investigation of all radiation experiments conducted or sponsored by the government. The public has a right to know what happened and real injustices must be rectified. The task force and independent panel have a difficult job, not only in coping with the sheer volume of information, but especially in sorting out fact and fiction, right and wrong, about events that took place often decades ago, under different circumstances, and for which information may be incomplete. While we must recognize that much less was known and understood about radioactivity in the early days and that we have become more conscious in recent years of the harmful consequences of radioactivity, I cannot accept, and do not believe most Americans can accept, that we did not understand at the time the profound wrongs that may have been inflicted on helpless people. Although we all have to reserve judgment, my own view is that probably a terrible wrong was done. I hope that the Administration task force and independent panel are up to their responsibilities and give us an unsparing report.

Persons believing they or a relative were subject to radiation experiments should call the following toll free hotline: 1-800-493-2998.

PROHIBITION OF CIGARETTE SALES TO MINORS IN FEDERAL BUILDINGS AND LANDS ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. VISCLOSKY. Mr. Speaker, today, I am introducing a bill that will help protect our young people from nicotine addiction. This legislation, the Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act, would ban cigarette vending machines in all Federal buildings and lands.

This bill, which is companion legislation to S. 673, introduced by Senator BINGAMAN, has been endorsed by the American Cancer Society, the American Heart Association, and the American Lung Association. This legislation will strike where the majority of people begin smoking—in their adolescent years.

Specifically, this legislation directs the Administrator of the General Services Administration and the head of each Federal agency to institute regulations that would prohibit the sale of tobacco products in vending machines located in or around any Federal building. In addition, this bill would prohibit the distribution of free samples of tobacco products in or around Federal buildings and lands.

Although it is now illegal in all States to sell cigarettes to minors, research shows that vending macines offer easy access for children to obtain this deadly product. While cigarette manufacturers use cartoon characters and beautiful people to make smoking appear attractive, wholesome, and sexy, Congress has a responsibility to prevent minors from obtaining cigarettes in Federal buildings. We have the responsibility to make it more difficult for minors to obtain products that if used as directed will kill them. Over 90 percent of smokers start smoking in adolescence or childhood, and they continue to smoke throughout their adult lives. Each day, more than 3,000 children and adolescents start smoking and collectively smoke nearly 1 billion packs of cigarettes per year. In addition, reliable studies indicate that tobacco use is a gateway to other, more harmful drugs.

Smoking costs the United States $65 billion in health care costs and lost productivity every year. More importantly, our children are being targeted as the next revenue source for tobacco manufacturers. These companies spend over $4 billion a year on advertising and promotion. They must concentrate on young people because older smokers are falling victim to everything from lung cancer to heart disease. It is time to stop the role of vending machines in this distribution of death, and my bill is a good, first step in that direction. I urge your support for this important legislation.

TRIBUTE TO WILLIAM STILWAGEN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to a truly outstanding person, Mr. William Stilwagen, a constituent of mine from Aquebogue, NY, who was recently named to the 1994 All-USA College Academic First Team, by USA Today. After receiving thousands of nominations from our Nation's best universities, USA Today selected Bill as one of only 20 students for this prestigious honor. Mr. Stilwagen's achievement is a tribute to his remarkable character and scholarship.

Mr. Stilwagen's impressive educational record is rivaled only by his commitment to others. Bill served in Vietnam with the U.S. Marine Corps. In 1970, he was a machinegun operator for a helicopter crew located near Da Nang. For his efforts in the Vietnam war, William Stilwagen was recognized with, among other awards, the Air Medal for heroic action, the Bronze Star, the Purple Heart, the Combat Action Ribbon, the Republic of Vietnam's Cross of Gallantry, and New York State's Conspicuous Service Cross.

After the Vietnam war, Bill continued to serve his country and his colleagues in the armed services. He served as cochairman and executive director of the Suffolk County Vietnam Veterans Memorial project. In addition, he served as a State representative in Suffolk County, NY, for the Vietnam Veterans of America.

For years, Bill has shared his insights on the Vietnam war with the public. By speaking in front of universities, high schools, churches, unions, businesses, and civic groups, he has enlightened and touched thousands of citizens. More recently, Bill has focused his efforts on the creation of an adult continuing education course that examines the Vietnam war and its legacy.

Mr. Stilwagen has also contributed to the community through his academic research and publications. After studying the impact of war on Soviet-Afghanistan veterans, Bill developed a self-help manual for their psychological rehabilitation, and his work culminated in a presentation in Amsterdam, before the world conference on trauma and tragedy.

In 1993, Bill worked on what may be his most impressive contribution to society thus far, by examining post traumatic stress disorder and its effects on veterans. Bill concluded that the psychological profiles of combat survivors and child abusers have much in common. In an effort to prevent further child abuse, Bill published a self-awareness guide aimed at helping these affected people to heal themselves mentally.

Mr. Stilwagen's commitment to children has guided him to other activities as well. In 1988, he founded a nonprofit organization for the benefit of children. Furthermore, Bill organized an art contest for sixth-grade children in Suffolk County. The competition urged youngsters to explore its theme of freedom while introducing them to the creative thrill of producing art.

Considering Bill's character and ability, it is no surprise that he also excels in his studies. With a cumulative grade point average of approximately 3.74, Bill was awarded with the SUNY Stony Brook University Association Returning Student Award.

Mr. Speaker, it is my pleasure to honor Scholastic All-American William Stilwagen for his academic achievement and commitment to helping others. I wish Bill the best of luck as he continues his important work. I am proud and honored to know such a capable and hard-working individual.

IN HONOR OF SOTERA VASQUEZ BROWN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Sotera Vasquez Brown's distinguished career of service to the people of Alameda County.

For more than 23 years, Sotera, founder of Spectrum Community Services, has provided food, education and work experience to the needy of Alameda County.

Sotera Vasquez Brown was born in Nuevo Laredo, Tamoulipas, Mexico and was raised in the state of Oxaca, Mexico. While growing up in Mexico, Sotera didn't have the opportunity to go to school and spoke only the Indian dialect of her village.

Sotera, along with her husband, Frederick Brown, and her two daughters, arrived in the bay area after spending a few years in Los Angeles. It was here that Sotera felt a strong need to learn, read and write in English. In 1971, after becoming proficient in English, Sotera used her experiences of learning a foreign language and living in a foreign land to found the Family Tutorial Program—a nonprofit organization that provided language learning services to the low-income, non-English speaking communities of the east bay.

Over time, the Family Tutorial Program grew to become a multiservice organization serving over 20,000 low-income, disadvantaged and senior Alameda County residents annually. In 1986, the Family Tutorial Program changed its name to Spectrum Community Services to reflect the broad range of services the organization now provided. Some of Spectrum Community Services programs include the Training and Education Center [TEC], the Senior Nutrition and Activities Project [SNAP], Word Processing Training [EPT], and the Energy Crisis Intervention Program [ECIP]. All together, the organization has grown from helping 500 people in 1971 to 26,000 in 1993.

While serving as executive directress at Spectrum Community Services, Sotera still found time to earn her G.E.D. [High School Equivalency], a B.A. in Sociology from Cal State Hayward and a special degree in Public Administration, also from Cal State Hayward. On March 11, 1991, Sotera was honored before the State Assembly in Sacramento as the 1991 Woman of the Year for the 14th Assembly District.

The people of Alameda County will miss this dedicated woman who worked tirelessly on behalf of their needs. On February 14, 1994, a celebration will be held at Centennial Hall in Hayward in honor of Sotera, who is retiring after 23 years of service. I want to join with her colleagues and friends in commending Sotera Vasquez Brown for over two decades of distinguished service to the people and the communities of Alameda County.

ROBERT J. SWEET WAS BUSINESS LEADER AND PILLAR IN HIS COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. SOLOMON. Mr. Speaker, our area has lost one of its finest citizens, and I have lost a friend.

Mr. Speaker, you don't replace someone like Robert J. Sweet of Diamond Point, NY. But you can cherish the memory of a man who gave so generously of his time and talent toward making his community a better place. Mr. Sweet passed away on February 5, after a lifetime of civic involvement and of dedication to the lumber industry, an important economic pillar in our area.

In 1941, he founded the R.J. Sweet Lumber Co. in Warrensburg. In 1986, he acquired the Great Eastern Lumber Co. and the North Creek Woodworking Plant. He was chairman of the board at the time of his death. In 1963, Mr. Sweet donated the tree that became the national Christmas tree in Washington.

But Mr. Sweet's contributions did not end there. He was an active member and senior warden of the Saint Sacrament Episcopal Church in Bolton Landing, and served on the finance committee and as a trustee with the Albany Episcopal Diocese.

Like others who have been involved in scouting, I had enormous respect for Mr. Sweet's own involvement, which included serving as district chairman of the Mohican Council Boy Scouts. He received the Silver Beaver Award, the highest honor given to adult counselors in Scouting.

He also served as chairman of the board of directors of the Salvation Army in Glens Falls and was a board member of both the Warrensburg 4–H and the St. Francis Academy in Lake Placid.

Mr. Sweet was a member of Benevolent and Protective Order of Elks Lodge 81 of Glens Falls, the Adirondack Lumberman's Association, and Warrensburg Lodge 425, Free and Accepted Masons, which gave him its Grand Master Service to Youth Award.

And now, Mr. Speaker, I would like this House to pay its own tribute to an outstanding man, a man who had such a positive impact on the business, economic, religious, and civic life of his community. Please join me as I express my regret at the loss of Robert J. Sweet, and my profoundest condolences to Claire, his wife of 53 years, and to the rest of his family.

SALUTE TO A WINNER BOB FAILING OF ST. JOHNSVILLE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. BOEHLERT. Mr. Speaker, I wish to pay tribute to an outstanding businessman in my district, Bob Failing, of Robert C. Failing Inc., St. Johnsville, NY. Robert C. Failing Inc. received the 1992 Chairman's Award from Ford Motor Co., tying for a first-place rating of all Ford dealerships nationwide. On a scale of zero to 10, Bob's operation scored a near-perfect 9.92.

When you talk to Bob about his business, it's easy to see why he has been so successful. He sums up his business philosophy this way: "The quickest way to a successful business is to keep your people happy. And my customers are my people." To that end, he provides excellent service, such as keeping a fleet of used cars available to his customers as free loaners. Anyone who has ever been stuck without a car can appreciate that policy.

Bob grew up around the dealership, which his father founded in 1954, and divided his professional life between running the dealership and teaching elementary school. The business is a family affair, with Bob's wife and son-in-law on staff. Perhaps more telling is the length of service of the extended family of the dealership: the service manager has been there 20 years, the service manager, now in his mid-30s, started out with Failing as a high school student.

Businessmen like Bob Failing keep our economy sound, efficient, and responsive to individual needs. I congratulate him on his accomplishments and on this award.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 29, 1993 into the CONGRESSIONAL RECORD.

WELFARE REFORM

In his first address to Congress President Clinton promised to "end welfare as we know it." The President's pledge reflected the frustrations and hopes of the many Americans who dislike the welfare system. They think it costs too much, encourages prolonged dependence on public assistance, and fails to address the causes of poverty. The combination of raising welfare caseloads and dissatisfaction with the current system has produced initial reforms and momentum toward significant changes in the national welfare system. A presidential task force has been working since June to produce the complete legislative proposal, which is expected to be ready when Congress convenes in January. It is likely that welfare reform will join health care as one of the key legislative efforts in 1994.

Welfare Programs: Welfare is comprised of programs of need-based benefits, in cash and noncash forms, principally Aid to Families with Dependent Children, the Earned Income Tax Credit, Medicaid, and food and housing benefits.

Most of the welfare reform effort focuses on the Aid to Families with Dependent Children (AFDC) program, which is the major cash welfare program for families. Established in 1935, it provides assistance to needy families in which one parent is either absent, disabled, deceased, or unemployed. States administer AFDC and set eligibility standards and benefit levels. States and the federal government share the cost of the program.

After showing little growth for almost two decades, the nation's AFDC rolls surged to record levels between 1989 and 1993, in response to the recession and other factors. Last year the program served a monthly average of nearly 5 million families and a total of 14 million people. AFDC benefit payments totalled $22.5 billion in 1993 with an average monthly family benefit of $377. In 1992 Indiana's AFDC program cost $252 million in state and federal funds and served over 69,000 families with an average monthly payment of $262. The real value of purchasing power of AFDC benefits nationwide declined 40% from 1970 to 1992.

Recent Reforms: The Family Support Act of 1988, the most recent overhaul of the program, requires that all states operate a Job Opportunities and Basic Skills (JOBS) program. The goal is to transform AFDC into a program of preparation for work. The state-designed programs must include educational services, job skills training, and help in finding a job. AFDC teenage mothers without a high school diploma must attend school to receive benefits. Child care is also provided.

Early evaluations of JOBS initiatives, while positive, are tentative due to the recent origins and partial implementation of many state programs. Studies have found limited success in key states such as California and Florida. Florida's pilot version of JOBS, for example, has reduced the number of recipients by about 5 percent with comparable savings in welfare expenditures. My impression is that these programs are working, but require stronger implementation. Indiana's program, known as IMPACT, has placed over 70% of its participants in longer term educational and vocational training programs, and so will require more time before its effects can be assessed.

The JOBS programs have been supplemented by initiatives undertaken in several states to reduce welfare dependence. Among others, California, New Jersey, Wisconsin, and Utah have received exemptions from federal regulations for such changes as ending additional benefits for mothers who have new babies while on aid and relaxing work hour limits that sometimes penalized those just starting to work again. President Clinton favors the continuation of such monitored state initiatives. Also with the President's support, Congress took some steps toward reform in 1993 by sharply expanding the Earned Income Tax Credit (a program targeted to the working poor) and increasing enforcement of child support payments.

President Clinton's Plan: President Clinton's welfare plan will build on the Family Support Act, and will change fundamental aspects of AFDC. His proposal embodies the following goals: make work more financially rewarding than welfare; improve child support enforcement; expand and improve education and training; create a new combination of time-limited benefits and a jobs program.

The key to the President's plan is the proposal to move welfare recipients into the work force as quickly as possible. The Clinton plan is expected to mandate a two-year limit to AFDC benefits for those physically able to work. This limit is then tied to a program of public employment for those who have not found a job by the end of the two-year period. Employment would come largely in the form of community service work and some subsidized private employment. The plan also is likely to include funding for several important components of the JOBS programs, including child care and education, and further efforts to enforce paternal support and reduce teenage pregnancy.

Conclusion: There is significant bipartisan agreement on this new approach to welfare, which emphasizes the reciprocal responsibilities of the system, in which society's obligation to help those in need is balanced by the recipients' obligations to society. This consensus includes the critical importance of education and training, assuring that work pays more than welfare, encouraging two-parent families, strengthening child support, and allowing states flexibility over the administration of policy.

Difficult questions will have to be addressed as Congress takes up the legislation. While nearly everyone wants the two-year limit, the tough part is what happens after that. For example, what will be done for children whose parents refuse to work? Will there be a limit on the eligibility for the jobs program? How much will this program cost compared to present policy and who will pay for it? Should there be a cap on the overall annual growth of welfare spending? Despite these and other important problems, the level of agreement on the basic proposals is encouraging.

This opportunity for significant bipartisan reform could be delayed if welfare reform is pushed aside by the more divisive and difficult debate over health care, but successful welfare reform is important enough that the President and the Congress should proceed only when they are free to give welfare reform the attention it deserves. Nevertheless, the opportunity is there to produce substantial improvements in the welfare system, improvements that could save money over time, not by curtailing our commitment to help those in need but by enhancing the ability of those in need to end their dependence on welfare.

DR. RAFFY HOVANESSIAN HONORED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate Dr. Raffy Hovanessian, from Munster, IN, who was recently honored with the St. Nersees Shnorhali medal and encyclical from his Holiness Vazken I, Catholicos of All Armenians. Dr. Hovanessian was honored for his more than 30 years of devoted service to his church, community, and Nation.

At a time when the evening news is filled with reports of the crumbling of our social bedrocks like family, church, and community, Dr. Raffy Hovanessian's more than 30 years of service burns brightly as a shining example for the Chicago metropolitan area and the Nation. It is crystal clear that his work and service make northwest Indiana a better place to live.

The official presentation was made at the 10th anniversary banquet of the Sts. Joachim and Anne Armenian Church in Palos Heights, IL, by Archbishop Khajag Barsamian, Primate of the Diocese of the Armenian Church. In his address to the parishioners, the Primate emphasized just how fortunate the young people are to have such a wonderful example set by Raffy Hovanessian's leadership and service.

Dr. Hovanessian's dedication to his people is well known throughout the Armenian community. Born in Jerusalem 55 years ago, he has been deeply involved in Armenian activities from his earliest days as a student of medicine at the American University of Beirut, where he founded the Armenian University Students' Association of Beirut, which is still active today. Emigrating to the United States in 1965 with his family, he studied at Johns Hopkins Medical School, and served in the U.S. military.

For the last 23 years, this devoted son of the Armenian people has given dedicated service and been a generous benefactor to the Chicago Armenian community. He has been intimately involved with the Sts. Joachim and Anne Armenian Church from its inception, donating generous contributions to its construction, including Hovanessian Hall. A Diocesan delegate for 15 years, he has served as chairman of the Diocese Assembly for 2 years, and as a board member of the Armenian Church Endowment Fund as well as the St. Nersess Armenian Seminary.

Dr. Hovanessian's concern for his homeland has been just as extensive as his devotion to his church. He has served as leader for fundraising efforts for the victims of the Armenian Earthquake, for Karabagh and for the Winter Rescue Program. His long list of activities includes being a member of NAASR, the Knights of Vartan, the Armenian Missionary Association, the AGBU International Board, and the Armenian Assembly Board of Trustees. He has also worked at the congressional level to seek United States support for Armenian issues.

In his specialty of internal medicine, Dr. Hovanessian has also made a name for himself. He is a member of the Medical Honor Society, and sits on several professional boards. His brother, Dr. Ara Hovanessian, is a world famous pioneer in AIDS research.

In 1983, Dr. Raffy Hovanessian was named a Prince of the House of Cilicia by Catholics Karekin II of Cilicia, and that same year was awarded the Golden Heritage Award by the NAACP.

Dr. Hovanessian's family includes his wife Vicky, who in her own right has given extensive and exemplary service to her church, community, and Nation. The Hovanessians have three children: Armen who is studying to continue his family tradition and become a doctor; Ani who is doing postgraduate work in international law; and Eileen, a student at Tufts University.

TRIBUTE TO BROOKS HENRY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. COYNE. Mr. Speaker, I want to pay tribute today to Brooks Henry for his years of public service to his community. Brooks has played an active role in serving the people of his community for over 50 years.

Brooks Henry started in business with Dyke Motor Co. in 1934. During World War II, he left Dyke Motor Co. to work with the Pennsylvania Railroad until 1945 when he returned to the Dyke Motor Co. Brooks Henry made major contributions to the operations of Dyke Motor over five decades and retired from this firm at the end of 1992.

Brooks Henry has also given a lifetime of service to the people of Kennedy Township. Brooks ran for the office of constable in 1949 and held this position from 1950 to 1956. His record of service to the well-being of his fellow citizens earned him the respect and gratitude of the people of Kennedy Township.

As a result of his record of public service, Brooks Henry was successful in 1957 when he campaigned for the elected position of tax collector. Brooks took office as Kennedy Township Tax Collector in 1958 and held that position until 1993 when he retired after many years of receiving the public support of the voters of Kennedy Township.

An outstanding record of public administration characterized Brooks Henry's years of service as Kennedy Township Tax Collector. It must be noted that the delivery of public services depends on the ability of a community to finance the cost of those services. The fair and efficient collection of revenue is a vital part of a community's existence. During decades of shifting industrial patterns and economic trends, Brooks Henry performed one of the central functions of local government as the collector of public revenue. Brooks Henry's efforts helped to ensure that the local government in Kennedy Township operated on sound business principles to the benefit of every resident in his community.

Brooks Henry was born in Sheraden, PA, and moved to Kennedy Township in 1948. He attended Langley High School. Brooks and his wife Betty have five children. He has also been a member of Kenmawr United Presbyterian Church since 1948.

Mr. Speaker, I am proud to represent a man like Brooks Henry in the U.S. House of Representatives. This gentleman has shown his commitment to serving his community and his many years of outstanding public service should stand as an inspiration to everyone who holds elected office.

HEAD START REAUTHORIZATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. GOODLING. Mr. Speaker, today I am pleased to cosponsor the Head Start Act Amendments to 1994. This bill represents an interbranch, bicameral, and bipartisan proposal for the reauthorization of the Head Start Program. I think this is a result of the special nature of Head Start, but it's also largely due to the willingness of the administration and congressional Democrats to hear the message that I and my Republican colleagues, including Congresswoman MOLINARI and Senator KASSEBAUM, have been preaching for many years now. That message is that the services provided by Head Start must consistently be of the highest quality, and that the level of parent participation in the program must be greatly enhanced.

Congresswoman MOLINARI and I, along with other colleagues, have collaborated within the last year on two pieces of legislation that call for bold reforms in Head Start. They are the Head Start Quality Improvement Act (H.R. 1528) and the Head Start Enhanced Parental Involvement and Family Literacy Act (H.R. 3798).

The Quality Improvement bill would require the Secretary to establish minimum levels of quality to be maintained by all grantees, and to enhance monitoring efforts to assure compliance with these standards. If a grantee fails to meet the minimum standards, the Secretary would provide necessary training and technical assistance to assist in the effort to correct the problems. However, if within 1 year the deficiencies have not been eliminated the Secretary would be required to terminate that grantee. The bill also streamlines the terminations appeals process to avoid prolonged court battles and speed the transition from terminated poor performers to organizations that can operate the program at a sufficiently high level of quality.

The enhanced parental involvement and family literacy bill would require Head Start programs to actively seek the participation of parents in activities designed to help them become full partners in the education of their children. Head Start programs also would be required to provide family literacy services, parenting skills training, and other services to assist parents in assuming their role as their child's first teacher.

Virtually all the ideas and concepts contained in these two bills, and in fact some large chunks of actual legislative language, are incorporated into the legislation we are introducing today. So again, I am pleased to cosponsor this bill.

Mr. Speaker, I am particularly pleased that this reauthorization proposal includes the provisions from the Enhanced Parental Involvement and Family Literacy bill, because those provisions are directed at the resource that is limitless with regard to furthering a child's education, and which will continue on once the child has left Head Start. I am talking about parents.

I know the parental involvement component of Head Start is one of the pillars upon which the program was founded, and that parents that take advantage of it are positively affected by it. But we must do more, because for every parent that does get involved there is one who doesn't. And so, as I said those provisions of the bill will require Head Start programs to take measures to increase the level of parental involvement so that Head Start will become a truly intergenerational program.

I originally wanted to place the requirement to get involved upon the individual parent, instead of on the program. I still feel that this is the way to go, because it is time that we make these parents, who receive the benefit of enrolling their children in Head Start, step up and take responsibility for rearing and educating their children.

However, requiring programs to seek parental involvement is the common ground upon which everyone can agree, and so we have incorporated that concept into our bill, with the realized expectation that it would be picked up in this bipartisan reauthorization package. I want to make it clear, however, that I, or perhaps one of my colleagues, may attempt to amend this reauthorization legislation at a later stage to shift the requirement to the parents.

Beyond enhancing parental involvement, our bill, and the reauthorization legislation, also injects the notion of family literacy into the Head Start statute for the first time. As the primary congressional supporter of Even Start, the Federal family literacy program, I am convinced that this type of service would further improve the quality of Head Start programs.

Family literacy is an approach to breaking the pattern of undereducation and poverty in the Nation that is passed on within the families from one generation to the next. It integrates adult literacy instruction and early childhood education to address the needs of the entire family, rather than isolated individuals within it. Family literacy is based on the premise that parents and children can learn together and enhance each other's lives. It restores the family as the center for learning.

When parents and children learn together, an attitude of appreciation and respect for education are modeled for the children that paves the way for school success. At the same time, parents acquire new skills for work and home and a new appreciation of their role as the first teacher of their children. The family is strengthened by supporting the parents as the first and most important teachers of their children, and by developing positive and supportive attitudes about schooling, the work and joy of learning, and the connection between education and the quality of life.

One other aspect of this reauthorization bill that was borrowed from us is that, in addition to family literacy, Head Start programs would be required to provide parenting skills training and other activities designed to help parents become full partners in the education of their children. Parenting skills training goes hand-in-hand with the concept of enhanced parental involvement. All parents must cope with the stress of everyday life, and often that stress is greater for low-income parents. Parenting skills training would help these parents to look past other problems and concentrate on effective techniques for interacting with their children.

Mr. Speaker, in closing, I want to express my appreciation to Congresswoman MOLINARI and my other Republican colleagues for working closely with me on this important issue, and to the administration and my Democrat colleagues for the bipartisan nature with which they have approached this reauthorization.

TRIBUTE TO REGINE PONTIAC

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. MACHTLEY. Mr. Speaker, I rise before this body today to announce that a local car dealership in Rhode Island was recognized as a recipient of the 1994 Time Magazine Quality Dealer of the Year.

This prestigious award is given to those few dealerships who have demonstrated a commitment to excellence while distinguishing themselves as a leader in the community. I am very proud to honor Regine Pontiac of Providence and their president, Louis Regine, on receiving this award.

Regine Pontiac has been a valued member of the Rhode Island business community since 1929, making it one of the oldest dealerships in the United States.

Throughout the years, Regine Pontiac has been a cornerstone of Rhode Island's business community. Their participation in many charitable events also represents their commitment to the well-being of Rhode Island.

In a time where small business owners are struggling to stay afloat, Louis Regine has managed to excel.

Through his dedication and hard work, Regine Pontiac continues to maintain a high level of service for his customers while providing jobs for Rhode Islanders.

He and his company are to be congratulated for a job well done.

PROVIDENCE DEALER HONORED BY TIME MAGAZINE

LOUIS REGINE, III RECEIVES 1994 AWARD

SAN FRANCISCO, CA.—TIME Magazine has named Louis Regine, III, President of Regine Pontiac, Inc., in Providence, Rhode Island, as a recipient of the 1994 TIME Magazine Quality Dealer Award (TMQDA). The announcement was made January 29th by John E. Haire, Publisher of TIME Magazine, and Bruce A. Brown, VP Original Equipment Sales, North America of the Goodyear Tire & Rubber Company, during the National Automobile Dealers Association (NADA) Convention in San Francisco. Mr. Regine and other award winners were honored at the opening business meeting of this year's NADA Convention, attended by more than 20,000 individuals involved in the automobile industry.

Mr. Regine is one of only 65 dealers to be nominated for the magazine's national award during this, the award's silver anniversary year. Sponsored in association with Goodyear and in cooperation with the NADA, the annual TMQDA program recognizes outstanding new car dealers for exceptional performance in their dealership and distinguished community service. Winners are selected by a panel of faculty members from the University of Michigan Graduate School of Business Administration. In acknowledgement of the University's participation, TIME Magazine makes an annual grant of scholarship funds to the Graduate School of Business Administration in the names of TIME, Goodyear, NADA and all TMQDA winners.

A native of Providence, Mr. Regine began his professional career in 1974 as a Loan Officer with the First Hawaiian Bank in Honolulu, Hawaii. One year later, he returned to Providence to work at his family's dealership, founded in 1929. In 1986, he became the President of Regine Pontiac.

Nominated to receive the 25th annual TMQDA by the Rhode Island Automobile Dealers Association, Mr. Regine has been a member of that organization since 1986 and is currently its President and a Member of its Board of Directors. In addition to participating on dealer councils, Mr. Regine belongs to the New England Pontiac Dealers Association, and sits on its Board of Directors. He has been honored with numerous awards during his career, including the Pontiac 5-Star Service Excellence Award and the Pontiac Master Dealer Award.

In 1991, Mr. Regine was appointed by the Governor to serve on the Rhode Island Dealer License and Hearing Board, the group charged with regulating the business practices of dealers and manufacturers.

A graduate of Brown University, Mr. Regine resides in Lakeville, Massachusetts. He has two children, Meredith and L.J.

CONTROLLING EARMARKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 5, 1994, into the CONGRESSIONAL RECORD:

CONTROLLING EARMARKS

One of the most common complaints I hear from Hoosiers is that Congress needs to cut "pork barrel" spending—the Lawrence Welk boyhood memorial, the Steamtown Railroad Museum, a proposal to turn the northern lights into an energy source, and unneeded road or water projects. Typically this spending comes from special interest provisions, known as earmarks, which are included in congressional spending bills. Studies indicate that the quantity of earmarked funds has increased during the past decade.

Earmarks direct the federal government to provide funds to a particular group, industry, or geographic area. Many of these earmarks provide funds to worthwhile projects and thus improve public policy. But others allocate federal dollars to wasteful, pork barrel projects, and are primarily the result of efforts by Members of Congress to benefit their constituents at the expense of the nation as a whole. The earmarking process in Congress should be reformed to help ensure that only worthwhile projects are funded.

BACKGROUND

There is no commonly accepted definition of what constitutes pork barrel spending. Many individuals tend to view special interest projects that help them as worthwhile, but view similar projects that help others as suspect. A levee along the Ohio River may be important, even vital, to an Indiana community, but could be seen as unnecessary and wasteful by a Californian. And some of the concern about pork barrel spending no doubt can arise from misleading characterizations of projects. For example, most people would question the value of studying the properties of molds, but such research led to the discovery of penicillin.

To curb wasteful programs, Congress is supposed to review proposals for spending twice. First, it must authorize funding for the project (i.e. set policy goals and funding limits for the project). Second, it must appropriate funding for the project (i.e. actually allocate money for it). Some special interest projects pass even though they receive full review during the authorization and appropriations processes. But too often Congress appropriates money for a project without the necessary authorization, making it more difficult to screen out wasteful projects. Furthermore, many special interest provisions appear only in the explanatory report that accompanies a spending measure. And pork is not found only in spending bills. Tax bills, for example, often contain loopholes that reduce the tax burden on particular individuals, firms, or industries.

ANALYSIS

Many earmarks have significant policy benefits—for example, funds are often earmarked to deal with floods and other disasters. Congress typically appropriates money for large categories of spending called appropriations accounts, such as the construction account in the Corps of Engineers budget. But sometimes it is necessary to target expenditures to specific projects. Members of Congress are usually more familiar with the day-to-day needs of their constituents than are executive branch officials, who must deal with the entire country. Not all public policy details should be delegated to the executive branch.

But the excessive use of earmarks by Congress results in wasteful spending and reduced accountability in government. Earmarks often are buried—some would say hidden—in huge omnibus bills or reports, making it difficult for Members to discern good earmarks from bad. One example was the proposed memorial to Lawrence Welk in North Dakota (funding for this project was eventually eliminated). Nothing is more frustrating for Members than to vote for major national legislation, only to discover later that it also contained obscure pork barrel items such as the Welk project.

Another reason why earmarks do not receive full review by Congress is that many are placed in the explanatory reports that accompany spending bills. These reports, which are written by staff members of the Appropriations Committees, are primarily intended as background information about a bill and are not binding. They are not considered formally by the full House or Senate, and conceivably could be ignored by the executive branch. In practice, however, it is difficult for executive branch officials to ignore the explicit directions of the Appropriations Committees because of the power that appropriators have over agency budgets.

In recent years, particular attention has been paid to so-called academic earmarks, which target research and development funds to particular colleges and universities. Last year approximately $750 million was earmarked for academic institutions, most of it through committee report language. Many observers criticize academic earmarking because it circumvents the usual "peer review" process through which research and development proposals are evaluated by experts in the relevant field.

RECOMMENDATIONS

A number of recommendations are under discussion in Congress to deal with the problem of excessive earmarking—and through it the problem of pork barrel spending. Some propose that earmarks simply be abolished. My sense is that a complete ban on earmarks would be overly rigid. As mentioned, some earmarks are worthwhile, and our goal should be to screen out the wasteful earmarks rather than abolish them all. Vice President Gore's commission to "reinvent government" (the National Performance Review) proposes that executive branch agencies pay less heed to earmarks included in appropriations report language. This may help, but by itself cannot solve the problem of wasteful earmarks. There still will be substantial pressure on agency officials to follow these directives. Additionally, Congress itself should play a role in curbing wasteful spending by scrutinizing more carefully spending for locality-specific projects. In recent years, Congress has begun to vote more frequently on specific projects with the result that some have been eliminated.

The most effective method for reducing wasteful earmarks may be to open up the earmarking process to better scrutiny by Members of Congress, the media, and the public. The Joint Committee on the Organization of Congress, which I co-chaired, proposed that all earmarks be listed clearly in the reports accompanying authorization and appropriations measures. That means that before a spending bill is considered on the floor, all Members of Congress, as well as the media and the public, would know exactly what special earmarks are contained in the bill. All loopholes in tax bills should be similarly identified in the accompanying report. Exposing earmarks and other special interest provisions to fuller scrutiny will force proponents to justify them publicly and help ensure that fewer wasteful programs will pass. Sunshine is still the best disinfectant for wasteful proposals.

CONGRATULATIONS TO THE EATON CORP.

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I am pleased to bring to your attention a stellar example of industrial productivity, efficiency, and fiscal success in these troubled economic times. A Fortune 100 company, the Eaton Corp. employs 52,000 people in plants worldwide and has selected the Saginaw, MI, plant as 1 of 6 recipients of the Eaton Quality Award.

Emphasizing a customer approach, the Eaton Quality Award reflects a strict assessment of productivity, long-term growth, and most importantly, goal realization.

The engine components division of Saginaw employs nearly 550 people, and as evidenced by their dramatic, 50-percent increase in sales during the past 3 years, they have demonstrated an ability to provide and reflect excellence through cooperation, friendship, and most importantly a passion to succeed.

This award truly represents the initiative, dedication, and abilities of the American worker. With many firms cutting labor costs to remain competitive, one need only look to the Eaton Corp. and their engine components division of Saginaw to understand the true value of our work force and realize there is no substitute for the American worker.

Yet as in all successful endeavors, the means to success must lie in a fusion of motivated, highly talented individuals with the intangible notion of empowerment and teamwork. Mr. Speaker, it is with great pride that I salute the management and staff in the Eaton Corp. family as they lead our manufacturing economy into the 21st century.

A SALUTE TO MEL WEINSTEIN

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. COYNE. Mr. Speaker, I want to salute today Mel Weinstein for his many years of service to the people of Allegheny County. Mel has been a leader in both the business and civic life of the communities of Allegheny County for over 35 years.

Mel Weinstein has served for over 35 years in progressive managerial and administration positions with major steel producing companies in southwestern Pennsylvania. His work in the steel industry resulted in his receiving numerous managers awards for cost reducing ideas and the implementation of programs saving thousands of dollars.

Mel has also been elected as a Kennedy Township Commissioner to serve five consecutive terms over the past 20 years and has the distinction of earning more votes with each passing election. Mel has provided Kennedy Township with outstanding leadership as a chairman of the board of commissioners. He has also served as financial/public safety commissioner, vice-chairman and road commissioner. Mel is also a past executive board member of the council of governments, where he served as treasurer. He currently holds the position of tax collector for Kennedy Township.

In addition, Mel Weinstein has also given generously of his time and energy to a number of local civic organizations. Mel is a former chairman of the Kennedy Township Democratic Committee and has continued to serve as an elected Democratic committeeman for the past 14 years. In addition, Mel was the 1988 United Way corporate fund raising chairman. He has also coached for 10 years in both Kennedy Township little league and Kennedy Township girl's softball. Mel's work with young people also includes active support and leadership roles with the Boy Scouts of America and he was named Allegheny County Boy Scouts' Man of the Year in 1975 for his service to this outstanding organization. Mel is also an active member of St. Malachy's Church, where he has served as President of St. Malachy's PTG and currently serves as Eucharistic Minister.

Mel was born and raised in Stowe Township, a community to the west of the city of Pittsburgh. He graduated from Stowe High School in 1956 and LaSalle University School of Business in 1971. Mel and his wife Jacqueline have three children and are the grandparents of five.

With his outstanding record of public service, it is appropriate that Mel Weinstein has been named Kennedy Township's Man of the Year in 1991, 1992 and 1993. Mel has given much to his local community and I know that his fellow citizens appreciate Mel's commitment to working for the improvement of the quality of life in Kennedy Township and the greater Pittsburgh area. I am happy to join with my constituents in saluting Mel Weinstein.

SURGEON GENERAL LACKS CREDITABLE LEADERSHIP

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. SOLOMON. Mr. Speaker, in the January 30 issue of the New York Times Sunday Magazine, our Nation's Surgeon General commented on her ongoing crusade to promote the use of condoms.

She said—and let me quote her:

> If I could be the "condom queen" and get every young person who is engaging in sex to use a condom in the United States, I would wear a crown on my head with a condom on it! I would!

That came right out of Joycelyn Elder's mouth, my friends. And it really bothers me. Because of her obsession with condoms, the public doesn't take seriously anything Dr. Elders says about other alternatives to preventing diseases and avoiding unwanted pregnancies. How can our Nation's leading health figure be effective if she only portrays to the public her special agenda, one that focuses on condoms and ignores personal responsibility.

In addition to her lack of credible leadership, our Surgeon General throws up her hands in defeat when faced with the tough social problems facing our Nation. She urges surrender in the drug war by advocating legalizing drug use. When it comes to unwanted pregnancies, Dr. Elders urges abortions and the use of condoms as a substitute for moral leadership.

Mr. Speaker, it's getting high time that Dr. Elders, the self-proclaimed condom queen, do the only sensible thing and step off the throne.

HONORING DR. ELBERT W. FRIDAY, JR., DIRECTOR OF THE NATIONAL WEATHER SERVICE, EXECUTIVE OF THE YEAR—1993

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. BROWN of California. Mr. Speaker, on Friday, February 4, 1994, Dr. Elbert W. Friday, Jr., Director of the National Weather Service [NWS] was honored as Executive of the Year for 1993 by the Federal Executive Institute Alumni Association [FEIAA]. The FEIAA is one of the primary educational institutions for developing executive leaders in the Federal, State and local governments. The honorary award recognizes executive leadership of an organization which produces substantial, innovative achievements, resulting in high-quality public service.

Dr. Friday was selected as Assistant Administrator for Weather Services at the Department of Commerce's National Oceanic and Atmospheric Administration [NOAA] in March 1988. Dr. Friday, received his bachelor of science degree, with special distinction, in engineering physics from the University of Oklahoma in 1961. He was selected for an Air Force scholarship in 1966 and completed his master's degree in 1967 and his Ph.D. in 1969. Both graduate degrees are in meteorology and both were earned at the University of Oklahoma. He was a distinguished graduate of the Air Force Command and Staff College in 1972 and graduated from the Air War College in 1976.

As Director of the National Weather Service, Dr. Friday is overseeing the most fundamental change in its history that, when accomplished, will yield revolutionary improvements in its capabilities to provide weather services. Modernization of the Weather Service involves new observational technology, powerful new information and forecast systems, and a new organizational structure. It will provide a dramatic improvement in weather services to the National Weather Service, including more accurate and timely predictions of those weather events that have regular and dramatic impact on both private and public activities.

By the turn of the century, the initial phase of modernization will be complete. This phase includes the installation of new weather technologies at 116 weather forecast offices in the United States and Puerto Rico, and 13 river forecast centers in the United States. New technologies at these offices will include: First, advanced Doppler radars capable of detecting severe weather; second, automated surface observing systems providing hands-off 24-hour-a-day weather information at 1,000 stations across the Nation; and third, weather information processing systems capable of integrating, displaying, and communicating large data streams from various sources.

In addition to the technologies at the local weather offices, other new technologies are to be deployed during the modernization process. Advanced instrumentation onboard new geostationary satellites will offer higher time and space resolution of developing weather systems, and onboard new polar orbiting satellites will provide improved measurements of atmospheric conditions such as temperature and humidity. Acquisition of new-generation computers will process the increased data flow of the modernization and carry out the computations required for the new generation of sophisticated models.

With the NWS modernization progressing well, the incremental costs of improving prediction services to a range of weather dependent sectors of the economy become relatively insignificant. Such advances during the next years will focus on the following industrial sectors:

Aviation.—Where weather induced delays cost the airline industry $1.5 billion annually, or 45 percent of the industry's aggregate $10 billion in losses over the last 3 years.

Marine transportation.—Where 98 percent, by weight, of the Nation's international commerce is conveyed.

Agriculture.—Where adverse environmental conditions cost the industry over $20 billion annually, more than the value of the entire U.S. corn crop.

Wildfire control.—Where the 1991 East Bay Hills, in the San Francisco Bay area, fire destroyed over 3,000 dwellings and caused $1.5 billion in damages.

Surface transportation.—Where traffic accidents caused by adverse weather conditions take 5,000 American lives each year.

Thanks to Dr. Friday and his many capable employees of the National Weather Service we have and are working toward understanding and predicting weather, climate, and the state of the Nation's rivers that have never been more important to the people of the United States and the world. This is no easy job as I am told the United States experiences more hazardous weather conditions than any other country in the world, and that we can expect a staggering assault from over 10,000 violent thunderstorms; 1,000 tornadoes, and several hurricanes each and every year. I join with the FEIAA in honoring Dr. Friday and his distinguished career in the Federal Government.

IMMIGRATION MORATORIUM ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. STUMP. Mr. Speaker, today I am introducing the Immigration Moratorium Act of 1994. The bill proposes that after two decades of unprecedented levels of legal and illegal immigration to the United States we declare a temporary pause and reform our failing immigration policies, which have been virtually abandoned and are not being enforced.

Few can dispute that our immigration policies are no longer serving the interests of the United States, the American people, or, for that matter, immigrants. At the current pace, the United States admits almost 1 million legal immigrants per year. Since 1970, 19.3 million immigrants have settled in the United States. Needless to say, illegal immigration has also skyrocketed. Every year, the INS apprehends more than 1 million aliens attempting to illegally enter the United States. According to INS figures, roughly three times as many successfully cross our land borders.

Mr. Speaker, many in this body may view a moratorium as a radical idea, not worthy of national debate, or feel that the proposed moratorium ignores or belittles the contribution that immigrants have made and make today to our Nation. Nothing could be further from my intent. It is not my intent to diminish the vast contributions immigrants made in helping to build this country, and are making today. Rather, it is my intent to recognize the existing realities that we have lost control of our borders, that our immigration policies are in need of urgent repair and that the long-term trend of both legal and illegal immigration has placed a near insurmountable burden upon our finite ability to absorb and make welcome those who wish to join us as Americans.

We simply cannot continue to ignore the stress that unchecked immigration has placed upon many of our States and urban areas or their social, educational, and health care systems. Nor can we ignore the fact that immigrants themselves suffer under the existing system due to the lack of resources needed to help them assimilate. Studies indicate that a U.S. moratorium on immigration would yield highly positive gains by allowing the 20 million immigrants, now within our borders, time to assimilate into the mainstream.

Statistics show that the present levels of immigration to this country have posed some very serious problems. Some of the astonishing facts are:

According to economist Donald Huddle, the 1992 cost to taxpayers of public assistance for the 19.3 million immigrants who have settled here since 1970 was $62.7 billion—$42.5 billion more than the immigrants paid in taxes.

Immigrant use of the Supplemental Security Income Program has jumped 370 percent in 10 years.

Public assistance benefits—such as health care, welfare, education, and housing—paid to illegal aliens cost American taxpayers $10 billion per year, $7.6 billion more than illegals have paid in taxes.

Asylum claims have gone from 5,801 in 1979 to a record 147,000 in 1993. In 1992, 52 percent of asylum claimants failed to appear for their asylum hearings and we have no way to track them down in order to expel them from the country.

In 1992, 65 percent of the births in Los Angeles County hospitals were to illegal aliens.

More than 450,000 criminal aliens are currently imprisoned, on probation, or on parole in the United States, and Federal and State prisons spend $723 million per year on illegal aliens in prison.

Several States, including my State of Arizona, have vowed to sue the Federal Government for reimbursements for services it provides to illegal immigrants.

Americans have overwhelmingly voiced their desire to regain control of our borders and place strict limits on legal immigration. I believe that my bill is a responsible way to address their desire. The Immigration Moratorium Act of 1994 would continue to allow the immigration of spouses and minor children of U.S. citizens, legitimate political refugees, and those who have been waiting in the backlog for more than 10 years to come to the United States.

In an effort to combat illegal immigration, my bill would eliminate many of the magnets responsible for the crisis. It would reform our asylum system, stop the payment of Federal welfare and unemployment benefits to illegal aliens, end the guarantee of automatic-birthright citizenship, and increase border security.

It is time for a moratorium, a temporary timeout, from the unmanageable social and fiscal burdens that are a result of today's extraordinary levels of legal and illegal immigration. I hope that my colleagues will join me in this effort to restore a sense of responsibility to our immigration system.

PUBLIC CYNICISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, January 12, 1994, into the CONGRESSIONAL RECORD:

PUBLIC CYNICISM

The headline of a major national newspaper caught my eye. "Mistrust of Washington Spreads Across the Country." It is easy to see why people distrust Washington. Most Americans lead very busy lives which permit only limited attention to politics. But they hear and see plenty to worry them. Stories of Washington's stupidity and self-interest are abundant. As one constituent put it to me the other day, "You certainly are a bunch of idiots up there." A large number of people simply believe that politics, particularly as practiced in Washington, is fundamentally corrupt.

Sources of Cynicism: Most surveys today show that large segments of the electorate are deeply angry at government and that the politics of discontent is very much a part of contemporary politics.

Americans certainly have a lot to be cynical about. Government deficits, wasteful spending, the personal lives of many politicians, Watergate, Iran-contra, and bungled policies give them plenty of ammunition. So the voter is often angry and disillusioned, and it is not difficult for various people to play upon this unhappiness and amplify it.

Politicians contribute to the problem by spending much time attacking each other and each other's motives. Political campaigns use TV and print ads to attack opponents, and the political combat, which used to be restricted to election time, seems to go on all the time now. Members of Congress often run for Congress by running against it.

Many interest groups have developed direct mail techniques to an art form and use heated rhetoric to convince people that they are being endangered by sinister politicians. Millions of pieces of direct mail go out every month soliciting funds and playing upon the hopes and the fears and the checkbooks of Americans. A whole industry is built on portraying government as corrupt. The more these industry groups can persuade people of official deception and bungling in Washington, the more money they can raise to carry on their campaigns for whatever objectives they seek.

The national media seem to enjoy nothing more than attacking prominent politicians and criticizing every misstep by the President or the Congress. Political coverage has become much more negative in the past several decades. TV journalism today is filled with programs whose purpose is to show how bad the system is and to highlight outrageous events. It is no wonder that people think there is nothing right with the system at all. Many of the most popular commentators are people who have mastered the sound bite and are able to make hard-hitting observations, but who really do not spend much time talking about the complexity of the problems or the difficulty of the solutions.

Sorting through all of the available information is a tough job for any voter. More information does not always lead to more understanding. Many people would say that it is ultimately the voter's responsibility to pay attention to the process and to decide among the charges and countercharges what is true and important and what is not. For most voters the political combat leaves a blur of evidence that government just does not work very well. They hear bits and pieces from television and read snatches of reports in the print media, but it is very hard for them to put it all together. They have very little opportunity to hear about or see much of the hard work and effort that goes into the process of government in Washington.

Consequences of Skepticism: Everyone would acknowledge that skepticism about government is healthy. The difficulty arises when the skepticism is so deep that voters end up with no faith or trust in government. Our government's institutions in the end are based on people's faith in them, and without that faith they simply cannot work properly.

This climate of cynicism and skepticism—which politicians themselves have done much to create—makes it very hard to bring about change in the system. It is difficult to launch a new initiative today to meet a pressing need because of the depth of public cynicism about government. Not long ago I asked a group of Hoosiers to name a government program that they thought worked pretty well. No one offered any example, not even older people in the group who cash a social security check every month.

It is almost impossible to persuade voters today that there are politicians who are seeking to bring about change for the public good and are not just working for some personal advantage. We live in a time when there has been an increase over three or four decades in the amount of skepticism and cynicism about politicians. All of us engaged in the political process find it difficult to function in the present climate in which our character, values, and motives are always suspect.

The largest danger of this deep-seated cynicism is that it undermines principled and reasoned discussion and democratic deliberation. The cynic takes the words and actions of a politician and, rather than discuss and debate those words and actions, simply attributes them to an effort by the politician to serve his own interest and to suit his own purposes. The cynic is always looking for something nefarious behind the words and actions of the politician; for example, a politician opposes a certain bill not because he has a principled view in opposition to it but because of his ambition to gain higher office or because he has some financial interest involved or because he has been bought off by special interests. It has become harder and harder for the voter to believe that a politician advocates a certain course of action simply because he believes in it.

This is not to say that politicians do not behave in ways that foster cynicism. Voters would be foolish indeed to take everything they hear at face value. But it is also true that if voters judge everything on the basis of hidden motives we never get around to discussing the substance of an issue. It is much easier to attack the politician for being unprincipled and having nefarious motives than it is to discuss the merits of the issue.

One of the most difficult tasks of a politician today is to try to bring out the best in the country and the best in people. In the present climate it is not easy to elevate their thoughts and to make them believe that good things are possible.

CONGRATULATIONS TO FORT HOWARD EMPLOYEES

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. ROTH. Mr. Speaker, I rise to share with my colleagues the fact that on February 17, 1994, the employees of Fort Howard Corp. will celebrate the 75th anniversary of the founding of this outstanding paper manufacturing company as job-creator, paper manufacturer, and civic and community leader. Congratulations certainly are in order.

Fort Howard Corp. has been an integral part of Green Bay since 1919 and is in no danger of ever being taken for granted. The company's outstanding civic and community leadership as well as its pace-setting initiatives in the paper industry are widely recognized and are almost beyond measure.

How fortunate northeast Wisconsin is to have in Fort Howard a company we can count on. So many cities and communities are vulnerable to roller-coaster booms and busts when major employers abruptly lay off workers, move out, or simply go broke.

In contrast to such situations, Fort Howard offers so much more. The company revels in its employees and their accomplishments.

The company boasts of employee teamwork and commitment to manufacturing quality products for its customers. In company publications, it proclaims: "Through our employees we have been successful".

That is indeed appropriate recognition of Fort Howard employees' contributions of skill, talent, experience, and enthusiasm.

Let the record speak for itself:

Fort Howard, in providing more than 3,000 vital jobs here in Green Bay, is the area's largest employer.

The corporation has not had a layoff of workers in more than 40 years.

It is known for its salary and benefits package as well as for its stability of employment.

Fort Howard's Green Bay operations generate an annual economic impact of more than $500 million in Wisconsin, not even counting the 1992 expansion at the Green Bay mill.

Fort Howard is recognized for its strong environmental commitment. The corporation was the very first recipient of the Environmental Protection Agency's Administrator's Award in 1991 in recognition of Fort Howard's national recycling leadership.

Fort Howard manufactured the first nationwide brand of tissue products made from 100 percent recycled fiber, the "Green Forest" brand. In addition, the company was the first to manufacture a line of tissue products, the "Envision" brand, that met or exceeded EPA guidelines for post-consumer content.

The company is the largest manufacturer of tissue products (towels, napkins, and bath tissue) made from 100 percent recycled fiber.

Fort Howard is one of the Nation's largest, most technologically advanced recyclers of waste paper—1.3 million tons annually.

The corporation has invested more than $1 billion in new equipment in the past 12 years—an amount equivalent to about one-half of the entire tissue industry's total new capital investment.

Fort Howard is a lean, tough, world-class competitor in both domestic and foreign markets.

Based on a culture of resourcefulness, pride and family values, the once small, upstart company has grown to become one of the largest and most aggressive companies in the paper industry.

Fort Howard Corp. sprang into being in 1919 in Green Bay from the efforts of entrepreneur and visionary Austin E. Cofrin. The following year, Cofrin and 43 original employees began operations in a 30,000-square-foot building on the west bank of the Fox River.

From there, the company spread to facilities in Muskogee, OK, and Rincon, GA, where Fort Howard is the largest employer in these cities, with more than 1,000 employees in each.

Over the past 75 years, Fort Howard has compiled an enviable record of leadership in providing new products, new jobs, new tax revenues, increased property values, and community involvement in many ways.

Given the drastic changes sweeping American industries of all kinds, we should all thank God for Fort Howard, and pray that this was only its first outstanding 75 years of leadership and growth.

TOLEDO COUNCIL OF PTA AND TOLEDO PUBLIC SCHOOLS SPONSOR 7TH ANNUAL DRUG FREE SCHOOLS WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Ms. KAPTUR. Mr. Speaker, from February 14 through February 25, the Toledo Council of Parent-Teacher Associations and Toledo Public Schools will sponsor jointly the Seventh Annual Drug Free Schools Week. I would like to take this opportunity to thank all of these dedicated adults for their ongoing efforts to educate the young people of our community on the evils of drug and alcohol abuse.

We all know there is no better way to stop drug and alcohol abuse among our Nation's children than the love and guidance of concerned adults. The parents and teachers in our community, who devote so much of their time to ridding our community of drugs and alcohol and the negative social consequences that accompany their use, deserve our gratitude. Combating and preventing drug and alcohol abuse is one of the most difficult yet important challenges facing our country.

I believe that it is essential for communities to organize within themselves to find solutions to the drug epidemic. I commend the Toledo Parent-Teachers Associations and Toledo Public Schools for their dedication to this challenge. Our future depends on it.

POPULATION TOPS U.S. GLOBAL AGENDA

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Ms. SNOWE. Mr. Speaker, in September of this year, representatives of the nations of the world meeting in Cairo, Egypt, will convene the People Summit—the International Conference on Population and Development. This will be the third decennial global conference on the progress achieved and the problems ahead in the effort to stabilize the world's population.

Demographers tell us that the actions taken, or opportunities missed, in the remaining years of this century will determine whether the world's population stabilizes at between 8 and 9 billion, or whether it will soar to 11, 15, or even 20 billion before it levels off. The greater the numbers, the more severe the impact will be on food and water supplies, forest lands, and virtually all elements of the human condition—from child and maternal health and mortality to literacy to the overall quality of life.

As we enter the second session of the 103d Congress and undertake a massive rewrite of the Foreign Assistance Act, I urge all of my colleagues—and especially those with whom I have the privilege to serve on the House Foreign Affairs Committee—to ensure that population concerns will have a high priority.

I call your attention to a recent editorial in the Portland Press Herald that, I believe, intelligently and concisely summarizes the consequences of rapid population growth in the world today.

[From the Portland Press Herald, Nov. 17, 1993]

POPULATION AT THE TOP OF U.S. GLOBAL AGENDA

With population outstripping food supply, time is short. In the time it takes to read this sentence, 15 more human beings have entered the world. Second by second, they keep coming, adding 100 million people a year to a planet that already, in many areas, can't feed its own. Earth's population of 5.5 billion could double in less than 40 years, despite famine, war, disease and natural disaster.

It should be no surprise, then, that an administration recommitted to America's former role in international population assistance planning should make that its No. 1 priority for global action. Tim Wirth, the Clinton administration's counselor on global affairs, has been put in charge of organizing a new State Department bureau on global issues. These will include democracy and human rights, environment, population, narcotics and terrorism.

Chief among these "whole Earth" concerns, however, will be population.

"Stabilizing the global population dwarfs all other priorities in terms of its importance. Population must be at the top of our agenda for global cooperation," says Wirth, the dynamic former U.S. senator from Colorado.

Part of the new emphasis will be a major effort to make "voluntary family planning services" available throughout the world by 2000.

The administration's actions follow a sobering report this summer that population growth is outstripping food supply. Worldwatch Institute revealed that in three major food production sectors—farms, livestock ranches and oceanic fisheries—population pressures were reducing the amount of food consumed by each person worldwide.

The food needs of those 100 million people who are being added every year are being met through those already here having to eat less.

Increasingly, next fall's meeting in Cairo of the U.N. International Conference on Population and Development is promising to be a defining factor in what kind of world we take into the 21st century. The Population Institute rightly calls it "our last real chance before the end of this century, to bring together in a consensus the voices of our planet's leaders. This time there will be no choice but to discuss the population crisis and the hard decisions that must be made globally."

By now it's clear: Population growth equals more poor people equals less food equals a worse world for everybody in it. It's a fate we shouldn't wish on our most hated enemies, let alone our loving children.

REMOVAL OF TAX EXEMPTION FOR GOVERNMENT SPONSORED ENTERPRISES IN THE DISTRICT OF COLUMBIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. STARK. Mr. Speaker, today I am introducing a bill that would give the District of Columbia the ability to bring much-needed revenue to its treasury. My proposal would amend the District's Home Rule Act to remove the exemption from District taxes enjoyed by three Government sponsored enterprises—the Federal National Mortgage Association [Fannie Mae], the Student Loan Marketing Association [Sallie Mae], and the Federal Home Loan Mortgage Corporation [Freddie Mac].

My bill is designed to expand the District's tax base. The last thing I would want to do is drive these entities out of the District. Thus, my bill ensures that Fannie Mae and Sallie Mae maintain their principal offices in the District of Columbia, as they do now.

The District of Columbia just released the audited results of its fiscal year 1993 financial statement. Economic recovery is not reflected on the balance sheet.

Each of the city's major revenue sources, the property tax, the individual income tax, and the general sales tax, were below estimates, and the general sales tax and individual income tax were even below fiscal year 1992 receipts.

There is broad consensus that the future fiscal health of the city depends in large part on its ability to expand its tax base. Unfortunately, we in Congress must bear some responsibility for a deficient local tax base. We prohibit the District from imposing a tax on the income of non-residents. And, in granting Federal charters to Fannie Mae, Sallie Mae, and Freddie Mac, we shielded them from State and local taxes.

Fannie Mae, Sallie Mae, and Freddie Mac are major corporations with billions of dollars in assets and annual revenues. Indeed, they are subject to Federal taxation, and in 1992 they had a combined Federal taxable income of nearly $5 billion. My bill would remove an unwarranted and unfair tax exemption and allow the District to reach this income as well.

Finally, under my bill the Mayor of the District of Columbia must report to the House Committee on the District of Columbia and the Committee on Governmental Affairs of the Senate detailing the potential effects of the bill on the revenues of the District of Columbia.

I urge my colleagues to support this bill.

TRIBUTE TO AL DREAS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute and bring to my colleagues' attention the achievements of Mr. Al Dreas, who on February 12—the birthday of our Nation's 16th President, Illinois' Abraham Lincoln—will celebrate his 1,000th radio broadcast.

Al Dreas, who is a radio broadcaster with WHCO Radio in Sparta, IL, has spent 20 years in broadcasting. On February 12, he will host the Polka Party Program from Rick's Uptown Cafe in downtown Sparta. Al, who is a native of Nashville, IL, provides his audience with entertainment and his broadcast is one of the most popular in southern Illinois.

I ask my colleagues to join me on this day in paying tribute to Al Dreas and his career in broadcasting. Our congratulations go out to him on this very special occasion.

UNITED STATES POLICY TOWARD TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HAMILTON. Mr. Speaker, I wish to draw to the attention of my colleagues a recent exchange of letters with the Department of State regarding United States policy toward Turkey and Turkish efforts to combat the insurgency of the Kurdistan Workers' Party [PKK] in the southeastern part of the country. This exchange was prompted by a VOA editorial late last year on United States policy toward the situation in southeast Turkey.

In a number of respects, the situation in Turkey appears to be worsening in recent months. The economic situation has deteriorated. The government's military offensive in the southeast against the PKK is not making much progress despite recent Turkish crossborder bombing in Iraq and Iran against PKK strongholds.

As a key friend and NATO ally of the United States, the situation in Turkey is of intense United States interest. It is in our interest and in the interest of the United States-Turkish relationship to ensure that Turkey successfully resolve the problems in the southeast. Military force alone will not solve this problem. A political and social solution is critical to the long-term resolution of the situation of the Kurds in southeast Turkey.

THE SECRETARY OF STATE,
Washington, January 15, 1994.

Hon. LEE. H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your December 7 letter expressing concern about U.S. policy toward Turkey and Turkish efforts to combat the insurgency of the Kurdistan Workers' Party (PKK) in the southeastern part of the country. I apologize for the delay in our reply.

You are correct that the situation in the southeast is deteriorating, primarily because the PKK has accelerated its terrorist campaign over the past six months. Increasing PKK attacks have involved acts of murder and extortion against innocent civilians. The PKK has kidnapped foreign tourists, including a young American who was held for seven weeks late last year. PKK terrorism also has an international dimension. Last fall's spate of terrorist attacks in several European capitals led Germany to ban the organization.

We also share your concerns about human rights violations committed by Turkish forces in the southeast. There are reports of significant human rights violations, including extrajudicial killings and torture, committed by the Turkish military in its counterterrorism campaign.

Our Post-Cold War policy toward Turkey is evolving away from an emphasis on security toward a broader bilateral partnership to more fully develop our economic ties. Our concern for Ankara's security nevertheless remains an integral part of U.S. policy, given Turkey's strategic importance. Within that context, the U.S. supports Turkey in its fight against terrorism. At the same time, we continue to urge Turkey's leaders to seek political and social solutions to the problem of their Kurdish citizens in the southeast, and to prevent violations of human rights in its military campaigns. The President addressed these issues during Prime Minister Ciller's visit to Washington in October. Assistant Secretary Oxman reiterated our message to Mrs. Ciller as well as Turkish military leaders during the visit last month to Ankara.

The November 13 Voice of America editorial to which you refer in your letter was prepared by USIA and was approved by the Department's Office of Southern European Affairs. The editorial's condemnation of terrorism by the PKK and the non-Kurdish Dev Sol organization accurately reflects U.S. policy as does its reference to Prime Minister Ciller's recognition that "lasting solutions to the problems of southeastern Turkey will be found in economic and political initiatives, not simply through security measures." It is important to note that this editorial's focus on terrorism was prompted in part by the PKK's terrorist campaign in Western Europe in early November.

I agree with your views on the need for balance in both our policy and public statements. The November 13 editorial could have addressed our concerns about human rights. Overall, we believe that VOA's reporting is balanced. For example, a VOA editorial of June 18, 1993 (copy attached) addressed the need for political solutions in more detail.

Regarding your concern about future U.S. military assistance to Turkey, the principal goal of our transfers of excess defense articles is to strengthen the defense of a NATO ally. We assess each request for the transfer of defense material in light of our broader security interests in the region, and we monitor the use of EDA equipment through reports from our military and diplomatic representatives in Turkey, as well as from the press and non-governmental organizations. We will continue to consult with Congress before undertaking sensitive transfers.

I appreciate having your views about Turkey's need to adopt a more flexible approach to the problems in the southeast and to correct human rights abuses. Please be assured that we will continue to urge the Turks publicly and privately to balance the need to fight terrorism with the equally important goals of seeking a political solution and protecting human rights.

With best regards,

Sincerely,

PETER TARNOFF,
Acting Secretary.

Date—June 18, 1993,
Type—Editorial,
Number—0-05443,
Title—U.S.-Turkey Partnership,

CONTENT—THIS IS THE SECOND OF TWO EDITORIALS BEING RELEASED FOR BROADCAST JUNE 18, 1993.

Anncr: Next, an editorial reflecting the views of the U.S. Government.

Voice: Secretary of State Warren Christopher recently visited Turkey, a long-time friend and ally of the United States. With more than fifty million people, Turkey is a strategically located military and economic power. And with a democratic, secular government, this predominantly Muslim country is also a bridge between Europe and the Middle East.

In his meetings with President Suyleman Demirel and other Turkish officials, Secretary of State Christopher discussed the strengthening of political, military and economic ties between the U.S. and Turkey. He announced that the U.S. will transfer fifty-nine million dollars' worth of surplus military equipment to Turkey. It was also announced that Turkey will purchase two hundred seventy-seven million dollars' worth of helicopters and aircraft parts and supplies from the U.S.

In addition to discussing diplomatic ties, Secretary of State Christopher stressed the need for continued improvement in Turkish human rights practices, particularly in regard to Turkey's large Kurdish minority. The U.S. has often pointed out to the Turkish government that the rights of the Kurds, like those of all citizens, must be fully respected. The U.S. has been encouraged by recent steps by the Turkish government toward more respect for the human and cultural rights of the Kurds.

Unfortunately, the situation of Turkey's Kurds has been harmed by the violent actions of the Kurdish Workers Party, or P-K-K, a Marxist-Leninist group established in the mid-1970s. The P-K-K has received aid from Iran, Syria and Iraq, and has carried out terrorist attacks in Turkey, as well as throughout Western Europe. Last month, the P-K-K ambushed and killed a group of Turkish soldiers in Bingol province in eastern Turkey. This savage action ended a two-month-old P-K-K cease-fire and appeared to be intended as a provocation to stop the process of political accommodation that the Turkish government had been considering. Despite the renewed P-K-K terrorism, the Turkish government has decided to move forward with an offer of limited amnesty for some P-K-K members. The U.S. welcomes this move. The long-term solution to the problems in southeastern Turkey must be found through political, not military, means.

As Secretary of State Christopher noted, Turkey is "a strong regional power, which can be a positive force in the peaceful settlement of regional disputes." Turkey played a major role in the international effort to reverse Iraq's invasion of Kuwait. In addition, Turkey supports the international community's efforts to bring humanitarian relief to the people of northern Iraq, who are blockaded by the Baghdad government. More recently, Turkey has worked with the U.S. and Russia to try to end the conflict between Armenia and Azerbaijan. For these and other reasons, as Secretary of State Christopher said, the U.S. looks forward to an "expanded partnership" with Turkey.

Anncr:

That was an editorial reflecting the views of the U.S. Government.

Date: November 13, 1993

Type: Editorial

Title: Terrorism Against Turkey and the West

Content: This is the Only Editorial Being Released for Broadcast November 13, 1993

Anncr: Next, an editorial reflecting the views of the U.S. Government.

Voice: Of the democratic nations threatened by international terrorism few have been hit harder than Turkey. Terrorists recently attacked Turkish citizens and interests across Western Europe. The attacks killed one person and wounded twenty-three in cities in Germany, Switzerland, Britain and Denmark. In June, a similar campaign of murder and bombing was launched against Turkish citizens in six European nations.

One of the groups that has waged a war of terrorism against Turkey in recent years is the Kurdistan Workers Party, or P-K-K, which poses a growing threat to U.S. interests in Turkey. This terrorist group is composed primarily of Turkish Kurds seeking to establish a Marxist state in southeastern Turkey. Established in the mid-1970s, the P-K-K has carried out numerous attacks inside Turkey and has escalated its attacks on Turkish interests in Western Europe and against rival Kurdish groups. The P-K-K has received aid and safehaven from Syria, Iran, and Iraq, and has used training camps in Lebanon's Syrian-controlled Bekaa Valley.

Competing with the P-K-K in terrorist murder and destruction is Devrimci Sol, or Dev Sol. Formed in 1978 as a splinter faction of the Turkish People's Liberation Front, Dev Sol espouses a Marxist ideology, is intensely xenophobic and is virulently anti-American and anti-NATO. Financed chiefly by robbery and extortion, Dev Sol terrorists have attacked Turkish officials, foreign businessmen and NATO military officers and bombed dozens of Western diplomatic, commercial, and cultural facilities. The group claimed responsibility for killing two American contractors and attempted to kill a U.S. air force officer in 1991. Dev Sol was responsible for two rocket attacks against the U.S. consulate in Istanbul in 1992.

Like the P-K-K, Dev Sol has failed in its effort to intimidate the government of Turkey through a campaign of arson, kidnapping, and murder. To its credit, Turkey has refused to negotiate with terrorists or concede to the demands. Prime Minister Tansu Ciller recently reaffirmed her government's determination to eradicate the "terrorist plague" that has afflicted the people of Turkey. At the same time, Prime Minister Ciller has made it clear that lasting solutions to the problems of southeastern Turkey will be found in economic and political initiatives, not simply through security measures.

The U.S. condemns the most recent acts of terrorism directed against Turkey. The U.S. has an ongoing anti-terrorist training assistance program with Turkey, one of the largest such programs offered by the U.S. Respect for Turkey's territorial integrity and its right to self-defense against terrorist violence is longstanding U.S. policy. The U.S. calls on all nations to join Turkey in its fight against a common enemy—international terrorism.

Anncr: That was an editorial reflecting the views of the U.S. Government.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR CHRIS: I write regarding the situation in the predominantly Kurdish-area in southeast Turkey and U.S. policy toward Turkey on this issue.

By many accounts, the political and economic situation in southeast Turkey today is deteriorating. It is my impression that the Turkish government's response to this situation has been to focus primarily on a military solution to the problem. Efforts to eliminate the PKK organization through use of force over the last decade—and, more aggressively since December 1992—appear to have produced few positive results. The PKK maintains significant grassroots support within southeast Turkey and, by some accounts, this support is growing due, in part, to the methods employed by the Turkish gendarme and military against the civilian population.

I have serious concerns about U.S. policy toward Turkey on this issue. Specifically, I draw your attention to two issues: (1) a statement of U.S. policy presented in a Voice of America editorial on PKK terrorism broadcast on November 13, 1993; and (2) the provision of U.S. military equipment to Turkey for use in the military campaign in the southeast.

First, the VOA editorial addresses only one aspect of the Kurdish problem in Turkey—that of PKK terrorism. By presenting the issue in this way, it leaves the impression that the United States government views the problem in southeast Turkey as predominately, if not exclusively, one of terrorism. By endorsing eradication of the 'terrorist plague' and crediting Turkey's unwillingness to "concede to terrorist demands", the United States is seen as endorsing the tactics of the Turkish military to address the problems of southeast Turkey.

I would like to raise a number of questions about this VOA editorial and its implications for U.S. policy:

Who approved the text of the VOA editorial?

Does the language of the editorial represent U.S. policy on this issue?

Why was there no attempt in the editorial to balance Turkish concerns regarding terrorism with often-stated U.S. concerns regarding human rights in this area?

Why does the editorial fail to address more directly the central importance of opening political and economic opportunities and options for the Kurdish population in Turkey?

How has the message of this editorial been interpreted in Ankara?

Second, the United States continues to provide military hardware to Turkey for use in its military campaign in the southeast. I understand that there is consideration being given to providing additional U.S. military assistance for this purpose. I believe we should approach with great caution the question of further involving the United States in the conflict in southeast Turkey under present circumstances.

I understand the desire to be helpful to Turkey, a NATO ally and friend, on this difficult issue. I condemn the terrorist tactics employed by the PKK and I have no doubt that the PKK represents a serious security problem for the Government of Turkey. Nevertheless, I believe we must be careful, both in our statements and in our actions, not to be drawn into a Turkish Government military campaign that may not fully be consistent with broader U.S. interests in the region.

I appreciate your consideration of this matter. I look forward to a future dialogue with you on this matter.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman.

EUGENE AND CONNIE ROTH HONORED WITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. KANJORSKI. Mr. Speaker, I am pleased to join with the S.J. Strauss Lodge of the B'nai B'rith as they gather to honor a distinguished couple I am honored to call my personal friends, as well as constituents. On February 13, 1994, Eugene and Connie Roth will receive the prestigious Community Service Award at the Lodge's 50th annual Lincoln Day Dinner.

The Community Service Award is given each year to a person or persons who exemplify the standards of leadership and service set forth by B'nai B'rith. The Award is especially notable this year as it celebrates its golden anniversary, and the B'nai B'rith itself celebrates its 150th anniversary, making it the oldest service organization in the nation.

It is not surprising that the Lodge chose to honor the Roths in this anniversary year. The list of organizations and boards to which they have contributed their time and efforts is almost endless. Currently, Gene, an attorney, is Chairman of the Board of Trustees of Wilkes University and I am pleased to serve on that board with him. In 1993, Gene was honored for his fundraising efforts as Outstanding Volunteer Fund Raiser by the National Society of Fund Raising Executives. Connie has been honored time and again for her tireless service to various Jewish organizations and her biography appears in Who's Who Among American Women. Other organizations that have benefited from Connie's volunteerism include Mercy, General and Geisinger Hospital auxiliaries, Home Health Visiting Nurses, and Association for Retarded Citizens.

Gene, former chairman of the Greater Wilkes-Barre Partnership/Chamber of Commerce, was honored for his achievements by the Philadelphia Chamber of Commerce as recipient of its Distinguished Pennsylvanian Award. His overall achievements are reflected by his inclusion in Who's Who in American Law and Who's Who in the World.

One of the reasons that I am so proud to represent the 11th Congressional District of Pennsylvania is the absolute dedication and unquestionable integrity of its community leaders and volunteers. The Roth's commitment to service is a perfect example of the character of the people that I have the privilege to serve in Northeastern Pennsylvania. I am pleased to have this opportunity to join with the S.J. Strauss Lodge in paying tribute to this outstanding couple and to bring just a few of their achievements to the attention of my colleagues.

ST. PAUL TIME CAPSULE

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. KOPETSKI. Mr. Speaker, I rise to acknowledge the recent discovery of a time capsule in the St. Paul Catholic Church, St. Paul, OR. The time capsule was opened on Thursday, January 6, 1994, marking the 155th anniversary of the first Mass in Oregon.

St. Paul's Catholic Church, built in 1869, is described as the oldest masonry structure in the Northwest and recently was damaged in a rare Oregon earthquake on March 23, 1993. Construction workers were clearing debris and found the rusty box shaken from its niche in the bricks of the church on New Year's Eve.

Archbishop William J. Levada of Portland did the honors of opening the box, using a grinding tool to help pry open the capsule and reveal its contents: a recipe for "Kornherr's mango sauce", the remains of "The Tablet" an 1844 newspaper, a small blackened Miraculous Medal, and stuck to one side, a badly worn piece of paper currency.

A diverse gathering of schoolchildren, historians, and local residents, including descendants of the original French-Canadian fur trappers who settled the area were present for the ceremony.

Mr. Speaker, this event provides a rare glimpse into Oregon's rich history. We can learn from this glimpse of the past, as we chart our way into the future.

TRIBUTE TO LUCHA VILLA, MR. AMIGO 1993

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Lucha Villa, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as honored guest of the Mr. Amigo festivities in Brownsville, TX. The Mr. Amigo festivity is a 4-day international event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a well-planned major function which is enjoyed and eagerly anticipated by many south Texans as well as our winter visitors.

Ms. Lucha Villa is the 30th Mexican citizen to be honored by the Mr. Amigo Association. Ironically, this award coincides with Ms. Villa's 30th anniversary in the entertainment world. Since 1963, Ms. Lucha Villa has been delighting aficionados of Mexican ranchera and bolero music throughout the Spanish-speaking world with her performances. Her distinguished career began with her widely heralded debut in the classical silver screen of Mexico with the movie "El Gallo de Oro." She is an actress and musician, with a total of 45 movies, 50 hit records, and numerous stage, musical, and television presentations.

A native of Chihuahua, Mexico, Ms. Lucha Villa is the perfect recipient of the Mr. Amigo award, for she has, over the long period of her career, taken the unique mariachi and bolero style to numerous foreign countries, including sold-out performances in the United States. A true ambassador of her country and her culture, she has been praised by numerous organizations for her unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Ms. Villa should be recognized for both her artistic ability, and for her contribution to the commitment of understanding between nations.

The impact of her persona is best summarized by the eloquent words of world famous Latin America author Gabriel Garcia Marquez. He notes:

> Behind the voice and the face lies a human being, indestructibly splendid; with an astronaut's discipline; an indomitable vocation and almost fatalistic view that there is not gift in life; you earn it.

As Mr. Amigo, Ms. Lucha Villa will receive the red-carpet treatment when she visits Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During her 3-day stay on the border, she will make personal appearances in the parades and at other fiesta events. Official welcome receptions will be staged by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Tamaulipas Mexico.

I ask my colleagues to join me in extending congratulations to Ms. Lucha Villa for being honored with this special award.

SAM B. HALL, JR. FEDERAL BUILDING AND U.S. COURTHOUSE

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. CHAPMAN. Mr. Speaker, today it is my honor to introduce legislation to name the Federal Building and United States Courthouse located in Marshall, TX the "Sam B. Hall, Jr. Federal Building and United States Courthouse." Sam B. Hall, Jr. is currently serving as a United States District Judge for the Eastern District of Texas. Prior to this honor, Judge Hall was my predecessor in representing the First Congressional District of Texas in the U.S. Congress, where he served from 1977 until 1985. By naming this courthouse after Sam B. Hall, Jr. we are recognizing a man who is a dedicated public servant and has given much to the people of Marshall, the State of Texas, and America.

Sam B. Hall, Jr. was born and raised in Marshall, TX and has given a lifetime of commitment to the community and its people. He graduated from Marshall High School in 1940 and the College of Marshall in 1942. He attended the University of Texas at Austin, served in the U.S. Army Air Corps, and upon discharge from the Air Corps, enrolled in Baylor University where in 1948 he received an L.L.B. degree from Baylor School of Law.

Upon graduation from Baylor, Judge and Mrs. Hall returned to Marshall where Judge Hall practiced law until his election to Congress in 1976. During his years in private practice, Judge Hall had a distinguished legal career, and devoted his time not only toward the judiciary but toward improving the community. He is a member of many civic and community organizations and is the recipient of numerous awards and honors.

As former Member of the House of Representatives, Judge Hall served on the House Judiciary Committee—serving as the chairman of the Administrative Law and Governmental Affairs Subcommittee and as a member of the Immigration, Refugees and International Law Subcommittee; the Veterans' Affairs Committee—serving as a member and past chairman of the Subcommittee on Compensation, Pension and Insurance and as a member of the Subcommittee on Oversight and Investigations; and the Select Committee on Narcotics Abuse and Control. His leadership was demonstrated through his work on issues such as POW/MIA's, U.S. involvement in Lebanon, and justice matters.

In 1985, Judge Hall resigned his seat in Congress and was sworn in to his current position as a United States District Judge for the Eastern District of Texas. The request of Judge Hall's colleagues that the Congress bestow this honor of naming the Marshall courthouse in Judge Hall's name is a tribute to his work and dedication to the bench.

Throughout his life as a dedicated public servant, Judge Sam B. Hall has never lost sight of the importance of his family. On February 9, 1946 he married the former Madeleine Segal of Jefferson, TX. Along with being a devoted and loving husband, together Sam and Madeleine have raised three daughters: Mrs. Becky Palmer of Marshall; Mrs. Amanda Wynn of Marshall; and Mrs. Sandra Bodenhamer of Fort Worth.

All who know Sam B. Hall, Jr. know the quality of man he is and the values he represents. I believe it is fitting and proper that the Federal Building and United States Courthouse in Marshall be dedicated to Sam B. Hall, Jr. Such a tribute is richly deserved and I urge all Members of Congress who served with Judge Hall and all who honor dedicated public servants and hard-working Americans to support this designation.

TRIBUTE TO LYNDA AND PHIL SAVAGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and inspired leadership of Lynda and Phil Savage of San Bernardino, CA. The Savages, who have demonstrated a remarkable dedication to the needs of San Bernardino over the past 25 years, will be honored for their commitment to the Inland Empire Symphony later this month as they are presented with the 1994 Golden Baton Award.

Lynda and Phil grew up in San Bernardino, attended local schools, and returned to the area to establish their professional careers and raise their family. Lynda taught school for 10 years and Phil joined a local law firm where he is today a practicing partner. Their involvement and active leadership in the community, ranging from education to the law to the arts, has been instrumental to San Bernardino maintaining its civic culture and pride.

As community leaders, Phil and Lynda are well known for their long-term and dedicated service to numerous organizations throughout the inland empire. Lynda has served in a variety of leadership positions including the presidency of the Law Auxiliary of San Bernardino County, Assistance League of San Bernardino, the National Charity League, and the Inland Empire YWCA. She has also been active in the Inland Empire Symphony Guild and served on the Board. Lynda is currently the vice president of Les Confreres, an elder and active member of the First Presbyterian Church, and is an active member of the Tachikawa Sister-City Committee. She was recently elected president of the San Bernardino Unified School District Board of Education. Phil has received local and statewide recognition for his accomplishment in the field of law and has distinguished himself in the area of community service through his involvement with Arrowhead United Way, San Bernardino County Heart Association, the Boys' Club of San Bernardino, the Inland Empire Symphony Association, and other civic organizations.

Mr. Speaker, I ask that you join me, our colleagues, Phil and Lynda's children, Sheryl and Philip, and their many friends in honoring this special couple for their extensive and dedicated service. Over the years, Lynda and Phil have touched the lives of many people in our community and it is only fitting that the House recognize them today.

TRIBUTE TO CHARLES E. KUBBE, JR.

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Charles E. Kubbe, Jr., of troop 89 in Providence, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Charles worked for the Franciscan Missionaries of St. Mary at their Fruit Hill Avenue cemetery in repairing the inlaid headstones and clearing the pathways throughout the cemetery.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Charles E. Kubbe, Jr. In turn, we must duly recognize the Boy Scouts for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Charles E. Kubbe, Jr., will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

NEGOTIATIONS UNDER THE UNITED STATES-JAPAN FRAMEWORK AGREEMENT

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. GIBBONS. Mr. Speaker, this week, top United States officials enter the last leg of what has been a multiyear marathon of trade negotiations with the Japanese. Over the past dozen years, the United States Government has sent delegations to talk with the Japanese about sector specific, structural, and macroeconomics issues, but to little or no avail. We still find ourselves facing recordbreaking trade deficits with Japan, approaching $60 billion for 1993, due in large measure to countless hidden barriers to United States products entering the Japanese market.

President Clinton and his talented trade team, led by United States Trade Representative Mickey Kantor, have recently won major trade victories, including the passage of the NAFTA and the conclusion of the Uruguay round. They have achieved real results in markets around the globe, but such progress in large part eludes them in Japan.

In the eyes of many in Congress, the problem we have with Japan is clear: bureaucratic resistance to change that would open the Japanese market to foreign products. When Japan, in the context of the Uruguay round, agreed to allow some imports of foreign-grown rice, many hoped that this signaled the start of a new, more cooperative, and constructive period in Japan's trade relations with both the United States and the rest of the world. But the events of the past 6 months throughout the United States-Japan framework agreement talks have indicated otherwise.

When Prime Minister Hosokawa comes to Washington at the end of this week to meet with President Clinton, my hope is that the two leaders will announce good, substantive agreements on Government procurement, insurance, and automotive trade. These agreements must provide for tangible and measurable progress. I also hope that they will announce further improvements in the Japanese tariff offer in the Uruguay round on wood, copper, and white distilled spirits.

I fully support the U.S. objectives in the framework talks. If these negotiations do not yield the necessary results, the United States should pursue an alternative course of action that will truly restore some semblance of balance and equity to our bilateral trade relationship.

HONORING GERRY GROSS, ELAINE GROSS, AND JACK FRIEDMAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the membership of Young Israel of Plainview in honoring three of its outstanding members, Elaine Gross, Gerry Gross, and Jack Friedman. These three outstanding individuals will be feted at the synagogue's 22d annual testimonial dinner on February 26. Each of these distinguished members has contributed greatly to both the growth of Young Israel of Plainview as well as the Plainview community.

Gerry Gross has diligently served the membership of Plainview's Young Israel. He has been a vice president, board member, and has served on almost every committee within the synagogue. He is a staunch supporter of community education and is a vital leader of the Parent Teachers Association. He believes in strong cocurricular programs and was instrumental in forming the school's little league.

During her many years as an involved member of Young Israel of Plainview, Elaine Gross has emerged as a most effective leader. She has held the offices of sisterhood president and vice president, vice president of the PTA and board member. She is a dynamic early childhood teacher and has served the community in this capacity for 2 decades. In all her undertakings, Elaine exudes selfless dedication.

Jack Friedman will be honored as the congregation's Chaver Ne'Eman. Young Israel of Plainview has grown and benefited from Jack's participation as corresponding secretary and first vice president. He is a steadfast member of the ritual committee and an ardent supporter of education. Jack currently serves as a board member of the Hebrew Academy of Nassau County.

Mr. Speaker, it is my great privilege to ask all my colleagues in the House of Representatives to join with me in recognizing these people and hold them up as an example of citizens to be emulated and honored by all.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

METRO SECURITY INTERNATIONAL LTD.,
Jamaica, NY, December 30, 1993.

ANTHONY POPE,
Attorney At Law,
Newark, NJ.

DEAR MR. POPE: On the above date between the hours of approximately 10:30 AM and 1:00 PM I conducted a Specific Polygraph Examination on James R. De Szigethy, regarding statements he made on an affidavit, dated this date, which was personally drafted by Mr. De Szigethy, regarding the arrest and conviction of Mr. Joseph Occhipinti.

The following four relevant questions were asked:

(1) "Are you lying about John F. Kennedy Jr. telling you he was forced into testifying against Joseph Occhipinti?" Reply—No;

(2) "Are the statements on your affidavit regarding your conversation with John F. Kennedy Jr., on or about June 11, 1991, lies?" Reply—No;

(3) "Are you lying about statements made to you about David D. Dinkens' connection to the drug cartels?" Reply—No;

(4) "Are you lying when you say that John F. Kennedy Jr. said he was also forced into appearing at the William Smith trial?" Reply—No.

It is my expert opinion that Mr. De Szigethy was truthful.

Please feel free to contact me if I may be of further assistance to you in this matter.

Sincerely,

JOHN J. HOLDER, Jr.,
President.

METRO SECURITY INTERNATIONAL LTD.

John J. Holder is the President of Metro Security International, Ltd. and the New York Institute of Investigation and Security. He is a retired Police Detective having been with the New York City Police Department for twenty years.

He served in the Public Morals Division of the Organized Crime Control Bureau and the Queens District Attorney's Squad. He retired in 1985. His duties included investigative duties, interviewing and interrogation of suspects and witnesses and technical surveillance.

Mr. Holder is a graduate of the New York Institute of Security and Polygraph Sciences. He graduated in January of 1984 after having completed 300 hours of instruction.

The course of instruction concentrated on the psychological and physiological aspects of conducting polygraph examinations, the techniques of interviews and interrogation; and the practical application of a polygraph instrument, commonly known as a "lie detector."

In January of 1985, after an internship of one year he became a Certified Polygraph Examiner by the American Polygraph Association.

Mr. Holder has administered numerous polygraph examinations in both private industry and the criminal field. Mr. Holder has also instructed in the operation of polygraph examinations for the New York Institute of Investigation and Security. His expertise has been utilized in both criminal and civil affairs.

He is also a Certified Protection Professional a designation awarded by the American Society for Industrial Security. He is a member in good standing of the following organizations: The American Polygraph Association; The American Society for Industrial Security; The International Narcotics Enforcement Officers Association; The Society of Professional Investigators; The Empire State Polygraph Society: The American Academy for Professional Law Enforcement; The Pennsylvania Sheriffs' Association; The Detectives Endowment Association and The Patrolmen's Benevolent Society.

Mr. Holder is a licensed Private Investigator in New York State and New Jersey.

NATIONAL SCHOOL COUNSELORS WEEK, FEBRUARY 7–11, 1994

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Ms. FURSE. Mr. Speaker, I rise today to recognize the efforts of school counselors who spend their days working with America's children. School counselors do so many important things for our Nation's youth. They work with parents, teachers, and principals to help create a positive school climate in which children can learn and prosper.

School counselors assure that the schools have a coordinated team effort to address the various needs of all the students. They assist children in developing self-esteem, which in turn fosters the motivation necessary for learning. Counselors help identify those children who are developmentally disabled or disadvantaged and are in need of special programs.

These professionals help our kids develop their educational, social, career, and personal strengths and help them to become productive citizens. School counselors provide essential expertise in our schools to create a positive educational experience. In recognition of their important work in education today, this week has been named National School Counselors Week. I want to personally thank all of our Nation's school counselors for the work you have done for America's kids, their families, and our schools.

NATIONAL SCHOOL COUNSELING WEEK

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. MURPHY. Mr. Speaker, I rise to bring to the attention of the Congress that February 7 through 11 is National School Counseling Week.

Preparing American youth for productive futures in the challenging 21st century will not be an easy undertaking, and it will not be accomplished by the efforts of any one segment of our population. Schools, parents and community leaders must combine their talents, resources and expertise to identify the contributions each can make toward our shared goal. Through collaboration, we can promote initiatives designed to enhance student success and support effective programs within school reform.

School counseling programs are designed to help all students develop their educational, career and personal strengths and to become responsible and productive citizens. School counselors help create and organize these programs, as well as provide appropriate counselor interventions.

As the administration and the Congress combine their efforts to improve the employability of young Americans, the school counselor takes on an even more valuable role in our society. These educational professionals assist students, teachers, parents, and administrators and provide comprehensive in-school programs.

To ensure career success, school counselors work with students to develop a comprehensive career plan which targets high school completion and exploration of postsecondary education opportunities. They assist in establishing school-to-work transition programs, develop positive attitudes toward work and encourage work experience activities. School counselors help young people acquire skills for planning, monitoring, and managing career development as well as develop transferable skills to facilitate changes throughout their lifetime. They also help students to fully explore their educational and career opportunities and develop excellent communication and cooperative work skills.

In light of the recent passage of the School-To-Work Opportunities Act and the Goals 2000: Educate America Act, the school counselor will take on an even more important role in helping move America's youth toward economic security and improving their economic opportunities.

SAFETY AND PEACE OF MIND FOR THE PEOPLE OF OJAI, CA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to propose legislation to protect our citizens from a potentially grave health risk.

There is a growing realization that exposure to potentially harmful amounts of radiation is a problem that many people face in the ordinary activities of their lives. While most people realize that you cannot reduce this risk to zero, it is only common sense that this risk should be minimized whenever possible.

For this reason, the residents of Ojai, CA, are rightly concerned about the installation of a new, very powerful, Doppler radar station atop Sulphur Mountain. The people of Ojai, who have worked so hard to preserve a healthy environment in which families can raise children, are now faced with the uncertainty that their homes may be subjected to a serious health hazard.

From the start, I have insisted that this sensitive subject be handled with the utmost care so that the underlying issues can be resolved in a fair manner. My central concern is that the health risks associated with this tower must be examined carefully so that the community of Ojai is protected.

My efforts in this area include hosting a town meeting at which National Weather Service officials appeared, and extensive contacts with that agency as well as with the Secretary of Commerce to air these concerns. None of these efforts has produced evidence to convince me that the strong concerns voiced by Ojai residents are unfounded.

The legislation I am introducing will address these difficult questions head on and will allow them to be resolved once and for all. My bill will direct that an independent study be performed by the National Academy of Sciences on the health risks associated with this Doppler radar. To protect all those who must live and work in the radar's path, my legislation will prohibit the operation of the unit atop Sulfur Mountain unless the NAS can show that it will not impose any significant risk to their health.

Mr. Speaker, the Ojai radar tower, at a minimum, should be moved to another, less populated, area to ameliorate its impact on human health. In order to work with the National Weather Service, however, my legislation will provide an alternative way to resolve the issue. Within 12 months of enactment, my bill will give us concrete evidence from a credible, independent source on whether it is safe for the operation of the unit to go forward.

I ask my colleagues to consider whether they would be willing to raise their families in the path of the powerful beam from this Doppler radar. Twelve months is not too long to wait for assurance that the community of Ojai is protected from any unreasonable health risks.

The text of my legislation follows this statement, and I urge my colleagues to consider it favorably.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. STUDY.

The Secretary of Commerce shall enter into a contract with the National Academy of Sciences for the conduct of a study of the human health risks to National Weather Service employees and the public associated with the operation of doppler radar installations such as the National Weather Service's WSR-88D units. Such study shall focus on the unit constructed on Sulphur Mountain in Ojai, California, and shall examine the effect of radiation emitted by such installations on National Weather Service employees and on persons living in the vicinity of, or otherwise required to be in the vicinity of, the installation. The Secretary of Commerce shall transmit the results of such study to the Congress within 1 year after the date of enactment of this Act.

SEC. 2. PROHIBITION.

No Federal funds may be expended to operate the National Weather Service doppler radar installation on Sulphur Mountain in Ojai, California, unless the study carried out under section 1 finds that there is no significant health risk to National Weather Service employees or the public associated with the operation of such an installation.

RESTORING THE PUBLIC'S FAITH IN GOVERNMENT

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Ms. FURSE. Mr. Speaker, earlier today the House considered amendments to H.R. 811, the Independent Counsel Reauthorization Act. One of the amendments concerned whether or not Members of Congress should be subject to the provisions of the independent counsel bill.

Today, I voted against the Bryant substitute which would have weakened the requirement standard for Members of Congress under the independent counsel bill. I also voted against the substantially changed Gekas amendment because it now included the text of the Bryant amendment, which I had just voted against. The amended version of the Gekas proposal sets different standards for Members of Congress than for the President or other officials of the executive branch and, as such, was unacceptable. In this vein, I am also a cosponsor of H.R. 349, the Congressional Accountability Act, which removes congressional exemptions from the same laws that apply to all Americans.

I think Members of Congress should be covered by the independent counsel law. If the Attorney General receives specific and credible information that a Member of Congress may have been engaged in criminal wrongdoing, I believe they should be required to conduct a preliminary investigation under the independent counsel law. While the legislation as passed gives the Attorney General the option to do this, I think this leaves open a window of opportunity for abuse that is unnecessary. People need to know that all credible allegations of criminal actions by an elected official will be pursued, just as this law does for the President and the executive branch. Congress should not set a different standard for itself.

ARMS FOR THE REVOLUTION: THE BULGARIA CONNECTION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. HYDE. Mr. Speaker, I commend to my colleagues an article entitled "Arms for the Revolution: The Bulgaria Connection" which appeared in the New York Times on January 27, 1994. It persuasively confirms what many of us suspected all along, namely that Bulgaria was an eager purveyor of money and arms fueling international communism around the globe. The article follows:

[From the New York Times, Jan. 27, 1994]

ARMS FOR THE REVOLUTION: THE BULGARIA CONNECTION

(By Raymond Bonner)

SOFIA, BULGARIA.—During the cold war, members of the Soviet bloc provided covert assistance to fellow revolutionaries throughout the world. The country most often accused was Bulgaria, whose leader for 35 years, Todor Zhivkov, was a hardliner committed to Lenin's call for international revolution.

The accusations were routinely denied and were difficult to prove, if not impossible, especially when Western officials said the charges were based on "intelligence sources" that they could not disclose.

The collapse of the Soviet Union has opened up some windows into the dark past, but only slightly, with revelations trickling out as a few contrite former Communists open their archives or make confessions of sorts.

The Communists in this Balkan country have shown little contrition, and their role in stirring up trouble and spreading Communism would remain a secret were it not that the country's chief prosecutor now, Ivan Tatarchev, is a fierce anti-Communist determined to put some Communists in jail.

WORKING WITH LITTLE HELP

He may not succeed, but his investigators have uncovered volumes of incriminating documents that illuminate cold-war history. Many documents are decisions of the Central Committee, often only one page, at the top of which the party officials have signed, in blue and black ink.

The investigators are working with the barest of resources as they pore over thousands of pages of Central Committee documents, which have not been released to the public.

"There have been times when we thought we had completed the investigation and then we found new things," said Mikhail Doichev, a lawyer who is leading the investigation.

It seems that every Communist government found the Bulgarians a soft touch: Ethiopia, Yemen and Angola received military aid, as did the Palestine Liberation Organization. The Communists in Bangladesh asked for food and drink for a party congress, and got $25,000 in cash after the Bulgarians decided the food would spoil in transit.

MOST WENT TO SANDINISTAS

Young Turkish Communists received full scholarships and at the end of their education in Sofia were given 500 West German marks, about $290 at today's exchange rates, "for travel to the place of destination," according to a decision by the Bulgarian Communist Party in 1984. The Israeli Communist Party received thousands of tons of newsprint.

In the 1980's, revolutions in Central America attracted the most attention. The Sandinistas in Nicaragua were major recipients, getting more than $50 million in weapons and equipment. Cuba was in second place.

One of the most startling revelations is that Bulgaria provided military assistance to the Communist Party of Honduras in the early 1980's. At the time Honduras was a peaceful country, thought to be free of the revolutionary fervor that had brought the Sandinistas to power in Nicaragua and was fueling the guerrilla war against the Government in El Salvador.

But there was a Communist Party in Honduras, though it lagged behind in beginning "the armed struggle." The Honduran Communists recognized that their "politicization of the masses" had been slow, but in early 1982 they confidently informed their Bulgarian comrades that "the time is right to start the armed struggle," according to a memorandum prepared by the military department of the Bulgarian party.

MASKING THE PROVENANCE

The Hondurans needed arms but they did not want Soviet-bloc arms because they wanted to be able to deny that they were receiving assistance from Communists, which would be hard to do if revolutionaries were caught with these weapons.

So the Hondurans proposed that the Bulgarians send Soviet-made weapons to Nicaragua, and that the Sandinistas in turn send a comparable amount of American and Israeli weapons from their stocks to Honduras. The Sandinista leaders agreed, according to Bulgarian documents, but only "under the condition that they will judge when and in what way to give the arms to the Honduran Communist Party."

In an unrelated deal, the Sandinistas received weapons from Bulgaria after their leader, Daniel Ortega Saavedra, traveled to Bulgaria in 1987 and met with Mr. Zhivkov. The Bulgarians agreed to reschedule the payments for weapons that had been sent in 1981 and, with no pretense of payment, to send 4,000 Kalashnikovs, 200 light machine guns and 10,000 anti-personnel mines.

PLANES, NOT DONKEYS

In a deal in early 1982 that will answer many suspicions but raise even more questions for historians, the leader of El Salvador's Communist Party, Jorge Shafik Handal, prevailed upon the Bulgarians to provide pilot training for Salvadoran guerrillas. Pilots were needed for the "small planes the Front uses for the supply of arms and ammunition," Mr. Handal said, according to a document dated June 4, 1982.

During the war, the Salvadoran guerrillas emphatically denied that they were being supplied by air, saying the weapons were smuggled on donkeys from Honduras. And the Bulgarian documents do not say who was providing the planes for the Salvadorans.

On another occasion, Mr. Handal made a pilgrimage to Sofia as the representative of the five groups that made up the Salvadoran guerrilla front, which generally denied any Communist connections.

Mr. Handal mentioned that East Germany had provided $2 million in cash the previous year. The Bulgarians came up with 225 automatic rifles, 500 pistols and a ton of explosives, ordering that all markings be removed from the Bulgarian-made explosives and that the arms be shipped through Cuba.

The Bulgarians also gave the Chilean Communist Party $50,000 in dollars in 1985, when Chile was ruled by the right-wing dictator Augusto Pinochet, and Chilean leftists came to Bulgaria for military training.

According to a Bulgarian party document, five members of the Chilean Communist Party were admitted at the military academy in Sofia for a two-year course at a cost to the Bulgarians of 143,700 leva; 10 students from the Socialist Party were enrolled at another military school for six months at a cost of 28,300 leva. (At the official rate at the time, a lev was worth about a dollar.)

Sometimes the foreign Communists devised elaborate and expensive operations to avoid detection.

Between 1983 and 1989, the Israeli Communist Party received annual shipments of newsprint, about 385 tons a year. The paper was donated by the Soviet Communist Party, but to hide Moscow's involvement, it was shipped across the Black Sea to Varna, in Bulgaria. It was then loaded on other ships and sent to Haifa, Israel.

To further cover the trail, a trading company in Western Europe that was a cover for Bulgaria's state trading company was used, to make the shipments look like routine commercial transactions.

ARMS FOR LIBYA AND CHAD

In another circuitous arms transfer, in 1983, the Central Committee sent 3,000 Kalashnikovs, 100 machine guns and more than a million rounds of ammunition to Libya, according to a Committee document stamped "Secret." The weapons were then sent to Chad, where a Libyan-backed group was involved in a civil war with a group receiving covert assistance from the Central Intelligence Agency.

"This is history," one investigator said, motioning toward some battered cabinets with documents spilling out.

But it is history that may not be known for a long time. There are only three investigators and they have only one photocopying machine, which is constantly breaking down. There is one secretary, who also works for other prosecutors. They have no car.

"We have to take public transportation," said Mr. Doichev, the lawyer, sitting in an office with a cracked linoleum floor, exposed pipes and badly stained wallpaper. And he said he once had to interview someone when it was below freezing and there was no heat in the building.

TRIBUTE TO GAIL MUKAIHATA HANNEMANN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. MILLER of California. Mr. Speaker, this week I am losing a very valuable member of my staff. Gail Mukaihata Hannemann is leaving to join her husband, Mufi, in Hawaii. I will miss her.

Gail joined the then Interior and Insular Affairs staff in February 1984 working in the area of insular affairs. The welfare of the people living in the U.S. Territories of the Virgin Islands, Puerto Rico, Guam, American Samoa, Palau, Federated States of Micronesia, Republic of Marshall Islands, and the Northern Mariana Islands is an important responsibility of the Natural Resources Committee. Gail did much to improve the quality of life for these people. She was instrumental in bringing about the Compact of Free Association for the Island of Palau which was bitterly debated for years. She pulled off what I believe have been the most evenly balanced series of hearings on the often passionate issue of Puerto Rico status.

After 8 years on the Subcommittee on Insular and International Affairs, Gail joined the staff of the general counsel of the committee. In this capacity, her knowledge of Congress and House floor procedures quickly made her invaluable. Gail's assistance on the Energy Policy Act of 1992, budget reconciliation, the waste isolation pilot plant legislation was exceptional. Her ability to organize and disseminate important information on pending legislation is an asset that has made my life a lot easier during tense conference negotiations.

The word around the committee has always been if you don't know where to go to get something—ask Gail. Anything you need from how to get the coffee maker working to how to immediately get a memo from some obscure office within the executive branch—Gail would have a contact person who would help.

In this town one is often judged by the size and weight of one's Rolodex. Gail's is enormous. She has been able to cultivate such an impressive list of friends and colleagues willing to work with her because of the fairness, honesty, and respect she gives all those she comes in contact with. On Capitol Hill, staff as well as Members, must have the reputation that their word is true in order to be effective. Gail's reputation is flawless.

Gail Mukaihata Hannemann is also one of the most popular staff members I have. She is never too busy to acknowledge an event, happy or sad, in someone's life and drop them a note. When it comes to baking birthday cakes or other luscious treats, Gail is in a class by herself.

When Gail leaves for her new life in Hawaii, the Natural Resources Committee and the House of Representatives loses a very valuable, loyal, hard-working employee. I thank Gail for all the work she has done for me and I know that I speak for the entire Natural Resources Committee—Members and staff—when I say that our friendship and respect travels with you. Aloha.

TRIBUTE TO JULIUS WILLIAMS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. SCHAEFER. Mr. Speaker, Denver's loss is Washington's gain. Julius Williams, head of the home loan department at the Denver Veterans Affairs Regional Office [VARO], is accepting a promotion to be assistant director of the VARO in Washington, DC, effective March 7, 1994.

My office has been privileged to work extensively with Julius over the past 5 years. He has been most responsive to veterans and their needs and they have benefited from his innovative and flexible approaches to solving problems.

During the late 1980's, Denver experienced a severe economic decline which affected the housing market very seriously. Due in large part to Julius' early recognition and intervention in addressing the problem, Colorado's veterans were spared the full brunt of this crisis and later volatile fluctuations in the Denver real estate market.

Julius is also a taxpayer's watchdog. Under his leadership, the unsold inventory of VA homes in the Denver area plunged from over 4,000 to less than 400—a 90-percent reduction from the previous level. Fewer unsold homes means less expense in maintenance and disposal, resulting in a great savings of tax dollars.

I would also like to recognize Julius' extensive involvement in the negotiations with Colorado's Ute Mountain Ute and Southern Ute Indian tribes which have opened up access to Department of Veterans Affairs home loan programs for native American veterans in our region.

Mr. Speaker, thank you for this opportunity to recognize Julius Williams, a dedicated public servant and outstanding American. I congratulate him on his promotion and wish him all the best in his new position. He has been a most beneficial presence for Colorado's veterans for the past 5 years and will certainly be missed.

PRESIDENT CLINTON'S DISAPPOINTING DECISION TO RECOGNIZE SKOPJE AS MACEDONIA

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. SCHUMER. Mr. Speaker, President Clinton recognized the former southern Yugoslav Republic of Skopje as Macedonia yesterday. This disappointing action poses a serious setback for the vital United States-Greek relationship that has thrived since the days of the Truman doctrine.

Recognizing Skopje as Macedonia disregards the seriousness of the historical claims of national identity and sovereignty of the Greek people. This is not merely a semantic issue. Potential substantive ramifications are being ignored. Recognition of the name Macedonia itself implies territorial claims against Greece.

It is in the United States interest to contain and stabilize the conflict in the Balkan region, not exacerbate them. If the warfare in the former Yugoslavia spreads to Skopje, the threat to Greek territory becomes real. After all, Skopje's flag still bears the star of Vergina, a Greek symbol. Its constitution refers to traditions of the historically larger Macedonia of 1903.

Greece and the United States have developed close ties, as members of NATO and the European Community. I ask the President to work to strengthen these ties by reconsidering his decision to recognize "The Former Yugoslav Republic of Macedonia" and to engage with Greece in a constructive solution to the regional conflict.

NAFTA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. BONILLA. Mr. Speaker, NAFTA represents the most significant job creation action of this Congress. For this reason, I am submitting an article written by John Adams, chairman of the Laredo Border Trade Alliance.

I believe his remarks effectively capture the efforts embodied in the NAFTA to keep America competitive, working, and the leader of the global economy for years to come.

[From Business Weekly, Nov. 22-28, 1993]

AFTER NAFTA, WE'LL HAVE WINNERS, LOSERS

(By John A. Adams, Jr.)

It was the best of times, it was the worst of times—free trade or protectionism? The economic future of the United States and Mexico well into the first quarter of the next century rested on Wednesday's Nov. 17 NAFTA vote by the U.S. House of Representatives. During the past decade the complexion of trade, manufacturing and commercial sourcing has taken on truly a global framework.

"Freer trade" versus those who would seek to limit expanded commerce has been an ongoing debate for much of this century, with the result being that those who do not change and impose protectionist barriers fall behind and those who reach out to new markets surge ahead to create new jobs and opportunities.

We need only look at all the closed protectionist economics of Mexico and Brazil in the 1970s to remind us what an attempt to close an economy will produce: stagnation. Mexico's acceptance of GATT in 1986 opened its economy onto the road of free trade and growth. The issue is one of progress, and given the nature of global trade, those that are willing to change and reach out to new markets will, in the end, be the winners.

And there will be losers, with or without NAFTA, in each industry and company that does not evaluate their ability to compete on a transitional scale.

While a number of issues have captured center stage in the NAFTA debate, none is more critical than jobs and the larger question of the United States' ability to compete globally. For decades we excelled and still do as the world's most dynamic and leading economy. It is the very nature of our expansive economy that others off-shore have worked to copy, economically penetrate and cumulate our successes. While being copied is somewhat flattering it is also irritating. The production scheme has changed worldwide and will continue to change as technology shortens the delivery timeline in large part due to the demand for quality products in emerging markets.

Similar to Great Britain and Germany the industrial base of the United States is in a mature stage, yet not as some claim in stagnation.

To be stagnant implies no new ideas or growth and this is not the case with the U.S. Herein lies the challenge: to have a quality jobs-retraining program intertwined with technological advancements in the workplace.

This must be coupled with an understanding that if we do nothing and try to impose protectionist barriers, the competitive world around us will continue to chip away at our markets, thus our jobs.

The job market has, in fact, in the last two decades taken on a shift that began long before NAFTA. While trade unions have a key role to play, their membership is in a net decline in numbers, due to such items as right-to-work laws and the shift of numerous sectors of high-tech fields in Sunbelt states. What has evolved is global production by cutting-edge companies, both small and large, that can bring together the highest quality components to produce the most price-competitive product. The just-in-time approach in and of itself puts all the major industrial nations on the defensive, including Japan, which has tried to remain insulated from the outside world, and threatens the traditional approach to labor.

Japan's worst nightmare about NAFTA has been that, with passage of the accord, North America will be joined as one trading block that will limit (due to product content rules) Asian back-door access to the U.S. market. This item alone will protect thousands of U.S. jobs.

Thus the alternative, in addition to emphasis on training and technological interfacing is to be among those nations, suppliers and producers that will assemble, monitor, distribute, service and market tomorrow's products and services. Education will play the largest role to ensure future workers are trainable and adaptable. Additionally, industry should and will continue to produce "easily-manufactured items," always mindful that competition is always over the horizon.

The fact that there is no limit to the types of products and services that can be produced and exported leads to the conclusion that those who are near the market will benefit. Furthermore, the United States remains the leader in know-how, research and development as well as one of the leading sources of investment capital.

Laredo and South Texas are probably two of the most strategically located regions in North America to benefit from free trade and the passage of NAFTA. As the No. 1 inland port in the world, this region is one of the fastest-growing areas in the Southwest and possibly the nation. Thus it can be assumed that things will not remain as they always have. Change, with or without NAFTA, will occur in all sectors of our economy; retail, distribution, shipping, service and financial.

Those companies that take the change in stride and look to competitively improve their business will prosper. Sure growth or reduction in competition are not likely to occur any time in the near future. On the contrary, infrastructure needs and planning will be paramount to service the twin communities of Laredo and Nuevo Laredo that will number a million inhabitants by the year 2000.

Thus, the North American Free Trade Agreement, like other milestones, is a defining moment for not only the United States and Mexico but, more importantly, for Laredo.

Mexico's membership in GATT, the reduction of inflation to below 10 percent per year, the privatization of hundreds of government-owned businesses and account reserves of more than $20 billion compared to a monetary base of only $14 billion position Mexico as a great trading partner.

And, given the fact that this is indeed the time to embrace free trade, we usher in continued growth and prosperity for Laredo for the best of times and challenges well into the next century.

IN MEMORY OF GWENDOLYN R. WOOLLEY

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. BILBRAY. Mr. Speaker, I rise today to recognize a lifetime of dedication by a longtime Las Vegan to the purpose of bettering our community and educating our children.

Born in 1896 in Centerville, UT, Gwendolyn R. Woolley grew up on a dairy farm. She received her bachelor's degree from the University of Utah and her master's degree from Columbia University.

Ms. Woolley returned to Utah to begin her 54-year teaching career in 1915 in Millard County. After teaching in Idaho, Arizona, and the small town of Moapa, NV, she came to the growing town of Las Vegas in 1936.

Her Las Vegas teaching career spanned 30 years. And sometime during her tenure instructing the eager minds sitting in Clark County schoolrooms, she touched the mind of a boy named JIM BILBRAY. Ms. Woolley was one of my teachers when I was a student at Las Vegas High School. To this day I still remember her lessons.

Even after retiring from full-time instruction, Gwendolyn continued her commitment to the Las Vegas community. She taught at a small private school for troubled girls, she donated her time to the American Red Cross, she was a member of the Daughters of the Utah Pioneers, the Nevada Historical Society, and a 50-year member of the Southern Nevada Literary Society.

At the age of 91, Ms. Woolley became the driving force behind efforts to preserve the Old Mormon Fort, the oldest standing building in the Las Vegas Valley. And she succeeded.

And so I ask my colleagues today to rise with me in the memory of a truly great Nevadan, her accomplishments, and her committed spirit.

DADE COUNTY NEEDS THE SPECIAL HURRICANE INITIATIVE PROJECT [SHIP]

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mrs. MEEK. of Florida. Mr. Speaker, throughout my years of service in the Florida State House and Senate and in the U.S. Congress, I have strongly supported legislation and policies to combine the resources of the Government and the private sector to help more people own their own homes.

I have worked so hard on housing issues because the cornerstone of the American dream—home ownership—has been an illusive one for thousands of Dade County families of modest means.

To help address this problem, two progressive, locally based housing organizations—the Miami-Dade Neighborhood Housing Service, Inc. [MDNHS] and Centro Campesino Farmworkers Center, Inc.—have combined their talents and resources to create an innovative joint venture called the Special Hurricane Initiative Project, or SHIP.

The SHIP Program is also sponsored by the Neighborhood Reinvestment Corp., which was created by the U.S. Congress to improve neighborhood housing; Neighborhood Housing Services of America [NHSA], a nonprofit secondary market for loans initiated by programs like SHIP; the Allstate Insurance Co., which provided a $2.5 million investment in NHSA to help fund SHIP loans; and the Local Initiatives Reinvestment Corp. and We Will Rebuild, which provide administrative funds and other assistance to the SHIP Program.

The purpose of SHIP is to strengthen South Dade county and the communities of Homestead, Leisure City, Florida City, and Naranja by helping people who want to become homeowners there.

Participants may be residents who are already homeowners but who want to rebuild their hurricane-damaged home; tenants in the area who want to own their own homes; or people currently residing outside the area who want to become South Dade homeowners.

Individuals would apply to either MDNHS or Centro Campesino and must meet low-moderate income requirements and underwriting criteria. Once qualified, applicants are granted a mortgage at a very low rate of interest—anticipated to be less than 3 percent. The loan is serviced through the SHIP Program by MDNHS until it is paid off.

Once the loan has been made, it is sold to the NHSA secondary mortgage market so that the loaned amount is replaced in the fund so that it can be loaned to another low-income family.

Centro Campesino may grant qualified individuals down payment assistance to insure that the loans are affordable, and MDNHS will provide homeowner counseling and assist applicants with selecting contractors.

Mr. Speaker, the SHIP Program is exactly the kind of public-private, grassroots partnership that we need to help meet the housing needs of low and moderate income people. I applaud this effort look forward to helping make it a success.

STOP US BEFORE WE MANDATE AGAIN

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. CLINGER. Mr. Speaker, last week two important groups of elected officials were in Washington for their annual conferences. A bipartisan item high on the agenda for both the National Governors' Association and the U.S. Conference of Mayors was persuading the Clinton administration and Congress to stop passing unfunded Federal mandates, a harmful practice requiring State and local governments to provide certain services or meet regulatory standards, but providing little or no Federal money to help pay the costs. President Clinton's spokesperson stated the administration policy this way, "* * * the President signed an Executive order which basically said we will not impose unfunded mandates on the states. This is a commitment he takes very seriously."

We've heard from the President; but just how serious is Congress about curbing unfunded mandates? We will find out when I offer an amendment to help reduce the impact of unfunded mandates on State and local governments to H.R. 3425, legislation to elevate the Environmental Protection Agency to a Cabinet department.

According to an October, 1993 survey by the U.S. Conference of Mayors, the top ten most expensive mandates, eight of which are environmental, will cost cities with 30,000 or more in population over $50 billion in the next few years. This is just the tip of the iceberg because there are 14,950 smaller cities not included in this study. The National Association of Counties reports that counties spend about $4.8 billion annually to comply with just 12 unfunded Federal mandates.

The reality is that State and local governments need relief. As the Federal deficit has mushroomed, Congress and the executive branch depended on mandates as a convenient way to take credit for popular policies while passing the costs on to States and localities. If unfunded mandates continue, State and local governments will have two choices: one, cut back on important everyday services such as fire and police, public transportation, social services and others; or two, raise taxes.

My amendment directs the new Department of Environmental Protection to implement a strategy easing the burdens imposed on State and local governments by the Department, consistent with environmental laws. This strategy must promote inexpensive yet effective alternatives for State and local governments struggling to comply with rigid, complex environmental regulations which dictate not only what they must do, but how they must do it.

This amendment does not exempt States and localities from complying with environmental rules and regulations; it promotes a strategy to provide a State or local government flexibility to comply with mandates. The Federal Government thinks that "one-size-fits-all" compliance equals greater environmental protection, when in truth States and localities may achieve the same environmental goals as effectively for less money. This amendment directs the Department to execute a strategy recognizing that Washington's way is not always the best way.

Important developments in Congress—such as the creation of an 89-member anti-unfunded mandates caucus, the introduction of several relief bills, and congressional hearings in Washington and around the country describing the problem—give me reason to believe that Congress is ready to go on record against more unfunded mandates. Outside Congress, important groups such as the National Conference of State Legislatures, the National Association of Counties, and the U.S. Conference of Mayors are working hard in support of my amendment.

Those of you who oppose additional Federal burdens on State and local governments are urged to write your Senator and Representative in Washington and tell them to support the Clinger unfunded Federal mandate amendment to the EPA bill. It is a good, common sense way to begin addressing the problem Congress has created.

TOP TEN MOST EXPENSIVE UNFUNDED FEDERAL MANDATES FOR CITIES

[In billions of dollars]

Mandate	FY94–98 projected costs
(1) Clean Water Act/Wetlands	29.3
(2) Safe Water Drinking Act	8.6
(3) Solid Waste Disposal Act	5.5
(4) Clean Air Act	3.6
(5) Americans With Disabilities Act	2.1
(6) Lead-based paint	1.6
(7) Fair Labor Standards Act	1.1
(8) Underground storage tank regulations	1.0
(9) Asbestos	0.7
(10) Endangered species	0.2
Total	53.7

Source: U.S. Conference of Mayors.

PAY INDIA THE ATTENTION IT DESERVES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. ENGEL. Mr. Speaker, an important economic transformation is underway in India. During the past 3 years, the government of the world's largest democracy has opened its doors to direct foreign investment, made its currency convertible, allowed foreign participation on its stock exchanges, and has begun to privatize government entities. As a result, American businesses are investing heavily in the second largest middle-class market in the world. In the first 6 months of last year, more than $1 billion were invested in India. India now conducts more trade with the United States than any other country.

While our two countries excel economically, our diplomatic relationship lags behind. As of today, America has still not nominated an ambassador to New Delhi. And, the administration, unlike our European counterparts, has not sent an official above the level of assistant secretary to visit the subcontinent.

Commenting on this, Washington Post reporter Mary McGrory recently wrote a column entitled "Treating India Undiplomatically." In the article, she discusses problems developing in the United States-India relationship due to the lack of attention paid to India by our foreign policy establishment. Mr. Speaker, as a member of the Foreign Affairs Committee and the Indian Affairs Caucus, I believe that the time has come for the State Department and the administration to wake up. We must pay India the respect it is due.

[From the Washington Post]

TREATING INDIA UNDIPLOMATICALLY

(By Mary McGrory)

India is fuming at the Clinton administration. The world's largest democracy has been without a U.S. ambassador for the better part of a year and the prospects for getting one soon are not brilliant.

The Indian ambassador to the United States, Siddhartha Shankar Ray, points out that his country thought it had become what the Clinton foreign policy was all about, a democracy with a free market. Relations between the United States and India were strained throughout the Cold War, when Washington found New Delhi's self-righteous neutrality maddening and its state-run economy hard to deal with.

But India has changed. In July 1991 it opened its markets. More than 600 U.S.-Indian corporate joint ventures are in progress. We have become India's largest trading partner. India admitted error in human rights, established a commissioner for human rights and, in the United Nations, has sponsored with us a resolution for a worldwide commissioner for human rights. Once, the United States was resigned to lectures from the Indians in the United Nations. Now they vote with us almost all the time, but Washington seems not to have noticed.

"We expected the greatest democracy would look at our country with different eyes," said Ray.

Instead, the Indians are finding out that George Bush treated them better. At least he sent his trade representative, Carla Hills, to visit New Delhi.

Under President Clinton, Washington has so far declined to add to the procession of notables shepherding high-level trade delegations to India. British Prime Minister John Major led off with a large group of businessmen last January; Boris Yeltsin of Russia, Helmut Kohl of Germany and Mary Robinson, president of Ireland, followed. China, Spain and France all showed up with stars. We never got higher than an assistant secretary of state.

Commerce Secretary Ron Brown observed last week that we should pay "much more attention" to India.

India was delighted when Bush chose Thomas R. Pickering as ambassador. A high profile career diplomat, he served for several months before Clinton yanked him off to our Moscow embassy. The Indians regard this as squandering because of the general opinion that Strobe Talbott, the expert on Russia who has been nominated to be deputy secretary of state, is the de facto ambassador to Russia anyway.

Clinton's next choice was Stephen J. Solarz, who for years dreamed of being secretary of state. He is a former Democratic congressman from New York noted for his brains and his withering comments on those less endowed. Many colleagues were awed by his grasp of foreign affairs; others found him too clever by half and hated his noisy pro-gulf war stand in the face of Democratic opposition.

Clinton designated Solarz last March. He owed him. Solarz was an early Clinton fan; on the darkest day of the presidential primary campaign, the day of the Gennifer Flowers news conference, Solarz called campaign headquarters and announced he was having a news conference in New York to defend Clinton.

Solarz had his own problems. He was one of the top 10 writers of checking account overdrafts at the House Bank. He also helped a Hong Kong businessman who had criminal ties. Reportedly he was cleared of all allegations and can now be formally nominated, but no paper on him ever went to the Senate Foreign Relations Committee. He has been trying to rally support.

The Indians would be perfectly happy to have Solarz. They just want the administration to acknowledge their existence, to counter the impression, stated by embassy spokesman Nirupama Rao, "that India has dropped of the map."

That feeling has been exacerbated by two letters recently emanating from Clinton that revealed considerable ignorance of recent developments and caused a furor in the Indian press and complaints about "meddling."

The first was addressed to a paid lobbyist for a Kashmiri separatist group. Ray wrote a stiff letter to the State Department: "It is disconcerting to see that an individual who is in the forefront of the campaign for dismembering India should seemingly receive recognition and encouragement from the highest political authority in the U.S."

The second was to a California congressman complaining about conditions in Punjab, which, thanks to several local elections, have improved to the point where the Sikh police chief, K.P.S. Gill, defended the government's treatment of the Sikhs. This letter particularly irritated Ray, who was governor of Punjab for four years.

These misunderstandings, he said, leave Indians feeling "hurt, bewildered and worried," and make the naming of a U.S. envoy "absolutely imperative."

HANDS: LOUISVILLE HOUSING AND NEIGHBORHOOD DEVELOPMENT STRATEGIES PROGRAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Mr. MAZZOLI. Mr. Speaker, recently, the President of the U.S. Conference of Mayors, the Honorable Jerry Abramson, who is also mayor of my hometown Louisville, KY, joined with Dr. John L. Gilderbloom, Director of the Housing and Neighborhood Development Strategies Program [HANDS] at the University of Louisville, to promote new initiatives for solving the problems today experienced by American cities.

While many believe that the problems of our cities are intractable, I do not. I agree with Mayor Abramson and Dr. Gilderbloom that abandoning our cities and turning away from them in their time of need is not only unacceptable but totally unnecessary because solutions to their problems can be achieved.

The HANDS Project is a partnership involving community, business and Government organizations which was launched in Louisville's Russell neighborhood. When HANDS started, 79 percent of the Russell residents lived below the poverty level. The average income for a Russell neighborhood resident was $4,800 and the unemployment rate was resting at 65 percent. Needless to say, the conditions in this neighborhood were desperate.

The city of Louisville, led by Mayor Abramson, invested millions of dollars in infrastructure improvement in Russell. Local business leaders from Louisville and Jefferson County provided low interest loans for homeownership and business opportunities. The University of Louisville, led by Dr. Gilderbloom, provided services to retrain and reeducate area residents.

There is a long way to go before all the problems faced by the Russell neighborhood and many like it in Louisville and around the Nation can be eradicated. The process is continuing, but the Russell neighborhood is well on its way to revitalization. Some 350 housing units are planned for either construction or rehabilitation, which will create about 400 jobs, bringing an estimated $18 million in investment to the neighborhood.

The HANDS Project is quickly gaining attention as a national model for inner-city revitalization. I am pleased, therefore, to share with my colleagues an article coauthored by Mayor Abramson and Dr. Gilderbloom describing the HANDS Program which appeared in The Washington Post on January 26, 1994. The text of the article follows:

[From the Washington Post, Jan. 26, 1994]

ENDING A PATTERN OF FAILURE IN THE CITIES

(By Jerry E. Abramson and John I. Gilderbloom)

A wide spectrum of political leaders and policy experts argues that revitalizing inner-city neighborhoods is an almost impossible task. They cite a long list of failed federal programs that have done little to improve the conditions of the impoverished. Their policy prescription is simple: Since nothing works, nothing should be done.

Abandoning inner cities would be disastrous. Neglect of inner-city residents was a major factor in the burning, looting and killing in South Central Los Angeles. Many American inner cities are already at a boiling point. Neglect and abandonment will only intensify the problem. People without a future, hope or a life become dangerous; citizens with jobs, housing and education realize a full life and the American dream.

Learning from the mistakes of the past, such cities as Baltimore, Minneapolis, Louisville, Atlanta, Indianapolis and San Francisco are designing programs that can revitalize inner-city neighborhoods. A common thread that links these bold and innovative programs is the creation of local partnerships that unite business, community and government to create jobs, housing and educational opportunities.

When Louisville organized a partnership to help revitalize one of the nation's most impoverished neighborhoods, many observers thought it was an impossible job. In Louisville's Russell neighborhood, 79 percent of the 10,000 residents had incomes below the poverty level in 1990. The vast majority of the families (90 percent) were female-headed. Yearly household income averaged $4,800. Half the residents were on some form of public assistance. Unemployment hovered around 65 percent.

Despair, anger and contempt were omnipresent. Prostitution, crime and drugs were widespread problems. These conditions contributed to abandonment and neglect of housing. Pawn shops, funeral homes and liquor stores had become some of the leading neighborhood businesses.

Given these problems, most commentators thought it would be all but impossible to build even one house or create one job. Today, Russell is on the verge of a miracle. The neighborhood is undergoing a dramatic rebirth. Jobs and housing opportunities are being created. The crime rate has been cut almost in half.

Developers and nonprofit organizations have been given the necessary encouragement to build in the Russell neighborhood. Some 350 affordable housing units will either be built or rehabbed in the area. These activities will create 400 jobs, bringing an estimated $18 million in new investment to Russell. Commercial businesses have announced plans to expand to relocate into Russell. Residents are also taking advantage of educational and leadership opportunities. Roughly one out of every 10 residents will be assisted by this partnership.

How could this happen when so many other efforts seem to be failing? The Russell partnership is a unique team effort that involves government, business, community organizations and higher education institutions working together. This partnership uses teams that address human, economic and physical development through case management, job training, education, homeownership, community leadership and community design services. The federal government has helped by providing funding from the U.S. Department of Housing and Urban Development and the Department of Education and by matching local support.

City government has provided millions of dollars in infrastructure improvements, favorable loans to encourage development and community policing. The business community has stepped forward by providing low-interest housing loans, and established developers have agreed to build attractive single-family cottage style houses meant for moderate-income families. Higher education has provided planning and design services to builders and nonprofits, along with social workers, tutors and job training for those wanting assistance. Community groups have provided a broad array of services, including leadership, outreach, organizing and consensus building.

The Russell revitalization effort is unique so far, but it is quickly gaining national attention as a model for revitalizing our country's inner cities.

On Martin Luther King's birthday, President Clinton unveiled his empowerment program encouraging cities to compete for inner-city revitalization funds. Both liberal and conservative commentators have been quick to denounce the program as wasteful and ineffective. Yet the key principles of the president's empowerment program mirror those of the Russell partnership. In a time of "doom and gloom" we need models that are proven. The Russell partnership and others like it can provide them.

THE INNER-CITY CRIME CRISIS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 1994

Ms. HARMAN. Mr. Speaker, as the House begins to consider debate on major crime legislation, I want to enter into the RECORD an article written by Judge Curtis E. Von Kann entitled "The Inner-City Crime Crisis: Causes and Cures." Judge Von Kann serves ably on the DC Superior Court and has a very enlightened view of the criminal justice system. Though Judge Von Kann and I do not agree on every issue, he speaks with clarity and experience.

[From Legal Times, Dec. 13, 1993]

THE INNER-CITY CRIME CRISIS: CAUSES AND CURES

(By Curtis E. Von Kann)

If the question is, "What can the criminal justice system do to solve the homicide crisis in this city?" My personal opinion, after serving 14 months on a Felony I calendar trying murder cases virtually non-stop, is, "Not much."

The criminal-justice system in America has never been viewed by knowledgeable observers as the principal force in reducing crime. That is not its job. Rather, its job is to apprehend and try alleged offenders and, upon conviction, to sentence them.

While all of that, of course, has been thought to have some impact on reducing crime, sociologists will tell you that, in any society, the far more important factors working to prevent the commission of crimes are societal factors—education, widely shared moral and religious codes of conduct, family structure and support, and viable lawful opportunities for employment and upward mobility.

When these factors are operating effectively to reduce the incidence of crime, the criminal-justice system can have a modest additional impact through offender apprehension, conviction, and sentencing. The four classic objectives in sentencing are retribution (expressing society's condemnation of anti-social conduct), deterrence (discouraging others from offending), incapacitation (incarcerating the offender so that he cannot commit further crimes), and rehabilitation (reforming the offender).

With respect to deterrence, classical criminology theory says that a person contemplating the commission of a crime will not commit the offense if they believe (whether accurately or not) that an unacceptable punishment will be visited upon them swiftly and certainly. Thus, they will make a rational cost-benefit choice and avoid doing that which carries an unacceptable consequence.

Today, none of these underpinnings of normal deterrence theory are operative.

First, punishment now is not swift. Typically, it takes one to two years from arrest to verdict in a "Murder I" (first-degree murder) case, and appeals may protract the case for two to four years beyond that.

Second, punishment is not certain. A significant percentage of killers are not convicted, either because they are not arrested or because they "beat the rap" and are acquitted—often due to witnesses' fears or even murders, and sometimes because of the inability of overworked prosecutors to put on the most effective case.

Third, and most significant, for the kind of offenders we now typically see on the Felony I calendars, receiving a sentence of 30 years to life is not an unacceptable consequence because human life—theirs or anyone else's—has very little value to them. They really do not care much if they get a long sentence. It is simply one of many bad things that can happen to you, and if it happens, it happens.

Rehabilitation, given this outlook, is unlikely for most of these offenders.

Incapacitation of a Murder I offender, until recently, lasted only about 20 years, which meant that an 18 year old killer (of which we have many) was typically paroled at about age 38 with lots of years left to commit more offenses.

Retribution still has some viability—it gives victims, families, and society some sense of justice when a murderer receives what they sound like a long sentence (although the sentence is often not really as long as it sounds). This sense of satisfaction has very little effect, however, on reducing crime.

If the criminal-justice system cannot have much impact on reducing crime, what can? The answer to that is easy—change the conditions which produce crime.

In America, we are now reaping the consequences of decades of neglect that have left large chunks of our inner cities veritable cesspools, characterized by:

Decaying, dilapidated housing.

Schools that do not teach.

A welfare system that encourages indolence and producing babies rather than working.

Disintegration of the family.

Incompetent, overloaded social-service bureaucracies that often annoy and infuriate their clients.

Massive unemployment.

Decay and abandonment of parks and recreation facilities.

Pervasive hopelessness, despair, and anger.

Drugs—especially crack cocaine—that people turn to for self-medication because they can no longer stomach the reality of their lives.

Drug selling as the only viable means of employment and upward mobility and self-respect for many young men.

Teen-age pregnancies as the only form of self-fulfillment for many young women.

CRISIS POINT

For many people in urban America, life has truly become, in the words of Thomas Hobbes, "poor, nasty, brutish, and short." This comes at a time when many others in America are enjoying the highest standard of living in world history. Thus, it should be no surprise to us that these inner-city cesspools belch up all the things which presently clog our courts—pervasive drug use and drug selling, violent crime, record levels of child abuse and neglect—which have totally overwhelmed our social-service resources—absentee fathers who provide no emotional or financial support to the human beings they sire, escalating intra-family violence, gigantic caseloads in landlord-tenant court, and violent, bitter children flooding our juvenile court with ever-younger crops of killers.

How do we deal with all this? In my view, we are now in the midst of a crisis in our history no less severe than the Great Depression, and what we need is a response no less dramatic, bold, and all-encompassing than the one Franklin Delano Roosevelt crafted to pull us out of that tailspin.

We need a 1990's New Deal for America's inner cities.

We need to establish an urban Civilian Conservation Corps to employ the young, idle men and women who are now sitting around using and selling drugs because they have no realistic chance of doing anything more productive.

We need to bulldoze the awful public housing projects and ancient school buildings.

We need to build attractive, diverse inner-city villages with housing of various kinds, parks, playgrounds, recreation facilities, and exciting, enticing schools.

We need to scrap the present welfare system and install one that provides brief assistance for those temporarily unable to work and no assistance for those who can.

We need to provide tax incentives for employers to come to the inner city and hire its residents.

We need to reform the health-care system to encourage preventive medicine and better prenatal care.

We need to increase by 10-, 20-, 100-fold the slots available in drug treatment programs, and also honestly and carefully study different programs to determine which work and which do not.

We need to establish schools that actually teach and inspire kids, not just babysit them.

And we need to rebuild family life.

COSTLY, BUT COST-EFFICIENT

Will all this cost a lot of money? You bet! But in the long run it will cost a lot less than the present course we are on—which will require geometric increases in the number of policemen, prisons, correctional officers, prosecutors, judges, probation officers, social workers, etc. Remember that the costs of just one child in the neglect system for 20 years, or one inmate in the prison system for 30 years, are enormous. And the social cost in terms of increased welfare payments, lost productivity, social unrest, citizen fears, etc., are even greater. Money can be found in budgets, when the need is great.

Congress recently debated, with much fanfare, enactment of a $22 billion crime bill that will have almost no impact in reducing crime. It directs resources to the wrong end of the pipeline—the output end rather than the input end—and it contains a number of provisions that will be counterproductive. For example:

Fifty new death penalty provisions, when there is absolutely no evidence that death penalties are more effective in deterring crime than life sentences. Instead, death penalties add enormous costs to the judicial system and carry the potential for horrendous mistakes (which occur from time to time).

Mandatory minimum sentences, principally for drug offenders.

These provisions will fill up prisons for years with non-violent offenders at great cost, although there is no evidence that they are having any appreciable effect on reducing drug selling.

If Congress were to rebuild inner cities with the $22 billion largely wasted in this crime bill, along with money we are shipping overseas to non-needy foreign-aid recipients and squandering on pork-barrel projects and countless other luxuries a society in crisis can ill-afford, we could really start to reduce crime in America, including the District of Columbia.

Although the primary solution to violent crime lies outside the criminal-justice system, there are some things that could be done to that system to have a modest, positive impact on crime reduction.

First, the D.C. Council should repeal the Good Time Credits Act. How many people are aware that if I sentence a person convicted of second-degree murder to a term of 15 years to life, he will actually be parole-eligible (and likely paroled) after serving 10 years, not 15? Why?

Because under the Good Time Credits Act, for every three days a prisoner serves on any sentence over 10 years (other than a mandatory sentence), he gets a one-day reduction on the balance of his sentence, not because he completed a course, or performed some helpful service at the facility, or cooperated with law-enforcement authorities in solving another crime, but simply because he was there and had not, to anyone's knowledge, broken any rules.

This law effectively reduces by one-third all nonmandatory sentences of more than 10 years. It is a cynical tactic, blatantly designed to reduce prison populations to meet court-ordered limits on how many inmates can be stuffed into existing facilities. It skews sentencing, deceives the public, and serves no useful purpose. It should be repealed.

Second, the D.C. Council should increase the allowable minimum terms for homicides. Although I do not agree with some critics of the present criminal-justice system who advocate abolition of parole, I do think present minimum terms should be increased as follows:

For first-degree murder, the maximum should be increased five years, from its present 30 years to life to 35 years to life.

Second-degree murder sentences now range from 15 years to life. I would increase that to 30 years to life.

Finally, I would recommend changing the penalty for manslaughter from five to 15 years to 25 to 75 years.

Often, through jury compromise, plea bargaining, or loss of witnesses, premediated, deliberate homicide produces a conviction for second-degree murder or manslaughter. While those offenses should carry a lesser sentence than first-degree murder, the present differential is too great. Present statutory sentences should be increased so that a judge can incarcerate an offender for a length of time which greatly reduces the risk that the offender will commit other violent crimes upon release. The prospects for rehabilitating the sort of young killers we see today is slim. And, by their conduct, they have forfeited the right to have society take a big chance on whether they have been rehabilitated.

Studies show, however, that the single biggest factor in reducing recidivism is aging. The rate of recidivism drops dramatically after an offender reaches about 45 to 50 years of age. And the rate of recidivism among murderers is much lower than among almost any other class of offenders. Assuming repeal of the Good Time Credits Act, the sentencing terms I am proposing would mean that a vicious 18-year-old convicted of first-degree murder could be incarcerated to age 53 before becoming eligible for parole, to age 48 if convicted of second-degree murder, and to age 43 if convicted of manslaughter.

I would not make these sentences mandatory. Judges should have discretion to impose lesser terms in appropriate cases. But the authority to impose that long a time before parole eligibility should be there if it is needed.

Third, prosecutors and judges should impose sentences of life without parole for the most heinous cases. Such a statute has just been enacted by the D.C. Council.

NON-VIOLENT OFFENDERS

Fourth, the D.C. Council should eliminate mandatory minimum terms for non-violent offenders. Selling crack cocaine in D.C. now carries mandatory minimums of four to 12 years for first offense, seven to 21 years for the second offense, and 10 to 30 years for a third offense, unless the addict exception is met or the defendant pleads to an attempt charge. These long sentences are not effective in stopping drug selling. But they are effective in filling up prisons with non-violent offenders whose crime was that they sold one form of escapism to willing buyers, while the liquor store owner across the street sold another.

Not all forms of substance abuse are equally bad. In most cases, narcotics are more lethal and devastating than alcohol, so I do not favor legalizing drugs. But current mandatory minimum sentences are disproportionate to the crime and ineffective and wasteful of limited prison resources.

Fifth, the D.C. Council should enact a Speedy Trial Act for detained defendants. Veteran Superior Court prosecutor J. Ramsey Johnson, who served as acting U.S. attorney until Eric Holder Jr. assumed office, was recently quoted as saying that the District needs a speedy trial act. He is right. The federal courts have one. We do not, except that persons detained under D.C. Code §23-1322 (for second-degree murder, rape, and some other violent or dangerous offenses) must be tried within 100 days of arrest, or within 120 days, if good cause is shown for the additional 20 days.

There is no statutory requirement, however, that persons preventively detained for first-degree murder be brought to trial within any specific time limit. (There is, of course, the Constitutional right to a speedy trial, but that has been construed to permit rather long intervals between arrest and trial absent specific prejudice to the defendant's case.) Very few Murder I defendants are tried within one year; many are not tried until 18 to 24 months after arrest.

Aside from the fact that this is not swift and certain justice, it is also counter-productive because cases generally get worse, not better, for the government after about six months. Witnesses disappear or get killed; others get scared or lose their original ardor to cooperate with the police and prosecutors.

Moreover, those defendants who are entitled to acquittal should not have to wait two years behind bars for that event to occur. I would propose that those detained under §1325 must be tried within 200 days, with 40 additional days allowed for good cause shown.

Thus, first-degree murder trials would have to occur six to eight months from the time of arrest. Just as the government and the court manage to meet the deadlines of §1322, these proposed §1325 deadlines could also be met—provided there was an appropriate redeployment of resources.

Sixth, the Office of the U.S. Attorney should establish a diversion program for drug buyers and fist-time, unarmed sellers.

In the Superior Court, we now have nine judges on Felony 1 and the Accelerated Felony Trial Calendar trying violent offenders, and another 20 or so judges trying primarily non-violent drug defendants, most of whom have been released on personal recognizance. This makes no sense to me in the current environment. A number of those 20 judges should be redeployed to additional Felony I and AFTC Calendars, so that the time for getting the more serious cases to trial could be drastically reduced. This could be accomplished if the government instituted a diversion program for drug buyers, and non-violent, first-time drug sellers. Such a program would also free up many prosecutors and defense lawyers who could turn their attention to the more pressing problem of violent crime.

THE FUTURE IS OUR CHILDREN

Finally, all agencies in the system should give maximum attention to effective juvenile intervention. Most of the murderers I see in adult court have had at least one arrest as a juvenile offender, and may have had a number of such arrests. It is obvious that, if the future is our children, our future killers are the children who are now coming into our system as juvenile offenders on arrests for selling drugs, stealing cars, assaulting people, and carrying guns. If we could get to these offenders early in their careers and turn them around, the rate of future homicides would begin to decline.

I do not have an easy answer for how we can do this, but I am confident that our present system for dealing with juvenile offenders is not very effective. It is grossly understaffed and underfunded, housed in bureaucracies that are not very creative or inspiring and operating on assumptions and models that are now 10 to 20 years out of date. We need to put a maximum effort into redesigning juvenile rehabilitation programs and facilities.

The kind of juvenile offenders we are now seeing, and the kind of community they come from, are nothing like those addressed by juvenile justice treatises written a decade or two ago. In order to get the maximum benefit for our investment, we need to study programs nationwide to see which work and which do not, and then install the effective ones and get rid of the others.

Even if we had the best juvenile-rehabilitation program imaginable, it would have a low success rate if its graduates were simply tossed back into the cesspool I described earlier. But if we drain the cesspool and rebuild the inner city, and if we develop effective ways of turning around juvenile offenders at an early age, we stand a good chance of having a rate of homicide and crime 10 years from now that is dramatically less than that which we are now experiencing.

SENATE—*Friday, February 11, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

That which we have seen and heard declare we unto you, that ye also may have fellowship with us: and truly our fellowship is with the Father, and with his Son Jesus Christ.—I John 1:3.

Eternal God our Father, help us comprehend the meaning of "fellowship" which is the central reality of Biblical truth—another way of saying, "Love God and love your neighbor." We have lost our connectedness. As relationships in the family and the community have disappeared, we find ourselves alienated from each other. At the heart of homelessness, gangs, and violence is alienation. And the root problem in history is self-alienation from God.

Gracious Father, we remember with profound gratitude the faith in which our national life was grounded and the strength of the words, "E Pluribus Unum." People from many nations composed America. We were one people. Now we are like a tossed salad, no longer like a melting pot, fragmented in home, community, and race. Desperately we need the reconciliation that comes from God that brings us together in fellowship with one another and with the Father and His Son.

Mighty God, help us find our way back to the unity which bonded us together and made us great as a nation.

We pray in Jesus' name who is the Great Reconciler. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 11, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, it is my hope that the Senate can proceed promptly to take final action with respect to the emergency supplemental appropriations bill approved yesterday in the Senate and the subject of a conference committee between the House and Senate, which has met throughout the day.

It is my understanding that the conferees have completed their action and that the matter will shortly go before the House of Representatives. I have proposed that the Senate act on the matter now.

I note the presence of the distinguished Republican leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. MITCHELL. Mr. President, I am advised that we can proceed with the emergency appropriations bill and one other matter, and therefore I now ask unanimous consent, notwithstanding the adjournment or recess of the Senate, that when the Senate receives the conference report on H.R. 3759, the supplemental appropriations bill, the conference report be considered to have been agreed to; the motion to reconsider laid on the table; and any statements thereon appear in the RECORD at the appropriate place as though read.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATION AND RESCISSION

Mr. BYRD. Mr. President, conferees met this morning and completed action on H.R. 3759, the emergency supplemental appropriation and rescission bill. At this time, I will briefly set forth the key elements of the pending measure, after which time I will yield to Senator HATFIELD for any remarks that he wishes to make.

As reported, H.R. 3759 contains four titles. For title I, the conference agreement recommends emergency disaster assistance and other emergency funding totalling just over $10 billion. The vast majority of these funds are to provide disaster assistance to the victims of the California earthquake. In addition, the President requested and the conference agreement provides additional funding for the victims of the Midwest floods. The major items included in title I are:

FEMA disaster relief—$4.7 billion;

SBA disaster loans—$1.1 billion;

Emergency highway funding—$1.3 billion;

Impact aid and student financial assistance—$245 million;

HUD assisted housing—$325 million;

Unanticipated needs fund—$500 million; and

Midwest flood—$685 million.

In addition, the President requested and the conference agreement recommends $1.2 billion for the Department of Defense peackeeping activities as an emergency.

Title II of the conference agreement contains regular fiscal year 1994 supplemental appropriations requested by the President. Of these amounts, three of the conference agreement's recommendations provide for mandatory funding of very important programs:

Veterans compensation and pensions—$698 million;

Veterans readjustment benefits—$103 million; and

Advances for unemployment trust fund—$61.4 million.

In addition to these mandatory appropriations, the bill contains various discretionary fiscal year 1994 supplementals requested by the President for items such as salaries and expenses for certain agencies, certain items for the National Park Service and Bureau of Indian Affairs, et cetera. These discretionary appropriations total under $160 million and are all accommodated within each subcommittee's 602(b) allocation.

Title III contains rescissions totalling $3.25 billion. The conference agreement, like the Senate-passed bill, contains the congressional response to the President's rescission messages of November 1, 1993, and February 7, 1994. The total of those two Presidential rescission requests was $3.17 billion. Therefore, the conference agreement includes rescissions totalling $78 million in greater cuts than requested by the President.

In addition, an item of interest to Members would be the fact that the House accepted the Senate amendment to ensure that emergency funds contained in this measure to prohibit benefits for individuals not lawfully in this country with a modification intended to ensure that no discrimination occurs in the implementation of this section.

Another provision of interest to all Senators is the amendment extending the statute of limitation of criminal prosecution on the Resolution Trust Corporation. The House receded to this amendment, which was passed by the Senate by a vote of 95–0.

Mr. President, I thank all Members of the Senate for their cooperation in the expeditious passage of this measure. As always, their expertise and hard work were present throughout the entire consideration of this measure.

STATEMENT REGARDING CONFERENCE REPORT ON H.R. 3759

Mr. D'AMATO. Mr. President, I rise to express my appreciation to my fellow conferees for retaining the RTC statute of limitations extension that the Senate adopted Wednesday evening.

In retaining this provision in the conference report, my colleagues have demonstrated their sense of fairness to the American people. The savings and loan bailout was a financial disaster for the taxpayer; this amendment should alleviate some of the costs of that disaster. We are talking about real money here. On the day that Madison Savings and Loan was taken over by the regulators, 35 other savings and loans were declared insolvent—this 1 day alone cost the taxpayers billions of dollars in bail-out costs.

I particularly would like to thank Senators METZENBAUM and MURKOWSKI for their hard work on this issue. Senator METZENBAUM has been a tireless advocate on this issue. In fact, the amendments that Senator MURKOWSKI and I offered Wednesday were nearly identical to draft legislation that Senator METZENBAUM forwarded to me on Tuesday for my consideration.

The amendment will extend the statute of limitations under which a suit may be brought against individuals who have committed fraud involving failed savings and loans. Under the amendment, the 5-year time limit is extended until December 31, 1995, or the date that the RTC terminates, if later.

This kind of congressional action shows the American people and the taxpayer that we are on the job—we're here looking out for their best interests. The statute of limitations on Madison and many other busted savings and loans was about to run out. When this amendment is enacted into law, we will have added valuable time back on to the ticking clock.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS AMENDMENTS ACT—MESSAGE FROM THE HOUSE

Mr. MITCHELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2339, the Technology-Related Assistance for Individuals Amendments Act of 1993.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2339) entitled "An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Findings, purposes, and policy.
Sec. 4. Definitions.

TITLE I—GRANTS TO STATES

Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Progress criteria and reports.
Sec. 105. Administrative provisions.
Sec. 106. Authorization of appropriations.
Sec. 107. Repeals.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

Sec. 201. National classification system.
Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Individuals with Disabilities Education Act.
Sec. 402. Rehabilitation Act of 1973.
Sec. 403. Administrative requirements under the Head Start Act.
Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.).

SEC. 3. FINDINGS, PURPOSES, AND POLICY.

(a) SECTION HEADING.—Section 2 (29 U.S.C. 2201) is amended by striking the heading and inserting the following:

"SEC. 2. FINDINGS, PURPOSES, AND POLICY.".

(b) FINDINGS.—Section 2(a) (29 U.S.C. 2201(a)) is amended to read as follows:

"(a) FINDINGS.—The Congress finds as follows:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

"(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier.

"(3) For some individuals with disabilities, assistive technology devices and assistive technology services are necessary to enable the individuals—

"(A) to have greater control over their lives;

"(B) to participate in, and contribute more fully to, activities in their home, school, and work environments, and in their communities;

"(C) to interact to a greater extent with individuals who do not have disabilities; and

"(D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

"(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, that significantly benefit individuals with disabilities of all ages. Such devices can be used to increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

"(5) Most States have technology-related assistance programs carried out under this Act. In spite of the efforts made by such programs, there remains a need to support systems change and advocacy activities in order to assist States to develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance for individuals with disabilities of all ages.

"(6) Notwithstanding the efforts of such State technology-related assistance programs, there is still a lack of—

"(A) resources to pay for assistive technology devices and assistive technology services;

"(B) trained personnel to assist individuals with disabilities to use such devices and services;

"(C) information among individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related service personnel, technology experts (including engineers), employers, and other appropriate individuals about the availability and potential of technology for individuals with disabilities;

"(D) aggressive outreach to underrepresented populations and rural populations;

"(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly with respect to children;

"(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

"(G) capacity in such programs to provide the necessary technology-related assistance.

"(7) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information

systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

"(8) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

"(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.".

(c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is amended to read as follows:

"(b) PURPOSES.—The purposes of this Act are as follows:

"(1) To provide financial assistance to the States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

"(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

"(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the planning, development, implementation, and evaluation of such a program;

"(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish purposes described in this paragraph to the same extent as other populations;

"(E) increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this title, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

"(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

"(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

"(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

"(I) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

"(i) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(ii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(iii) educators and related services personnel;

"(iv) technology experts (including engineers);

"(v) employers; and

"(vi) other appropriate individuals;

"(J) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages; and

"(K) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

"(2) To identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment.

"(3) To enhance the ability of the Federal Government to provide States with—

"(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

"(B) funding for demonstration projects.".

(d) POLICY.—Section 2 (29 U.S.C. 2201) is amended by adding at the end the following:

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be consumer-responsive and shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals;

"(3) inclusion, integration, and full participation of such individuals;

"(4) support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systems advocacy and community involvement.".

SEC. 4. DEFINITIONS.

Section 3 (29 U.S.C. 2202) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2), (3), (7), (8), (10), (11), (13), and (14), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ADVOCACY SERVICES.—The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services—

"(A) provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services; and

"(B) provided through—

"(i) individual case management for individuals with disabilities;

"(ii) representation of individuals with disabilities (other than representation within the definition of protection and advocacy services);

"(iii) training of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully conduct advocacy for themselves; or

"(iv) dissemination of information.";

(3) in paragraph (3)(E) (as redesignated by paragraph (1)), by striking "family" and all that follows and inserting "the family members, guardians, advocates, or authorized representatives of such an individual; and";

(4) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

"(4) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a statewide program of technology-related assistance developed and implemented by a State under title I that—

"(A) addresses the needs of all individuals with disabilities, including members of underrepresented populations and members of rural populations;

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

"(C) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

"(5) CONSUMER-RESPONSIVE.—The term 'consumer-responsive' means, with respect to an entity, program, or activity, that the entity, program, or activity—

"(A) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(B) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services; and

"(ii) the planning, development, implementation, and evaluation of the comprehensive statewide program of technology-related assistance.

"(6) DISABILITY.—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.";

(5) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

"(7) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

"(A) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(i) who has a disability; and

"(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.";

(6) in paragraph (8) (as redesignated by paragraph (1))—

(A) by striking "section 435(b)" and inserting "section 1201(a)"; and

(B) by striking "1965" and inserting "1965 (20 U.S.C. 1141(a))";

(7) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.";

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) by striking "several States" and inserting "several States of the United States";

(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(C) by striking "the Trust Territory of the Pacific Islands" and inserting "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(9) by inserting after such paragraph (11) the following:

"(12) SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—The term 'systems change and advocacy activities' means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services on a permanent basis, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the work force.";

(10) in paragraph (13) (as redesignated by paragraph (1))—

(A) by striking "functions performed and activities carried out under section 101" and inserting "assistance provided through systems change and advocacy activities"; and

(B) by inserting "any of subparagraphs (A) through (K) of" before "section 2(b)(1)"; and

(11) by amending paragraph (14) (as redesignated by paragraph (1)) to read as follows:

"(14) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' includes a population such as minorities, the poor, and persons with limited-English proficiency.".

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—Section 101(a) (29 U.S.C. 2211(a)) is amended—

(1) by inserting after "provisions of this title" the following: "to support systems change and advocacy activities designed"; and

(2) by striking "to develop and implement" and inserting "in developing and implementing".

(b) ACTIVITIES.—Section 101 (29 U.S.C. 2211) is amended by striking subsections (b) and (c) and inserting the following:

"(b) ACTIVITIES.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

"(1) MODEL SYSTEMS AND ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology, including—

"(A) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

"(ii) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

"(I) a loan system for assistive technology devices;

"(II) an income-contingent loan fund;

"(III) a low-interest loan fund;

"(IV) a revolving loan fund;

"(V) a loan insurance program; or

"(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

"(B) the demonstration of assistive technology devices, including—

"(i) the provision of a location or locations within the State where—

"(I) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(II) education, rehabilitation, health care, and other service providers;

"(III) individuals who work for Federal, State, or local government entities; and

"(IV) employers,

can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications;

"(ii) the provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

"(iii) the demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(C) the establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

"(2) INTERAGENCY COORDINATION.—The State may support activities—

"(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

"(B) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

"(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

"(3) OUTREACH.—The State may carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services. Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

"(4) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

"(5) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

"(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

"(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

"(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

"(ii) a description of the devices and services provided;

"(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

"(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

"(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

"(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

"(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

"(i) individuals who are not individuals with disabilities;

"(ii) individuals who are elderly; or

"(iii) individuals with particular disabilities; and

"(H) information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

"(i) the purchase, lease, or other acquisition of assistive technology devices; or

"(ii) the use of assistive technology services.

"(6) PUBLIC AWARENESS PROGRAM.—

"(A) IN GENERAL.—The State may—

"(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(III) educators and related services personnel;

"(IV) technology experts (including engineers);

"(V) employers; and

"(VI) other appropriate individuals and entities; or

"(ii) establish and support such a program if no such program exists.

"(B) CONTENTS.—Such a public awareness program may include—

"(i) the development and dissemination of information relating to—

"(I) the nature of assistive technology devices and assistive technology services;

"(II) the appropriateness, cost, and availability of, and access to, assistive technology devices and assistive technology services; and

"(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

"(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

"(iii) the development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

"(7) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

"(A) that—

"(i) are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

"(ii) may include—

"(I) training in the use of assistive technology devices and assistive technology services;

"(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

"(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under any law other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

"(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

"(B) that—

"(i) enhance the assistive technology skills and competencies of—

"(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(II) educators and related services personnel;

"(III) technology experts (including engineers);

"(IV) employers; and

"(V) other appropriate personnel; and

"(ii) include taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

"(8) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

"(9) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—

"(A) IN GENERAL.—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

"(B) ACCESS.—Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(1))), and community rehabilitation programs (as defined in section 7(25) of such Act (29 U.S.C. 706(25))).

"(C) SYSTEM.—In developing, operating, or expanding a system described in subparagraph (A), the State may—

"(i) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information that can be used in telephone-based information systems, and such other media as technological innovation may make appropriate;

"(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

"(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

"(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

"(D) LINKAGES.—The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

"(10) INTERSTATE ACTIVITIES.—

"(A) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

"(B) ELECTRONIC COMMUNICATION.—The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

"(11) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

"(A) the development, demonstration, and dissemination of assistive technology devices; and

"(B) the ongoing provision of information about new products to assist individuals with disabilities.

"(12) ADVOCACY SERVICES.—The State may provide advocacy services.

"(13) OTHER ACTIVITIES.—The State may utilize amounts made available through grants made under section 102 or 103 for any systems change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

"(c) NONSUPPLANTATION.—In carrying out systems change and advocacy activities under this title, the State shall ensure that the activities supplement, and not supplant, similar activities that have been carried out pursuant to other Federal or State law.".

SEC. 102. DEVELOPMENT GRANTS.

Section 102 (29 U.S.C. 2212) is amended—

(1) in subsection (a)—

(A) by striking "3-year grants" and inserting "3-year grants to support systems change and advocacy activities described in section 101(b) (including activities described in subsection (e)(7))"; and

(B) by striking "to develop and implement statewide programs" and inserting "in developing and implementing consumer-responsive comprehensive statewide programs";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated in paragraph (3))—

(A) in paragraph (3)(C), by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program"; and

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "(A)" and inserting "(A) STATE.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(B) TERRITORY.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau (until the Compact of Free Association takes effect)";

(5) in paragraph (2) of subsection (c) (as redesignated in paragraph (3)) by striking "statewide programs" and inserting "consumer-responsive comprehensive statewide programs";

(6) by inserting after such subsection (c) the following:

"(d) DESIGNATION OF THE LEAD AGENCY.—

"(1) DESIGNATION.—The Governor of any State that desires to receive a grant under this section shall designate the office, agency, entity, or individual (referred to in this Act as the 'lead agency') responsible for—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant;

"(C)(i) coordinating efforts related to, and supervising the preparation of, the application;

"(ii) coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

"(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

"(2) QUALIFICATIONS.—In designating the lead agency, the Governor may designate—

"(A) a commission appointed by the Governor;

"(B) a public-private partnership or consortium;

"(C) a university-affiliated program;

"(D) a public agency;

"(E) a council established under Federal or State law; or

"(F) another appropriate office, agency, entity, or individual.

"(3) ABILITIES OF LEAD AGENCY.—The State shall provide, in accordance with subsection (e)(1), evidence that the lead agency has the ability—

"(A) to respond to assistive technology needs across disabilities and ages;

"(B) to promote the availability throughout the State of assistive technology devices and assistive technology services;

"(C) to promote and implement systems change and advocacy activities;

"(D) to promote and develop public-private partnerships;

"(E) to exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(F) to promote consumer confidence, responsiveness, and advocacy; and

"(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.";

(7) in subsection (e)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) DESIGNATION OF THE LEAD AGENCY.—Information identifying the lead agency designated by the Governor under subsection (d)(1), and the evidence described in subsection (d)(3).

"(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

"(3) INVOLVEMENT.—

"(A) CONSUMER INVOLVEMENT.—A description of procedures that provide for—

"(i)(I) the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

"(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

"(ii) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

"(i) the involvement, in the designation of the lead agency under subsection (d), and in the development of the application, of—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) other appropriate individuals who are not employed by a State agency; and

"(III) organizations, providers, and interested parties, in the private sector; and

"(ii) the continuing role of the individuals and entities described in clause (i) in the program.";

(B) in paragraph (4), by striking "underserved groups" and inserting "underrepresented populations or rural populations";

(C) in paragraphs (4) and (5), by striking "statewide program" each place the term appears and inserting "consumer-responsive comprehensive statewide program";

(D) by striking paragraphs (6), (7), and (17);

(E) by redesignating paragraphs (8) and (9) as paragraphs (17) and (18), respectively, and transferring such paragraphs to the end of the subsection;

(F) by inserting after paragraph (5) the following:

"(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program with respect to—

"(A) the goals and objectives of the State for the program;

"(B) the systems change and advocacy activities that the State plans to carry out under the program; and

"(C) the expected outcomes of the State for the program, consistent with the purposes described in section 2(b)(1).

"(7) PRIORITY ACTIVITIES.—

"(A) IN GENERAL.—An assurance that the State will use funds made available under this section or section 103 to accomplish the purposes described in section 2(b)(1) and the goals, objectives, and outcomes described in paragraph (6), and to carry out the systems change and advocacy activities described in paragraph (6)(B), in a manner that is consumer-responsive.

"(B) PARTICULAR ACTIVITIES.—An assurance that the State, in carrying out such systems change and advocacy activities, shall carry out activities regarding—

"(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

"(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for underrepresented populations and rural populations;

"(iii) coordination of activities among State agencies, in order to facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services;

"(iv) the development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of such individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

"(v) the provision of outreach to underrepresented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

"(vi) the development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children,

unless the State demonstrates through the progress reports required under section 104 that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in section 2(b)(1).

"(8) ASSESSMENT.—An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

"(A) the extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (6), have been achieved; and

"(B) the areas of need that require attention in the next year.

"(9) DATA COLLECTION.—A description of—

"(A) the data collection system used for compiling information on the program, consistent with such requirements as the Secretary may establish for such systems, and, when a national classification system is developed pursuant to section 201, consistent with such classification system; and

"(B) procedures that will be used to conduct evaluations of the program.";

(G) in paragraphs (11)(B)(i) and (12)(B) by striking "individual with disabilities" and inserting "individual with a disability";

(H) in paragraph (16)(A), by striking "the families or representatives of individuals with disabilities" and inserting "their family members, guardians, advocates, or authorized representatives"; and

(I) by adding at the end the following:

"(19) AUTHORITY TO USE FUNDS.—An assurance that the lead agency will have the authority to use funds made available through a grant made under this section or section 103 to comply with the requirements of this section or section 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

"(20) PROTECTION AND ADVOCACY SERVICES.—Either—

"(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order to make

a grant to, or enter into a contract with, an entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

"(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order for the Secretary to make a grant to or enter into a contract with such a system to support protection and advocacy services.

"(21) TRAINING ACTIVITIES.—An assurance that the State—

"(A) will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

"(B) will document such training.

"(22) LIMIT ON INDIRECT COSTS.—An assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

"(23) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under this section or section 103 with the activities carried out by other councils within the State, including—

"(A) any council or commission specified in the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36));

"(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d);

"(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(D) the State Interagency Coordinating Council established under section 682 of the Individuals with Disabilities Education Act (20 U.S.C. 1482);

"(E) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

"(F) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x–3); and

"(G) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

"(24) COORDINATION WITH OTHER SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

"(25) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require."; and

(8) by adding at the end the following:

"(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

"(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through an entity that—

"(A) is capable of performing the functions that would otherwise be performed under subsection (e)(20) by the system described in subsection (e)(20); and

"(B) is not a system described in such subsection,

shall be considered to meet the requirements of such subsection. Such entity shall receive funding to provide such protection and advocacy services in accordance with paragraph (4), and shall comply with the same requirements of this title (other than the requirements of such subsection) as a system that receives funding under such subsection.

"(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

"(A) PREPARATION.—A system that receives funds under subsection (e)(20) to carry out the protection and advocacy services described in subsection (e)(20)(A) in a State, or an entity described in paragraph (1) that carries out such services in the State, shall prepare reports that contain such information as the Secretary may require, including the following:

"(i) A description of the activities carried out by the system or entity with such funds.

"(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

"(I) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding for assistive technology devices and assistive technology services.

"(II) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

"(III) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act.

"(IV) Coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

"(B) SUBMISSION.—The system or entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

"(C) UPDATES.—The system or entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

"(3) CONSULTATION WITH STATE PROGRAMS.—Before making a grant or entering into a contract under subsection (e)(20)(B) to support the protection and advocacy services described in subsection (e)(20)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

"(4) CALCULATION OF EXPENDITURES.—

"(A) IN GENERAL.—For each fiscal year, for each State receiving a grant under this section or section 103, the Secretary shall specify a minimum amount that the State shall use to provide protection and advocacy services.

"(B) INITIAL YEARS OF GRANT.—Except as provided in subparagraph (C) or (D)—

"(i) the Secretary shall calculate such minimum amount for a State based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State; and

"(ii) such minimum amount shall be not less than $40,000 and not more than $100,000.

"(C) FOURTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fourth year (if any) of the grant period that shall equal 75 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(D) FIFTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fifth year (if any) of the grant period that shall equal 50 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(E) PROHIBITION.—After the fifth year (if any) of the grant period, no Federal funds may be made available under this title by the State to a system described in subsection (e)(20) or an entity described in paragraph (1).".

SEC. 103. EXTENSION GRANTS.

Section 103 (29 U.S.C. 2213) is amended to read as follows:

"SEC. 103. EXTENSION GRANTS.

"(a) EXTENSION GRANTS.—

"(1) INITIAL EXTENSION GRANT.—The Secretary may award an initial extension grant, for a period of 2 years, to any State that meets the standards specified in subsection (b)(1).

"(2) SECOND EXTENSION GRANT.—The Secretary may award a second extension grant, for a period of not more than 5 years, to any State that meets the standards specified in subsection (b)(2).

"(b) STANDARDS.—

"(1) INITIAL EXTENSION GRANT.—In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

"(A) provide the evidence described in section 102(d)(3); and

"(B) demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

"(2) SECOND EXTENSION GRANT.—

"(A) RESPONSIBILITIES OF DESIGNATED LEAD AGENCY.—In order for a State to receive a second extension grant under this section, the designated lead agency shall—

"(i) provide the evidence and make the demonstration described in paragraph (1);

"(ii) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities; and

"(iii) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

"(B) DETERMINATION OF COMPLIANCE.—In making any award to a State for a second extension grant, the Secretary shall (except as provided in section 105(a)(2)(A)(iii)) make such award contingent on a determination, based on the onsite visit required under section 105(a)(2)(A)(ii), that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance. If the Secretary determines that the State is not making such progress, the Secretary may take an action described in section 105(b)(2), in accordance with the applicable procedures described in section 105.

"(c) AMOUNTS OF GRANTS.—

"(1) INITIAL EXTENSION GRANTS.—

"(A) IN GENERAL.—

"(i) STATES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not less than $500,000 and not greater than $1,500,000 to each State (other than a State described in clause (ii)) that receives an initial extension grant under subsection (a)(1).

"(ii) TERRITORIES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not greater than $150,000 to any of the following States that receives an initial extension grant under subsection (a)(1):

"(I) The United States Virgin Islands.

"(II) Guam.

"(III) American Samoa.

"(IV) The Commonwealth of the Northern Mariana Islands.

"(V) The Republic of Palau (until the Compact of Free Association takes effect).

"(B) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in clause (i) or (ii) of subparagraph (A) with respect to a State on the basis of—

"(i) amounts available for making grants pursuant to subsection (a)(1);

"(ii) the population of the State;

"(iii) the types of assistance to be provided in the State; and

"(iv) the amount of resources committed by the State and available to the State from other sources.

"(C) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out subsection (a)(1) shall first be made available to States that received assistance under this section during the fiscal year preceding the fiscal year concerned.

"(D) INCREASES.—In providing any increases in initial extension grants under subsection (a)(1) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to—

"(i) the States (other than the States described in subparagraph (A)(ii)) that have the largest populations, based on the most recent census data; and

"(ii) the States (other than the States described in subparagraph (A)(ii)) that are sparsely populated, with a wide geographic spread,

where such characteristics have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance.

"(2) SECOND EXTENSION GRANTS.—

"(A) AMOUNTS AND PRIORITY.—The amounts of, and the priority of applicants for, the second extension grants awarded under subsection (a)(2) shall be determined by the Secretary, except that—

"(i) the amount paid to a State for the fourth year (if any) of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;

"(ii) the amount paid to a State for the fifth year (if any) of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and

"(iii) after the fifth year of the grant period, no Federal funds may be made available to the State under this title.

"(B) INCREASES.—In providing any increases in second extension grants under subsection (a)(2) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to States described in paragraph (1)(D).

"(d) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application to the Secretary that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

"(1) INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

"(2) NEEDS; PROBLEMS; STRATEGIES; OUTREACH.—

"(A) NEEDS.—A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

"(B) PROBLEMS.—A description of any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

"(C) STRATEGIES.—A description of the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of such a program.

"(D) OUTREACH ACTIVITIES.—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

"(3) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of—

"(A) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 1012(e)(7)) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

"(i) a description of systems change and advocacy activities that were undertaken to produce change on a permanent basis for individuals with disabilities of all ages;

"(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations as in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

"(iii) an evaluation of the impact and results of the activities described in clauses (i) and (ii);

"(B) the relationship of such systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(C) the progress made toward the development and implementation of such a program.

"(4) PUBLIC INVOLVEMENT.—

"(A) REPORT.—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

"(B) OTHER STATE ACTIONS.—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related services providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

"(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

"(ii) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 102(e)(7)) carried out by the State under the development grant or the initial extension grant;

"(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(iv) the ability of the lead agency to carry out the activities described in section 102(d)(3).

"(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

"(A) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(B) public service providers and private service providers;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) employers; and

"(F) other appropriate individuals and entities.

"(6) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State, or any recipient of funds made available to the State under section 102 of this section, will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(e) PUBLIC HEARING.—

"(1) INITIAL EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

"(2) SECOND EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1).".

SEC. 104. PROGRESS CRITERIA AND REPORTS.

Section 104 (29 U.S.C. 2214) is amended to read as follows:

"SEC. 104. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with section 2(b)(1).

"(b) REPORTS.—Each State that receives a grant under section 102 or 103 to carry out such a program shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(e), and that documents the following:

"(1) The progress the State has made, as determined in the State's annual assessment described in section 102(e)(8) (consistent with the guidelines established by the Secretary under subsection (a)), in achieving the State's goals, objectives, and outcomes as identified in the State's application as described in section 102(e)(6), and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

"(2) The systems change and advocacy activities carried out by the State including—

"(A) an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to

change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

"(B) a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

"(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

"(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (1) through (3), including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

"(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

"(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

"(7) Efforts to train personnel as well as consumers.

"(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

"(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in section 102(f)(2)(A)(ii).".

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—Section 105(a) (29 U.S.C. 2215(a)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", consistent with the guidelines established under section 104(a)";

(2) by striking paragraph (2) and inserting the following:

"(2) ONSITE VISITS.—

"(A) VISITS.—

"(i) DEVELOPMENT GRANT PROGRAM.—The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program.

"(ii) EXTENSION GRANT PROGRAM.—Except as provided in clause (iii), the Secretary shall conduct an additional onsite visit to any State that applies for a second extension grant under section 103(a)(2) and whose initial onsite visit occurred prior to the date of the enactment of the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994. The Secretary shall conduct any such visit to the State not later than 12 months after the date on which the Secretary awards the second extension grant.

"(iii) DETERMINATION.—The Secretary shall not be required to conduct a visit described in clause (ii) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) TEAM.—Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

"(i) shall not be lead agency personnel;

"(ii) shall be from States other than the State being monitored; and

"(iii) shall include an individual with a disability, or a family member, a guardian, an advocate, or an authorized representative of such an individual.

"(C) COMPENSATION.—

"(i) OFFICERS OR EMPLOYEES.—Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

"(ii) OTHER MEMBERS.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(D) REPORT.—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities and their family members, guardians, advocates, and authorized representatives, public service providers and private service providers, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2)."; and

(5) in paragraph (4) (as redesignated in paragraph (3)) by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program".

(b) CORRECTIVE ACTION PLAN.—Section 105(b) (29 U.S.C. 2215(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "PENALTIES" and inserting "CORRECTIVE ACTIONS";

(B) in the matter preceding subparagraph (A), by striking "penalties" and inserting "corrective actions";

(C) by striking "or" at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(E) by adding at the end the following:

"(D) required redesignation of the lead agency, in accordance with subsection (c)."; and

(2) in paragraph (3), by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

(c) REDESIGNATION.—Section 105 (29 U.S.C. 2215) is amended—

(1) by striking subsection (c); and

(2) by adding at the end the following:

"(c) REDESIGNATION OF LEAD AGENCY.—

"(1) MONITORING PANEL.—

"(A) APPOINTMENT.—Once a State becomes subject to a corrective action plan pursuant to subsection (b), the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

"(i) The head of the lead agency designated by the Governor.

"(ii) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

"(iii) 2 consumers who are users of assistive technology devices and assistive technology services and who are not—

"(I) members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

"(II) employees of the State lead agency.

"(iv) 2 service providers with knowledge and expertise in assistive technology devices and assistive technology services.

"(B) MEMBERSHIP AND CHAIRPERSON.—The monitoring panel shall be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

"(C) INFORMATION.—The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

"(D) MEETINGS.—The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

"(E) PERIOD.—The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

"(F) FUNDING.—The panel shall be funded by a portion of the funds received by the State under this title, as directed by the Secretary.

"(2) FAILURE TO APPOINT MONITORING PANEL.—A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the termination of funding for the State under this title.

"(3) DETERMINATION.—

"(A) PANEL.—Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in section 2(b)(1) and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this title.

"(B) GOOD CAUSE.—In this paragraph, the term 'good cause' includes—

"(i) lack of progress with employment of qualified staff;

"(ii) lack of consumer-responsive activities;

"(iii) lack of resource allocation to systems change and advocacy activities;

"(iv) lack of progress with meeting the assurances in section 102(e); or

"(v) inadequate fiscal management.

"(C) RECOMMENDATION AND ACTION.—If a monitoring panel makes such a determination, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under *this title. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and an opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any such redesignation in accordance with the requirements that apply to designations under section 102(d).*

"(d) CHANGE OF PROTECTION AND ADVOCACY SERVICES PROVIDER.—

"(1) DETERMINATION.—The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services required by section 102(e)(20) (referred to in this subsection as the 'first entity') has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

"(2) NOTICE AND OPPORTUNITY TO BE HEARD.—On making such a determination, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

"(A) the Governor has given the first entity 30 days notice of the intention to enter into such contract, including specification of the good cause, and an opportunity to respond to the assertion that good cause has been shown;

"(B) individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

"(C) the first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

"(3) REDESIGNATION.—

"(A) IN GENERAL.—When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

"(B) TIMING.—The Governor shall not issue such request until the first entity has been given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary in accordance with paragraph (2)(C), the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

"(C) PROCEDURE.—Such competition shall be open to entities with the same expertise and ability to provide legal services as a system referred to in section 102(e)(20). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) CONTENTS.—Such report shall include information on—

"(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

"(B) the demonstration activities carried out through the Federal initiatives to—

"(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

"(ii) establish additional options for obtaining such funding;

"(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

"(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities and their family members, guardians, advocates, or authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals, about technology-related assistance;

"(E) the education and training activities carried out through Federal initiatives to promote awareness of available funding in public programs;

"(F) the research activities carried out through the Federal initiatives to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

"(G) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

"(H) the activities carried out through the Federal initiatives that are targeted to reach underrepresented populations and rural populations; and

"(I) the consumer involvement activities in the programs carried out under this Act.

"(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. When a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall report such information in a manner consistent with such national classification system.

"(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

"(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

"(A) the response of the Interagency Disability Coordinating Council to—

"(i) the findings of the National Council on Disability resulting from the study entitled 'Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities', carried out in accordance with section 201 of this Act, as in effect on the day before the date of the enactment of this subsection; and

"(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

"(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(1) with respect to the Federal Government.

"(2) COMMENTS.—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

"(g) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 106 (29 U.S.C. 2216) is amended to read as follows:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) RESERVATIONS.—

"(1) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve at least 2 percent or $1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies.

"(B) TECHNICAL ASSISTANCE TO STATES.—In providing such information and technical assistance to States, the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, shall provide a clearinghouse for activities that have been developed and implemented through programs funded under this title, and shall provide information and technical assistance that—

"(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

"(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

"(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

"(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance;

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(vi) provide technical assistance and training to the entities carrying out activities funded pursuant to this title, to establish or participate in electronic communication activities with other States; and

"(vii) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

"(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide information and technical assistance to individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

"(i) disseminate information about, and foster awareness and understanding of, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals with disabilities of all ages;

"(ii) identify, collect, and disseminate information, and provide technical assistance, on effective systems change and advocacy activities;

"(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; and

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

"(D) COORDINATION.—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

"(E) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

"(ii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities.

"(iii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEMS CHANGE AND ADVOCACY ACTIVITIES, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.—For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

"(I) assistive technology systems change and advocacy activities;

"(II) public funding options; and

"(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

"(iv) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

"(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).".

SEC. 107. REPEALS.

Section 107 (20 U.S.C. 2217) is repealed.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing part A and inserting the following:

"Subtitle A—National Classification System

"SEC. 201. CLASSIFICATION SYSTEM.

"(a) SYSTEM DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—In fiscal year 1995, the Secretary shall initiate a system development project, based on a plan developed in consultation and coordination with other appropriate Federal and State agencies, to develop a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

"(2) PROJECT PLAN.—

"(A) REPRESENTATIVES.—In developing a plan for the system development project, the Secretary shall consult with, and coordinate activities with—

"(i) representatives of Federal agencies, including agencies that are headed by members of the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c); and

"(ii) as determined by the Secretary, representatives of State agencies and other appropriate organizations that have responsibility for or are involved in the development and modification of assistive technology devices, the provision of assistive technology devices and assistive technology services, or the dissemination of information about assistive technology devices and assistive technology services, including recipients of grants or contracts for the provision of technical assistance to State assistive technology projects under section 106(b), assistive technology reimbursement specialists, representatives of the State assistive technology projects, and representatives of organizations involved in information and referral activities.

"(B) ISSUES.—The Secretary shall conduct such consultation, and such coordination of activities, with respect to the following:

"(i) The costs and benefits, on an agency-by-agency basis, of obtaining uniform data through a national classification system for assistive technology devices and assistive technology services across public programs and information and referral networks.

"(ii) The types of data that should be collected, including data regarding funding, across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iii) A methodology for developing a single taxonomy and nomenclature for both assistive technology devices and assistive technology services across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iv) The process for developing an appropriate data collection instrument or instruments.

"(v) A methodology for collecting data across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(vi) The use of a national classification system by the Internal Revenue Service and State finance agencies to determine whether devices and services are assistive technology devices or assistive technology services for the purpose of determining whether a deduction or credit is allowable under the Internal Revenue Code of 1986 or State tax law.

"(3) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.

"(b) SINGLE TAXONOMY.—In conducting the system development project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

"(c) DATA COLLECTION INSTRUMENT.—In conducting the system development project, the Secretary shall develop a data collection instrument to—

"(1) collect data regarding funding for assistive technology devices and assistive technology services; and

"(2) collect such data from public programs, including, at a minimum—

"(A) programs carried out under title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

"(B) programs carried out under part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

"(C) programs carried out under title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

"(D) programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(E) programs carried out under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

"(d) CONSULTATION.—The Secretary shall conduct the system development project in consultation with the Federal agencies that were consulted in developing the project plan.

"(e) REPORT TO THE PRESIDENT AND THE CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.—Not later than July 1, 1997, the Secretary shall prepare and submit to the President and the appropriate committees of Congress a report containing—

"(1) the results of the system development project; and

"(2) the recommendations of the Secretary concerning implementation of a national classification system, including uniform data collection.

"(f) RESERVATION.—From the amounts appropriated under subtitle C for fiscal year 1995, the Secretary shall reserve up to $200,000 to carry out this subtitle.".

SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing parts B, C, and D and inserting the following:

"Subtitle B—Training and Demonstration Projects

"SEC. 211. TRAINING.

"(a) TECHNOLOGY TRAINING.—

"(1) GENERAL AUTHORITY.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, appropriate public or private agencies and organizations, including institutions of higher education and community-based organizations, for the purposes of—

"(A) conducting training sessions;

"(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance, to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and

"(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.

"(2) ELIGIBLE ACTIVITIES.—Activities conducted under grants, contracts, or cooperative agreements described in paragraph (1) may address the training needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

"(3) USES OF FUNDS.—An agency or organization that receives a grant or enters into a contract or cooperative agreement under paragraph (1) may use amounts made available through the grant, contract, or agreement to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or cooperative agreement under paragraph (1), an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(5) PRIORITIES.—

"(A) IN GENERAL.—Beginning in fiscal year 1994, the Secretary shall—

"(i) establish priorities for activities carried out with assistance under this subsection;

"(ii) publish such priorities in the Federal Register for the purpose of receiving public comment; and

"(iii) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes announcements for assistance provided under this subsection.

"(B) EXPLANATION OF DETERMINATION OF PRIORITIES.—Concurrent with the publications required by subparagraph (A), the Secretary shall publish in the Federal Register an explanation of the manner in which the priorities were determined.

"(b) TECHNOLOGY CAREERS.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary shall make grants to assist public or private agencies and organizations, including institutions of higher education, to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and assistive technology services.

"(B) FIELDS.—The specific fields described in subparagraph (A) may include—

"(i) engineering;

"(ii) industrial technology;

"(iii) computer science;

"(iv) communication disorders;

"(v) special education and related services;

"(vi) rehabilitation; and

"(vii) social work.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to the interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

"(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

"(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—In exercising the authority granted in subsections (a) and (b), the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

"SEC. 212. TECHNOLOGY TRANSFER.

"The Secretary shall enter into an agreement with an organization whose primary function is to promote technology transfer from, and cooperation among, Federal laboratories (as defined in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6))), under which funds shall be provided to promote technology transfer that will spur the development of assistive technology devices.

"SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public agencies, private entities, or institutions of higher education for the purpose of developing and establishing recycling projects.

"(b) PROJECT ACTIVITIES.—Such recycling projects may include—

"(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

"(2) a system for storing and caring for such devices;

"(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers, and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

"(4) a system that makes such devices available to consumers and the entities listed in paragraph (3), and provides for tracking each device throughout the useful life of the device.

"(c) MULTIPLE PROVIDERS.—

"(1) IN GENERAL.—With respect to activities funded under this section, an agency, entity, or institution may utilize a single service provider or may establish a system of service providers.

"(2) ASSURANCES.—If an agency, entity, or institution uses multiple providers, the agency, entity, or institution shall assure that—

"(A) all consumers within a State will receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

"(B) all activities of the providers will be coordinated and monitored by the agency, entity, or institution.

"(d) OTHER LAWS.—Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(e) EXISTING PROGRAMS.—Public agencies, private entities, or institutions of higher education that have established recycling programs prior to receiving assistance under this section may use funds made available under this section to extend and strengthen such programs through grants, contracts, or agreements under this section.

"SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

"The Secretary may make grants to individuals with disabilities to enable the individuals to establish or operate commercial or other enterprises that develop or market assistive technology devices or assistive technology services.

"SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.

"The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of products of universal design. In awarding such grants, the Secretary shall give preference to enterprises that are owned or operated by individuals with disabilities.

"SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.

"Persons and entities that carry out activities pursuant to this subtitle shall—

"(1) be held to the same consumer-responsive standards as the persons and entities carrying out programs under title I;

"(2) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

"(3) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

"(4) coordinate their efforts with the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities in any State in which the activities are carried out.

"Subtitle C—Authorization of Appropriations

"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Act (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"TITLE III—ALTERNATIVE FINANCING MECHANISMS

"SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

"(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, alternative financing mechanisms (referred to individually in this title as an 'alternative financing mechanism') to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and assistive technology services.

"(b) MECHANISMS.—The alternative financing mechanisms may include—

"(1) a low-interest loan fund;

"(2) a revolving fund;

"(3) a loan insurance program;

"(4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

"(5) other alternative financing mechanisms that meet the requirements of this Act and are approved by the Secretary.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under title I.

"SEC. 302. APPLICATIONS AND PROCEDURES.

"(a) ELIGIBILITY.—States that receive or have received grants under section 102 or 103 shall be eligible to compete for grants under section 301.

"(b) REQUIREMENTS.—The Secretary shall make grants under section 301 under such conditions as the Secretary shall, by regulation, determine, except that—

"(1) a State may receive only 1 grant under section 301 and may only receive such a grant for 1 year under this title;

"(2) a State that desires to receive a grant under section 301 shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, containing—

"(A) an assurance that the State will provide at least 50 percent of the cost described in section 301(a), as set forth in section 304, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

"(B) an assurance that an alternative financing mechanism will continue on a permanent basis; and

"(C) a description of the degree to which the alternative financing mechanisms to be funded under section 301 will expand and emphasize consumer choice and control;

"(3) a State that receives a grant under section 301—

"(A) shall enter into a contract, with a community-based organization (or a consortia of such organizations) that has individuals with disabilities involved at all organizational levels, for the administration of the alternative financing mechanisms that are supported under section 301; and

"(B) shall require that such community-based organization enter into a contract, for the purpose of expanding opportunities under section 301 and facilitating the administration of the alternative financing mechanisms, with—

"(i) commercial lending institutions or organizations; or

"(ii) State financing agencies; and

"(4) a contract between a State that receives a grant under section 301 and a community-based organization described in paragraph (3)—

"(A) shall include a provision regarding the administration of the Federal and the non-Federal shares in a manner consistent with the provisions of this title; and

"(B) shall include any provision required by the Secretary dealing with oversight and evaluation as may be necessary to protect the financial interests of the United States.

"SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.

"A State that receives a grant under section 301, together with any community-based organization that enters into a contract with the State to administer an alternative financing mechanism that is supported under section 301, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

"(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific device or service to be provided.

"(2) A policy and procedure to assure that access to the alternative financing mechanism shall be given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or assistive technology service requested and shall be made available to applicants of all income levels.

"(3) A procedure to assure consumer-controlled oversight.

"SEC. 304. FINANCIAL REQUIREMENTS.

"(a) FEDERAL SHARE.—The Federal share of the costs described in section 301(a) shall be not more than 50 percent.

"(b) REQUIREMENTS.—A State that desires to receive a grant under section 301 shall include in the application submitted under section 302 assurances that the State will meet the following requirements regarding funds supporting an alternative funding mechanism assisted under section 301:

"(1) The State shall make available the funds necessary to provide the non-Federal share of the costs described in section 301(a), in cash, from State, local, or private sources.

"(2) Funds that support an alternative financing mechanism assisted under section 301—

"(A) shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide public funding options; and

"(B) may only be distributed through the entity carrying out the alternative financing mechanism as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

"(3) All funds that support an alternative financing mechanism assisted under section 301, including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

"(4) Funds comprised of the principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism assisted under section 301. Any interest or investment income that accrues on such funds after such funds have been placed under the control of the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

"SEC. 305. AMOUNT OF GRANTS.

"(a) AMOUNT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant under section 301 shall be for an amount that is not more than $500,000.

"(2) INCREASES.—Such a grant may be increased by any additional funds made available under subsection (b).

"(b) EXCESS FUNDS.—If funds appropriated under section 308 for a fiscal year exceed the amount necessary to fund the activities described in acceptable applications submitted under section 302 for such year, the Secretary shall make such excess amount available, on a competitive basis, to States receiving grants under section 301 for such year. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 302. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than the amount of any additional funds paid to the State by the Secretary under this subsection.

"(c) INSUFFICIENT FUNDS.—If funds appropriated under section 308 for a fiscal year are not sufficient to fund each of the activities described in the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under section 301, may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

"SEC. 306. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, and the information and technical assistance shall include—

"(1) assisting States in the preparation of applications for grants under section 301;

"(2) assisting States that receive such grants in developing and implementing alternative financing mechanisms; and

"(3) providing any other information and technical assistance to assist States in accomplishing the objectives of this title.

"(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 301.

"SEC. 307. ANNUAL REPORT.

"(a) In General.—Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported under section 301 during the year is making significant progress in achieving the objectives of this title.

"(b) Contents.—The report shall include information on—

"(1) the number of applications for grants under section 301 that were received by the Secretary;

"(2) the number of grants made and the amounts of such grants;

"(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

"(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or consortia of such organizations) with which each State has entered into a contract; and

"(5) the amount of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service received, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or a rural population).

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this title $8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) Availability in Succeeding Fiscal Year.—Amounts appropriated under subsection (a) shall remain available for obligation for the fiscal year immediately following the fiscal year for which such amounts were appropriated.

"(c) Reservation.—Of the amounts appropriated under subsection (a), the Secretary shall reserve $250,000 for the purpose of providing information and technical assistance to States under section 306.".

TITLE IV—AMENDMENTS TO OTHER ACTS

SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)(1)) is amended—

(1) by striking ", and" at the end of subparagraph (D) and inserting a comma;

(2) by striking the period at the end of subparagraph (E) and inserting ", and"; and

(3) by adding at the end the following:

"(F) training in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3))).".

SEC. 402. REHABILITATION ACT OF 1973.

(a) National Institute on Disability and Rehabilitation Research.—Section 202(b)(8) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by striking "characteristics of individuals with disabilities" and inserting "characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations,".

(b) Training.—Section 302(b)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by section 302(b) of Public Law 102–569 (106 Stat. 4412), is amended—

(1) by striking "; and" at the end of clause (ii) and inserting a semicolon;

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3))).".

SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE HEAD START ACT.

Section 644(f) of the Head Start Act (42 U.S.C. 9839(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or to request approval of the purchase (after December 31, 1986) of facilities," after "to purchase facilities"; and

(B) by adding at the end the following: "The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or that was previously purchased" before the semicolon;

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (i); and

(ii) in clause (ii)—

(I) by inserting ", or would have prevented," after "will prevent"; and

(II) by striking "and" at the end;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and".

SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Assistive Technology Device.—Section 7(23) of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as added by section 102(n) of Public Law 102–569 (106 Stat. 4350), is amended—

(1) by striking "3(1)" and inserting "3(2)"; and

(2) by striking "2202(1)" and inserting "2202(2)".

(b) Assistive Technology Service.—Section 7(24) of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as added by section 102(n) of Public Law 102–569 (106 Stat. 4350), is amended—

(1) by striking "3(2)" and inserting "3(3)"; and

(2) by striking "2202(2)" and inserting "2202(3)".

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) In General.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Compliance.—Each State receiving a grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall comply with the amendments made by this Act—

(1) as soon as practicable after the date of the enactment of this Act, consistent with the effective and efficient administration of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; but

(2) not later than—

(A) the next date on which the State receives an award through a grant under section 102 or 103 of such Act; or

(B) October 1, 1994,

whichever is sooner.

Mr. HARKIN. Mr. President, I rise today in strong support of the bill, H.R. 2339, the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994, as modified by S. 1283, and as further modified through negotiations between the House and the Senate, hereinafter referred to as "the bill".

I am proud to have sponsored S. 1283, the companion bill to H.R. 2339, along with Senator DURENBERGER and others. I want to especially thank Senator DURENBERGER for his excellent leadership during the reauthorization process. He has worked long and hard on this bill and deserves credit for his commitment to enhancing opportunities for people with disabilities.

I also want to thank the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, for their leadership and guidance in crafting this legislation.

In addition, I want to thank our colleagues from the other body, particularly Representatives OWENS, BALLENGER, FORD, and GOODLING for their dedication and hard work in crafting the bill and in reaching the final agreement contained in the amended bill.

Finally, I want to pay tribute to the staff members who contributed to this legislation, including Bob Silverstein, Linda Hinton, and Andy Imparato of my staff; Susan Heegaard of Senator DURENBERGER's staff; and Wendy Cramer of Senator KASSEBAUM's staff.

In reaching this final bill, we received constructive advice from the administration and from many organizations, groups, and individuals. In particular, I want to express my gratitude to Judy Heumann, the Assistant Secretary for Special Education and Rehabilitative Services and her dedicated staff, and the Consortium for Citizens with Disabilities.

As is always the case when the two Houses of Congress pass companion bills, the Senate version was not enacted in its entirety. However, I am pleased that the final bill contains all of the Senate provisions necessary to achieve the goals set out by the Subcommittee on Disability Policy for reauthorizing the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

Briefly, I would like to summarize some of the important provisions in the final bill. I also ask unanimous consent to include correspondence between the House and the Senate regarding the sunset provision.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

INTRODUCTION

Mr. HARKIN. In 1988, Congress passed the Technology-Related Assistance for Individuals with Disabilities Act, Public Law 100-407, a law authorizing a competitive grant program to the States to enable States to designate lead agencies to coordinate activities designed to facilitate access to, provision of, and funding for, assistive technology devices and services for individuals with disabilities.

For all people, technology can provide important tools for making the performance of tasks quicker and easier. However, for some individuals with disabilities, technology is necessary to enable them to have greater control over their lives and participate fully in activities in their home, school, and work environments, and in their communities.

An assistive technology device is defined in the law to be "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities."

H.R. 2339, The Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994, as modified by S. 1283 and as further modified through negotiations between the House and the Senate, hereinafter referred to as "the bill", reauthorizes this competitive program for 5 years and requires States to emphasize activities that are likely to produce permanent systems change so that the progress made with grant funds will continue after those funds sunset.

MAJOR CHANGES TO TITLE I—REAUTHORIZATION PERIOD AND SUNSET

The bill reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act for another 5 years. Although this bill reauthorizes the program for 5 years, it also clarifies that no State may receive funding under title I for more than 10 years in total. To underscore this point, correspondence has been included in the RECORD between the chair and ranking members of the subcommittees with jurisdiction in the House and Senate which clarifies that no State shall receive funding under title I of this act for more than 10 years.

Under title I, each State is eligible to compete for one 3-year development grant; one 2-year extension grant—first extension grant; and one 5-year extension grant—second extension grant. During a State's second extension grant, Federal funds will be reduced to 75 percent of the grant amount in the fourth year and 50 percent in the fifth year, after which time Federal funding ceases. During its maximum period of 10 years of Federal funding, each State is expected to enable the program to continue on a permanent basis when Federal funding is terminated.

PRIORITY AREA ACTIVITIES

States receiving title I grants to develop and implement a consumer responsive comprehensive program of technology-related assistance will be expected to perform six specified priority systems change and advocacy activities, unless they make a showing that they are making significant progress in these areas and that other activities would be more likely to accomplish the purposes of the act. The act sets forth a range of permitted activities in addition to the priority activities.

PROTECTION AND ADVOCACY SERVICES

Protection and advocacy services shall be provided by each State in one of two ways. A State either may provide funds directly to a specific protection and advocacy system in that State, or a State may request that the Secretary of Education annually reserve, from the funds made available to the State under title I, an amount of funds to provide to the protection and advocacy system in that State. There is also a grandfather provision that enables States who otherwise were providing protection and advocacy services as of June 30, 1993, to continue to do so. In any case, the protection and advocacy entity is required to coordinate activities with the technology program activities in the State.

The minimum amount that a State, or the Secretary of Education on behalf of a State, must spend on protection and advocacy services shall be determined by the Secretary of Education, based on the size of the State's title I grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State. Such minimum amount shall be not less than $40,000 and not more than $100,000. This amount will be reduced to 75 percent and 50 percent during the fourth and fifth years of a State's second extension grant, with no Federal funds available for protection and advocacy services under title I after the fifth year of the second extension grant.

The protection and advocacy service provider in each State also is subject to redesignation if significant progress is not made in providing such services to individuals with disabilities in the State.

CORRECTIVE ACTION PLANS

The bill includes an explicit process for a State to follow if it becomes subject to a corrective action plan, which would occur if the State does not make significant progress in developing a consumer responsive comprehensive statewide program of technology-releated assistance. The process involves the development of a plan, the appointment of a monitoring panel to ensure that the plan is followed, and a recommendation from the monitoring panel to the Secretary of Education regarding whether the State lead agency should be redesignated. The Governor retains the responsibility for making any such redesignation, if the Secretary concurs with the recommendation of the monitoring panel.

TECHNICAL ASSISTANCE

The Secretary of Education must provide information and technical assistance to participating States, as well as to individuals with disabilities directly. This provision requires the Secretary to meet the information and technical assistance needs not just of the State grantees, but also of individuals with disabilities and others within the States.

AUTHORIZATION OF APPROPRIATIONS

The sum of $50 million is authorized to carry out title I in fiscal year 1994, and such sums thereafter through fiscal year 1998. Two percent of funds appropriated, or $1.5 million, whichever is greater, shall be reserved by the Secretary of Education for the purpose of providing information and technical assistance.

MAJOR CHANGES TO TITLE II

The Secretary of Education must develop a national classification system for assistive technology devices and services. This will be used to determine whether devices are eligible for tax deductions or credits, and for other purposes.

Title II projects include grants for training, technology transfer, recycling demonstration projects, business opportunities for individuals with disabilities, and developing projects of universal design.

The sum of $10 million is authorized to carry out title II in fiscal year 1994, and such sums thereafter through fiscal year 1998. And $200,000 of funds appropriated in fiscal year 1995 shall be reserved by the Secretary of Education for the purpose of developing the national classification system for assistive technology devices and services.

MAJOR CHANGES TO TITLE III

The Secretary of Education shall award one-time matching grants of not more than $500,000 to States for the purpose of establishing alternative financing mechanisms through which consumers can obtain funds to purchase assistive technology devices and services.

The sum of $8 million is authorized to carry out title III in fiscal year 1994, and such sums thereafter through fiscal year 1998. $225,000 of such funds shall be reserved for the purpose of providing States with information and technical assistance under this title.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 4, 1994.

Hon. TOM HARKIN,
Chairman, Subcommittee on Disability Policy, Senate Labor and Human Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to clarify Congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five year reauthorization for the Technology Related Assistance Act for Individuals with Disabilities.

It is our intent that States receiving grants under Title 1 of the Technology-Related Assistance Act for Individuals with Disabilities will receive grants under this title for not more than a total of 10 years. Included in that 10 years are: one three-year development grant, one 2-year extension of that development grant if the State demonstrates to the Secretary of Education that they have made significant progress in developing and implementing a consumer-responsive, comprehensive, statewide program of technology-related assistance, and one 5 year second extension grant based on the above requirement. In year four and five, a phase-out of the second extension grant will occur with a State receiving 75% of their grant award in year four and 50% of their grant award in year five. After the fifth and final year of the second extension grant, no State will receive any Federal funds under Title I of this Act.

While we understand your concerns that the length of the authorization for this Act should be five years for purposes of oversight, it is our intent that no State should receive Federal assistance under Title I of this Act, the State grant program, for more than ten years. As you may recall, in 1988 when this program was created, the original Congressional intent was to provide Federal seed money to States to help them develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance. We do not believe that the Congress intended for this program to become a permanent Federal grant program and it is for that reason that we strongly support this sunset provision.

We hope that this is your understanding of the sunset and five-year reauthorization provisions of H.R. 2339 so that we can ensure this policy is clearly explained during the House and Senate floor debate when this bill is considered. We appreciate your consideration of this issue and look forward to hearing your views.

Sincerely,

MAJOR OWENS,
Member of Congress.
CASS BALLENGER
Member of Congress.

COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, February 7, 1994

Hon. MAJOR OWENS,
Hon. CASS BALLENGER,
Subcommittee on Select Education and Civil Rights, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. OWENS AND MR. BALLENGER: We are in receipt of your February 4, 1994 letters seeking a clarification of congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five year reauthorization for the Technology-Related Assistance for Individuals with Disabilities Act.

We fully concur with your understanding of the policy in the bill regarding the above referenced provisions.

Sincerely,

TOM HARKIN,
Chair, Subcommittee on Disability Policy.
DAVID DURENBERGER,
Ranking, Subcommittee on Disability Policy.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the action by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, my understanding is that there is now to be a period for morning business. We are awaiting clearance on one final matter regarding the Federal employees management legislation. Therefore, I will be pleased to yield the floor at this time.

I understand the Republican leader has a statement. And then when we get clearance on that matter, which I hope to be shortly, we will proceed to that.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The Republican leader is recognized.

ACQUITTAL OF SENATOR KAY BAILEY HUTCHISON

Mr. DOLE. Mr. President, I rise today to report some great news for the Senate which should be welcomed universally on both sides of the aisle. Our colleague from Texas, KAY BAILEY HUTCHISON, was acquitted today of charges brought against her in a court in Fort Worth. This is great news for KAY and her husband Ray, great news for the people of Texas, and great news for the Senate.

My view has always been that the charges brought against Senator HUTCHISON were a politically motivated attempt at character assassination. The real crime here was letting fairness take a back seat to politics. Political show trials have no place in Texas, and no place in America. Today's acquittal confirms what we have been saying all along.

And hopefully this verdict today will set a valuable example—it is time to stop politically motivated legal harassment of public officials, whether they are Democrat or Republican. If a legitimate case can be made, that is one thing. But, as today's verdict indicates, these things can get out of hand. When the facts are not there to support a legitimate prosecution—no matter whether you are a Democrat or a Republican—it is nothing more than a politically motivated witch hunt. That is a shame, and it has to stop.

I hope that is one thing that comes out of this effort by this district attorney, who unsuccessfully a couple of times started a trial and today finally gave up.

I had the opportunity of speaking with Senator HUTCHISON about an hour ago. Obviously, she is elated, and should be, and feels she has been exonerated, as she has, and vindicated, as she has. And I know she looks forward to returning to the Senate when we come back from the recess.

I know I speak for all of my colleagues when I say we look forward to welcoming back this dedicated and talented public servant.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished Republican leader. Our faith in our colleague from Texas never wavered a moment on this side of the aisle. Indeed, I think that sentiment was shared by many on the other side of the aisle. This woman in many respects has a badge of courage and firmness that I wish more of us had.

Mr. President, I would like now to be recognized as if in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized for up to 10 minutes.

THE SITUATION IN BOSNIA

Mr. WARNER. Mr. President, Wednesday evening, I was privileged to be included in the congressional leadership group that went to the White House to consult with the President of the United States and members of his Cabinet and other senior advisers on a range of foreign policy issues, but primarily those relating to Bosnia.

At that meeting, I expressed my concerns about an expanded use of airpower in Bosnia. I have done that many times on this floor, most often in conjunction with our noted and experienced colleague, Senator MCCAIN.

I also expressed my belief that it is essential, and I repeat—it is essential—that the Congress at the earliest opportunity begin a full and thorough debate regarding the next evolution of the Bosnia policy. We should do that before committing our men and women of the Armed Forces to what appears to be a tragic and never-ending conflict.

Bosnia, in my judgment, poses one of the most complex political-diplomatic-military equations that we have had to face in recent time.

We have great compassion for the suffering of the Bosnian people, suffering which has been vividly portrayed to us through vivid television coverage. We are moved; we are concerned; we are compassionate. But we must not let our foreign policy be dictated by our emotions. We must carefully, patiently, and thoroughly assess what the strategic interests of this country are in that part of the world, and the extent to which we are willing to commit our Armed Forces and our tax dollars to resolve that conflict.

We must try to understand the complexity of the conflict. There is so little clarity. There are so few options. Yet, we are now faced with a new policy, a policy by which we are going to become more heavily committed militarily in that conflict. For some period of time, our naval forces, our air forces, and some small elements of other types of our military forces have been engaged in various noncombat missions in Bosnia. But now we are on the brink of involving ourselves in outright combat situations with the use of air power.

The Congress is now confronted with a situation with certain parallels to our experience in Somalia. From the time the Somalia operation was transferred to United Nations control in May 1993, the objectives of United States policy and the mission of United States military forces went through a series of evolutions.

Few in Congress expressed our views as we went from one evolution to the next. I have gone back and read the RECORD on this issue. One or two Members addressed this body, but we as a body really did not give that serious situation the attention it deserved, nor did we go on record with a vote and express ourselves with clarity, prior to the tragic events of October 3-4 in Somalia.

The Congress followed the proper course prior to the Persian Gulf conflict. I brought with me today the resolution that was adopted by this body, Senate Joint Resolution 2, where by a very narrow margin of but five votes, we expressed with clarity our intention to back the President of the United States and to give him the discretion as Commander in Chief to utilize force when and if he believed it was necessary in the Persian Gulf operation. Together with our allies, that operation was brought to a successful conclusion.

I return, however, to Somalia. Again, we had a series of policy evolutions, with very little attention given by the Congress to the charges. And then, on October 3 and 4, we witnessed the tragic events in Somalia that led to 18 deaths and over 70 casualties just of United States troops. Other nations sustained lesser casualties. And suddenly, the people of the United States understandably asked: Why are we there? What is it we are trying to achieve?

We remember so vividly the early pictures of December 1992 when we landed and were warmly greeted by the people of Somalia. We provided food. We greatly lessened the starvation and the suffering. We were there as peacekeepers, a relatively new term in our lexicon, not as peacemakers, which often involves combat. And indeed the evolution of this conflict was such that we were soon involved in conflict, and we sustained heavy, tragic losses.

The American people reacted with anger and indignation for the losses. Had our President, had our Congress prepared the American people for this contingency, for these losses? In my judgment, no. We failed in our respective responsibilities.

Within days, the Senate was involved in a heated debate, threatening to overturn this Nation's policy in Somalia, challenging the President in his decision regarding when to bring our troops home.

There were a number here who believed that our troops should be brought home from Somalia immediately, no later than Christmas. It was only with great difficulty that a compromise was forged which accorded to the Commander in Chief, the President, the right to decide when to withdraw U.S. forces. In the end, the President's withdrawal date of March 31 was adopted.

Senator LEVIN and I went to Somalia in December at the request of the chairman and ranking member of the Senate Armed Services Committee, on which we serve. During the course of our inspection trip, we visited with the unit commanders of some dozen other nations that had troops in Somalia. They were perplexed as to why the United States was leaving Somalia so precipitously when the situation in that country was far from resolved. We cannot have a parallel situation in Bosnia.

Mr. President, I am concerned because I fear that once again the congressional role in the commitment of U.S. troops to hostile situations is not being fulfilled. We are about to leave now for a week-long recess. During this period of time, our troops could well become involved in combat, and this concerns me greatly.

As I said, I brought this to the attention of the Senate on Wednesday of this week. As we are about to conclude here this afternoon, I bring it again to the attention of the leadership, with the hope that possibly today, they could indicate to the Chamber, to the Senate, to the American people that upon our return, the leadership will try to present to the Senate some legislation that will allow us to express our views and make a decision regarding the use of air power in Bosnia.

It is very difficult today, far more difficult than when I grew up in the World War II period—and I served briefly in the Navy—and far more difficult indeed than in Korea, where I was privileged once again to wear the uniform of this country, to assess the staying power of the country in terms of its willingness to back a commitment of our Armed Forces abroad. One thing is clear—the American people will not support the deployment of United States troops to Bosnia unless the objectives of United States policy and the mission of United States Forces is clearly articulated.

None of us can predict now what will evolve in Bosnia in the days and the weeks to come. But I think it is essential that the Senate as a body, the House as a body, the Congress as a whole, address this issue early upon its return so that there is clarity and we speak with one voice: Our President, our Congress, and hopefully our people.

At our briefing on Wednesday, the President very clearly indicated what he believed were the strategic interests of the United States in Bosnia. That is a part of the world which could provide the spark for an expanded war in Europe, which would pose a very serious challenge to our principal allies and longstanding friends, the other nations in Europe.

We should concentrate in this Chamber on very serious and lengthy debate as to exactly why we are undertaking this additional mission, what is the likelihood of success or failure, the risk of casualties.

I have reviewed the various and limited congressional actions we have taken to date regarding Bosnia. I do not find clear authorization by the Congress or the clear concurrence by the Congress with the proposed action that our President is now considering—that is, the use of our air power to retaliate against the weapons of war that are being used to inflict this senseless and tragic suffering in Sarajevo.

Yet, the North Atlantic Council yesterday, with U.S. concurrence, adopted a communique which "authorized the Commander in Chief of Allied Forces Southern Europe to launch airstrikes, at the request of the United Nations, against artillery or mortar positions in or around Sarajevo * * * which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city."

According to the communique, these airstrikes will begin 10 days from now unless certain conditions are met. As I said, I have great reservations about this new policy. I want to support our President. He is the Commander in Chief. But there is much to be learned about the situation in Bosnia. Even though I have expended a good deal of my time and made three visits to the region of Bosnia, including one into Sarajevo itself, there is still much I have to study and understand about this conflict.

I wish to have the benefit of the wisdom and the understanding of my colleagues. I wish to cast a vote—I say that very clearly—cast a vote on an explicit resolution, just like we did on Senate Joint Resolution 2, a resolution which I was privileged to draw up.

Selective bombing of military and mortar sites in Sarajevo is an extremely difficult military mission. There are several Members of our distinguished Senate who have had experience in these missions—Senator MCCAIN is foremost in mind. He has spoken of his experiences and shared with us the knowledge of many others with whom he has consulted over the past year about these missions. The artillery and mortars are highly mobile. The terrain lends itself to natural camouflage and the hostile forces are experienced at locating these weapons near schools, hospitals, and other population centers. The risk of collateral damage to innocent civilians is very high.

The terrain in Bosnia, which I have seen by air, is not unlike the terrain that our troops faced in Korea. I was then a ground officer with an aviation unit that flew missions daily. I participated in the briefings of the airmen, and at limited times had the opportunity to see for myself the difficulty of performing these missions in highly mountainous terrain, in frightful weather, not unlike what is experienced in Bosnia today.

It is a tough, difficult, dangerous mission. We have to assume that airmen will go down, perhaps to hostile fire, even though General Shalikashvili assessed the risk of antiaircraft weapons and handheld weapons as very low in that region. There is also the risk of mechanical failure with aircraft. Remote as it may be, that risk is always there. We have to prepare ourselves if an airplane is downed, an airman taken as a hostage.

I used the term in these remarks today "hostile forces" in Bosnia. Throughout this conflict, it has been difficult for outsiders to know who is shooting at whom, much less why such appalling carnage is being inflicted. Indeed, it has not yet been determined which side is responsible for the recent bombing of the marketplace in Sarajevo. Clearly, there is a strong, if not the strongest case, of wrongdoing associated with the Serbian side. But, in my judgment, no party to this conflict is without guilt. We are witnessing cruel and inhuman treatment of civilians by all sides. There is simply no clarity, no complete understanding, and that leaves me great concern as to how this conflict can be resolved.

In addition, I am not sure what we will accomplish even if we are successful in destroying some of the artillery and mortar sites around Sarajevo. We may temporarily reduce the shelling of Sarajevo. But what happens if that same weaponry is carried to another region in Bosnia, and the pictures begin to come out of other marketplaces being bombed, or the pictures come out of the UNPROFOR forces—not peacemakers, but peacekeepers—being subjected to hostile fire. What will we do next? These are the types of questions we have to answer prior to the commitment of United States troops to a combat mission in Bosnia.

With the start of airstrikes, the U.N. troops on the ground in Bosnia could become the targets of hostile retaliation. The humanitarian aid missions will cease, in all probability, and the NATO planes involved in the airstrikes will be subjected to hostile fire. These are the sorts of things we should very carefully consider in this Chamber. We should consult with our constituencies, in my judgment, before we take this next step.

I come back again to my principal concern; that is the airstrike option. Will it bring us any closer to the goal of ending the fighting in Bosnia and achieving a negotiated settlement to the conflict? We may be successful in bringing a measure of relief to Sarajevo, but again we have to understand that that same hostility could go elsewhere in that troubled country and the bloodshed will continue.

If airstrikes fail, what are the next steps that we will take? The credibility of our country, the credibility of the United States as a military power in future actions, is at stake. I wish to know exactly what is the course of action once these airstrikes start. How does this spell out an option to bring about the cessation of fighting and some form of agreement and resolution of this crisis? At the moment, these facts are not before this Senator to my satisfaction.

Mr. President, few military engagements begin very large. History shows this. They so often begin with incremental, gradual actions which grow over time to larger, protracted conflicts. We seldom anticipate long wars, but wars have a way of lasting longer and costing more in lives and treasure than politicians can estimate or, indeed, the military can estimate, or our President can estimate. Unfortunately, the men and women in uniform and their families here at home pay the price.

We are now facing, as I said, a week-long congressional recess. It is my hope that this policy, as adopted by NATO, and as we speak, being considered by the Security Council of the United Nations, will not be undertaken and firm commitments made until the Congress of the United States has had an opportunity to assume its rightful constitutional role as a partner with the executive branch in making these important decisions.

I am hopeful the leadership will, early on our return, establish an opportunity for us to debate this issue in full.

Mr. President, I am willing to relinquish the floor if there are other Senators desiring to speak on this or other issues. But at this point in time, I see none seeking recognition, so I will yield the floor in hopes that others might come over and speak to this.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESTORATION OF LANDSAT FUNDING

Mr. PRESSLER. Mr. President, I thank the conferees of the emergency supplemental appropriations bill for their efforts to ensure the inclusion of funds for the Landsat 7 satellite. Most important, their efforts saved the Landsat program without any spending increases.

The Landsat program is very important to this country. Despite the controversy about some space programs, Landsat and other global change research projects receive wide support. I come from the State of South Dakota, where the EROS DATA Center receives the Landsat signals. EROS provides very important information for agriculture, mining, and urban planning and other global change research. For example, in South Dakota, native Americans are utilizing Landsat data to manage land and resources on their reservations.

The administration also strongly supports the Landsat program. It was through, I believe, an oversight that it was not funded at the appropriate level.

I also want to thank my colleague, Senator ROCKEFELLER, for his support of this program and for joining me in writing and talking with the conferees. Again, I wish to thank the conferees very much for their prompt action in resolving the Landsat funding issue.

Mr. President, I yield the floor.

CLEAN LAKES LEGISLATION

Mr. MITCHELL. Mr. President, when the Senate returns from the President's Day recess, the Environment and Public Works Committee will meet to mark up legislation to reauthorize the Clean Water Act.

I want to commend Senator GRAHAM, the chairman of the subcommittee, and Senator CHAFEE, the ranking minority member of the subcommittee, on the development of sound and constructive amendments to the bill introduced last spring—S. 1114.

As a member of the committee, I look forward to working with Chairman BAUCUS, Senator GRAHAM, Senator CHAFEE, and other members of the committee, in developing the best possible legislation to protect our rivers, lakes, and coastal waters.

Since 1991, I have sponsored legislation to expand and strengthen protection of freshwater lakes. Freshwater lakes are an outstanding recreational resource throughout the country, especially in my home State of Maine. For many Americans, a lake at a State or local park is the first thing that comes to mind when they think of the water resources and water quality.

Unfortunately, lakes have serious water quality problems. The environmental Protection Agency reports that 25 percent of lakes are impaired and 20 percent are threatened with impairment.

Many of the pollutants causing lake impairments are conventional, rather than toxic, pollutants and excessive nutrients and phosphorus are critical problems.

My legislation, S. 1198, expands the existing clean lakes program under section 314 of the Clean Water Act. A key provision of the bill provides for a 5-year phaseout of phosphates in household laundry detergents. This proposal, which I first introduced in 1991, builds on the actions of 17 States, including my home State of Maine, to ban household laundry detergents with phosphates.

There is clear evidence that bans on phosphate in household laundry detergent have resulted in substantial benefits to water quality. In addition, the bans have saved millions of dollars in operational costs at sewage treatment plants because reducing the levels of phosphates in water coming to the plants reduces treatment costs.

Over the past several years, the amounts of phosphates used in household laundry detergents have declined substantially. Industry analysts indicate that the decline in phosphate use is due to several factors.

First, the steady enactment of State bans on phosphates in household laundry detergents has forced manufacturers to develop both phosphate and nonphosphate products. State bans now are in place for a substantial percentage of the U.S. population. The marketing of dual products was increasingly expensive and complicated for manufacturers and retailers. Many manufacturers resolved this problem by shifting to a nonphosphate product only.

Second, the industry was able to develop effective and cost competitive substitutes for phosphates.

Today, industry publications indicate that the overall amounts of phosphates in household laundry detergent will decline to some 25,000 short tons in 1994. In 1976, the amount of phosphates in household detergents was estimated to be some 423,000 short tons.

In addition, this decline will continue as a result of the recent decision by Procter & Gamble to convert its flagship product—Tide with Bleach—to a nonphosphate formulation. Proctor & Gamble products are thought to account for about half of all household laundry products.

Mr. President, I ask unanimous consent that a letter to me from Procter & Gamble be printed in the RECORD at the close of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, I want to commend the detergent industry for substantially converting to nonphosphate detergents. This action will result in water quality benefits, especially for sensitive aquatic systems such as lakes, and cost savings to sewage treatment works.

In recognition of the substantial progress made in reducing phosphates in detergents, I have decided not to include the phosphate detergent ban provisions in my clean lakes amendment to the Clean Water Act.

I will, however, include in the amendment a requirement for the Administrator of the Environmental Protection Agency to report to Congress within several years on the status of phosphate use in detergent products, including dishwashing detergents and commercial and industrial detergents.

Dishwashing and other detergents now include significant amounts of phosphates—estimated at about 180,000 short tons. Substitutes for phosphates in dishwashing and other detergents have not yet been perfected, but it is appropriate for the Administrator to advise the Congress and the States on progress in development of phosphate substitutes in these cases and recommend appropriate actions to protect water quality.

EXHIBIT 1

PROCTER & GAMBLE,
GENERAL OFFICES,
Cincinnati, OH, January 19, 1994.

Hon. GEORGE J. MITCHELL,
Major Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: We understand that you have inquired about the use of phosphate in Procter & Gamble laundry products. This confirms that The Procter & Gamble Company shortly will no longer manufacture in the U.S. any home laundry detergent containing phosphate. Over the past year, we have manufactured only one brand containing phosphate, Tide With Bleach. By the end of this January, we will have completed our manufacturing conversion of Tide With Bleach to only a non-phosphate formula. In addition, our laundry pre-soak product, Biz, will also convert to only a non-phosphate formula this month.

Our decision to convert entirely to nonphosphate laundry detergents was driven by the need to optimize efficiency in manufacturing and distribution, which was complicated by maintaining dual formulas. Our ability to make this conversion represents over 20 years of research into developing effective non-phosphate based formulas. The result is an improved laundry granule technology which performs comparably to phosphate-based products and provides improved value to our customers.

Sincerely,

R. KERRY CLARK.

GOVERNMENT DOWNSIZING, PERFORMANCE, AND ACCOUNTABILITY ACT

Mr. SIMPSON. Mr. President, I rise to speak with reference to the Government Downsizing Performance, and Accountability Act that was introduced yesterday by Senator DOLE as S. 1843.

I am a cosponsor of this legislation, and I want to express my hope that it will receive favorable consideration by the Senate in due time.

Mr. President, we work here at a time of growing awareness of the manner in which runaway entitlement spending is gnawing away at our fiscal future. That is a reality that Government policymakers are finding ever more difficult to avoid.

I suppose each of us who has spoken on the issue of entitlement reform has been greeted with some derision and hostility from our audiences—they want to know—by God—how we can even dream about cutting benefits for the elderly, the sick, the veterans, the children—when there is so much Government "waste" that needs to be cut.

In fact, Mr. President, there are many bloated discretionary spending budgets that can and should be cut. This legislation would cut some of that Federal spending by more than $50 billion over the next 5 years. It is certainly not the solution to our deficit problems—but it does attempt to eliminate many forms of discretionary spending that are difficult to justify in light of existing deficit pressures.

The first point I would stress about this legislation is that it would reduce the spending caps by more than $50 billion. This locks in projected savings from our cuts—guarantees them. We are often in the habit around here of proposing "spending cuts" that sound good—of "killing programs," and then turning around and spending the money on something else. We voted to kill the superconducting supercollider—did we save the money? We did not—the spending caps remained unchanged. But in this legislation, we prevent money from being spent elsewhere—by locking in the savings through a reduction of the discretionary spending caps.

We have also done our best to engage in honest accounting of our projected savings. Most of the savings credited to these provisions represent our best indication of how they will be scored by the congressional budget office. There are many provisions that we wished to include but did not—because it was unclear how they would be "scored" by CBO in light of recent legislative actions. We were scrupulous about avoiding "double-counting" of savings in the way that has been done in other rescission bills.

We have also included many provisions in here that clearly improve the efficiency of the Government—establishing performance goals for Federal programs, eliminating congressionally mandated employment floors, and increasing the importance of performance ratings when considering reductions in force. These proposals can and should save the Government money; but, we have not credited ourselves with savings even though we know that some should materialize. This is part of our effort to be as conservative in our bookkeeping as possible.

We have made every effort in this legislation to avoid "smoke and mirrors" and to ensure that these cuts produce real, substantial savings—savings at least as large as the $50 billion we will shave off the discretionary spending caps.

It is my hope that the Senate will give due consideration to these proposals. They demonstrate our sincerity in rooting out Government waste wherever it exists; we take money from legislative branch expenses, from the Executive Office of the President, and from all administrative expenses of the Federal Government. We get rid of small yet unnecessary Government programs. We reduce funding for the World Bank and for U.S. contributions to U.N. peacekeeping—to Senate-passed levels in each case.

I would repeat that none of these measures will slow runaway Federal deficits so long as Federal entitlement spending remains out of control. But they are overdue and helpful steps that we should take to signify that we mean to get our house in order before asking other Americans to sacrifice.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. If there is no objection, the Senate stands in recess subject to the call of the Chair.

There being no objection, at 3:43 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 4:27 p.m., when called to order by the Acting President pro tempore.

FEDERAL WORK FORCE RESTRUCTURING ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3345, the Federal Work Force Restructuring Act of 1993.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill? There being no objection, the Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Is there further debate?

AMENDMENT NO. 1469

(Purpose: To amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes)

Mr. DOLE. Mr. President, on behalf of Senator ROTH, I send to the desk a substitute amendment. I ask the amendment be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. ROTH, proposes an amendment numbered 1469.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 1469) was agreed to.

FEDERAL WORK FORCE RESTRUCTURING ACT

Mr. ROTH. Mr. President, I am pleased to have helped shape this legislation, and I support its enactment. A great deal of work has gone into the shaping of the bill, but I feel my efforts have been fruitful. The legislation I am pleased to put before my colleagues now provides appropriate tools for us to begin a significant reduction in the size of the Federal bureaucracy, and an important restructuring of the work force. The amendments contained in the Roth substitute will ensure that the legislation works to the best interests of the American people.

First of all, we are making sure that the budget costs associated with this bill, as scored by CBO, are paid for. Second, the savings realized from the downsizing of the Federal work force will ensure that the Senate-passed crime bill will be fully funded. And third, we are extending by 6 months, to March 31, 1995, the period of time in which agencies can offer the buyouts. These additions make this legislative mechanism more effective in reaching its primary goal—the right-sizing of Government—while guaranteeing that both Federal employees and the American taxpayers benefit.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 3345), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of Senate of January 5, 1993, the Secretary of the Senate, on February 11, 1994, during the recess of the Senate, received a message from the House of Representatives, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. STOKES, Mr. BEVILL, Mr. MURTHA, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. HOYER, Mr. CARR of Michigan, Mr. DURBIN, Mr. MCDADE, Mr. MYERS of Indiana, Mr. REGULA, Mr. LIVINGSTON, Mr. LEWIS of California, Mr. ROGERS, Mr. SKEEN, and Mr. PORTER as managers of the conference on the part of the House.

MESSAGES FROM THE HOUSE

At 3:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker, was signed by the President pro tempore (Mr. BYRD):

S.J. Res. 119. Joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 1854. A bill to amend the provisions of title 35, United States Code, to provide for patent simplification; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 1855. A bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 208. A bill to reform the concessions policies of the National Park Service, and for other purposes (Rept. No. 103–226).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1854. A bill to amend the provisions of title 35, United States Code, to provide for patent simplification; to the Committee on the Judiciary.

PATENT SIMPLIFICATION ACT OF 1994

• Mr. DECONCINI. Mr. President, I introduce the Patent Term and Publication Reform Act of 1994. By reforming two areas of our patent code, this legislation would give U.S. inventors the ability to compete on the same level as their foreign competitors in the developing global market. It will lead to a patent system that can better deal with new technologies as well as curb the abuse of the system that has led to the granting of patents many years after the initial filing of a patent application.

The reforms in this legislation are simple but important. First, it establishes a fixed 20-year patent term beginning from the date that the application is filed. Second, the bill provides for the publication of all patent applications after 18 months.

20-YEAR PATENT TERM FROM DATE OF FILING

Under the current U.S. patent system, a patent term runs for 17 years from the date the patent is granted. In contrast, many industrialized nations provide a 20-year patent term measured from the date the patent application is filed.

WHAT IS BETTER ABOUT A 20-YEAR FROM FILING SYSTEM?

Under the 17-year-from-date-of-grant system, inventors have no incentive to have their filed patent application prosecuted expeditiously. Rather, they have an incentive to prolong the period they spend at the Patent Office, benefiting from the secrecy of their application and thereby extending the life of their patent.

In recent years U.S. industry has experienced the spectacle of patents being issued 10 years, 20 years, or even longer after the filing date. With a patent term measured from grant, such inventors have exclusive rights extending for 30, 40, or more years after a technology is first commercialized. Cases have occurred in which a patent remains in force for an extended period in the United States, while counterparts of that patent have expired in the rest of the world.

Commonly referred to as submarine patents, these patents on basic processes or products of technology are filed shortly after development of the technology. The inventor will then intentionally prolong his/her review at the Patent Office so that the patent will be issued long after an industry has been established in that technology. These patents may have serious detrimental effects on established industries when they surface, particularly when the patent covers basic elements of the technology.

The Patent Term and Publication Reform Act of 1994 sets a fixed 20-year patent term tolling from the filing date of the application. This reform puts the U.S. patent system on par with the systems of other industrialized nations, establishes certainty in patent terms, and respects the constitutional premise of our patent system—that inventors are entitled to the fruits of their discoveries for only a limited period.

18-MONTH PUBLICATION OF PATENT APPLICATIONS

Applications and the information and technology contained within them are currently kept secret while at the Patient Office until a patent is granted, which is often many years after filing. The result is that inventors sometimes commit substantial resources to the development of an invention based on an incomplete, erroneous assessment of patentability of the applications they file.

WHAT ARE THE BENEFITS OF 18-MONTH PUBLICATION?

Disclosure of information is only as important as it is timely. Automatic publication 18 months after the filing of an application would facilitate the use of technology by American innovators and permit the identification of potential patent conflicts earlier than now possible.

It would provide prompt access for U.S. inventors to a comprehensive technological database that foreign inventors receive in their own language from their own patent offices.

Currently, almost every major innovation made by American inventors in the fields of superconductivity, biotechnology or semiconductor fabrication is the subject of a Japanese patent application, filed in the Japanese language, then published and made available to Japanese researchers.

Publication in the United States after 18 months will provide American inventors with leading-edge foreign technology of all types. Indeed, saving resources by preventing duplication of research, signaling promising areas of research, and indicating which fields or research topics are being pursued by other firms can all be achieved through an 18-month publication system.

In a joint hearing before the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, Professor Merges of Boston University School of Law testified that early disclosure will appeal to small inventors, who often want to know as soon as possible whether it is worth spending their hard-earned money on a patent application or whether others are already in that game.

The opening to the public and publication at 18 months of all pending patent applications would also provide a more effective patent search by the Patent Office. Publication would allow patent applicants themselves, for the first time, to cite to the patent examiner any pertinent applications that the patent examiner might have overlooked.

Mr. President, for many years the United States has been negotiating a treaty that would harmonize our patent laws with our trading partners. In support of that effort, last Congress I introduced, as did Representatives HUGHES and MOORHEAD, legislation that would harmonize our patent laws with our trading partners subject to the signing of a treaty. Our intention was to begin to explore and discuss this issue in Congress.

Recently, the Clinton administration announced, through Commerce Secretary Brown, that they would not seek to resume negotiations of a treaty harmonizing the world's patent laws.

Although the reforms included in this legislation have been discussed in those negotiations, it is my belief that they should be enacted now rather than continuing to wait indefinitely for the conclusion of a harmonization agreement the future of which has been put into question by this administration. Furthermore, a 20-year patent term from date of filing is included in the Trade Related Aspects of Intellectual Property Rights [TRIPs] Agreement of the Uruguay round of GATT. Thus, this provision will inevitably be considered in implementing language for that agreement.

I would also note that the Clinton administration recently signed an agreement with Japan in which the administration agreed to support the introduction of legislation establishing a 20-year patent term from the date of filing. In return, Japan agreed to permit the filing of applications in English at the Japanese Patent Office.

I would be pleased to consider an offer from the administration to introduce their proposed legislation whenever it is forwarded to Congress. Hopefully, we will be able to agree on language as this bill proceeds.

Mr. President, this legislation contains reforms that will bring certainty to the term of a patent and reduce abuse of our patent system. We should move forward on this bill and I urge my colleagues to support it.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Term and Publication Reform Act of 1994".

SEC. 2. PATENT SIMPLIFICATION.

(a) DEFINITION.—Section 100 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The term 'filing date' means the earliest of the actual filing date or any priority date claimed by the applicant under section 119, 120, or 365.".

(b) CONDITIONS FOR PATENTABILITY; NOVELTY AND LOSS OF RIGHT TO PATENT.—Section 102(e) of title 35, United States Code, is amended to read as follows:

"(e) the invention was described in—

"(1) a published patent application,

"(2) a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or

"(3) in an international application that—

"(A) is filed by another before the invention thereof by the applicant for patent, and

"(B) enters the national stage under section 371, or".

(c) BENEFIT OF EARLIER FILING DATE; RIGHT OF PRIORITY.—(1) Section 119 of title 35, United States Code, is amended—

(A) in the section heading by striking out "**in foreign country**";

(B) by designating the first, second, third, and fourth undesignated paragraphs as subsections (a), (c), (d), and (e), respectively; and

(C) by inserting after subsection (a) (as designated by subparagraph (B) of this paragraph) the following new subsection:

"(b)(1) An application for patent for an invention described in paragraph (2) that is filed by an inventor named in the previously filed application described under paragraph (2), shall have the same effect, as to such invention, as if such application had been filed on the filing date of the previously filed application, if such application—

"(A) is filed within one year after the filing date of the previously filed application (or earlier priority date); and

"(B)(i) contains a specific reference to the previously filed application; or

"(ii) within three months after the actual filing date of such application, is amended to contain—

"(I) a specific reference to the previously filed application; or

"(II) such other item as the Commissioner may prescribe.

"(2) An invention referred to under paragraph (1) is an invention that is disclosed—

"(A) in the specification as provided under section 112 in an application filed in the United States before the application described under paragraph (1) is filed; or

"(B) as provided under section 363.".

(2) The table of sections for chapter 11 of title 35, United States Code, is amended in the item relating to section 119 by striking out "in foreign country".

(d) BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES.—Section 120 of title 35, United States Code, is amended to read as follows:

"§ 120. Benefit of earlier filing date in the United States

"(a) An application for patent for an invention described under subsection (b) that is filed by an inventor named in the previously filed application described under subsection (b), shall have the same effect, as to such invention, as if such application had been filed on the filing date of the previously filed application, if such application—

"(1) is filed before the patenting, abandonment of, or termination of proceedings on—

"(A) the previously filed application; or

"(B) an application similarly entitled to the benefit of the filing date of the previously filed application;

"(2) is not otherwise entitled to a priority right under section 119(b); and

"(3)(A) contains a specific reference to the previously filed application; or

"(B) within fifteen months after the actual filing date of such application, is amended to contain—

"(i) a specific reference to the previously filed application; or

"(ii) such other item as the Commissioner may prescribe.

"(b) An invention referred to under subsection (a) is an invention that is disclosed—

"(1) in the specification as provided under section 112 in an application filed in the United States before the application described under subsection (a) is filed; or

"(2) as provided under section 363.".

(e) OPENING OF PATENT APPLICATIONS; CONFIDENTIAL STATUS.—(1) Section 122 of title 35, United States Code, is amended to read as follows:

"§ 122. Opening of patent applications; confidential status

"(a) Except as provided under subsection (b), applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning such applications may be disclosed.

"(b) On and after the date occurring 18 months after the filing date of an application for patent (including all priority claims) each application for patent shall be open to public inspection and copies shall be made available to the public under such procedures as may be determined by the Commissioner, except—

"(1) an application may be made so available during such 18-month period if confidentiality is waived by the applicant; and

"(2) an application may be maintained in secrecy under any order under chapter 17.

"(c) The Commissioner shall publish each patent application promptly when open to public inspection under subsection (b).".

(2) The table of sections for chapter 11 of title 35, United States Code, is amended by amending the item relating to section 122 to read as follows:

"122. Opening of patent applications; confidential status.".

(f) CONTENTS AND TERM OF PATENT.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a)(1) Subject to the provisions of paragraph (2), every patent shall contain—

"(A) a short title of the invention;

"(B) a grant to the patentee, and the heirs or assigns of the patentee—

"(i) for a term beginning on the date on which the patent is issued and ending on a date 20 years from the date on which the application for patent is filed in the United States, excluding any claims of priority under section 119 or 365;

"(ii) of the right to exclude others from making, using, or selling the invention throughout the United States or importing the invention into the United States;

"(iii) if the invention is a process, of the right to exclude others from using or selling throughout the United States, or importing into the United States, products made by that process; and

"(iv) that refers to the specification for the particulars of the invention; and

"(C) a copy of the specification and drawings which shall be annexed to the patent and be a part of the patent.

"(2) The grant of a patent shall be subject to the payment of fees as provided by this title.

"(b)(1) In addition to the contents described under subsection (a), the grant of a patent described under paragraph (2) shall additionally include the right to obtain a reasonable royalty from any other person who, during the period before the grant—

"(A)(i) makes, uses, or sells the claimed invention in the United States, or imports the claimed invention into the United States; or

"(ii) if the claimed invention is a process, uses or sells throughout the United States or imports into the United States products made by that process; and

"(B) had actual knowledge of the published application.

"(2) Paragraph (1) applies to any patent—

"(A) that is granted based on an application published under section 122(c) before such patent is granted; and

"(B) to the extent the patent claims in the issued patent are substantially identical with the claims in such published application.".

(g) TERM OF DESIGN PATENT.—Section 173 of title 35, United States Code, is amended by striking out "fourteen years." and inserting in lieu thereof "seventeen years from the filing date, as determined under section 154(a) of this title.".

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The provisions of this Act and the amendments made by this Act shall take effect 90 days after the date of the enactment of this Act and shall apply only to applications filed on and after such effective date.•

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 1687

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1687, a bill to promote the effective and efficient use of Federal grant assistance provided to State governments to carry out certain environmental programs and activities, and for other purposes.

AMENDMENT NO. 1452

At the request of Mr. DORGAN his name was added as a cosponsor of amendment No. 1452 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

ROTH AMENDMENT NO. 1469

Mr. DOLE (for Mr. ROTH) proposed an amendment to the bill, H.R. 3345, to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes; as follows:

FEDERAL WORKFORCE RESTRUCTURING

SEC. 501. SHORT TITLE.

This Act may be cited as the "Federal Workforce Restructuring Act of 1994".

SEC. 502. EMPLOYEE TRAINING.

(a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended—

(1) in section 4101(4) by striking out "fields" and all that follows through the semicolon and inserting in lieu thereof "fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals;";

(2) in section 4103—

(A) in subsection (a) by striking out "In" and all that follows through "proficiency" and inserting in lieu thereof "In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance"; and

(B) in subsection (b)—

(i) in paragraph (1) by striking out "determines" and all that follows through the period and inserting in lieu thereof "determines that such training would be in the interests of the Government.";

(ii) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(iii) in subparagraph (C) of paragraph (2) (as redesignated under clause (ii) of this subparagraph) by striking out "retaining" and all that follows through the period and inserting in lieu thereof "such training.";

(3) in section 4105—

(A) in subsection (a) by striking out "(a)"; and

(B) by striking out subsections (b) and (c);

(4) by repealing section 4106;

(5) in section 4107—

(A) by amending the section heading to read as follows:

"**§4107. Restriction on degree training**";

(B) by striking out subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b), respectively;

(C) by amending subsection (a) (as redesignated under subparagraph (B) of this paragraph)—

(i) by striking out "subsection (d)" and inserting in lieu thereof "subsection (b)"; and

(ii) by striking out "by, in, or through a non-Government facility"; and

(D) by amending paragraph (1) of subsection (b) (as redesignated under subparagraph (B) of this paragraph) by striking out "subsection (c)" and inserting in lieu thereof "subsection (a)";

(6) in section 4108(a) by striking out "by, in, or through a non-Government facility under this chapter" and inserting in lieu thereof "for more than a minimum period prescribed by the head of the agency";

(7) in section 4113(b) by striking out all that follows the first sentence;

(8) by repealing section 4114; and

(9) in section 4118—

(A) in subsection (a)(7) by striking out "by, in, and through non-Government facilities";

(B) by striking out subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 41 of title 5, United States Code, is amended—

(1) by striking out the items relating to sections 4106 and 4114; and

(2) by amending the item relating to section 4107 to read as follows:

"4107. Restriction on degree training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 503. VOLUNTARY SEPARATION INCENTIVES.

(a) DEFINITIONS.—For purposes of this section, the term—

(1) "agency" means an Executive agency, as defined under section 105 of title 5, United States Code, but does not include the Department of Defense, the Central Intelligence Agency, or the General Accounting Office; and

(2) "employee" means an employee, as defined under section 2105 of title 5, United States Code, of an agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, including an individual employed by a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A).

(b) AUTHORITY TO MAKE PAYMENT.—(1) In order to assist in the restructuring of the Federal work force while minimizing involuntary separations, the head of an agency may pay, or authorize the payment of, a voluntary separation incentive payment to employees—

(A) in any component of the agency;

(B) in any occupation;

(C) in any geographic location; or

(D) on the basis of any combination of the factors described under subparagraphs (A) through (C).

(2) In order to receive an incentive payment under paragraph (1), an employee shall separate from service with the agency (whether by retirement or resignation) during the 90-day period described under paragraph (3).

(3) The head of an agency shall designate a continuous 90-day period for purposes of separation under this subsection for such agency or any component thereof. Such 90-day period shall begin no earlier than the date of the enactment of this Act and shall end no later than March 31, 1995.

(4) Notwithstanding the provisions of paragraphs (2) and (3), an employee may receive an incentive payment under this section and delay a separation from service if—

(A) the agency head determines that it is necessary to delay such employee's separation from service in order to ensure the performance of the agency's mission; and

(B) no later than 2 years after the date of the last day of the 90-day period designated under paragraph (3), such employee separates from service in the agency.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENT.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(4) shall not be taken into account in determining the amount of any severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(d) SUBSEQUENT EMPLOYMENT AND REPAYMENT OF INCENTIVE PAYMENT.—(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(e) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations necessary for the administration of this section.

(f) JUDICIAL BRANCH PROGRAM.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program consistent with the program established by subsections (a) through (d) of this section for employees of the judicial branch.

(g) REDUCTION OF FULL-TIME EQUIVALENT POSITIONS.—(1) The President or his designee shall take such action as he determines necessary to ensure that, no later than September 30, 1995, employment in the executive branch is reduced by at least 1 full-time equivalent position for each voluntary separation incentive payment paid under this section.

(2) No later than December 1, 1995, the President or his designee shall report to the

Congress on the implementation of this subsection.

(h) Limitation on Procurement of Service Contracts.—The President shall take appropriate action to ensure that there is no increase in the procurement of service contracts by reason of the enactment of this section except in cases in which a cost comparison demonstrates such contracts would be to the financial advantage of the Federal Government.

SEC. 504. SUBSEQUENT EMPLOYMENT AND REPAYMENT OF SEPARATION PAYMENT.

(a) Defense Agency Separation Pay.—Section 5597 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g)(1) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of enactment of the Federal Workforce Restructuring Act of 1994 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the defense agency that paid the separation pay.

"(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

"(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

"(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.".

(b) Central Intelligence Agency Separation Payment.—Section 2(b) of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103–36; 107 Stat. 104) is amended by adding at the end thereof the following: 'An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1993 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.".

SEC. 505. FUNDING OF EARLY RETIREMENTS IN CIVIL SERVICE RETIREMENT SYSTEM.

(a) In General.—Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(l) In addition to any other payments required by this subchapter, an agency shall remit to the Office for deposit in the Treasury of the United States to the credit of the Fund an amount equal to 9 percent of the final rate of basic pay of each employee of the agency who retires under section 8336(d).

"( ) * * * the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 17 percent of the final basic pay of each employee of the agency who receives a voluntary separation incentive payment under this section and who is eligible, upon separation, for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.".

(b) Effective Date.—The amendment made by this section shall apply with respect to retirements occurring on or after the date of the enactment of this Act.

SEC. 506. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) Definition.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) Limitations on Full-Time Equivalent Positions.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,095,182 during fiscal year 1994;

(2) 2,044,100 during fiscal year 1995;

(3) 2,003,846 during fiscal year 1996;

(4) 1,963,593 during fiscal year 1997;

(5) 1,923,339 during fiscal year 1998; and

(6) 1,883,086 during fiscal year 1999.

(c) Monitoring and Notification.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) Compliance.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) Waiver.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national emergency; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 507. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) Establishment of the Account.—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1115. Violent crime reduction trust fund

"(a) There is established a separate account in the Treasury, known as the 'Violent Crime Reduction Trust Fund', into which shall be deposited deficit reduction achieved by section 1321B of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

"(1) for fiscal year 1994, $720,000,000;

"(2) for fiscal year 1995, $2,423,000,000;

"(3) for fiscal year 1996, $4,267,000,000;

"(4) for fiscal year 1997, $6,313,000,000; and

"(5) for fiscal year 1998, $8,545,000,000.

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, 'appropriations under paragraph (1)' mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.".

(b) Listing of the Violent Crime Reduction Trust Fund Among Government Trust Funds.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(c) Requirement for the President To Report Annually on the Status of the Account.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) Information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

"(30) An analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 506 of this Act."

SEC. 508. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: $720,000,000 in new budget authority and $314,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: $2,423,000,000 in new budget authority and $2,330,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: $4,287,000,000 in new budget authority and $4,184,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: $6,313,000,000 in new budget authority and $6,221,000,000 in outlays; and

(5) for fiscal year 1998, for the discretionary category: $8,545,000,000 in new budget authority and $8,443,000,000 in outlays.

SEC. 509. STANDARDIZATION OF WITHDRAWAL OPTIONS FOR THRIFT SAVINGS PLAN PARTICIPANTS.

(a) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351(b) of title 5, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Section 8433(b) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates from Government employment.";

(2) by striking out paragraphs (5), (6), and (8);

(3) by redesignating paragraphs (7), (9), and (10) as paragraphs (5), (6), and (7), respectively;

(4) in paragraph (5)(C) (as redesignated under paragraph (3) of this subsection) by striking out "or former spouse" in both places it appears;

(5) by amending paragraph (6) (as redesignated under paragraph (3) of this subsection) to read as follows:

"(6) Notwithstanding paragraph (4), if an employee or Member separates from Government employment and such employee's or Member's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)."; and

(6) in paragraph (7) (as redesignated under paragraph (3) of this subsection) by striking out "nonforfeiture" and inserting in lieu thereof "nonforfeitable".

(b) BENEFITS AND ELECTION OF BENEFITS.—Section 8433 of title 5, United States Code, is amended—

(1) in subsection (b) by striking out the matter before paragraph (1) and inserting in lieu thereof "Subject to section 8435 of this title, any employee or Member who separates from Government employment entitled to an annuity under subchapter II of this chapter or any employee or Member who separates from Government employment is entitled and may elect—";

(2) by striking out subsections (c) and (d) and redesignating subsections (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), and (g), respectively;

(3) in subsection (c)(1) (as redesignated under paragraph (2) of this subsection) by striking out "or (c)(4) or required under subsection (d) directly to an eligible retirement plan or plans) (as defined in section 402(a)(5)(E) of the Internal Revenue Code of 1954)" and inserting in lieu thereof "directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986)";

(4) in subsection (d)(2) (as redesignated under paragraph (2) of this subsection) by striking out "or (c)(2)"; and

(5) in subsection (f) (as redesignated under paragraph (2) of this subsection)—

(A) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (1) (as redesignated under subparagraph (A) of this paragraph)—

(i) by striking out "Notwithstanding subsections (b) and (c), if an employee or Member separates from Government employment under circumstances making such an employee or Member eligible to make an election under either of those subsections, and such employee's or Member's" and inserting in lieu thereof "Notwithstanding subsection (b), if an employee or Member separates from Government employment, and such employee's or Member's"; and

(ii) by striking out "or (c), as applicable"; and

(C) in paragraph (2) (as redesignated under subparagraph (A) of this paragraph) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(c) ANNUITIES: METHODS OF PAYMENT; ELECTION; PURCHASE.—Section 8434(c) of title 5, United States Code, is amended to read as follows:

"(c) Notwithstanding an elimination of a method of payment by the Board an employee, Member, former employee, or former Member may elect the eliminated method if the elimination of such method became effective less than 5 years before the date on which annuity commences.".

(d) PROTECTIONS FOR SPOUSES AND FORMER SPOUSES.—Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A) by striking out "subsection (b)(3), (b)(4), (c)(3), or (c)(4) of section 8433 of this title or change an election previously made under subsection (b)(1), (b)(2), (c)(1), or (c)(2)" and inserting in lieu thereof "subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2)";

(2) by striking out subsection (b);

(3) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (b) (as redesignated under paragraph (3) of this subsection) by amending paragraph (2) to read as follows:

"(2) Paragraph (1) shall not apply, if—

"(A) a joint waiver of such method is made, in writing, by the employee or Member and the spouse; or

"(B) the employee or Member waives such method, in writing, after establishing to the satisfaction of the Executive Director that circumstances described under subsection (a)(2) (A) or (B) make the requirement of a joint waiver inappropriate."; and

(5) in subsection (c)(1) (as redesignated under paragraph (3) of this subsection) by striking out "and a transfer may not be made under section 8433(d) of this title".

(e) JUSTICES AND JUDGES.—Section 8440a(b) of title 5, United States Code, is amended—

(1) in paragraph (5) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)"; and

(2) by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) Notwithstanding paragraphs (4) and (5), if any justice or judge retires under subsection (a) or (b) of section 371 or section 372(a) of title 28, or resigns without having met the age and service requirements set forth under section 371(c) of title 28, and such justice's or judge's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b).".

(f) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b of title 5, United States Code, is amended—

(1) in subsection (b)(4) by amending subparagraph (B) to read as follows:

"(B) Section 8433(b) of this title applies to any bankruptcy judge or magistrate who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and who retires before attaining age 65 but is entitled, upon attaining age 65, to an annuity under section 377 of title 28 or section 2(c) of the Retirement and Survivors Annuities for Bankruptcy Judges and Magistrates Act of 1988.";

(2) in subsection (b)(4)(C) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)";

(3) in subsection (b)(5) by striking out "retirement under section 377 of title 28 is" and inserting in lieu thereof "any of the actions described under paragraph (4) (A), (B), or (C) shall be considered";

(4) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(5) in paragraph (8) of subsection (b) (as redesignated under paragraph (4) of this subsection)—

(A) by striking out "Notwithstanding subparagraphs (A) and (B) of paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b) or (c)" and inserting in lieu thereof "Notwithstanding paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b)"; and

(B) by striking out "and (c), as applicable".

(g) CLAIMS COURT JUDGES.—Section 8440c of title 5, United States Code, is amended—

(1) in subsection (b)(4)(B) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)";

(2) in subsection (b)(5) by striking out "retirement under section 178 of title 28, is" and inserting in lieu thereof "any of the actions described in paragraph (4) (A) or (B) shall be considered";

(3) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(4) in paragraph (8) (as redesignated under paragraph (3) of this subsection) by striking out "Notwithstanding paragraph (4)(A)" and inserting in lieu thereof "Notwithstanding paragraph (4)".

(h) JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.—Section 8440d(b)(5) of title 5, United States Code, is amended by striking out "A transfer shall be made as provided under section 8433(d) of this title" and inserting in lieu thereof "Section 8433(b) of this title applies".

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Chapters 83 and 84 of title 5, United States Code, are amended—

(1) in section 8351(b)(5)(B) (as redesignated under subsection (a)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(2) in section 8351(b)(5)(D) (as redesignated under subsection (a)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(3) in section 8433(b)(4) by striking out "subsection (e)" and inserting in lieu thereof "subsection (c)";

(4) in section 8433(d)(1) (as redesignated under subsection (b)(2) of this section) by striking out "(d) of section 8435" and inserting in lieu thereof "(c) of section 8435";

(5) in section 8433(d)(2) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(d)" and inserting in lieu thereof "section 8435(c)";

(6) in section 8433(e) (as redesignated under subsection (b)(2) of this section) by striking

out "section 8435(d)(2)" and inserting in lieu thereof "section 8435(c)(2)";

(7) in section 8433(g)(5) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(f)" and inserting in lieu thereof "section 8435(e)";

(8) in section 8434(b) by striking out "section 8435(c)" and inserting in lieu thereof "section 8435(b)";

(9) in section 8435(a)(1)(B) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)";

(10) in section 8435(d)(1)(B) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (d)(2)" and inserting in lieu thereof "subsection (c)(2)";

(11) in section 8435(d)(3)(A) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (c)(1)" and inserting in lieu thereof "subsection (b)(1)";

(12) in section 8435(d)(6) (as redesignated under subsection (d)(3) of this section) by striking out "or (c)(2)" and inserting in lieu thereof "or (b)(2)";

(13) in section 8435(e)(1)(A) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(14) in section 8435(e)(2) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i) of this title shall not be approved if approval would have the result described in subsection (d)(1)" and inserting in lieu thereof "section 8433(g) of this title shall not be approved if approval would have the result described under subsection (c)(1)";

(15) in section 8435(g) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(16) in section 8437(c)(5) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)"; and

(17) in section 8440a(b)(6) by striking out "section 8351(b)(7)" and inserting in lieu thereof "section 8351(b)(5)".

(j) INTERIM PROVISION.—Section 8433(d) of title 5, United States Code, is amended by striking out "shall transfer the amount of the balance" and inserting in lieu thereof "may transfer the amount of the balance".

(k) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the provisions of this section shall take effect 1 year after the date of enactment of this Act or upon such other date as the Executive Director of the Federal Retirement Thrift Investment Board shall provide in regulation.

(2) The provisions of subsection (j) of this section shall take effect upon the date of the enactment of this Act.

SEC. 510. AMENDMENTS TO ALASKA RAILROAD TRANSFER ACT OF 1982 REGARDING FORMER FEDERAL EMPLOYEES.

(a) APPLICABILITY OF VOLUNTARY SEPARATION INCENTIVES TO CERTAIN FORMER FEDERAL EMPLOYEES.—Section 607(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206(a)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The State-owned railroad shall be included in the definition of 'agency' for purposes of section 503 (a), (b), (c), and (e) and section 505 of the Federal Workforce Restructuring Act of 1994 and may elect to participate in the voluntary separation incentive program established under such Act. Any employee of the State-owned railroad who meets the qualifications as described under the first sentence of paragraph (1) shall be deemed an employee under such Act.

"(B) An employee who has received a voluntary separation incentive payment under this paragraph and accepts employment with the State-owned railroad within 5 years of the date of separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment unless the head of the State-owned railroad determines that the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee and waives the repayment.".

(b) LIFE AND HEALTH INSURANCE BENEFITS.—Section 607 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206) is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) Any person described under the provisions of paragraph (2) may elect life insurance coverage under chapter 87 of title 5, United States Code, and enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with the provisions of this subsection.

"(2) The provisions of paragraph (1) shall apply to any person who—

"(A) on the date of the enactment of the Federal Workforce Restructuring Act of 1994, is an employee of the State-owned railroad;

"(B) has 20 years or more of service (in the civil service as a Federal employee or as an employee of the State-owned railroad, combined) on the date of retirement from the State-owned railroad; and

"(C)(i) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(ii) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1).

"(3) For purposes of this section, any person described under the provisions of paragraph (2) shall be deemed to have been covered under a life insurance policy under chapter 87 of title 5, United States Code, and to have been enrolled in a health benefits plan under chapter 89 of title 5, United States Code, during the period beginning on January 5, 1985, through the date of retirement of any such person.

"(4) The provisions of paragraph (1) shall not apply to any person described under paragraph (2) until the date such person retires from the State-owned railroad.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 3, 1994, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 274, to establish the Casas Malpais National Historical Park in Springerville, AZ, and for other purposes;

S. 859, to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926;

S. 1233, to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes;

S. 1586, to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes; and

H.R. 1183, to validate conveyance of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further informaton, please contact David Brooks of the subcommittee staff at (202) 224-9863.

ADDITIONAL STATEMENTS

NATIONAL SCHOOL COUNSELING WEEK

• Mr. HARKIN. Mr. President, I rise today and ask that my colleagues join me in acknowledging February 7-11, 1994, as National School Counseling Week.

There are more than 85,000 professional counselors in school settings in the United States who work with students, teachers, other school professionals, parents, and their communities. School counselors assist students with their educational, career, social, and personal strengths so that they can become responsible and productive citizens.

It is my belief that school counselors, because of the service they provide, will play a key role in the implementation of the national education goals. In addition, school counseling is an integral component to ensuring the preparation, success, and transition from school to work of our Nation's students.

I have often shared with my colleagues the many positive contributions which school counseling makes to ensuring the success of our Nation's students. I am particularly proud of the Smoother Sailing Program in the Des Moines public schools which has served as a model elementary school counseling program for the entire country.

Mr. President, I am hopeful that the positive results of the Smoother Sailing Program can be replicated in other school districts of the United States and it is for this reason that I introduced S. 1142, the Elementary School

Counseling Demonstration Act. I urge my colleagues to join me in the sponsorship of this legislation, and I wish to once again reiterate my support and appreciation for the dedication and commitment of our Nation's school counselors.•

SCHOOL-TO-WORK OPPORTUNITIES ACT

• Mr. COHEN. Mr. President, the United States could do a much better job of educating our youth for the workplace. Not every high school student will attend college—nor should they. In a prosperous country like ours, however, we commit few resources to helping those young people who do not intend to go on to college. In the competitive world of the 21st century, our investment in education cannot simply focus on ensuring opportunities for youth to earn a baccalaureate degree. Rather we must find ways to prepare our young people for all of tomorrow's possibilities—be they work or school.

One of the most unfortunate byproducts of the current educational system is that far too many—almost half—of today's adults have trouble reading and writing. These people have difficulty holding a decent job, and many spend their lives trying to find work that is rewarding and will support their families.

As a nation in the international marketplace, we cannot wait for our youth to become adults before we help prepare them for decent jobs and rewarding careers. The global economy has the potential for enormous reward, but we must prepare to meet the challenge.

One way to meet this challenge is to reinvent our educational system, which in some ways is still the envy of the world, so that it can meet today's needs and provide for ways to meet tomorrow's opportunities.

Unfortunately, no State has a comprehensive plan in place to meet the needs of youth whose opportunities exist primarily in the working world. I agree with the National Research Council's conclusion that, as a country, we tend to think of "support for labor market transitions, particularly for youths most at risk of failing to make the school-to-work transition * * * as a social, rather than an economic, responsibility." It is time that we radically change this philosophy.

In Maine, the school-to-work issue is an important one. Compared with other States, Maine ranks near the bottom in sending high school students on to 2- and 4-year colleges. Fortunately, Maine is well ahead of most States in having three excellent school-to-work programs.

The Maine Youth Apprenticeship Program, for example, was recently selected by the National Alliance of Business as the School-to-Work Program of the Year. Students in this program spend 20 weeks in class and 15 weeks working for a company in their field of interest. This pattern continues through their senior year, but with 15 additional weeks working for a company. In the third year of the program, students spend 34 weeks on the job and 16 weeks taking courses at their local technical college.

The apprenticeship program benefits both the student and the business involved. Students finish the program with a high school diploma, significant work experience, and technical college training. They also receive certification that they have mastered a particular technical skill and can earn up to $5,000 each year on the job. Employers can be certain they are getting a qualified worker, already trained and trustworthy, to improve production.

Maine's Youth Apprenticeship Program is complemented by another education effort, Jobs for Maine's Graduates, which operates in 20 schools in 17 communities throughout the State. Among other things, this program provides job specialists who are responsible for 20 to 40 students who are at risk of dropping out of school. In addition, the program provides basic skills education, job search activities, instruction on 37 skills necessary in a work environment through a 4 day-a-week credit class, and 9 months of follow-up support after high school graduation.

I am particularly excited about Maine's third school-to-work program called technology preparation or tech-prep. This program combines the last 2 years of high school with 2 years of postsecondary work at a technical college. It provides students with the math, science, and technological skills they will need to succeed in the economy of the 1990's. By combining academic and occupational subjects, tech-prep is designed to prepare students for high-skill technical occupations and offers a more practical, hands-on way for kids to learn than the more abstract, traditional method of learning currently taking place in most of this Nation's schools.

Last year, I introduced legislation to help improve tech-prep programs across the country. I am pleased that parts of my bill were incorporated into the School-to-Work Opportunities Act. Specifically, my legislation would give highest priority to those tech-prep applications that provide for certain activities, such as employment placement and the transfer of students to 4-year baccalaureate programs, after completion of the technical college component of the program. Without changing the basic thrust of the current tech-prep programs, my legislation would open additional opportunities to students who want more advanced training.

In addition, my tech-prep legislation would allow schools greater flexibility in providing tech-prep classes. Current law requires that tech-prep programs begin in the eleventh grade. Unfortunately, many students who drop out of school do so before the eleventh grade and having a tech-prep program in place earlier may prevent some of those students from dropping out and help those who stay in school learn more effectively through tech-prep's applied learning method. My legislation would allow for tech-prep programs to begin either in the 9th or 11th grades.

The School-to-Work Opportunities Act will encourage States to develop comprehensive programs to help high school students who do not intend to go on to college transition to the working world. It builds upon existing school-to-work programs, such as Maine's youth apprenticeship and tech-prep programs, but allows States the flexibility to create their own programs. I believe that the School-to-Work Opportunities Act offers an important method for reaching youths who will not go to college but who must prepare to support themselves after they complete high school.

I am particularly pleased that the Senate clarified language in the bill so that businesses and other organizations would not be required to pay students for work. Rural States, like Maine, simply do not have an industry base to pay all students participating in a school-to-work program. While these students should be fairly compensated for their labors, often the exposure to the working world is what they will find to be truly invaluable. The legislation will now allow students to benefit from a variety of school-to-work programs, only some of which will pay for work.

We can no longer ignore the large numbers of young people who will not go to college. As our world becomes more competitive, these youths will be left behind. They will continue to knock on our doors for help. We can help them now by preparing them for the working world, or we can help them later by providing adult basic education classes and other social services to help them get ahead. My choice is to help them now. I do not believe we can wait.•

EAST EVERGLADES WATER MODIFICATION DELIVERY SYSTEM

• Mr. GRAHAM. Mr. President, last night, the Senate approved legislation I introduced last year with my colleague from Florida [Mr. MACK] to authorize the use of previously appropriated funds for land acquisition in the Frog Pond, the Eight-and-One-Half Square Mile Area, and the Rocky Glades Agricultural Area east of Everglades National Park. This legislation is a significant step in expanding the options available to the Park Service, the State of Florida, the South Florida Water Management District, and Dade Country in their unified efforts to recapture the irreplaceable ecosystem of south Florida.

Over the past few months, I have been meeting with all the partners involved in the project to purchase land east of Everglades National Park, and I am pleased to report that we are making significant strides in resolving many of the funding and land management issues. The legislation passed by my Senate colleagues last night will enable the partners to begin taking real action to help Florida Bay, which makes up over one-third of Everglades National Park.

This legislation was a cooperative effort of many people, but I would like to especially thank Interior Secretary Bruce Babbitt, Assistant Secretaries George Frampton, and Bonnie Cohen, Peter Hamm in the Office of Congressional and Intergovernmental Affairs, and Everglades National Park Superintendent Dick Ring. The support of Tom MacVicar and Kathy Copeland with the South Florida Water Management District, and Florida Governor Lawton Chiles and Estus Whitfield of his staff was also greatly appreciated. Due to the work of my colleagues in the Florida delegation, in particular Congressmen PETER DEUTSCH and CLAY SHAW, this bill has already been approved by the House of Representatives and will soon be signed by the President.

I would also like to take this opportunity to commend President Clinton for the significant show of support for restoring south Florida's delicate environment in his 1995 budget proposal. A total of $57.3 million is pledged by the Department of the Interior for various activities in the area, including land acquisition, research, and resource management. Another $13 million would be spent by the Environmental Protection Agency, the Corps of Engineers, and the National Oceanic and Atmospheric Administration. The Clinton budget is a strong statement that the Everglades is indeed a trust—a unique treasure of the world that should be protected and restored to a previous, more natural condition.•

CONFIRMATION OF ROBERT C. BUNDY TO BE U.S. ATTORNEY FOR ALASKA

• Mr. MURKOWSKI. Mr. President, Bob C. Bundy first came to Alaska in the fall of 1971 to begin working for Alaska Legal Services as a Reginald Heber Smith Community Law Fellow. His intentions, like many Alaskans, were to experience Alaska and then return to his home State. Expecting to return to California after no more than 2 years, Bob fell in love with Alaska, his home ever since 1971.

Prior to coming to Alaska, Bob received his bachelors degree, cum laude, with a major in philosophy from the University of Southern California in 1968. Bob graduated in 1971 from Boalt Hall School of Law, University of California, Berkeley. After passing the California bar in the fall of 1971, Bob was admitted to the California State Bar in January 1972. After coming to Alaska in 1971 to work for Alaska Legal Services, Bob passed the Alaska bar in the spring of 1972.

While working at Alaska Legal Services, Bob met his wife, Virginia Bonnie Lembo, who was also working at Alaska Legal Services as a VISTA lawyer. In February 1974, the two married in Nome where Bob was working. Then the couple decided to move further into bush Alaska; in July, 1974, Bob and Bonnie relocated to Kiana, a small Eskimo village—population 500—on the Kobuk River east of Kotzebue. Bob practiced law, taking criminal defense appointments in Nome and Kotzebue and performing contract services for Alaska Legal Services.

On December 2, 1974, the couple had twin girls, Barbara and Kathy. Caring for infant twins, while maintaining a part-time law practice and engaging in subsistence food gathering proved a daunting task. When the temperature hit 65 below in January 1975 and the couple's oil stove ceased working, Bob and Bonnie moved the children to Anchorage.

However, the excitement of living in Alaska's bush had not worn off for the young couple. In 1975, Bob was appointed as the district attorney for the Second Judicial District in Nome. Serving as Nome's district attorney until 1978, Bob then moved his family to Anchorage where they have lived ever since. Bob continued his career as a prosecutor in the Anchorage District Attorney's office and Alaska Attorney General's office until 1984. At present, Bob has just left practicing law as a partner in the law firm of Bogle & Gates for his confirmation as Alaska's U.S. attorney. Bonnie Bundy is an assistant district attorney.

Bob is an experienced attorney who has now tried over 200 cases in front of juries in Alaska. Bob's most recent practice focused on trial and appellate litigation, the majority of which involved large, complex cases in the areas of commercial litigation, products liability, professional malpractice, personal injury, and criminal defense.

Examples of Bob's practice include representation of a national airline in major antitrust litigation; representation in trial and appellate courts of a national insurance broker facing multimillion dollar claims arising out of insurance carrier insolvencies and damages to a large construction project in Alaska; trial and appellate counsel for an international air carrier in multiple lawsuits arising out of the crash and destruction of a DC–10 aircraft; representation of two national banks in litigation arising out of the bankruptcy of two large sawmills; trial counsel for local government entities in litigation involving wrongful discharge of employees and disputes with contractors; representation of an automobile manufacturer in major products liability litigation; representation of a large Northwest law firm in a large legal malpractice action; and representation of mental health professionals in malpractice claims. Bob has also represented corporations and individuals charged with criminal offenses in State and Federal courts.

A faculty member of the National Institute of Trial Advocacy, Bob is active in trial advocacy as a faculty member and lecturer in Alaska and nationwide. Bob coauthored both "Alaska Discovery, Pretrial and Trial Procedures" and "Evidence in Trial Practice in Alaska." Bob lectures on law and banking at the University of Alaska, Anchorage. A lawyer representative for the Ninth Circuit Judicial Conference, Bob also sits on the local rules committee for the U.S. district court.

Bob enjoys bipartisan support amongst Alaskans. I am confident that Bob's experience and ability will serve him well in his new position as the U.S. attorney for Alaska. I wish him all the best and look forward to working with him in the future.•

TRIBUTE TO JIM BORMANN

• Mr. DURENBERGER. Mr. President, it is with great sadness that I rise to report that a journalist of the highest order, Jim Bormann, passed away this past Saturday at his home in Golden Valley, MN.

For 25 years Jim served as news director for WCCO Radio, the premier source for news and weather information in the Midwest. He also served as that station's community affairs director from 1971 until his retirement in 1976. Without a doubt, Jim played a vital role in shaping WCCO Radio into the premier organization it is today.

A native of Decatur, IL, he came to Minnesota in 1951 with a long and distinguished list of journalism credentials. After beginning his career in 1935 as a reporter for the Milwaukee Journal, Jim moved on to Chicago, where he eventually became the bureau chief of the Associated Press' radio division. From there he moved on to Cedar Rapids, IA, and the job of news director for WMT Radio.

Jim's many contributions to his profession extended outside the newsroom. He was a founder of the Radio and Television News Directors Association, serving as its international president in 1952. He also helped originate the Minnesota Fair Trial Free Press Council, the Minnesota Press Council, and the Minnesota Press Club. He was constantly vigilant in protecting his craft and strove to maintain the qualities of principle, fairness, and objectivity.

Known for his fair and accurate reporting, Jim also added a human touch to the art of news gathering. Jim was known in the communities of Minnesota as a man who went to the news. His brand of on the scene reporting was widely respected by his peers. Jim said it best when he stated, "I just chat with the folks to find out what's on their minds * * * we talk about what's being done and what they think could be done." Mr. President, I have found that this type of communication is not only a sound approach for newspeople, but also for those of us who have been blessed with the opportunity of public service.

Mr. President, I truly will miss Jim Bormann and all he had to offer. He was not only a top-notch journalist but—more importantly—a first-class human being.

Mr. President, I yield the floor.•

GOALS 2000: EDUCATE AMERICA ACT

• Mr. COHEN. Mr. President, the talk about America's schools is troubling. Parents say that our schools are failing. Teachers say that they cannot be responsible for teaching things that should be taught at home. Students say they are bored and that the schools do not challenge them.

Unfortunately, we cannot read the paper without confirming our suspicions about our educational system. The headlines scream at us: "Asians Do a Better Job of Teaching Their Children," "Conditions 'Bleak' for Rural Children," "U.S. Schools 'Squander' Gifted Students Talents," and "Saving Schools from 'Mediocrity': Improvements Hard to Measure After Ten Years of Reforms."

Education is the one thing parents want most for their children because education creates economic opportunity. Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching, is right when he says:

> People who cannot communicate are powerless. People who know nothing of their past are culturally impoverished. People who are poorly trained are ill-prepared to face the future. Without good schools, America cannot remain civically vital or economically competitive.

In a prosperous nation like the United States, students regardless of income or geography from Los Angeles, CA, to Limestone, ME, should have the same opportunity to have a quality education—one that is rigorous and inspires our youths to educate themselves throughout their lives.

President John Kennedy once said: "A child miseducated is a child lost." Regrettably, many of our lost children are from poor families. Compared with other children, for example, a substantial percentage of young people from low-income families repeat a grade by the time they reach the eighth grade. In addition, youth from low-income families are more likely to drop out of school than their wealthier counterparts.

I am worried that our increasingly technological world will not wait for students in any country, including ours, to learn the basics. There is no niche reserved in the international marketplace or the American workplace for ill-prepared students. Rather than wait, the world will continue to grow more technical and specialized. Our students must be able to meet the challenge or they will be left behind.

Everyone blames everyone else for education problems in the United States. Teachers and principals blame parents who take little interest in or responsibility for their children's education. Teachers and parents say children come to school with a host of problems that distract them from learning. Some children, for example, are being sexually or physically abused by their parents or guardians. Others arrive to school hungry and malnourished. Many adolescents come to school worried about how they will feed and clothe their own children, and too many of our youths fear for their lives as they walk to and from school.

Parents, on the other hand, blame teachers and the schools for not teaching their children the basics, and are unhappy that their sons and daughters are being promoted to the next grade without being ready. Not surprisingly, parents expect schools to provide a good education whatever the cost.

Several weeks ago, I read that the parents of a Maine student may not allow their son to accept his high school diploma in June because they believe the school has failed to educate him. This is the ultimate indictment of a failed school system.

The State and Federal governments do not escape blame. Many people around the country cite excessive regulation and lack of money as two big causes for the problems in our education system.

I often hear from Mainers that we need to make children our number one priority. I agree. Children are this country's future. This is a cliche that is nonetheless very true. Unless everyone takes responsibility for education, our children and our Nation will continue to be the big losers.

The Goals 2000: Educate America Act will not solve all the problems with educating our youth. It will, however, for the first time set education goals for this country and provide a means by which States and localities can improve their educational systems. I believe this legislation is a good first step in addressing our educational problems.

Specifically, the legislation creates a series of national standards for content of the curriculum and performance by schoolchildren. These standards are completely voluntary. States that choose to do so can submit their standards to the National Education Standards and Improvement Council to receive a kind of Good Housekeeping Seal of approval. But the bill creates an important incentive for States and school districts to meet the goals for education by providing Federal funds for reform.

I believe that the Senate significantly improved the legislation last week by adding provisions to ensure it in no way federalizes education. Education has long been a State and local matter, and this bill keeps it that way. This is a principle that I do not want, nor do I intend, to change.

I am pleased that the legislation included an amendment designed to increase parental participation. I cosponsored this amendment because I feel strongly that parents need to take a greater role in the education of their children. Too many students receive little encouragement or support at home, and they bring a poor attitude and low self-esteem to the classroom. We can help correct this by urging parents to be more directly involved in their child's school work and to encourage and help their children when they struggle. With this encouragement, children will aspire to succeed.

I am also pleased that, at my instigation, the legislation now emphasizes the importance of health and physical education. Poor health and diet, poverty, substance abuse, sexually transmitted disease and unintended pregnancies have all limited the options and dimmed the futures of millions of American children. Healthy and fit students are better equipped to learn.

It is my sincere hope that the National Education Standards and Improvement Council certify voluntary national standards on health and physical education and that the National Education Goals Panel monitor this country's progress toward ensuring that all students are healthy and fit.

Many people in my parent's generation did not complete high school, but they still have made good lives for themselves. Today, I am afraid that children who do not complete high school and those who are ill-prepared do not have the same opportunities that our parents or we had. There really is no second chance for them.

We cannot afford to sell our children short. We must set goals and standards, and we must address our problems in education head-on and demand a rigorous, quality education for all our youth. Their future depends on us, and our future depends on them.•

ORDERS FOR TUESDAY, FEBRUARY 22, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, February 22, and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, Senator MOSELEY-BRAUN be recognized to read Washington's Farewell Address; that upon conclusion of the reading of the Farewell Address, the Senate proceed to executive session to consider the nomination of Strobe Talbott, as provided for under a previous unanimous-consent agreement; and that on Tuesday, February 22, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARKET ACCESS BARRIERS IN JAPAN

Mr. DOLE. Mr. President, I am disappointed that the United States and Japanese negotiators were unable to reach agreement on market access barriers in Japan. Nevertheless, the last thing we need is an ineffective trade agreement that fails to address the real problems foreign firms have in penetrating the Japanese market.

I met, along with the majority leader, this morning with Prime Minister Hosokawa and Foreign Minister Hata and we had a very frank exchange. The Prime Minister agreed that the chronic trade imbalance between Japan and the world is unacceptable and must be resolved. I support U.S. Trade Representative Mickey Kantor in his determination to seek a meaningful agreement. Now he must redouble his efforts.

This is a bipartisan issue. We have been working with Japan for many years trying to resolve these problems. The time has come for Japan to understand that global economic leadership carries obligations. Mr. President, Japan must continue to move to join the ranks of open markets in the global trading system.

I agree with the President who said that no agreement is better than an ineffective agreement.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, FEBRUARY 22, 1994

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 10 a.m. on Tuesday, February 22, as provided under the provisions of House Concurrent Resolution 206.

The motion was agreed to, and the Senate, at 4:30 p.m., adjourned until Tuesday, February 22, 1994, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, February 11, 1994*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Be with us, O God, in all the moments of life. From the rising of the Sun until the going down of the same, may Your word be with each of us and all we do. For all those who desire meaning and purpose in life, give the direction of the ancient commandments and the eternal values that bind us together. For all who wish to reflect more clearly the brightness of Your light, give us strength to know the truth and the power to live the truth. Bless us, we pray O God, that we will be Your people in good times and bad, and be faithful in all the days. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] to lead us in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 3617. An act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

H. Con. Res. 206. Concurrent resolution providing for an adjournment of the House from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994 and an adjournment or recess of the Senate from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994.

LET EUROPE POLICE THEIR OWN BACKYARD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, press accounts keep saying that genocide in Europe and Bosnia started 22 months ago. Basically, Europe has done nothing. In fact, Europe keeps asking where is Uncle Sam?

My question today is, Where is Italy, where is France, where is Germany, where is Russia, and where is England? You see, Uncle Sam already is the policeman for the world. Now they want us to be the neighborhood crime watch.

Something is very wrong here, Congress. Remember this: It all started out with advisers in Vietnam. Then Presidents, generals, and admirals declared their own war. Congress never declared war in Vietnam. We do not need another Vietnam.

No. 1, if we are going to commit troops or get involved in Bosnia, this Congress should authorize and make that decision. That is what the Constitution says.

Finally, if they are going to beat their chest about a united European Community, maybe Europe should get involved in the fights in their own backyard.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 p.m. on Thursday, February 10, 1994 the following message from the Secretary of the Senate: That the Senate passed with an amendment H.R. 3759 and requested a conference thereon.

In accordance with action taken by the House on Thursday, February 10, 1994, the Clerk has notified the Senate that the House disagreed to amendment of the Senate to H.R. 3759, and agreed to a conference thereon.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

SET DEADLINE FOR HAITI

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, by the time this House reconvenes, in less than 2 weeks, scores of Haitians will die as a direct result of United States policy. Economic sanctions on Haiti will continue to kill babies, the infirm, the meek and the elderly.

Because this Congress and this administration failed to act—in the next few weeks, thousands of innocent Haitians will die.

This administration has let every deadline pass. The President has abandoned democracy, and his administration has ignored international law. What good is an organization of civilized nations if they ignore uncivilized actions?

How can we be a leader of nations when we ignore the death of a nation in our own back yard? Those who have spoken of nation building now preside over nation destruction.

This Congress that has offered hope in distant Somalia now shames its reputation by leaving and abandoning the suffering and dying in Haiti. This week we establish a deadline in Bosnia—I ask—"Why not a deadline for Haiti?"

HEALTH CARE NOW

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, with the Congressional Budget Office's recent estimate that national health care will increase the deficit in years to come, there has been continuous debate—most of it reiteration of tired assertions—that the United States cannot afford a system which ensures access to minimal health care to all Americans.

I believe that debate on the future costs of a national health care system has created a rhetorical fog in which this body has lost its original direction. When we began this debate we did not set out to create a tax decrease or to lower the deficit.

Our goal was to provide access to health care within the limits of our countries fiscal ability to do so. It has always been expected that there will be some modification in financing as old programs are replaced with new ones, and as we accomplish any necessary restructuring of the health care industry.

It seems to me that we are losing sight of what we have set out to accomplish. We began with the intention of creating a system which guarantees basic health care and a decent quality of life for all Americans. A system that will not only serve those that are now sick and disabled, but which will improve the quality of life for a new generation of Americans that has had access to a preventative health care delivery system and the ability to grow into adulthood without a health handicap imposed by the socioeconomic status or just plain lack of money.

Our goal should not be a quick fix on the health of our generation. Our goal should be to create a health delivery system so that the next generation will not need the quick fixes or repeated emergency medical attention that clogs our current system and drives costs sky high.

By moving now to enact a health care program that guarantees universal access to all Americans we can begin to move away from what is essentially a very expensive reactionary emergency system.

The Congress should commit itself to slaying the health care monster this year, so that our children will not have to.

LEGISLATIVE PROGRAM

(Mr. FAZIO asked and was given permission to address the House for 1 minute.)

Mr. FAZIO. Mr. Speaker, I wish at this time to give the House some understanding of where we are proceeding this afternoon.

Mr. Speaker, the conference on the supplemental has been completed. In a moment I will ask unanimous consent that it be in order to consider the conference report beginning at 6 p.m. Members are advised votes may occur beginning at 6. Votes are possible on recommittal and on final passage, and, if ordered, will occur between 6 and 7:30. Conference papers will be available to Members here on the floor at 5 p.m.

Mr. Speaker, if this is approved by the minority, I will move to the unanimous-consent request.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, on the Republican side, we are very eager to help facilitate getting the aid to California, and we appreciate getting the aid to California, and we appreciate the speed with which the conference was completed. We look forward to working with the gentleman this evening to get it passed in the House.

MAKING IN ORDER ON TODAY CONSIDERATION OF CONFERENCE REPORT ON H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR EARTHQUAKE ASSISTANCE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it be in order today to consider the conference report to accompany the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

FUNDING GAP

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, CBO has analyzed the data, crunched the numbers, weighed the options, and come to its conclusion: The President is wrong.

Wrong by about $130 billion. That is the amount between what the President said his plan would save, and what CBO said it would cost.

CBO, for those who don't know, is the Congressional Budget Office, the supposedly nonpartisan accounting office of the Congress. Since the Congress has been run by the Democrat majority for 40 years, you can bet your bottom dollar that CBO's estimates were conservative.

Here is what CBO says:

> For the 6-year period from 1995 through 2000, the administration's estimates indicate that the proposal would reduce the deficit by about $60 billion. In contrast, CBO estimates that the deficit would increase by more than $70 billion over that period.

The President is wrong about the deficit. His proposal won't achieve the savings he promised. What else is wrong in the President's proposal? The American people are anxious to find out.

WORKERS OF AMERICA OWE DEBT OF GRATITUDE TO UNITED ELECTRICAL WORKERS OF AMERICA LOCAL 218

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, it is no secret that all over America, large corporations are forcing down the wages and benefits that their workers receive. In the last 20 years, while the richest people in our country have grown richer, the real wages of American production workers have gone down by over 20 percent.

Mr. Speaker, if America is not to become a Third World economy where workers slave away for $5 or $6 an hour with no benefits, the impoverishment of our working people must stop—and stop now.

Within that context, I am very proud to inform you that in Springfield, VT, the workers at the Fellows Corp., members of Local 218 of the United Electrical Workers of America, have been on strike now for 3 weeks, and are fighting back with great courage against the efforts of that company to slash their wages, their health benefits, and the pension plan that they have fought so hard to obtain.

All of the workers of Vermont and America owe the members of United Electrical Local 218 a debt of gratitude for their struggle, because they are fighting not only for their rights, but for the rights of all Vermont and American workers.

We can no longer allow corporate America to grind down the working class of this country. Our working people, and their children, must be treated with dignity and respect, and I want to thank the United Electrical members at the Fellows Corp. for reminding us of that.

EARTHQUAKE RELIEF BILL CONTAINS TOO MUCH PORK

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I am outraged at the manner in which the earthquake victims are being exploited by some in Congress.

I will vote for this bill because the people of California need it, but I stand with the people of this country who are upset with abusing their tax dollars in using the earthquake relief bill as a vehicle for adding on projects not related to the earthquake and which have not cleared the normal budgetary process.

How can we justify spending $10 million on rebuilding Penn Station, unless that place has been relocated from New York City to Los Angeles? This is not a train wreck—it is an earthquake.

Or spending $1.3 million on grants for two sugar cane mills in Hawaii to address social and economic needs there. I did not think a volcano erupted—I thought it was an earthquake.

The reason people of this country are upset with Congress is because of these antics, and it is time they come to an end.

IN MEMORY OF SAUL WEPRIN

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise today to commemorate the Honorable Saul Weprin, the speaker of the New York State Assembly, who passed away this morning.

Fifteen members of the New York delegation to this House served alongside Saul Weprin as colleagues in the

State legislature. He knew Saul as a gentle, kind, and decent man, and a leader in a field not frequently noted for such qualities.

His compassionate and gentle nature, combined with a sharp intellect and an abiding commitment to social justice, made him a giant in New York State government. In particular I was privileged to work with Saul when he was chairman of the assembly judiciary committee, on child support and family violence issues, to which we shared a deep commitment.

It is with great sadness that I and my colleagues from New York mark the passing of Saul Weprin, the gentle lion.

And to his family we say, May the Lord comfort you among the mourners from Zion and Israel.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I would like to associate myself with his remarks about Saul Weprin. Saul was a fine human being, respected from both sides of the aisle, and our sympathies go out to his family. I appreciate the gentleman from New York [Mr. NADLER], bringing it to our attention.

DRUG TREATMENT PROGRAMS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I may agree with those who are saying that it is not our health care system that is in crisis but, rather, our welfare system that is in crisis, when I have learned and have now acted upon, as many others have, on the proposition that the Social Security SSI benefits that are paid to drug addicts may be inadvertently using taxpayers' money to continue their habits. It is true that a drug addict or an alcohol abuser can qualify for SSI benefits and then not undergo treatment, because it is loosely administered, and then go on for life feeding his habit at our expense.

To continue to pay benefits to someone without treating him to get him off the habit means a lifelong support by the taxpayers of drug addicts. We have to change that.

Worst, in some of the programs, it is possible for the drug addict to name a representative payee so that the checks of benefits can go to that payee to help him get off his drug addiction. But he can name the payee. It is possible, and we think we have anecdotal evidence, that the drug addict names his bartender as the representative payee, and then they both go along using taxpayers' money to feed the habit.

We have some proposals now before the Congress to end that. We need welfare reform and, if we can get it now, we do not have to wait for the administration's proposal.

RHETORIC VERSUS REALITY: A CHECKUP FOR THE CLINTON PLAN

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, the spin-doctors at the White House have worked ceaselessly to promote the President's health plan. But inspite of the rhetoric—the reality of the Clinton bill is now being exposed. Under the President's plan you could not pay your own doctor or attempt to pay more for the best care—as all fees are ultimately determined and paid by Government-run health alliances—pages 236 and 134. And because the Government can automatically reduce fees to providers or reduce benefits, it can essentially ration care in order to meet its arbitrary budget limits—pages 90, 91 and 94. The bill speaks for itself. Under the Clinton plan the Government makes most of your health decisions. The plan will restrict choice, reduce quality, and threaten rationing. Do not be fooled by the rhetoric—read the reality—it is in the bill.

WHY TAKE A CHANCE?

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, The major flaw of the Clinton Health plan is that it's like a bungee cord with a lot of frayed rope. It may work, but why take the chance?

If we dive into the abyss with the Clinton plan, there's no guarantee that our health care system will ever recover. In fact, there's a great chance it will all come crashing down. So why take the chance?

CBO Director Bob Reischauer had this to say about health care legislation. "An incremental approach * * * allows for a mid-course correction." Why not use this incremental approach which solves the current problems without causing even bigger ones?

Alternative plans abound which fill in the cracks without threatening to bring down the entire system—a whopping 7 percent of our economy.

I urge my colleagues and the American people to think twice about the health plan debate. There is more than one way to get to the bottom. Let us not crash and burn if we do not have to.

CBO'S NUMBERS DO NOT ADD UP

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, this past Tuesday, the Congressional Budget Office issued a report that said the President's health care plan had to be part of the Federal budget. This bookkeeping move added an additional $77 billion to the deficit over the next 5 years.

The national press reported this story along with the news that the mandated premiums levied on businesses must be called what they really are—taxes.

Unfortunately, the CBO report was incomplete.

Comparing the CBO report with the JEC report I requested, there was a great difference between the deficit forecasts.

The reason, CBO's study assumes that all of the President's price controls and efficiencies will work. In other words it was assumed that cost controls will work perfectly. They did a best-case scenario. Not a true middle-of-the-road projection.

Indeed, history has shown that Government fiscal projections are almost never right.

In order to get a more realistic estimate of the President's plan, today, I along with more than 60 Members of Congress have requested that the CBO redo their estimates. They should assume no premium caps or other cost controls advocated by the President's plan.

If the President's plan is to be the starting point of discussion, the baseline must be credible. And the study's conclusions that have been brought forth must be corrected.

OTHER CONSIDERATIONS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, a great deal of attention has been paid to the findings of the CBO report, "An Analysis of the Administration's Health Care Proposal." In that report CBO Director Robert Reischauer argued that the money the President's mandate on businesses raises should be included on-budget. This, however, is not the most important finding of the CBO report. Of course there is the $131 billion difference between the administration's assertions of $59 billion in deficit reduction and the CBO finding of $74 billion in deficit spending. But even this, in my opinion is not the most important finding of the report.

I believe the most important aspect of the CBO report is found in chapter 5, title "Other Considerations." I commend this chapter of the report to my colleagues for their serious review. It highlights the extreme uncertainty of the CBO analysis. In that section of the report Reischauer points out, and rightly so, that the assumptions used in their analysis are questionable for a variety of reasons. The assumption that underlies his entire report is that the President's plan will be implemented in the timeframes proposed and work exactly as he predicts it will work.

Is that assumption valid?

The CBO report points out that of the five responsibilities the National Health Board must carry out, not one of them has ever been shouldered before by either Government or private sector organizations. The report further comments that for an established agency to carry out just one of these responsibilities would be a formidable task. For a newly established agency to carry out all of the responsibilities within 3 years is incomprehensible.

The body of the chapter goes on to detail the realistic problems with believing that a global budget can be implemented, that premiums can be set, that the responsibilities various parts of the new system will have to take can, in fact, be carried out. As we consider health care reform, it is you who must judge for yourselves whether the assumptions behind any plan are valid and whether the outcomes are predictable so we can develop a reform framework that will rely on realistic goals and realistic assumptions.

RETALIATION ON FRANCE

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, the Government of France has recently perpetuated an outrage on fishermen in this country and shown a contempt for the civilized rules of economic discourse between nations. Due to political pressures within France, the French Government has effectively banned exports of fish from the United States or elsewhere to France. The French have previously been one of the most difficult nations, when it comes to trying to reach multinational agreements on intellectual property, on trying to renegotiate an agreement they made at Blair House.

Now they are simply unilaterally abrogating responsibilities and obligations they have under international law. American fishermen, already hurt by conservation measures which have been imposed upon them, find themselves at risk in the tens of hundreds of thousands of dollars as fish spoil because the French are illegitimately manipulating their inspection procedures to become an inappropriately protectionist nation.

On behalf of myself, my colleague, the gentleman from Massachusetts [Mr. STUDDS], who chairs the Committee on Merchant Marine and Fisheries, and the gentleman from Massachusetts [Mr. TORKILDSEN], I am today introducing a resolution in which we, among other things, call on the United States Trade Representative and, through him, the President, to immediately impose on the French retaliatory measures to counter the absolutely unjustified harm they are imposing for political reasons in France on fishermen in this country.

I and others intend to continue to press until the fishermen of this country receive from our Government the appropriate benefit of the laws.

STOP ILLEGAL ALIEN SOCIAL SECURITY FRAUD

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, two employees of the Social Security Administration in my home State of New Jersey were recently convicted of selling Social Security cards to more than 20 illegal aliens. For their crimes, one defendant was sentenced to just 7 months in prison, the other received just 3 months.

This is a classic case of the punishment not fitting the crime. While the illegal aliens paid only $100 for the Social Security cards, the cost to American taxpayers was far greater. That is why I recently introduced legislation which would increase the penalty for providing an illegal alien with a Social Security card. My bill would create a mandatory minimum sentence of 5 years in prison.

Mr. Speaker, it is time to stop illegal aliens from robbing the American people of both their jobs and their hard earned tax dollars. I urge my colleagues to join me in this effort.

ONE PARTY CONTROL

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, some people say that 40 years is long enough. Long enough for this body to be controlled by one political party.

Some people say, "How will it be different under GOP control?" My home State of Michigan provides an example of what changes might take place.

When I was elected to the Michigan Senate in 1981, the House, Senate, and Governor were all Democrat. During the 1980's, Republicans took a majority in the Senate and in 1990, a Republican Governor, John Engler, was elected. Last year, the Michigan House, which had been under Democrat control for 24 years, became evenly balanced between the parties and things began to change. Taxpayers benefited from the change in party control. Audits of the appropriations committee and other financial books revealed mismanagement, even leading to indictments. One party in power, too long, without oversight led to abuse.

With the turnover in Michigan, major policy changes followed as well. The unfair inheritance tax was abolished. Property taxes were reduced by 60 percent. The size of State government has been reduced significantly.

AFDC grants have begun to shrink because almost one quarter of those on welfare are now working compared to only 16 percent a little over 1 year ago. We have expanded the number of prisons and passed tough crime legislation.

Unemployment has dropped below the national average for the first time in 24 years. Education is restructured with emphasis placed on the student, families, and greater choice through charter schools.

Through medical liability reform, health care costs have been reduced.

A shift of party control has improved Michigan by putting power and tax dollars back into the hands of individuals. It is time that we bring a lower tax, less spending, more jobs philosophy to Washington to do the same.

OUR HOLLOW MILITARY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, President Clinton is leading this Nation toward the hollow military of the 1970's. He is making two major mistakes, as manifest in his recent budget proposal, with respect to national defense.

First, he is not giving us the equipment and the numbers of personnel that we need to be able to fight two major conflicts simultaneously. That has always been our standards. That has always been our margin of safety.

Second, he is not giving us enough money to pay for the weapons systems, the equipment and the personnel who are left after he makes his massive cuts.

There are big mismatches between the number of dollars that he is allocating and the requirement and the requirement for funding that we have.

Mr. Speaker, in the coming weeks a number of us on both the Republican and Democrat side will attempt to restore a reasonable amount of funding to the defense function, which is so vital to American interests. We hope that President Clinton will cooperate.

□ 1430

COMMENT ON THE FEDERAL BUDGET

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I want to commend the President on the work that he has done in his budget for fiscal year 1995. There are some general comments I would like to make. Among them is the fact that if we continue on the deficit reduction path which was set beginning in 1990, but particularly in the summer of 1993, when we passed the President's first budget, we will have something like $200 billion left from money being spent over this period of the next 5 years because of the budget agreement.

There are themes woven through the budget. Among the themes is that we will now have a more efficient government, more cost effective management of this giant thing called the Federal Government. We will pay for more Federal services than we have in the past. There will be a better and a more effective way of delivering services to the people.

Another thing, Mr. Speaker, is the investment. We are investing in health and welfare, we are investing in the education and job training of our people, we are investing in fighting crime in an effective way.

Each one of us, Mr. Speaker, has differences with the President on specific items in the budget. Coming from an urban area of Louisville, I hope to support efforts to makes some modifying changes in his budget but overall, Mr. Speaker, I think the President has done an excellent job of pointing this country on a glide path toward lower inflation, lower deficits, and greater production.

URGING THE ADMINISTRATION TO PRESS FOR U.N. SECURITY COUNCIL INVOLVEMENT IN SUDAN CRISIS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the cries of suffering in Sudan are finally making the front pages of the paper, but only because the crisis has just become far greater than the world can ignore.

The Sudanese Government has launched what many are calling its final offensive against the south, causing 100,000 refugees to flee to Uganda and leaving 2 million at risk of starvation as most relief operations are forced to curtail their life-giving relief work. This desperate situation fulfills the December prophesy of a long-term relief worker about the aftermath of such an offensive:

> It is most probable that virtually all Operation Lifeline Sudan (OLS) activity will be forced to shut down, and the government will insist that all relief work be carried out through their own channels. * * * Needless to say, this would be catastrophic for the people of the south, who at this time are extremely vulnerable and almost totally dependent upon the OLS pipeline aid. Deaths from starvation and sickness would dwarf anything we've seen in the past.

I have been calling for the Clinton administration to appoint a special diplomatic envoy for peace-brokering. I still think this is important, and time is of the essence as each day counts. But, in addition, I believe the United States must press for immediate Security Council attention to this situation.

While Sudan is not on the nightly news, many are dying. We must act now. Entire generations have been lost. An entire culture hangs in the balance.

REQUESTING AN EXPLANATION FROM LEADERSHIP REGARDING A MEMBER'S USE OF PUBLIC FUNDS AND ALLEGATIONS OF CIRCUMVENTING HOUSE RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I am truly sad to have to get up and take these 5 minutes today. I had no intention of having to do this, but when I picked up the newspaper this morning and shook the snow off, I found there was a front page article in one of the leading papers in the Nation's Capital that clearly does not bring credit to this institution. Sadly, it involves one of our important Members who was reportedly under investigation by the executive branch, and he is getting extremely bad press about the way he has been handling public funds for his office.

Questions have been raised now about a behind-the-scenes secret cleanup going on, and these questions are being openly asked. Suggestion has been made that perhaps such activity is designed to end-run the rules of the House. As a member of the ethics committee, I speak for myself, but I think other members of the ethics committee would be equally interested in the answer.

I believe we are owed some type of explanation about what exactly has been going on, who has been involved, and what is happening, because we have understood so far that the ethics committee has been waiting for the executive branch to do its job.

I understand right now that discussions are ongoing between the leadership on the Democratic side and the Republican side, and I hope that those discussions will lead to some information before we recess this afternoon to go on the President's Day break. I for one do not want to go home without some further understanding about exactly what has been going on, and I feel sure other members of the ethics committee, and I am sure every Member of this body will feel the same way.

Part of our job is to make sure that we do the best we can to enhance the reputation of this institution. I think a forthright explanation of what is going on will serve that purpose.

URGING MEMBERS' SUPPORT FOR H.R. 3261 AND DISCHARGE PETITION NO. 12.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Speaker, I think this is the first special order I have taken due to the fact that we are on a recess, waiting for a vote. I thought I would take a little bit of time about an issue that is quite controversial, because it seems that everybody is afraid to really visit this issue or do something about it. It is about the Internal Revenue Service and the law of our country that is a little bit confusing to me, and in fact, I believe really unconstitutional the way it is applied.

If a mass murderer is accused of such a heinous act, that vicious killer is innocent until proven guilty, and the accusers have the burden of proof to basically prove that the mass murderer had killed all those people. That mass murderer can sit there, keep their mouth shut, rely on all the rights under the Constitution, and we have to prove that they may have killed 32 adolescent boys, like in the case of Charles Gacy, or Richard Specht, eight nurses. If it was not for the young nurse that hid away underneath the daybed, who later writes, "God, don't let him hear the pounding of my heart," and brings out that evidence in court, we would have never in fact convicted Richard Specht.

However, the IRS is different. When the IRS accuses an American taxpayer of fraud, the IRS does not have the burden of proof. The taxpayer is guilty under the law, and has to prove that they are innocent. Think about it. A mass murderer is innocent until proven guilty, but a taxpayer who pays the freight on all of this is guilty because an IRS agent said they committed a fraudulent act, and that same taxpayer has to prove they are innocent.

The Traficant bill, H.R. 3261, now in the form of a Discharge Petition No. 12, says the following. Here is how it would change the law.

First, if an IRS agent goes beyond the call and abuses an American taxpayer, the court is allowed to put a fine on that IRS agent, penalize them, hold them liable for the abuse of an American taxpayer, and levy a fine against them.

Second, under these types of cases, the Internal Revenue Service is liable for $100,000 any time a taxpayer is ripped off by an illegal act of an IRS agent. The Traficant bill raises that $100,000 to $1 million. Maybe the IRS will make sure their agents do not abuse the American taxpayer.

Finally, when the IRS said an American has committed fraud with their taxes, the IRS would have the burden of proof, not the taxpayer. I would say to the Members, if we want to take this Government back, if we want to reform and reinvent government, maybe we should start with our own Constitution, and the taxpayers should at least be treated the same way as a mass murderer, no less.

Under H.R. 3261, a taxpayer is innocent until proven guilty. I filed Discharge Petition No. 12 because Congress does not want, evidently, to get the IRS mad, because the IRS can really make it tough on Members of Congress. What a shame, what a joke.

I am asking Members of Congress to help me with H.R. 3261, and if they could, to sign Discharge Petition No. 12, because Congress just seems never to pay any attention to the issues that really affect the American people.

NOTICE OF INTRODUCTION OF PRIVILEGED RESOLUTION REGARDING INVESTIGATION OF HOUSE POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 5 minutes.

Mr. ISTOOK. Mr. Speaker, pursuant to the provisions of rule IX of the rules of the House, I wish to give formal notice of calling up House Resolution 238 as a privileged resolution.

The rule specifies that the Speaker, within 2 legislative days, shall schedule the matter, and I ask that the Speaker coordinate with my office in that scheduling to occur within 2 legislative days. This resolution requires the ethics committee to investigate the House post office scandal.

If for any parliamentary reason House Resolution 238 could not be called up, according to the rules in this notice, I am also now giving formal notice, the same notice, to call up a similar resolution to accomplish the same purpose. Mr. Speaker, I ask that that resolution be placed in the RECORD, rather than reading it verbatim.

Mr. Speaker, these resolutions call upon the ethics committee to initiate a full and complete investigation, and to report its findings to the House and to the public. They require the ethics committee to coordinate its investigation with the Justice Department. According to the rule, as I mentioned, the Speaker has 2 legislative days to fix a time that he considers proper for the House to consider this matter. I will cooperate with the Speaker to choose a hopefully mutually convenient time within that period for the House to take this matter up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within 2 legislative days of its being properly noticed. The Chair will announce the Speaker's designation at a later time. In the meantime, the form of the resolutions proffered by the gentleman from Oklahoma [Mr. ISTOOK] will appear in the RECORD at this point, and need not be read, since virtually identical and since it has already been introduced and printed.

The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated by the Speaker for consideration of the resolution.

The text of the privileged resolution follows:

Whereas, former House Postmaster Robert V. Rota has pleaded guilty in the United States District Court for the District of Columbia to charges of conspiracy to embezzle funds of the United States in violation of section 371 of 18 U.S.C., and of aiding and abetting embezzlement, in violation of sections 641 and 2 of 18 U.S.C.

Whereas, court documents in this case contain allegations that several Members, officers or employees of the House were co-conspirators with Mr. Rota, and that Members received the proceeds of embezzlement, and reveal that this practice occurred during the 3 prior terms of Congress;

Whereas, complete and accurate testimony by Mr. Rota was not provided to any previous inquiry by this House, and accordingly has not been examined by a formal House inquiry;

Whereas, personnel of the House Post Office allegedly provided illegal cash to certain Members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps, which had earlier been purchased with official vouchers, (3) cash for campaign checks;

Whereas, these allegations directly affect the rights of the House collectively, its safety, dignity and the integrity of its proceedings, and the rights, reputation and conduct of its Members;

Whereas, article I, section 5 of the Constitution gives each House of Congress responsibility over disorderly behavior of its Members;

Whereas, these allegations, if true, would constitute violations by Members of the Rules of the House and of the Code of Official Conduct;

Whereas, the safety, dignity and the integrity of the House, and of public confidence in the House, require that these allegations receive full inquiry by the House itself;

Whereas, the House Committee on Standards of Official Conduct has jurisdiction over current Members, officers and employees of the House including investigatory authority, and is the appropriate body of this House to conduct any inquiry.

Now Therefore, be it resolved:

1. The Committee on Standards of Official Conduct is hereby instructed to conduct an immediate investigation of the House Post Office into allegations:

That the House Post Office provided cash to any Member in exchange for official vouchers;

That the House Post Office provided cash to any Member in exchange for stamps purchased with official vouchers;

That the House Post Office provided cash to any Member in exchange for campaign account checks; and

That the House Post Office provided cash to any Member in any other way inconsistent with the Rules of this House.

2. In pursuing its investigation, the Committee on Standards of Official Conduct shall determine which Members are alleged by the former Postmaster to have engaged in improper conduct in connection with the House Post Office, and whether these Members are the subjects of any current investigation by the United States Department of Justice.

3. The Committee on Standards of Official Conduct shall coordinate its investigation with the related efforts of the Department of Justice. If the Department of Justice indicates to the committee in writing that any specific Member is the subject of an official investigation, the committee may defer further inquiry into that Member's conduct, pending conclusion of the Department of Justice investigation.

4. The Committee on Standards of Official Conduct shall file a report to the House of its investigation and its findings. This report shall be made available to the public.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 o'clock p.m.

Accordingly (at 2 o'clock and 45 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 11 minutes p.m.

□ 1810

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3457

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3457.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2339) "An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.".

AGREEMENT REGARDING INVESTIGATION OF INFORMATION CONTAINED IN WASHINGTON TIMES ARTICLE

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip, for the purpose of a colloquy and question.

Mr. GINGRICH. Mr. Speaker, I want to thank both the Speaker and the majority leader for agreeing to this. As everyone in the House is aware, there was an article in today's Washington Times which contained an article about one of our Members which raised some serious questions regarding the House's proceedings and its integrity. I believe, as does the leadership of my party, that the matter was so serious that it warrants being looked into by the House.

It is my understanding that during the break, that the majority agreed that we will have staff looking into it, we will have bipartisan meetings the week we get back, and we will on a bipartisan basis report back to the House on the matter that was reported in the Washington Times this morning. I think that is the appropriate, bipartisan way to deal with an issue like this. I appreciate that commitment.

Mr. GEPHARDT. The gentleman is correct, that is the substance of our conversation. That undertaking will be made.

Mr. GINGRICH. I thank the majority leader.

CONFERENCE REPORT ON H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1994

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-424)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3759) "making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATION

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: Provided, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size and no more than $50,000,000 may be spent as a result of this proviso for purposes not currently covered by the Soil Conservation Service: Provided further, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The first proviso of the matter under the heading "Commodity Credit Corporation" of chapter I of the Emergency Supplemental Appropriations for Relief from the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103-75; 107 Stat. 741) is amended by inserting after the colon at the end, the following: "Provided further, That such funds shall also be available for payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed by Hurricanes Andrew or Iniki or Typhoon Omar, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices:". Payments to papaya producers shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: Provided, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be made available to fund crop loss disaster assistance as under the provisions of Public Law 101-624 for 1993 losses of trees, shrubs, or nursery stock and inventory being grown for commercial sale, if such stock or inventory would normally have been sold in 1993, 1994, or 1995: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

SEC. 201. Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

SEC. 202. Of the $258,900,000 made available under the heading, "Small Business Administration, Salaries and Expenses" in Public Law 103-121, the $18,000,000 included in that total amount and designated under such heading to carry out section 24 of the Small Business Act, as amended, shall remain available until September 30, 1995.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement Army", $200,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

SEC. 303. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in Section 2350j(c) of Title 10, United States Code in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103–112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103–112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102–394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81–874, $165,000,000, to remain available through September 30, 1995: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994–1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993–1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993–1994, pursuant to Public Law 103–75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993–1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994–1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000 which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102–368) under "Federal Highway Administration Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

In addition, for emergency expenses resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000 to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and non-discrimination, the environment, and labor standards, upon finding that such wavier is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purposes of the statute or regulation: Provided further, That the entire amount if designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multi-family housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and non-discrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraphs;

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of the January 1994 earthquake in Southern California: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,00,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That with respect to funds made available by this head that are proposed to be used by recipients affected by the Midwest floods of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation, the Secretary shall secure assurances from grantees that such activities will be subject to the requirements of sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (Public Law 103–181, 107 Stat. 2054–2056): Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

Funds made available under this heading in Public Law 103–111 and subsequently transferred to the Human Nutrition Information Service pursuant to Secretary's Memorandum No. 1020–39, dated September 30, 1993, are transferred to the Agricultural Research Service: Provided, That funds appropriated by Public Law 103–111 for the functions of the former Human Nutrition Information Service shall be made available only to the Agricultural Research Service.

EXTENSION SERVICE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(TRANSFER OF FUNDS)

Funds made available under this heading in Public Law 103–111 and subsequently transferred to the Agricultural Cooperative Service pursuant to Secretary's Memorandum No. 1020–39, dated September 30, 1993, are transferred to the Rural Development Administration.

PAYMENTS TO STATES AND POSSESSIONS

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–111 and subsequently transferred to the Agricultural Cooperative Service pursuant to Secretary's Memorandum No. 1020–39, dated September 30, 1993, $435,000 are transferred to the Rural Development Administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000 to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to defray expenses for the automation of fingerprint identification services and related costs, $20,000,000, to remain available until expended: Provided, That these funds shall be available to the Federal Bureau of Investigation to hire 500 employees to carry out the automation of fingerprint services without regard to any employment ceiling imposed by the President or by law.

ADMINISTRATIVE PROVISION

For fiscal year 1994 only, the Director of the Bureau of Justice Assistance, upon good cause shown, may waive the provisions of section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 for projects located in communities covered under a Presidentially declared disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

ADMINISTRATIVE PROVISION

The Secretary of Transportation may use up to $1,500,000 of the proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels, that are currently collected and retained by the Maritime Administration, to relocate, repair and lay up the Nuclear Ship SAVANNAH.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $550,000, to remain available until expended.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

Notwithstanding the provisions of this or any other Act, not to exceed $2,000,000 of the funds made available under this heading in Public Law 103–121 may be used to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad: Provided, That such funds may remain available until expended.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Resource management" to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction and anadromous fish" in Public Law 103–75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount not to exceed $5,000,000, to remain available until expended, to be derived by transfer from balances under the heading "Construction", for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of, natural water flows to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103–138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction", $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103–138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97–257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101–512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102–154, both concerning Federal employment, are repealed.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Karen A. Henry, widow of Paul B. Henry, late a Representative from the State of Michigan, $133,600.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFERS OF FUND)

Of funds provided under this heading under Public Law 103–75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102–368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(TRANSFER OF FUNDS)

Of the funds made available under this heading under Public Law 102–368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103–122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

ARMSTRONG RESOLUTION ACCOUNT

For necessary expenses for electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $13,125,000, to remain available until expended.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $2,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103–124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1751z–3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102–389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purposes grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

Notwithstanding any other provision of law, the City of Slidell, Louisiana, is authorized to submit not later than 10 days following the enactment of this Act, and the Secretary of Housing and Urban Development shall consider, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(1)) in connection with a grant to the City of Slidell under title I of such Act for fiscal year 1994.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103–124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103–124 is repealed.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $300,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: Provided, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

The second proviso under this heading in Public Law 103–124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103–124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $56,000,000.

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDING' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the American people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit organizations after disaster strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary of Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $2,897,000 are rescinded.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for emergency measures as provided by sections 403–405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203–2205), $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $20,870,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103–111, $8,000,000 are rescinded.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for the cost of direct loans, $10,000,000 are rescinded.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

RURAL WATER AND WASTE DISPOSAL GRANTS

(RESCISSION)

Of the funds made available under this heading is Public Law 103–111, $12,500,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading Public Law 103–111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $1,694,000; for the cost of 5 percent rural telephone direct loans, $1,611,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $10,000,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–111 for title III, $25,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103–111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $22,900,000 are rescinded.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–121, $3,000,000 are rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121 for a grant to the Catawba Indian Tribe, $500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $29,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying Power Maintenance account, $8,800,000 are rescinded.

NEW DIPLOMATIC POSTS

(RESCISSION)

Of the funds made available for the United States Information Agency under this heading in Public Law 102–395, $1,000,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

Of the funds made available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121 for the cost of guaranteed loans, $4,100,000 are rescinded.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $2,000,000 are rescinded.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $850,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121, $2,000,000 are rescinded.

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $1,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $10,000,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $42,500,000 are rescinded.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, $10,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $14,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–396, $50,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $6,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $104,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Act, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Act, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102–27, 102–368, 102–377 and prior years' Energy and Water Development Appropriations Acts, $30,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–126, $97,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103–126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103–126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102–377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

(RESCISSION)

Of the unexpended or unobligated balances made available for payment to the International Bank for Reconstruction and Development for the United States share of the paid-in portion of the increases in capital stock for the General Capital Increase, $27,910,500 are rescinded.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Notwithstanding Public Law 103–87, the United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of the increases in capital stock in an amount not to exceed $902,439,500.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, as amended, $104,018,500 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and Title VI of Public Law 103–87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $55,000,000 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $61,350,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading (including earmarked funds) in Public Law 102–391 and prior appropriations Acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $91,283,000 are rescinded.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102–391 and prior appropriations Acts, $438,000 are rescinded.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100–446 and Public Law 102–154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this heading, $16,275,000 are rescinded.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded: Provided, That the Secretary of Labor may use up to $1,750,000 otherwise appropriated to the Department of Labor for fiscal year 1994 for activities required by the North American Free Trade Agreement Labor Supplemental Agreement, including obligations of the United States abroad pursuant to treaties, international agreements and binational contracts, distribution to international organizations established by the North American Free Trade Agreement on Labor Cooperation between the Government of the United States, the Government of Canada, and the Government of the United Mexican States.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs (including equipment) of the Department of Health and Human Services (except the Social Security Administration), $27,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Doorkeeper of the Senate" in Public Law 102–90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 101–520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102–90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, AS FOLLOWS:

"Office of the Postmaster", $19,000; "for salaries and expenses of the office of the Historian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE—MILITARY

MILITARY CONSTRUCTION

(RESCISSION)

Of the funds appropriated under Public Law 103–110, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $22,319,000;

Military Construction, Navy, $13,969,000;

Military Construction, Air Force, $24,787,000;

Military Construction, Defense-Wide, $13,663,000;

Military Construction, Army National Guard, $7,568,000;

Military Construction, Air National Guard, $6,187,000;

Military Construction, Army Reserve, $2,551,000;

Military Construction, Naval Reserve, $626,000;

Military Construction, Air Force Reserve, $1,862,000; and

Base Realignment and Closure Account, Part III, 507,692, $,000;

Provided, That within funds available for "Base Realignment and Closure Account, Part III" for fiscal year 1994, not less than $200,000,000 shall be available solely for environmental restoration and compliance.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,380,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $29,832,843 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90–495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under sections 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 99–599, as amended, the amounts in excess of the funds made available for obligation in Public Law 103–122 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $17,000,000 are rescinded: Provided, That funds made available under this heading in Public Law 103–122 may be obligated using contracts and grants.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99–190 and Public Law 103–122, $808,935 and $2,500,000, respectively, are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103–123, $6,400,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 102–27 for District of Columbia: General Services Administration, Southeast Federal Center, Headquarters, $97,691,000 are rescinded: Provided, That of the funds made available under this heading in Public Law 102–393 for District of Columbia: Army Corps of Engineers, Headquarters, $10,000,000 are rescinded: Provided further, That of the funds made available in Public Law 101–509 for District of Columbia: Southeast Federal Center, $20,000,000 are rescinded: Provided further, That of the funds made available under this heading in Public Law 103–123 for rental of space, $6,000,000 are rescinded: Provided further, That the Federal courthouse in Spartanburg, South Carolina shall be known and designated as the "Donald Stuart Russell Federal Courthouse" and that any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in this proviso shall be deemed to be a reference to the "Donald Stuart Russell Federal Courthouse".

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–124, an additional $66,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124 and prior years, $100,000,000 are rescinded: Provided, That of the foregoing amount, $25,000,000 shall be deducted from the amounts earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959 and $75,000,000 shall be deducted from the amounts earmarked for preservation activities.

ASSISTANCE FOR THE RENEWAL OF SECTION 8 SUBSIDY CONTRACTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124 and prior years, $76,000,000 are rescinded.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $770,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $22,000,000 are rescinded.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $2,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this Heading in Public Law 103–124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $25,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $5,000,000 are rescinded.

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $5,000,000 are rescinded.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $5,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety;

(3) temporary housing assistance provided in this Act may be made available to individuals and families for a period of up to 90 days without regard to the requirements of subsection (4);

(4) immediately upon the enactment of this Act, other than for the purposes set forth in subsections (2) and (3) of this section, any Federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States;

(5) In no case shall such Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding on the bases of race, color, creed, handicap, religion, sex, sexual orientation, national origin, citizenship status or form of lawful immigration status; and

(6) the implementation of this section shall not require the publication or implementation of any intervening regulations.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the amendment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to such recipient of assistance covered under this Act.

SEC. 406. EXTENSION OF RTC CIVIL STATUTE OF LIMITATIONS.

Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C)) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995 or ending on the date of the termination of the Corporation pursuant to section 21A(m)(1), whichever is later; or".

SEC. 407. REPEALS.

Except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated

Tribes and Standing Rock Sioux Tribe Equitable Compensation Act are repealed effective October 30, 1992: Provided, That the U.S. Army Corps of Engineers should proceed with the Secretary of the Interior to designate excess lands and transfer them pursuant to Public Law 93–599.

SEC. 408. It is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not late than 45 days after enactment of this Act.

SEC. 409. The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

TECHNICAL CORRECTION

SEC. 410. Subsection (b) of section 347 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103–160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

LANDSAT—7 TRANSFER AUTHORITY

SEC. 411. The Secretary of Defense may transfer up to $90,000,000 from Procurement, Defense-wide, 1994/1996 to the National Aeronautics and Space Administration (NASA) to be used only for LANDSAT 7: Provided, That no funds may be transferred until the Administrator of NASA certifies a plan that fully funds the LANDSAT 7 program within the NASA budget for fiscal year 1995 and beyond, and such plan has been submitted to the appropriate Congressional oversight committees.

And the Senate agree to the same.

WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
LOUIS STOKES,
TOM BEVILL,
JOHN P. MURTHA,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
STENY H. HOYER,
BOB CARR,
RICHARD J. DURBIN,
JOSEPH M. MCDADE,
RALPH REGULA,
BOB LIVINGSTON,
(Except for S. 409 of the Senate amendment),
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
JOHN EDWARD PORTER,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
J. ROBERT KERREY,
HERB KOHL,
PATTY MURRAY,
DIANNE FEINSTEIN,
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
PETE V. DOMENICI,
PHIL GRAMM,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
CONRAD BURNS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in House Report 103–415 and in House Report 103–368, the report to accompany H.R. 3511 which was the text of Title II of the House passed version of H.R. 3759, which is not changed by the Explanatory Statement of the Recommendations of the Senate Committee on Appropriations that appears in the February 10, 1994, Congressional Record beginning on page S 1384, and language in the Senate Explanatory Statement which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language refereed to above unless expressly provided herein.

HISTORY OF THE BILL

H.R. 3759 as reported by the House Committee on Appropriations included emergency supplemental appropriations for the Southern California Earthquake, for peacekeeping and peace enforcing costs of the Department of Defense, and for additional disaster recovery expenses due to the Midwest floods of 1993 and the Loma Prieta Earthquake. The bill was amended by the House to include a package of rescissions that was reported to the House in H.R. 3511. That bill was developed based on rescission requests made by the President. Previously, this package of rescissions had passed the House as Title XVII of H.R. 3400. After House action on H.R. 3759, additional supplemental appropriations and rescission requests were made by the President and all pending requests were considered by the Senate in the development of the Senate amendment.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement includes $340,500,000 for the Watershed and Flood Prevention Operations of the Soil Conservation Service as proposed by both the House and the Senate. This funding is available until expended, as proposed by the Senate, instead of until September 30, 1995, as proposed by the House. The conference agreement also includes language to allow additional enrollment into the emergency Wetlands Reserve Program as proposed by both the House and the Senate.

The conference agreement includes Senate language to provide that assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size. The conference agreement also provides that not more than $50,000,000 may be used for drainage areas not currently covered by the Soil Conservation Service. The House bill contained no similar provision. The conferees are concerned with how the Department will decide what additional work will be done under this new statutory proviso. The conferees direct the Soil Conservation Service to submit criteria to the Committees on Appropriations within 30 days of enactment on how projects will be prioritized and selected.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

The conference agreement includes $25,000,000 for the Agricultural Stabilization and Conservation Service, Emergency Conservation Program as proposed by both the House and the Senate.

COMMODITY CREDIT CORPORATION

The conference agreement includes language providing that funds made available in Public Law 103–75 for the Commodity Credit Corporation shall be available to fund the cost of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory. This provision was included by both Houses.

The agreement provides that the funds are to repair damage as a result of the Midwest floods of 1993 or other natural disasters as proposed by the Senate. Language is included to designate the provision as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement also amends Public Law 103–75 to include language allowing papayas to be treated like other crops damaged by 1992 disasters, and specifies that the use of funds for this purpose is an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides that disaster assistance shall be available for 1993 losses of trees, shrubs, or nursery stock and inventory being grown for commercial sale, if such stock or inventory would normally have been sold in 1993, 1994, or 1995, and specifies that the use of funds for this purpose is an emergency requirement under the Balanced Budget and Deficit Control Act of 1985, as proposed by the Senate. Reimbursement shall be based on the market value at the time of the disaster. The House bill contained no similar provision.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

The conference agreement provides a new section 202 which makes the $18,000,000 designated in SBA's Salaries and Expenses account in Public Law 103–121, to carry out section 24 of the Small Business Act, available until September 30, 1995. The House and Senate bills contained no provision on this matter.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The conferees note that the recommended appropriations identified by the House and Senate are identical and are therefore not conference issues. The following chart provides the details of the supplemental appropriations:

DOD FISCAL YEAR 1994 SUPPLEMENTAL

[In thousands of dollars]

Appropriations	Somalia	Bosnia	Provide Comfort	Southern Watch	Haiti	Total
Military Personnel, Army	5,500	1,100				6,600
Military Personnel, Navy				19,400		19,400
Military Personnel, Air Force	400	7,600		10,400		18,400
Operation and Maintenance, Army	305,000	48,100		67,000		420,100
Operation and Maintenance, Navy	22,800	19,800		14,400	47,800	104,800
Operation and Maintenance, Air Force	33,000	198,700	100,200	228,200		560,100
Operation and Maintenance, Defense-wide (USSOCOM)	10,100	1,400	10,100			21,600
Aircraft Procurement, Army	20,300					20,300
Other Procurement, Army	200					200
Other Procurement, Air Force	26,800					26,800
Total	424,100	276,700	110,300	339,400	47,800	1,198,300

SOMALIA

The recommendation of $424,100,000 provides for sustainment of United States support through the March 1994 withdrawal including pay and allowances for Active and Reserve personnel and such items as operation, repair and replacement of aircraft, vehicles and other equipment, communication requirements, logistic supply operations, and airlift and sealift transportation requirements.

BOSNIA

The recommendation of $276,700,000 provides for twelve months of humanitarian airdrops; hospital operations; OPTEMPO flying hour related requirements for aircraft supporting enforcement of the no-fly zone; pay and allowances of deployed personnel; reconstitution of prepositioned stocks; and vehicle and other equipment maintenance and repair and related transportation costs.

PROVIDE COMFORT AND SOUTHERN WATCH (SOUTHWEST ASIA)

The recommendation of $449,700,000 supports requirements for aircraft supporting enforcement of the no-fly zones; special pay and allowances, rotational travel and per diem of deployed personnel; supplies, leased communication lines and miscellaneous contractual services; equipment maintenance and vehicle repair; and airlift costs associated with Kurdish protection in Northern Iraq and enforcement of the no-fly zone in Southern Iraq.

HAITI

The recommendation of $47,800,000 provides for ship OPTEMPO and flying hours for Navy units assigned to Maritime Interception Operations of commercial vessels in support of Operation Support Democracy. Incremental costs assume 12 months of continuous operations by Navy forces.

ALLIED BURDENSHARING CONTRIBUTIONS

The Senate deleted the House provision dealing with obligations of funds in anticipation of allied burdensharing contributions. The conference agreement restores the House provision, but amends the House language setting a limitation on the amount that can be obligated and applying only to contributions received from the Government of Kuwait.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $70,000,000 for the Corps of Engineers to complete repairs to eligible non-Federal flood control levees damaged during the 1993 Midwest floods as proposed by the House and the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement includes language proposed by the Senate that waives the 60-day review period by the Congress for Safety of Dams projects so that work can begin immediately on repairs to the Ochoco Dam in Oregon.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE.

The Conference agreement includes language which authorizes the Department of Health and Human Services to target up to $300,000,000 of existing Low Income Home Energy Assistance emergency funds among States. The Administration has requested authority to target $100,000,000 to impacted States. The House bill increased the amount which could be targeted to $200,000,000, and the Senate bill further increased this amount to $300,000,000. The conferees urge the President to release additional funds quickly.

DEPARTMENT OF EDUCATION

IMPACT AID

The conference agreement includes $165,000,000, as requested by the President and included in both House and Senate bills, for impact aid disaster assistance to partially compensate school districts for excess costs and lost revenue which are the direct result of the January 1994 California earthquake and other disasters.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes $80,000,000, as requested by the President and included in both House and Senate bills, to finance emergency Pell grants to partially meet the additional needs for postsecondary students whose income or assets have been reduced as a result of the January 1994 California earthquake.

The agreement also includes language included in the Senate bill which extends the availability of funds for all three campus-based programs: Perkins loans, work study, and Supplemental Educational Opportunity Grants. These funds will remain available to institutions for use in award year 1994–1995 to assist individuals who have suffered financial harm resulting from the Midwest floods of 1993. The House bill contained no similar provision.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

The conference agreement includes the entire amount requested for the Federal Highway Administration's emergency relief program. Specifically, for the Southern California earthquake and other disasters the agreement contains $950,000,000 to be made available immediately and $400,000,000 to be made available upon receipt of a Presidential designation of an emergency requirement. In addition, the conferees provided the $315,000,000 requested by the administration for emergency expenses resulting from the Loma Prieta earthquake.

The conferees included language as requested setting aside the limitation on obligations per state and providing that the federal share of expenses for federal-aid highway projects during the first 180 days after the earthquake shall be 100 percent.

The conferees also included language proposed by the Senate that requires $337,000 of the funds provided in the 1992 Dire Emergency Supplemental Appropriations Act be made available directly to the County of Kauai, Hawaii, for comprehensive reviews of transportation infrastructure needs.

Based upon a determination by officials of the Federal Highway Administration that such language was unnecessary, the conferees did not retain the provision added by the State concerning certain costs incurred by the state of California in the time after the earthquake and before enactment of this legislation.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Appropriates an additional $21,000,000 for medical care for emergency expenses resulting from the January 1994 earthquake as proposed by the House and the Senate. Of this amount, not more than $802,000 may be transferred to the general operating expenses account, the guaranty and indemnity program account, and the vocational rehabilitation loans program account.

CONSTRUCTION, MAJOR PROJECTS

Appropriates an additional $45,600,000 for the construction, major projects account for emergency expenses resulting from the January 1994 earthquake as proposed by the House and the Senate. The language permits that such sums as may be necessary may be transferred to the medical care or construction, minor projects accounts.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Appropriates an additional $225,000,000 for the annual contributions for assisted housing account as proposed by the House and the Senate. Of the amount provided, $200,000,000 is for rental assistance under the section 8 housing program and $25,000,000 is for the modernization of existing public housing projects. The language stipulates that these funds should be used first to replenish amounts used from the headquarters reserve and permits the Secretary to waive any program requirement, except those relating to fair housing and nondiscrimination, the environment, and labor standards.

FLEXIBLE SUBSIDY FUND

Appropriates $100,000,000 for the flexible subsidy fund as proposed by the House and the Senate. The language limits the assistance to damages attributable to the earthquake and permits the Secretary to waive any program requirement, except those relating to fair housing and nondiscrimination, the environment, and labor standards. The conferees have also included language as proposed by the Senate authorizing assistance to projects with section 312 rehabilitation loans and uninsured section 8 projects, after assistance is given to economically viable FHA insured projects.

FEDERAL HOUSING ADMINISTRATION

The conference agreement includes language proposed by the Senate increasing the mortgage limits and improving access to mortgage insurance for victims of Presidentially-declared disasters, limiting such assistance to principal residences, and terminating this authority after 18 months. The Senate language has been modified to limit such authority to the Southern California earthquake disaster only.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Appropriates the revised budget request of $500,000,000 for community development grants for activities in areas affected by the Southern California earthquake and Midwest floods as proposed by the Senate instead of $250,000,000 as proposed by the House. The language also permits the transfer of up to $75,000,000 to the HOME program as proposed by the Senate, instead of $50,000,000 as proposed by the House.

The conferees have also included bill language proposed by the Senate to ensure that community development grant funds used in areas damaged by the Midwest floods of 1993, for flood mitigation activities, will be utilized for permanent measures that reduce the potential for future flood losses.

With respect to the amounts made available for Southern California earthquake assistance, anticipated to be $250,000,000, following the replenishment of amounts previously obligated under the Community Development Block Grant (CDBG) or HOME programs, the conferees strongly encourage the Secretary of Housing and Urban Development to give a high priority to addressing unmet needs resulting from funds being advanced on the basis of established CDBG and HOME formulas rather than formulas based on direct earthquake-related damages, such as lost housing stock, in an eligible city.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conference agreement provides the $4,709,000,000 requested for disaster relief for the January 1994 earthquake in Southern California and other Presidentially-declared disasters.

The conferees understand the enormous fiscal impact the Northridge Earthquake and other recent natural disasters are having on the State of California and are concerned by the State of California's financial exposure stemming from the Northridge Earthquake as reported by the California Department of Finance. The conferees recognize the State's willingness to contribute its resources to the recovery and believe the Federal government should make every effort to provide the highest degree of financial flexibility to minimize the fiscal impact to the State of California. The conferees recognize that such flexibility was provided to the State of Florida following Hurricane Andrew and believe similar efforts should be made to assist California. The conferees direct the Director of the Office of Management and Budget to report on the Federal government's actions no later than thirty days following the enactment of this Act.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Appropriates an additional $15,000,000 for emergency management planning and assistance to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

The conferees have agreed to include $550 million as proposed by the Senate instead of $500 million as proposed by the House for Unanticipated Needs. The President requested the additional $50 million for this account after House passage of the bill. Also, the conferees agreed to include a provision proposed by the Senate that requires a 15-day waiting period after the President's request to Congress before any funds transferred from this account could be made available.

Funds from this account will be available only to the extent the President submits an official request for a specific dollar amount that is designated by the President as an emergency.

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

The conference agreement transfers $11,068,000 back to the Agriculture Research Service. These funds were appropriated to the Agricultural Research Service and subsequently transferred to the Human Nutrition Information Service. The conference agreement does not include House language rescinding $1,000,000 of these funds. The Senate bill deleted the House language.

EXTENSION SERVICE

The conference agreement appropriates $1,400,000 to the Extension Service to support applied research to find alternative control methods for addressing the severe outbreak of a new Late Blight fungus strain affecting potatoes, with the provision for transferring up to $750,000 to the Cooperative State Research Service, as proposed by the Senate. The House bill contained no similar provision.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement transfers $4,158,000 from the Agricultural Cooperative Service to the Rural Development Administration as proposed by the House. These funds were appropriated to the Agricultural Marketing Service and subsequently transferred to the Agricultural Cooperative Service. The conference agreement does not include House language rescinding $100,000 of these funds. The Senate bill deleted the House language.

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement transfers $435,000 from the Agricultural Cooperative Service to the Rural Development Administration as proposed by the House. These funds were appropriated to the Agricultural Marketing Service and subsequently transferred to the Agricultural Cooperative Service. The Senate bill deleted the House language.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

The conference agreement provides $2,284,000 for additional salaries and expenses of the Food and Drug Administration as proposed by the Senate. These funds are to be derived from collections pursuant to the Prescription Drug User Fee Act. The House bill contained no similar provision.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides a $20,000,000 supplemental appropriation for the Federal Bureau of Investigation and language which provides the FBI temporary relief from FTE ceilings.

The Senate amendment proposed a general provision (Sec. 2004), which would have allowed the FBI to utilize funds appropriated for the automation of the Federal Bureau of Investigation (FBI) fingerprint identification system for the hiring of 500 individuals at the new Identification Division Center. The language also would have waived mandated Full Time Equivalent (FTE) ceilings to allow for these 500 positions. The House bill included no such provision.

In order to avoid potential delays in the critical fingerprint automation project, and yet still allow for the orderly relocation of personnel to the new center, the conference agreement provides a supplemental appropriation of $20,000,000. The conferees understand that a combination of lower than anticipated attrition from the Identification Division at the Washington, D.C. headquarters, coupled with mandated reductions in Full Time Equivalent (FTE) ceilings, has prevented the FBI from hiring the personnel needed at this time for the new facility. The conference agreement provides the FBI temporary relief from FTE ceilings to allow for the hiring of 500 individuals. The conferees understand that the FBI is seeking legislation to provide employees of the Identification Division, who do not wish to transfer to the new facility, a special separation payment ("buyout"). The conferees further understand that the positions (and related salaries) freed up by these separations will then be transferred to the new facility thus negating the need for permanent relief from FTE ceilings.

ADMINISTRATIVE PROVISION

The conference agreement restores language proposed by the House and stricken by the Senate which provides the Department of Justice with certain waiver authority, for fiscal year 1994 only, for extenuating circumstances relating to Presidentially-declared disasters, such as the Los Angeles Earthquake and the Midwest Floods. The language permits the Attorney General to waive the four-year limitation on grants funded by the Edward Byrne Memorial Grant program in these disaster areas.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

ADMINISTRATIVE PROVISION

The conference agreement includes an administrative provision allowing the Secretary of Transportation to use up to $1,500,000 of the proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels, that are currently collected and retained by the Maritime Administration, to relocate, repair and lay up the Nuclear Ship *Savannah*. This provision was not included in either the House or Senate bill.

This provision is necessary to allow MARAD to carry out its intent to remove and repair expeditiously the NS *Savannah*. The conferees are concerned that this matter was presented to the Committees on Appropriations with little time for review by the various committees of jurisdiction. In this regard, the conferees expect MARAD to submit within fifteen days of enactment of this Act, to the House Committee on Merchant Marine and Fisheries, the Senate Committee on Commerce, Science and Transportation, and the Committees on Appropriations of the House and the Senate, a report detailing the following: (1) the scope of the damage to the *Savannah;* (2) the proposed steps to be taken to relocate the ship and conduct necessary repairs, including the total costs associated with these repairs; and (3) potential options for the long-term disposition of the vessel.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement provides $550,000 for the Office of the U.S. Trade Representative, instead of $75,000 as proposed by the Senate. The House bill contained no similar provision. The funds included in the conference agreement are provided to support increased travel and other support requirements relating to ongoing bilateral and multinational trade negotiations and agreements. The funding proposed by the Senate would have covered costs of electronic records management activities related to compliance with a recent court order and is addressed in Chapter 7 under Title II of this conference report.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement restores language proposed by the House and stricken by the Senate which provides that up to $2,000,000 of the Salaries and Expenses appropriated to USIA for fiscal year 1994 may be used to carry out certain security construction projects for USIA facilities not physically located together with Department of State facilities abroad. The language also provides that these funds may remain available until expended. The House had originally proposed this item in Title III of the bill. The conference agreement inserts this item in Title II.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

As proposed by the Senate, this appropriation provides $2,100,000 to enable the Fish and Wildlife Service to meet its responsibilities under the Pacific Northwest Forest Plan. The $2,100,000 appropriation is offset by transfers of $400,000 from money excess to the current needs of the Oil Spill Emergency Fund and $1,700,000 from the Compact of Free Association.

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

This appropriation of $4,000,000 provides money for acquisition on a willing seller basis, of lands affected by the Midwest flooding of 1993 to serve as an alternative to the protection of these lands through dike or levee reconstruction or increased floodplain habitat to offset the effect of less intensive management on Fish and Wildlife Service lands as proposed by the Senate. The money is derived by transfer from the construction appropriation made in Public Law 103–75.

NATIONAL PARK SERVICE

CONSTRUCTION

Provides $13,102,000, as proposed by the Senate, to replenish money transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm, flood and hurricane damage, at various park units nation-wide.

LAND ACQUISITION AND STATE ASSISTANCE

Provides $1,274,000, as proposed by the Senate, to replenish money transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm, flood and hurricane damage, at various park units nation-wide.

There is also a provision which transfers up to $5,000,000 in prior year unobligated balances for the purpose of providing a grant to the State of Florida to pursue a non-structural land acquisition solution to flood control on lands adjacent to Everglades National Park. The Senate had proposed allowing transfer of up to $6,000,000. The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Adds the words "not to exceed" before the amount $316,111,000 included in the fiscal year 1994 appropriations Act for school operations costs for the school year 1994–95, as proposed by the Senate. This language will allow some portion of these funds to be reprogrammed for other purposes, if needed, in the next fiscal year, if school enrollments are lower than projected. If any of these funds are to be reprogrammed, normal reprogramming procedures should be followed.

CONSTRUCTION

Provides $12,363,000, as proposed by the Senate, to replenish BIA education facilities, improvement and repair construction projects, from which funds were transferred in 1993 using the Secretary's emergency authority for needs resulting from floods in Arizona and California and an oil spill in Alaska.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Adds bill language, as proposed by the Senate, amending the fiscal year 1994 Interior appropriations Act to permit the Bureau to use a portion of the $3,000,000 appropriated for payments to trust account holders, to reimburse such account holders for losses to the accounts where their claims have been reduced to a judgment or settlement agreement. The same language was provided in 1993.

CHAPTER 4

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

The conference agreement includes $61,400,000 requested by the President and included in the Senate bill for additional entitlement advances to finance benefits related to the Emergency Unemployment Compensation Act and the "Federal unemployment benefits and allowances" appropriation account which finances the Trade Adjustment Assistance Program and the adjustment cost associated with the North American Free Trade Agreement. The House bill was passed prior to the transmittal of the President's request, and therefore did not include a similar provision.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement includes $10,100,000 requested by the President and included in the Senate bill for the new current population parallel survey. The House bill was passed prior to the transmittal of the President's request and did not include a similar provision. The conferees are concerned that the Labor Department planned to use Employment and Training Administration moneys for BLS activities without consulting the Committees. In the future, the conferees expect the Department to consult and notify the Committees prior to any such action.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

The conference agreement provides an additional $450,000 for the Office of the Secretary for salaries and expenses, as proposed by the Senate. These funds were not included in the House bill.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

The conference agreement provides an additional $600,000 for the Office of the Secretary of the Senate for contract services, as proposed by the Senate. These funds were not included in the House bill.

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement includes the traditional death gratuity for the widow of Paul B. Henry, late a Representative from the State of Michigan. This item was not included in the House bill or the Senate amendment.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

The conference agreement includes transfers of $4,000,000 in unobligated funds from Public Law 103-75 and $5,000,000 from Public Law 102-368 to provide for operating, acquisition, construction, and improvement costs associated with the midwest floods, as proposed by the Senate. The House bill proposed a rescission of the $5,000,000 remaining from Public Law 102-368. The conferees agree that these funds, combined with $2,000,000 provided in this bill under "Acquisition, construction, and improvements", shall be used to provide new facilities for Coast Guard Base St. Louis and Group Upper Mississippi River, which were severely damaged during the midwestern floods of 1993. Funds are also made available for temporary lease costs until these new facilities can be constructed.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(TRANSFER OF FUNDS)

The conferees agree to transfer $2,000,000 of unobligated and unneeded funds from Public Law 102-368 to cover costs associated with the midwest floods of 1993, as proposed by the Senate and described under "Operating expenses". The House bill proposed rescission of these funds.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

The conference agreement includes $10,000,000, as proposed by the administration and included in the Senate bill, for grants to the National Passenger Railroad Corporation (Amtrak) for redevelopment of the James A. Farley Post Office building into a train station and commercial center and for necessary improvements to the existing Pennsylvania station. The agreement includes a provision allowing funds to be used for environmental and historic preservation analyses for this project, as requested by the administration. The agreement also includes a provision in the Senate bill which requires a study on the project's potential financial impact on commuter rail authorities before construction can commerce. The House bill contained no similar appropriation or provisions.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The conferees agree to raise the fiscal year 1994 obligation limitation for this program from $3,500,000 to $7,952,000 as proposed by the administration and included in the Senate bill. The House bill contained no similar obligation limitation. However, the conferees note that this is essentially a reappropriation of funds previously provided for the same purposes in fiscal year 1993. Due to gross errors in the management of this program by the Federal Railroad Administration and the Department of Transportation, the availability of these funds was allowed to expire before grants were awarded. To make matters worse, the Department then attempted to correct that error by taking fiscal year 1994 funds away from one state and obligating those funds to another state. Such financial mismanagement is simply inexcusable, and undermines the Federal government's efforts to attract state matching funds on this and other programs. The Department is expected to take whatever action is necessary to ensure that similar management lapses do not occur in the future. The conferees note that, according to the Congressional Budget Office, this funding does not add to the deficit, since the funds were previously provided, but never obligated.

GENERAL PROVISION

The conference agreement retains the general provision proposed by the Senate that includes the applied research and technology and seismic research programs under the Federal Highway Administration's highway program obligation limitation. The conferees note that this action is consistent with the treatment of these programs in fiscal year 1993 and in the administration's proposal for fiscal year 1995.

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

The conferees have provided $13,125,000 specifically for the costs associated with complying with the recent court decision in *Armstrong* vs. *The Executive Office of the President*. The amount provided here is for a new account entitled "Armstrong Resolution Account" and shall be used only for the purpose of offsetting the costs associated with the recent decision in this case. The conferees direct the Executive Office of the President to provide to the Committee on Appropriations of the House and Senate, a separate accounting of these funds, as well as funds provided for this purpose in fiscal year 1993.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Appropriates an additional $698,000,000 as proposed by the Senate for compensation and pensions, instead of "such sums as may be necessary" as requested.

READJUSTMENT BENEFITS

Appropriates an additional $103,200,000 as proposed by the Senate for readjustment benefits, instead of "such sums as may be necessary" as requested.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

The conferees have agreed to include a transfer of $2,500,000 from the medical care account to this account to avoid a reduction-in-force or furloughs in the headquarter offices and to cover the costs of a $500,000 contract to support planning efforts for health care reform.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The conferees have included the requested language increasing the 1994 guaranteed loan limitation by an additional $20,000,000,000 as proposed by the Senate.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The conference agreement includes the requested language increasing the 1994 guaranteed loan limitation by $2,000,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language proposed by the Senate redesignating the use of a 1993 HUD special purpose grant in Hawaii.

The conferees have also agreed to include bill language extending the time in which the City of Slidell, Louisiana, can submit a final statement of community development objectives as proposed by the House.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

The conferees have included bill language further delaying the availability of $500,000,000 for state revolving funds from May 31, 1994, to September 30, 1994. This provision will extend the deadline for the authorization of "hardship" or needy communities that may qualify for this $500,000,000 reserve.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement includes language repealing the last proviso under this heading in Public Law 103-124 as proposed by both Houses.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conference agreement provides an additional $300,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the Senate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conference agreement includes an appropriation of $40,000,000 to assure continued NASA contract payments for the commercial mid-deck augmentation module as proposed by the Senate. Of this amount, $20,000,000 is an advance appropriation for fiscal year 1995.

The conferees have agreed to include requested bill language as proposed by the Senate deleting the overall cap for the space station. The conference agreement also includes the requested language deleting the fifth and sixth provisos under this heading in Public Law 103-124, providing greater flexibility in the implementation of the U.S.-Russia agreement. The bill language also permits NASA to spend up to $117,200,000 on the cooperative agreements between the two countries.

RESEARCH AND PROGRAM MANAGEMENT

Appropriates an additional $56,000,000 for the locality pay adjustment and for the higher than anticipated workforce costs instead of none by the House and $60,000,000 as proposed by the Senate.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

The conference agreement does not include the provision proposed by the Senate providing up to $3,000,000 for a demonstration program for Stafford loan forgiveness, from the amounts appropriated to the Corporation for National and Community Service. The conferees have agreed to consider a reprogramming of funds, up to $3,000,000, after regulations have been promulgated by the Department of Education.

GENERAL PROVISIONS

SECTION 2001

The conference agreement includes a provision which amends Section 1205 of the Supplemental Appropriations Act of 1993 to authorize the transfer of certain funds appropriated to the Architect of the Capitol to a Senate settlements and awards account, at the direction of the Secretary of the Senate, as proposed by the Senate. This provision was not included in the House passed bill.

SECTION 2003

UNDER SECRETARY OF THE DEPARTMENT OF THE TREASURY

The conferees agree to amend Section 301(d) of title 31, United States code to establish the office of Under Secretary for Enforcement at the Department of the Treasury, as proposed by the Senate.

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

The conference agreement deletes the Senate provision to rescind $4,000,000 from the Economic Research Service. The House bill contained no similar provision.

COOPERATIVE STATE RESEARCH SERVICE

The conference agreement includes rescissions from certain accounts of the Cooperative State Research Service as proposed by the Senate, as follows:

	House	Senate	Conference
Special grants	$4,375,000	$4,375,000	$4,375,000
Competitive grants	7,000,000	6,729,000	6,729,000
Other grants	2,904,000	1,359,000	1,359,000
Total	14,279,000	12,463,000	12,463,000

BUILDINGS AND FACILITIES

The conference agreement rescinds $2,987,000 of funds for buildings and facilities of the Cooperative State Research Service as proposed by both the House and the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

The conference agreement deletes the Senate provision to rescind $12,167,000 from the Agricultural Stabilization and Conservation Service, Salaries and Expenses. The House bill contained no similar provision.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement deletes the Senate provision to rescind $12,167,000 from the Soil Conservation Service, Conservation Operations. The House bill contained no similar provision.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement rescinds $21,158,000 from the emergency operations of Watershed and Flood Prevention Operations. The Senate proposed to rescind this amount but did not specify emergency operations.The House bill contained no similar provision.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement rescinds Rural Housing Insurance Fund Program subsidies, as follows:

	House	Senate	Conference
Single family housing (Sec. 502)	35,000,000	1,515,000	20,870,000
Rural rental housing (Sec. 515)		12,443,000	12,443,000
Housing repair (Sec. 504)		1,204,000	1,204,000
Domestic farm labor (Sec. 514)		483,000	483,000
Total	35,000,000	15,645,000	35,000,000

AGRICULTURAL CREDIT INSURANCE FUND

The conference agreement rescinds $8,000,000 for subsidy costs for credit sales of acquired property instead of $5,094,000 as proposed by the Senate. The House bill contained no similar provision.

RURAL DEVELOPMENT LOAN FUND ACCOUNT

The conference agreement rescinds $10,000,000 for subsidy costs for the Rural Development Loan Fund instead of $20,000,000 as proposed by the House. The Senate bill deleted the House provision.

RURAL HOUSING VOUCHER PROGRAM

The conference agreement rescinds $25,000,000 for the Rural Housing Voucher Program as proposed by the Senate. The House bill contained no similar provision.

RURAL WATER AND WASTE DISPOSAL GRANTS

The conference agreement rescinds $12,500,000 of the appropriation for Rural Water and Waste Disposal Grants instead of $25,000,000 as proposed by the House. The Senate bill deleted the House provision.

SALARIES AND EXPENSES

The conference agreement rescinds $12,167,000 of the appropriation for salaries and expenses of the Farmers Home Administration as proposed by both the House and the Senate.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The conference agreement rescinds $1,611,000 for subsidy costs of the Rural Electrification Administration 5 percent telephone loan program instead of $3,222,000 as proposed by the Senate. The agreement also rescinds $1,694,000 for subsidy costs of the Rural Electrification Administration 5 percent electric loan program instead of $3,388,000 as proposed by the Senate. The House bill contained no similar provisions.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conference agreement rescinds $10,000,000 in unobligated fiscal year 1993 funds from the Commodity Supplemental Food Program instead of $12,600,000 as proposed by the House and $6,100,000 as proposed by the Senate.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

The conference agreement deletes the $6,000,000 rescission proposed by the House and the $5,200,000 rescission proposed by the Senate.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

PUBLIC LAW 480 PROGRAM ACCOUNT

TITLE I—CREDIT SALES

The conference agreement rescinds $4,600,000 of the funds available for ocean freight differential as proposed by the Senate. The House bill contained no similar provision.

TITLE III—COMMODITY GRANTS

The conference agreement rescinds $25,000,000 of the funds available for title III grants instead of $20,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

LOAN SUBSIDIES

The conference agreement rescinds $22,900,000 of the funds available for loan subsidies instead of $35,400,000 as proposed by the Senate. The House bill contained no similar provision.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

The conference agreement includes a rescission of $3,000,000 proposed by the House and stricken by the Senate in the NOAA Construction account. The conferees intend that this rescission only be applied to funds designated in the statement of the managers accompanying the conference report on H.R. 2519 (H. Rept. 103–293) for real property maintenance.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes a rescission of $2,000,000 in the Operations and Administration account of the International Trade Administration as proposed by the Senate. The House bill contained no similar provision. The conferees intend that this rescission be applied to prior year carryover balances which ITA had intended to use for computer software, trade initiatives, and trade information studies. The conferees do not intend that the rescission be applied to any items designated in the fiscal year 1994 Appropriations Act under this account.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement deletes a rescission of $3,000,000 proposed by the Senate from the Export Administration, Operations and Administration account. The House bill contained no provision on this matter.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes a rescission of $500,000 from the Minority Business Development account of the Minority Business Development Agency for a grant to the Catawba Indian Tribe as proposed by the Senate. The House bill contained no provision on this matter.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION AGREEMENT GRANTS

The conference agreement deletes the rescission of $4,254,000 from the NTIA Information Infrastructure Grants account proposed by the Senate. The House bill contained no provision on this matter.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

The conference agreement includes a rescission of $29,000,000 from the unobligated balances remaining in the Economic Development Revolving Fund as proposed by the House instead of $20,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement deletes a rescission of $600,000 proposed by the Senate which would have implemented a National Performance Review proposal to reduce Marine Guard Security Detachments and other security programs at small diplomatic missions overseas. The House bill contained no provision on this matter. The reduction for this item was reflected in the amount provided to the State Department in this account in the Fiscal Year 1994 Appropriations Act.

NEW DIPLOMATIC POSTS

The conference agreement includes a rescission of $1,000,000 proposed by the House and stricken by the Senate in the New Diplomatic Posts account. These funds were originally appropriated in the fiscal year 1993 Appropriations Act for start-up costs for new United States Information Agency posts overseas. The Agency has not obligated any of these funds to date.

ADMINISTRATIVE PROVISION

The conference agreement deletes an administrative provision proposed by the House and stricken by the Senate which would have permitted the State Department to collect up to $20,000,000 in new visa fees or surcharges during fiscal year 1994 and use these funds for certain State Department Consular activities if legislation authorizing the Department to charge such fees were enacted.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement rescinds $4,100,000 of the funds made available for the credit subsidy cost of SBA guaranteed loans in the fiscal year 1994 Appropriations Act for the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies. The conferees are agreed that this rescission should be applied to the amount designated in House Report 103-293 for credit subsidy costs of the Small Business Investment Company Participating Securities program. The conferees are informed that the Small Business Administration will only be able to use approximately 75 percent of the FY 1994 funding availability because of a delay in the promulgation of required program regulations.

The Senate had proposed a rescission of $4,100,000 in SBA's Salaries and Expenses account. The House bill contained no provision on this matter.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement deletes a rescission of $3,000,000 proposed by the Senate for the State Justice Institute. The House bill contained no provision on this matter.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement rescinds $2,000,000 from USIA's Salaries and Expenses account instead of $1,177,000 as proposed by the House and $3,000,000 as proposed by the Senate. The amount rescinded in the conference agreement reflects $1,177,000 in savings from USIA's participation in the Seville Expo-92 and estimated savings from restructuring of the Agency's organization and field structure and public diplomacy activities.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes a rescission of $850,000 from USIA's Educational and Cultural Exchange Programs account as proposed by the House and stricken by the Senate. The amount rescinded by the conference agreement reflects savings from unanticipated balances carried over into this account from FY 1993.

RADIO CONSTRUCTION

The conference agreement includes a rescission of $2,000,000 from USIA's Radio Construction account as proposed by the House and stricken by the Senate. The rescission included in the conference agreement reflects carry over balances in this account from FY 1993 and the prospect of increased efficiency and savings from the proposed consolidation of U.S. Government broadcasting activities.

NORTH/SOUTH CENTER

The conference agreement includes a rescission of $1,000,000 instead of $8,700,000 as proposed by the Senate. The House bill contained no provision on this matter.

The amount rescinded by the conference agreement reflects unobligated carry over balances of $2,600,000 from the fiscal year 1993 appropriation for the North/South Center. The conferees note that a rescission of $1,000,000 will still provide a program level for the North/South Center well over the level provided for fiscal year 1994.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The Senate bill recommended rescissions totalling $305,300,000. The House bill contained no similar provision.

The conferees agree to the following rescissions from the programs specified:

[In thousands of dollars]

Aircraft procurement, Navy, 1994: A-6 Mods	10,000,000
Aircraft Procurement, Air Force, 1993: Airborne Reconn. System (ATARS)	12,800,000
Other Procurement, Air Force, 1994:	
Mobility Command/Control	27,500,000
Selected Activities	15,000,000
Procurement, Defense Agencies, 1992: Defense Reconnaissance Support Program	10,000,000
Procurement, Defense-Wide, 1994: Landsat-7	14,500,000
Research, Development, Test and Evaluation, Air Force, 1993: Milstar	50,000,000
Research, Development, Test and Evaluation, Air Force, 1994: East-West Space Launch Facilities	6,000,000
Research, Development, Test and Evaluation, Defense-Wide, 1994:	
BMDO (General Reduction)	10,000,000
ARPA Space (Medium Launch Vehicle)	10,000,000
Foreign Material Acquisition and Exploitation	50,000,000
Landsat-7 (HRMSI)	34,500,000
Total	250,300,000

A-6 MODIFICATIONS

The conferees agree that the Department of the Navy decision to retire all A-6 attack aircraft indicates that $10,000,000 provided for modifications is not needed and is available for rescission. The Department of the Navy is directed to ensure that safety-of-flight modifications are performed on all aircraft as required, as long as the aircraft are in the active inventory.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement rescinds $24,970,000 from unobligated balances of funds carried forward into fiscal year 1994 as proposed by the House and the Senate.

CONSTRUCTION, GENERAL

The conference agreement rescinds $97,319,000 from unobligated balances of funds carried forward into fiscal year 1994 as proposed by the House and the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement rescinds $30,000,000 of unobligated balances of funds carried forward into fiscal year 1994 instead of $16,000,000 as proposed by the House and $40,000,000 as proposed by the Senate.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conference agreement rescinds $107,300,000 from Energy Supply, Research and Development Activities as proposed by the Senate which includes a rescission of $10,000,000 for the superconducting magnetic energy storage (SMES) program instead of $97,300,000 as proposed by the House.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

The conference agreement rescinds $42,000,000 from unobligated balances in fiscal year 1994 as proposed by the House and Senate.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement rescinds $12,700,000 from the Nuclear Regulatory Commission as proposed by the Senate and requested by the Administration.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The conferees agree to a rescission of $27,910,500 of the paid-in capital of the International Bank for Reconstruction and Development as proposed by the House. The conferees also agree to a limitation on the callable capital portion of the United States share of the increases in capital stock in an amount not to exceed $902,439,500 as proposed by the House. The Senate had no similar provision.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

(RESCISSION)

The conferees agree to delete the rescission for the paid-in capital and the limitation on callable capital for the Inter-American Development Bank proposed by the House. The Senate had no similar provision.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

(RESCISSION)

The conferees agree to delete the rescission for the paid-in capital and the limitation on callable capital for the Asian Development Bank proposed by the House. The Senate had no similar provision. The conferees encourage the Administration to work with the Asian Development Bank to facilitate American companies ability to bid on the Bank's projects, and also to consider opening an office in the United States.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

The conferees agree to delete the rescission for the United States contribution to the African Development Fund proposed by the Senate. The House had no similar provision.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEVELOPMENT ASSISTANCE

(RESCISSION)

The conferees agree to a rescission of $104,018,500 from the unexpended or unobligated funds made available for Development Assistance for fiscal year 1993 and prior years. The House proposed a rescission of $160,000,000 from fiscal year 1993 and prior years and the Senate proposed a rescission of $40,879,000 from fiscal year 1994 and prior years. The conferees also agree to delete the specific sources for this rescission proposed by the House. The Committees on Appropriations are to be consulted prior to final implementation of the rescissions for Development Assistance.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

The conferees agree to delete the rescission of $3,000,000 for Operating Expenses of the Agency for International Development proposed by the Senate. The House had no similar provision.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

The conferees agree to a rescission of $55,000,000 from the unexpended or unobligated balances of funds made available in fiscal year 1994 and prior years for assistance to the new independent states of the former Soviet Union. The Senate proposed a rescission of $145,000,000. The House had no similar provision.

ECONOMIC SUPPORT FUND

(RESCISSION)

The conferees agree to a rescission of $61,350,000 from funds made available for fiscal year 1993 and prior years for the Economic Support Fund. The House proposed a rescission of $90,000,000 from fiscal year 1993 and prior years, while the Senate proposed a rescission of $32,700,000 from fiscal year 1994 and prior years. The conferees also agree to delete the country and project specific sources proposed by the House. The conferees recommend that Economic Support Funds allocated for Central and South American countries not be used as sources for this rescission. The Committees on Appropriations are to be consulted prior to final implementation of all rescissions from the Economic Support Fund including those contained in the fiscal year 1994 Foreign Operations, Export Financing, and Related Programs Appropriations bill.

MILITARY ASSISTANCE

Funds Appropriated to President

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

The conferees agree to a rescission of $91,283,000 from grant funds made available to the President for the Foreign Military Financing Program for fiscal year 1993 and prior years. The House proposed a $66,000,000 rescission from fiscal year 1993 and prior years, while the Senate proposed two separate rescissions totaling $91,283,000. The conferees also agree to delete the country specific sources proposed by the House. The Committees on Appropriations are to be consulted prior to the implementation of this rescission.

MILITARY ASSISTANCE

(RESCISSION)

The conferees agree to a rescission of $438,000 from funds made available to the President for Military Assistance in Public Law 102-391 and prior years as proposed by the Senate. The House had no similar provision.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

The conference agreement includes a rescission of $4,000,000 to reduce funds available throughout the Department of Labor for salaries and expenses and administrative costs. The House and Senate bills both included this rescission. The conference agreement also includes language requested by the President providing authority to use up to $1,750,000, from funds available to the Department of Labor, to fund the activities of an international Secretariat and establish the National Administrative Office within the Department, as required by the North American Free Trade Agreement (NAFTA) Labor Supplemental Agreement. The conferees direct the Department to notify the Committees concerning the source of funding reallocated for this purpose.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

The conference agreement includes a rescission of $27,500,000, to reduce funds that were provided in Public Law 103-112 for salaries and expenses, including equipment, and administrative costs for the Department of Health and Human Services. The House and Senate bills included a rescission of $37,500,000 for this purpose. The conferees are agreed that these reductions should be distributed to each agency proportionate to the increase in administrative funds that it received in the 1994 Appropriations Act. The conferees are further agreed that the Director of the National Institutes of Health may allocate NIH's proportionate share of the rescission ($18,120,000) among the Institutes, Centers and Offices as he deems most appropriate; and that the Assistant Secretary for Health may allocate the reduction for the Office of the Assistant Secretary ($2,723,000) among this Office's activities provided that no activity is reduced below its 1993 level. The conferees expect the Department to follow the normal consultation and notification procedures with respect to these allocations prior to implementation.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $80,000,000, as included in both the House and Senate bills, from the automation initiative for which $300,000,000 was provided in the FY 1994 Appropriations Act under the Limitation on Administrative Expenses account.

DEPARTMENT OF EDUCATION

(RESCISSION)

The conference agreement includes a rescission of $8,500,000 from funds available under P.L. 103-112. This provision was included in both House and Senate bills. It reduces funds available throughout the Department of Education for salaries and expenses and administrative costs.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

Contingent Expenses of the Senate

(RESCISSION)

The conference agreement includes a rescission of $1,500,000 as proposed by the Senate from the funds made available to the Sergeant at Arms and Doorkeeper of the Senate in Public Law 102-90. This rescission was not included in the House bill.

HOUSE OF REPRESENTATIVES

Salaries and Expenses

(RESCISSIONS)

The conference agreement includes rescissions of $633,000 from various amounts made available in Public Law 101-520 and $2,352,000 from various amounts made available in Public Law 102-90 for salaries and expenses, House of Representatives, as included in the House bill and the Senate amendment.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

The conference agreement does not include a rescission of $3,000,000, as included in the House bill, of funds made available to the Architect of the Capitol for energy efficient lighting retrofitting in the Capitol complex. The Senate deleted this rescission and directed the Architect of the Capitol to use these funds for converting and maintaining property and facilities at Fort Meade for long-term storage needs. The conferees agree with this directive. The energy efficient lighting funds are not needed because the conference agreement provides authority for the Architect of the Capitol to utilize the services of energy services companies to underwrite the cost of the retrofit program.

LIBRARY OF CONGRESS

Salaries and Expenses

(RESCISSION)

The conference agreement rescinds $1,000,000 of funds made available to the Library of Congress in Public Law 103-69, as included in the Senate amendment. The House bill contained a rescission of $900,000 of funds made available to the Library of Congress in Public Law 103-69 and Public Law 98-396. The Librarian of Congress is directed to take the rescission amount from any net savings resulting from the retirement incentive program, and should advise the Committees on Appropriations of the plan proposed to carry out this rescission.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

(RESCISSION)

The conference agreement rescinds $650,000 from the amounts made available for salaries and expenses, General Accounting Office, as included in the Senate amendment. The House bill rescinded $1,300,000.

CHAPTER 9

DEPARTMENT OF DEFENSE—MILITARY

MILITARY CONSTRUCTION

(RESCISSION)

The conferees agree to rescind $601,224,000 for 10 appropriation accounts contained in Public Law 103–110, the Military Construction Appropriations Act, 1994. The appropriation accounts and rescission amounts for each account are listed below:

Military Construction, Army	$22,319,000
Military Construction, Navy	13,969,000
Military Construction, Air Force	24,787,000
Military Construction, Defense-Wide	13,663,000
Military Construction, Army National Guard	7,568,000
Military Construction, Air National Guard	6,187,000
Military Construction, Army Reserve	2,551,000
Military Construction, Naval Reserve	626,000
Military Construction, Air Force Reserve	1,862,000
Subtotal, Military Construction Accounts	93,532,000
Base Realignment and Closure Account, Part III	507,692,000

For the Military Construction accounts, the conferees agree to rescind $93,532,000. The rescission amounts are to be applied to the combination of project savings from favorable bids, reduced overhead costs, and other cost reduction initiatives. The conferees direct that no individual project provided for in the Conference Report (House Report 103–278) may be terminated or reduced in scope by virtue of the above identified rescissions.

The conferees also agree to revising the designated amount for environmental restoration and compliance under Base Realignment and Closure, Part III from not less than $300,000,000 (as contained in Public Law 103–110) to not less than $200,000,000.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement rescinds $10,067,000 in contract authority for the payments to air carriers program, as proposed by the Senate, instead of an estimated $10,068,243 proposed by the House. The conference agreement reflects a more recent estimate of contract authority unavailable due to annual obligation limitations, and is consistent with the administration's most recent rescission request.

RENTAL PAYMENTS

(RESCISSION)

The conference agreement rescinds $1,781,000 for rental payments to the General Services Administration, as proposed by the administration and included in the Senate bill. The House bill contained no similar rescission. The rescission reflects a revised estimate of facility space requirements for the Department of Transportation in fiscal year 1994.

Federal Aviation Administration

OPERATIONS

(RESCISSION)

The conference agreement rescinds $750,000 in FAA operations, as proposed by the House, instead of $2,750,000 as proposed by the Senate. The agreement would rescind funds provided for grants to vocational technical institutions but restore the Senate's proposed rescission in funding for the Mid-America Aviation Resource Consortium (MARC).

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement rescinds $65,380,300 in facilities and equipment instead of $29,451,111 as proposed by the House and $65,205,300 as proposed by the Senate. The agreement includes all rescissions proposed by the Senate and, in addition, $175,000 in fiscal year 1993 airway science funds originally provided for a grant to Central Washington State University.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $488,200,000 in contract authority from the grants-in-aid for airports program, as proposed by the administration and included in both the House and Senate bills. This rescission will have no impact on the airport improvement program, since the funding is not available for obligation in fiscal year 1994.

Federal Highway Administration

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement provides for rescission of $41,828,455 in highway funds from the following projects:

Project	*Amount*
Sky Harbor Airport access road, 1992 AZ	$2,100,000
Route 152 improvements, CA	1,600,000
U.S. 101 scenic byway, CA	480,000
I–65/1–10 connection study, FL	683,939
Northeast Dade Bikepath, 1992, FL	735,250
Northeast Dade Bikepath, 1993, FL	400,000
U.S. 20 Realignment, IA	1,756,709
State highway 30, IA	1,440,000
I–70 and 110th Street, KN	3,446,600
Southeast Kansas corridor study, KN	1,376,000
I–49/U.S. 167 extension, LA	600,000
Blackstone River bikeway, MA	212,032
I–20 interchange, MS	1,620,000
Pearl River bridge, MS	1,600,000
Telegraph Ave/I–255 interchange, MO	40,000
Lake Road bay outlet bridge, NY	4,249,893
Albert Street to IR–80, OH	3,600,000
Pondcreek Road, OK	2,845,500
Donora Park access road, PA	640,000
Lawyersburg Road, PA	2,517,473
U.S. 35 relocation, WV	406,920
Bridges on federal dams	9,478,139

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes the rescission of $20,000,000 from the right-of-way revolving fund as proposed by the Senate.

The House bill contained no similar provision.

National Highway Traffic Safety Administration

OPERATIONS AND RESEARCH

(RESCISSION)

The conference agreement includes no rescission for the national advanced driving simulator as proposed by the Senate. The House bill proposed a rescission of $7,056,000. The conferees agree that unobligated balances of $3,095,000 for the advanced driving simulator will be rescinded in the fiscal year 1995 transportation appropriations bill except in the event that the University of Iowa raises $7,750,000 of the $11,000,000 in non-DOT matching funds which are required before construction of the simulator can begin. Documentation should be in the form of written commitments totalling $7,750,000 which detail the amounts of contributions and the schedule for receipt of those contributions by the federal government; such documentation must be received by the National Highway Traffic Safety Administration prior to conference action on the fiscal year 1995 transportation appropriations bill.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes a rescission of $219,750,000 in unobligated balances of contract authority for four highway traffic safety grant programs as proposed by the Senate, with technical modifications. These funds are not available for obligation due to limitations on obligations in annual appropriations acts. Thus, the conference action will not impact planned fiscal year 1994 awards of state highway traffic safety grants. The House bill contained no similar rescission.

Federal Railroad Administration

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

The conference agreement includes a rescission of $17,000,000 in the railroad research and development program, as proposed by the administration and included in the Senate bill. The House bill contained no similar rescission. The agreement reduces fiscal year 1994 funding for magnetic levitation (maglev) research and development from $20,000,000 to $3,000,000. In addition, the agreement provides that funds appropriated in fiscal year 1994 for the railroad research and development program may be executed through contracts and grants.

Federal Transit Administration

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $3,308,935 from the discretionary grants program of the Federal Transit Administration, instead of $40,478,975 as proposed by the House and $808,935 as proposed by the Senate.

The conferees agree that the rescission should be taken from the Buffalo, New York, Naval Park Station ($808,935) and the Clark County, Nevada bus project ($2,500,000).

CHAPTER 11

DEPARTMENT OF THE TREASURY

Internal Revenue Service

INFORMATION SYSTEMS

(RESCISSION)

The conferees agree to rescind $6,400,000 from Information Systems as proposed by the Senate.

INDEPENDENT AGENCY

General Services Administration

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

The conferees have rescinded $127,691,000 in obligational authority made available in previous appropriations acts for the following buildings:

District of Columbia: General Services Administration, Headquarters, $97,691,000; Southeast Federal Center, $20,000,000; and Army Corps of Engineers, Headquarters, $10,000,000.

The conferees declined to make specific rescissions in Federal building projects which were informally submitted to the House and Senate Committees on Appropriations by the General Services Administration (GSA) as a result of the "Time-Out and Review" process. The conferees took this action as the Congress has not received a formal rescission request from the Administration for these projects. As a result, the conferees did not have the benefit of detailed information required to thoroughly review the effects of the rescissions as proposed by GSA. The conferees are open to considering specific rescissions in prospectus-level projects if and when they are formally submitted by the administration to the Congress in the form of a special message.

The conferees have also rescinded $6,000,000 in fiscal year 1994 funds from the rental of space account. Finally, the conferees inserted a proviso which changes the name of the Federal Courthouse in Spartanburg, South Carolina to the "Donald Stuart Russell Federal Courthouse".

Administrative Provision

The conferees agree not to repeal Section 630 of Public Law 102-393.

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

The conference agreement deletes a rescission of $26,000,000 from construction, major projects as proposed by the House.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS

(HOPE GRANTS)

(RESCISSION)

Rescinds $66,000,000 from the homeownership and opportunity for people everywhere grants account as proposed by the House, instead of $50,000,000 as proposed by the Senate. The conferees have agreed to permit the Secretary to determine where the reduction is to be taken as proposed by the Senate, instead of the specific designations as proposed by the House. Reductions should be taken subject to the normal reprogramming guidelines and consistent with the direction provided in the explanatory statement on H.R. 3759 included by the Senate in the Congressional Record of February 10, 1994.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

The conference agreement rescinds $25,000,000 of unobligated funds earmarked for Section 8 amendments as proposed by the House and $75,000,000 of unobligated funds earmarked for the preservation program rather than $325,000,000 as proposed by the Senate. The conferees are concerned about the slow pace of the Department's obligation of funds appropriated for preservation activities. The conferees direct the Department to submit a report by April 1, 1994 that provides a detailed plan for the obligation of remaining preservation appropriations. In addition, the conferees will consider taking steps to cover any actual future shortfalls in funding preservation subsidies, should they materialize, through the reprogramming or normal appropriations process.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 CONTRACTS

(RESCISSION)

The conference agreement rescinds $76,000,000 of unobligated 1994 and prior year Section 8 contract renewal funds rather than $20,000,000 as proposed by the House. The Senate bill contained no similar provision.

INDEPENDENT AGENCIES

Chemical Safety and Hazard Investigation Board

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement rescinds $770,000 from the Board as proposed by the Senate. The House had no comparable provision.

Environmental Protection Agency

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

The conference agreement rescinds $22,000,000 from the water infrastructure State Revolving Funds account as proposed by the House. The Senate had no comparable provision.

Federal Emergency Management Agency

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

The conference agreement rescinds $2,000,000 from the emergency management planning and assistance account as proposed by the House. The Senate had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines.

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

(RESCISSION)

The conference agreement rescinds $63,000,000 from the research and development account as proposed by the Senate, instead of $25,000,000 as proposed by the House. Reductions should be taken subject to the normal reprogramming guidelines and consistent with the direction provided in the explanatory statement on H.R. 3759 included by the Senate in the Congressional Record of February 10, 1994.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

The conference agreement rescinds $32,000,000 from space flight, control, and data communications as requested by the Administration and proposed by the Senate. The House had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines and consistent with the direction provided in the explanatory statement on H.R. 3759 included by the Senate in the Congressional Record of February 10, 1994.

CONSTRUCTION OF FACILITIES

(RESCISSION)

The conference agreement rescinds $25,000,000 from construction of facilities as proposed by both Houses.

National Science Foundation

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

The conference agreement rescinds $5,000,000 from the research and related activities account. Reductions should be taken subject to the normal reprogramming guidelines.

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

The conference agreement rescinds $5,000,000 from academic research infrastructure instead of $10,000,000 as proposed by the House. The Senate had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines.

National Service Initiative

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(RESCISSION)

The conference agreement rescinds $5,000,000 from the Corporation for National and Community Service as proposed by the House. The Senate had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines.

TITLE IV—GENERAL PROVISIONS

The conference agreement contains language, included in the House bill as a proviso under a rescission heading and in Section 402 of the Senate amendment, that provides the Architect of the Capitol with the authority given to all heads of agencies in Section 155 of the Energy Policy Act of 1992 regarding contracting with energy services companies.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

The conferees have agreed to include section 403, which prohibits benefits for individuals not lawfully within the United States. The conference agreement reflects a further modification of the Senate-passed language which was a modification of the House-passed language. The conference modification inserts a provision to assure that no discrimination occurs during implementation of this section.

The conferees direct that each federal entity shall use its own discretion to determine the reasonable steps that shall be taken to determine whether an individual receiving funds is lawfully in the United States.

SECTION 405

The conferees have agreed to include in the conference agreement a provision included in both the House and Senate passed bills dealing with a sense of Congress provision on purchasing only American-made equipment and products with the funds included in the bill.

CORPORATIONS

RESOLUTION TRUST CORPORATION

SECTION 406

The conference agreement includes bill language extending the RTC civil statute of limitations as proposed by the Senate.

SECTION 407

Adds language proposed by the Senate which repeals sections 3508 (except subsection (b)) and 3509 of P.L. 102-575, Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act and adds new language providing that the U.S. Army

Corps of Engineers should proceed, with the Secretary of the Interior, to designate excess lands and transfer them pursuant to Public Law 93-599.

WALTER REED ARMY INSTITUTE OF RESEARCH

SECTION 408

The conferees have included language proposed by the Senate which states that it is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not later than 45 days after enactment of this Act.

DENIAL OF DISABILITY BENEFITS FOR SUBSTANCE ABUSERS

The conference agreement deletes, without prejudice, language included in the Senate bill which would have amended titles II and XVI of the Social Security Act to deny social security disability benefits to individuals who engage in criminal activity to support substance abuse, by counting the proceeds of such activity as "earnings" in determining whether they are engaging in substantial gainful activity. The House bill included no similar provision. The conferees are deeply concerned about this issue, and have deferred to the authorizing committees who have expressed similar concern, as well as their intentions to take action on this matter.

MARQUETTE, MICHIGAN AUXILIARY FLIGHT SERVICE STATION

The conference agreement includes a provision, as proposed by the Senate, which requires the Federal Aviation Administration to establish and operate an auxiliary flight service station in Marquette, Michigan by September 1, 1994, using available funds. The House bill contained no similar provision. According to the FAA, this area meets the agency's requirements for an auxiliary flight service station, and is in the agency's current plan for establishment of such stations. However, that plan has been delayed, causing significant problems in Marquette because of unique weather conditions.

TECHNICAL CORRECTION

The conferees agree to the provision (Section 410) proposed by the Senate that amends Section 347 of the National Defense Authorization Act for Fiscal Year 1994 dealing with any claim of the United States against an individual which relates to a payment under a productivity gainsharing program.

LANDSAT 7

The conferees include a general provision (Section 411) permitting the Secretary of Defense to transfer up to $90,000,000 from Procurement, Defense-wide, 1994/1996 to the National Aeronautics and Space Administration (NASA) to be used only for LANDSAT 7. No funds may be transferred until the Administrator of NASA certifies a plan that fully funds the LANDSAT 7 program within the NASA budget for fiscal year 1995 and beyond, and such plan has been submitted to the appropriate Congressional oversight committees.

William H. Natcher,
Neal Smith,
Sidney R. Yates,
David R. Obey,
Louis Stokes,
Tom Bevill,
John P. Murtha,
Julian C. Dixon,
Vic Fazio,
W.G. (Bill) Hefner,
Steny H. Hoyer,
Bob Carr,
Richard J. Durbin,
Joseph M. McDade,
Ralph Regula,
Bob Livingston
(except for S. 409 of the Senate amendment),
Jerry Lewis,
Harold Rogers,
Joe Skeen,
John Edward Porter,
Managers on the Part of the House.

Robert C. Byrd,
Daniel K. Inouye,
Ernest F. Hollings,
J. Bennett Johnston,
Patrick Leahy,
Jim Sasser,
Dennis DeConcini,
Dale Bumpers,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Harry Reid,
J. Robert Kerrey,
Herb Kohl,
Patty Murray,
Dianne Feinstein,
Mark O. Hatfield,
Ted Stevens,
Thad Cochran,
Alfonse M. D'Amato,
Arlen Specter,
Pete V. Domenici,
Phil Gramm,
Christopher S. Bond,
Slade Gorton,
Mitch McConnell,
Connie Mack,
Conrad Burns,
Managers on the Part of the Senate.

Mr. SMITH of Iowa. Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the bill (H.R. 3759), making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see immediately preceding portions of the Record.)

The SPEAKER. Pursuant to the order of the House of today, the conference report is considered as read.

The gentleman from Iowa [Mr. Smith] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDade] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. Smith].

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which is revise and extend their remarks on the conference report to accompany H.R. 3759, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentlemen from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, today we bring to the floor the conference agreement on the fiscal year 1994 emergency supplemental appropriations bill, H.R. 3759. On February 3, 1994, the House passed this bill. Late last night the Senate completed action on it. Early this morning conferees met so that we could bring this conference report to the floor and get emergency funding to those in need as soon as possible.

This conference agreement includes $7.8 billion of disaster funds to provide relief from the southern California earthquake, $1.2 billion for the Department of Defense for peacekeeping and peace enforcing activities, $685 million for additional recovery activities from the Midwest floods of 1993, and $315 million for delayed highway reconstruction due to the Loma Prietta earthquake. These amounts are $250 million larger than the House passed bill for the Midwest flood recovery and $50 million larger for the southern California earthquake recovery.

Title II includes several non-emergency supplemental appropriations in the amount of $1.041 billion. The major ones are $61.4 million to the Unemployment Trust Fund, $698 million for veterans compensation and benefits, and $103.2 million for veterans benefits readjustments. These are mandatory programs and must be provided.

Title III includes $3.250 billion of rescissions. This is $689 million more than the House bill. This is an important step toward deficit reduction.

The more major provisions included in title IV are a modified provision prohibiting assistance to persons unlawfully in the United States, and an extension of the RTC statute of limitations. Other more minor items are also included.

Mr. Speaker, this conference report reflects a sound, fiscally responsible bill. We have moved the emergency bill quickly. I urge its adoption.

At this point in the Record, I will insert a table that provides more detail on this conference agreement.

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Soil Conservation Service						
103-204	Watershed and flood prevention operations	340,500,000	340,500,000	340,500,000	340,500,000		
	Agricultural Stabilization and Conservation Service						
103-204	Emergency conservation program	25,000,000	25,000,000	25,000,000	25,000,000		
	Total, Chapter 1: New budget (obligational) authority	365,500,000	365,500,000	365,500,000	365,500,000		
	CHAPTER 2						
	SMALL BUSINESS ADMINISTRATION						
	Disaster loans program account:						
103-199 103-204	Direct loans subsidy	254,750,000	254,750,000	254,750,000	254,750,000		
103-199 103-204	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
103-199 103-204	Administrative expenses	55,000,000	55,000,000	55,000,000	55,000,000		
	Total, Chapter 2: New budget (obligational) authority	309,750,000	309,750,000	309,750,000	309,750,000		
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
103-204	Military personnel, Army	6,600,000	6,600,000	6,600,000	6,600,000		
103-204	Military personnel, Navy	19,400,000	19,400,000	19,400,000	19,400,000		
103-204	Military personnel, Air Force	18,400,000	18,400,000	18,400,000	18,400,000		
	Total, Military Personnel	44,400,000	44,400,000	44,400,000	44,400,000		
	Operation and Maintenance						
103-204	Operation and maintenance, Army	420,100,000	420,100,000	420,100,000	420,100,000		
103-204	Operation and maintenance, Navy	104,800,000	104,800,000	104,800,000	104,800,000		
103-204	Operation and maintenance, Air Force	560,100,000	560,100,000	560,100,000	560,100,000		
103-204	Operation and maintenance, Defense-wide	21,600,000	21,600,000	21,600,000	21,600,000		
	Total, Operation and Maintenance	1,106,600,000	1,106,600,000	1,106,600,000	1,106,600,000		
	Procurement						
103-204	Aircraft procurement, Army	20,300,000	20,300,000	20,300,000	20,300,000		
103-204	Other procurement Army	200,000	200,000	200,000	200,000		
103-204	Other procurement, Air Force	26,800,000	26,800,000	26,800,000	26,800,000		
	Total, Procurement	47,300,000	47,300,000	47,300,000	47,300,000		
	Total, Chapter 3: New budget (obligational) authority	1,198,300,000	1,198,300,000	1,198,300,000	1,198,300,000		
	CHAPTER 4						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
103-204	Flood control and coastal emergencies	70,000,000	70,000,000	70,000,000	70,000,000		
	CHAPTER 5						
	DEPARTMENT OF EDUCATION						
103-199	Impact aid	165,000,000	165,000,000	165,000,000	165,000,000		
103-199	Student financial assistance	80,000,000	80,000,000	80,000,000	80,000,000		
	Total, Chapter 5: New budget (obligational) authority	245,000,000	245,000,000	245,000,000	245,000,000		
	CHAPTER 6						
	DEPARTMENT OF TRANSPORTATION						
	Federal Highway Administration						
	Federal-aid highways (Highway Trust Fund):						
103-199 103-204	Emergency relief program	1,265,000,000	1,265,000,000	1,265,000,000	1,265,000,000		
103-199	Contingency appropriations	400,000,000	400,000,000	400,000,000	400,000,000		
	Total, Chapter 6: New budget (obligational) authority	1,665,000,000	1,665,000,000	1,665,000,000	1,665,000,000		
	Appropriations	(1,265,000,000)	(1,265,000,000)	(1,265,000,000)	(1,265,000,000)		
	Contingency appropriations	(400,000,000)	(400,000,000)	(400,000,000)	(400,000,000)		
	CHAPTER 7						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Health Administration						
103-199	Medical care	21,000,000	21,000,000	21,000,000	21,000,000		

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Departmental Administration						
103-204	Construction, major projects	45,600,000	45,600,000	45,600,000	45,600,000		
	Total, Department of Veterans Affairs	66,600,000	66,600,000	66,600,000	66,600,000		
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
103-199 103-204	Annual contributions for assisted housing	225,000,000	225,000,000	225,000,000	225,000,000		
103-199	Flexible subsidy fund	100,000,000	100,000,000	100,000,000	100,000,000		
	Total, Housing Programs	325,000,000	325,000,000	325,000,000	325,000,000		
	Community Planning and Development						
103-199 103-207	Community development grants	500,000,000	250,000,000	500,000,000	500,000,000	+250,000,000	
	Total, Department of Housing and Urban Development	825,000,000	575,000,000	825,000,000	825,000,000	+250,000,000	
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
103-199 103-204	Disaster relief	4,709,000,000	4,709,000,000	4,709,000,000	4,709,000,000		
103-199	Emergency management planning and assistance.	15,000,000	15,000,000	15,000,000	15,000,000		
	Total, Federal Emergency Management Agency.	4,724,000,000	4,724,000,000	4,724,000,000	4,724,000,000		
	Total, Chapter 7:						
	New budget (obligational) authority	5,615,600,000	5,365,600,000	5,615,600,000	5,615,600,000	+250,000,000	
	CHAPTER 8						
	FUNDS APPROPRIATED TO THE PRESIDENT						
103-199 103-204 103-207	Unanticipated needs (contingency appropriations).	550,000,000	500,000,000	550,000,000	550,000,000	+50,000,000	
	Total, title I:						
	New budget (obligational) authority	10,019,150,000	9,719,150,000	10,019,150,000	10,019,150,000	+300,000,000	
	Appropriations	(9,069,150,000)	(8,819,150,000)	(9,069,150,000)	(9,069,150,000)	(+250,000,000)	
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)	(950,000,000)	(+50,000,000)	
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
	TITLE II - SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Agricultural Research Service (by transfer)		(10,068,000)		(11,068,000)	(+1,000,000)	(+11,068,000)
103-179	Extension Service	1,400,000		1,400,000	1,400,000	+1,400,000	
	Rural Development Administration						
	Salaries and expenses (by transfer)		(4,493,000)		(4,593,000)	(+100,000)	(+4,593,000)
	Food and Drug Administration						
103-179	Salaries and expenses	(2,284,000)		(2,284,000)	(2,284,000)	(+2,284,000)	
	Total, Chapter 1:						
	New budget (obligational) authority	1,400,000		1,400,000	1,400,000	+1,400,000	
	(By transfer)		(14,561,000)		(15,661,000)	(+1,100,000)	(+15,661,000)
	CHAPTER 2						
	DEPARTMENT OF JUSTICE						
	Federal Bureau of Investigation						
	Salaries and expenses				20,000,000	+20,000,000	+20,000,000
	DEPARTMENT OF STATE						
103-179	Contributions for international peacekeeping activities	670,000,000					
	RELATED AGENCY						
	Office of the United States Trade Representative						
103-179 103-207	Salaries and expenses	875,000		75,000	550,000	+550,000	+475,000
	Total, Chapter 2:						
	New budget (obligational) authority	670,875,000		75,000	20,550,000	+20,550,000	+20,475,000
	CHAPTER 3						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
103-179	Resource management (by transfer)	(2,100,000)		(2,100,000)	(2,100,000)	(+2,100,000)	
103-179	Land acquisition (by transfer)	(4,000,000)		(4,000,000)	(4,000,000)	(+4,000,000)	

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	National Park Service						
103-179	Construction	13,102,000		13,102,000	13,102,000	+13,102,000	
103-179	Land acquisition and state assistance	1,274,000		1,274,000	1,274,000	+1,274,000	
103-179	(By transfer)	(6,000,000)		(6,000,000)	(5,000,000)	(+5,000,000)	(-1,000,000)
	Total, National Park Service	14,376,000		14,376,000	14,376,000	+14,376,000	
	Bureau of Indian Affairs						
103-179	Construction	12,363,000		12,363,000	12,363,000	+12,363,000	
	Total, Chapter 3:						
	New budget (obligational) authority	26,739,000		26,739,000	26,739,000	+26,739,000	
	(By transfer)	(12,100,000)		(12,100,000)	(11,100,000)	(+11,100,000)	(-1,000,000)
	CHAPTER 4						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
103-179	Advances to the Unemployment Trust Fund	61,400,000		61,400,000	61,400,000	+61,400,000	
	Bureau of Labor Statistics						
103-179	Salaries and expenses	10,100,000		10,100,000	10,100,000	+10,100,000	
	Departmental Management						
103-179	Salaries and expenses	-2,250,000					
	Total, Department of Labor	69,250,000		71,500,000	71,500,000	+71,500,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
103-179	Salaries and expenses	-37,500,000					
	Health Care Financing Administration						
103-179	Program management	15,000,000					
	Total, Chapter 4:						
	New budget (obligational) authority	46,750,000		71,500,000	71,500,000	+71,500,000	
	CHAPTER 5						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Salaries, Officers and Employees						
103-179	Office of the Secretary	450,000		450,000	450,000	+450,000	
	Contingent Expenses of the Senate						
103-179	Secretary of the Senate	600,000		600,000	600,000	+600,000	
	Total, Senate	1,050,000		1,050,000	1,050,000	+1,050,000	
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
	Gratuities, deceased Members				133,600	+133,600	+133,600
	Total, Chapter 5:						
	New budget (obligational) authority	1,050,000		1,050,000	1,183,600	+1,183,600	+133,600
	CHAPTER 6						
	DEPARTMENT OF TRANSPORTATION						
	Federal Railroad Administration						
103-179	Pennsylvania Station redevelopment project	10,000,000		10,000,000	10,000,000	+10,000,000	
103-179	High speed ground transportation (limitation on obligations)	(4,452,000)		(4,452,000)	(4,452,000)	(+4,452,000)	
	Total, Chapter 6:						
	New budget (obligational) authority	10,000,000		10,000,000	10,000,000	+10,000,000	
	(Limitation on obligations)	(4,452,000)		(4,452,000)	(4,452,000)	(+4,452,000)	
	CHAPTER 7						
	EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
103-207	National Security Council	5,650,000		5,320,000			-5,320,000
103-207	Office of Administration	1,400,000		1,030,000			-1,030,000
103-207	(By transfer)	(6,000,000)		(6,000,000)			(-6,000,000)
	Armstrong resolution account				13,125,000	+13,125,000	+13,125,000
	Total, Chapter 7:						
	New budget (obligational) authority	7,050,000		6,350,000	13,125,000	+13,125,000	+6,775,000
	(By transfer)	(6,000,000)		(6,000,000)			(-6,000,000)
	CHAPTER 8						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
103-179	Compensation and pensions	698,000,000		698,000,000	698,000,000	+698,000,000	
103-179	Readjustment benefits	103,200,000		103,200,000	103,200,000	+103,200,000	
	Total, Veterans Benefits Administration	801,200,000		801,200,000	801,200,000	+801,200,000	
	Veterans Health Administration						
	Medical administration and miscellaneous operating expenses (by transfer)			(3,500,000)	(2,500,000)	(+2,500,000)	(-1,000,000)

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
103-158	Annual contributions for assisted housing	-45,791,000	....	....	....	....	....
	Federal Housing Administration:						
	FHA - Mutual mortgage insurance program account:						
103-179	(Limitation on guaranteed loans)	(20,000,000,000)	....	(20,000,000,000)	(20,000,000,000)	(+20,000,000,000)	....
	FHA - General and special risk program account:						
103-179	(Limitation on guaranteed loans)	(2,000,000,000)	....	(2,000,000,000)	(2,000,000,000)	(+2,000,000,000)	....
	INDEPENDENT AGENCIES						
	Executive Office of the President						
103-179	Council on the Environmental Quality and Office of Environmental Quality	425,000	....	300,000	300,000	+300,000	....
	National Aeronautics and Space Administration						
....	Research and development	....	....	....	20,000,000	+20,000,000	+20,000,000
	Advance appropriation, fiscal year 1995	....	....	20,000,000	20,000,000	+20,000,000	....
103-179	Research and program management	60,000,000	....	80,000,000	56,000,000	+56,000,000	-24,000,000
	Total, National Aeronautics and Space Administration	60,000,000	....	100,000,000	96,000,000	+96,000,000	-4,000,000
	Total, Chapter 8:						
	New budget (obligational) authority (net)	815,834,000	....	901,500,000	897,500,000	+897,500,000	-4,000,000
	Appropriations, fiscal year 1994	(815,834,000)	....	(881,500,000)	(877,500,000)	(+877,500,000)	(-4,000,000)
	Advance appropriations, fiscal year 1995	....	....	(20,000,000)	(20,000,000)	(+20,000,000)	....
	(By transfer)	....	....	(3,500,000)	(2,500,000)	(+2,500,000)	(-1,000,000)
	(Limitation on guaranteed loans)	(22,000,000,000)	....	(22,000,000,000)	(22,000,000,000)	(+22,000,000,000)	....
	Total, title II:						
	New budget (obligational) authority (net)	1,579,698,000	....	1,018,614,000	1,041,997,600	+1,041,997,600	+23,383,600
	Appropriations, fiscal year 1994	(1,579,698,000)	....	(998,614,000)	(1,021,997,600)	(+1,021,997,600)	(+23,383,600)
	Advance appropriations, fiscal year 1995	....	....	(20,000,000)	(20,000,000)	(+20,000,000)	....
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(29,261,000)	(+14,700,000)	(+7,661,000)
	(Limitation on guaranteed loans)	(22,000,000,000)	....	(22,000,000,000)	(22,000,000,000)	(+22,000,000,000)	....
	(Limitation on obligations)	(4,452,000)	....	(4,452,000)	(4,452,000)	(+4,452,000)	....
	TITLE III - RESCINDING CERTAIN BUDGET AUTHORITY						
	PROPOSED TO BE RESCINDED IN SPECIAL MESSAGES TRANSMITTED TO THE CONGRESS BY THE PRESIDENT ON NOVEMBER 1, 1993 AND FEBRUARY 7, 1994						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
....	Economic research service	....	....	-4,000,000	....	....	+4,000,000
103-157	Agricultural Research Service	-16,233,000	....	....	....	....	....
....	Human Nutrition Information Service	....	-1,000,000	....	....	+1,000,000	....
103-157	Buildings and facilities	-8,460,000	....	....	....	....	....
	Total, Agricultural Research Service	-24,693,000	-1,000,000	-4,000,000	....	+1,000,000	+4,000,000
103-157	Cooperative State Research Service	-30,002,000	-14,279,000	-12,463,000	-12,463,000	+1,816,000	....
103-157	Buildings and facilities	-34,000,000	-2,897,000	-2,897,000	-2,897,000	....	....
	Total, Cooperative State Research Service	-64,002,000	-17,176,000	-15,360,000	-15,360,000	+1,816,000	....
	Agricultural Marketing Services						
....	Marketing services	....	-100,000	....	....	+100,000	....
	Agricultural Stabilization and Conservation Service						
103-157	Salaries and expenses	-12,167,000	....	-12,167,000	....	....	+12,167,000
	Soil Conservation Service						
103-157	Conservation operations	-12,167,000	....	-12,167,000	....	....	+12,167,000
....	Watershed and flood prevention operations	....	....	-21,158,000	-21,158,000	-21,158,000	....
	Total, Soil Conservation Service	-12,167,000	....	-33,325,000	-21,158,000	-21,158,000	+12,167,000
	Farmers Home Administration						
	Rural Housing Insurance Fund Program Account:						
	Loan subsidies:						
103-205	Single family (sec. 502)	-1,515,000	-35,000,000	-1,515,000	-20,870,000	+14,130,000	-19,355,000
103-205	Rental housing (sec. 515)	-12,443,000	....	-12,443,000	-12,443,000	-12,443,000	....
103-205	Housing repair (sec. 504)	-1,204,000	....	-1,204,000	-1,204,000	-1,204,000	....
103-205	Farm labor (sec. 514)	-483,000	....	-483,000	-483,000	-483,000	....
	Total, Rural Housing Insurance Fund	-15,645,000	-35,000,000	-15,645,000	-35,000,000	....	-19,355,000
	Agricultural Credit Insurance Fund Program Account:						
103-205	Credit sales of acquired property: Loan subsidy.	-5,094,000	....	-5,094,000	-8,000,000	-8,000,000	-2,906,000
	Rural Development Loan Fund Program Account:						
....	Loan subsidy	....	-20,000,000	....	-10,000,000	+10,000,000	-10,000,000
....	Rural housing voucher program	....	....	-25,000,000	-25,000,000	-25,000,000	....
....	Rural water and waste disposal grants	....	-25,000,000	....	-12,500,000	+12,500,000	-12,500,000
103-157	Salaries and expenses	-12,167,000	-12,167,000	-12,167,000	-12,167,000	....	....
	Total, Farmers Home Administration	-32,906,000	-92,167,000	-57,906,000	-102,667,000	-10,500,000	-44,761,000

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Rural Electrification Administration						
	Rural Electrification and Telephone Loans Program Account:						
	Direct loan subsidies:						
103-157 103-205	Telephone	-8,745,000		-3,222,000	-1,611,000	-1,611,000	+1,611,000
103-205	Electric	-3,388,000		-3,388,000	-1,694,000	-1,694,000	+1,694,000
	Total, Rural Electrification and Telephone Loans Program	-12,133,000		-6,610,000	-3,305,000	-3,305,000	+3,305,000
	Food and Nutrition Service						
103-157	Commodity supplemental food program	-12,600,000	-12,600,000	-6,100,000	-10,000,000	+2,600,000	-3,900,000
	Food donations programs for selected groups:						
	Needy family program		-6,000,000	-5,200,000		+6,000,000	+5,200,000
	Total, Food and Nutrition Service	-12,600,000	-18,600,000	-11,300,000	-10,000,000	+8,600,000	+1,300,000
	FOREIGN ASSISTANCE AND RELATED PROGRAMS						
	Public Law 480 Program Account:						
	Title I - Credit sales:						
103-205	Ocean freight differential	-4,600,000		-4,600,000	-4,600,000	-4,600,000	
	Title III - Commodity grants:						
103-205	Program level	(-45,000,000)	(-20,000,000)	(-45,000,000)	(-25,000,000)	(-5,000,000)	(+20,000,000)
103-205	Appropriation	-45,000,000	-20,000,000	-45,000,000	-25,000,000	-5,000,000	+20,000,000
103-205	Loan subsidies	-35,400,000		-35,400,000	-22,900,000	-22,900,000	+12,500,000
	Total, Chapter 1: Rescissions	-255,668,000	-149,043,000	-225,668,000	-204,990,000	-55,947,000	+20,678,000
	CHAPTER 2						
	DEPARTMENT OF COMMERCE						
	National Oceanic and Atmospheric Administration						
103-157	Operations, research, and facilities	-6,000,000					
103-157	Construction	-4,000,000	-3,000,000		-3,000,000		-3,000,000
	Total, National Oceanic and Atmospheric Administration	-10,000,000	-3,000,000		-3,000,000		-3,000,000
	International Trade Administration						
103-157	Operations and administration	-2,000,000		-2,000,000	-2,000,000	-2,000,000	
	Export Administration						
	Operations and administration			-3,000,000			+3,000,000
	Minority Business Development Agency						
	Minority business development			-500,000	-500,000	-500,000	
	National Telecommunications and Information Administration						
	Information infrastructure grants			-4,254,000			+4,254,000
	Economic Development Administration						
	Economic development revolving fund		-29,000,000	-20,000,000	-29,000,000		-9,000,000
	Total, Department of Commerce	-12,000,000	-32,000,000	-29,754,000	-34,500,000	-2,500,000	-4,746,000
	THE JUDICIARY						
	Courts of Appeals, District Courts, and Other Judicial Services						
	Defender services		-3,000,000	-3,000,000	-3,000,000		
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
103-157	Diplomatic and consular programs	-600,000		-600,000			+600,000
103-205	Buying power maintenance	-8,800,000	-8,800,000	-8,800,000	-8,800,000		
	New diplomatic posts		-1,000,000		-1,000,000		-1,000,000
	Total, Department of State	-9,400,000	-9,800,000	-9,400,000	-9,800,000		-400,000
	RELATED AGENCIES						
	Board for International Broadcasting						
103-205	Israel Relay Station	-1,700,000	-1,700,000	-1,700,000	-1,700,000		
	Small Business Administration						
103-157	Salaries and expenses	-13,100,000		-4,100,000			+4,100,000
	Business Loans Program Account:						
	Guaranteed loans subsidy				-4,100,000	-4,100,000	-4,100,000
	State Justice Institute						
103-157	Salaries and expenses	-6,775,000		-3,000,000			+3,000,000
	United States Information Agency						
103-157	Salaries and expenses	-3,000,000	-1,177,000	-3,000,000	-2,000,000	-823,000	+1,000,000
	Educational and cultural exchange programs		-850,000		-850,000		-850,000
	Radio construction		-2,000,000		-2,000,000		-2,000,000
103-157	North/South Center	-8,700,000		-8,700,000	-1,000,000	-1,000,000	+7,700,000
	Total, United States Information Agency	-11,700,000	-4,027,000	-11,700,000	-5,850,000	-1,823,000	+5,850,000
	Total, Chapter 2: Rescissions	-54,675,000	-50,527,000	-62,654,000	-58,950,000	-8,423,000	+3,704,000

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - MILITARY						
	Procurement						
103-205	Missile procurement, Army	-48,000,000					
103-205	Aircraft procurement, Navy	-51,700,000			-10,000,000	-10,000,000	-10,000,000
103-205	Shipbuilding and conversion, Navy	-50,000,000					
103-205	Aircraft procurement, Air Force	-105,600,000		-12,800,000	-12,800,000	-12,800,000	
	Other procurement, Air Force			-27,500,000	-42,500,000	-42,500,000	-15,000,000
	Procurement, Defense agencies				-10,000,000	-10,000,000	-10,000,000
	Procurement, Defense-wide			-104,500,000	-14,500,000	-14,500,000	+90,000,000
	Total, Procurement	-255,300,000		-144,800,000	-89,800,000	-89,800,000	+55,000,000
	Research, Development, Test and Evaluation						
	Research, development, test and evaluation, Air Force			-50,000,000	-56,000,000	-56,000,000	-6,000,000
103-205	Research, development, test and evaluation, Defense-wide	-50,000,000		-110,500,000	-104,500,000	-104,500,000	+6,000,000
	Total, Research, Development, Test and Evaluation	-50,000,000		-160,500,000	-160,500,000	-160,500,000	
	Total, Chapter 3: Rescissions	-305,300,000		-305,300,000	-250,300,000	-250,300,000	+55,000,000
	CHAPTER 4						
	DEPARTMENT OF DEFENSE - CIVIL						
	Corps of Engineers - Civil						
103-157	General investigations	-24,970,000	-24,970,000	-24,970,000	-24,970,000		
103-157	Construction, general	-97,319,000	-97,319,000	-97,319,000	-97,319,000		
	Total, Department of Defense - Civil	-122,289,000	-122,289,000	-122,289,000	-122,289,000		
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
103-157	Construction program	-16,000,000	-16,000,000	-40,000,000	-30,000,000	-14,000,000	+10,000,000
	DEPARTMENT OF ENERGY						
103-157 103-205	Energy supply, research and development activities.	-107,300,000	-97,300,000	-107,300,000	-107,300,000	-10,000,000	
103-157	Uranium supply and enrichment activities	-42,000,000	-42,000,000	-42,000,000	-42,000,000		
	Total, Department of Energy	-149,300,000	-139,300,000	-149,300,000	-149,300,000	-10,000,000	
	INDEPENDENT AGENCY						
	Nuclear Regulatory Commission						
103-205	Salaries and expenses	-12,700,000		-12,700,000	-12,700,000	-12,700,000	
	Total, Chapter 4: Rescissions	-300,289,000	-277,589,000	-324,289,000	-314,289,000	-36,700,000	+10,000,000
	CHAPTER 5						
	MULTILATERAL ECONOMIC ASSISTANCE						
	FUNDS APPROPRIATED TO THE PRESIDENT						
	International Financial Institutions						
	Contribution to the International Bank for Reconstruction and Development:						
	Paid-in capital		-27,910,500		-27,910,500		-27,910,500
	(Limitation on callable capital)		(-902,439,500)		(-902,439,500)		(-902,439,500)
	Contribution to the Inter-American Development Bank:						
	Inter-regional paid-in capital		-16,063,134			+16,063,134	
	(Limitation on callable capital)		(-626,407,732)			(+626,407,732)	
	Contribution to the Asian Development Bank:						
	Paid-in capital		-13,026,366			+13,026,366	
	(Limitation on callable capital)		(-95,438,437)			(+95,438,437)	
	Contribution to the African Development Fund			-2,700,000			+2,700,000
	Total, contribution for Multilateral Economic Assistance		(-1,681,285,669)	(-2,700,000)	(-930,350,000)	(+750,935,669)	(-927,650,000)
	Rescissions		-57,000,000	-2,700,000	-27,910,500	+29,089,500	-25,210,500
	(Limitation on callable capital)		(-1,624,285,669)		(-902,439,500)	(+721,846,169)	(-902,439,500)
	BILATERAL ECONOMIC ASSISTANCE						
	Agency for International Development						
103-157	Development assistance fund	-160,000,000	-160,000,000	-40,879,000	-104,018,500	+55,981,500	-63,139,500
	Reform and downsizing			-3,000,000			+3,000,000
103-157	Economic support fund	-90,000,000	-90,000,000	-32,700,000	-61,350,000	+28,650,000	-28,650,000
	Assistance to former republics of the Soviet Union..			-145,000,000	-55,000,000	-55,000,000	+90,000,000
	Total, Agency for International Development	-250,000,000	-250,000,000	-221,579,000	-220,368,500	+29,631,500	+1,210,500
	MILITARY ASSISTANCE						
	Foreign Military Financing Program:						
103-157 103-205	Grants	-65,562,000	-66,000,000	-91,283,000	-91,283,000	-25,283,000	
103-205	Military assistance	-438,000		-438,000	-438,000	-438,000	
	Total, Chapter 5: Rescissions	-316,000,000	-373,000,000	-316,000,000	-340,000,000	+33,000,000	-24,000,000

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 6						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
	Construction and anadromous fish		-3,874,000	-3,874,000	-3,874,000		
	DEPARTMENT OF ENERGY						
103-205	Biomass energy development	-16,275,000	-16,275,000	-16,275,000	-16,275,000		
	Total, Chapter 6: Rescissions	-16,275,000	-20,149,000	-20,149,000	-20,149,000		
	CHAPTER 7						
	DEPARTMENT OF LABOR						
	Salaries and expenses		-4,000,000	-4,000,000	-4,000,000		
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Salaries and expenses		-37,500,000	-37,500,000	-27,500,000	+10,000,000	+10,000,000
	Social Security Administration						
	Supplemental security income program		-10,909,000	-10,909,000	-10,909,000		
	Limitation on administrative expenses: Trust funds.		(-80,000,000)	(-80,000,000)	(-80,000,000)		
	Total, Department of Health and Human Services		-48,409,000	-48,409,000	-38,409,000	+10,000,000	+10,000,000
	DEPARTMENT OF EDUCATION						
	Salaries and expenses		-8,500,000	-8,500,000	-8,500,000		
	Total, Chapter 7:						
	Rescissions		-60,909,000	-60,909,000	-50,909,000	+10,000,000	+10,000,000
	(Limitation on trust funds)		(-80,000,000)	(-80,000,000)	(-80,000,000)		
	CHAPTER 8						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Contingent Expenses of the Senate						
	Sergeant at Arms and Doorkeeper of the Senate			-1,500,000	-1,500,000	-1,500,000	
	HOUSE OF REPRESENTATIVES						
	Salaries and Expenses						
	House Leadership Offices						
	Salaries and expenses		-253,000	-253,000	-253,000		
	Committee on the Budget (Studies)						
	Salaries and expenses		-4,000	-4,000	-4,000		
	Allowances and Expenses						
	Official Expenses of Members		-1,004,000	-1,004,000	-1,004,000		
	Supplies, materials, administrative costs and Federal tort claims		-125,000	-125,000	-125,000		
	Office equipment		-364,000	-364,000	-364,000		
	Stenographic reporting of committee hearings		-67,000	-67,000	-67,000		
	Government contributions		-16,000	-16,000	-16,000		
	Total, allowances and expenses		-1,576,000	-1,576,000	-1,576,000		
	Committee on Appropriations (Studies and Investigations)						
	Salaries and expenses		-595,000	-595,000	-595,000		
	Standing Committees, Special and Select						
	Salaries and expenses		-378,000	-378,000	-378,000		
	Salaries, Officers and Employees						
	Office of the Postmaster		-19,000	-19,000	-19,000		
	Office of the Historian		-26,000	-26,000	-26,000		
	House Democratic Steering Committee and Caucus		-73,000	-73,000	-73,000		
	House Republican Conference		-61,000	-61,000	-61,000		
	Total, salaries, officers and employees		-179,000	-179,000	-179,000		
	Total, House of Representatives		-2,985,000	-2,985,000	-2,985,000		
	ARCHITECT OF THE CAPITOL						
	Capitol Buildings and Grounds						
	Capitol buildings		-3,000,000			+3,000,000	
	Total, Congressional Operations		-5,985,000	-4,485,000	-4,485,000	+1,500,000	
	LIBRARY OF CONGRESS						
	Library of Congress		-900,000	-1,000,000	-1,000,000	-100,000	
	GENERAL ACCOUNTING OFFICE						
	General Accounting Office		-1,300,000	-650,000	-650,000	+650,000	
	Total, Chapter 8: Rescissions		-8,185,000	-6,135,000	-6,135,000	+2,050,000	

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 9						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Construction						
103-157	Military construction, Army	-116,134,000	-22,319,000	....	-22,319,000	....	-22,319,000
....	Military construction, Navy	....	-13,969,000	....	-13,969,000	....	-13,969,000
103-157	Military construction, Air Force	-85,094,000	-24,787,000	....	-24,787,000	....	-24,787,000
....	Military construction, Defense-wide	....	-13,663,000	....	-13,663,000	....	-13,663,000
103-157	Military construction, Army National Guard	-251,854,000	-7,568,000	....	-7,568,000	....	-7,568,000
103-157	Military construction, Air National Guard	-105,138,000	-6,187,000	....	-6,187,000	....	-6,187,000
103-157	Military construction, Army Reserve	-19,807,000	-2,551,000	....	-2,551,000	....	-2,551,000
103-157	Military construction, Naval Reserve	-4,438,000	-626,000	....	-626,000	....	-626,000
103-157	Military construction, Air Force Reserve	-18,759,000	-1,862,000	....	-1,862,000	....	-1,862,000
	Total, Military construction	-601,224,000	-93,532,000	....	-93,532,000	....	-93,532,000
....	North Atlantic Treaty Organization Infrastructure	....	-70,000,000	....	....	+70,000,000	....
....	Base realignment and closure account, Part III	....	-437,692,000	-601,224,000	-507,692,000	-70,000,000	+93,532,000
	Total, Chapter 9: Rescissions	-601,224,000	-601,224,000	-601,224,000	-601,224,000	....	....
	CHAPTER 10						
	DEPARTMENT OF TRANSPORTATION						
	Office of the Secretary						
103-205	Payments to air carriers (Airport and Airway Trust Fund)	-10,067,000	-10,068,243	-10,067,000	-10,067,000	+1,243	....
103-205	Rental payments	-1,781,000	....	-1,781,000	-1,781,000	-1,781,000	....
	Coast Guard						
103-205	Operating expenses	-5,000,000	-5,000,000	....	....	+5,000,000	....
103-205	Acquisition, construction, and improvements	-2,000,000	-2,000,000	....	....	+2,000,000	....
	Total, Coast Guard	-7,000,000	-7,000,000	....	....	+7,000,000	....
	Federal Aviation Administration						
103-157	Operations	-2,750,000	-750,000	-2,750,000	-750,000	....	+2,000,000
103-157	Facilities & equipment (Airport & Airway Trust Fund).	-40,257,111	-29,451,111	-65,205,300	-65,380,300	-35,929,189	-175,000
103-205	Grants-in-aid for airports (Airport & Airway Trust Fund)	-488,200,000	-488,200,000	-488,200,000	-488,200,000	....	....
	Total, Federal Aviation Administration	-531,207,111	-518,401,111	-556,155,300	-554,330,300	-35,929,189	+1,825,000
	Federal Highway Administration						
103-157 103-205	Federal-aid highways (Highway Trust Fund)	-174,968,734	-85,774,222	-35,696,647	-41,828,455	+43,945,767	-6,131,808
....	Right-of-way Revolving Fund (Highway Trust Fund).	....	....	-20,000,000	-20,000,000	-20,000,000	....
	Total, Federal Highway Administration	-174,968,734	-85,774,222	-55,696,647	-61,828,455	+23,945,767	-6,131,808
	National Highway Traffic Safety Administration						
....	Operations and research	....	-7,056,000	....	....	+7,056,000	....
....	Highway traffic safety grants (Highway Trust Fund).	....	....	-219,750,000	-219,750,000	-219,750,000	....
	Federal Railroad Administration						
103-205	Railroad research and development	-17,000,000	....	-17,000,000	-17,000,000	-17,000,000	....
	Federal Transit Administration						
103-157	Discretionary grants (Highway Trust Fund)	-52,037,325	-40,478,975	-808,935	-3,308,935	+37,170,040	-2,500,000
	Total, Chapter 10: Rescissions	-794,061,170	-668,778,551	-861,258,882	-868,065,690	-199,287,139	-6,806,808
	CHAPTER 11						
	DEPARTMENT OF THE TREASURY						
	Internal Revenue Service						
....	Information systems	....	....	-6,400,000	-6,400,000	-6,400,000	....
	GENERAL SERVICES ADMINISTRATION						
103-157	Federal Buildings Fund:						
103-205	Construction	-127,691,000	-126,022,000	-127,691,000	-127,691,000	-1,669,000	....
....	Rental of space	....	....	....	-6,000,000	-6,000,000	-6,000,000
	Total, General Services Administration	-127,691,000	-126,022,000	-127,691,000	-133,691,000	-7,669,000	-6,000,000
	Total, Chapter 11: Rescissions	-127,691,000	-126,022,000	-134,091,000	-140,091,000	-14,069,000	-6,000,000
	CHAPTER 12						
	DEPARTMENT OF VETERANS AFFAIRS						
	Departmental Administration						
....	Construction, major projects	....	-26,000,000	....	....	+26,000,000	....

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
103-205	Homeownership and opportunity for people everywhere grants (HOPE grants)	-66,000,000	-66,000,000	-50,000,000	-66,000,000	....	-16,000,000
103-157	Annual contributions for assisted housing	-180,000,000	-25,000,000	-325,000,000	-100,000,000	-75,000,000	+225,000,000
....	Assistance for the renewal of expiring section 8 subsidy contracts	....	-20,000,000	....	-76,000,000	-56,000,000	-76,000,000
	Total, Department of Housing and Urban Development	-246,000,000	-111,000,000	-375,000,000	-242,000,000	-131,000,000	+133,000,000
	INDEPENDENT AGENCIES						
	Chemical Safety and Hazard Investigations Board						
....	Salaries and expenses	....	....	-770,000	-770,000	-770,000	....
	Environmental Protection Agency						
....	Water infrastructure / State revolving funds	....	-22,000,000	....	-22,000,000	....	-22,000,000
	Federal Emergency Management Agency						
....	Emergency management planning and assistance.	....	-2,000,000	....	-2,000,000	....	-2,000,000
	National Aeronautics and Space Administration						
103-205	Research and development	-88,000,000	-25,000,000	-63,000,000	-63,000,000	-38,000,000	....
103-205	Space flight, control, and data communications	-32,000,000	....	-32,000,000	-32,000,000	-32,000,000	....
103-205	Construction of facilities	-25,000,000	-25,000,000	-25,000,000	-25,000,000	....	....
	Total, National Aeronautics and Space Administration	-145,000,000	-50,000,000	-120,000,000	-120,000,000	-70,000,000	....
	National Science Foundation						
....	Research and related activities	....	....	....	-5,000,000	-5,000,000	-5,000,000
103-205	Academic research infrastructure	-10,000,000	-10,000,000	....	-5,000,000	+5,000,000	-5,000,000
	Total, National Science Foundation	-10,000,000	-10,000,000	....	-10,000,000	....	-10,000,000
	National Service Initiative						
....	Corporation for national and community service	....	-5,000,000	....	-5,000,000	....	-5,000,000
	Total, Chapter 12: Rescissions	-401,000,000	-226,000,000	-495,770,000	-401,770,000	-175,770,000	+94,000,000
	Total, Title III:						
	Rescissions	-3,172,183,170	-2,561,426,551	-3,413,447,882	-3,256,872,690	-695,446,139	+156,575,192
	(Limitation on trust funds)	....	(-80,000,000)	(-80,000,000)	(-80,000,000)	....	....
	Grand total, all titles:						
	New budget (obligational) authority (net)	8,426,664,830	7,157,723,449	7,624,316,118	7,804,274,910	+646,551,461	+179,958,792
	Appropriations, fiscal year 1994	(10,648,848,000)	(8,819,150,000)	(10,067,764,000)	(10,091,147,600)	(+1,271,997,600)	(+23,383,600)
	Advance appropriations, fiscal year 1995	....	....	(20,000,000)	(20,000,000)	(+20,000,000)	....
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)	(950,000,000)	(+50,000,000)	....
	Rescissions	(-3,172,183,170)	(-2,561,426,551)	(-3,413,447,882)	(3,256,872,690)	(-695,446,139)	(+156,575,192)
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(29,261,000)	(+14,700,000)	(+7,661,000)
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	....	....
	(Limitation on guaranteed loans)	(22,000,000,000)	....	(22,000,000,000)	(22,000,000,000)	(+22,000,000,000)	....
	(Limitation on obligations)	(4,452,000)	....	(4,452,000)	(4,452,000)	(+4,452,000)	....
	(Limitation on trust funds)	....	(-80,000,000)	(-80,000,000)	(-80,000,000)	....	....

Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report. By passing this agreement, we will assure a quick response to the needs of the victims of the Northridge/Los Angeles earthquake.

The conference agreement provides nearly $8 billion for earthquake relief, as well as an additional $2 billion for other emergencies, including the costs of our defense peacekeeping and humanitarian operations in Somalia, Bosnia, and Iraq. This is just slightly above the House-passed figure, and is in accord with revised administration requests.

In addition, the conference report provides over $3.2 billion in rescissions, nearly $700 million more than the amount of rescissions passed by the House. This brings to a close, for the Appropriations Committee, a deficit reduction effort that started last fall.

Finally, the conference report contains some additional nonemergency supplementals included in the Senate bill in response to requests contained in the President's budget submitted last Monday. This includes $800 million for veterans compensation and readjustment assistance, and $61 million for the unemployment trust fund, both mandatory accounts which must be provided. In addition, there are about $150 million in discretionary supplementals, mostly in response to administration requests.

In terms of issues of interest to the Members, the conference report includes the D'Amato language, extending the statute of limitations on RTC civil litigation. It also includes compromise language concerning illegal aliens and emergency assistance. And it does not include buy-out provisions, due to the inability to get Senate concurrence.

Overall, Mr. Speaker, I support this agreement, produced on a very short timetable, with conferees braving the snow this morning to allow this bill to be enacted speedily into law, and I urge its adoption.

□ 1820

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New York [Mr. SOLOMON], my good friend.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman, and we will not delay this vote coming up. I just wanted to ask the gentleman the following:

There was a Senator COHEN amendment which would have prohibited those that are incarcerated for violent crimes and illegal drug use from receiving funds that come out of the Social Security trust fund.

What happened to that amendment?

Mr. McDADE. Mr. Speaker, let me say to my good friend from New York that philosophically I think we all supported that amendment, but the authorizing committee in this case, the Committee on Ways and Means, wrote a letter over to the committee strongly objecting to our consideration of it as a matter of jurisdiction. The Committee on Appropriations, in the spirit of comity, yielded to the Committee on Ways and Means' assertion of its authority, and it went out of the bill.

Mr. SOLOMON. The gentleman is right; it was a very good amendment, and I certainly hope we can pursue that later on this year.

There was also the D'Amato amendment which extended the statute of limitations on the RTC law for fraud and gross negligence. I thought I heard the gentleman mention that. We instructed the conferees in this House to keep that in this bill. Was that kept in the bill?

Mr. McDADE. May I say to my friend that he will be delighted to know that it is in the bill unfettered by any additional language or changes.

Mr. SOLOMON. I thank the gentleman from Pennsylvania [Mr. McDADE] for helping to keep that in the bill and thank him for yielding. I say to him, thanks for the good work you do.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I rise in reluctant support of the conference report, and I think that the Members of the House of Representatives and the people of this country should be aware of the fact that reform has been long overdue in the manner in which the House of Representatives does business.

Mr. Speaker, buried in this conference report, buried in this bill that provides for $10 billion for relief to the earthquake victims, are matters that I do not believe would ever pass the House of Representatives. For example, $10 million has been placed in this bill for the purpose of renovating Penn Station. Now we are talking about earthquake relief, not about a train wreck.

And buried in this bill is $117.2 million to implement the United States-Russia agreement on space cooperation. We are trying to repair roads and infrastructure in the State of California at a time we are talking about putting American and Russian astronauts in space when the entire Russian economy has been totally decimated. We do not need to spend $117 million.

Nor do we need to go over the legislative appropriations bill and spend an additional $450,000 to cover compensation costs of the Office of Senate Legal Counsel.

Nor do we need to spend an additional $600,000 to provide for contract services, including the costs of outside counsel paying for lawyers with money that should be used to pay for earthquake relief.

Mr. Speaker, that has been buried in this bill, a bill that the Members of the House of Representatives received here 20 minutes ago that is going to cost the taxpayers $11 billion.

And, Mr. Speaker, buried in this bill also is $1.4 million to fight the potato blight fungus.

Now, when we are talking about earthquake relief, let us talk about earthquake relief. Let us not have a grab bag. Let us not have a Christmas tree.

Mr. Speaker, I reluctantly rise in support of the conference report because it is absolutely necessary for the people in California to have earthquake assistance, but next time, next time, this practice cannot be tolerated.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH] for yielding this time to me.

Mr. Speaker, I want to say to my good friend from Pennsylvania who is a good friend, and I appreciate his mentioning the fact that we were unable, unfortunately, to add to this legislation what is essentially an emergency, and that is the reason we acted yesterday, by 391 to 17, and that is to get the buyout authority so we can preclude risk and manage the reduction on which we have all agreed, the 252,000, in as considered and as fair a way as possible. Unfortunately, notwithstanding the fact that it was my perception that every member of the conference agreed on taking that action in the manner that the House had decided to do, we were unable to do that. The Senate was proceeding by unanimous consent. They have now passed legislation, also by unanimous consent, which includes provisions on which neither side of this House, I think, was consulted or is in agreement.

Mr. Speaker, I say that only to make it clear that on this side there was no agreement as to the unanimous consent on the buyouts that was passed by the Senate after passing this legislation. I regret that we have delayed this process going forward. It was appropriate that we act today and send this matter to the President so that the administrative agencies could have proceeded as quickly as possible, No. 1, to ensure the employees of the situation that was existing; and, No. 2, to identify from a management standpoint the best way to proceed to reduce the numbers that are necessary if we are to attain the 252,000, and, importantly, as we discussed on both sides of the aisle and agreed on both sides of the aisle, to provide for the $20-plus billion in savings that the reduction in the Federal force will result in.

Mr. Speaker, I regret that we were unable to solve this today.

I do want to say again to the gentleman from Pennsylvania [Mr. McDADE], to the acting chair on our side, the gentleman from Iowa [Mr. SMITH], and, as well, to the chairman of the Senate Appropriations Committee and the ranking member on that side, Senator BYRD and Senator HATFIELD, as well as Senators DOMENICI and STEVENS who worked tirelessly during this day to try to bring this matter to closure on this day, to thank them for their efforts on behalf of all of us who believe this matter needs to be resolved as quickly as possible.

Mr. McDADE. Mr. Speaker, before yielding, and I am going to yield to the gentleman from Maryland, but, before I do, I want to commend my colleague from Maryland [Mr. HOYER] for his long hours of work with my friend, the gentleman from Indiana [Mr. MYERS], and others to try to make this bill a reality, and someday soon we will get there I am sure.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. McDADE. I say to the gentleman, Congratulations on all your hard work.

Mr. Speaker, I yield 2 minutes to the able gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, I think that every Member of this body is anxious to rush this earthquake relief to California. But I and a number of my colleagues have a serious problem with how it is funded. The lion's share of this bill is funded out of the deficit. Surely, with a national budget of over a trillion and a half dollars, the Congress could have found the moneys to fund this very worthy project.

Mr. Speaker, it is manifestly unfair to our children and our children's children to pass this debt and the large accrued interest onto them. If we could not find $8.6 billion of money to fund this worthy project, how can the American people believe that we will ever, ever balance the budget?

Mr. Speaker, the Congress has got to act responsibly, and I believe that a large percentage of the American people will think that we have not acted responsibly in providing this very worthy need out of the deficit rather than finding it in the budget.

☐ 1830

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I rise today in strong support of the conference report H.R. 3759, making emergency supplemental appropriations for urgently need Federal funds to help the victims of what will probably prove to be the Nation's costliest natural disaster ever, the earthquake that struck the district I represent during the early morning of January 17.

The debate over the size of the Federal budget deficit, and the anxiety in Congress—which is not entirely misplaced—about adding to that serious problem, has somewhat complicated our efforts to approve quickly the $8.6 billion in earthquake relief that is so urgently needed by Los Angeles, Ventura, and Orange Counties. If those areas are to continue the recovery from 6.8 temblor—the epicenter of which was just recently relocated to Reseda in the congressional district I represent—then this supplemental appropriation must be approved immediately.

Mr. Speaker, the conferees, who were led so ably on our side by the gentleman from Kentucky, Mr. NATCHER, and by Mr. SMITH, with the great help of several members of the Appropriations Committee from California, including Mr. DIXON, Mr. FAZIO, and Mr. LEWIS, have come to an agreement on the differences between the House and Senate. It appears that support for the earthquake aid itself has been overwhelming all along, and for my constituents and those of other members whose districts were hit so hard by this disaster. I want to express our profound gratitude to our colleagues from across the United States and to their constituents from across the country whom they represent for their support and compassion.

Mr. Speaker, I am also appreciative for the work, which was started by many of us in the California delegation, that led to the provision in the bill, which I strongly support, restricting the kind of aid that individuals who are in this country illegally can receive. The intent of that language is to ensure that long-term aid benefits American citizens and people who are here legally, and not those who are here because they violated the immigration laws of our country. I believe this is a fair compromise on a difficult and emotional issue, but one which had to be dealt with, especially in light of the debate over the scarcity of funds and the desire to ensure that the taxpayers and citizens who are in need receive the aid they need.

Mr. Speaker, it is impossible to describe the disruption in the lives of a many people in southern California caused by this devastating earthquake. It not only destroyed homes and schools and roads, but also caused permanent job losses in an area already racked by a severe recession. It will no doubt delay our area's recovery from the recession.

This aid will help us recover from a disaster that caused 60 deaths, left thousands homeless, and caused property damage estimated at $20 billion. The Federal Emergency Management Agency, which is so splendidly coordinating the work of some 13 Federal agencies and 3600 employees in responding to the damage caused by the quake, estimates that 21,000 homes are uninhabitable and 55,000 residences have been damages. As of February 9, 315,000 people have applied for disaster assistance, with 40,203 checks totaling almost $126,000,000 issued.

I cannot adequately describe for my colleagues what a magnificent job FEMA and other Federal, State, and local agencies have done overall in responding to this disaster. It marked a first for disaster officials who had never been called upon to provide emergency assistance to so many people. In fact, the over 20,000 dwellings that were made uninhabitable by the quake were the equivalent of an entire mid-size American city being wiped out.

And, while the Federal Government has responded efficiently to the mounting challenges caused by the earthquake to help rebuild a region that is so crucial to the entire Nation, volunteers from all over the country have come to our area in the San Fernando Valley and in Ventura County to help. As of February 19, voluntary organizations have provided nearly 1.4 million meals to victims of the earthquake. Individuals from the Red Cross, the Salvation Army, and almost every religious organization in every region of the country have been providing food, shelter, clothes, day care, and help in cleaning up. All Members should be proud of the response of their own constituents to our constituents in their time of need.

Mr. Speaker, this emergency supplemental is urgently needed to ensure that Federal aid can continue to flow uninterrupted to the victims of this massive earthquake. I urge my colleagues to give the conference report their approval so that we can continue to rebuild our badly damaged transportation infrastructure, repair our schools and homes, and revive the economic health of our area.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, we are about to vote on this conference report, which will be the final business before we begin the President's Day district work period. In doing so, this vote, which will be a rollcall vote, will mark a new record in the House of Representatives by one of our Members, who throughout his career has never failed to make every single vote brought to the floor. Beyond that, he has expressed I think in his conduct and actions the finest traditions of fairness, balance, service to his district, his State, and the Nation, that any Member could wish to have as a record here in the House of Representatives.

Far beyond the votes that he has cast, the service that he has given to the House is truly memorable. His health has not been the best in recent days, yet he has made every vote, as he would. His courage and determination has been an inspiration to us all.

We are glad that the report of his improved health has been given to us and the recess will give him an opportunity for rest and refreshment, and we will have an opportunity to greet him as we return to our business at the end of this recess. But it will be the 18,391st vote that the gentleman from Kentucky [Mr. NATCHER], the chairman of the Committee on Appropriations, has cast, and I want to salute him and thank him on behalf of the Members for all of his work.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say on behalf of the gentleman from Illinois [Mr. MICHEL] and the Republican Members of the House, that during times when people ask what it is like to be a Congressman, and sometimes there are questions about Congress, no man has made us prouder of what a real Representative is like, no man has been more decent, more kind, more considerate, and no one has better represented what a truly representative institution should be like, than the gentleman from Kentucky [Mr. NATCHER]. It is a great honor and a warm and wonderful feeling to be with him. I know all of us will have him in our prayers, and I very much look forward to serving with him and wishing him well during this break.

[Applause, the Members rising.]

Ms. WATERS. Mr. Speaker, I rise in strong support of this emergency supplemental conference report. Those of us representing districts affected by this disaster deeply appreciate the speed with which Congress, and especially the Appropriations Committee, has acted to complete this most important legislation. Our constituents deserve the assistance that this bill will fund. Today's action should give Federal authorities the ability to finish the job they have begun.

The devastation in southern California is hard to describe. The destruction is almost immeasurable. Our response must be generous, as it is in this supplemental.

Since the earthquake I have been impressed with the relief efforts in our region. FEMA has moved swiftly, professionally, and compassionately. In particular, Secretaries Cisneros and Pena, and FEMA Director Witt, have been of enormous assistance to quake victims and have helped establish an operation that is responsive to the needs of the effected communities.

I would be remiss if I did not mention what I think is the audacity of certain public officials who have tried to use this disaster to suit their ongoing political objectives. I am angered by the notion that we must cut important Government programs to fund disaster relief. Simply put, proposals to cut highway funds, community development block grants, NASA research and development, housing, small business, and education programs does not help us rebuild torn down communities.

We have an emergency declaration in the budget act for occasions exactly like this. We shouldn't have to destroy our economic house in order to rebuild it. Fortunately, legislators in both Chambers of Congress rejected the rash, rob-Peter-to-pay-Paul approach to disaster assistance. The conference report before makes modest deficit reduction efforts, but does not punish communities, which rely on certain Government programs, in order to assist very needy earthquake victims.

Again, we in southern California are extremely grateful for the ongoing assistance and consultation of Federal relief efforts in our region. I urge swift passage of this legislation.

Mr. MINETA. Mr. Speaker, I rise today in strong support of the conference report on H.R. 3759, the Emergency Supplemental Appropriations Act.

On the morning of January 17, 1994, the people of southern California were awakened by a powerful earthquake measuring 6.6 on the Richter scale. The earthquake brought devastating loss of life and the destruction of innumerable homes and businesses. In the days following the earthquake, I visited Los Angeles and saw firsthand the damage that was afflicted upon southern California.

Today, nearly 4 weeks after one of the costliest disasters in our Nation's history, southern Californians are hard at work rebuilding their homes and their livelihoods. The conference report on the Emergency Supplemental Appropriations Act that the House is considering today will provide the people in the Los Angeles area with valuable resources to assist them in their effort.

Included in this bill are funds for the Federal Emergency Management Agency and the Small Business Administration to provide grants and loans to individuals and businesses to help recover damages caused by the earthquake; funds for the Federal-aid highways emergency relief program to help repair highway infrastructure; and funds important for the other education and housing need.

Mr. Speaker, this Nation has always come to the aid of its citizens in times of crisis. Some have said that expenditures for this disaster should not be allowed to proceed unless equal cuts are made in the budget we have already adopted. But I want to make it absolutely clear that we have never before required offsetting cuts when making a supplemental appropriations for a disaster. To require that we go through that exercise before providing assistance in this one case would be highly unfair and discriminatory.

Again, I support this emergency supplemental bill as a way to bring greatly needed assistance to the people of southern California, and I urge my colleagues to vote for final passage.

Mr. PENNY. Mr. Speaker, once again, business-as-usual is at play. The House sent to the other body a relatively clean emergency spending bill to respond to the most recent disaster in California. However, now the bill is cluttered with nearly $1 billion of add-ons, items unrelated to the emergency needs of the victims of this latest disaster.

Funding for Hawaiian sugar mills, Northwest spotted owl study, the Florida Everglades and Penn Station in New York City, have no place in this emergency funding bill. The impulse to spend is alive and well in the other body. Once again, legislators have taken advantage of an emergency spending bill to pile on the pork for their home States. This is unacceptable. The country can no longer afford business as usual. When will we change our ways?

Ms. SNOWE. Mr. Speaker, I rise in strong support of the conference report to H.R. 3759. This legislation provides critical assistance not only for the emergency caused by the earthquake in Los Angeles, but also for lesser known emergencies in Maine and other Northern States.

At times like these, I am most proud to say that I represent the Second District of Maine. After every terrible disaster in the country—be it Hurricane Andrew of the Midwest floods—Maine's citizens respond with full and unqualified generosity. In the case of the LA earthquake, my constituents have instructed me to swiftly pass a bill to provide adequate emergency funds for the many victims of this terrible tragedy, and I am happy to cast my vote in favor of that legislation today.

But I am also very pleased that H.R. 3759 will address the serious but unheralded emergencies currently facing some of the citizens of Maine. The conference report contains $1.4 million to help prevent an epidemic of the deadly potato disease late blight in northern Maine. Potato farmers in Maine were wracked by the disease last fall. In order to avoid an even worse outbreak this year, agricultural experts have concluded that a comprehensive prevention program must be in place by the spring this year. H.R. 3759 will provide the funds needed to establish that essential program.

The conference report also makes $200 million in Low-Income Home Energy Assistance Program funds available to States suffering from severe cold this winter, upon Presidential declaration of emergency. In my district in central Maine, the average temperatures this winter have been 10 degrees below normal, and northern Maine has been experiencing the coldest winter on record.

Having suffered repeated cuts since 1985, the existing LIHEAP budget is insufficient to serve the many needy families eligible for LIHEAP during these extreme winter conditions. Assuming President Clinton declares an emergency, H.R. 3759 will provide a crucial supplement to help low-income people survive through the season.

Mr. Speaker, H.R. 3759 addresses a variety of emergency situations affecting the lives of our citizens across this vast nation. If we have always done one thing right in America, it is helping our people in times of crisis. I ask that my colleagues join me in supporting the conference report for H.R. 3759.

Ms. PELOSI. Mr. Speaker, in October 1989, when my district was struck by a major earthquake, this Congress moved quickly on an emergency supplemental appropriations bill to bring much needed relief to northern California. I understand why quick action is needed to bring the same disaster relief to southern California.

Let me commend the administration and the House leadership for beginning the discussions on how best to address disaster relief within budget limits established by Congress. This future planning is needed. And careful considerations of specific proposals should take place in the context of establishing our Federal budget. Developing a sound strategy for responding to future disasters will take time.

The people of southern California do not have the luxury of time. We must act to help them today. And we must do so under the current rules—the same rules that have applied to other supplemental appropriation bills in response to other natural disasters.

This bill is about the Los Angeles earthquake. This is not a bill about rival budget deficit reduction plans. If Members want to debate further deficit reduction proposals, then do it in an orderly process during the debate on this year's budget agreement. I urge my colleagues to vote "no" on budget proposals disguised as offsets and to vote "yes" on real disaster relief.

Mr. BARTLETT of Maryland. Mr. Speaker, we voted today to pass the conference report to accompany H.R. 3759, the emergency supplemental appropriations for earthquake assistance. It is with regret that I was forced to vote against both the bill and the conference report. There are many who thought this aid should be paid for in offsets from other Federal spending. Unfortunately, that is not what was done, therefore, I cannot support the bill. As much as I understand the need for the aid, I do not believe we do the people of California justice by passing the responsibility for paying for the aid onto our children. We are doing our constituency a disservice by adding over $7 billion to our national debt and I hope in the future, we act responsibly and pay our own bills.

Mr. McDADE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 65, not voting 123, as follows:

[Roll No. 27]

YEAS—245

Abercrombie
Andrews (ME)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Calvert
Camp
Cantwell
Carr
Castle
Chapman
Clayton
Clement
Clyburn
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
DeLauro
Dellums
Derrick
Dicks
Dixon
Doolittle
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fish
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gejdenson
Gephardt
Gillmor
Gingrich
Gunderson
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Lancaster
LaRocco
Lazio
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowey
Maloney
Mann
Manton
Manzullo
Markey
Matsui
Mazzoli
McCandless
McCloskey
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Nadler
Natcher
Nussle
Oberstar
Obey
Olver
Packard
Pallone
Parker
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rangel
Ravenel
Regula
Reynolds
Roemer
Rogers
Rohrabacher
Rostenkowski
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Scott
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Traficant
Tucker
Unsoeld
Upton
Visclosky
Volkmer
Vucanovich
Waters
Watt
Wheat
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—65

Allard
Andrews (NJ)
Archer
Ballenger
Bartlett
Becerra
Bereuter
Bliley
Bonilla
Bunning
Canady
Coble
Collins (GA)
Crapo
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Ehlers
English
Frank (MA)
Gekas
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Hancock
Hefley
Hutchinson
Istook
Johnson (CT)
Johnson, Sam
King
Kolbe
Lambert
Margolies-Mezvinsky
McInnis
Menendez
Mica
Miller (FL)
Myers
Oxley
Pastor
Paxon
Penny
Peterson (MN)
Petri
Ramstad
Rowland
Schaefer
Sensenbrenner
Serrano
Shays
Smith (MI)
Smith (TX)
Solomon
Stenholm
Stump
Velazquez
Walker
Zimmer

NOT VOTING—123

Ackerman
Andrews (TX)
Applegate
Armey
Baker (LA)
Barlow
Barton
Bilirakis
Boehlert
Boehner
Boucher
Brewster
Brooks
Bryant
Burton
Byrne
Callahan
Cardin
Clay
Clinger
Coleman
Collins (IL)
Collins (MI)
Combest
Cooper
Crane
de la Garza
Deutsch
Dingell
Dooley
Dornan
Duncan
Everett
Ewing
Fields (TX)
Fingerhut
Flake
Fowler
Frost
Gallo
Geren
Gibbons
Glickman
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings
Herger
Hoke
Hughes
Hutto
Inhofe
Jacobs
Kasich
Kingston
Kyl
LaFalce
Lantos
Laughlin
Leach
Lehman
Levin
Lewis (FL)
Lipinski
Lloyd
Machtley
Martinez
McCollum
McCrery
McCurdy
Michel
Mineta
Murphy
Murtha
Neal (MA)
Neal (NC)
Ortiz
Orton
Owens
Payne (VA)
Pickle
Portman
Quillen
Rahall
Reed
Richardson
Ridge
Roberts
Ros-Lehtinen
Rose
Roth
Roukema
Rush
Santorum
Schumer
Shuster
Slattery
Smith (OR)
Stearns
Sundquist
Swift
Synar
Tauzin
Taylor (NC)
Thomas (WY)
Torricelli
Towns
Valentine
Vento
Walsh
Washington
Waxman
Weldon
Whitten
Williams
Wilson
Young (AK)
Zeliff

☐ 1918

The Clerk announced the following pairs:

On this vote:

Mr. Dornan for, with Mr. Callahan against.

Mr. McCollum for, with Mr. Weldon against.

Mr. Armey for, with Mr. Fingerhut against.

Mrs. Collins of Illinois for, with Mr. Hoke against.

Mr. Lantos for, with Mr. Portman against.

Mr. Mineta for, with Mr. Quillen against.

Mr. Synar for, with Mr. Roth against.

Mr. Green for, with Mr. Stearns against.

Messers. GILCHREST, HUTCHINSON, DICKEY, GONZALEZ and Ms. ENGLISH changed their vote from "yea" to "nay."

Ms. SLAUGHTER changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to official business in my district and adverse weather conditions in Washington, I was not present today.

On February 11, I would have voted "no" on final passage of the conference report on H.R. 3759, emergency supplemental appropriations for fiscal year 1994. This is consistent with my vote on H.R. 3759 when it came before the house on February 3. My opposition to the legislation stems from the inclusion in the bill of funds for our military operations in Somalia, Bosnia, Iraq, and Haiti. The earthquake disaster relief bill, designed to help people who are going through a terrible ordeal in California, is simply not the place for allocating money for military operations around the world.

I also made the difficult choice to vote against the legislation because I did not want to see this body again break its budgetary commitment with respect to spending caps. I was disappointed that more offsetting cuts were not adopted, as I felt that we needed to take responsibility for passage of this emergency legislation by paying for it ourselves and not asking our children to do so.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, I could not be present for the vote on the conference report on H.R. 3759, a bill providing for emergency supplemental appropriations for the Northridge earthquake, the Midwest floods, the California fires, and other programs. I chose to return to Cincinnati, following votes the previous day, due to the illness of my youngest son and another commitment which I made before I was advised that the House would be in session.

If I had been able to vote on the conference agreement, I would have voted "nay", just as I had voted against the bill when it was considered by the House of Representatives on February 3, 1994. I am supportive of providing immediate financial assistance to help California and its residents recover from the Northridge earthquake. But I could not in good conscience, support the other nonemergency spending items that were attached to the very important emergency package for California, not least because funds to pay for them were not provided. They would have just added to the deficit. Loading up supplemental appropriations bills is one of those congressional traditions that must be reformed. We simply cannot continue to do business this way if we are going to reduce the Federal budget deficit.

My constituents are compassionate, hardworking people. I believe most would think it appropriate to devote some of their tax dollars to help their fellow citizens in California in this time of need. However, it is important to ensure that we come up with the funds needed to pay for emergencies, rather than just adding to the deficit.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, I was unavoidably detained during roll no. 27, the vote on the conference report accompanying H.R. 3759, providing earthquake relief appropriations. Had I been present I would have voted "nay."

This is consistent with my vote on H.R. 3759 when it originally came before the House on February 3. My opposition to the legislation stems from the inclusion in the bill of funds for operations not related to earthquake relief efforts. For instance, $340.5 million was included for the Agriculture Department's Soil Conservation Service. Arkansas, West Virginia, Alaska, Connecticut, Florida, Hawaii, and Mississippi are among the States that will receive projects. If that isn't bad enough, the conference rejected the "drop dead" language the House passed, allowing the funds to be available until expended. Some $25 million was included to provide additional cost-share assistance by the Agriculture Department's Stabilization and Conservation Service—$70 million was allocated for the Army Corps of Engineers for non-Federal flood control levees. This is in addition to the $180 million appropriated for the same purpose in H.R. 2667, the emergency supplemental for the Midwest floods.

The conference report also included $1.2 billion for various military operations having nothing to do with earthquake relief: $424 million for Somalia; $339 million for southern Iraq; $277 for Bosnia; $110 million for the Kurds in Northern Iraq; $48 million for Haiti.

Most of the emergency supplemental funding for various agencies, departments, and offices will go straight to the deficit. The additional funding should have received full congressional scrutiny by going through the hearing process rather than being tacked on to an emergency relief bill where the money was essential. This irresponsible ploy was the prime reason for my opposition to the earthquake relief bill.

I feel strongly that these and other items included in H.R. 3759 were inappropraite, given that this legislation was motivated by the earthquakes in California and designed to help people who are going through a terrible ordeal. We should have supported legitimate earthquake relief. It's unfortunate that some Members used this bill as a vehicle for allocating money to their special projects.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during the week of February 7, I was called back to Illinois because of a death in my family. Had I been present, I would have voted:

"Nay" on rollcall 27, final passage of the disaster supplemental.

PERMISSION TO HAVE UNTIL 3 P.M., FRIDAY, FEBRUARY 18, 1994, TO FILE REPORT TO ACCOMPANY H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until 3 p.m. Friday, February 18, 1994, to file the report to accompany H.R. 6, Improving America's Schools Act of 1994.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, I would like to state that my friend, the gentleman from Michigan [Mr. KILDEE] and I have worked this out, but I would like to submit a letter from the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor, in which he affords no special status to any particular amendment, and that is his position in the Committee on Rules. Finally, I would request that that correspondence be included in the committee's report acknowledging that the Committee on Armed Services has jurisdictional claim.

Mr. Speaker, I would ask if the gentleman from Michigan [Mr. KILDEE] agreed to that?

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, I agree and include a copy of the letter from the gentleman from Michigan [Mr. FORD] for the RECORD. The gentleman from Michigan [Mr. FORD] and I feel morally obligated by the letter:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 11, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of February 8, 1994, concerning the provision in H.R. 6, the Improving America's Schools Act of 1994, as ordered reported, which seeks to make the Department of Defense responsible for funding Impact Aid.

I acknowledge the jurisdictional interest of the Committee on Armed Services in this provision as evidenced by my letter to you of February 3. I do, however, continue to urge you to forego requesting sequential referral of the bill as that would necessarily delay its consideration in the House. I will be pleased to support a request that the Committee on Rules, in fashioning a rule for H.R. 6, provide that the provision in question be stricken prior to House consideration of the bill. In other words, the text before the House would not contain that language. In addition, it is my intention to seek a rule for consideration of the bill which permits all amendments otherwise in order under the Rules of the House, and affords no special status to any particular amendment. The only limitation on amendments I might request would be a reprinting requirement. Finally, our correspondence would be included in this Committee's report to acknowledge the Committee on Armed Services' jurisdictional claim.

Thank you for your consideration and cooperation. I look forward to hearing from you.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

Mr. CUNNINGHAM. Mr. Speaker, I would further include that the questionable amendment would be removed. I would also like to state that the gentlewoman that offered that amendment did so in good faith. It was on impact aid. We just have a jurisdictional problem of where it is paid for.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1920

VACATION OF PREVIOUSLY GRANTED SPECIAL ORDERS AND ESTABLISHMENT OF FORMAT FOR RECOGNITION OF FUTURE SPECIAL ORDERS

Mr. GEPHARDT. Mr. Speaker, following my unanimous-consent request to put in place an agreed upon format for recognitions to address the House during a 90-day trial period beginning February 23, 1994, including a morning hour debate, an oxford style debate and a restriction on special order speeches, the Speaker will announce his guidelines for recognition. In so doing it is stipulated that the establishment of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 1, rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that the special orders previously granted by the House to address the House on dates through May 23, 1994 be vacated;

Further that during the period beginning February 23, 1994 and for 90 days thereafter, on Mondays and Tuesdays of each week the House convene 90 minutes earlier than the time otherwise established by order of the House solely for the purpose of conducting morning hour debates to be followed by a recess declared by the Speaker pursuant to clause 12, rule 1 under the following conditions:

(1) Prayer by the Chaplain, approval of the Journal and the pledge of allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

(2) Debate to be limited not to exceed 30 minutes allocated to each party, with initial and subsequent recognition alternating daily between parties to be conferred by the Speaker only pursuant to lists submitted by the majority leader and minority leaders respectively (no Member on such lists to be permitted to address the House for longer than 5 minutes except for the majority leader and minority leader respectively);

Further, that on (every third) Wednesday, beginning on a day to be designated by the Speaker and mutually agreed upon by the majority leader and minority leader, it shall be in order, at a time to be determined by the Speaker, for the Speaker to recognize the majority leader and minority leader (or their designees), jointly, for a period of not to exceed 2 hours, for the purpose of holding a structured debate. The topic of the debate, when mutually agreed upon by the majority leader and minority leader, shall be announced by the Speaker. The format of the debate, which shall allow for participation by four Members of the majority party and four from the minority party in the House, chosen by their respective party leaders, with specified times for presentations and rebuttals by all participants, and periods of questioning of each Member by others participating, shall be announced to the House by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. With respect to special orders to address the House for up to 1 hour at the conclusion of legislative business or on days when no legislative business is scheduled, the Chair announces that:

First, Tuesdays, following legislative business, there will be an unlimited period of special orders not extending beyond midnight, with recognition for 5-minute and then for longer special orders alternating between the parties and with initial recognition, for longer special order, rotating on a daily basis between the parties, and with the first hour of recognition on each side reserved to the House leadership—majority leader and whip and minority leader or their designee;

Second, on Mondays, Wednesdays, except those Wednesdays when Oxford style debates are in order, Thursdays and Fridays, the Chair will recognize Members from each party for up to 2 hours of special order debate at the conclusion of legislative business and 5-minute special orders, or when no legislative business is scheduled, not extending beyond midnight, again with initial recognition alternating between the parties on a daily basis and with the allocation of time within each 2-hour period, or short period if pro rated to end by midnight, to be determined by a list submitted to the Chair by the House leadership, majority leader and whip and minority leader or designees, respectively, and with the first hour of recognition on each side reserved to the House leadership, majority leader and whip and minority leader or their designees. Members will be limited to signing up for all such special orders no earlier than 1 week prior to the special order, and additional guidelines may be established for such sign-ups by the majority and minority leaders, respectively. One-minute speeches on those days both prior to and at the conclusion of legislative business shall be at the discretion of the Speaker;

Third, pursuant to clause 9(b)(1) of rule 1, during this trial period the television cameras will not pan the Chamber, but a crawl indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair;

Fourth, special orders to extend beyond the 4-hour period may be permitted at the discretion of the Chair with advance consultation between the leaderships and notification to the House.

REINSTATEMENT OF SPECIAL ORDER

Mr. WALKER. Mr. Speaker, I ask unanimous consent that my 5-minute special order previously agreed to by the House, which I did not claim earlier, that I be permitted to have it at the conclusion of business now.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore (Mrs. UNSOELD). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Madam Speaker, I would like to use my 5 minutes to begin with to propound a parliamentary inquiry relating to the matter of extensions of remarks in the CONGRESSIONAL RECORD.

In yesterday's CONGRESSIONAL RECORD, that would be February 10, on pages 1907 to 1924, material was submitted to the CONGRESSIONAL RECORD costing the taxpayers $6,132, where there was not an announcement of that cost prior to the material being submitted.

My parliamentary inquiry is this, does the Chair have a responsibility to ascertain the amount of taxpayer expense in Extension of Remarks.

The SPEAKER pro tempore. In response to the inquiry of the gentleman from Pennsylvania, the Chair understands the situation to be as follows: the gentlewoman from Colorado requested permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous material. Due to the length of the matter submitted, the material was moved by the official reporters from the beginning of the day to appear following legislative business. This normally is a signal to the Government Printing Office to return the material to the Member should a printing estimate be required, submissions in excess of two CONGRESSIONAL RECORD pages. That apparently did not occur in this situation, so the submission was printed.

Mr. WALKER. I thank the Chair for that explanation, but it does not really answer the question I propounded.

My question was this, does the Chair have a responsibility to ascertain the length of the material, when Members submit it for the RECORD?

The SPEAKER pro tempore. It is the practice of the Chair to advise the

Member that is making this request to go to the appropriate official reporters, if an estimate is required.

Mr. WALKER. So it is the responsibility of the Chair and not of the Member to deal with the questions of cost for long-winded material that goes into the RECORD?

The SPEAKER pro tempore. No, it is the responsibility of the Member.

Mr. WALKER. So the Member has the responsibility, if they have a large amount of material, to present that to the House prior to asking the permission; is that correct?

The SPEAKER pro tempore. To ask permission with the estimate of the cost in hand.

Mr. WALKER. And in this particular case, as I understand it, that procedure was not followed; is that correct?

The SPEAKER pro tempore. The gentlewoman did not have an estimate and, for that reason, the matter was held over until the end of the RECORD.

Mr. WALKER. Is there a procedure for recovering the amount of money spent that was spent and not properly agreed to.

The SPEAKER pro tempore. The Chair would have to take that under advisement.

Mr. WALKER. I would be very happy to have the Chair take it under advisement. As I understand it, the GPO indicates that the amount of money is $6,132.

□ 1930

Since the Chair is taking it under advisement, could the Chair tell me when I might get an indication from the Chair as to the answer to my question?

The SPEAKER pro tempore (Mrs. UNSOELD). The Chair has already been advised that in the future, the Government Printing Office will be more diligent in returning such material to the Member, rather than just printing it.

Mr. WALKER. I understand that, but the Chair has taken the question that I asked a few minutes ago under advisement. I am asking when I will be advised as to the Chair's position on the matter.

The SPEAKER pro tempore. As soon as the Chair would get the answer.

Mr. WALKER. And that would be within the next month?

The SPEAKER pro tempore. The Chair will seek to obtain that information as soon as possible, but is not in control of the source of the answer.

Mr. WALKER. May I assume that this is an answer that I might get before the end of the session?

The SPEAKER pro tempore. The Chair sees no reason to presume otherwise.

Mr. WALKER. I thank the Chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MINETA (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Mr. JACOBS (at the request of Mr. GEPHARDT), for today, on account of an illness in the family.

Mrs. FOWLER (at the request of Mr. MICHEL) for today on account of official business in her district.

Mr. RUSH (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family emergency.

Mr. HUTTO (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

(The following Member (at the request of Mr. TRAFICANT) to revise and extend his remarks and include extraneous material:)

Mr. TRAFICANT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCLOSKEY, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,235.

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mr. MANN.

Mr. WAXMAN.

(The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:)

Mr. HYDE.

Mr. TORKILDSEN.

Mr. KING.

Mr. CALVERT.

Mr. WOLF.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. BONIOR.

Mr. SWETT.

Mr. VISCLOSKY.

Mr. RANGEL.

Mr. WELDON.

Mr. MCCLOSKEY.

Mr. DARDEN.

Mr. MINETA.

Mr. SANDERS.

Mr. PRICE of North Carolina.

Mr. ROHRABACHER.

Mr. DIXON.

Mr. FINGERHUT.

Mr. BECERRA.

ADJOURNMENT

Mr. HOYER. Madam Speaker, pursuant to House Concurrent Resolution 206, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), pursuant to House Resolution 206, the House adjourned until Tuesday, February 22, 1994, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2568. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Report on the Performance of Department of Defense Commercial Activities," pursuant to 10 U.S.C. 2461(c); to the Committee on Armed Services.

2569. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Head Start Act Amendments of 1994"; to the Committee on Education and Labor.

2570. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting notification of a revised system of records to implement section 815 of the 1993 National Defense Authorization Act, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

2571. A letter from the Secretary of the Treasury, transmitting the Treasury forfeiture fund annual financial statements and supplemental information; to the Committee on Government Operations.

2572. A letter from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2573. A letter from the Director, Office of Personnel Management, transmitting the 15th annual report on the Federal Equal Opportunity Recruitment Program, pursuant to 5 U.S.C. 7201; to the Committee on Post Office and Civil Service.

2574. A letter from the Secretary, Department of Commerce, transmitting the 1993 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology, pursuant to Public Law 100–418, section 5131(b) (102 Stat. 1443); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee of Conference. Conference report on H.R. 3759. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–424). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. JOHNSON of Connecticut (for herself and Mr. FRANK of Massachusetts):

H.R. 3865. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the cleanup of municipal waste landfill Superfund sites, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. SANDERS (for himself, Mr. PALLONE, Mr. WILLIAMS, Mr. OBEY, Mr. COLEMAN, Mr. SABO, Mr. GENE GREEN of Texas, Mr. PETERSON of Minnesota, Mr. VENTO, Mr. OLVER, Mr. GEJDENSON, Mr. KOPETSKI, Mr. RAHALL, Mr. HAMBURG, Mr. FILNER, Mr. LANTOS, Mrs. SCHROEDER, Mr. OBERSTAR, Mr. TORRES, Mr. MARKEY, and Mr. JACOBS):

H.R.3866. A bill to provide certain employee protection benefits for railroad employees; to the Committee on Energy and Commerce.

By Mr. SWETT:

H.R. 3867. A bill to amend the Internal Revenue Code of 1986 to provide that a foster care provider and qualified foster individual may share the same home; to the Committee on Ways and Means.

By Mr. TEJEDA:

H.R. 3868. A bill to amend title 10, United States Code, to authorize the Secretary of the Army to enroll civilians, under certain circumstances, in the physician assistant training program conducted at the Academy of Health Sciences at Fort Sam Houston, TX; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Mr. SYNAR, Mr. RICHARDSON, Mr. TOWNS, Mr. WASHINGTON, Mr. UPTON, Mr. FRANKS of Connecticut, Mr. MINETA, Mr. MATSUI, Mr. SERRANO, Mr. GUTIERREZ, Mr. PASTOR, Mr. MENENDEZ, Mr. ROMERO-BARCELÓ, Ms. VELÁZQUEZ, and Mr. UNDERWOOD):

H.R. 3869. A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DIXON (for himself, Mr. BERMAN, Mr. BROWN of California, Mr. FARR of California, Mr. FAZIO, Mr. GALLEGLY, Mr. LEWIS of California, Mr. MCKEON, Mr. MOORHEAD, Ms. SCHENK, Mr. WAXMAN, Mr. MCDADE, Mr. HOYER, Mr. TOWNS, Mr. KASICH, Mr. WELDON, Mr. CLYBURN, Mr. ABERCROMBIE, and Ms. FURSE):

H.J. Res. 325. A joint resolution designating the week beginning April 3, 1994, as "National Earthquake Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANK of Massachusetts (for himself, Mr. STUDDS, and Mr. TORKILDSEN):

H. Res. 362. Resolution expressing the sense of the House of Representatives that the action taken by the Government of France against seafood imports from the United States is a totally unwarranted act of protectionism; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. TORKILDSEN (for himself, Mr. BLUTE, Ms. PRYCE of Ohio, Mr. KIM, Mr. QUINN, Mr. MICA, Mr. BAKER of California, Mr. GRAMS, Mr. GOSS, Mr. BUYER, Mr. LINDER, Mr. KNOLLENBERG, Mr. BUNNING, and Mr. BEREUTER):

H. Res. 363. Resolution providing that all House of Representatives meetings and hearings on health care legislation shall be open to the public, and expressing the sense of the House that the Senate and the executive branch should allow public access to the process of health care reform; jointly, to the Committees on Rules and Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

285. The SPEAKER presented a memorial of the Legislature of Virgin Islands, relative to Pollyberg Gardens; to the Committee on Banking, Finance and Urban Affairs.

286. The SPEAKER presented a memorial of the Legislature of Virgin Islands, relative to George Simmonds Terrace; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. DELAY, Mr. KIM, and Mr. VALENTINE.

H.R. 124: Mr. WHEAT.

H.R. 224: Mr. HOCHBRUECKNER.

H.R. 585: Mr. GILLMOR.

H.R. 885: Mr. KLUG, Mr. PARKER, and Mr. ROHRABACHER.

H.R. 1055: Mr. PASTOR.

H.R. 1685: Mr. FRANK of Massachusetts.

H.R. 1719: Mr. LEVY.

H.R. 2434: Mr. CAMP.

H.R. 2626: Mr. FROST, Mr. LEVY, and Mr. UNDERWOOD.

H.R. 2859: Mrs. ROUKEMA, Mr. CRANE, Mr. MCCANDLESS, Mr. DICKEY, Mr. HOLDEN, Mr. VALENTINE, and Mr. GINGRICH.

H.R. 2866: Mrs. MALONEY, Mr. MACHTLEY, and Mr. YATES.

H.R. 3205: Mr. PAYNE of Virginia, Mr. STENHOLM, Mr. TAUZIN, and Mr. BROWDER.

H.R. 3251: Mr. BEREUTER, Mr. KOLBE, and Mr. KING.

H.R. 3310: Mr. DELLUMS and Mr. MILLER of California.

H.R. 3327: Mr. RICHARDSON, Mr. ROTH, and Mr. KIM.

H.R. 3328: Mr. DUNCAN.

H.R. 3367: Mr. CALVERT, Mr. KREIDLER, Mr. PENNY, Mr. SAXTON, Ms. ROS-LEHTINEN, Mr. GOSS, Mr. KING, Mr. MCHUGH, and Mr. EHLERS.

H.R. 3442: Mr. BAKER of Louisiana.

H.R. 3523: Mr. KING, Mr. LIPINSKI, Ms. ROS-LEHTINEN, Mr. ZIMMER, and Mr. SHAYS.

H.R. 3584: Mr. COLEMAN, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. JOHNSON of Georgia, Ms. SCHENK, and Mr. TAYLOR of Mississippi.

H.R. 3637: Mr. YATES, Mr. PORTER, Mr. SKEEN, Mr. BEVILL, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. SANDERS, Mr. LIPINSKI, Mr. COLEMAN, Mr. ROMERO-BARCELÓ, and Mr. FOGLIETTA.

H.R. 3642: Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BARCA of Wisconsin, Mr. BARTON of Texas, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CALVERT, Mr. CHAPMAN, Mr. COBLE, Mr. COLEMAN, Mr. CRAPO, Mr. DEUTSCH, Mr. DORNAN, Ms. FURSE, Mr. GALLEGLY, Mr. GORDON, Mr. HINCHEY, Mr. HOAGLAND, Mr. HOYER, Mr. HUGHES, Mr. INSLEE, Mr. KASICH, Mrs. KENNELLY, Mr. KREIDLER, Mr. KYL, Mr. LANTOS, Mr. LINDER, Mrs. LLOYD, Mr. MCDADE, Mr. MANN, Mr. MARTINEZ, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PETRI, Mr. PICKETT, Mr. PORTER, Mr. QUILLEN, Mr. RAHALL, Mr. RICHARDSON, Mr. ROTH, Mr. SAXTON, Ms. SHEPHERD, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. WILSON, Mr. ZELIFF, Ms. PRYCE of Ohio, Mr. LIPINSKI, and Mr. SANTORUM.

H.R. 3656: Mr. YATES and Mr. COPPERSMITH.

H.R. 3862: Mr. BUNNING, Mr. LINDER, Mr. SWETT, Mr. MCKEON, Mr. DOOLITTLE, Mr. CAMP, Mr. PACKARD, Mr. HUNTER, Mr. SOLOMON, Mr. HANCOCK, Mr. STEARNS, Mr. SKEEN, Mr. SENSENBRENNER, Mr. MCDADE, Mr. SAXTON, Mr. BARTON of Texas, Mr. EMERSON, Mr. ROGERS, Mr. MYERS of Indiana, Mr. KINGSTON, Mr. MCCANDLESS, Mr. SPENCE, Mr. BUYER, Mr. ZELIFF, Mr. STENHOLM, Mr. VALENTINE, Mr. HUTTO, Mr. HALL of Texas, Mr. DEAL, Mr. MONTGOMERY, Mr. PARKER, Mr. BREWSTER, Mr. COBLE, and Mr. TAYLOR of North Carolina.

H.J. Res. 22: Mr. MCNULTY and Mr. HANSEN.

H.J. Res. 303: Mr. OXLEY, Mr. BOEHLERT, Mr. HEFNER, Mr. MARTINEZ, Mrs. BENTLEY, Mr. TEJEDA, Mr. MCHUGH, Mrs. MORELLA, Mr. FROST, Mr. KING, Mr. LAFALCE, Mr. HOEKSTRA, Mr. MCCOLLUM, Mr. BEREUTER, and Mr. FILNER.

H. Con. Res. 147: Ms. SHEPHERD.

H. Con. Res. 167: Mr. FINGERHUT, Mr. TUCKER, and Mr. SANDERS.

H. Res. 330: Mr. BEREUTER.

H. Res. 343: Mr. HASTINGS, Mr. TEJEDA, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. LEVY, Mr. FRANKS of Connecticut, Mr. STOKES, Mr. SMITH of New Jersey, Mr. ENGEL, Mr. ORTIZ, Mr. COLEMAN, Mr. MINGE, Mrs. MORELLA, Mr. FROST, Mr. MCCOLLUM, Mr. HOCHBRUECKNER, and Mr. TAYLOR of Mississippi.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolution as follows:

H.R. 3457: Mr. SOLOMON.

DISCHARGE PETITIONS

Under clause 3, rule XXVII, the following discharge petitions were filed:

Petition 12, February 9, 1994, by Mr. TRAFICANT on House Resolution 3261 has been signed by the following Members: James A. Traficant, Jr., Austin J. Murphy, Richard K. Armey, Donald A Manzullo, Mel Hancock, John T. Doolittle, Arthur Ravenel, Jr. and Roscoe G. Bartlett.

Petition 13, February 9, 1994, by Mr. SMITH of New Jersey on House Resolution 281 has been signed by the following Members: Chistopher H. Smith, Richard K. Armey, Doug Bereuter, Philip M. Crane, Donald A. Manzullo, Y. Tim Hutchinson, John T. Doolittle, Mel Hancock, Jim Ramstad, Bill Baker, Rick Lazio, Dana Rohrabacher, Amo Houghton, Rick Santorum, Edward R. Royce, John Linder, James M. Inhofe, Jay Kim, Peter Hoekstra, Wayne T. Gilchrest, John J. Duncan, Jr., Richard W. Pombo, Tillie K. Fowler, Larry Combest, Jack Fields, Barbara F. Vucanovich, Walley Herger, Ernest J. Istook, Jr., Howard P. "Buck" McKeon, Cass Ballenger, Thomas J. Bliley, Jr., Howard Coble, Bob Inglis, Arthur Ravenel, Jr., Joe Knollenberg, Carlos J. Moorhead, Bob Stump, Floyd Spence, Sam Johnson, Cliff Stearns, Jim Saxton, Roscoe G. Bartlett, Robert F. (Bob)

Smith, Randy "Duke" Cunningham, Don Sundquist, Christopher Shays, Spencer Bachus, F. James Sensenbrenner, Jr., Porter J. Goss, David L. Hobson, Dan Schaefer, Ken Calvert and Ron Packard.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. McCOLLUM on House Joint Resolution 38: Larry Combest and Randy "Duke" Cunningham.

Petition 4 by Mr. HOEKSTRA on House Joint Resolution 9: John T. Doolittle, Rick Santorum, and Randy "Duke" Cunningham.

Petition 9 by Mr. WELDON on House Resolution 227: Donald A. Manzullo and Randy "Duke" Cunningham.

Petition 10 by Mr. McCOLLUM on House Resolution 295: John T. Doolittle, Edward R. Royce, Randy "Duke" Cunningham and Ken Calvert.

Petition 11 by Mr. RAMSTAD on House Resolution 247: Gerald B.H. Solomon, Jan Meyers, Ernest J. Istook, Jr., Howard Coble, Donald A. Manzullo, John T. Doolittle, Mel Hancock, Edward R. Royce, John Edward Porter, James M. Inhofe, Rob Portman, Howard P. "Buck" McKeon, Bob Stump, Charles H. Taylor, and Christopher Shays.

Petition 12 by Mr. TRAFICANT on H.R. 3261: James A. Traficant, Jr., Austin J. Murphy, Richard K. Armey, Donald A. Manzullo, Mel Hancock, and John T. Doolittle.

Petition 13 by Mr. SMITH of New Jersey on House Resolution 281: Christopher H. Smith, Richard K. Armey, Doug Bereuter, Philip M. Crane, Donald A. Manzullo, Y. Tim Hutchinson, John T. Doolittle, Mel Hancock, Jim Ramstad, Bill Baker, Rick Lazio, Dana Rohrabacher, Amo Houghton, Rick Santorum, Edward R. Royce, John Linder, James M. Inhofe, Jay Kim, Peter Hoekstra, Wayne T. Gilchrest, John J. Duncan, Jr., Richard Pombo, Tillie K. Fowler, Larry Combest, Jack Fields, and Barbara F. Vucanovich.

EXTENSIONS OF REMARKS

FINAL OFFENSIVE BY SUDANESE GOVERNMENT DEMANDS UNITED STATES ATTENTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. WOLF. Mr. Speaker, the urgency of the humanitarian crisis in Sudan cannot be overestimated. As the Washington Post reported February 6, the Sudanese Government has launched a final offensive against the south, causing 100,000 new refugees to flee to Uganda and leaving 2 million people at risk of starvation because of the imminent shut down of Operation Lifeline Sudan [OLS]. OLS represents a number of nongovernmental relief organizations working under the authority of the United Nations to provide the bulk of relief to southern Sudan.

This weekend's report confirms the December prediction of a long-term relief worker assessing the outcome of such a large-scale offensive:

> It is most probable that virtually all Operation Lifeline Sudan (OLS) will be forced to shut down, and the government will insist that all relief work be carried out through their own channels * * * Needless to say, this would be catastrophic for the people of the south, who at this time are extremely vulnerable and almost totally dependent upon the OLS pipeline aid. Deaths from starvation and sickness would dwarf anything we've seen in the past.

I applaud Representative HARRY JOHNSTON's efforts to draw attention to the crisis and to bring the southern rebel leaders to Washington for peace negotiations during the "Sudan: The Forgotten Tragedy" conference last fall. Representative JOHNSTON was also tireless in pressing for the passage of his bill, House Concurrent Resolution 131, condemning the genocide of Sudan and calling for U.N. Security Council action. Sadly, the situation has rapidly deteriorated since the important congressional attention of last fall.

It is now estimated by the United States Committee for Refugees that 1.3 million civilians in southern Sudan have died over the past 10 years as a direct result of civil war and the Sudan Government's genocidal policies against its citizens in the south. That is nearly 2,500 deaths every week for the past 10 years.

As many of my colleagues know, I have witnessed first hand the massive suffering occurring in southern Sudan, located in the Horn of Africa. My most recent trip there was last February, when I traveled to southern Sudan with the assistance of the United States Committee for Refugees, Norwegian People's Aid, a humanitarian relief organization, and Catholic Relief Services.

I have stood on the floor of the House many times in the past, trying to describe to you the malnutrition, the disease, the massive population displacement, the gruesome effects of war, and human rights abuse that I have witnessed in Sudan. The reality in Sudan is difficult to describe, because it begs description.

The new report by the U.S. Committee for Refugees, estimating that 1.3 million southern Sudanese have perished since 1983, is yet another indication that southern Sudan is hell on Earth due to the unconscionable policies of the Sudanese Government and in-fighting between rebel groups. I hasten to point out that the U.S. Committee for Refugees is a highly respected organization whose reports on refugee emergencies worldwide are reliable, credible, and authoritative. I have long had the highest regard for the U.S. Committee for Refugees, particularly for its tireless reporting, analysis, and advocacy on the tragic situation in Sudan.

This exhaustive report, "Quantifying Genocide in the Southern Sudan: 1983–1993" by Millard Burr of the U.S. Committee on Refugees, is based on systematic compilation of year-by-year field reports and internal Sudanese documents. It concludes that the death toll in Sudan is, sadly, not diminishing. The report estimates that some 300,000 persons died in southern Sudan during 1992 and the first 5 months of 1993—nearly 4,000 deaths per week for 17 months—making it one of the deadliest periods ever in Sudan.

One of every five southern Sudanese has died from the war or from war-related causes, according to the report, and 4 of every 5 southern Sudanese have been uprooted from their homes at some time since 1983. More than 300,000 southern Sudanese are refugees, and some 5 million Sudanese from the south and north are internally displaced.

Mr. Speaker, I must repeat what I said on the House floor last November: We have a responsibility to continue to demand justice in Sudan, because we can no longer say that we don't know what's happening there. This thorough report by the U.S. Committee for Refugees tells us all too clearly.

This House acted responsibly last November when we passed House concurrent resolution 131, which condemned the Government of Sudan for its severe human rights abuses and deplored the bloody internecine fighting among factions of the rebel Sudanese People's Liberation Army. A great deal of work went into that resolution, including work and analysis by the U.S. Committee for Refugees. This newest report, "Quantifying Genocide in the Southern Sudan," reminds all of us that we cannot cease our efforts. Men, women, and children continue to perish in southern Sudan as we speak.

I will distribute this report to members of the Human Rights Caucus of the House of Representatives. Others who are interested need only contact my office or the U.S. Committee for Refugees. I respectfully urge my colleagues and their appropriate staff persons to pay attention to this authoritative report, and I commend the U.S. Committee for Refugees for its diligence on behalf of the people of southern Sudan.

In closing, I want to say that time is of the essence. Many are dying daily in Sudan as the government continues its new offensive, and it is crucial that this crisis receive Security Council attention very soon. Congressman JOHNSTON, other Members and I will be asking to meet with President Clinton soon to press for U.N. action as well as the appointment of a special envoy for peacebrokering in the region. It must happen soon, because every day so many are dying.

CONGRATULATIONS AND THANKS TO MR. ANDRES L. SOTO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. CALVERT. Mr. Speaker, one of the things that makes America the truly great country that it is, is its spirit of voluntarism—the willingness of citizens from all backgrounds and occupations to give of their time and talents to make their communities better places in which to live and work.

The community of Riverside, CA, has been fortunate to have an exceptionally dedicated group of citizens who give freely of their energies and talents to make our city and county such desirable places to live. One of these exceptional citizens is Mr. Andres L. Soto.

A graduate of Norte Vista High School, Riverside Community College, and the University of California at Riverside, Andy is a true Riverside product.

After high school, he served in the United States Army and received the Bronze Star for his service in Vietnam. And, he has never stopped serving his country and his community.

Mr. Soto has been involved in a wide range of civic activities. He has served on the city of Riverside Planning Commission since 1990, and as its chairman since 1992. He has served as a member of the State Department of Parks and Recreation Hispanic Advisory Council since 1980, and as its chairman for more than 7 years. He has also served as a member of the board of directors of the California Hispanic Chamber of Commerce, and on the California Social Services Advisory Board.

From 1972 through 1980, Andy was a member of the city of Riverside Parks and Recre-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ation Commission, and was its chairman in 1978. He has also served as a member of the city of Riverside Economic Development Committee, the University of California Riverside Citizens Committee, the Riverside Jaycees, the Mexican-American Political Association, the Veterans of Foreign Wars Post 9223, the American Legion Post 289, the American G.I. Forum Riverside Chapter, the County of Riverside Veterans' Advisory Committee, the American Red Cross of Riverside board of directors, the Easter Seal Society board of directors, and the County of Riverside Affirmative Action Commission.

For more than a decade, Mr. Soto has also been a mainstay of the Greater Riverside Hispanic Chamber of Commerce. He was the founder of the organization in 1979, and served as its president in 1981, 1983, 1986, 1987, and 1993. On Saturday, February 26, 1994, Andy will step down as president, but will remain active in the organization.

Andy Soto is one of those citizens that any community would love to have and we feel extremely fortunate that he is in Riverside. On behalf of the citizens of the 43d congressional district, I wish to extend my thanks and appreciation to Mr. Andres L. Soto for his service to the Greater Riverside Chamber of Commerce and for all he has done for our community.

FAILING NATIONAL DRUG CONTROL STRATEGY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. HYDE. Mr. Speaker, I would like to commend to my colleagues an article in the commentary section of yesterday's Washington Times that points up a major failing of the Clinton administration's new national drug control strategy.

Entitled "Indispensable interdiction," it is written by my two colleagues from New York, Congressman CHARLES B. RANGEL and Congressman BENJAMIN A. GILMAN, the former chairman and vice chairman of the House Select Committee on Narcotics.

The article underscores the fact that the direction this administration is taking on what may be the single most destructive force that is devastating our cities—narcotics—is truly a bipartisan concern.

I ask that the full article be printed in the RECORD at this point.

INDISPENSABLE INTERDICTION

(By Charles Rangel and Benjamin Gilman)

After an extensive policy review, the Clinton administration has apparently concluded that broad-scale international interdiction of narcotics, as pursued under prior administrations, has failed to reduce the supply of illegal drugs in the United States.

Instead, the administration plans to focus heavily on the treatment and rehabilitation of hardcore abusers. This approach, however, ignores the relationship between drug availability and use, and will be a prescription for defeat.

Between 1987 and 1991, 552 metric tons of cocaine were seized in Latin America alone. At the same time, the percentage of cocaine users in the United States dropped by more than half.

Just this month, University of Michigan researchers, in their annual survey for the National Institute of Drug Abuse, found that drug use is up among American teenagers after a decade of decline.

Besides reducing supply, interdiction also has a deterrent effect which cannot be measured solely by quantifiable means such as seizures and arrests.

The amount of drugs not manufactured or shipped to the United States for fear of seizure is immeasureable but nonetheless important.

Nor can the added costs to traffickers for the shipments they do make be quantified, but those costs make drugs more expensive on the street and less easily obtainable.

The question, however, is not how much gets in even with interdiction, but how much more would get in without a major interdiction program, and the impact of those additional drugs on our cities and youth, and on our treatment and rehabilitation efforts.

Interdiction assumes increasing importance as dealers seek to expand their markets by distributing free drug samples on the streets and in the schools.

If interdiction is allowed to lag, the result inevitably will be more and cheaper drugs on the streets. This will swamp the very treatment programs on which the administration wants to focus because today's casual user is tomorrow's hardcore abuser.

The administration's own emphasis on community policing is itself a form of street-level interdiction.

Community policing is an effective tool against illicit drugs, but it must be part of a broad strategy that attacks the entire chain of trafficking, beginning in the producing countries and continuing through the transit zones to the dealers.

A successful counter-narcotics strategy must include reduction of demand through education, treatment and rehabilitation, as well as reduction of supply through eradication, interdiction and enforcement.

Diminishing any of these components would be a major mistake with severe consequences.

The administration should not abandon interdiction, especially without clear evidence that this would not exacerbate the nation's already serious crime problem, health care costs, violence, and the other negative aspects of the illicit narcotics trade.

Overseas interdiction carries the battle to the traffickers in their own backyards. If given full support, interdiction of the larger quantities that can be seized while in transit can be as effective in reducing available drugs as interdiction on the street.

Federal drug agencies in recent years have forced the traffickers to conduct their business further and further away from the United States. The administration should build on this progress rather than allow our streets to become the first line of defense against drugs.

The American people also need to hear from the Secretary of State that illicit narcotics are among the administration's major foreign policy concerns and will receive the attention and resources it requires.

A TRIBUTE TO WIZF

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. MANN. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding community activist organization from the First District of Ohio, WIZF–FM in Cincinnati.

WIZF is well known as a dedicated and prominent influence in the betterment of the African-American community.

WIZF observes its seventh year for innovative leadership in the radio entertainment industry. The stations 32 highly motivated employees are the stations driving force behind its ability to serve the most vulnerable members of the community.

Throughout the years WIZF has sponsored several projects to help underprivileged children, the homeless, and to provide holiday meals for anyone in need.

WIZF never limits its support to people in need. When a local high school student, Derrick Turnbow, became paralyzed after a gun shooting incident, WIZF's determination to help his recovery prevailed by raising a substantial amount of money for his medical treatment. The station has also provided drives for food, clothes, and money for displaced victims because their homes were damaged or destroyed from the hurricane in Florida and from the floods in the Midwest.

WIZF has annually given benefits for charitable organizations such as the National Association for the Advancement of Colored People, the National Council on Negro Women, and the Black Male Coalition.

In recognition of Black History Month, this year WIZF began the Unsung Hero awards to recognize community members for their leadership and encouragement to improve and better the lives of citizens in Cincinnati, especially the youth. The first year honorees are: Abdur Rasheed Ali, Selfu Begashaw, Wendell "Butch" Burbridge, Debbie Bustion, Lillian Carr, Maudle Ellington, Thomas H. Graves, Jr., Robert L. Humphries, Franklin D. James, Sandra Jones, Ron Sanders, and Patricia Talison. I am pleased to represent such a giving group of individuals.

Mr. Speaker, WIZF–FM exemplifies a tremendous amount of community spirit. I would like to offer my thanks and appreciation for the outstanding contributions its staff has made to the people of Cincinnati.

MINORITY HEALTH IMPROVEMENT ACT OF 1994

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. WAXMAN. Mr. Speaker, on behalf of Mr. SYNAR, Mr. RICHARDSON, Mr. TOWNS, Mr. WASHINGTON, Mr. UPTON, Mr. FRANKS of Connecticut, Mr. MINETA, Mr. MATSUI, Mr. SERRANO, Mr. GUTIERREZ, Mr. PASTOR, Mr. MENDENDEZ, Mr. ROMERO-BARCELÓ, Ms. VELÁZQUEZ and Mr. UNDERWOOD, I am pleased to introduce the Minority Health Improvement Act of 1994.

The principal purpose of this bill is to strengthen Federal programs designed to improve the health status of minorities through the delivery of health care services, training of health professionals, and expanded research and data collection. The legislation was reported by the Subcommittee on Health and the Environment on February 9, 1994.

Last summer our subcommittee received testimony from many witnesses who testified about the barriers that many people in minority communities experience when trying to receive basic health care services. The overwhelming lack of health insurance for many minority communities is compounded by the fact there is no doctor in the neighborhood, or the nearest clinic is three bus rides away, or the doctor doesn't speak the patient's language.

A major provision of this bill goes right to the heart of improving the health status of minorities. It guarantees the training of young minority health professionals who will provide basic health services in the communities where today—minorities have the least access to health care.

By replacing a confusing and ineffective patchwork quilt of scholarship programs, the bill offers disadvantaged students the opportunity to attend school without the fear of unsurmountable debt. It will provide disadvantaged students full scholarship plus a living stipend in exchange for a commitment to join the National Health Service Corp and work, after graduation, in a medically underserved community.

The effect of the legislation is to expand by over 200 percent the number of disadvantaged students able to receive a corp scholarship. Last year 1,363 minority students applied for Corp scholarships but funds were only available to meet the needs of 118. Hundreds of students already committed to improving the health status of disadvantaged communities were denied the opportunity for lack of funding.

The budget caps require tough choices, but by acting to consolidate existing Federal health scholarship programs, new opportunities can be opened for hundreds of minority students and hundreds of medically underserved communities. This is a worthy objective for which this Congress can take great pride.

This bill also reauthorizes a number of expiring programs which comprise the core of our Federal strategy to promote minority health and reduce the disparity in health status and health access. These programs include:

The Office of Minority Health, which is charged with establishing national minority health goals;

The Health Careers Opportunity Program, which is critical to identifying and nurturing the health professions careers of promising minority students;

The Centers of Excellence, which support a network of academic centers focused on minority health training;

Special financial assistance, which support disadvantaged students attending programs in veterinary medicine, pharmacy, public health, optometry, and allied health;

Federally subsidized loans, which support student attending health professions schools; and

Loan repayment programs, which encourage minority health professionals to teach in health professions schools.

TRIBUTE TO SGT. CHARLES M. HOUSE, ONE OF LOS ANGELES FINEST

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. ROHRABACHER. Mr. Speaker, it gives me a great deal of pleasure to acknowledge one of Los Angeles finest law enforcement officers, Sgt. Charles M. House, who has retired and we will honor him April 5, 1994.

Charles is a man of integrity, honesty, and practices what he preaches. After 27 years of enjoyable and eventful years with the Los Angeles County Sheriff's Department, he is riding into the sunset on a standard retirement. It has been said that some individuals in government as well as private industry toward the twilight of their career file for questionable medical retirements, not Charles.

A few years ago while en route to this facility driving his personal car, Charles was rear-ended by a individual who did not have insurance, a job, nor driver's license. Charles' insurance company repaired his car and offered him $1,000 for his injuries which where very minor. Charles told the insurance representatives $1,000 was excessive and he settled for substantially less.

I met Charles when he became a candidate for the U.S. House of Representatives in 1988, the year I was elected to Congress. Charles did not have a primary opponent, so he and his wife, Martha, went to my campaign office and helped me win my election. That's what I call a team player.

On March 17–19, 1989, Charles was in El Salvador, President Bush appointed him to the Commission that was sent to El Salvador to monitor that country's first free democratic Presidential elections in the history of that nation. That was quite an honor aside from the importance of their mission. President Bush personally approved each of the 51 members of that delegation which consisted of Senators, Congressmen, business executives, and Charles.

President Bush in 1990 then again in 1991, nominated Charles to be Director of the Office of Victims of Crime. However, his nomination died a slow and agonizing death in the U.S. Senate.

Additionally Charles was in:

1991—Selected Volunteer of the Year by the American Heart Association; 1991—selected Lion of the Year by the Hacienda Heights Lions Club, 1990—selected Citizen of the Year by the Hacienda la Puente Chamber of Commerce; and 1986—received an honorary doctorate of law degree from Pacific States University.

Best wishes, Charles, Martha, and Melanie and God Bless.

INTRODUCTION OF NATIONAL EARTHQUAKE AWARENESS WEEK RESOLUTION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. DIXON. Mr. Speaker, I rise today to introduce a resolution designating the week of April 3, 1994, as "National Earthquake Awareness Week." The purpose of this resolution is to provide awareness of earthquake threats and to increase public knowledge of how to prepare and respond to an earthquake. Thirteen of my colleagues join me in cosponsoring this resolution.

Last month's tragic earthquake in Northridge, CA, has provided us with yet another reminder of the power and unpredictability of nature. This quake caused over 57 deaths, more than 6,000 injuries, and a significant disruption of the surrounding transportation system. It may in fact turn out to be one of the costliest disasters in this Nation's history. Furthermore, there is a high probability of more major earthquakes within the next few decades, and not only for California. From Hawaii to Pennsylvania, States across the Nation are experiencing earthquakes with varying intensity. It is therefore important that people are aware of the hazards posed by earthquakes and know the steps necessary to protect themselves.

This measure is a means to rapidly and expeditiously increase awareness of the threat caused by these natural disasters. I have great confidence that this resolution will facilitate the education of communities across the Nation on ways in which to adequately respond to earthquakes. National Earthquake Awareness Week is essential to mitigating the paralyzing effects of a natural disaster such as the one that struck Los Angeles.

Mr. Speaker, I urge my colleagues to sign onto this resolution, so that we can better educate our children, communities, and businesses on preparing for earthquakes.

TRIBUTE TO SAUL WEPRIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to a great New Yorker and a great civic leader, former speaker of the New York State Assembly Saul Weprin. Mr. Weprin left us early this morning in Long Island Jewish Hospital, at the age of 66.

Mr. Speaker, Saul Weprin served admirably in the Nation's greatest State legislature since 1971, when he gained office in a special election. During his tenure, Mr. Weprin held a series of chairmanships that left his indelible mark on New York State government.

As chairman of the assembly judiciary committee, Mr. Weprin helped write New York's equitable distribution divorce law. As chairman of the ways and means committee and then as speaker, Mr. Weprin had a tremendous influence on tax and spending policy, working closely with Governor Cuomo. During this time, Mr. Weprin was known to lead with grace, wit, and humility—a precious commodity for many who hold public office.

Mr. Speaker, I offer my condolences to Mr. Weprin's surviving wife, Sylvia, and his three sons, Barry, David, and Mark. May his memory be for a blessing.

HISTORIC THEATER REOPENED

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. WELDON. Mr. Speaker, I rise today to discuss a terrific historic renovation that recently took place in my district. This week, we in the Seventh Congressional District will celebrate the reopening of the Media Theater.

Small town movie theaters are an important part of American history. The Media Theater has occupied a prime location on State Street, the main street in Media Borough, since 1927. For more than 60 years, this vintage movie palace has entertained hundreds of thousands of theatergoers with films and live performances.

The theater had fallen on hard times in recent years and was at risk of going under, as many moviegoers flocked to malls and other large-scale movie houses. But many civil leaders, led by businessman Walter M. Strine, undertook a local campaign to save the Media Theater. Thanks to this heroic effort, the theater has been restored to its former granduer and will reopen on Friday, February 18, 1994 with a Media Theater for the Performing Arts production of "My Fair Lady."

I would be remiss if I did not make special mention of the work of Mr. Strine in this effort. Due to his efforts, the theater has been completely restored to reflect its original English Renaissance style. Walter Strine undertook this project because of his love for the community and his dedication to his hometown. The result is a cultural arts center that will be important to the entire Delaware Valley.

I am pleased to congratulate Walter Strine, and I wish the Media Theater for the Performing Arts much success.

FOSTER CARE LIVING ARRANGEMENTS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. SWETT. Mr. Speaker, today I am introducing the Foster Care Living Arrangements Act of 1994. This legislation is intended to enhance the supportive services options available for elderly and disabled adults in their homes. My proposal would amend section 131 of the Internal Revenue Code, which excludes certain foster care payments from a taxpayer's gross income. This bill would extend the benefits of that provision to shared living arrangements.

In essence, a shared living arrangement is an adult in need of foster care who has a roommate. Typically, roommates in these situations are independent contractors, who work under the auspices of nonprofit community service organizations. Roommates agree to provide certain services to the foster care adult, such as being available overnight in the event the adult needs personal assistance. They provide companionship and guidance within and outside the home for cooking, cleaning, shopping, and recreation. These individuals also assist with personal hygiene and medical needs. They work cooperatively with family, friends, and neighbors and allow the foster care adult to live in dignity in his or her home and community.

Mr. Speaker, in New Hampshire we are very proud of our record in meeting the needs of persons with disabilities. We were the first State to close our public institution for the developmentally disabled. Since the early 1980's, we have led the Nation in developing a system of community-based services for persons with disabilities. Shared living arrangements and adult foster care have been an important part of our strategy to maximize the independence of our developmentally disabled citizens while also saving taxpayer dollars.

This legislation would expand on New Hampshire's record of success. It will expand access to needed support services and encourage more citizens to participate in efforts to undertake foster care responsibilities in their communities. This is exactly the kind of approach that Members from both sides have advocated in the debate over long-term health care. Persons with disabilities and the elderly have diverse needs and abilities. By expanding the range of choices available to meet their needs, we can enable them to remain safely and comfortably in their homes and communities.

Mr. Speaker, I urge my colleagues to support this important initiative for adults with disabilities and join me in cosponsoring this proposal.

COMMEMORATION OF THE 76TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 76th anniversary of Lithuanian independence. On Sunday, February 13th, the Detroit-area Lithuanian community will mark the event by holding a commemorative ceremony at the Lithuanian Cultural Center in Southfield, MI.

This year's observance of Lithuanian independence is a particularly happy occasion. After nearly 54 years of occupation, it is the first anniversary celebrated without Russian military forces deployed inside the Republic.

Although Lithuania continues to face many challenges, there are many things to celebrate. Lithuania is in the process of creating new democratic institutions and establishing diplomatic relations with the rest of the world. The transition to a market economy will be difficult; however, it is occurring. Although state domination of much of the economy continues, over 80 percent of small enterprises are now in private hands.

I am watching events in Lithuania and remain guardedly optimistic. I am particularly concerned about the 100,000 Russian troops in the neighboring region of Kaliningrad. The United States never recognized the illegal annexation of Lithuania and has always supported independence. The remaining troops in Latvia and Estonia must also be removed and guarantees must be secured that these forces will never again threaten the sovereignty and territorial integrity of the Baltic Nations.

I commend the Lithuanian-American community for their vigilance through the many difficult years and I urge my colleagues to join me in commemorating the 76th anniversary of Lithuanian independence.

IN HONOR OF TALMADGE DAVIS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. DARDEN. Mr. Speaker, I rise today to pay tribute to a man who has served his community honorably for more than three decades: Talmadge Davis of Heard County, GA.

In 1957, Talmadge was elected clerk of Superior Court of Heard County, where he served for 20 years. From January 1978 until his recent retirement, Talmadge served as president of the Bank of Heard County.

Mr. Speaker, a sign of the deep respect and admiration the people of Heard County have for Talmadge Davis is the fact that more than 200 citizens stopped by the bank to congratulate Talmadge on his retirement and to wish him well.

Although he will no longer be bank president, Talmadge will still serve his community as a member of the Heard County Water Authority Board, the Heard County Development Authority, the Chattahoochee-Flint Regional Development Center Board, and the Heard County Chamber of Commerce. Talmadge will also serve on the Bank of Heard County's board as well.

Talmadge has given 36 years of outstanding service to the people of Heard County. His legacy of service is something all of us should strive to emulate. I ask my colleagues to join me in wishing Talmadge and his wife Jackie a happy retirement.

COMMEMORATING THE LAKE COUNTY DRUG TASK FORCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to commemorate the brave men and women of the Lake County drug task force for executing the largest cocaine seizure in the history of the State of Indiana. It is the hard work of these individuals and others like them across the Nation who put their lives on the line every day to help us win the war on drugs and crime.

On the afternoon of Tuesday, August 17, 1993, the Lake County drug task force raided a home in Dyer, IN, and seized 176 pounds of cocaine with an estimated street value of $15 million. The raid culminated an 11-month investigation that previously resulted in the seizure of thousands of dollars, a truck, and two motorcycles.

The success of the drug task force is personally gratifying to me since I know its members. The success of the drug task force should be gratifying to Congress as a whole because it is the congressional appropriation of Federal dollars through the Bureau of Justice Assistance Program that provides the money to fund its vital activities.

The men and women who make up the Lake County drug task force are: Sheriff Stephen Stiglich, chairman of the board; Assistant Chief Judith Petro, project director; Gus Flores, intelligence analyst; Sgt. Richard Borchert, unit supervisor; DEA Agent Raymundo Vasquez; Officer Shaw Spurlock; Officer Zon Haralovich; Officer Luis Lopez; Officer Cynthia Shelton; Officer Reginald Harris; Officer Anthony Stanley; Officer Thomas Hyde; office manager Linda James; secretary Carmen Drew; and others. We are indebted to these individuals and other law enforcement agencies throughout Lake County, whose heroic efforts to fight drugs and crime make northwest Indiana a safer place to work and live.

Mr. Speaker, it is clear that the rising tide of drugs and crime makes the mission of the Lake County drug task force even more important. The record seizure last August was of great historical significance to the Hoosier State and the Nation. Its continued success is a victory for the people of northwest Indiana and the rule of law and order. I call on you and my other House colleagues to join me in commending the outstanding work of the Lake County drug task force and of all those who made this possible.

THE PATRIOT: AN AMERICAN SUCCESS STORY

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. TORKILDSEN. Mr. Speaker, the Patriot Air Defense System represents a remarkable technological achievement for our country. It's performance against tactical ballistic missiles during Desert Storm—against a threat for which the system was not originally designed—is a major success story for American technology, the American worker, and the American Armed Forces. From a military perspective, it protected airfields, key debarkation points, and critical assets while allowing the United States and its allies free access to all required airspace. From a strategic perspective, it denied Saddam Hussein any significant success with his most touted terror weapon, the Scud. The effective use of Patriot during the war saved countless military and civilian lives, reduced major damage to civilian dwellings, protected allied war fighting assets necessary for the successful prosecution of the campaign and allowed Israel to remain out of the conflict.

In Saudi Arabia, the Patriot was an outstanding success. The United States Army has officially scored Patriot's success at over 70 percent. Patriot units were deployed with the first United States troops to enter Saudi Arabia and were under the command and control of the United States Army and were operating under procedures developed and optimized over time by the United States Army who had ample time to optimize the defense design and conduct training exercises from locations that would later engage actual incoming Scuds attacks. When Desert Storm was initiated, all Patriot fire units were strategically in place, ready to protect key national, and military assets with trained troops prepared to engage the enemy.

In Israel, the opposite occurred. Patriot fire units were hastily deployed after a number of Scuds had already inflicted heavy damage to the cities of Tel Aviv and Haifa. There was little time for site optimization or onsite crew training and the Israeli crews manning Israeli Patriot units had not finished their training on Patriot in the United States. When the Israeli soldiers were sent to war with their Patriot equipment, they had only completed 6 weeks of a scheduled 16-week operational training course in the United States and, although hard to believe, they had never fired a Patriot missile. Furthermore, all Patriot units in Israel were under the control of the Israeli Defense Force, which was itself unfamiliar with Patriot operations.

The sites chosen for deployment in Israel resulted in gaps in overall coverage, poor in defense of urban areas and high radar interference from surrounding structures. In addition, radar beams were improperly directed into buildings which caused Patriot missiles to fly into the ground after launch. To further complicate the situation, an ad hoc group of academicians involved in the defense process initiated experimentation with Patriot which included: continually modifying the firing doctrine; changing intercept altitudes; cross firing from multiple fire units; and authorizing operators to fire at will. Given all this, it is a miracle that Patriot worked at all against tactical ballistic missiles in Israel since the system was deployed and operated in conflict with established United States Army doctrine. Even under the conditions described above, Patriot successfully intercepted over 40 percent of the Scuds it engaged in Israel.

The United States should be proud of Patriot and the role it played in helping win the gulf war and hold the coalition together. All of us should be proud that the system stands guard today here at home and in many foreign countries, and helps to preserve peace in many parts of the world.

SCHOOL COUNSELORS PRAISED

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. MINETA. Mr. Speaker, I rise today to share with you and my colleagues my appreciation for the work conducted by our school counselors. Students who attend school in the 1990's face an incredible set of challenges, obstacles, and choices which can impact them immediately and well into their adulthood.

The school counselors of the 1990's are trained professionals who must meet State certification standards, and if they are members of the American Counseling Association, are bound to a code of ethics. Children as young as 5 years old come to school and face the problems of drugs, violence, and social problems that many of us never thought existed when we went to school. And, while some of us did experience the pain of prejudice, I am glad to see that today's school counselors are trained in facilitating classroom and small group exercises which help kids appreciate each other's differences—rather than use such diversity to divide and segregate.

School counselors consult with teachers to improve classroom behavior and they work with the parents of students who may be experiencing academic or adjustment problems.

Mr. Speaker, I am proud of the rich ethnic and cultural diversity which encourages what I feel are some of the best educational institutions in this country. To ensure that the elementary, middle, secondary, and postsecondary schools of my district provide the best possible education for all of our students, regardless of income, ethnicity, disability or social situation requires a team of highly skilled educational professionals. We are fortunate in the 15th Congressional District to have dedicated educators who each day provide important services to our students. Among this group of professionals are school counselors.

Mr. Speaker, I ask my colleagues to join with me during National School Counseling Week in acknowledging the dedication of our Nation's professional school counselors.

WHY YOUR WAGES KEEP FALLING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. SANDERS. Mr. Speaker, recently John B. Judis published an excellent analysis of the fall in American wages, in the New Republic. I'm pleased to insert this article in the CONGRESSIONAL RECORD.

The article follows:

[From the New Republic, Feb. 14, 1994]

WHY YOUR WAGES KEEP FALLING

(By John B. Judis)

"For twenty years the wages of working people have been stagnant or declining. * * * For too many families, even when both parents were working, the American dream has been slipping away. In 1992 the American people demanded that we change," Bill Clinton declared in his State of the Union address. But in the year he has been in office, Clinton has not succeeded any better than his predecessors in meeting that demand. Last year, Americans' hourly wages didn't grow at all. And the wages of workers in mining, construction, transportation, public utilities, retail, business and health services fell as much as 2 percent. Even college-educated workers—thought to be immune from economic distress—saw their wages drop almost 1 percent. And these are the lucky ones. The rest have had to make do with temporary jobs or have simply been laid off.

As Clinton acknowledged, these figures are about more than just dollars and cents. They are about the sustaining myth of American life. In the twentieth century, the promise of America—once religious salvation—became an ever rising standard of living. Until the 1970s that promise was fulfilled. But since then, Americans' real wages have been falling at an increasing rate—1.6 percent from 1973 to 1978 and 9.6 percent from 1979 to 1993. So far the reaction has been a low rumble, muted by two-earner families and overtime hours. But if wages continue to decline, that rumble could turn into a deafening roar.

There are plenty of causes: government policies, new technologies and automation, more women in the work force. But the most important, and an often overlooked one, is the change that occurred in the relationship between business and labor after the loss of American industrial supremacy. The unfashionable truth is that the decline of American wages has been largely a result of the decline of American labor unions.

From World War II through the early '70s, American business and labor leaders enjoyed an amicable relationship. They worked together against Soviet communism and for free trade, civil rights and increases in Social Security and the minimum wage. While they sometimes exchanged harsh words at the bargaining table, they reached agreements that, between 1948 and 1973, doubled the real wages and benefits of American workers. The relationship was sustained by U.S. firms' domination of the world market. American steel and auto companies could always offset wage increases with price increases without undermining their profits or market share.

During these years, American workers in the private sector occupied three tiers. On the first tier were workers from largely unionized industries in manufacturing, transportation, mining and construction. These workers enjoyed a 10 percent to 30 percent wage and benefit premium over their nonunion counterparts, who comprised the second tier. The third tier was made up of primarily nonunion service and small-business workers. Wages in this tier, subject to supply and demand and the minimum wage, ran as little as one-third of those in the first tier. Despite the hierarchy, however, workers in the second and third tiers benefited from the wage gains and clout of first-tier unionized workers. Employers of nonunionized workers in industries dominated by unions often paid comparable salaries in order to discourage unionization. And third-tier workers benefited not only from increases in the minimum wage won by unions, but also from the looming threat of unionization.

By the early '70s, American business lost the industrial superiority that had supported this edifice. In 1971 the United States, competing with revived European and Japanese manufacturers, ran its first trade deficit since 1893. And as more countries modernized, American firms in key industries such as steel, automobiles, shipbuilding and textiles faced a global glut of production. Business became a tougher game in which even minor price increases could lead to huge losses in market share and profits. It was under this pressure that American firms began to re-examine their relationship with labor and their commitment to the prevailing wage structure.

During the 1970s corporations started to resist wage increases and fight labor unions in the political arena. In 1972 corporate CEOs formed their own lobbying organization, the Business Roundtable. During the Carter years, the Roundtable's lobbyists succeeded in watering down the Humphrey-Hawkins Full Employment Bill and in blocking labor law reform that would have amended the National Labor Relations Act to increase the penalties on employers that used intimidation to discourage workers from joining a union. In the 1980s, under Ronald Reagan, business went even further, defeating attempts to adjust the minimum wage to inflation and securing the nomination of anti-labor candidates to the National Labor Relations Board and other government panels.

During the Reagan years, businesses also began to demand and get "givebacks" from unions. Corporations won unprecedented concessions in meat-packing, tires, steel, motor vehicles, trucking and air transportation. Companies that didn't have unions used long neglected loopholes in labor law to thwart unionization; other unionized companies such as Phelps Dodge and Eastern Airlines, inspired by Reagan's ouster of the PATCO strikers, sought to remove their unions.

Under relentless attack from business and facing a hostile administration in Washington, unions lost ground, declining from 31 percent of the nonagricultural work force in 1970 to 26 percent in 1979 to 13 percent today. The effect of this on wages can be calculated by multiplying the loss in the wage premium by the number of workers who might otherwise have been represented by unions. On this basis, Lawrence Mishel and Jared Bernstein of the Economic Policy Institute, the authors of "The State of Working America," estimate that the collapse of unionism cost blue-collar workers 3.6 percent in real wages from 1978 to 1988.

At a deeper level, business' successful offensive against unions changed the wage structure of the American economy. Instead of unionized workers setting the pace in wages, they became a lagging indicator of the real state of the wage economy. The first tier began to shrink and collapse into the second tier. Workers in the heavily unionized steel industry, for example, saw their wages fall from $20.37 per hour in 1981 to $17.91 per hour in 1987 to $16.87 per hour in 1992 (all these figures are in 1992 dollars). Workers in the second tier began to see their wages driven down to the level of nonunionized laborers and service workers. The wages of partially unionized meat-packing workers went from $13.98 per hour in 1981 to $10.39 per hour in 1987 to $9.15 per hour in 1992. Meanwhile, workers in the third tier, deprived of even the modest protections of the minimum wage, found themselves edging toward subsistence levels. Workers in restaurants and bars—one of the fastest-growing groups in the 1980s—saw their wages fall from $6.14 per hour in 1981 to $5.46 per hour in 1987 to $5.29 per hour in 1992.

This collapse of the partnership between business and labor and the resulting decline of unionism helps explain why real wages fell so sharply in the United States but were resilient in Western Europe and Japan. European and Japanese firms also faced stiff competition and global overcapacity in the 1970s and 1980s. But in Western Europe, because of the strength of their unions and their countries' social democratic parties, and in Japan, because of the commitment to a harmonious relationship between labor and business, firms sought other means to protect their profits, from trade protection to limits on immigrant workers to on-the-job productivity. When these measures failed, they even accepted lower profit rates. In the United States, however, business sought to defend its profits primarily by holding down wages: often by eliminating unions or preventing them from organizing.

In this climate, other shifts took place to weaken wages still further. To cut costs, businesses began to move manufacturing facilities overseas. In 1987 automakers spent $28 billion on parts manufactured overseas, up from $8 billion ten years before. The Big Three went from importing 500,000 engines in 1983 to 1.92 million in 1987. Companies also replaced workers with technology. From 1979 to 1992, thanks to automation, manufacturing output rose 13.1 percent, while the work force declined by 15 percent. Both trends eliminated many of the higher-wage first-tier jobs and plunged these workers into competition for lower-wage second-tier and third-tier jobs. In 1979, 38 percent of 25- to 34-year-old male high school graduates were employed in better-paying manufacturing jobs; by 1987 only 29 percent were, while those employed in the low-paying wholesale and retail trade sector rose from 18 percent to 23 percent. And union attempts to organize these service workers proved largely unsuccessful.

The trade deficit and immigration didn't help. In 1982 the United States began running massive trade deficits in industrial goods, particularly cars, auto parts and consumer electronics, creating a net loss of American manufacturing jobs. And the influx of unskilled immigrants during the '80s drove down the wages of third-tier workers, particularly in the West. In a 1991 study for the National Bureau of Economic Research, economists George J. Borjas, Richard Freeman and Lawrence Katz (who is now the Labor Department's chief economist) estimated that from 1980 to 1988, up to half of the 10 percent decline in the wages of high school dropouts was attributable to the trade deficit and the immigration of unskilled labor.

The entry of women into the work force may also have depressed real wages. From 1970 to 1988 the percentage of working women rose from 43.3 to 56.6. These new workers probably helped hold down wages in third-tier service work, but more important, they allowed the impact of the sharp contraction of male income to be softened. By contributing to family income, women made it possible for families to increase their income even though individual wages were declining. According to Mishel and Bernstein, family income grew 0.6 percent per year from 1973 to 1979 and 0.4 percent from 1979 to 1989. If family income had declined at the same precipitous rate as male income, then workers would have fiercely resisted wage cuts, and the 1980s might have been a period of labor militancy similar to the 1870s or 1930s.

Of course, not all workers have suffered declining wages in the past two decades. During the 1970s college-educated workers and upper-level white-collar workers found their wages stagnating, but in the early '80s, they gained ground, creating a widening gulf between lower- and upper-income workers and between high school and college-educated workers. But this gap may prove transitory. From 1989 to 1993 the wages of white-collar executives and managers dropped 0.8 percent, the wages of technical workers fell 2.9 percent and the wages of college-educated workers declined by 2.5 percent.

The rise and then fall in white-collar wages was caused partly by a shift in supply and demand. According to economists Frank Levy and Richard Murnane, the number of college-educated workers rose 85 percent between 1971 and 1980; then, between 1979 and 1987, a time when new technology was creating demand for specially trained workers, the number rose by only 32 percent, bidding up wages. Now supply is once more outrunning demand. In The Monthly Labor Review, Kristina Shelley, an economist at the Bureau of Labor Statistics, predicts that from 1990 to 2005 job openings for college graduates will slump compared with the previous five years, while the number of bachelor's degrees will increase. The temporary reprieve for college-educated earnings may already be over.

White-collar and college-educated workers are also going through a process called "proletarianization." Initially seen as professionals or as part of management, these workers are now finding their work regulated in the same manner as wage workers in factories and offices. Doctors and nurses have become employees of HMOs; computer programmers have become piece workers for giant software firms. As they have lost the prerogatives of management or the protections of a craft guild, their wages have begun to fall like everyone else's.

So what's to be done? Plenty of solutions have been proposed to counter the decline of wages, but most of them address secondary rather than primary causes. Economists typically blame lower wages on lagging productivity and hope higher productivity is the answer. They're half-right. Higher productivity is necessary for higher real wages, but it hasn't turned out to be sufficient. During the 1980s manufacturing productivity grew a robust 3.6 percent annually, but manufacturing wages fell by 0.6 percent per year. What might have been labor's share went into dividends and profits.

Clinton's solution, derived from Secretary of Labor Robert Reich, is to finance worker retraining. Reich argues that the cause of wage decline is a mismatch between workers' skills and the demands of a high-tech economy, resulting in too many unskilled or semi-skilled workers chasing too few jobs and too few college graduates chasing the new high-wage, high-skill jobs. Reich has proposed spending $3.5 billion on worker retraining over the next four years. "All of the studies show that if you get long-term training [for] a year or more," Reich explains, "you're going to affect your future incomes by increasing that future income by an average of 5 to 6 percent."

Reich is also half-right. There's a surplus of unskilled and semi-skilled labor. Unfortunately, giving them skills won't necessarily help things. According to a study last fall by James Franklin of the Bureau of Labor Statistics most new jobs in the next decade will be as unskilled hospital orderlies or food preparation workers, not as software engineers or marketing supervisors. And while training, especially on the job, can boost productivity, studies don't bear out Reich's or Clinton's hopes that it will raise the future wages of those involved. The most recent Labor Department survey, conducted by the highly respected Mathematica Policy Group, found that laid-off workers who underwent training under the Trade Adjustment Assistance Act failed to raise their wages. More than three-quarters of the workers, the study found, "earned less in their new job three years after their initial unemployment insurance claim than they did in their pre-layoff job."

The solution favored by many labor leaders and liberal Democrats is to restore the pre-1973 status quo. They want to raise the minimum wage (which Clinton has postponed asking Congress to do), reform labor laws, restrict the immigration of unskilled workers and remove incentives for firms to have foreign countries do their manufacturing. While these measures address the cause of wage decline much more directly than do the economists' or Clinton's proposals, they slight the genuine dilemma that American businesses face. If wages were to increase at the rate that they did from 1948 to 1973, many American firms quickly would suffer the fate of Frigidaire or Philco. The world economy is simply a different and less friendly place than it once was.

What is really needed is a grand compromise between business and labor, where business would secure labor's commitment to raising productivity and keeping wage costs competitive in exchange for its support of legislation strengthening labor's organizing rights. Although it wouldn't restore the status quo ante, this kind of compromise would do more to brake the fall in wages than the most innovative training program.

Some labor economists and maverick labor leaders have already suggested this kind of compromise. MIT economist Thomas Kochan, a member of the administration's newly appointed Commission on the Future of Worker-Management Relations, has proposed one possible deal. Business would support labor law reform to put teeth into that laws that deter companies from strong-arming against union organization. In return, labor would swallow what is now a potentially illegal way to raise worker productivity—Japanese-style, management-sponsored employee committees in nonunion workplaces. But while some labor unions would support this kind of compromise, business is almost universally opposed. Absent a wave of 1930s-style worker militance, business leaders believe they would be giving up more than they receive by agreeing to any new labor organizing rights. Kochan has tried to interest Clinton and Reich in this idea, but they remain enthralled with the panacea of retraining.

It would be nice if the affliction of falling real wages could be cured through the market's invisible hand. But it has already persisted through three recessions and recoveries. It's a problem that ultimately requires visionary thinking and radical political action. But like other such problems (welfare reform leaps to mind), the decline of wages will probably have to get worse before everyone can agree on a viable strategy for reversing it. What our standard of living will be when that happens is anybody's guess.

FOURTH DISTRICT HEALTH CARE REFORM

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. PRICE. Mr. Speaker, on January 20 I conducted a health care reform and community meeting in Raleigh. The purpose of this marathon session, which went from 9 a.m. until 10:30 p.m. with brief breaks to take nourishment, was to bring the national health care debate home to North Carolina—to assess the strengths and weaknesses of the health care system in our part of the State, to examine the stake we have in reform, and to discover what positive contributions we might make to the national debate. After hearing from five panels on special health care topics throughout the day, the community meeting provided a useful opportunity for individual constituents to voice their concerns. Over 50 constituents took the microphone, often recounting experiences that put a human face on this daunting policy challenge. The enthusiastic, sometimes heated participation of my constituents suggests that this is indeed a front-burner issue in North Carolina. Over 200 people attended our morning and afternoon sessions, and over 250 people took part in the evening's community meeting.

Throughout the day, several moderators joined me and an overflow audience at North Carolina State University's McKimmon Center in receiving testimony from panels of expert witnesses on children's and adolescents' health needs, health care innovations, the needs of the uninsured and underserved, small business concerns, and alternative reform and cost containment strategies.

Joining me in moderating the five panels were Lt. Gov. Dennis Wicker, North Carolina House of Representatives Speaker Dan Blue, Health Care Financing Agency (HCFA) Deputy Administrator Dr. Helen Smits, and North Carolina Division of Medical Assistance Director Barbara Matula.

The day's testimony left little doubt that American health care, at its best, is the most proficient and innovative in the world. But we also found ample evidence that this care is not being delivered equitably or at acceptable cost to all of our citizens. Part of the solution, almost all witnesses stressed, is insurance reform, so that basic coverage is not jeopardized or priced out of reach when one moves or changes jobs or gets sick. But many also stressed that insurance reform is not the total solution. Insurance coverage may be of little benefit to families who have no medical providers or facilities nearby or have no knowledge of the basics of health care or of what services are available to them. Efforts at education and outreach must be stepped up, and both patients and providers must pay more attention to healthy lifestyles and preventive care.

We also heard a great deal of testimony about the progress we have made in discovering new drugs and therapies, reorganizing the delivery of care and controlling costs, and reaching underserved populations—and of how reform must nurture such innovations and preserve the good coverage and freedom of choice that many people already enjoy. It also became clear that while no perfect solution is available—if it existed, we no doubt would have discovered it by now—the status quo cries out for change. The President and Mrs. Clinton have successfully brought this issue to the fore, but a great deal of debate and hard work still lie ahead.

Our first panel focused on the health needs of children and adolescents. John Niblock, president of the North Carolina Child Advocacy Institute, and Dr. Stephen Edwards, a prominent Raleigh pediatrician, gave an alarming health profile of North Carolina's children—some 300,000 of whom are without health insurance—and outlined what changes in health policy are required to address their needs. Dr. Michael Durfee and State school nurse consultant Marilyn Asay portrayed adolescents as the most underserved population and the most difficult to reach, and described their respective outreach efforts through Wake Teen Medical Services and school-based clinics. Paul Hildebrand, executive director of the Alice Aycock Poe Center for Health Education in Raleigh, told of the enthusiastic reception that the modern, multimedia presentations of the Poe Center have had from North Carolina school children. Kathy H. Richardson, maternity care coordinator for the Baby Love Program at Twin County Rural Health Center in Hollister, NC, told of the innovative ways this program had reached out to poor women in a rural county to ensure that they received proper maternity care.

The second panel, health care and innovation, brought together a number of different ideas that have worked well in North Carolina and deserve wider dissemination. Gale Johnston Adcock, coordinator of primary care services and wellness education at SAS Institute, told how 95 percent of SAS's employees and families took advantage of the company-based wellness program and of the positive effect the program had on company health care costs. Dr. Robert C. Bast, Jr., director of the Duke Comprehensive Cancer Center, highlighted recent advances in cancer prevention and treatment and stressed the importance of sustaining vital research. Dr. Leah Devlin, director of the Wake County Health Department, told of several innovative ways that the county had put together partnerships and combined various sources of local, State, and Federal moneys to deliver public health services. Dr. E. Harvey Estes, Jr., director of the Kate B. Reynolds Community Practitioner Program of the North Carolina Medical Society Foundation, told of the foundation's program to recruit and retain primary care physicians for underserved areas in North Carolina. Dr. David Goff, a pediatrician, discussed the positive ways that managed care systems and primary care physicians can expand access to care and help contain costs. Meg Molloy, nutrition program director of the Sarah W. Stedman Center for Nutritional Studies at the Duke Center for Living, emphasized the importance of nutrition education in encouraging healthy lifestyles and of nutrition therapies as a cost-effective treatment of heart disease and other disorders. Dr. James E. Niedel, director of Glaxo Research Institute, stressed the promise of pharmaceutical research in developing cost-effective treatments. Bill Remmes, administrator of Rural Health Group, Inc., related how a network of five medical offices, a nursing home and rest home, apartments for the elderly, and a senior center had been built and organized over a decade in two rural counties.

Our third panel dealt with health care and small business. Two North Carolina businessmen—Robert B. Allbert, owner and operator of 30 Precision Tune shops, and Joe Stanley, owner of Joe and Moe's Auto Repair in Shallotte, NC—told about the special problems of small businesses in obtaining affordable health care coverage for their employees but also sounded a warning about the possible costs of reform. Jim Long, insurance commissioner for North Carolina, discussed the initiatives his department had used to expand coverage throughout the State. Parham McNair, representing the Independent Insurance Agents, told of the special services independent agents provide as the link between insurance providers and small businesses. Elizabeth F. Kuniholm, speaking both as a small businesswoman and representative of the North Carolina Academy of Trial Lawyers, discussed the issue of malpractice reform. Harrison J. Kaplan, counsel and government relations manager for Kaiser Permanente, discussed business participation in health maintenance organizations and their success in rendering cost-effective health care services.

On panel four we turned to competing reform proposals and their implications for North Carolina and the Nation. Brad Adcock of North Carolina Blue Cross/Blue Shield, Moses Carey, Jr., executive director of Orange-Chathman Comprehensive Health Services, Inc., Robert J. Greczyn, Jr., chief executive officer of the Carolina Physicians' Health Plan, Dr. Donald T. Lucey from the North Carolina Medical Society, and Eric Munson, executive director of the University of North Carolina Hospitals, each diagnosed the strengths and weaknesses of the present system and presented their priorities for reform. Christopher J. Conover of Duke University's Center for Health Policy Research and Education gave a careful analysis of how and why "managed competition" could work. Joe Graedon of the syndicated column and radio show "The People's Pharmacy" stressed the importance of outcomes research and other means of informing and empowering consumers to successful reform. Pam Silberman, project director with the North Carolina Health Access Coalition, set down the elements of successful health care reform as identified by the coalition she represents.

Our fifth and final panel, "Underserved Health Care Needs," focused on three key areas of need: Older Americans and long-term health care, mental health, and low-income rural and urban populations. Martha Brown, with the Home Health Care Association of Chapel Hill, told of the value and cost-effectiveness of home-based care. Travis H. Tomlinson, Jr., president of Whitaker Glen, a 96-unit comprehensive retirement community in Raleigh, discussed several aspects of President Clinton's proposed health care reform plan and emphasized that home-health care and nursing home care served two distinct populations. Bennett Cotten, a clinical social worker representing the North Carolina Association of Social Workers, and Dr. David Smoot, representing the North Carolina Psychological Association, discussed the extent of mental illness and the benefits of including adequate coverage in any health care reform plan. Maureen Darcy, certified nurse-midwife, and Torlen L. (Tork) Wade, associate director of the North Carolina Office of Rural Health and Resource Development, discussed the difficulties in attracting and retaining primary care providers in rural areas and the efforts underway in North Carolina to do so. Barbara Zelter Earls, representing North Carolina Fair Share, stressed the importance of securing comprehensive coverage for all income groups.

Helen Smits of the Health Care Financing Administration, representing the Clinton administration, joined me for the evening community meeting at which over 50 citizens told their stories and expressed their views. In policy preference, they ranged from some who thought the Clinton plan not comprehensive enough to others who would repeal even Medicare if given the chance. Several farmers protested the singling out of tobacco for a hefty excise tax increase, wondering why other products with associated health care costs were not included. Some spoke for and others against the inclusion of abortion in the basic health plan. Small business owners expressed apprehension about the expense of coverage, although some argued for leveling the playing field between businesses that did and did not cover their employees. Some people reported having good coverage and positive experiences with local hospitals and doctors, and warned against disrupting those relationships. But others recounted losing their coverage after serious illnesses and having to fight for payments for procedures they thought were covered. Many were willing to tell intensely personal stories, which underscored the high stakes we have in reforming the system but also in getting it right.

A full transcript of the health care forum is being prepared and will be distributed to the congressional committees of jurisdiction and to others who are interested. I am grateful to the many panelists and other constituents who participated. I believe that all of us there came away with a better understanding of the importance of health care reform to North Carolina and the Nation and the implications of the policy choices we face.

THE PIN-STRIPE APPROACH TO GENOCIDE

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. McCLOSKEY. Mr. Speaker, I am pleased to submit a very important statement on Bosnian policy development by Richard Johnson, a very dedicated and able State Department officer.

The statement follows:

THE PIN-STRIPE APPROACH TO GENOCIDE

(By Richard Johnson)

My thesis here is a simple one: senior U.S. Government officials know that Serb leaders are waging genocide in Bosnia, but will not say so in plain English because this would raise the pressures for U.S. action.

Since late summer 1992 the Executive Branch of the U.S. Government, under both the Bush and Clinton Administrations, has come under significant pressure to make an unequivocal determination that the Serb campaign in Bosnia constitutes genocide under the 1948 UN Genocide Convention.[1]

External pressures have come from the U.S. media, human rights organizations, American Jewish and Moslem advocacy groups, prominent foreign policy experts, members of Congress, the Bosnian government, and from states friendly to Bosnia at UN fora including the UN General Assembly, the UN Commission for Human Rights, and the June 1993 UN World Conference on Human Rights in Vienna.[2]

Internal pressures have come from lower and middle-level Foreign Service Officers (FSO's) with line responsibilities for U.S. policy on Bosnia, other FSO's who have used the State Department's dissent channel mechanism to press their views, and the four FSO's who subsequently resigned to protest U.S. policies.[3]

These pressures have triggered a number of statements by senior State Department officials and by the President, particularly since December 1992, that implicitly or explicitly address the issue of whether genocide is underway in Bosnia.[4]

Some of these come very close to saying yes. However, none make a clear and unequivocal determination that Serb leaders are waging genocide in Bosnia, and that the moral and legal obligations of the Genocide Convention apply. Instead, Administration statements have typically asserted that the Serb campaign "borders on genocide," or that "certain actions" by "Bosnian Serbs" have been "tantamount to genocide" or constitute "acts of genocide."[5] There are two hypothetical explanations for such equivocation.

One is that further collection and assessment of evidence is needed before a clear determination can be made, particularly with regard to intent (e.g., do Serb leaders and their forces seek to destroy a substantial part of the Bosnian Moslem population, or rather to displace it, or does the mass murder by Serb forces stem from a systematic plan or from a coincidence of local decisions by local commanders?) and responsibility (can responsibility be traced up to Bosnian Serb political and military leaders, and to Serb leaders in Serbia, and with what degree of conclusiveness?).

Several State and NSC officials put forward this explanation to the author, in more or less explicit terms. These officials would often also assert that the genocide issue may be of moral and historical interest, but is not of operational importance in terms of pursuing justice (war crimes are easier to prove than genocide) or ending the killing in Bosnia (through a "negotiated settlement").[6]

However, some of these as well as other State officials also acknowledge that policymakers at the White House and in State have shown little interest in clearing up the questions that supposedly stand in the way of an unequivocal finding of Serb genocide in Bosnia. There has never been a Presidential or NSC directive to State and other intelligence agencies to conduct research and analysis aimed at establishing whether there is a good case against Milosevic et al. for genocide in Bosnia. Nor has there been any mobilization of resources to this end. The human resources applied to the Bosnia war crimes issue at State and CIA have been minimal, and have declined at State in 1993. The personnel involved have been tasked more with recording specific war crimes than with tracking the responsibility for such war crimes to the Serb leadership.[7]

The other explanation is that policy-makers have opted for equivocation because an explicit, unequivocal determination that genocide is underway in Bosnia, and that Milosevic, Karadzic and their military commanders are responsible, would produce more political pressure to take effective action, including the use of force, to end and punish the genocide. At a minimum, such a determination would undermine the credibility of Western policies that rely on UN/EC-mediated "peace talks" to reach a "voluntary settlement" between "warring factions"—who would now be defined as the perpetrators and victims of genocide. This explanation is supported by the following elements of the Executive Branch treatment of this issue since fall 1992.[8]

The most explicit, forward-leaning Administration positions have never been followed up with consequent actions. In August 1992 State confirmed that Serb-run "detention centers" in Bosnia featuring systematic killing and torture were a significant problem.[9] State then initiated a process of submitting data on war crimes in Bosnia to the UN War Crimes Commission. However, lead action on compiling these submissions was assigned to an FSO in the Human Rights Bureau with no prior knowledge of Balkan affairs, and a short-term State intern just out of college: hardly a commitment of personnel and expertise commensurate to the recognized gravity of the issue.[10]

In mid-December 1992, Acting Secretary Eagleburger broke new ground in drawing parallels between Serb behavior in Bosnia and Nazi behavior, naming senior Serb leaders as bearing responsibility for war crimes and crimes against humanity in Bosnia, and citing some of the questions they should face. However, his public statements were not followed up by any internal taskings within State or to CIA to build up cases against these leaders.[11]

In mid-December 1992 the United States also voted for a UN General Assembly resolution on Bosnia which, among other things, stated that Serb "ethnic cleansing" in Bosnia is a form of genocide.[12] However, the Executive Branch never followed up by citing or using this determination as a basis for Western policies. Similarly, in June 1993 the United States supported an appeal of the UN World Conference on Human Rights to the UN Security Council to take "necessary measures to end the genocide in Bosnia and Herzegovina . . ." However, the U.S. took no subsequent action on the basis of this appeal and its finding of genocide. Indeed, as of December 1993, an official at State Department Bureau of Human Rights was unable to locate a copy of the Conference appeal in office files, and described it as something the Department viewed as "not really an official act of the Conference."[13]

More equivocal statements tend to be made by more senior officials in high-profile fashion. Less equivocal statements are made by lesser officials in lower-profile fashion. The President has, largely in response to questioning, repeatedly drawn some degree of analogy between the Holocaust and the present mass extermination of Bosnians. But he has chosen never explicitly to address whether Serb leaders are engaged in genocide.[14] Warren Christopher volunteered during his confirmation hearings that the Serb campaign of "ethnic cleansing" was resulting in "near genocidal or perhaps really genocidal conditions."[15] But he has never raised the issue since becoming Secretary, and his most extensive comments on the matter since then, under questioning on May 18, 1993, before the House Foreign Affairs Committee, are also the most equivocal presentation by any Administration official since the beginning of the war in Bosnia.[16] These comments triggered an extraordinary memo to the Secretary from the Acting Assistant

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Footnotes at end of article.

Secretary for Human Rights reminding the Secretary that Serb and Bosnian Serb forces were responsible for the vast majority of war crimes in Bosnia.[17]

The most straight-forward statement by a senior official of the Clinton Administration has also been the most obscure: a mid-November written submission to a House subcommittee in response to a question taken by State Counselor Wirth five months earlier, stating that "The Department of State does believe that certain acts committed as part of the systematic Bosnian Serb campaign of 'ethnic cleansing' in Bosnia constitute acts of genocide."[18]

Secretary Christopher has opted out of the Bosnia genocide issue since May. Persistent questioning by Congressman McCloskey has been the primary trigger of Administration review of this issue since April 1, when McCloskey got Christopher to promise him a clear determination as to whether the Serb campaign in Bosnia is genocide under the Convention.[19] How to respond to McCloskey's question (and his repeated follow-ups) was a recurrent issue among the Bureaus of European Affairs, Human Rights, Intelligence and Research, International Organizations, Congressional Relations, and the Office of the Legal Advisor, and between these offices and the "seventh floor" (i.e., the Secretary and his senior advisors) from April to October. On October 13 the Secretary finally approved an action memo which had been redrafted numerous times, and which would authorize the Assistant Secretary for Congressional Relations to sign a letter to McCloskey using the language subsequently used in State's mid-November submission to the House cited above. However, the Secretary annulled his approval of the proposed letter to McCloskey after the latter called for his resignation in mid-October.

In a subsequent exchange with McCloskey during a House Foreign Affairs Committee hearing, Christopher chose not to respond to McCloskey's question on the genocide issue. Instead, the Secretary charged that McCloskey's views on Bosnia would require several hundred thousand U.S. ground troops, asserted that McCloskey's emotions were clouding his judgment, and rejected any further "debate" with McCloskey on Bosnia.[20]

Seventh-floor policy makers at State have repeatedly rejected efforts by the Bureaus to have them make less equivocal statements of genocide in Bosnia.[21] On April 1, perhaps in response to McCloskey's questions to Christopher, outgoing State Department spokesman Boucher instructed then-Bosnia desk officer Harris to draft a strong statement by the Secretary on genocide in Bosnia. Harris's draft, dated April 2, was cleared by all the relevant Bureaus and submitted to the Office of the Spokesman. It included the assertion that "The United States Government believes that the practice of 'ethnic cleansing' in Bosnia includes actions that meet the international definition of genocide as well as constitute other war crimes." The statement was never issued; Harris believes it was killed by incoming Department spokesman Donilon, in consultation with the Secretary.

Similar language was again cleared by the relevant Bureaus in September in one iteration of the proposed response to McCloskey's April question to the Secretary; this draft was also rejected by the seventh floor.[21]

Senior policy-makers do not have better information about realities in the Balkans than do the lesser officials who have sought to bring them to make clearer statements on genocide. Some light on their thinking in rejecting Bureaus' recommendations is shed by comments made by Under Secretary Tarnoff and Counselor Wirth at an April 28, 1993 State Department luncheon for Elie Weisel.

Weisel argued that whether or not genocide was underway in Bosnia, the Serb concentration camps and mass murders there constituted a moral imperative for decisive outside intervention. Tarnoff took Weisel's point but noted that failure in Bosnia would destroy the Clinton Presidency. Wirth agreed with Weisel that the moral stakes in Bosnia were high, but asserted that there were even higher moral stakes at play: "the survival of the fragile liberal coalition represented by this Presidency."[22]

CONCLUSION

The story told above is one of many failures. Senior policy-makers have failed to level with the American people on the nature of the moral and security challenge the United States faces in the Balkans. Lesser officials have failed to resist the obfuscation of their seniors. Outside the Executive Branch, the broad range of interested observers who see Milosevic's campaign for a Greater Serbia as an instance of genocidal aggression that the United States must confront have failed to apply coherent and sustained pressure to force at least a straightforward Executive Branch statement on the genocide issue.

I draw no constructive lessons from these failures except that avoiding them requires a series of moral choices by individuals. Those made by senior policy-makers with the most influence in defining the challenges America faces are most momentous. But all, cumulatively, make a difference.

FOOTNOTES

[1] Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which the United States, the successor states to former Yugoslavia, and some 100 other countries are parties, "genocide" is defined to include any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

The Convention is a specific response to Nazi extermination practices during World War II.

[2] The author is compiling a list of prominent persons, groups, governments, and international fora that have defined Serb behavior in Bosnia as genocide, and will make it available on request.

[3] The author is personally aware that in December 1992 three FSO's who had shared responsibility for Yugoslav affairs between 1990 and 1992 used the dissent channel to press for a State determination that Milosevic was engaged in genocide in Bosnia; that in April 1993 twelve FSO's actively engaged in Bosnia policy submitted a letter to the Secretary which among other things described the conflict in Bosnia as Serb genocide; and that the four FSO's who have resigned in protest—George Kenney in August 1992 and Marshall Harris, Steve Walker, and Jon Western in August 1993, have all defined the war as genocide.

[4] See compendium at Tab A, drawn from White House, State Department and Congressional public documents and the U.S. media.

[5] Several officers currently and formerly in State's Office of the Legal Advisor have told the author that there is no legal difference between saying starkly that "what has happened is genocide," and saying less starkly that "what has happened is tantamount to genocide" or "what has happened are acts of genocide." The "tantamount to" formulation appears to have originated on the Seventh floor.

[6] Author's December 1993 interviews with sixteen current and former State employees ranging from desk officers to Deputy Assistant Secretaries, and with NSC European Affairs Director Jenonne Walker in May 1993. In December 1993, Walker declined to discuss U.S. policy process on the issue of genocide in Bosnia with the author, on the grounds that it was "too sensitive."

[7] ibid.

[8] This explanation is also advanced by many of the sixteen current and former FSO's interviewed by the author for this essay.

[9] See President Bush's August 6, 1992 remarks on "Containing the Crisis in Bosnia and in Former Yugoslavia" and Acting Secretary Eagleburger's August 5, 1992 statement "Detention Centers in Bosnia-Hercegovina and Serbia" in Dispatch, U.S. Department of State Bureau of Public Affairs, August 10, 1992; and George Kenney, "See No Evil," in The Washington Monthly, November 1992. Kenney underlines senior State officials' resistance to investigating, confirming, or publicizing Serb atrocities in Bosnia, and their efforts to minimize U.S. media attention to them.

[10] Author's interview with the State Human Rights Bureau action officer and the former intern in question.

[11] See Secretary Eagleburger's December 16, 1992 statements in Dispatch, U.S. Department of State Bureau of Public Affairs, December 28, 1992. The absence of follow-up taskers was confirmed to the author in interviews with the current and former FSO's cited above.

[12] See United Nations General Assembly Resolution A/47/92 of December 17, 1992, passed 102 for (including the U.S.), 57 abstentions, and none against, which holds Serbian and Montenegrin forces responsible for aggression and for "the abhorrent policy of 'ethnic cleansing,' which is a form of genocide . . ."

[13] Author's interviews with State Human Rights Bureau officers, December 1993. Notwithstanding State's unofficial views as to the unofficial status of the Conference's appeal, it was in fact forwarded by Alois Mock, President of the World Conference on Human Rights, to the President of the UN Security Council on June 16, 1993, as a decision of the Conference.

[14] For texts of the President's and Secretary's statements, see compendium at Tab A.

[15] See New York Times, January 14, 1993, cited in compendium at Tab A.

[16] See Christopher's May 18 comments in compendium at Tab A, including the insinuation that Bosnian Moslems are suspected of genocide themselves. Several State officials have told the author that they were flabbergasted by Christopher's remarks on atrocities and genocide in Bosnia in his May 18 House Foreign Affairs Committee Hearing, and that these remarks bore no relationship to expert and consensus views within State on those issues. One State official has told the author that late on May 17, the Secretary's office sought urgent information from the Human Rights Bureau on Bosnian Moslem atrocities only.

[17] Author's interviews with current and former FSO's.

[18] See text of Wirth statement in compendium at Tab A. This statement responded to a question put to Wirth by Congressman McCloskey on June 10 at a House Appropriations Subcommittee meeting.

[19] See McCloskey's April 1 question and Christopher's initial response in compendium at Tab A. The author's account of the reaction to McCloskey's pressures within the Department is based on interviews with current and former FSO's in December 1993.

[20] See transcripts of November 4, 1993 House Foreign Affairs Committee Hearing.

[21] This and the following paragraph are based primarily on the author's December 1993 interview with Marshall Harris, currently foreign policy advisor to Congressman McCloskey.

[22] The author witnessed this Weisel/Tarnoff/Wirth luncheon discussion.

TAB A

December 1993—Draft State Department Human Rights for Bosnia: no mention of genocide.

November 18: State Department Counselor Wirth's response to Congressman McCloskey's June 10 questions in public hearings:

". . . The Department of State does believe that certain acts committed as part of the systematic Bosnian Serbs campaign of 'ethnic cleansing' in Bosnia constitute acts of genocide."

November 22: Secretary Christopher, Four On-the-Record Interviews with European media: no mention of genocide or even aggression; Bosnia treated as an issue of "warring parties" unwilling to conclude a peace settlement.

November 13: State Department spokesman McCurry declines to comment on whether continuing siege of Sarajevo meets the criteria for NATO air strikes laid down by Christopher in August (i.e., "continued strangulation") and adds: "Is Bosnia horrifying, troubling? . . . it is no more horrifying or troubling than the instances around this globe where populations, because of civil strife . . . face these kinds of humanitarian disasters." President Clinton asserts "All we can do is to try to make sure that we minimize the human loss coming on for this coming winter." A State Department official's comments: "Who do you champion any more? It's not clear." (Washington Post, November 13)

November 30: Secretary Christopher addresses CSCE Ministerial: no mention of genocide or aggression; Bosnia and Herzegovina treated as humanitarian crisis and scene of "atrocities" to be dealt with by UN War Crimes Tribunal.

November 15: Assistant Secretary Oxman speech on "Why Europe Matters": no mention of the word Bosnia, much less genocide or aggression; Bosnia and Herzegovina treated as "ethnic conflict" within borders of former Yugoslavia.

November 9: Secretary Christopher before Senate Foreign Relations Committee lists 6 US foreign policy (not including Bosnia, Somalia or Haiti) (Newsday, November 5)

November 4: Secretary Christopher before House Foreign Affairs Committee dismisses Congressman McCloskey's charges that USG and Christopher are ignoring genocide in Bosnia, asserts "I don't see any point in debating this subject further," (AP, November 5, Barry Schweid); Christopher does not address McCloskey's assertion that genocide is underway in Bosnia; rather, Christopher asserts that McCloskey's objectives require sending hundreds of thousands of US ground troops to Bosnia whereas "I don't think our vital interests are sufficiently involved to do so . . ." (Reuters, November 5, Carol Giacomo)

November 5: Secretary Christopher on CNN "the World Today", responding to Congressman McCloskey's charge that the U.S. is allowing genocide in Bosnia: ". . . We have a fundamental disagreement. At the end of the day, his proposal would require putting 200,000 or 300,000 American troops into Bosnia to try to take the country back . . . to put it back in its pre-war status. I simply disagree with that. And I want the country to know, I don't think that's a good idea."

October 10: Secretary Christopher declines to predict whether US troops will ever be sent to Bosnia to enforce a peace settlement, emphasizing that "very hard questions" will have to be answered positively by the Administration in consultation with Congress (NBC "Meet the Press" October 10)

October 21: Secretary Christopher, Questions and Answers comments on Bosnia, in Hungary:

". . . President Clinton has said early on and we continue to say we will not try to impose a solution on the parties. The U.S. is not prepared to send hundreds of thousands of its troops to impose a solution on the parties that are not quite ready for a solution or don't seem to be ready for a solution. We're hoping the parties will come to a peaceful agreement, that they will finally recognize that there is only futility in the war they are pursuing . . ."

October 5: Assistant Secretary Oxman before Senate Foreign Relations Committee:

"Lots of innocent people are being killed. But it is a complex problem that we didn't create. And our approach to it has been to support a negotiated settlement. That isn't jazzy, but that's our approach."

September 5: Assistant Secretary Oxman appears before House Foreign Affairs Committee:

"McCloskey, who has been trying since April to get the State Department to say Serb actions fit the legal definitions of genocide, tried again. 'Are they guilty of genocide . . . a systematic policy of extermination of, you know, members of a particular ethnic group?' Oxman, using language previously used by Secretary of State Warren Christopher, said actions 'tantamount to genocide have been committed.' But he did not say Serb actions fit 'the technical definition of genocide' under a 1948 UN conventions. McCloskey said afterwards that U.S. policy amounts to 'putting a gun to Izetbegovic's head to accept this settlement that will be the death of his country.' He said the State Department was trying to evade its 'moral and legal obligations' to brand Serb actions as genocide and try to prevent them." (Washington Post, September 16)

September 9: Washington Post article on Clinton-Izetbegovic meeting/press conference:

"Clinton reaffirmed his willingness to send troops if there is a 'fair peace that is willingly entered into by the parties . . .' But Clinton, asked about the proposal [of Izetbegovic, for NATO air strikes to lift the siege of Sarajevo], rejected it. 'I believe all that has to be part of the negotiating process. I don't think that the U.S. can simply impose an element like that,' he told reporters."

September 9: The New York Times article on Clinton-Izetbegovic meeting describes Clinton Administration as backing away both from threat of NATO air strikes to relieve siege of Sarajevo, and from idea of NATO peacekeepers to enforce settlement.

September 3: The Washington Post:

"The U.S. yesterday backed efforts by Bosnia's Muslims to gain more territory in the proposed partition of the country, as President Clinton warned Serb and Croat forces that the option of using NATO air power against them 'is very much alive' . . . 'If while talks are in abeyance,' the President added, 'there is abuse of those who would seek to interfere with humanitarian aid—attacking protected areas, resuming sustained shelling of Sarajevo, for example—then first, I would remind you that the NATO military option is very much alive . . .' Clinton, asked if he intended to revive his proposal for exempting Bosnia's Muslim-led government from a UN arms embargo, said . . . 'I have always favored lifting the arms embargo. I think the policy of the UN as it applies to that government is wrong,' he said. 'But I am in the minority. I don't know that I can prevail.'"

September 15: Assistant Secretary Oxman appears before House Foreign Affairs Committee:

"Rep. McCLOSKEY. . . . As you know, since April I've been trying to get an answer from State as to whether these activities of the Bosnian Serbs and Serbs constitute genocide. Will I get a reply on that today . . .?

Mr. OXMAN. I learned, just today, that you hadn't had your response. And the first thing I'm going to do when I get back to the Department is find out where that is. We'll get you that response as soon as we possibly can. But to give you my personal view, I think that acts tantamount to genocide have been committed. Whether the technical definition of genocide . . . I think this is what the letter that you're asking for needs to address."

August 9: Statement by Secretary Christopher, released by the Office of the Spokesman, August 9, 1993, "Air strikes in Bosnia-Herzegovina":

"The United States is pleased by the important actions taken today by the North Atlantic Council. These steps significantly further the United States initiative to make air power available to lift the strangulation of Sarajevo and other areas, stop interference with humanitarian relief operations, and promote a viable political settlement in the negotiations in Geneva. At the North Atlantic Council meeting last Monday, NATO unanimously made the policy decision to prepare for air strikes and laid down a clear warning to those responsible for the strangulation of Sarajevo and other civilian areas. Today, the alliance unanimously approved a thorough and detailed operational plan for air strikes prepared by the NATO military committee over the last week in conjunction with UNPROFOR. The plan is sound and comprehensive. It sets forth the targeting identification process and the command and control arrangements for air strikes. With today's decision, the alliance now has in place all the means necessary to take forceful action against the Serbs should they not cease their intolerable behavior. The unanimous decision today signals that the international community will not accept the laying siege of cities and the continued bombardment of civilians, the denial of humanitarian assistance to people in need, or empty promises as a cover for aggression. The Serbs are on notice, and whether air power is used depends on their deeds."

June 2: AFP "U.S. Has No Vital Interests in Bosnia: Christopher":

"Secretary of State Warren Christopher has said the United States has no vital interests in Bosnia and that the military options it backed there would not be effective. 'Bosnia is a human tragedy—just a grotesque humanitarian situation,' Christopher said on television Tuesday as the United Nations Security Council finalized plans for six protected Moslem safe havens. 'It does not affect our vital national interests except as we're concerned about humanitarian matters and except as we're trying to contain it.' He said Washington still preferred lifting the arms embargo on the Bosnian Moslems and carrying out air strikes against Bosnian Serb military forces attacking the Moslems, though he conceded the air attacks alone would have limited effect . . . 'If you rule out ground troops, you find air power ineffective, and if you define it as a humanitarian situation, then your options are really much different than they would be in places like Somalia where militarily it was rather simple to solve problems,' Christopher said."

June 29: Explanation of U.S. Vote on Lifting Arms Embargo Against Bosnia, Madeleine K. Albright, U.S. Permanent Representative to the United Nations, Statement before the UN Security Council, New York City, June 29, 1993:

". . . Nor should today's vote be seen as an indication that the international community is willing to turn a blind eye to the gross violations of human rights that have been committed in Bosnia, primarily by the Bosnian Serbs. We will continue to insist that, if the authorities in Belgrade want to rejoin the family of nations, they will have to stop the violence, stop the killing, stop their aggressive war against the Bosnian state and comply with all relevant Security Council resolutions. . . . Our goal remains a negotiated settlement freely agreed to by all the parties."

June 10: House Foreign Affairs Committee Subcommittee on International Security:

"Mr. McCLOSKEY. . . . But specifically, what does the State Department say about genocide, are they ready to state that this is genocide rather than tantamount to genocide or akin to——

Mr. WIRTH. We have done so. We have done so.

Mr. McCLOSKEY. In what document, or record, or communication?

Mr. WIRTH. In supporting the Tribunal on genocide. We have done so.

Mr. McCLOSKEY. Could I get a copy of a definitive statement that genocide has occurred? Because quite frankly, I have been asking Mr. Christopher for that since April 1st. Again, not to be pejorative on that, but I just have not gotten a reply. That would be very helpful if I could get that in the next day.

Mr. WIRTH. We have, as you know, supported the war crimes tribunal. And we have made statements and made clear that genocidal acts have taken place.

Mr. McCLOSKEY. I do not want to go on about it. But to two such distinguished State Department representatives here, if I say by tomorrow afternoon if I could have a statement as to whether the State Department believes it is genocide or not, it would be helpful.

Mr. WIRTH. We will get that right back to you. Those statements have been made, and we'll get it right back to you."

May 25: ABC News Nightline Interview with the Secretary of State Warren Christopher:

"Secretary CHRISTOPHER. We're prepared to keep the sanctions on until they move back from the aggression they followed . . . I can blame the Bosnian Serbs for being guilty of aggression. I can blame the Bosnian Serbs for being guilty of a series of atrocities. They are the main perpetrator of evil in atrocities by all parties. But the Bosnian Serbs are subject to a lot of blame, and I will not absolve them from that.

KOPPEL. If they continue in their atrocities, if they continue killing and raping, some of the other things that they have been accused of doing—again, if I understand U.S. policy correctly, you would be willing to use air power only to protect the U.N. forces that are on the ground right now, in effect, to get out, not to do anything about stopping the atrocities. Do I misunderstand the policy?

Secretary CHRISTOPHER. No, I think that's correct. Our commitment to use United States military force at the present time is only to protect the U.N. forces that are there. And I think that's the limit of our commitment for military power at present time. We have concluded that our national interests are not sufficiently engaged to use U.S. troops in this situation. It's a quagmire. It's a morass. I think if U.S. troops are put in there, they'll be there for an indefinite period of time. It does not meet the test that I've laid down for being a situation where you can define your goals with care, where you have a chance of success, where you have an exit strategy and it's a situation that the American people would support over a long period of time."

May 12: Interview With Don Imus of WFAN Radio in New York City, May 12, 1993:

"Mr. IMUS. You know, I agreed with you when you said during the campaign that history has shown that you can't allow the mass extermination of people and just sit by and watch it happen, and that really is driving this, isn't it?

The PRESIDENT. Yes. It is a difficult issue. Let me say that when we have people here who've been involved in many previous administrations that are involved in national security including, obviously, a lot of people who were involved in the two previous ones, I mean, and everybody I talk to believes that this is the toughest foreign policy problem our country has faced in a long time. And I'm trying to proceed in a very deliberate way to try to make sure there isn't a Vietnam problem here. But also to try to make sure that the United States keeps pushing to save lives and to confine the conflict. I don't think we can just turn away from this. Just because we don't want to make the mistake we did in Vietnam doesn't mean we shouldn't be doing anything. There are things that we can do, and we're trying to do more to push this thing toward a settlement . . .

I think there are some things that we're going to be able to do with our allies that will continue to turn the pressure up. But this is a European issue, as well as a world issue, and I think we have to move forward with Europe . . .

It is a very, very difficult issue, but I think that we're pushing in the right direction, going in the right directions, and I think the American people will support the combination of clear, disciplined restraint on our part and not creating a unilateral American involvement, but continuing to push to end the slaughter, end the ethnic cleansing and confine the conflict so that it doesn't cause us a lot more problems."

April 21: The President's News Conference:

"The PRESIDENT. I will say what I said from the very beginning. Our fundamental interests here, the United States' interests, are two. We want the conflict to be contained, and we want the slaughter and the ethnic cleansing to stop. We believe in order to get that done ultimately there will have to be some reasonable borders—some political solution to this which has a reasonable territorial component. And we'll just have to see what happens over the next few weeks."

May 14: The President's News Conference:

"Q. Mr. President, you've said that the United States will not go it alone with military action in Bosnia. And yet, the European allies have refused to sign-on to your proposals. If the allies refuse to follow suit, where does that leave the United States?

The PRESIDENT. . . . I do not believe the United States has any business sending troops there to get involved in a conflict in behalf of one of the sides. I believe that we should continue to turn up the pressure. And as you know, I have taken the position that the best way to do that would be to lift the arms embargo with a standby authority of air power in the event that the present situation was interrupted by the unfair use of artillery by the Bosnian Serbs. That position is still on the table.

Q. Mr. President, you said last week that if you went to air power in Bosnia you would have a clear strategy and it would have a beginning, middle, and end. What happens, though, sir, if a plane is shot down, if you lose a pilot or a couple of pilots, or if the Bosnian Serbs decide to escalate the conflict, or the Serbians by going into, say, Kosovo?

The PRESIDENT. Well, the Bush administration before I became President issued a clear warning to the Serbs that if they try to occupy Kosovo and repress the Albanians there, that the United States would be prepared to take some strong action. And I have reaffirmed that position . . .

Q. There seems to be a Catch 22 emerging on Bosnia. One would be, you have consistently said that you want to have a consensus with the U.S. allies. But until that consensus is formed, you found it seems very difficult to explain to the American people precisely how that war should be defined: Is it a civil war? Is it a war of aggression? And also not necessarily what the next step should be, but what are the principles, the overriding principles that should guide you as a policy? What can you tell the American people right now about that?

The PRESIDENT. First, that is both a civil war and a war of aggression, because Bosnia was created as a separate legal entity. It is both a civil war where elements of people who live within that territory are fighting against each other. And there has been aggression from without, somewhat from the Croatians and from the Serbs, principally from the Serbs—that the inevitable but unintended impact of the arms embargo has been to put the United Nations in the position of ratifying an enormous superiority of arms for the Bosnian Serbs that they got from Serbia, and that our interest is in seeing, in my view at least, that the United Nations does not foreordain the outcome of a civil war. That's why I've always been in favor of some kind of lifting of the arms embargo, that we contain the conflict, and that we do everything we can to move to an end of it and to move to an end of ethnic cleansing. Those are our interests there, and those are the ones I'm trying to pursue. But we should not introduce American ground forces into the conflict in behalf of one of the belligerents, and we must move with our allies. It is a very difficult issue. I realize in a world where we all crave for certainty about everything, it's tough to deal with, but it's a difficult issue. . . . I have a clear policy. I have gotten more done on this than my predecessor did. And maybe one reason he didn't try to do it is because if you can't force everybody to fall in line overnight for people who have been fighting each other for centuries, you may be accused of vacillating. We are not vacillating. We have a clear, strong policy."

May 18: House Foreign Affairs Committee Hearing:

"Secretary CHRISTOPHER. Mr. Ackerman, you've given me a lot to answer in the few moments I have here. First, with respect to the moral case that you make, one of the just absolutely bewildering parts of this problem is that the moral case is devastating and clear that there are atrocities, but there are atrocities on all sides . . . We've been filling reports with the United Nations for some time—we're in the seventh or eighth report of that kind. If you look at those and read those, you'll find indication of atrocities by all three of the major parties against each other, the level of hatred is just incredible. So, you know, it's somewhat different than the Holocaust; it's been easy to analogize this to the Holocaust, but I never heard of any genocide by the Jews against the German people. But here you have atrocities by all sides which makes this problem exceedingly difficult to deal with. Now, with respect to the use of air power—and I will try to capsulize my responses—the respect in which the president has recommended a possible standby use of air power is in connection with the lifting of the arms embargo. We think there's a strong moral case for the lifting of the arms embargo because it works to the disadvantage of one party, that is, the Bosnian government. The air power would be used to compensate during the transition period when the Bosnians are getting some arms so as to level the playing field.

Rep. FRANK MCCLOSKEY (D-Indiana). . . . I am fearful of remarks that you made today positing moral equivalency, if you will, as to the Serbs, the Croats, and particularly the Muslims in all this, as I would rather refer to them, the Bosnians. I would just advise being very careful about this. You, yourself, and even more eloquently, Mr. Clinton, have in the past made very good statements about what is at stake here. I know, you know that my request is still pending right now as to whether the Serb aggression—and they are the overwhelming perpetrators of evil in all this, much more so than anyone else on the scene—whether Serb aggression does constitute genocide under the outlines of the U.N. convention.

That being said, I don't see how this thing moves off the diplomatic dime without a clear and forceful statement from President Clinton. Will he try to use, or would you advise him to use the bully pulpit soon to rally the American people, to rally the Congress and to rally the West as to what is really at stake here, as hundreds of people continue to die every day, and so far nothing stops, nothing deters ongoing Bosnian Serb and Serb aggression.

Secretary CHRISTOPHER. Mr. McCloskey, thank you for the question, and for giving me an opportunity to say that I share your feeling that the principal fault lies with the Bosnian Serbs. And I've said that several times before. They are the most at fault of all three sides, and atrocities abound in this area, as we have seen in the last several days and weeks.

But I agree that the aggression coming from Serbia is the principal perpetrator of the problem in the area. With respect to genocide, the definition of genocide is a fairly technical definition. Let me get it for you here.

Under the 1948 convention, the crime of genocide is to commit—an individual, in order to commit the crime of genocide, must commit one or more specific acts with intent to destroy in whole or in part a national, ethnical, racial or religious group as such.

I would say that some of the acts that have been committed by various parties in Bosnia, principally by the Serbians, could constitute genocide under the 1948 convention if their purpose was to destroy the religious or ethnic group in whole or in part. And that seems to me to be a standard that may well have been reached in some of the aspects of Bosnia. Certainly some of the conduct there is tantamount to genocide.

Rep. MCCLOSKEY. And the hoped for more comprehensive public assertion of leadership, sir?

Secretary CHRISTOPHER. Well, you know, the president is very much seized with this problem, and when the time comes for him to want to enlist the American people, especially in the commitment of military forces, if that ever becomes necessary, I'm certain that he will undertake to explain it fully to the American people. He must do so. He must also consult with Congress extensively."

May 6: Remarks by the President to the Export-Import Bank Conference, Washington, DC.

"The PRESIDENT. . . . The international community, I believe, must not allow the Serbs to stall progress toward peace and continue brutal assaults on innocent civilians. We've seen too many things happen, and we do have fundamental interests there, not only the United States, but particularly the United States as a member of the world community.

The Serbs' actions over the past year violate the principle that internationally-recognized borders must not be violated or altered by aggression from without. Their actions threaten to widen the conflict and foster instability in other parts of Europe in ways that could be exceedingly damaging. And their savage and cynical ethnic cleansing offends the world's conscience and our standard of behavior. . .

Your presence here—your understanding of the importance of exports to America's future, to the blending of our nation and our culture and our values with those of like-minded persons throughout the world—should only reinforce our determination to confine, inasmuch as the international community can possibly confine, savage acts of inhumanity to people solely because of their ethnicity or their religion; to confine insofar as we possibly can as an international community the ability of one country to invade another and upset its borders; and certainly to try to confine this centuries-old series of ethnic and religious enmities to the narrowest possible geographic boundaries."

May 1: US Consultations With Allies on Bosnia-Herzegovina, Secretary Christopher, Opening Statement at a news conference, Washington, DC:

"Upon taking office, President Clinton inherited a complex and tragic situation in the former Yugoslavia. The situation has bedeviled the international community now for almost 2 years. It's a problem with deep historic roots. In the post-Cold War period, the former Yugoslavia has been the scene of violence, tragedy, and outrageous conduct.

The President has acted to deal with this conflict. . . . Yet the outrages have continued in the former Yugoslavia area. In the face of Serbian aggression, the President has been rigorously reviewing further options for action during the course of the last week.

. . . He has been exploring additional actions the international community can take to respond to the violence, stop the aggression, and contain the conflict.

The President has just completed a meeting with his principal national security advisers. At this meeting the President decided on the direction that he believes the United States and the international community should now take in this situation. This direction involves a number of specific recommendations, including military steps. The President is sending me to Europe to consult with our allies and friends on a course of actions. The problem is at the heart of Europe's future. Our efforts will be undertaken with our partners. We're ready to play our part, but others must be as well. . . .

There are, of course, issues of conscience and humanitarian concerns at stake in this situation. But fundamentally our actions are also based upon the strategic interest of the United States. All of us seek to limit the risk of a widening instability that could lead to a . . . war."

May 25: Madeleine K. Albright, Excerpts from statement by the U.S. Permanent Representative to the United Nations, UN Security Council Adopts Resolution 827 on War Crimes Tribunal, New York City, May 25, 1993.

". . . The crimes being committed, even as we meet today, are not just isolated acts of drunken militia men, but often are the systematic and orchestrated crimes of government officials, military commanders, and disciplined artillery men and foot soldiers."

April 23: Clinton Defends First 100 Days, Stresses Options in Bosnia, Presidential News Conference:

"Q. Mr. President, there's a growing feeling that the Western response to the bloodshed in Bosnia has been woefully inadequate. Holocaust survivor Elie Wiesel asked you yesterday to do something, anything to stop the fighting. Is the United States considering taking unilateral action such as airstrikes against Serb artillery sites?

President CLINTON. Well, first let me say, as you know, for more than a week now we have been seriously reviewing our options for further action . . . I think we should act. We should lead, the United States should lead. We have led for the last three months.

We have moved the coalition, and to be fair, our, our allies in Europe have been willing to, to do their part, and they have troops on the ground there. But I do not think we should act alone, unilaterally, nor do I think we will have to.

And in the next several days I think we will finalize the extensive review which has been going on, and which has taken a lot of my time, as well as the time of the administration, as it should have, over the last 10 days or so. I think we'll finish that in the near future and then we'll have a policy, and we'll announce it and everybody can evaluate it.

Q. Do you see any parallel between the ethnic cleansing in Bosnia and the Holocaust?

P. I think the—I think the Holocaust is on a whole different level. I think it is without precedent, or peer in human history. On the other hand, ethnic cleansing is the kind of inhumanity that the Holocaust took to the nth degree. The idea of moving people around, abusing them and often killing them solely because of their ethnicity is an abhorrent thing. And especially troublesome in that area where people of different ethnic groups lived side by side for so long together.

And I think you have to stand up against it. I think it's wrong . . .

Q. Mr. President getting back to the situation in Bosnia, and we understand you haven't made any final decision on new options previously considered unacceptable, but the two most commonly heard options would be lifting the arms embargo to enable the Bosnian Muslims to defend themselves, and to initiate some limited airstrikes, perhaps to cut off supply lines.

Without telling us your decision—presumably you haven't made any final decisions on those two options—what are the pros and cons—that are going through your mind right now and will weigh heavily on your final decision?

P. I'm reluctant to get into this. Those are two of the options. There are some other options that have been considered. All have pluses and minuses. All have supporters and opponents in the Congress, where I would remind you, heavy consultations will be required to embark on any new policy.

I do believe that on the airstrike issue, the pronouncement that [Chairman of the Joint Chief of Staff Gen. Colin L.] Powell [Jr.] has made generally about military action apply there. If you take action, if the United States takes action, we must have a clearly defined objective that can be met, we must be able to understand it, and its limitations must be clear.

The United States is not, should not become involved as a partisan in a war. With regard to the, to the lifting of the arms embargo, the question obviously there is the—if you widen the capacity of people to fight, will that help to get a settlement and bring about peace, or will it lead to more bloodshed, and what kind of reaction can others have that would, that would undermine the effectiveness of the policy.

But I think both of them deserve some serious consideration along with some other options we have. . . .

Q. Since you said that one side in the Bosnian conflict represents inhumanity, the Holocaust carried to the 'nth degree,' why do you then tell us that the United States cannot take a partisan view in this war?

P. Well, I said that the principle of ethnic cleansing is something we ought to stand up against. That does not mean that the United States or the United Nations can enter a war, in effect, to redraw the lines, geographical lines of republics within what was Yugoslavia, or that that would ultimately be successful.

I think what the United States has to do is to try to figure out whether there is some way, consistent with forcing the people to resolve their own difficulties, we can stand up to and stop ethnic cleansing, and that is obviously the difficulty we are wrestling with.

This is clearly the most difficult foreign policy problem we face and that all of our allies face. And if it were easy, I suppose it would have been solved before. We have tried to do more in the last 90 days than was previously done. It has clearly not been enough to stop the Serbian aggression, and we are now looking at what else we can do.

Q. Yesterday you specifically criticized the Roosevelt administration for not having bombed the railroads to the concentration camps and things that were near military targets. Aren't there steps like that that would not involve conflict, direct conflict or partisan belligerence that you might consider?

P. There may be. I would remind you that the circumstances were somewhat different. We were then at war with Germany . . . and that's what made that whole incident, series of incidents, so perplexing. But we have, as I say, we've got all of our options under review. . . ."

April 21: The Washington Times: "Airstrikes in Bosnia lose appeal; Congress urges stronger steps" by Warren Strobel.

". . .With Mr. Christopher describing U.S. policy toward Bosnia as 'at a turning point,' President Clinton called together his top policy advisers to discuss possible new steps.

Alluding to the Nazi attempt to exterminate Jews, Mr. Clinton said the carnage there merits U.S. intervention.

'I think the Holocaust is the most extreme example the world has ever known of ethnic cleansing and I think that even in its more limited manifestations it's an idea that should be opposed,' he said yesterday at the beginning of a meeting with Czech president Vaclav Havel. . .

The administration is under intense pressure from lawmakers, many of whom are pointing to tomorrow's dedication of the Holocaust Memorial Museum and asking whether the West really meant it when it said, 'Never again.'"

April 1: President Clinton, Question-and-Answer Session With the American Society of Newspaper Editors in Annapolis, Maryland,

"Q. Mr. President, . . . Do we have a national interest in checking the spread of greater Serbian ethnic cleansing in the Balkans? And are we losing our credibility as a nation as this horrifying aggression in a sovereign state continues without your unrestrained, forceful, and public condemnation of it?

The PRESIDENT. Yes, we have a national interest in limiting ethnic cleansing. . .The thing that I have not been willing to do is to immediately take action the end of which I could not see. Whatever I want to do, I want to do it with vigor and wholeheartedly. I want it to have a reasonable prospect of success. And I have done the best I could with the cards that I found on the table when I became President. If you have other ideas about what you think I ought to do that would minimize the loss of life, I would be glad to have them.

Q. Sir, do you condemn it here today?

The PRESIDENT. Absolutely. I condemn it, and I have condemned it repeatedly and thoroughly. And I have done everything I could to increase the pressure of the international community on the outrages perpetrated in Bosnia by the aggressors and to get people to stand up against ethnic cleansing. The question is what are we capable of doing about it from the United States. If you look at the responses that have been mustered so far from the European states that are even closer and that have a memory of what happened when Hitler, who was not shy about using his power, had hundreds of thousands of people in the former Yugoslavia and even then was unable to subdue it entirely.

I think you have to look at what our realistic options are for action. The question is not whether we condemn what's going on. Ethnic cleansing is an outrage, and it is an idea which should die, which should not be able to be expanded. The question is, what can we do?

Now, I have said that the United States would be prepared to join with a United Nations effort in supporting a peacekeeping process that was entered into in good faith. If the Serbs refuse to do that, then we will all have to reassess our position. But we must be careful not to use words that will outstrip our capacity to back them up. That is a grave error for any great nation, and one I will try not to commit."

April 15: NBC Today Show Interview, Guest: Secretary of State Warren Christopher.

"Q. Mr. Secretary, let me ask you about Bosnia for a moment. Margaret Thatcher said on this program that the European Community was guilty of being an accomplice to massacre by not intervening militarily in Bosnia and she called for two things: loosening the arms embargo so the Bosnians could get arms, and a bombing campaign to make it painful for the Serbs. What's your reaction to that?

Secretary CHRISTOPHER. Well, I've said before it's a horrifying situation in Bosnia and it seems to get worse every day. It seems to me that Prime Minister Thatcher's prescription is one for only increasing the carnage. The United States does not have any intention in intervening in that war with ground troops. We're taking a number of important steps to try to persuade the Serbs not to continue their aggression, but I do not think that her prescription is the right approach to it. It's a rather emotional response to an emotional problem."

April 22: President Clinton, US Holocaust Museum Dedicated, Address at the dedication ceremony, Washington, DC:

". . . The Holocaust reminds us forever that knowledge divorced form values can only serve to deepen the human nightmare, that a head without a heart is not humanity.

For those of us here today representing the nations of the West, we must live forever with this knowledge: Even as our fragmentary awareness of crimes grew into indisputable facts, far too little was done. Before the war even started, doors to liberty were shut. And even after the United States and the Allies attacked Germany, rail lines to the camps within miles of military significant targets were left undisturbed . . .

Ethnic cleansing in the former Yugoslavia is but the most brutal and blatant and ever-present manifestation of what we see also with the oppression of the Kurds in Iraq, the abusive treatment of the Baha'i in Iran, the endless race-based violence in South Africa. And in many other places we are reminded again and again how fragile are the safeguards of civilizations . . ."

April 1: House Foreign Affairs Committee International Operations Subcommittee

"Rep. FRANK MCCLOSKEY (D-Indiana). . . Previously in response to a question to whether or not genocide has taken place, the reply from State was that acts tantamount to genocide have taken place. I think that's not a clear answer to a very important and policy driving question.

Would you order a clear, explicit determination, yes or no, if the outrageous Serb systematic barbarism amounts to genocide? That's one question . . .

Secretary CHRISTOPHER. With respect to the definition of circumstances in Bosnia, we certainly will reply to that. That is a legal question that you have posed.

I have said several times that the conduct there is an atrocity: the killing, the raping, the ethnic cleansing is definitively an atrocious set of acts, whether it meets the technical legal definition of genocide, it's a matter we will look and get back to you."

March 23: Questions for the record submitted to Mr. Stephen Oxman by Senator Dole, Senate Foreign Relations Committee.

"Question. *Bosnia-Herzegovina*. In November, 1992, the U.N. Human Rights Commission approved a resolution, which was supported by the United States, which asks member states to provide their views as to whether the actions of the Serb forces in Bosnia-Herzegovina constitute genocide under the Genocide Convention. What is the U.S. legal judgment on this matter? Has the United States submitted its views to the U.N. Human Rights Commission? If not, why has it not done so?

Answer. The resolution in question 'called upon all States to consider the extent to which the acts committed in Bosnia and Herzegovina and Croatia constitute genocide.' It did not request views to be submitted, but rather for States to look at this question.

The Administration has done so, and concluded that acts tantamount to genocide have taken place in Bosnia. Because of this, and because of the need to ensure accountability for such acts, the Administration believes that the War Crimes Tribunal being established by the Security Council should have jurisdiction over such acts."

March 10: House Appropriations Subcommittee Hearing, Topic: State Department programs, Witness: Secretary of State Warren Christopher.

"Rep. SKAGGS. Let me also invite you to lay out your sense of the U.S. national interest in our efforts to calm things down in the former Yugoslavia, an identification of U.S. interests that goes beyond certainly the laudable humanitarian objectives that we're now pursuing.

Secretary CHRISTOPHER. Well, thank you for that opportunity. The case, Mr. Skaggs, is no less than the prevention of a conflagration that could envelop all of southeastern Europe and perhaps rage beyond, as it sometimes has from that area, to consume a substantial portion of the world. That's what's at stake here, preventing a widespread area conflict . . . At a very minimum, it's important to stop them before they enter other areas, and that's why we've attached so much importance to giving them a strong warning about creating conflict in Kosovo as well as the stationing of international observers on the border of Macedonia . . .

So the stakes for the United States, and for the citizens of the United States, are to prevent the broadening of that conflict to bring in our NATO allies, and to bring in vast sections of Europe, and perhaps as happened before, broadening into a world war.

You know, there's kind of an eery analogy here. When you think of Sarajevo as being the triggering point for World War I, here we are again. How many years later, seven decades later we're back with Sarajevo perhaps being once again the trigger. If that isn't warning enough for us, then we certainly are failing to follow the lessons of history.

That's why the United States is interested. That's why we are wanting to take an active role there."

February 22: UN Security Council Adopts Resolution 808 on War Crimes Tribunal. Statement by Madeleine K. Albright, US Permanent Representative to the United Nations, UN Security Council, New York City, February 22, 1993.

"There is an echo in this chamber today. The Nuremberg principles have been reaffirmed. We have preserved the long-neglected compact made by the community of civilized nations 48 years ago in San Francisco: to create the United Nations and enforce the Nuremberg principles. The lesson that we are all accountable to international law may have finally taken hold in our collective memory. . ."

February 10: New Steps Toward Conflict Resolution In the Former Yugoslavia, Secretary Christopher, Opening statement at a news conference, Washington, DC, February 10, 1993.

". . . This conflict may be far from our shores, but it is not distant to our concerns. We cannot afford to ignore it. Let me explain why.

We cannot ignore the human toll . . .

Our conscience revolts at the idea of passively accepting such brutality.

Beyond these humanitarian interests, we have direct strategic concerns as well. The continuing destruction of a new UN member state challenges the principal that internationally recognized borders should not be altered by force. In addition, this conflict itself has no natural borders. It threatens to spill over into new regions, such as Kosovo and Macedonia. It could then become a greater Balkan war, like those that preceded World War I. Broader hostilities could touch additional nations, such as Greece, Albania, and Turkey. The river of fleeing refugees, which has already reached the hundreds of thousands, would swell. The political and economic vigor of Europe, already tested by the integration of former communist states, would be further strained.

There is a broader imperative here. The world's response to the violence in the former Yugoslavia is an early and crucial test of how it will address the concerns of ethnic and religious minorities in the post-Cold War world. That question reaches throughout Eastern Europe. It reaches to the states of the former Soviet Union, where the fall of communism has left some 25 million ethnic Russians living as minorities in other republics, and it reaches to other continents as well.

The events in the former Yugoslavia raise the question of whether a state may address the rights of its minorities by eradicating those minorities to achieve 'ethnic purity.' Bold tyrants and fearful minorities are watching to see whether 'ethnic cleansing' is a policy [that] the world will tolerate. If we hope to promote the spread of freedom or if we hope to encourage the emergence of peaceful multi-ethnic democracies, our answer must be a resounding no."

January 20: President Clinton's inaugural address:

". . . When our vital interests are challenged, or the will and conscience of the international community is defied, we will act—with peaceful diplomacy whenever possible, with force when necessary. . ."

January 22: Los Angeles Times: Clinton to Press Active U.S. Role in Bosnia

". . .'This is clearly the highest priority of the President in the National Security Council's agenda. . .,' Madeleine Albright, Clinton's nominee for ambassador to the United Nations, told the Senate Foreign Relations Committee. 'We will, in fact, be meeting on this subject very soon.'"

January 20: Washington Post: U.S. Human Rights Report Charges Serb Drive 'Borders on Genocide':

"The 'ethnic cleansing' campaign pursued by Bosnian Serbs to drive Muslims and other ethnic groups from their homes in Bosnia-Herzegovina has resulted in murder, torture, rape and starvation on a scale that 'dwarfs anything seen in Europe since Nazi times,' the State Department said yesterday in its annual human rights report.

'It borders on genocide,' Patricia Diaz Dennis, assistant secretary of state for human rights, said in describing the efforts of Serb irregular forces, aided by Serbia and the Serbian-controlled Yugoslav army, to bring most of Bosnia under their control."

January 14: The New York Times: Clinton's State Dept. Choice Backs, 'Discreet' Force (report on Christopher's confirmation hearing):

". . . Later, his remarks were more pointed. The Serbian campaign of 'ethnic cleansing,' he said, was resulting in 'near genocidal conditions or perhaps really genocidal conditions.' At another point he said, 'It is a situation where Europe has performed in an abysmal way."

January 14: The New York Times: Excerpt From an Interview With Clinton After the Air Strikes:

"Q: Are you ready to support a Nuremberg-like war criminal trial? Eagleburger has named several leaders there as war criminals?

A: Absolutely . . . Somehow the West has got to say something and do something about the idea of ethnic cleansing, which is such an embracing idea that if you believe in it, it justifies the brutalization of women who aren't your women and the torture of children that aren't your children.

I think it is important to point out that this Bosnian thing has potential ramifications further away from the reach of the United States and Europe on the republics of the former Soviet Union, in central Europe. This is the idea under which this whole thing has proceeded, is what the West has to stand up against, what the United Nations has to stand up against.

. . . I think that as horrible as the loss of life, and the torture and the butchery and the starvation has been the potential for a bigger impact is greater than that even. Because it's all been done under the notion of ethnic cleansing. I mean, here we are on the verge of the 21st century, and people who are literate, who can read and write, who are part of a very old, civilized tradition, think it's O.K. to slaughter the living daylights out of one another under the guise of ethnic cleansing. It is a barbaric idea . . . We've got to take a stand against it. It's an awful idea, and the potential ramifications are very very great, because they justify doing anything."

December 16, 1992: The Need To Respond to War Crimes in the Former Yugoslavia, Secretary Eagleburger, Statement at the International Conference on the Former Yugoslavia, Geneva, Switzerland.

". . . We have, on the one hand, a moral and historical obligation not to stand back a second time in this century while a people faces obliteration . . . The fact of the matter is that we know that crimes against humanity have occurred, and we know when and where they occurred. We know, moreover, which forces committed those crimes, and under whose command they operated. And we know, finally, who the political leaders are to whom those military commanders were—and still are—responsible . . .

Finally, there is another category of fact which is beyond dispute—namely, the fact of political and command responsibility for the crimes against humanity which I have described. Leaders such as Slobodan Milosevic, the President of Serbia, Radovan Karadzic, the self-declared President of the Serbian Bosnian republic, and General Ratko Mladic, commander of Bosnian Serb military forces, must eventually explain whether and how they sought to ensure, as they must under international law, that their forces complied with international law. They ought, if charged, to have the opportunity of defending themselves by demonstrating whether and how they took responsible action to prevent and punish the atrocities I have described which were undertaken by their subordinates . . .

It is clear that the reckless leaders of Serbia, and of the Serbs inside Bosnia, have somehow convinced themselves that the international community will not stand up to them now, and will be forced eventually to recognize the fruits of their aggression and the results of ethnic cleansing . . .

Thus, we must make it unmistakably clear that we will settle for nothing less than the restoration of the independent state of Bosnia-Herzegovina with its territory undivided and intact, the return of all refugees to their homes and villages, and, indeed, a day of reckoning for those found guilty of crimes against humanity . . .

But in waiting for the people of Serbia, if not their leaders, to come to their senses, we must make them understand that their country will remain alone, friendless, and condemned to economic ruin and exclusion from the family of civilized nations for as long as they pursue the suicidal dream of a Greater Serbia. They need, especially, to understand that a second Nuremberg awaits the practitioners of ethnic cleansing, and that the judgment, and opprobrium, of history awaits the people in whose name their crimes were committed."

HOUSE OF REPRESENTATIVES—*Tuesday, February 22, 1994*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray today using President George Washington's prayer for his country:

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Wyoming [Mr. THOMAS] to lead the House in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, February 11, 1994 at 7:47 p.m.: that the Senate agreed to the Conference Report on H.R. 3759.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

PLANS OF COMMITTEE ON RULES REGARDING H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

(Mr. GORDON asked and was given permission to address the House for 1 minute.)

Mr. GORDON. Mr. Speaker, I would like to inform Members about the Rules Committee's plans regarding H.R. 6, the Improving America's Schools Act of 1994. Education and Labor Committee Chairman FORD announced in the CONGRESSIONAL RECORD of February 11, that he would probably seek a rule which would require that amendments be printed in the CONGRESSIONAL RECORD prior to consideration of H.R. 6. It is anticipated that this measure will come to the floor this week.

Although the Rules Committee is scheduled to meet tomorrow on this request, it is recommended that those Members who anticipate offering amendments to H.R. 6, print their amendments in the CONGRESSIONAL RECORD not later than Wednesday, February 23, 1994. A "Dear Colleague" letter from the Rules Committee Chairman MOAKLEY was distributed on February 17, informing Members of this request.

Amendments should be drafted to H.R. 6 as reported from the Committee on Education and Labor. This bill is available in the document room. Chairman FORD has also requested that the bill be read by title except for title I. He has asked that title I, which is the actual reauthorization of the Elementary and Secondary Education Act, be read by the individual titles within title I. Amendments should be titled "Submitted for printing under clause 6 of rule 23," and submitted at the Speaker's table. Amendments do not need to be submitted to the Rules Committee.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, as I understand it from the chairman, this will be an open rule and the amendments must be printed by 5 o'clock tomorrow.

Mr. GORDON. Mr. Speaker, that will be determined tomorrow.

Mr. GOODLING. The request of the chairman is that it be an open rule.

Mr. GORDON. It is my understanding that is the gentleman's request. I am not sure what the result will be.

MAKING IN ORDER ON TOMORROW CONSIDERATION OF HOUSE RESOLUTION 343

Mr. GORDON. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, February 23, 1994, to consider House Resolution 343 in the House, and that the previous question be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GORDON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1:00 p.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO PRINT PROGRAM AND REMARKS OF MEMBERS AT WREATH-LAYING CEREMONY FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. GORDON. Mr. Speaker, I ask unanimous consent that the program

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and the remarks of the gentlewoman from Virginia [Mrs. BYRNE] and the gentleman from Virginia [Mr. BATEMAN], the two Members representing the House of Representatives at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's birthday on Monday, February 21, 1994, be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the program and speeches is as follows:

PRESIDENT GEORGE WASHINGTON—262D BIRTHDAY OBSERVANCE

PROGRAM

Opening: Arnold Goldstein, Superintendent, National Capital Parks-Central, National Park Service.

Presentation of the Colors: Joint Armed Services Color Guard.

To the Colors: Old Guard Fife and Drum Corps, Drum Major Anthony Hoxworth.

Welcome: Superintendent Goldstein.

Musical Selection: Old Guard Fife and Drum Corps.

Remarks: Admiral John D.H. Kane, Washington National Monument Society.

Robert G. Stanton, Regional Director, National Capital Region, National Park Service.

Jack Evans D.C. City Council.

The Honorable Herbert H. Bateman, U.S. House of Representatives, 1st District, Virginia.

The Honorable Leslie L. Byrne, U.S. House of Representatives, 11th District, Virginia.

Musical Selection: Stevens Elementary School, Bell Ringing Choir, Washington, D.C. Director, Sharon L. Strange.

The Wreath of the House of Representatives: Honorable Herbert H. Bateman and Honorable Leslie L. Byrne.

The Wreath of the Washington National Monument Society: Admiral John D.H. Kane.

The Wreath of the National Park Service: Robert G. Stanton, National Park Service.

Taps and Retiring of the Colors: Military District of Washington.

REMARKS OF HERBERT H. BATEMAN, GEORGE WASHINGTON BIRTHDAY WREATH-LAYING CEREMONY, WASHINGTON MONUMENT, FEBRUARY 22, 1994

It is with great pride that I pay tribute to George Washington, a peerless military leader of the War for Independence, the able Chairman of the Constitutional Convention and our nation's brilliant first President. His standing and the respect of his peers is proven by the fact he is our only President whose election was without opposition.

George Washington was a man of great courage and wisdom. Not only did he have the foresight to help design the democracy we know today, but he possessed the strength and conviction to put his plans into action by leading the rebellious colonists to a victory against overwhelming odds.

How fitting it is that this towering monument behind me was erected in his honor and that we come here every year to pay tribute to this great American. I admit to having a special affection for George Washington—much of his life was spent living and working in what I proudly refer to as America's First Congressional District.

Washington was born in America's First District in Westmoreland County, which is about 75 miles southeast of here. He spent most of his childhood at Ferry Farm, just 30 minutes outside the beltway in Stafford County, which also is in America's First District. It was at Ferry Farm that the boy who would become the father of this country worked in his copy books, wrote his "Rules of Civility and Descent Behavior," taught himself surveying and, if there is truth to the legend, chopped down the cherry tree and threw a coin across the Rappahannock River.

I am proud of George Washington and what he means to my District. But more important, I am proud of George Washington and what he means to our great nation. Through his leadership we won our war for independence, started down the path of representative government and became the role model for liberty under law for all the world.

George Washington was the embodiment of the ideals on which our nation was founded. During this two terms as our first president, he governed with dignity as well as restraint. He provided the stability and the authority the nation so sorely needed; gave substance to the Constitution; and reconciled competing factions and divergent policies within the government and his administration. George Washington's life lends testimony to the notion that through dedication to a noble cause, the impossible is indeed achievable.

Another great leader from America's First District, Light-Horse Harry Lee, on the floor of the House of Representatives in 1799 paid tribute to George Washington in these memorable terms:

"First in war, first in peace, and first in the hearts of his countrymen."

This characterization is as universe today as it was in 1799.

CONGRESSWOMAN LESLIE BYRNE—GEORGE WASHINGTON BIRTHDAY CEREMONY, FEBRUARY 22, 1994

Honored guests, ladies and gentlemen. It is an honor to be with you today to celebrate the birth of the father of our nation. As we gather here every year in front of his monument it is easy to get caught up in the grandeur, the myth of George Washington. But the reality of President Washington is why I believe his memory endures and continues to show us the way.

Long before George Washington was a general or president he was an active participant in his community. His boyhood was spent on the family farm on the Rappahannock River. His father died when he was 11 years old, and he was left in the care of his older brother, Lawrence. Although formal schooling was a sometimes thing, we know from schoolboy papers that survive that he was well trained in geography and practical mathematics. At 14, he painstakingly copied a set of moral precepts called the rules of a civility which were carefully preserved.

His real education was in listening and learning from those with whom he came in contact—the farmers, the trappers and outdoorsmen, the new settlers and the landed gentry. All contributed to his training.

At 16, Washington got his first paid job as a surveyor and struck out to map the wilderness. This experience further taught him about self-reliance and endurance.

Upon the death of his half-brother Lawrence, when George was only 20 years old, he became the owner of Mount Vernon. There and in the city of Alexandria he was an active member of the community. Whether it was as a vestry man of his church, holding dances or horse races at Mount Vernon, or playing cards, he engaged people and was engaged by them.

This was no brooding, solitary figure. No Stuart portrait or marble statue could capture his strength of character of his vision and understanding for the people he chose to serve.

Alexander Hamilton described him as "the sort of natural leader to whom people turned instinctively when trouble was afoot and when the judgments of the merely brilliant could not be altogether trusted." This was an elegant way saying George Washington was a person of common sense. I believe that common sense was created and nutured by Washington's investment in his community, be it his corner of Virginia or the broader community of a new country he helped create defend and lead. A country that because of his sterling example, continues to grow change and work for the American people. And if we continue to follow his example by working in our communities, investing in those around us and exercising common sense, we will continue to make our nation stronger and live the vision that President Washington had for us. Part of that vision was spelled out in his farewell address when he warned his countrymen to "forswear party spirit and sectional passions."

Today, we are poised to take on the most challenging domestic issues of our time, and I offer Washington's words as a guidepost. Then as now, we will not get far if we allow those things that divide us to dictate the debate. Only be searching for that consensus of our national community will we move forward.

So as a Virginian, I am proud to stand here today at the base of a monument dedicated to Virginia's best. I realize, however, that this farmer, surveyor, soldier, politician and leader belongs to the entire country. I only hope they see past the statues and portraits, to the farmer with dirt on his hands, to the popular story-telling member of the House of Burgesses, enjoying a card game in a tavern in Williamsburg, or see the frightened young man leading his troops back from Braddock's debacle.

Then remember this uncommon man honored by his nation preserving our new government by providing for the first peaceful transition of power and whose every action was a precedent for how we conduct our nation's government.

Because George Washington put his nation first, he will always be "first in the hearts of his countrymen."

TRIBUTE TO RANDY SHILTS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to mourn the recent death of celebrated journalist Randy Shilts. Mr. Shilts died at his home, in my district, at the age of 42. He died from complications associated with AIDS.

Randy Shilts was the country's leading AIDS reporter—a job which led him to write the historic account of the AIDS crisis titled: "And the Band Played On."

He also brought national attention to America's ban on gays in the military through his research for his most recent book: "Conduct Unbecoming."

Randy Shilts has been honored for his outstanding work time and time again with awards too numerous to mention here. He will be sorely missed by all those who knew him and his writing.

Mr. Speaker, the best way we can pay tribute to Randy's work is to keep fighting to bring an end to the terrible scourge of AIDS—a disease which has robbed America of far too many of its precious resources—including Randy Shilts.

RACE-BASED VOTER FRAUD IN PENNSYLVANIA STATE SENATE ELECTION

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, with all the furor over Ed Rollins and the unsubstantiated allegations of electoral shenanigans, I thought our colleagues might be interested to learn that the only proven case of race-based voter fraud in America last year occurred in the Pennsylvania State Senate election in Philadelphia.

The word from the court has come down, and its results are explosive. A Federal district court ordered the results of the election overturned. The judge found that the campaign of Democrat Bill Stinson engaged in massive ballot fraud, deception, intimidation, harassment, and forgery.

In fact, the judge ruled that Stinson and his Democrat party hacks had stolen the election by misleading Latino Americans into filing hundreds of fraudulent absentee ballots.

The judge ruled that Republican Bruce Marks be declared the winner, and seated in the State senate today, giving Republicans control of that body.

Unlike the Rollins fiasco, this is real life, not just the self-congratulatory musings of a victorious consultant. Bill Stinson and his cronies deliberately duped Philadelphia Latinos in order to further their own political careers.

The smell of rank corruption is heavy in the air. It might be nice if even a few of those who were so outraged by the Rollins allegations were to stand up today and applaud the courageous decision of Judge Clarence Newcomber. He found the facts, he applied the law, he brought justice at last to this tawdry tale.

PRESIDENT CLINTON'S FOREIGN POLICY SUCCESSES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, United States policy toward Bosnia is working, and it is about time the President and Secretary of State got some credit.

Mr. Speaker, last week, under the strong and forceful leadership of President Clinton, we saw joint action by the allies, the United Nations, and NATO, successfully push for the pullback of Bosnian Serb armaments from around Sarajevo. Today the talk is of the future and efforts to bring life back to that city.

On another front, the Clinton-Christopher team also scored. For far too long, North Korea has resisted international inspections of its nuclear sites. Last week, following resolute action by the United States, the North Koreans agreed to inspections.

Mr. Speaker, these two breakthroughs show the skill and ability of this administration on the world stage. The problems and challenges are numerous but the President deserves praise for his recent successes.

HEALTH CARE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I want to talk a little bit about health care. I have just spent a week in Wyoming and we talked a lot about health care.

One of the conclusions one cannot help but make is that the one fits all kind of health care program will not fit in Wyoming. What fits in Baltimore does not fit in Basin, WY. The Clinton plan is based on numbers. The Clinton plan is based on HMO's, dealing with a great many people, as is the Cooper plan.

It takes, according to the medical journal, 10,000 people to make the Cooper plan work to have the leverage and access. In Wyoming, it is not just having insurance that gives one access, it is the idea that there is somebody there to take care of you.

We also are a State of small business. And mandated health insurance premiums will trade health care for jobs and they will both fail.

What we need is a program that makes fundamental changes in the program that we have. We need fundamental changes in insurance. We need fundamental changes in the characteristics of hospitals so that they can be reimbursed. We need a flexible program, Mr. Speaker. We need a health program but not a one fits all Government-run nationalized health program.

MAKING OUR STREETS SAFE

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, "Officer Down." The two most dreaded words in law enforcement.

In the last several months, the communities in California's 36th Congressional District have been rocked by the tragic and unprecedented murders of Officers Martin Ganz of Manhattan Beach and Mike Tracy and Tom Vanderpool of Palos Verdes Estates.

At the moving joint service for Tracy and Vanderpool which I attended yesterday, their colleagues and relatives described "Trace" as a dirt bike racer with a pet nickname for everyone and "Vandy" as an incurable romantic who touched the hearts and lives of many as the Christmas Santa over the years.

Monday's Los Angeles Times carried a touching front page story headlined "Toll of Violence Haunts Families of Police Officers."

I cannot bring these officers back, but I can lend my voice and all my conviction to the effort to deter our young from lives of crime and punish swiftly and severely those who commit violent crimes or any crimes using a firearm—with the ultimate penalty for those who kill our law enforcement officers.

I stand 100 percent behind the peace officers in my district. They risk their lives to make my family and our community safe. We must find the way to make them safe.

AN OPEN RULE FOR H.R. 6

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, on Thursday the House will consider important education legislation, H.R. 6. This Member strongly urges the Rules Committee to grant an open rule on this bill. It is important, as one of several examples, that there be an opportunity to offer an amendment similar to the one offered in committee by the gentleman from Texas [Mr. ARMEY] regarding home schooling and that there is an opportunity to perhaps permit a Member to offer an amendment which clarifies that the bill does not mandate outcome-based-education.

The Armey amendment must be allowed to be offered on the House floor because of the way it was handled in committee. A significant number of Americans have doubts about the intentions of the Federal Government, the Department of Education, and the Education and Labor Committee. They are concerned that the Federal Government is beginning to move in the direction of certifying teachers in home and private schools.

Mr. Speaker, I want to remind my colleagues that under Article X of the U.S. Constitution, the responsibility to provide and regulate education is given to States; in spite of the views of activists inside and outside of Congress, there is no Federal role.

Again, Mr. Speaker, this Member urges the Rules Committee to bring

H.R. 6 to the House floor under an open rule or at least allow a generous number of amendments covering all the controversial aspects of this legislation. Failing to do so, they are going to be surprised how many negative votes there are for H.R. 6.

CLINTON FOREIGN POLICY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, throughout his first year in office, President Clinton has set the ship of state adrift in some very rocky international waters. Now, after 13 months of rudderless foreign policy, President Clinton has hit upon a cease fire in Sarajevo brokered in large part by the French and Russians.

It is time for Mr. Clinton to start taking foreign policy seriously. We have seen our foreign policy wander through the sands of Somalia until American soldiers were killed for no apparent reason.

We have seen American military involvement in Bosnia at least temporarily averted through this fragile cease-fire. Where do we go from here?

With an ever-growing crisis on the Korean Peninsula, now more than ever, it is time to put our rudder back in the water and find a direction for our foreign policy.

In order to prevent future conflicts, Mr. Clinton must aim another laser beam at foreign policy, and reassert American leadership in the world arena.

W-2 FORMS AND WHAT THEY SHOW

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I have in my hand a W-2 form. Every working American knows what this is, but I think it's an excellent time of year to look at this W-2 form to see what government does to us, by observing how much they take out of our paychecks.

If you are an average working person in Michigan, government takes 42 cents of every dollar you earn. The Federal Government taxes too much, borrows too much, and spends too much.

Those under 40 should pay particular attention because if you retire after the year 2020 you're in trouble. There will be just two working Americans to support each Social Security recipient by that time. Your Social Security taxes today don't go for your Social Security, your Medicare deductions don't go for your health insurance.

It's a good time of year to think about what kind of government you want, the kind of person you want to send to Congress next November.

CONGRATULATIONS TO PICABO STREET

(Mr. CRAPO asked and was given permission to address the House for 1 minute.)

Mr. CRAPO. Mr. Speaker, it is my honor today to extend congratulations to Picabo Street, the silver medalist winner in the women's downhill. Picabo comes from Triumph, ID, which is close to some of Idaho's greatest skiing in the Sun Valley area. She has shown the strength of will and the perseverance that it takes to become a silver medalist, announcing 10 years ago to her family that she was going to compete in the Olympics.

Her success has made her a good role model for many young people who aspire to compete in the Olympics.

On a personal note, I hope that maybe she can help me and my kids learn a little bit better how to get down those slopes in Sun Valley.

Picabo has brought honor to Idaho and America and deserves our hearty congratulations.

CLINTON'S HEALTH CARE PLAN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, my colleagues, the jury is in on the Clinton health care bill. The American people have spoken loudly and clearly, and it is time to proclaim the Clinton health care bill as dead.

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That is d-e-a-d, dead. Why? Because the American people do not want the Government to take control of the Nation's health care system. The American people do not want to pay more and get less when it comes to health care.

Third, the American people do not want to pay higher taxes, so that we can try to fix what is not wrong with America's health care system.

It is time to give this health care bill from the President a proper burial, a funeral. Let us bless it and let us move on with a real debate about how we can fix the problems in today's health care system without throwing out the baby with the bath water.

BIG GOVERNMENT IS WRECKING ECONOMIES AROUND THE WORLD

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Washington Post front page headline today says: "German Workers Getting Stiff Shot of Reality."

The sub-headline sums it up: "Bonuses, Perks Vanish as Firms Fight to Survive."

The story says that the "party * * * is over" as excessive pay and benefits financed by government subsidies or required by government regulation caused the German economy to plummet.

It is sickening, and really ridiculous, when liberals stand on this floor and say we must mandate this benefit or require that regulation because almost all other countries do.

Yet big government is wrecking the economy of countries all over this world, and it will soon wreck ours, too, if we do not wake up.

The liberal mindset seems to be that government can run your life and spend your money better than you can yourself.

The liberal mindset seems to be that almost all other countries are better to workers than we are, and Germany has frequently been held out as an enlightened, progressive, liberal example.

But consider this: Hundreds of millions want to come here to gain freedom and opportunity and a chance for a good life.

Every place where liberals have caused the government to get too big, the people have ended up starving or living under horrible conditions, and they are getting out as fast as they possibly can.

The real solution to our problems is less government—not more. The only solution that will really work is something called free enterprise.

EDUCATIONAL FREEDOM

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, I rise today to express my concern regarding the provisions of H.R. 6 which potentially mandate the State certification of teachers in private, elementary, and secondary schools, and of parents who home school their children. In its present form, H.R. 6 could lead to a massive, unjustified governmental intrusion into private education in America.

Parents should be allowed to educate their children in accordance with their own principles and beliefs. The government should not interfere with this. This is a fundamental right which is threatened by the ambiguous language of H.R. 6.

We need an open rule on H.R. 6, and we need an unequivocal amendment to protect the fundamental right of American families to educate their children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken on Wednesday, February 23, 1994.

SAFE SCHOOLS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2455) to help local school systems achieve goal six of the national education goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence, as amended.

The Clerk read as follows:

H.R. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Schools Act of 1994".

SEC. 2. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) IN GENERAL.—With funds appropriated under subsection (b)(1), the Secretary of Education shall make competitive grants to eligible local educational agencies to carry out projects designed to achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by helping to ensure that all schools are safe and free of violence.

(b) MODEL PROJECT.—The Secretary of Education, shall develop a written safe schools model so all schools can develop models that enable all students to participate regardless of any language barriers.

(c) AUTHORIZATION OF APPROPRIATIONS AND RESERVATION.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 1994.

(2) RESERVATION.—From the sums appropriated to carry out this Act for any fiscal year, the Secretary may reserve not more than 5 percent to carry out national leadership activities under section 6.

SEC. 3. ELIGIBLE APPLICANTS.

To be eligible to receive a grant under this Act, a local educational agency shall demonstrate in its application under section 4(a) that it—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspensions of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

SEC. 4. APPLICATIONS AND PLANS.

(a) IN GENERAL.—In order to receive a grant under this Act, an eligible local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;

(4) a description of educational materials to be developed in the second most predominate language of the schools and communities to be served by the grant, if applicable;

(5) if the local educational agency receives Federal education funds, an explanation of how activities assisted under this Act will be coordinated with and support any systemic education improvement plan prepared with such funds;

(6) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat those problems;

(7) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure its progress in achieving the purpose of this Act;

(8) a description of how, in subsequent fiscal years, the grantee will integrate the violence prevention activities it carries out with funds under this Act with activities carried out under its comprehensive plan for drug and violence prevention adopted under the Safe and Drug-Free Schools and Communities Act of 1986;

(9) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law enforcement, judicial, health, social service, programs supported under the Juvenile Justice and Delinquency Prevention Act of 1974, and other appropriate agencies and organizations serving the community;

(10) a description of how the grantee will inform parents about the extent of crime and violence in their children's schools and maximize the participation of parents in its violence prevention activities;

(11) an assurance that grant funds under this Act will be used to supplement and not supplant State and local funds that would, in the absence of funds under this Act, be made available by the applicant for the purposes of the grant;

(12) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities under this Act or the extent of school violence and discipline problems throughout the Nation; and

(13) such other information as the Secretary may require.

(b) PRIORITIES.—In awarding grants under this Act, the Secretary shall take into account the special needs of local educational agencies located in both rural and urban communities.

SEC. 5. GRANTS AND USE OF FUNDS.

(a) DURATION AND AMOUNT OF GRANTS.—Grants under this Act may not exceed—

(1) 1 year in duration; and

(2) $3,000,000.

(b) USE OF FUNDS.—

(1) ACTIVITIES.—A local educational agency may use funds awarded under section 2(a) for 1 or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law-enforcement, judicial, health, social service, juvenile justice programs, gang prevention activities, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for combating and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Activities which involve parents in efforts to promote school safety and prevent school violence;

(E) Community education programs involving parents, businesses, local government, the medical, and other appropriate entities about the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems and the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, juvenile justice programs, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities and materials, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, educational and instructional activities, and mentoring and community service programs.

(H) Educating students and parents about the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if it occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Evaluating its project under this Act.

(M) The cost of administering the project of the local educational agency under this Act.

(N) Other activities that meet the purposes of this Act.

(2) OTHER LIMITATIONS.—A local educational agency may use not more than 5 percent of its grant for activities described in paragraph (1)(M).

(3) CONSTRUCTION.—A local educational agency may not use funds under this Act for construction.

SEC. 6. NATIONAL LEADERSHIP.

To carry out the purpose of this Act, the Secretary may use funds reserved under section 2(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, to provide grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking, and to conduct peer review of applications under this Act. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts, or cooperative agreements.

SEC. 7. REPORTS.

(a) REPORT TO SECRETARY.—Local educational agencies that receive funds under this part shall submit to the Secretary a report not later than March 1, 1995, that describes progress achieved in carrying out the plan required under section 4.

(b) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives a report not later than October 1, 1995, which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under section 4, and an evaluation of programs established under this part.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, violence in our schools is a problem of national concern.

In testimony before my Subcommmitte on Elementary, Secondary, and Vocational Education, Madeleine Kunin, Deputy Secretary of Education, stated that:

Approximately 3 million thefts and violent crimes occur on or near schools every year;

Sixteen percent of high school seniors reported having been threatened with a weapon at school during the previous year; and,

Seven percent reported being injured with a weapon.

H.R. 2455 takes a first step toward making our schools safer.

The next step will come on Thursday when H.R. 6, which includes the reauthorization of the Safe and Drug-Free Schools and Communities Act, comes to the floor.

That program provides funds for activities aimed at making schools safer such as the DARE Program.

Mr. Speaker, H.R. 2455 authorizes $50 million in funds to enable schools to implement comprehensive violence reduction strategies designed to reduce the incidence of violence in schools and to increase opportunities for schools to maintain disciplined environments conducive to learning.

Authorized activities include:

Developing student-led programs incorporating peer counseling and peer mediation;

Teaching conflict resolution techniques to students and teachers; and,

Developing community education programs involving parents, businesses, local governments, and others.

Mr. Speaker, the fiscal year 1994 appropriations bill contained $20 million to address violence in schools subject to the enactment of legislation.

This bill will enable the Department of Education to begin work in this important area.

I want to commend MAJOR OWENS for introducing this legislation on behalf of the administration and to thank him for his hard work on the issue.

I am pleased to be able to bring the bill to the House floor in a timely manner.

H.R. 2455 addresses a critical need which has long been a concern to teachers and parents in the State of Michigan.

Unfortunately, this issue struck close to home when just recently a student in Flint, MI in my district was shot by another student while at school.

H.R. 2455 is a good bill and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recently read the following, and I quote: "Mom, can I tell you something? I'm worried. All of the boys I grew up with are dead. I lie awake at night and think about it. What am I supposed to do?"

The question was asked by a 13-year-old boy in New Orleans. His mother suddenly realized that of a group of 6-year-olds who had started school together 7 years earlier, only her son was still living. All the others had met violent deaths.

Nearly 1 million adolescents between the ages of 12 and 19 are victims of violent crimes each year, and this has been true at least since 1985. The victimization of adolescents, particularly 12- to 15-year-olds, is growing. Teenagers are twice as likely to be assaulted as persons aged 20 and older. The rate and intensity of violence involving children and youth, moreover, has escalated dramatically, and much of it is accounted for by adolescents attacking their peers. Adolescent homicide rates have reached the highest levels in history.

Mr. Speaker, I rise in support of H.R. 2455, the Safe Schools Act.

I am alarmed, as I am sure is everyone in this body, at the growing number of violent acts in our Nation's schools. Children are afraid to walk to and from school because they don't know if one of their classmates is waiting around the corner with a weapon to attack them because of something they said. When students are in school they are also afraid because they do not know when one of their classmates may, at the slightest provocation, pull out a gun and start shooting.

Mr. Speaker, this is not an environment conducive to learning and it is no wonder that children in such surroundings have a difficult time concentrating on their education.

The bill we have before us today takes a modest step at addressing this problem by giving schools riddled with crime, violence, and discipline problems some additional dollars to develop and implement violence prevention activities. For instance, it allows funds to be used for conflict resolution programs, which help teach children alternative methods of resolving their differences.

Mr. Speaker, I would like to point out that H.R. 2455, as reported by the Committee on Education and Labor, recognizes that violence is not limited to urban schools. As the representative of a rural area in Pennsylvania, I can tell you that school violence exists no matter where you go. It is a serious problem that affects the ability of educators to provide students with the skills they need to graduate and become productive citizens. I am very pleased that this legislation recognizes this fact and encourages the Secretary to award grants to initiate programs in rural areas.

I urge enactment of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield, such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

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Ms. DELAURO. Mr. Speaker, I rise today in support of H.R. 2455, the Safe Schools Act, and I commend its sponsor, Representative OWENS, and Chairman KILDEE, and the other members of the Education and Labor Committee for their leadership on this legislation.

Soon, we will embark on one of the most crucial debates of this session—the debate over crime. I am particularly pleased that before our deliberations begin, we are coming together, in a bipartisan spirit, to pass the Safe Schools Act. Our action today sends a clear signal to the American people: Congress is committed to helping rid schools of violence and crime. By authorizing $50 million for the Department of Education to develop model programs and policies to promote school safety and reduce and prevent violence in schools, the act will encourage the development of more innovative programs, such as: Alternative after-school activities, peer mediation and counseling, and conflict resolution programs.

This legislation is especially meaningful to me because last fall, I established a regional anti-crime youth council, this council, which is comprised of junior and high school students, has been meeting to discuss the crime problems they face. They are now developing their own creative solutions to these problems, and the problems the Safe Schools Act authorizes will help these students translate their ideas into action.

The Safe Schools Act is an important investment in our children—and a critical investment in our fight against crime. I urge your strong support.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 2455, the Safe Schools Act of 1994.

We will soon confer with the Senate on our respective versions of the Goals 2000 Educate America Act and the School-to-Work Opportunities Act. But neither bill will achieve our intentions if we do not provide an environment where children can learn and teachers can teach.

This legislation could not come sooner. It will help promote school safety and prevent school violence. It will assist school administrators, teachers and parents as they work to abate crime.

H.R. 2455 would authorize $50 million in competitive grants to local equation agencies that serve areas with high rates of youth crime and violence. Individual grants are limited to $3 million and 1 year.

Local agencies applying for the grants would assess their needs, described how they will coordinate their activities with other school improvement plans and the Safe and Drug-Free Schools initiatives to come.

It should be a national imperative that all children enrolled in our 15,173 school districts be offered a rigorous and challenging curriculum, but it is a given that their schools should be safe and secure.

A recent Louis Harris poll found that nearly 1 in 4 students and 1 in 10 teachers have been victims of violence on or near school property. Thirteen percent of students said that they had carried a weapon to school. Six percent of the boys and 1 percent of the girls said they had threatened someone with a knife or gun in or around school.

The New York Times reported on a Justice Department survey that indicate that more than one-fifth of the boys at 10 inner city high schools owned guns. A Harvard University survey showed that 15 percent of students had carried a handgun within a month of the poll.

It is clear that excellence in academic performance is impossible amid the shootings, brutality and sociopathic behavior that engulf many of our school campuses.

Mr. Speaker, the Federal Government has a vital role to play in restoring safety to our schools. Every child has a right to learn in an environment free of intimidation, tension, and violence. We hope this bill will help our students be free. I urge my colleagues to vote for the bill.

Mr. OWENS. Mr. Speaker, combating the violence in our streets and the violence in our schools is now the No. 1 priority of the American people.

When the House takes up H.R. 6, the Improving America's Schools Act, later this week, we will have the opportunity to approve legislation which would provide every school district in the Nation with additional resources to prevent violence in and around their schools by the start of the next fiscal year.

Unfortunately, there are schools in our country who cannot afford to wait that long. They need help today.

H.R. 2455, which I introduced with Congressman SERRANO, will provide the Department of Education with the means to respond immediately to this crisis, providing emergency assistance to those schools which now face severe violence problems and enabling the Department to develop model antiviolence programs which schools throughout America will be able to implement when the Improving America's Schools Act is signed into law.

I urge my colleagues to support this legislation to jump-start Federal efforts to respond to the epidemic of violence which now threatens too many students and teachers throughout our Nation.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 2455, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on H.R. 2455, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SENSE OF CONGRESS WITH RESPECT TO SOUTH PACIFIC REGION

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 180) expressing the sense of the Congress with respect to the South Pacific region, as amended.

The Clerk read as follows:

H. CON. RES. 180

Whereas the United States has strong and enduring economic, political, and strategic ties with the South Pacific region, which are integral to the achievement of a New Pacific Community;

Whereas the countries of the region play a constructive international role, were supportive of the United States throughout the Cold War and continue to support its role in ensuring regional stability and security, and share a commitment to democratic values, free-markets, and human rights;

Whereas the United States is geographically and historically a member of the Pacific community and has unique relationships with, and responsibilities to, its Pacific Island territories, freely associated states, and former territories;

Whereas the United States has significant and expanding commercial interests in the South Pacific and enjoys a substantial trade surplus with countries of the region, and the promotion of commercial links between the United States and countries of the region is welcomed as providing a necessary foundation for future economic well-being;

Whereas the region's fisheries resources are of vital importance to the economic well-being of Pacific Island countries and have provided lucrative commercial opportunities for the United States fishing industry, and the effective management of these resources and the continued functioning of the South Pacific Fisheries Treaty are essential;

Whereas the United States has been welcomed as a member of South Pacific regional organizations, including the South Pacific Commission and the South Pacific Regional Environmental Program, and as a dialogue partner of the South Pacific Forum;

Whereas environmental issues can bear directly on the economic and physical security of countries in the South Pacific region, have the potential to effect the well-being of United States citizens in the Pacific region, and can only be dealt with effectively at the regional and global level;

Whereas peoples of the South Pacific have actively contributed to the development of a peaceful international community through their constructive participation in international forums, including the United Nations and its peacekeeping operations, and through support for the South Pacific Nuclear Free Zone, the Treaty on the Non-Proliferation of Nuclear Weapons, and the Chemical Weapons Convention;

Whereas United States leadership in extending its nuclear testing moratorium is warmly welcomed by countries of the South Pacific, and countries of the South Pacific have shown understanding for United States efforts to dispose of its chemical weapons stockpile while emphasizing the importance of the United States commitment to close the Johnston Atoll Chemical Agent Destruction System when the current program of chemical weapons and agent destruction is completed;

Whereas there has been only one Heads-of-Government summit involving the President of the United States and Pacific Island leaders, and there is considerable value in dialogue at a senior political level with all countries of the region;

Whereas the United States has reduced its diplomatic presence in the South Pacific to a minimum, the Agency for International Development is closing posts in the region, and the current very modest program of United States foreign assistance to Pacific Island countries may be reduced; and

Whereas the United States has an opportunity to bolster its links with the Pacific Island countries through the negotiation of a Joint Declaration of Cooperation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) it is in the national interest for the United States to remain actively engaged in the South Pacific region as a means of supporting the important United States commercial and strategic interests, and to encourage the consolidation of democratic values;

(2) the United States should encourage economic, trade, and investment relationships with the countries of the South Pacific, in particular through the Joint Commercial Commission and its working group, and through other Asia/Pacific regional forums;

(3) the United States should seek to maintain its diplomatic presence in the South Pacific region;

(4) notwithstanding current fiscal constraints, the executive branch, particularly the Department of State, should work actively with the Congress to continue the very modest levels of foreign assistance provided to the region and to encourage the active participation in the region of other international donors;

(5) the United States has interests in preserving the natural resources and biodiversity of the South Pacific region, and is uniquely positioned to promote sustainable development through active participation in the South Pacific Regional Environmental Program and the United Nations Global Conference for the Sustainable Development of Small Island States and through implementation of the Biodiversity and Climate Conventions;

(6) the United States should cooperate closely with regional governments to strengthen sustainable management principles and practices as they apply to the region's fisheries resources;

(7) the United States should avail itself of the opportunity for contact with leaders of all South Pacific countries through regular Ministerial/Cabinet level meetings, including at the South Pacific Forum dialogue, to ensure that the views of regional governments are given consideration in policy deliberations; and

(8) the United States should take an active interest in the proposed Joint Declaration of Cooperation between the United States and certain Pacific Island governments as an opportunity for the United States to renew its commitment to the region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 180, which expresses the sense of the Congress with respect to the South Pacific.

Mr. Speaker, I want to commend the chairman of the House Foreign Affairs Subcommittee on the Asia-Pacific, the Honorable Gary Ackerman, for his leadership and foresight in arranging the recent meeting between the Committee on Foreign Affairs and the Ambassadors from the South Pacific nations. Out of that extremely productive gathering came the framework for the excellent resolution introduced by Chairman Ackerman, House Concurrent Resolution 180, which comprehensively expresses our thoughts on U.S. policy toward the South Pacific region.

I am proud to be an original cosponsor of this measure which reflects the deep and enduring ties that historically have bound the United States with her allies in the South Pacific.

The resolution further underscores that our Nation today has substantial interests in the South Pacific—whether that be in the fields of investment and trade, strategic security, Democratic government, human rights or environmental protection—and that U.S. interests often dovetail with the concerns of the countries of the region. The resolution, in short, urges that the United States remain actively engaged in the South Pacific.

Mr. Speaker, the three amendments that I am offering, which were adopted by the Foreign Affairs Committee, strike references to AID maintaining its missions in the South Pacific since the decision to close those missions has already been made. Additionally, the amendments recognize the reality of an ever-shrinking international affairs budget by asking that AID continue at least a modest level of assistance to the region.

Mr. Speaker, while we all support moves to increase efficiency, I believe that it is important for AID to support reasonable funding of a closeout program for the AID missions in the South Pacific. Funding for a closeout program will ensure that the investment already made by U.S. taxpayers will not be wasted on half-finished projects and programs.

In addition, I also believe that the United States should continue to provide foreign assistance to the South Pacific. Such assistance could come from global allocations, particularly in the areas of the environment, population, and private sector development.

Mr. Speaker, the resolution before us persuasively makes the case that the United States must remain firmly engaged in the affairs of the South Pacific, both for our national interests as well as the needs of the region. It further underscores the commitments made by the Clinton and Bush administrations to forge close ties with the South Pacific countries that will make possible the achievement of a new Pacific community.

I strongly support the measure and urge my colleagues to adopt the amendments and the resolution.

Mr. Speaker, I further want to commend the gentleman from New York, the distinguished ranking minority member of the Committee on Foreign Affairs, the Honorable BEN GILMAN, for his support and assistance on the resolution. I also want to commend the gentleman from Iowa, the ranking minority member of the House Foreign Affairs Subcommittee on the Asia-Pacific, the Honorable JIM LEACH, for his invaluable support and assistance on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs, the gentleman from New York [Mr. ACKERMAN] and the ranking minority member, the gentleman from Iowa [Mr. LEACH] as well as the gentleman from America Samoa [Mr. FALEOMAVAEGA] for guiding this legislation through our Committee on Foreign Affairs and bringing it to the House floor today.

House Concurrent Resolution 180 was the result of a very productive meeting members of this committee had with representatives from almost all the South Pacific Island nations. Our delegate from American Samoa [Mr. FALEOMAVAEGA] was instrumental is arranging that discussion. He and his energetic staff have been very helpful in educating all of us and stressing the importance of the South Pacific region.

As we continue our policy of foreign aid retrenchment around the world, we should make certain that the United States remains actively engaged in the South Pacific region through continued membership and financial support for key regional organizations.

These include the South Pacific Regional Environmental Programs and the U.N. Global Conference for the Development of Small Island States.

I would also point out to my colleagues that we share many cultural values with the people in the South Pacific region and that we continue to have many strategic political and economic interests at stake in that part of the world.

Accordingly, I am pleased to support House Concurrent Resolution 180 and urge my colleagues to do so as well.

Mr. UNDERWOOD. Mr. Speaker, I rise today in support of House Concurrent Resolution 180, which expresses the sense of Congress that the United States must maintain its presence in and assistance for the South Pacific region.

Like my colleague, Mr. FALEOMAVAEGA, I represent a U.S. Territory in the South Pacific. As Americans, we advocate a strong U.S. presence in the region to ensure that this Nation's economic, trade, and investment interests are protected and expanded in the Pacific, gateway to Asia.

As Pacific Islanders, we are part of the greater Pacific community. We feel solidarity with our neighbors and believe that they should receive current modest aid levels provided by the United States.

Mr. Speaker, when it comes to international affairs, this Nation is fighting the tendency to bury our head in the sand and ignore world events. While international aid budgets must come down, such cuts should not come at the expense of effective programs. The American dollar goes a long way when spent on aid to the Pacific Basin. We are not talking about waste, fraud, and abuse of taxpayer money. We are talking about maintaining a viable presence.

I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 180, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on House Concurrent Resolution 180, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

□ 1440

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Natural Resources:

To the Congress of the United States:

I transmit herewith the 1993 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1994.*

REPORT OF DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1992.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin and other publicly available sources. This annual report serves little useful purpose and diverts Agency resources from more productive activities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1994.*

TO BALANCE THE BUDGET OR NOT BALANCE THE BUDGET: THAT IS THE QUESTION

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, this week the U.S. Senate will consider a balanced budget amendment to the Constitution.

I have only served in Congress for 14 months, and I am convinced more than ever that this Congress must enact a balanced budget amendment.

Why, quite frankly my colleagues and fellow Americans, Congress runs the Federal Government like an 18th century plantation with bad accounting practices. The spending of your tax dollars here is often without rhyme or reason.

Legislative constraints on spending are worthless. Two weeks ago we proved that again with over $11 billion in new spending.

Gramm, Rudman, and Hollings legislation did not work. Bush and Clinton tax increases will not work. Only a balanced budget amendment will put the brakes on spending.

Now do not believe the hollow arguments against a balanced budget amendment. States do it, cities do it, and most taxpayers do it.

I urge my colleagues and all Americans this week to contact members of the other body as they decide the fate of the most important question facing our Nation.

To balance the budget or not balance the budget—that is the question.

URGING THE ADMINISTRATION TO INCLUDE THE MARSHALL ISLANDERS IN A GOVERNMENT STUDY OF RADIATION EXPERIMENTS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to comment on an issue that has bothered me for some time and that is finally getting proper attention: The sorry legacy of our Nation's nuclear testing program in the Pacific—which involved 66 nuclear explosions in the 1940's and 1950's.

In particular, I have long believed that when the United States detonated the Bravo shot—a 17 megaton thermonuclear bomb—on Bikini Atoll, the people of the Marshall Islands, especially those residents on nearby Rongelap and Utirik Atolls, were deemed expendable. The U.S. Defense Department has admitted that when the explosion took place, it knew islanders were downwind and in the path of windborne radiation.

Mr. Speaker, the Bravo explosion was equivalent to 1,300 times the destructive force of the atom bomb dropped on Hiroshima.

From my discussions with Marshall Island leaders, they believe their people were used as guinea pigs and test subjects for U.S. radiation experiments. I share that belief.

Recently, Government documents have come to light that give weight to that position.

Archive documents released by the U.S. Atomic Energy Commission and related Federal agencies show that U.S. scientists callously viewed the Marshall islanders as little better than laboratory mice. According to recent press reports, an Atomic Energy Commission official discussing the Marshall Islands nuclear tests was quoted in 1956 as saying:

> While it is true that these people do not live, I would say in, the way westerners do, civilized people, it is nevertheless true that these people are more like us than the mice.

The same Government official further stated:

> They have been living on that island, now that the island is safe to live on, but it is by far the most contaminated place in the world.

Mr. Speaker, I find these remarks by a representative of the U.S. Government to be disturbing and tragic, and I am gratified to see that my fellow colleagues have likewise been shocked.

I especially want to commend Hon. JOHN DINGELL, chairman of the House Energy and Commerce Committee, who, based on these remarks, has requested President Clinton to include the Marshall islanders in the comprehensive investigation of Government conducted radiation experiments.

I further commend Hon. GEORGE MILLER, chairman of the House Committee on Natural Resources, who has called for hearings to look into the legacy of our nuclear testing program in the Marshall Islands.

Mr. Speaker, I applaud the Clinton administration's call for an intensive review of Government radiation experiments. It is about time that our great Nation faces responsibility for its nuclear experimentation and the devastating impact on countless numbers of innocent people, many of them Americans. Likewise, it is only just and appropriate that we include these Marshall islanders in this study, rectify our mistakes, and bring this tragic chapter in our history to a close.

Mr. Speaker, I include for the record a timely article on this subject in yesterday's Washington Times. I also include excerpts from an excellent book on the U.S. nuclear testing program in the Marshall Islands, "Day of Two Suns," by Author Jane Dibblin, which detail the immense suffering endured by these people of the Pacific.

Mr. Speaker, I include for the RECORD the following printed material.

[From the Washington Times, Feb. 21, 1994]

NUCLEAR REMARKS UNDER FIRE—1950'S TALK SHOCKS 1994 OBSERVERS

(By Michael Hedges)

Documents found in the archives of federal atomic agencies reveal a callous attitude by U.S. scientists toward using Pacific islanders as test subjects after atomic blasts in the 1950s.

"While it is true that these people do not live, I would say, the way Westerners do, civilized people, it is nevertheless true that these people are more like us than the mice," said a scientist in the official minutes of a January 1956 meeting of the U.S. Atomic Energy Commission in New York.

"They have been living on that island, now that the island is safe to live on, but it is by far the most contaminated place in the world," he said. The minutes of that meeting were partially declassified in 1986. Last month more portions were released.

Those remarks have led Rep. John Dingell, Michigan Democrat, to ask the Clinton administration to reconsider its decision not to include Marshall Islanders in a widespread study of possible radiation experiments by the government.

The comments also may be raised at a hearing this week by a subcommittee of the House Committee on Natural Resources.

But the scientist quoted in the minutes said Saturday that his remarks have been taken out of context and possibly misstated. He warned of reaching conclusions in 1994 based on things said with a world view of the 1950s—a warning others have raised as the Clinton administration embarks on a review of government radiation experiments during the early years of atomic energy:

"I have seen those remarks; it is a mystery to me," said Merle Eisenbud. Mr. Eisenbud, who now lives in North Carolina, has been called to Washington to testify before the House committee on Thursday.

"The whole thing is taken out of context," he said. "That was a two-day meeting, and as I remember I was doing most of the talking. I may have been tired, or the stenographer may have been tired. I may just have been stupid," he said.

But in any event, "we were not looking for effects" of radiation poisoning, he said. "The dose would have been too low for that. We wanted to develop models for how strontium-90 worked in the environment. There was a critical need to know that."

The Marshall Islands were the site of a U.S. hydrogen bomb test on March 1, 1954, the Bravo Shot near the Bikini atoll in the Marshalls that wafted radioactive ash throughout the Pacific island chain.

The remarks in the 1956 documents have led Mr. Dingell, chairman of the Energy and Commerce Committee and its oversight and investigations subcommittee, to petition the Clinton administration.

"Recently, the subcommittee learned that the inhabitants of Utirik Atoll [in the Marshalls] may have been used as human guinea pigs," he wrote to Christine Varney, President Clinton's executive assistant.

"Not only does this document suggest the existence of yet another previously secret radiation experiment, it also reflects extraordinary callousness on the part of U.S. government officials," Mr. Dingell wrote.

The minutes of meetings on Jan. 13 and 14, 1956, by the U.S. Atomic Energy Commission's advisory committee on biology and medicine total more than 300 pages. The parts that have been released seem to show an ongoing government effort to measure radiation effects in the Marshalls.

Mr. Eisenbud told the panel, "I want to reemphasize that the program you have heard today is a program that is in progress now."

He continued: "We think that one very intriguing study can be made and plans are on the way to implement this. . . . Utirik Atoll is the atoll furthest from the March 1st shot where people were exposed, got initially about 15 roentgens."

He said there were plans under way to test the urine of islanders, "so as to get a measure of the human uptake when people live in a contaminated environment."

"Data on this type has never been available," he said. "So that is something which will be done this winter."

But on Saturday Mr. Eisenbud said that the government did not follow up on plans to gather data on the Marshall Islanders. "Our analytic methods were not very good in 1956," he said. "The fact that they were living in a contaminated environment could have allowed us to make measurements we couldn't make in New York or Paris or London," he said. "But in the end, we never followed up on that."

The 15-megaton thermonuclear Bravo Shot was 1,000 times more powerful than the bombs dropped on Japan during World War II. Utirik Atoll, and another inhabited island, Rongelap, were directly downwind from the explosion, with Rongelap only 100 miles from ground zero. About 239 islanders were exposed.

In a letter to Mr. Clinton in early January, Rep. George Miller, California Democrat, noted that "some Rongelapese have said they believe they were used as "guinea pigs" to further U.S. understanding of the effects of radiation on humans.

"In light of recent disclosures regarding actual radiation experimentation in the United States during this period, that possibility cannot be ignored," he wrote.

But the administration decided in January that the Marshall Islands would not be included in the ongoing review by the White House's Human Radiation Interagency Working Group because there was no evidence that radiation experiments were conducted on people living there.

Mr. Dingell said in a letter to the White House on Thursday: "Not only does this document suggest the existence of yet another previously secret radiation experiment, it also reflects extraordinary callousness on the part of U.S. government officials."

Ms. Varney could not be reached for comment Friday or over the weekend.

In his letter to the White House, Mr. Dingell emphasized the "mice" comparison in the transcript. Mr. Eisenbud said the remark was much more damaging isolated from a 300-page document than in context. "If you look at it, you see I said the mice. Earlier in the conversation we had been talking about an experiment using mice and I was referring back to that experiment," he said.

Since the 1980s the Defense Department has admitted that officials knew the islanders were in the path of windblown debris from the bombs.

When the Marshalls became an independent country in 1986, the United States said islanders had been compensated for the high cancer rates that afflicted them after the war. The Marshallese claimed the payments were inadequate and charged information had not been released. According to some studies, about 500 islanders or their children and grandchildren suffer some effects of radiation poisoning.

DAY OF TWO SUNS

(By Jane Dibblin)

At 6:45 on the morning of 1 March 1954, eight years after testing in the Marshall Islands began, the U.S. detonated a bomb codenamed "Bravo" on the Island of Bikini. The bomb was equivalent to 17 megatons of TNT, 1,300 times the destructive force of the bomb dropped on Hiroshima, and was specifically designed to create a vast amount of lethal fallout. That morning the wind was blowing in the direction of two inhabited atolls, Rongelap and Utrik, roughly 100 and 300 miles from Bikini. During previous tests Rongelap and Utrik had been evacuated. For some reason never yet divulged, there was no attempt to evacuate them before Bravo.

The first the islanders knew of Bravo was an intense light, like a strange sun dawning in the west. Later they heard the explosion. By mid-day the fallout, a fine powder which fell from the sky, had reached Rongelap.

Lemoyo Abon, now a teacher, shares her experience:

I was 14 at the time and my sister Roko was 12. That day our teacher had asked us—my sister and I and our two cousins—to cook rice for the other children. We got up early to do it. When we saw the bright light and heard a sound—boom—we were really scared. At that time we had no idea what it was. After noon, something powdery fell from the sky. Only later were we told it was fallout. With Roko and several cousins, I went to our village on the end of Rongelap Island to gather some sprouted coconuts. One cousin climbed the coconut tree and got something in her eyes, so we sent another one up. The same thing happened to her. When we went home—ours was the main village on Rongelap—it was raining. We saw something on the leaves, something yellow. Our parents asked, "What's happened to your hair?" It looked like we'd rubbed soap powder in it.

That night we couldn't sleep, our skin itched so much. On our feet were burns, as if from hot water. Our hair fell out. We'd look at each other and laugh—you're bald, you look like an old man. But really we were frightened and sad.

The pale powder continued to fall until late afternoon, by which time it was about one and a half inches deep. Later it emerged that it was in fact particles of lime (calcium oxide) formed when Bikini's coral reef (a formation of calcium carbonate) melted in the intense heat of the bomb and was sucked up and scattered for miles. The exact dose of radiation received by the islanders was never measured, but it was estimated that people on Utrik received 14 rem and those on Rongelap 175 rem. The International Commission on Radiological Protection now recommends that a maximum permission total body dose to a member of the general public be 0.5 rem a year.

John Anjain, a magistrate on Rongelap at the time, tells what happened over the next two days—and why his people sometimes refer to the event as the "Day of Two Suns":

"On the morning of the 'bomb' I was awake and drinking coffee. I thought I saw what appeared to be the sunrise, but it was in the west. It was truly beautiful with many colours—red, green and yellow—and I was surprised. A little while later, the sun rose in the east. Then some time later something like smoke filled the entire sky and shortly after that a strong and warm wind—as a typhoon—swept across Rongelap. Then all of the people heard the great sound of the explosion. Some people began to cry with fright. Several hours later the powder began to fall on Rongelap. We saw four planes fly overhead, and we thought perhaps the planes had dropped this powder, which covered our island and stuck to our bodies. The visibility was less than one half mile at the time, due to the haze in the sky.

The next day, early in the morning, I looked at all of the catchments with Jabwe [the health aide] and Billiet [the school principal and we noted the water had turned to yellow. I then warned the people not to drink from these water catchments, and told them to drink only Ni [coconut milk]. The people began to get sick with vomiting, aches all over the body, eye irritations and general weakness and fatigue. After the second day most of the people were unable to move around as usual due to their fatigue. Just a few strong young men were up and about at that time and I asked them to fetch some coconuts for the rest of us to drink. On the evening of the second day a seaplane arrived from Emewetak with two men who brought some strange machines. They stayed only about 20 minutes and they took some readings of water catchments and soil, then took off again. They really did not tell us very much."

Not far from Rongelap, U.S. Navy ships were measuring the intensity of radioactivity. They were not instructed to rescue the Rongelap people; indeed, the task force command ordered them to sail away from the area. Twenty-eight service personnel stationed on Rongelap Atoll to provide hourly weather reports were also exposed to radiation, and were not told when Bravo would be exploded. It was two days before the Navy arrived to pick up the Rongelap Islanders and the U.S. personnel—two days in which they breathed, slept and ate the fallout.

"No satisfactory answer has been given as to why they were not rescued as soon as it was known that they had been in the path of the fallout. Immediate decontamination on board ship would have at least minimized some of the horrific effects of radiation sickness. Instead, belatedly, the ships took the Rongelapese to the U.S. military base on Kwajalein Island, as Entry Enos explains:

"When we arrived on Kawajalein we started getting burns all over our bodies, and people were feeling dizzy and weak. At that time we did not know if we would ever return to Rongelap and we were afraid. After two days something appeared under my fingernails and then my fingernails came off and my fingers bled. We all had burns on our ears, shoulders, necks and feet, and our eyes were very sore."

Billiet Edmond kept a diary at the time. In one of his entries he described the injuries as follows:

"After two days on Kwajalein, a group of military doctors began their studying on the victims. Nausea, skin-burns, diarrhea, headaches, eye pain, hair fall-out, numbness, skin discoloration were among common complaints. It had been so for quite a while. The children were more critical. My 10-year-old adopted son had severe burns on his body, feet, head, neck and ears. I cannot help remembering those sleepless nights we had to hold him down onto his bed as he would have jumped up and down, scratching, rolling, as though insane.

"Although I had also some burns on my back, feet and hands, and my hair was falling out, I knew I had been the least affected, and I deeply felt pity about those who suffered the most."

"On Kwajalein the Rongelapese were given medical treatment. It was cursory, to say the least. Film footage of that time shows lines of Marshalese people being 'inspected'. Jabwe Jojour, health aide on Rongelap, was angered by the lack of information given to the islanders about their injuries, and he states:

"When we arrived in Kwajalein we immediately showered for several hours at the military base there. After some days a medical team flew out from the U.S., and they are still treating us today. After three days we had burns all over our bodies, and our hair began to fall out; some people actually went bald. When we asked the Atomic Energy Commission doctors to help us understand what had happened, they did not tell us, and today they do not tell us the truth about our problems."

"A Japanese tuna fishing boat, the Lucky Dragon, was also caught in the path of Bravo's fallout. It was 100 miles east of Bikini when the bomb was detonated. The crew members suffered headaches and nausea and by the time they reached Japan two weeks later all 23 were suffering from radiation sickness, with skin blisters and falling hair. One of the crew members, Aikichi Kuboyama, died of liver and blood damage on 23 September. The fisherman's injuries caused an international outcry and two years later the U.S. handed over $2 million in compensation to the Japanese Government.

For three years the people of Rongelap led an uncertain and unsettled existence, shunted around different islands, first Ebeye, then Ejit Island in Majuro Atoll, waiting to be told it was safe to return home.

The Rongelap people had a long wait before they saw their land again, but they too returned with mixed feelings. Etry Eno recalls:

"I was afraid to return to Rongelap in 1957 but they said it was safe for us. We did not understand what 'poison' [radiation] was, and if we had we would not have returned. Now we really understand that the 'poison' is dangerous and that Rongelap is contaminated. In 1957 [we were told] that we could eat anything we wanted except the coconut crab. When we ate the arrowroot it really burned our mouths. Everything we were used to eating had changed color and we were surprised that we were allowed to eat our foods in Rongelap, even though we knew that the foods were unusual in colour."

John Anjain remembers:

"At the time of our return the High Commissioner and some representatives from the United Nations Trusteeship Council came to our island. We asked them if it was safe to return to our island and they all agreed that there was still a little bit of radiation left on Rongelap and that it might injure our health, but not very much. With that slight reassurance we returned, but we had much fear then."

"For 22 years the people of Utrik were told that the dose of radiation they allegedly received, 14 rems, was too low to cause any concern. The exposed people were therefore examined only once every year, and those not directly exposed to fallout—who nevertheless returned to the atoll and were living off irradiated food—were not examined at all. That in itself caused resentment, with the 'unexposed' group feeling they too should be monitored and both groups feeling that radiation was taking its toll.

"How exactly did radiation affect the health of the islanders? Even before returning to Rongelap and Utrik, people began to realize that the burns, intense itching, nausea and hair loss they had experienced in the first weeks after Bravo were not the end of their problems. One of the most disturbing and terrifying effects was on women's reproductive systems and on children yet to be born. Some women who became pregnant in the years following Bravo found they suffered an unexpectedly high number of miscarriages and severely deformed babies, many of whom died. Almira Matayoshi was 17 and living on Rongelap at the time of Bravo, and she states:

"One of my babies was born in 1955 [the year after Bravo] and it did not have any bones in its body. After that I had problems with the next pregnancy and they had to rush me to Kwajelein Hospital because I was bleeding. There they gave me a D and C and it caused me so much pain that I was temporarily blinded—they had to give me ten pints of blood."

Mary Sampson was only seven when she was caught in the fallout on Rongelap. When she reached child-bearing age she suffered similar experiences:

"I have had very many problems with childbearing. My first baby lived for a very short time—several minutes—but it was not healthy and did not move around very much when it was born. I was very sad and confused because I was healthy then, and then when I thought about it I remembered that I had 'poison' in my body and that is why the baby died, later another baby was born and it too died shortly after birth. Then I had a miscarriage after four months. Now I am always afraid when I am pregnant and this fear is shared by all women on Utrik and Rongelap. Even my healthy children may someday get radiation diseases."

"Women on Wotje and Utrik too have had deeply traumatic births. Kathe Judo lives on Wotje and describes what the Marshallese women now call 'jellyfish babies' ".

"I saw three different women give birth to strange things after the 'bomb'. One was like the bark of a coconut tree. One was like a watery mass that was not human-like. Another was again like a watery mass of grapes or something like that. I believe that these things are all caused by 'the bomb.' "

Nelly Aplos was 19 when she heard bravo explode from her home island of Utrik:

"Now I have lots of aches and pains in my body, notably in my back, chest and under my breast. I have lost three babies after 'the bomb'—and never had any problem before. The first baby lived for two days and then the baby's skin turned blue and it died. Later when I was six months pregnant the baby died and I was very sick at the time. After that I was pregnant for two months and then I had a jibun [miscarriage]. I know now that I have a lot of poison in my body and I am certain that this makes the babies weak. I was never sick during any of my pregnancies (except after I lost my babies) and this never happened before the bomb. I have heard from other women in Utrik about many cases of jibun * * * I also have heard of some babies who do not know how to suck from their mother's breast and who eventually die of hunger."

When I spent time with the Rongelap people in 1986, I met one evening with the women on Mejato. We talked about why I was there, the problems they were facing and how women's groups and peace group in the West could work with them. Suddenly one woman who had been sitting silently in a corner spoke up. She was Katherine Jilel, the midwife and a grandmother. She spoke forcefully through her tears:

"We are very angry at the U.S. and I'll tell you why. Have you ever seen a jellyfish baby born looking like a bunch of grapes, so the only reason we knew it was a baby was because we could see the brain? We've had these babies—they died soon after they were born."

Later she told me about her own baby:

"Our first baby was born in October 1960, after the bomb, when we'd returned to Rongelap. He was born with a big lump on his head and died very, very young. All the food we were eating was irradiated but we didn't know. I wasn't even on Rongelap the day the test happened but I went back there in 1957 and I was irradiated from eating the food. I think that's why my son died."

The testimonies of women who have given birth to an unformed fetus or who have suffered repeated miscarriages are too numerous to include them all here. Many women have chosen not to show the babies to their partners; some cannot bear to see them themselves, says Marshellese health worker Darlene Keju-Johnson:

"When they die they are buried right away. A lot of times they don't allow the mother to see this kind of baby because she'll go crazy.

Radiation can damage an unborn child in various ways: firstly, a fetus can be damaged by being exposed to radiation while in the mother's womb. Almost a quarter of pregnant women exposed within a mile and quarter of the explosion in Hiroshima lost their pregnancies through miscarriages or stillbirths. Of the live births, a quarter died when they were less than one year old, and a quarter of the children who survived had mental handicaps. Many children suffered microcephaly: an abnormally small head circumference and severe mental handicaps. Japanese Hibakusha (radiation survivors) were mostly unable to have children during the first three years after the bombing: Those who conceived of then aborted unformed, unrecognizable fetuses late in the pregnancy."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. FALEOMAVAEGA for 60 minutes today.

Mr. BONIOR for 60 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. HOYER, in two instances.

Mr. FAZIO.

Mr. HAMILTON, in three instances.

Mr. BERMAN.

Mr. TORRICELLI, in two instances.

Mrs. BYRNE.

Mr. STARK, in two instances.

Mr. TRAFICANT.

Mr. BROWN of California.

Mr. REED, in four instances.

Mr. BONIOR, in two instances.

Mr. KANJORSKI.

Ms. NORTON.

Mr. MAZZOLI, in two instances.

Mr. CLYBURN.

Mr. SWETT.

Ms. MARGOLIES-MEZVINSKY.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous matter:)

Mr. OXLEY.

Mr. PORTMAN.

Mr. ARMEY.

Mr. GALLO.

Mr. BEREUTER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3759. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3759. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 23, 1994, at 1 p.m.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2575. A communication from the President of the United States, transmitting his request for fiscal year 1994 emergency supplemental appropriations for the Department of Health and Human Services Low-Income Home Energy Assistance Program, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–210); to the Committee on Appropriations and ordered to be printed.

2576. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1994, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–212); to the Committee on Appropriations and ordered to be printed.

2577. A communication from the President of the United States, transmitting the Secretary of Defense's report on the continued requirement for peacetime draft registration, pursuant to Public Law 102–484, section 547(b)(106 Stat. 2420); to the Committee on Armed Services.

2578. A letter from the Secretary of Education, transmitting final regulations—Rehabilitation Services Administration Programs education programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2579. A letter from the Secretary of Education, transmitting a draft of proposed legislation to authorize the College Construction Loan Insurance Association to guarantee, insure, and reinsure financial instruments involving public elementary and secondary education facilities, and for other purposes; to the Committee on Education and Labor.

2580. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting notice of meetings relating to the International Energy Program; to the Committee on Energy and Commerce.

2581. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Navy's proposed lease of defense articles to the North Atlantic Treaty Organization (Transmittal No. 09–94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2582. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Korea (Transmittal No. 10–94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2583. A communication from the President of the United States, transmitting a report on the activities of U.S.-U.S.S.R. Standing Consultative Commission during calendar year 1993, pursuant to 22 U.S.C. 2578; to the Committee on Foreign Affairs.

2584. A letter from the Secretary of State, transmitting the listing of a commercial military export that is eligible for approval in calendar year 1994, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2585. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2586. A communication from the President of the United States, transmitting notification that the United States has expanded its participation in the effort to reach a peaceful resolution of the conflict in the former Yugoslavia (H. Doc. No. 103–211); to the Committee on Foreign Affairs and ordered to be printed.

2587. A letter from the Chief Financial Officer, Export-Import Bank, transmitting the Bank's annual report for the fiscal year ended September 30, 1993; to the Committee on Government Operations.

2588. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

2589. A letter from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committees on Government Operations.

2590. A letter from the Secretaries of the Interior and Transportation, transmitting a final report on a survey of recreational vessel use and recreational vessel fuel use, pursuant to 46 U.S.C. 13101 note; to the Committee on Merchant Marine and Fisheries.

2591. A letter from the Director, Office of Personnel Management, transmitting the interim report on the Senior Executive Service, pursuant to 5 U.S.C. 3135(a) and 5 U.S.C. 4314(d); to the Committee on Post Office and Civil Service.

2592. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1004 of Public Law 102–240, and for other purposes; to the Committee on Public Works and Transportation.

2593. A communication from the President of the United States, transmitting notice of his intention to add Kazakhstan and Romania to the list of beneficiary development countries under the Generalized System of Preferences (GSP), pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 103–209); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on February 11, 1994, the following report was filed on February 16, 1994]

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 6. A bill to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for other purposes; with amendments (Rept. 103–425). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. VALENTINE, Mr. MINETA, Mrs. LLOYD, Mr. BOEHLERT, Mrs. MORELLA, Mr. SWETT, Mr. KLEIN, Mr. MCHALE, Ms. ESHOO, Mr. TRAFICANT, Mr. BACCHUS of Florida, Mr. BARCIA of Michigan, Mr. FINGERHUT, Ms. HARMAN, Mr. JOHNSON of Georgia, Mr. COPPERSMITH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MINGE, Mr. DEAL, Mr. SCOTT, Mr. BECERRA, Mr. BARCA of Wisconsin, Mr. RUSH, Mr. SANDERS, Mr. OLVER, and Ms. SLAUGHTER):

H.R. 3870. A bill to promote the research and development of environmental technologies; to the Committee on Science, Space, and Technology.

By Mr. ARMEY (for himself, Mr. COMBEST, Mr. LINDER, Mr. DELAY, Mr. KING, Mr. HOEKSTRA, Mr. WALKER, Mr. BACHUS Alabama, Mr. HANCOCK, Mr. SMITH of Michigan, Mr. LEVY, Mr. BONILLA, Mr. CRANE, and Mr. LIGHTFOOT):

H.R. 3871. A bill to repeal the substantiation requirement for the deduction of certain charitable contributions which was added by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. PETERSON of Florida, Ms. SCHENK, Mr. CUNNINGHAM, and Mr. CANADY):

H.R. 3872. A bill to require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens; to the Committee on the Judiciary.

By Ms. NORTON (for herself, Mr. BLACKWELL, Mr. DELLUMS, Mr. EVANS, Mr. FILNER, Mr. FROST, Mr. HINCHEY, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MORAN, Mrs. MORELLA, Mr. MURPHY, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SERRANO, Mr. SHAYS, Mr. STOKES, Mrs. UNSOELD, Ms. VELAZQUEZ, Mr. WALSH, Mr. WATT, and Mr. WYNN):

H.R. 3873. A bill to amend the Federal Water Pollution Control Act to establish a national urban watershed restoration program; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Ms. SNOWE:

H.R. 3874. A bill to amend various Acts to establish offices of women's health within certain agencies; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. TRAFICANT:

H.J. Res. 326. Joint resolution designating January 16, 1995, as "National Good Teen Day"; to the Committee on Post Office and Civil Service.

By Mr. CLAY:

H. Res. 364. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. HEFLEY:

H. Res. 365. Resolution amending the Rules of the House of Representatives to limit the availability of appropriations for office salaries and expenses of the House of Representatives to 1 year and to require excess amounts appropriated for the purpose to be used for open-market purchase of outstanding interest-bearing obligations of the Government; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 56: Mr. RAVENEL.

H.R. 349: Mr. JOHNSON of South Dakota.

H.R. 439: Mr. SAXTON, Mr. CALVERT, Mr. CUNNINGHAM, and Mr. SOLOMON.

H.R. 561: Mr. ROWLAND, Mr. COOPER, and Mr. KOLBE.

H.R. 852: Mrs. MEYERS of Kansas.

H.R. 896: Mr. SHAYS.

H.R. 972: Mr. NADLER.

H.R. 1012: Mr. COPPERSMITH.

H.R. 1048: Mr. GOODLATTE.

H.R. 1080: Mr. CRAMER.

H.R. 1155: Mr. GILMAN and Mr. SCHAEFER.

H.R. 1164: Mr. WATT, Ms. WATERS, Ms. MARGOLIES-MEZVINSKY, and Mr. LEWIS of Georgia.

H.R. 1191: Mr. GOSS.

H.R. 1671: Mr. GEKAS.

H.R. 1961: Mr. EVANS and Mr. DEUTSCH.

H.R. 1980: Mr. CLYBURN and Mr. THOMAS of Wyoming.

H.R. 2076: Ms. SHEPHERD.

H.R. 2135: Mr. SCHIFF, Mr. HORN, and Mr. LINDER.

H.R. 2258: Mr. MEEHAN.

H.R. 2326: Mr. STUPAK.

H.R. 2918: Mr. CLAY.

H.R. 3247: Mr. SLATTERY, Ms. PELOSI, Mr. LANTOS, Mrs. MALONEY, Mr. GEJDENSON, Mr. TORRICELLI, and Mr. KLECZKA.

H.R. 3293: Mr. LANTOS and Mr. CRAMER.

H.R. 3328: Mr. DEFAZIO, Mr. CLYBURN, and Mr. HALL of Texas.

H.R. 3366: Mr. PARKER.

H.R. 3373: Mr. GEJDENSON.

H.R. 3374: Mr. GEJDENSON.

H.R. 3574: Mr. INSLEE and Mr. MEEHAN.

H.R. 3611: Mr. FILNER.

H.R. 3642: Mr. JOHNSTON of Florida.

H.R. 3663: Mr. MENENDEZ, Mr. NADLER, and Ms. FURSE.

H.R. 3705: Mr. MICA and Mr. KREIDLER.

H.R. 3727: Mr. INGLIS of South Carolina, Mr. HOCHBRUECKNER, Mr. HOBSON, Mr. CRAPO, and Mr. SHAYS.

H.R. 3738: Mr. HOCHBRUECKNER, Mr. FILNER, Mrs. KENNELLY, Mr. ABERCROMBIE, Mr. TUCKER, Mr. WILSON, Mr. SERRANO, Mr. JEFFERSON, Mrs. UNSOELD, Mr. FOGLIETTA, and Ms. PELOSI.

H.R. 3755: Mr. FISH.

H.R. 3787: Mr. EHLERS, Mr. KINGSTON, Mr. LINDER, Mr. GOSS, and Mr. SHAYS.

H.J. Res. 9: Mr. STUMP.

H.J. Res. 122: Mr. FOGLIETTA, Mr. BARRETT of Wisconsin, and Ms. PRYCE of Ohio.

H.J. Res. 129: Mr. GOSS.

H.J. Res. 253: Mr. CARR.

H.J. Res. 305: Mr. KOPETSKI, Mr. HUGHES, Mr. PARKER, Mr. SKELTON, and Mr. STUDDS.

H. Con. Res. 124: Mr. WYNN and Mr. SENSENBRENNER.

H. Con. Res. 138: Mr. RAMSTAD, Mr. LANCASTER, Mr. WYDEN, and Mrs. FOWLER.

H. Con. Res. 147: Mr. MEEHAN and Ms. SLAUGHTER.

H. Con. Res. 166: Mr. LIVINGSTON, Mr. JEFFERSON, and Mr. BOEHNER.

H. Con. Res. 199: Mr. MCCOLLUM, Mr. STUDDS, Ms. SLAUGHTER, Mr. FISH, Ms. FURSE, Mr. PASTOR, Mr. MCDERMOTT, and Mr. STUMP.

H. Con. Res. 202: Mr. BONIOR, Mr. CARR, Mr. MINGE, Mr. MARTINEZ, Mr. VENTO, Mr. SHARP, Mr. POMEROY, Mr. YATES, and Mr. SANGMEISTER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

By Mr. ACKERMAN:

—Page 49, line 24, strike "and".

—Page 50, line 12, strike the period and insert "; and".

—Page 50, line 13, strike "Notwithstanding" and insert "notwithstanding".

—Page 50, line 19, strike the period and insert "; and" and add after that line the following:

"(4) to the extent feasible, use funds received under this part to serve educationally deprived children who reside in school attendance areas having high concentrations of children from low-income families and who otherwise meet the eligibility requirements of this part and who attend schools in noneligible attendance areas."

By Mr. ARMEY:

—In subsection 2124(e) insert "public" before "schools".

—At the end of subsection 2124(e) add the following new sentence:

"Nothing in this subsection shall be construed to require the certification or regulation of teachers in any private, religious, or home school.".

—At the end of subsection 9101(11) add the following new sentence:

"This definition shall not apply to any private, religious, or home school that does not receive funds under this Act."

—At the end of subsection 9101(20) add the following new sentence:

"This definition shall not apply to any private, religious, or home school that does not receive funds under this Act."

—After section 9507, insert the following new section and redesignate subsequent sections accordingly:

"SEC. 9508. GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any federal involvement with or control over any aspect of any private, religious, or home school that does not receive funds under the Act.".

By Ms. KAPTUR:

—Page 330, line 4, insert the following (and redesignate the subsequent subparagraphs accordingly):

"(L) programs designed to reduce excessive student mobility, retain students who move within a school district at the same school, educate parents about the effect of mobility on a child's education and encourage parents to participate in school activities;

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER____

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report." ◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

Organization or Individual Filing	Employer/Client
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Mellon Bank Corp
Bruce Agnew, 1141 7th Avenue, S. Edmonds, WA 98020	City of Edmonds
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Transamerica Financial Services
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)
Do	Albertine Enterprises, Inc (For:Thermo Electron Corp)
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)
Do	Thermo Electron Corp
Albertine Enterprises, Inc, 1899 L Street, NW, # 500 Washington, DC 20036	Greenwich Pharmaceuticals
Do	Thermo Electron Corp
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Care Florida Health Systems, Inc
Do	Computer Sciences Corp
Do	Northern States Power Co
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Health Commons Institute
Do	North American Training Services, Inc
David M. Astrove, 1401 New York Avenue, NW, Suite 900 Washington, DC 20005	Brownstein Zeidman & Lore (For:DeNovo Corp)
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182	
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affiars, Inc
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	National Industrial Transportation League
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	IM&I, Inc
Do	Robert Peterson Enterprises, Inc
Do	Washington Regional Transplant Consortium
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied Signal, Inc
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Modesto
Do	Telephone Management Corp
Timothy Barnicle, 1050 17th Street, NW, Suite 810 Washington, DC 20036- Bar	Neece Cator Barnicle & Assoc,Inc (For:Education Management Corp)
Allison F. Bauer, 3353 South 5th Street Arlington, VA 22204	Chivus Multrum
Do	Inchcape Testing Services
Do	Phychemidics Corp
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Dreyfus Corp
Deborah Beck, 3820 Club Drive Harrisburg, PA 17110	Therapeutic Communities of America
Bergner Boyette Bockorny & Clough, 1101 16th Street, NW, #500 Washington, DC 20036	Biotechnology Industry Organization
Do	Northwest Airlines
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	Methyl Bromide Working Group
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc
Robert Bingaman Jr., 1817 Bay Street, SE Washington, DC 20005	Sierra Club
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006	
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	International Speedway Corp
Black Executive Entrepreneur Assn, 411 Highland Drive Mays Landing, NJ 08330	
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Occidental Petroleum
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	OHM Corp
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Nuclear Assurance Corp
Michael K. Block, 2550 Calle Los Altos Tuscon, AZ 85718	National Rifle Assn
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn
Lyndon K. Boozer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc
Do	Rotter & Bourjaily, Inc
Michael D. Boyd, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Council of Industrial Boiler Owners
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	American Institute for Foreign Studies
Do	Michigan Consolidated Gas Co
J. Christopher Brady, 1600 Wilson Blvd, Suite 202 Arlington, VA 22209	Department of Economic Development/City of Suffolk
Do	Dominion Lands, Inc
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied Signal Corp)
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	NEMA
Svend A. Brandt-Erichsen, 701 Fifth Avenue, Suite 6100 Seattle, WA 98104	Chugach Electric Assn, Inc
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	La Petite
Do	Pfizer, Inc
Do	Rose Medical Center
Do	Western Union Corp
David Bryson, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp
Jeanne A. Butterfield, 1200 Eye Street, NW, Suite 1400 Washington, DC 20005	American Immigration Lawyers Assn
John D. Cahill, McDermott,O'Neill and Associates 75 State Street #2130 Boston, MA 02109	Health Management Resources, Inc
Do	Pinnacle Data Corp
Do	RJA Group, Inc
Amy E. Callahan, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Polygon Co, Ltd
Camp & Barsh, 2550 M St., NW, #275 Washington, DC 20037	Steel Service Center Institute
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Allergan
Do	American Academy of Physician Assistants
Do	Autism Society of America
Do	Bausch & Lomb
Do	City of Camden
Do	Genzyme Corp
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	El Paso Community Foundation
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Chemical Manufacturers Assn
Do	Coriell Institute for Medical Research
Do	General Nutrition, Inc
Do	Paramax Systems II
Do	Pennsylvania Educational Telecommunications Exchange Network
Do	Petresa Canada, Inc
Do	PGA Tour
Do	Rhone-Poulenc, Inc
Do	University of Dayton
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	Lockheed Corp
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005	Center for Reproductive Law & Policy
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	TRW, Inc
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable
Cochran Mitchell & Lotkin, 210 Massachusetts Avenue, NW, Suite C-1 Washington, DC 20002	City of South Pasadena Redevelopment Agency
Debra Ann Colbert, 1600 Wilson Blvd., Suite 1000 Arlington, VA 22209	American Waterways Operator
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	CIT Group
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	In Re Color Picture Tubes
Columbus Service Group, Inc, 6321 Birchview Drive, South Reynoldsburg, OH 43068	
Ann Laine Combs, 1001 22nd Street, NW Suite 750 Washington, DC 20037	William M. Mercer, Inc (For:John Hancock Mutual Life Insurance Co)
Do	William M. Mercer, Inc (For:Transportation Communications International Union)
Douglas B. Comer, 1850 M Street, NW, #450 Washington, DC 20036	American Financial Services Assn
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty Co
Convergence Services, Inc, 1101 Vermont Ave., NW, Suite 400 Washington, DC 20005	Educational Broadcasting Corp
Do	Greater Washington Educational Telecommunications Assn
Do	Public Broadcasting Service
Do	Twin Cities Public Television
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Bankers Roundtable
Do	Merck & Co, Inc
Bill Crandell, 7104 14th Avenue Tacoma Park, MD 20912	Vietnam Veterans of America
John H. Crosby, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn
Law Ofs of Jonathan W. Cuneo, 1301 K 3treet, NW, #650-E Washington, DC 20005	West Publishing Co
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn

Organization or Individual Filing	Employer/Client
William J. Cunningham, 200 State Street, 10th Floor Boston, MA 02109	Natural Disaster Coalition
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp
Do	British Petroleum, America
Do	Farmland Industries, Inc
Do	Lebanon Chemical Corp and Lebanon Turf
Do	National Bank & Soil Producers Assn
Do	Responsible Industry for a Sound Environment
Do	Scotts Companies & Subsidiaries
Do	ZENECA Ag Products
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	Point of Purchase Advertising Institute
Davis Wright & Tremaine, 701 Pennsylvania Ave., NW, #600 Washington, DC 20004	West Pac Vessel Owners Assn
James M. Day, 1667 K Street, NW, Suite 801 Washington, DC 20006	American Samoa Government, Office of the Governor
Donald K. Dean, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Findley Adhesives, Inc
Democratic Leadership Council, 518 C Street, NE Third Floor Washington, DC 20002	
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co
H. Edward DeBee III, 6520 North Western ,Suite 101 Oklahoma City, OK 73116	DeBee & Associates
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America
Daivs DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Cigar Assn of America, Inc
Do	Pipe Tobacco Council, Inc
Do	Smokeless Tobacco Council
John Dill, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation
Gary Dodd, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc
Michael C. Dotten, 3400 First Interstate Bank Tower Portland, OR 97201	Heller Ehrman White & McAuliffe (For:Chugach Electric Assn, Inc)
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Juvenile Diabetes Foundation International
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	United Illuminating
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	MedCath, Inc
James Trester Dyke Jr., 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	ADT Automotive, Inc
D. Kendall Edwards, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	NATSO, Inc
Leslie England, 408 C Street, NE Washington, DC 20002	Sierra Club
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty Co
Ernst & Young, 1200 19th Street, NW,Suite 300 Washington, DC 20036	EnvironCol
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	McDonnell Douglas
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co
Steven A. Fehr, 204 West Linwood Blvd Kansas City, MO 64111	
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Holland America West-Tours
Martha Scott Fisackerly, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards
Carol Tucker Foreman, 1155 21st Street, NW, #1000 Washington, DC 20036	EMILY's List
Do	International Women's Health Coalition
Do	Monsanto Co
Do	United Food & Commercial Workers Int'l Union
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	Aetna Life & Casualty
Do	Council for Responsible Nutrition
Do	Covington & Burling (for American Personal Communications)
Do	International Women's Health Coalition
Do	Monsanto Co
Do	National Abortion Rights Action League (NARAL
David V. Foster, 555 13th Street, NW Washington, DC 20016	National Leadership Coalition for Health Care Reform
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Nuclear Assurance Corp
Edmund Freeman, 408 C Street, NE Washington, DC 20002	Sierra Club
Susan Friedman, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn
John Friedrich, 1320 18th Street, NW, Suite 300 Washington, DC 20036	Clean Water Action
Alvin From, 518 C Street, NE Third Floor Washington, DC 20002	Democratic Leadership Council
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp
Do	Wendy's International, Inc
John W. Gaillard, 801 Pennsylvania Ave., NW Washington, DC 20004	European-American Chamber of Commerce
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Pacific Coast Federation of Fishermen's Assn, Inc
Do	Seafood Consumers & Producers Assn, Inc
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036	
Kenneth W. Gideon, Fried Frank Harris Shriver & Jacobson 1001 Pennsylvania Ave., NW Washington, DC 20004	National Structured Settlement Trade Assn
Jana L. Gill, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA
Do	Missouri Basin Municipal Power Agency
Do	OPCO Wholesale Customer Group
Daniel F. Gilligan, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute
Latonia Glenn, 8701 Georgia Ave., Suite 710 Silver Spring, MD 20910	Latonia Glenn Agency
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Oralco Management)
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Acculab Medical Testing
Do	Community Learning & Information Network, Inc
Do	Metro-Dade Country
John E. Gordon, 1725 Jefferson Davis Highway, Suite 601 Arlington, VA 22202-3585	Litton Industries, Inc
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Edwin C. Graves & Associates (For:Republic of Azerbaijan)
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Healthcare Assn
Do	Apogee Outpatient Mental Health
Do	Chase Bank
Do	Dade County
Do	Humana, Inc
Do	John Alden Life Insurance Co
Do	National Assn for the Support of Long-Term Care (NASL)
Do	National Assn of Mortgage Brokers
Do	National Health Laboratories
Do	Viacom International, Inc
Do	Xoma
Laurence T. Greene, 100 North Diamond-Star Parkway Normal, IL 61761	Diamond-Star Motors
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Apollo Travel Services
W. Roger Gwinn, 1130 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Ferguson Co (For:City of Norwalk)
Do	Ferguson Co (For:City of Oceanside)
Do	Ferguson Co (For:County of Sacramento)
Do	Ferguson Co (For:Imperial Irrigation District)
Do	Ferguson Co (For:Irvine Company)
Do	Ferguson Co (For:Lacda Alliance)
Do	Ferguson Co (For:Martin Group)
Do	Ferguson Co (For:Modesto/Turlock Irrigation Districts)
Do	Ferguson Co (For:National Realty Committee)
Do	Ferguson Co (For:Reuse Partners)
Do	Ferguson Co (For:Robert Bein, William Frost & Assoc)
Do	Ferguson Co (For:Southeast Water Coalition)
Do	Ferguson Co (For:Transportation Corridor Agencies)
Hager Sharp, Inc, 1090 Vermont Ave., NW, 3rd Floor Washington, DC 20005	APTUS, Inc, et al.
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	Nedlloyd Lines (USA) Corp
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants
Do	ACX Technologies, Inc
Do	Hybridon, Inc
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co
Hammons & Hunter, 50 Penn Place, Suite 1300 Oklahoma City, OK 73118	AES Manufacturing Services, Inc
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty Co
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp
Arthur A. Hartman, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	General Atomics
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)

Organization or Individual Filing	Employer/Client
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011	
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Taiwanese Reichsbanknote Creditors Assn
Nikki Heidepriem, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Foreman & Heidepriem, Inc (For:Aetna Life & Casualty)
Do	Covington & Burling (for American Personal Communications..)
Do	EMILY's List
Do	Foreman & Heidepriem, Inc (For:National Abortion Rights Action League)
Hessian McKasy & Soderberg, 4700 IDS Center Minneapolis, MN 55402	CADA Task Force
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty Co
Greg Hodur, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Charles E. Smith Companies
Do	Zeigler Coal Sales Co
Blair Horner, P.O. Box 18332 Washington, DC 20036-8332	New York Public Interest Research Group
Douglass C. Horstman, 1850 K St., NW, #205 Washington, DC 20006	Maytag Co
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC
Henry A. Hubschman, 1 Neumann Way, Mail J104 Cincinnati, OH 45215	General Electric Co
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	SYDA Foundation
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Fashion Accessories Shippers Assn
Barbara Jackier, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc
J. Chad Jackson, 1725 K Street, NW, Suite 914 Washington, DC 20006	Assn of American Physicians & Surgeons
Cy Jamison, 1101 30th Street, NW, Suite 300 Washington, DC 20007	Sodak Gaming, Inc
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Municipality of Hormigueros
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc
Michael Jones, 516-A C Street, NE Washington, DC 20001	Texas Highway Patrol Assn
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Internationale Nederlanden Group, NV
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Space Dynamics Laboratory
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates (For:City of Livermore)
Do	Jordan & Associates, Inc (For:City of Provo)
Do	Jordan & Associates, Inc (For:Sandy City)
Jorden Burt Berenson & Klingensmith, 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007-0805	City & County of San Francisco
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America
Harpreet Kang, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Foreman & Heidepriem, Inc (For:International Women's Health Coalition)
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	East Coast Tuna Assn
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & Noone (For:Digital System Resources, Inc)
Katten Muchin & Zavis, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Coalition for Long-Term Care Financing
Do	Health Insurance Assn of America
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Stockton East Water District
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America
Todd D. Ketch, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:ADT Automotive, Inc)
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	American Veterinary Medical Assn
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Eaton Vance Corp
Mary Jane Klocke, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	Greater Washington Board of Trade
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co
Gerald F. Kuester, 2000 P Street, NW Washington, DC 20036	Center for Science in the Public Interest
Sheena Kuruvilla, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Ropak Corp, et al.
Christopher D. Larsen, 1220 L Street, NW Washington, DC 20005	American Resort Development Assn
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Stir-Melter, Inc
Louis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	US Term Limits
Melissa Ann Lester, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox Ebensburg Power, Inc
Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007	American College of Surgeons
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 WEst Washington, DC 20004	Interstate Natural Gas Assn of America
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Chiropractic Assn
Do	Atlantic Richfield, Co
Do	Microbiological Associates, Inc
Do	Royal Wine Corp
Do	Science Applications International Corp
Do	Vitro, S.A.
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	California Public Employees Retirement System (CALPERS)
Do	City of Alhambra
Do	Federation of State Medical Boards of the US
Do	Los Angeles County Office of Educcation
Marsh & Associates, P.C., 111 Washington Avenue Albany, NY 12210	Smokeless Tobacco Council, Inc
Gwen Marshall, 243 Parkway #3 Cincinnati, OH 45216	
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Women's Legal Defense Fund
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	AT&T
Ellen McBarnette, 408 C Street, NE Washington, DC 20002	Sierra Club
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Dart Container Corp
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	American College of Radiation Oncology
Raymond J. McGrath, 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Major League Baseball Players Assn)
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	AlliedSignal, Inc
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)
J. Frank Meisamer, 4360 Georgetown Square, Suite 817 Atlanta, GA 30338-6220	Americna Hospital Assn
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Society Asset Management, Inc
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874	
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	General Chemical
Do	Southwest Marine
Stephen Mills, 408 C Street, NE Washington, DC 20002	Sierra Club
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	American Petroleum Institute
Do	National Assn of Broadcasters
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied Signal Corp)
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Finance Ministry, Government of Mexico
Do	
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government
Kristen Morris, 1200 G Street, NW< Suite 400 Washington, DC 20005	Health Industry ManufacturersAssn
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City of Los Angeles, Dept of Airports
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	AOPO (Assn of Organ Procurement Orgnizations
William S. Mott, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
James P. Murphy, Fleet Financial Group 56 East 42nd St. #345 New York, NY 10017	Fleet Financial Group, Inc
Patrick M. Murphy, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Mutual of New York
Do	State Mutual Insurance Co
Christopher Alton Myrick, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co
National Assn for Adult Security, 8560 East 22nd Street Tucscon, AZ 85731-7011	
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808	
New York Public Interest Research Group, 9 Murray Street, 3rd Floor New York, NY 10007	
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & Noone (For:Digital System Resources, Inc)
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	National Assn of Insurance Brokers
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Ontario Flue-Cured Tobacco Growers Marketing Board

Organization or Individual Filing	Employer/Client
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Goldman Sachs & Co
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Northeastern University
Do	Northwestern Memorial Hospital
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Anheuser Busch
Do	Hewlett-Packard Co
Do	RJR Nabisco, Inc
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	PennField Oil Co
Oregon NAFTA Coalition, One World Trade Center 121 SW Salmon, Suite 1100 Portland, OR 97204	
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	American Express Co
Ann M. Parman, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute
Clayton J. Parr, 185 South State Street, Suite 1300 Salt Lake City, UT 84147	Energy Fuels Nuclear, Inc
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	D & F Industries, Inc
Do	Murdock Healthcare
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Intrapol, Inc
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	GE Capitol Services
Do	International Union of Police Assns
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Center for Medicare Advocacy, Inc
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	American Cancer Society/Missouri Division
Karla Perri, 1250 Connecticut Ave., NW Washington, DC 20036	American Forest & Paper Assn
Susan E. Perry, 5962 Parview, SE Grand Rapids, MI 49546	Prison Industries Reform Alliance
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	National Assn for Sport & Physical Education
Jeremy Edes Pierotti, 1401 New York Ave., NW,Suite 1100 Washington, DC 20005	National Cooperative Business Assn
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	International Brotherhood of Teamsters
Do	Nutritional Health Alliance
Do	Pacifica Foundation
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Nedlloyd Lines (USA) Corp
Jan Geiselman Power, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp
Joan Priestley, 601 Pennsylvania Ave., NW North Tower, #1407 Washington, DC 20002	Citizens for Health
Prison Industries Reform Alliance, 800 Calder Plaza Building Grand Rapids, MI 49503	
James C. Pyles, Powers Pyles & Sutter, P.C. 1275 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20004-2404	Home Health Services & Staffing Assn
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	HealthCare COMPARE Corp
Eugene M. Rackley, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn
Murray Rapp, 2001 S Street, NW, Suite 530 Washington, DC 20009	Community Nutrition Institute
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc
Gregory Redmond, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Central & Southwest Corp
John W. Reilly, 815 Connecticut Ave., NW, Suite 1000 Washington, DC 20006	Canadian Forest Industries Council
William K. Reilly, 1250 24th Street, NW, 6th Floor Washington, DC 20037-1175	Golden Gate National Park Assn
Do	National Wildlife Action, et al.
Dale L. Reistad, P.O. Box 33399 Washington, DC 20033	Interactive Television Assn
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Radiation Systems, Inc)
Bonnie Richardson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036	
Mary Jo Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Cahners Publishing Co
Do	Human Genome Sciences, Inc
Do	Magma Copper Co
Do	Omega Environmental, Inc
Do	Securities Industry Assn
George Roberts, 1727 Kilbourne Place, NW Washington, DC 20010	
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Star Shipping A/S
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:National Industrial Transportation League)
Do	Bailey & Robinson (For:Oralco Management)
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Prudential Insurance Co
Do	U.S. Global Positioning Sustem Industry Council
Lori Roche, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Co (For:City of Alhambra)
Do	Ferguson Co (For:City of Inglewood)
Do	Ferguson Co (For:City of Norwalk)
Do	Ferguson Co (For:City of Oceanside)
Do	Ferguson Co (For:City of Redondo Beach)
Do	Ferguson Co (For:City of Santa Ana)
Do	Ferguson Co (For:Interstate 5 Consortium)
Do	Ferguson Co (For:Irvine Co)
Do	Ferguson Co (For:Lacda Alliance)
Do	Ferguson Co (For:National Realty Committee)
Do	Ferguson Co (For:Robert Bein, William Frost & Assoc)
Do	Ferguson Co (For:Southeast Water Coalition)
Do	Ferguson Co (For:West Valley City)
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	American Council on Education
Do	Creative Capital, Inc
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Independent Defense Contractor Assn
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	Independent Defense Contractor Assn
John M. Rosenberg, 800 South Washington Street, #A207 Alexandria, VA 22314	
Dan Ross 62536-061, P.O. Box 2000 White Deer, PA 17887-2000	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Eaton Vance Corp
Do	McClure Gerard & Neuenschwander, Inc
Do	Republic Boston Capital Corp
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Bishop Clarkson Hospital
Do	Leech Lake Tribal Council
Do	Wheeling Hospital
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Computer Services, Inc
Arthur B. Sackler, 1627 K St., NW, #400 Washington, DC 20006	Time Warner, Inc
Craig S. Sadick, 1725 K Street, NW Washington, DC 20006	National Assn of Wholesaler-Distributors
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Rose Acre Farms
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp
Robert S. Salomon, 1300 Group 1300 19th Street, NW Washington, DC 20036	Community Program Development
Do	Technical Assistance Corportaion St. Louis
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn
Margot Freeman Saunders, 1875 Connecticut Avenue, NW, #510 Washington, DC 20009	National Consumer Law Center
Leonard Schneidman, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Jan Stenbeck
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn
Michael Scott, 1101 Vermont Ave., NW, Suite 606 Washington, DC 20005	American Society of Anesthesiologists
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc
Richard D. Sellers, 2916 Biltmore Ave. Montgomery, AL 36109	National Rifle Assn
Andrew L. Sernoritz, P.O. Box 33428 Washington, DC 20033-0428	Interactive Television Assn
Patrick A. Shea, 50 South Main P.O. Box 94, Suite 405 Salt Lake City, UT 84144	Intermountain Health Care
Do	Kennecott Copper Corp
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Wisconsin Winnebago Nation
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	Assn of Fire Districts of the State of New York
Do	New York State Fire Chiefs Assn

Organization or Individual Filing	Employer/Client
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc
Collins Robert Spencer III, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household International, Inc
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Canyon Forest Village Corp
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Radiation Systems, Inc
Carlton a. Stockton, 1801 Pennsylvania Ave.,NW Washington, DC 20006	MCI Communications Corp
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Healthcare Leadership Council
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn
Maria S. Strong, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc
Lorraine D. Sullivan, 151 Farmington Avenue Hartford, CT 06156-3124	Aetna Life & Casualty Co
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	China External Trade Develpment Council
Do	Marcos D. Katz
Do	Marks & Murase
Do	Par Pharmaceutical
Do	Rabbi Milton Balkany
Do	Stewart E. Erickson Construction, Inc
Targeted Communications, Inc, 1414 Prince Street, Suite 300 Alexandria, VA 22314	USA-NAFTA
Diane E. Thompson, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Council for Responsible Nutrition
Do	EMILY's List
Do	Foreman & Heidepriem, Inc (For:National Abortion Rights Action League)
Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036	Greenwich Pharmaceuticals, Inc
Do	Thermo Electron Corp
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Association for Applied Psychophysiology & Biofeedback
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	National Assn for Adult Security
Steven J. Twist, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Natl Comm for the Preservation of Social Security & Medicare
Do	United Parcel Service
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:America's Health Plan)
Do	Kelly Anderson & Associates (For:James River Corp)
Do	National Assn of Veterans Affairs Physicians & Dentists
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Cooling Center
Do	New York Gas Group
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Newport News Shipbuilding
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	DSG Strategies, Inc
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Tenneco
Verrill & Dana, 45 Memorial Circle P.O. Box 957 Augusta, ME 04332-0957	Major League Baseball Players Assn
Mary E. Vesely, 1735 Jefferson David Hwy, Suite 700 Arlington, VA 22202	Aries Analytics
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	United HealthCare, Inc
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Denver
Terrence Alan Weeks, 5740 N. Camino Padre Isidoro Tucson, AZ 85718	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp
Steven B. Weingarten, One Commerce Plaza, Suite 2005 Albany, NY 12210	Weingarten Reid Associates
James A. Werleg, 1735 Jefferson Davis Highway Suite 705 Arlington, VA 22202	Figgie International, Inc
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Eastman Kodak Co
Do	EG&G, Inc
Do	Lederle Laboratories
Do	SEGA of America
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2037	Katten Muchin Zavis & Dombroff (For:Coalition for Long-Term Financing)
Do	Katten Muchin Zavis & Dombroff (For:Health Insurance Assn of America)
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Acxiom Corp
Do	American Airlines
Kelli Willard, 1309 4th Street, SW Washington, DC 20024	Vietnam Veterans of America
Williams & Jensen, P.C., 1155 21st. Street, NW Washington, DC 20036	Dreyfus Corp
Do	Physician Corp of America
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:Health Insurance Assn of America)
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Davis & Camalier Families)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Legion
Do	Interbank Anonim Sirketi
Do	Morongo Band of Mission Indians
Do	National Assn of Political Action Committees
Do	Sandoz Agro, Inc
Do	Southwestern Bell Corp
Do	U.S. Transit Council
Writers & Research, Inc, 4810 Saint Paul Boulevard Rochester, NY 14617	
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt
Do	Computing Technology Industry Assn
Do	Pac Tel Teletrac
Bruce Yarwood, Helmsin & Yarwood Associates 2637 Noth Marcey Road Arlington, VA 22207	FMS Corp
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Cumberland Packing
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc
Joan Levy Zlotnik, 750 First Street, NE Washington, DC 20002	National Assn of Social Workers

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*—Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	340.55	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation	16,250.00	100.94
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	949.68	
Pamela Abney, 1101 Vermont Ave., NW, Suite 700 Washington, DC 20005	American Veterinary Medical Assn	64.00	
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	13,975.00	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #400 Washington, DC 20036	CANAMCO (For:Canadian Shipowners Assn)		
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	250.00	191.00
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	1,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane M. Adams, 818 Connecticut Avenue, NW, #303 Washington, DC 20006	National Assn for Biomedical Research	315.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	2,105.00	2,143.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co of America		
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
M. Thomas Adkins Jr., P.O. Box 1914 Orange Park, FL 32067-1914	Criminal Justice Society of Florida		
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Kendall Square Research Corp	500.00	
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		5,965.00	5,965.00
Advocacy Group, 1350 I St., NW Suite 680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc.		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, inc		
Do	Georgia Southern University		
Do	Intel Supercomputing Division		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		5,916.80	5,916.80
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	1,000.00	
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	177.60	22.58
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	2,744.87
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		285.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		3,500.00	13.20
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		1,228.00	1,228.00
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		102,245.00	135,923.00
Airports Council International - North America, 1220 19th Street, NW, #200 Washington, DC 20036			27,678.59
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America		
Do	Alleghany River Mining Company	1,300.00	19.00
Do	Alliance of American Insurers	507.50	16.00
Do	Amerada Hess Corp		
Do	American Airlines, Inc	12,050.00	435.00
Do	American Financial Corp		
Do	American Share Insurance Corporation	2,260.00	38.00
Do	American Telephone & Telegraph Co	3,320.00	57.00
Do	Bank of America National Trust & Savings Assn	400.00	
Do	Bank of Nova Scotia		
Do	Bechtel Group, Inc	16.75	
Do	Bolt Beranek & Newman, Inc		
Do	Chiquita Brands International, Inc		
Do	City of Houston	2,530.00	19.00
Do	Columbia Government Trade Bureau (PROEXPO)		
Do	Cotton Bowl Athletic Assn	1,005.00	19.00
Do	Disabled American Veterans	33.50	
Do	Dow Jones & Co	1,200.00	19.00
Do	Fremont Group, Inc		
Do	Fujitsu America, Inc		
Do	Government of Norway	1,140.00	19.00
Do	W. R. Grace & Co		
Do	GTECH Corp	1,220.00	19.00
Do	International Bank of Commerce	470.00	
Do	Kendall Square Research Corp	550.00	
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	320.00	
Do	Management Compensation Group		
Do	Mazda (North America), Inc		
Do	Medical Protective Company	2,780.00	38.00
Do	Mesa, Inc	880.00	19.00
Do	Metropolitan Transit Authority of Harris County		
Do	Miller Brewing Company		
Do	Robert Mondavi Winery	3,050.00	57.00
Do	Money Store		
Do	Morgan Stanley & Co, Inc	1,250.00	19.00
Do	Mortgage Guaranty Insurance Corp	16.75	
Do	Mortgage Insurance Cos of America	1,580.00	19.00
Do	Motion Picture Assn of America, Inc	1,390.00	19.00
Do	MAXXAM, Inc		
Do	MCA, Inc	500.00	
Do	National Football League		
Do	Nationwide Mutual Insurance Company	184.25	
Do	Natural Gas Vehicle Coalition	1,260.00	19.00
Do	New York Public Library		
Do	Riggs National Corp		
Do	Ryder System, Inc	5,445.00	
Do	RJR Nabisco, Inc		
Do	Southern California Edison Co	2,300.00	38.00
Do	Time-Warner		
Do	Transamerica Financial Services	8,295.00	152.00
Do	USA Group,Inc	450.00	
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp		
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William E. Albers, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)	3,500.00	123.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	6,300.00	210.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	10,500.00	455.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Greater Kansas City Chamber of Commerce)		
Do	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)	11,725.00	228.00
Do	Albertine Enterprises, Inc (For:International Assn of Conventions & Visitor Bureaus).	1,575.00	144.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	2,772.00	45.00
Do	Albertine Enterprises, Inc (For:Jerome Levy Economics Institute)		
Do	Albertine Enterprises, Inc (For:Lenox, Inc)		
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)	735.00	53.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	750.00	53.00
Do	Albertine Enterprises, Inc (For:Primark Corp (TASC))		
Do	Albertine Enterprises, Inc (For:SMS Corp)	5,250.00	525.00
Do	Albertine Enterprises, Inc (For:Thermo Electron Corp)	1,173.00	70.00
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises, Inc (For:Castle Harlan, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)	6,500.00	228.00
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	11,700.00	390.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	19,500.00	845.00
Do	Albertine Enterprises (For:Greater Kansas City Chamber of Commerce)	1,083.00	98.00
Do	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)	21,775.00	423.00
Do	Albertine Enterprises (For:International Assn of Conventions and Visitor Bureaus).	1,950.00	228.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	2,166.00	150.00
Do	Albertine Enterprises, Inc (For:Jerome Levy Economics Institute)		
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)	871.00	200.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	2,145.00	92.00
Do	Albertine Enterprises, Inc (For:Primark Corp)		
Do	Albertine Enterprises, Inc (For:SMS Corp)	9,750.00	975.00
Do	Thermo Electron Corp	1,106.00	130.00
Albertine Enterprises, Inc, 1899 L Street, NW, # 500 Washington, DC 20036	ARCTICO, Inc		
Do	AST Research, Inc		
Do	Castle Harlan, Inc		
Do	Council for Superfund Fairness, Inc	15,000.00	350.00
Do	Exide Electronics, Inc	18,000.00	600.00
Do	Fruit of the Loom, Inc	30,000.00	1,900.00
Do	Greater Kansas City Chamber of Commerce	1,700.00	150.00
Do	Greenwich Pharmaceuticals	50,000.00	650.00
Do	International Assn of Conventions	4,500.00	300.00
Do	ITRON and AMR	3,333.00	125.00
Do	Jerome Levy Economics Institute		
Do	National Bareboat Charter Assn	2,000.00	150.00
Do	Polaris Industries, LP		
Do	Potomac Capital Investment Corp	4,999.98	150.00
Do	Primark Corp		
Do	SMS Corp	15,000.00	2,100.00
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	799.00	
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Associated Industries of Florida Property & Casualty Trust	12,000.00	
Do	Cargill Fertilizer, Inc	7,500.00	
Do	Center for Applied Engineering	3,750.00	
Do	City of Jacksonville	15,600.00	
Do	City of Virginia Beach	15,000.00	
Do	Computer Sciences Corp	3,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Elekta Instruments, Inc	9,000.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jim Walter Corp	3,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Northern States Power Co	9,000.00	
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Palm Beach	7,500.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	State Road 7 Association, Inc	16,800.00	
Do	Summa Corp	12,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	3,600.00	975.00
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	115.51
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America)		
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center		
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	265.00	185.86
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			152,767.85
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		138.01	5,435.18
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
David W. Almy, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	100.00
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	8,000.00	40.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
America for Worldwide Balanced Trade Agreement, Inc, 2236 Java Plum Avenue Sarasota, FL 34232			
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		37,558.92	37,558.92
American Advertising Federation, 1101 Vermont Ave.,N.W., Suite 500 Washington, DC 20005			
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		26,688.00	26,688.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			5,378.00
American Arts Alliance, 1319 F Street, NW, #500 Washington, DC 20004-1151		145,741.00	57,821.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		45,284.00	45,284.07
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			45,013.08
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,769.00	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			302.32
American Automobile Manufacturers Assn, 7430 Second Avenue, #300 Detroit, MI 48202		294,988.00	294,988.00
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		149,108.01	149,108.01
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		2,162.00	1,910.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		33,957.00	33,957.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044			
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		176,366.00	176,366.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			233,511.53
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	128,294.24
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			4,487.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,852.90	15,968.72
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			2,669.50
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		8,599.00	8,599.00
American International Group, Inc, 70 Pine Street New York, NY 10270			5,745.65
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		210,808.00	177,855.85
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,915.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		115,000.00	11,852.04
American Library Assn, 50 E. Huron St. Chicago, IL 60611		8,614.00	11,702.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	1,042.61
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		9,160.58	3,497.01
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			44.00
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		36,802.64	36,017.35
American Medical Association, 515 North State Street Chicago, IL 60610			964,411.69
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		25,443.30	25,443.30
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			10,118.00
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		45,310.54	100,947.87
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		109,869.60	109,869.60
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725		20,921.77	20,921.77
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		398,871.57	320,689.94
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		14,397.79	14,397.79
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			23,543.03
American Portland Cement Alliance, 1212 New York Avenue, NW, #520 Washington, DC 20005			71,018.09
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		50,315.00	50,315.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			24,862.00
American Re-Insurance Co, 555 College Road, East Princeton, NJ 08543			
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		100.00	100.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			
American Soc for Clinical Laboratory Science, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			13,695.26
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			50,500.00
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			30,260.67
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			21,761.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		65,792.62	80,091.92
American Trucking Assns, Inc, 430 First Street Washington, DC 20003		13,000.00	92,940.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1101 Vermont Ave. NW Suite 710 Washington, DC 20005-3621		12,115.60	305.61
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		56,875.00	51,025.18
Americans for a Presidential Line-Item Veto, 2020 Pennsylvania Ave.,NW, Suite 164 Washington, DC 20006		515.00	635.00
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		12,445.42	12,445.42
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech Language Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors	12,500.00	
Do	Kollmorgen Corp	75,000.00	
Do	Northrop Corp	6,000.00	
Do	Rand Eye Institute		
Do	Tenneco, Inc	32,000.00	
Do	Thompson Medical Co	2,000.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501		67,500.00	23,049.06
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	40.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	300.00	108.00
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus		
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	1,923.08	805.09
Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Frederick M. Anderson, Box 2000 - Unit B White Deer, PA 17887			
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
John A. Anderson, 1333 H St., NW, The West Tower, 8th Flr Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,375.02	
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	4,061.50	
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc		
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,293.40	
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	50.00
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,462.39
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	16.00	16.00
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND		
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson, Inc		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			20,000.00
Timothy Anson, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:U.S. Multinational Corp Tax Policy)		
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	11,250.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		15.00
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	9,184.00	
William T. Archey, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	601.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	93.00	24.00
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,695.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	8,296.15	3,971.49
Do	American Assn of Bioanalysts	23,140.68	4,267.58
Do	American Assn of Occupational Health Nurses	25,183.57	1,849.77
Do	Jean-Bertrand Aristide	30,000.00	2,648.06
Do	Association of Professional Flight Attendants		2,049.80
Do	Central States SE & SW Areas Health Welfare & Pension Funds	20,783.39	
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Children's Health Fund	492.00	689.03
Do	Guardian Life Insurance Co of America	2,137.73	67.44
Do	Health Commons Institute		8.84
Do	Independent Federation of Flight Attendants	1,400.00	40.00
Do	International Society for Clinical Laboratory Technology	3,000.00	
Do	Mercy Hospital of Des Moines, Iowa	9,953.00	850.41
Do	Motor and Equipment Manufacturers Association		
Do	National Parking Association	5,615.38	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Navajo Nation	113,638.49	3,187.45
Do	North American Training Services, Inc	8,587.39	1,125.08
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	2,100.00
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance	500.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	Ashland Oil Co	160.00	
Do	Corporate Property Investors	500.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross		
Do	ACPC		
Do	AFL-CIO		
Do	Bank of Montreal		
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading	338.63	14.00
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	Federated Investors		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	198.75	28.00
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	585.00	54.00
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	184.55
Do	Philip Morris, Inc		
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute		
Do	Stanford University		
Do	State Farm Mutual Automobile Insurance Co	44,373.75	227.75
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	FMC Corp	3,500.00	46.24
Do	Guam Airport Authority	3,000.00	217.78
Do	Technology for Communications, International		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,044.13	201.76
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	8,871.30	126.80
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Central & South West Corp	6,380.00	6,238.00
Do	Central Union of Agricultural Cooperatives		
Do	Citicorp	6,800.00	5,711.00
Do	Electronic Data Systems Corp		
Do	Girling Health Care	600.00	540.00
Do	International Hardwood Products Assn	1,700.00	2,061.25
Do	Mesa Petroleum	4,225.00	3,936.25
Do	National Assn of Broadcasters	82.50	
Do	Nintendo of America		
Do	Southwest Florida Enterprises, Inc		
Do	Tesoro Petroleum	1,950.00	2,364.38
Do	U.S. Long Distance Corp	8,325.00	8,081.25
Do	United Services Automobile Assn	4,400.00	4,441.25
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	7,425.00	228.89
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Builders & Contractors, Inc, 1300 North 17th St. Rosslyn, VA 22209		2,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		19,135.00	19,135.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		191,535.50	191,535.50
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			286.75
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State and Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		11,162.50	11,162.50
David M. Astrove, 1401 New York Avenue, NW, Suite 900 Washington, DC 20005	Brownstein Zeidman & Lore (For:DeNovo Corp)		134.67
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	324.31
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Seiko Epson		
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			10.66
Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209	American Meat Institute	2,000.00	237.84
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affiars, Inc		
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn		
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	U.S. Public Interest Research Group	6,730.71	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,127.12	
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	6,750.85	
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			1,488.10
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Kelli Back, 1227 25th Street, NW, Suite 610 Washignton, DC 20037-1156	American Managed Care & Review Assn		
Michael G. Bader, P.O. Box 8731 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	807.73	1,815.68
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn	562.50	328.69
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For:Unisys Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Company	15,000.00	
Do	Blue Cross of Western Pennsylvania	22,500.00	
Do	National Industrial Transportation League		
Do	Natural Disaster Coalition	15,000.00	
Do	Natural Gas Vehicles Coalition		
Do	Oralco Management Services	30,000.00	
Do	Utilities Telecommunication Council	2,625.00	
Do	UNISYS Corp		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	511.38
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,830.90	
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technologies		27.10
Do	BrightStar Group Limited		8.62
Do	Computer & Business Equipment Manufacturers Assn	34,560.00	105.32
Do	Elken Metals Co		20.18
Do	Ferro-Alloys Assn	10,063.35	20.99
Do	Mickey Leland National Urban Air Toxics Research Center	8,103.36	32.72
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc		
Do	Westinghouse Electric Corp		0.54

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Zinc Corporation of America		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	750.00	750.00
Do	America's Health Plan		
Do	American Football Coaches Assn Retirement Trust	5,000.00	5,000.00
Do	American Resort & Development Assn	3,000.00	3,000.00
Do	Assn for Cost-Effective Cardiovascular Technology (ACCT)	12.72	12.72
Do	Assn of Organ Procurement Organizations	7,722.20	7,722.20
Do	California Independent Casualty Companies of America	6,000.00	6,000.00
Do	Canadian Sugar Institute		
Do	Central Reserve Life		
Do	Cleveland Clinic Foundation		
Do	College on Problems of Drug Dependence (CPDD)	3,447.93	3,447.93
Do	Cominco, Ltd		
Do	Corroon & Black Corp	750.00	750.00
Do	Financial Holding Corp	2,000.00	2,000.00
Do	Flexi-Van Leasing/Pacific Holding Company	5,000.00	5,000.00
Do	Hospital Insurance Forum	35,230.10	35,230.10
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc	1,000.00	1,000.00
Do	Invacare Corporation	15,801.95	15,801.95
Do	Johnson & Higgins	750.00	750.00
Do	Life Gift Organ Donor Center	6,675.07	6,675.07
Do	Marsh & McLennan Companies	750.00	750.00
Do	Methodist Hospital of Indiana		
Do	Mitsui & Co (U.S.A.), Inc	710.00	710.00
Do	National Assn of Casualty & Surety Agents	1,000.00	1,000.00
Do	National Assn of Insurance Brokers, Inc	3,000.00	3,000.00
Do	National Assn of Professional Insurance Agents	3,000.00	3,000.00
Do	North American Reinsurance	5,000.00	5,000.00
Do	Renal Physicians of Texas	3,860.95	3,860.95
Do	Robert Peterson Enterprises, Inc	2,404.48	2,404.48
Do	Rollins Burdick Hunter	750.00	750.00
Do	Schering Berlin, Inc	62,591.12	62,591.12
Do	Sedgwick James, Inc	750.00	750.00
Do	Soap and Detergent Association		
Do	Society of Cardiovascular & Interventional Radiology	23,345.41	23,345.41
Do	St. Joseph Hospital & Health Center	638.92	638.92
Do	Travelers Insurance Co	6,000.00	6,000.00
Do	United Fidelity Life Insurance	2,000.00	2,000.00
Do	Vaulted Aboveground Storage Tanks Assn	34,000.00	34,000.00
Do	Washington Regional Transplant Consortium	12.72	12.72
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	15.00
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	1,546.87	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,922.38
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,583.90	672.10
Do	City of Modesto	4,000.00	737.41
Do	City of Portland, OR	20,483.03	2,543.97
Do	City University	21,749.00	2,844.80
Do	Clackamas County	16,533.50	1,539.43
Do	CPAFB (Committee to Preserve the American Family Business	15,000.00	1,516.88
Do	Greenbrier Leasing, Inc	46,626.50	4,949.98
Do	Harsch Investment Corporation		
Do	Mt. Hood Meadows Oregon, Ltd		
Do	Northwest Industrial Gas Users		
Do	Northwest Woodland Owners Council	9,000.00	1,458.11
Do	Oregon Community College Assn	9,000.00	1,253.51
Do	Oregon Department of State Lands	13,500.00	1,262.86
Do	Oregon Department of Transportation	23,100.00	3,291.37
Do	Oregon Graduate Institute of Science & Technology	8,025.00	707.40
Do	Oregon Museum of Science and Industry	632.00	
Do	Oregon Partnership for Metals Research	4,675.00	655.22
Do	Schnitzer Steel Industries	5,226.40	504.29
Do	Telephone Management Corp	1,088.00	30.60
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	3,000.00	
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Corp		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	654.03	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	279.42
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	24.00
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	2,500.00	50.00
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Linda W. Banton, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	1,540.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	5,250.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	125.00	
Do	National Hockey League	125.00	
M. Camille Bares, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp, Inc	15,000.00	3,744.72
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn	124.62	8.00
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	761.64
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co	302.00	1,674.82
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn	5,546.88	184.41
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	999.99	
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:IBM)	202.25	
Do	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)	563.28	
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	3,655.00	119.00
Ray A. Barnhart, 2905 San Gabriel, #206 Austin, TX 78705	Marathon Oil Co	9,000.00	402.40
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn		
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	900.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Thomas M. Barry, 1667 K Street, NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	1,375.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Virginia Bartlett, Sony Drive Park Ridge, NJ 07656	Sony Electronics	500.00	
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Family Violence Prevention Fund	365.00	180.27
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Attorneys' Liability Assurance Society, Inc		
Do	Piedmont Natural Gas Co., Inc		
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,425.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,942.52
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,800.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	374.07
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	30.72
Russell B. Batson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	200.00
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	214.11	
Lana R. Batts, 919 18th Street, N.W. Washington, DC 20006	American Financial Services Assn	250.00	
Allison F. Bauer, 3353 South 5th Street Arlington, VA 22204	Chivus Multrum	258.50	19.50
Do	Inchcape Testing Services	510.00	10.53
Do	Phychemidics Corp	520.00	36.88
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	1,491.00	
Patricia Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)	500.00	24.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	115.65
Laura M. Baughman, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Trade Partnership	6,666.67	8.00
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	18,615.00	5,556.35
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)	1,200.00	
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	792.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	316.81
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Citicorp	10,000.00	325.00
Do	Cook Group	1,972.00	350.00
Do	Lender's Coalition	10,000.00	350.00
Do	Massachusetts Institute of Technology		
Do	Merrill Lynch & Company		
Do	National Soft Drink Assn	2,000.00	250.00
Do	Pennsylvania Savings Assn Insurance Corp	100.00	100.00
Do	Real Estate Capital Recovery Assn	6,000.00	350.00
Do	TENNECO	140,395.46	450.00
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Company	450.00	19.50
Do	Distilled Spirits Council of the U.S.	5,000.00	75.70
Do	Dreyfus Corp		
Do	Intermedia Partners	250.00	
Do	Southwest Airlines	200.00	
Do	Southwestern Bell Corp	950.00	
Do	Stewart & Stevenson Services, Inc	375.00	10.00
Kim Koontz Bayliss, 317 Massachusetts Ave., NE Washington, DC 20002	United Video, INc	14,625.00	8,370.90
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	312.32	60.26
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	671.55
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	14,550.99	244.15
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	217.30
Jeffrey G. Becker, 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	9,565.70	60.00
Elizabeth J. Bedient, 1700 Lincoln Street, Suite 4100 Denver, CO 80203	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	762.86	300.32
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			17,572.98
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	48.47	
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	775.28
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak, 1325 G Street, NW, #1000 Washington, DC 20005	Humane Society of the US	8,452.00	347.00
Joseph M. Bellino, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	449.90	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		15.00
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	3,745.00	
Catherine A. Belter, 700 Rush Street Chicago, IL 60611-2571	National Congress of Parents & Teachers		311.20
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	272.00
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	14,000.00	
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		
Daniel J. Bennet, 1300 North 17th St Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	15,164.09	869.56
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		173.72
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	125.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	3,046.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Bergner Boyette Bockorny & Clough, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	4,000.00	1,038.00
Do	Berman Associates (for Limited)		
Do	Capital Research & Management Company	2,000.00	552.24
Do	China External Trade Development Council	2,000.00	150.00
Do	Dow Chemical Co	1,200.00	900.00
Do	Edison Electric Institute	2,000.00	500.00
Do	Elanco Animal Health	1,000.00	500.00
Do	Enseco	1,000.00	700.00
Do	Flo-Sun Land Corp	4,000.00	1,555.00
Do	Fox Broadcasting Company	3,000.00	568.50
Do	Friendship in Freedom Assn	1,000.00	550.00
Do	Glaxo, Inc	2,000.00	774.79
Do	HealthCare COMPARE Corp	2,000.00	1,105.85
Do	Mallinckrodt Specialty Chemical Co, Inc	2,000.00	519.00
Do	McDonnell Douglas Corp	1,000.00	500.00
Do	Metpath	1,200.00	345.11
Do	National Assn of Business & Educational Radio, Inc	500.00	293.00
Do	National Soft Drink Assn	3,000.00	620.00
Do	Ogden Martin Systems, Inc	2,000.00	1,201.26
Do	Okeelanta Corp	5,000.00	1,705.00
Do	Orange & Rockland Utilities	4,000.00	1,400.00
Do	Petroleum Marketers Assn of America	2,000.00	1,492.24
Do	Philip Morris Co, Inc	2,000.00	555.00
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	Smokeless Tobacco Council	1,000.00	
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	10.85	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	109.59	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		549.46
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,749.00	1,943.39
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	13,000.00	969.71
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project		
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Cynthia Berry, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	316.84
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	14,250.00	346.26
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	540.67
Do	American Assn of Eye & Ear Hospitals	2,250.00	165.68
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	150.95
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	470.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Do	Foundation for Environmental & Economic Progress, Inc	1,452.00	2,298.00
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group		703.86
Everett E. Bierman, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden		
Do	Arter & Hadden (For:Citicorp)		
Karin Bierstein, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		228.39
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Main San Gabriel Basin Water Quality Authority	36,850.00	
Do	Manville Corp	71,250.00	
Do	South Coast Air Quality Management District	10,000.00	
Do	Sterling Forest Corporation		
Do	Waste Management, Inc	17,215.62	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,755.64	4,421.64
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,329.00	
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	1,008.00	59.00
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		376,021.00	3,857.61
Birch Horton Bittner, Inc, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition	2,000.00	2,000.00
Do	Calista Corp	1,350.00	1,420.00
Do	Chugach Alaska Corp	500.00	500.00
Do	Florida Coastal Landowners' Coalition	13,000.00	13,060.00
Do	North Slope Borough	2,000.00	2,000.00
Do	Old Harbor Corp	600.00	660.00
Do	Wildlife Legislative Fund of America	3,000.00	3,000.00
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc	75.00	
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,218.39	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		30,933.00	43,866.67
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	550.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Do	Tea Assn of the USA, Inc		230.03
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life & Casualty	2,500.00	467.14
Do	Embry-Riddle Aeronautical University		
Do	Health Images, Inc		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	
Do	American Airlines	15,000.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	125.79
Do	Clark Construction Group	9,000.00	
Do	Congressional Youth Leadership Council	6,000.00	
Do	Cooper Hospital/University Medical Center	22,500.00	
Do	Delaware North Companies	6,000.00	
Do	First National Bank of Chicago	22,500.00	
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	59.27
Do	Kashmiri American Foundation	35,000.00	237.32
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	45,000.00	88.29
Do	Magal Security Systems, Ltd	6,000.00	
Do	Morton International	22,500.00	109.50
Do	Occidental Petroleum	22,500.00	
Do	Parking Authority	11,250.00	
Do	Philip Morris	6,000.00	
Do	Phoenix Home Life Insurance	9,000.00	62.00
Do	Textron	3,750.00	
Do	Tobacco Institute	22,500.00	
Do	Tourism Development Properties of Puerto Rico	3,750.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA	30,000.00	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	1,062.00	
Ernest Blazar, 122 C Street NW, #740 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	2,100.00	
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc	800.00	34.89
Do	Audre Recognition Systems, Inc	975.00	134.09
Do	Consumers Paint Factory, Inc	412.50	54.31
Do	Figgie International, Inc		
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,500.00	127.28
Do	National Spa & Pool Institute	1,200.00	64.94
Bliss and Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	7,506.04	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	2,530.00
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,750.00	
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause	2,647.50	
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	714.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,402.35
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	3,500.00	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	1,000.00
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	5,303.14	262.00
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Do	Miles, Inc		
Do	Graham & James (For:Milk Specialties Co)		
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		112,000.00	112,000.00
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn		
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,933.99	426.55
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		204.00
Larry A. Boggs, 1299 Pennsylvania Ave., NW Washington, DC 20004-2407	General Electric Co	600.00	
Bogle and Gates, 1299 Pennsylvania Ave NW Suite 875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	United Sport Fishermen	1,500.00	
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work committee	600.00	13.00
John K. Boidock, 1455 Pennsylvania Ave., NW, #230 Washington, DC 20004	Texas Instruments, Inc	3,500.00	107.00
Terry K. Bolger, 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Milliman & Robertson, Inc)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	247.00	1.26
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corp		
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	3,875.00	1,163.68
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	6,000.00	
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,588.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Lyndon K. Boozer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22314	American Federation of Home Health Agencies	10,000.00	3,967.49
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	3,460.00	439.00
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	240.00	
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company	950.00	73.00
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	360.00	
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Evergreen International Aviation, et al.	1,000.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	758.29
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	1,650.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	289.50
Beau Boulter, ANB Plaza II 500 Taylor, Suite 504 Amarillo, TX 79101	United Seniors Assn, Inc	13,500.00	2,816.64
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc	1,000.00	175.00
Do	Rotter & Bourjaily, Inc		
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	557.52
Laura L. Bourne, 800 connecticut ave., n.w. Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,375.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	15,000.00	76.00
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)	945.00	2,289.00
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	19,113.51	55.71
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	4,000.00	946.23
J. Laing Bowles, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council		
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	118.00	114.51
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		780.45
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co		
Do	Kemper Corp	1,000.00	
Do	Kemper Financial Services, Inc		
Do	Kemper Investors Life Insurance Company		
Do	Kemper Corporation (For:Kemper Securities Group, Inc)		
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,538.00	42.00
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Louis L. Boyle, 2717 North Front Street Harrisburg, PA 17110	Pennsylvania Newspaper Publishers' Assn		9.00
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Export Processing Industry Coalition		
Do	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	1,650.00	990.00
Do	Edison Electric Institute		
Do	Enron Corp		
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co	345.00	207.00
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	1,100.00	660.00
Do	Pennsylvania Natural Gas Assn		
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Association		
Do	Southdown, Inc		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority	5,000.00	
Do	Diamond Management	15,000.00	1,379.70
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Assn	5,000.00	195.00
Do	American Society for Bone & Mineral Research	6,000.00	110.00
Do	Arkla, Inc	7,000.00	110.00
Do	City of Klamath Falls	7,000.00	115.00
Do	City of Tucson	7,000.00	100.00
Do	Coin Coalition	15,000.00	290.00
Do	County of Winnebago	200.00	50.00
Do	Daylight Saving Time Coalition	500.00	40.00
Do	Energy Absorption Systems, Inc	8,000.00	160.00
Do	Greater Rockford Airport Authority	5,000.00	105.00
Do	Southern California Edison	12,000.00	230.00
Do	St. Louis Airport Authority	4,000.00	170.00
Do	United Technologies Corp	4,000.00	125.00
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied Signal Corp)	2,500.00	
Do	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).	2,500.00	
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	12,578.00	
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	1,850.65	216.00
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,406.88	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	601.60	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Gerald Crispino	1,050.00	
Do	Federal Data Corp		
Do	Hewlett-Packard Co	731.00	43.43
Do	Hospital Systems, Inc		
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	122.50	
Do	NCube		
Do	NEMA	4,857.00	
Do	Oracle Corp	1,328.50	
Do	Seafarers International Union		
Do	Unisys	225.00	
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	1,315.00	
Svend A. Brandt-Erichsen, 701 Fifth Avenue, Suite 6100 Seattle, WA 98104	Chugach Electric Assn, Inc	250.00	5.16
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	1,220.27
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	6,813.56	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	7,500.00	150.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		254.77
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	East Texas Electric Cooperative	100.00	5.00
Do	Northeast Texas Electric Cooperative	100.00	5.00
Do	Sabine River Authority		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Tex-LA Electric Cooperative of Texas, Inc	100.00	5.00
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,437.50	1,286.20
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		100.00
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney, P.C. (For:City of Detroit, Michigan)	13,272.18	
Do	Plunkett & Cooney (For:NBD, Inc)	5,625.00	3,190.61
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,200.00	1,184.18
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	4,000.00	
Do	Corn Coalition		
Do	Corning, Inc		
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	85.00	
Michael J. Brokovich, 8201 Greensboro Drive, #1000 McLean, VA 22102	Unisys Corporation	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			10,905.87
Edward J. Brothers, 622 Barbados Drive, #3 Indianapolis, IN 46227			
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	100.00	10.00
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	150.00
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	22.34	
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	16,257.42	195.85
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	555.11
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons	753.84	335.28
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	2,500.00	
Do	Klein & Saks (For:Silver Institute)		
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)		
Do	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	700.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,872.50	117.74
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	1,000.00	1,584.20
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	168.50	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	17,500.00	1,011.24
Thomas H. Brownell, Martin Marietta Corp. 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp.	833.00	134.00
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	300.00	
Do	Columbia Falls Aluminum Co	600.00	
Do	Cyprus Minerals Co	2,100.00	
Do	Glass Packaging Institute	1,500.00	
Do	Joint Board of Control for Flathead Irrigation Project	300.00	
Do	Lewis and Clark Interpretive Center	300.00	
Do	Montana Technology Corp.	1,800.00	
Do	Pegasus Gold Corp	1,500.00	
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	Kimberly-Clark De Mexico, SA de CV		
Do	New York City Housing Development Corp		
Do	New York State Mortgage Loan Enforcement & Admin Corp		
Do	Related Companies of Florida		
Do	Related Companies, Inc		
Do	Technical Assistance Corp - of the City of St. Louis		
Do	Vitro S.A.		
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	3,250.00	767.13
Do	Blood Center of Southeastern Wisconsin	100.00	29.77
Do	Children's Hospital of Wisconsin	1,567.50	281.05
Do	Electronic Data Systems Corp	10,600.00	679.93
Do	Milwaukee Metropolitan Sewerage District	167.50	13.84
Do	Oneida Nation	29,506.25	3,379.34
Do	Plumbers Local #75	190.00	11.17
Do	PrimeCare Health Plan	562.50	92.74
Do	Rust International	10,800.00	1,600.84
Do	Watertown Hospital	100.00	
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	12,000.00	
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	761.92	
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	236.39
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Co	1,700.00	615.41
Hayden G. Bryan, 1326 North Lynnbrook Drive Arlington, VA 22201	Advocacy Group		
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp	12,000.00	
David Bryson, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project		
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	2,920.36
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	
Do	National Board of Fur Farm Organizations	9,000.00	
Do	Pheasants Forever	4,000.00	514.00
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		9.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			12,600.00
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	17,900.00	134.75
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp	6,700.84	
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	4,170.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc		
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Association of Independent Research Institutes (AIRI)	600.00	
Do	California Institute of Technology	1,000.00	
Do	Lewis-Burke Associates (For:Edison BioTechnology Center)	300.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:U.S. Committee for UNICEF)		
Do	Lewis-Burke Associates (For:University of Cincinnati)	300.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	5,542.51	200.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	471.25	11.52
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	82.70
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,421.64	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Degussa AG		
Do	McDonnell Douglas		
Do	Republic of Indonesia		
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	18,633.35	
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	5,500.00	
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,681.25	1,076.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp	16,649.93	7,442.41
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		4,396.67
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	1,320.00	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,120.00	
Patrick J. Cacchione, DCHNS 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health System		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Leslie Schuchart Cahill, 601 13th Street, NW, #570 South Washington, DC 20005	American Seed Trade Assn	6,000.00	
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		37.10
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	43.94
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	1,595.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,475.00	
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	150.00
Amy E. Callahan, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	44.07	58.75
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn	1,055.00	304.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Transmission	600.00	
Do	Eastern Technologies, Inc		
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Lukens General Industries, Inc	1,170.00	
Do	Potters Industries, Inc	702.00	
Do	Safetran Systems Corporation	3,450.00	
Do	Stimsonite Corporation	780.00	
Do	3M Company	2,963.00	
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	750.00	750.00
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		2,450.00
Do	Embassy of Nicaragua	10,500.00	409.00
Do	National Council of Maubere Resistance		1,225.00
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	6,187.93	4,153.00
Do	Polygon Co, Ltd	12,158.03	24,079.32
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	BankAmerica Corp	1,682.80	1,570.29
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
Michael C. Camp, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Camp & Barsh, 2550 M St., NW, #275 Washington, DC 20037	Ater Wynne Hewitt Dodson & Skerritt		
Do	BellSouth Corp		
Do	Chemical Manufacturers Assn, Inc		
Do	Columbia Gas Systems, Inc		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Pennzoil Co		
Do	Shell Oil Co		
Do	Steel Service Center Institute		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		8,526.09	11,477.59
Carolann Campana, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	3,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,912.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturing Assn		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corp		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	13,000.00	
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	4,000.00	
Thomas Campbell, 1301 K Street, NW, #900, East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)	6,412.75	625.52
W. Donald Campbell, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	4,120.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	11,247.39
Campbell Falk & Selby, 444 North Capitol St., NW, #711 Washington, DC 20001	Commonwealth of Puerto Rico		
Do	New York Power Authority	7,387.50	7,029.32
William Canary Jr, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	3,000.00	
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	13,204.00	19,587.00
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	620.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Michael F. Canning, 17921 Queen Anne Road Upper Marlboro, MD 20772	National Troopers Coalition	5,500.00	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,546.00	
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	4,000.00
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	4,320.00	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Allergan	1,000.00	
Do	Alliance for Eye & Vision Research	1,500.00	
Do	American Academy of Physician Assistants	1,000.00	
Do	American Assn of Cancer Research	600.00	
Do	American Health Foundation	600.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	350.00	
Do	Autism Society of America	1,000.00	
Do	Bausch & Lomb	1,000.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Camden	1,000.00	
Do	Collagen Corp	400.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	10,500.00	
Do	G-Tech Corp	800.00	
Do	Genzyme Corp	1,000.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	800.00	
Do	Lipomatrix	200.00	
Do	Massachusetts General Hospital	2,400.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	600.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Parking Authority of Camden	2,000.00	
Do	Partnership for Organ Donation	800.00	
Do	Ringling Brothers	1,500.00	
Do	Siemens Corp	1,000.00	
Do	U.S. Healthcare, Inc	1,000.00	
Do	Wellman Laboratory	1,000.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)		
Do	Council on Foundations, Inc		
Do	El Paso Community Foundation	3,460.00	
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,487.00	
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn, Inc	19,200.00	
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Career College Assn, Inc, 750 First Street, NE, #900 Washington, DC 20002			
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	250.00	
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	1,947.75
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	22,340.00	1,581.40
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	25.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	1,000.00	48.00
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	4,562.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,611.15	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen	2,726.00	44.03
Do	Ralvin Pacific Properties, Inc		22.54
Do	120 Church Street Associates		14.53
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Kennametal, Inc		
William Carney, 523 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	15,000.00	
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,600.00	
Jot David Carpenter Jr., 6 East Nelson Avenue, #302 Alexandria, VA 22301-2054	Telecommunications Industry Assn		571.50
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	6,870.00	597.00
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,788.50	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	335.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,034.03	265.64
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	2,800.00	406.56
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	8,295.00	
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	629.50
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	
Do	Strategic Agricultural Management Corp		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Chemical Manufacturers Assn		
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		42,722.17
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		17,334.30	15,555.37
Gordon Cavanaugh, 601 Pennsylvania Ave., NW, #800 Washington, DC 20004	Reno Cavanaugh & Hornig (For:Cooperative Housing Foundation)		
Do	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	17,724.07	685.81
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	1,254.50	
Do	Reno Cavanaugh & Hornig (For:National Assn of Service & Conservation Corps)	1,248.75	35.26
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	6,000.00	
Center for Reprodictive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005	Center for Reproductive Law & Policy		1,862.49
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	908.62	392.97
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	AES Corporation		
Do	ATA Environmental Cleanup Group	972.00	23.00
Do	Biomass Energy Partners		
Do	Cogentrix, Inc		
Do	Falcon Seaboard		
Do	P.H. Glatfelter Co		
Do	GWF Power Systems		
Do	Independent Power Tax Group		
Do	Napp Chemicals, Inc		
Do	O'Brien Environmental Energy		
Do	Oxbow Geothermal Corp		
Do	OESI Power Corp		
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Do	Ryder System, Inc		
Do	Solid Waste Assn of North America		
Cindy Thorne Chadwick, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	4,112.50	6,735.73
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	16,225.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	6,150.00	292.08
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	54.73
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	14,639.50	3,077.99
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,309.30
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	16,553.25	6,212.60
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,433.95	276.18
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			774.97
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	103.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			83,935.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			2,237.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,100.00
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		8.00
Do	Bishop Museum		8.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	6,697.00	323.10
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village		
Do	Isabella Stewart Gardner Museum		
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		
Do	National Council for the Traditional Arts	10,000.00	4,609.00
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		1,100.00
Do	Peabody Museum of Salem	2,000.00	1,108.00
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		8.00
Do	Shakespeare Theater at the Folger	1,151.00	1,257.75
Do	Shelburn Museum		
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennsylvania Museum		8.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,125.00	555.00
Sidonie Chiapette, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin		
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Child Protection Lobby, Inc, 101 E. Holly Avenue, #2 Sterling, VA 22170		47,683.78	71,062.50
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		150.00
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Stret, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	25,606.24	779.04
Christian Action Network, P.O. Box 606 Forest, VA 24551		509,197.78	242,382.02
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	TRW, Inc	1,362.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			39,103.72
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			679.66
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	11,050.00	2,167.62
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	American Home Sewing & Craft Assn	1,300.00	1,300.00
Do	American Radio Relay League	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,400.00	1,400.00
Do	Coalition for Fairness in State Taxation	15,000.00	15,000.00
Do	National Licensed Beverage Assn	4,500.00	4,500.00
Do	National Weather Service Employees Organzation	800.00	800.00
Do	Role Models America, Inc	2,000.00	2,000.00
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,787.00
Michael J. Cino, 140 County Road Tenafly, NJ 07670			
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		17,500.00	17,170.00
Citizen's Committee to Save the Federal Center, c/o Mr. Michael J. Jackson Battle Creek Area Chamber of Commerce 34 W. Jackson, 4 River Battle Creek, MI 49017.			525.00
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		36,345.81	18,895.00
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Strategic Management Associates, Inc (For:Greater New York Hospital Asn)	20,001.00	175.00
Do	Strategic Management Associates (For:Healthcom International)		
Do	Strategic Management Associates (For:Lenox Hill Hospital)		
Do	Strategic Management Associates (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)	7,500.00	200.00
Do	Strategic Management Associates (For:Montefiore Medical Center)		
Do	Strategic Management Associates (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	122,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	88,500.00	
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	
Do	Metromedia Communications		
Do	Metromedia Company	122,000.00	
Do	RJR-Nabisco Washington, Inc	88,500.00	
Richard Clarke, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		1,271.11
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	6,400.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Copolymer Rubber & Chemcal Corp		
Do	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Government Representatives Cmte Securities Industry Assn		
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	5,857.14	893.58
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			1,080.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	244.62	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	250.00	
Do	Coalition of Higher Education Assistance Organizations	235.00	
Do	Consumer Bankers Assn	3,100.00	
Do	Student Loan Funding Corp of Ohio	1,400.00	
Do	Very Special Arts	175.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		75,600.00	27,726.72
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		43,500.00	11,215.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		490,284.00	500,844.00
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	2,200.00	39.04
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		
Cochran Mitchell & Lotkin, 210 Massachusetts Avenue, NW, Suite C-1 Washington, DC 20002	Burbank Glendale Pasadena Airport Authority		
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company		
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,325.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	5,000.00	294.57
Catherine Grealy Cohen, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	1,850.00	708.00
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	495.00	1,035.87
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	97.50	
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	26,821.25	831.54
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,246.42
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,340.00	
Eleanor Cole, 1331 Pennsylvania Avenue, NW 1500 North Tower Washington, DC 20004-1703	UBA, Inc	1,000.00	
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	930.83
Cole Corette & Abrutyn, P.C., 805 15th Street, NW, #900 Washington, DC 20005	Matsushita Electric Corp of America, et al.		
Do	Millipore Corporation	52,262.27	
Walter S. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Association	1,000.00	
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Cambridge International, Inc	5,000.00	
Do	Coalition for Employment Opportunities		
Do	CIT Group	1,000.00	
Do	Diagnostek, Inc	5,000.00	
Do	MMW/Strategic Communications, Inc		
Do	National Rehabilitation Hospital	5,000.00	
Do	Orleans Levee District	4,000.00	
Do	RGDC, Inc	2,000.00	
Do	St. Bernard Port, Harbor & Terminal District	3,000.00	
Do	Western Farmers Electric Cooperative		
Do	Winston & Strawn	2,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	35.00	
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	90.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	American Car Rental Assn	2,875.00	2,875.00
Do	American International Group	7,250.00	7,250.00
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	910.00	910.00
Do	Bicycle Manufacturers Assn of America		
Do	Carfax	632.50	632.50
Do	Coalition for Safe Ceramicware	1,010.00	1,010.00
Do	Crop Insurance Research Bureau	2,240.00	2,240.00
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International		
Do	Hyster		
Do	In Re Color Picture Tubes	1,105.00	1,105.00
Do	Independent Lubricant Manufacturers Assn	400.00	400.00
Do	Inland Steel Corp	2,100.00	2,100.00
Do	International Crystal Federation	1,010.00	1,010.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	2,000.00	2,000.00
Do	National Assn of Convenience Stores	4,900.00	4,900.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pork Producers Council	2,000.00	2,000.00
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	172.50	172.50
Do	Petroleos de Venezuela, S.A.	7,975.00	7,975.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation	300.00	300.00
Do	Restor Industries, Inc		
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America	210.00	210.00
Do	Society of Independent Gasoline Marketers of America	2,925.00	2,925.00
Do	Specialty Steel Industry of the United States	2,000.00	2,000.00
Do	Steel Manufacturers Assn		
Do	Wickland Oil Co		
John Collins, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	11,000.00	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	324.91
Stephen J. Collins, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		9.10
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,077.50	384.54
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute		
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	420.89
Douglas B. Comer, 1850 M Street, NW, #450 Washington, DC 20036	American Financial Services Assn	8,000.00	
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			13,009.00
Committee for Humane Legislation, Inc, 2000 P Steet, NW, #415 Washington, DC 20036-5915		619.00	2,872.12
Common Cause, 2030 M St., NW Washington, DC 20036		2,593,348.00	483,423.64
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	EG & G/Dynatrend	7,500.00	
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			4,200.00
Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	United Way/Community Service Council of Central IN, Inc		
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	750.00	60.86
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		263,220.00	
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	137.39
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA	12,500.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	30,000.00	
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			2,237.50
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,220.91	
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Galileo International		
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036		250.00	352.49
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	National Ag Underwriters, Inc		
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty Co	3,000.00	121.90
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	496.00
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	15,723.75	2,968.75
Do	Laborers National Health & Safety Fund	19,478.75	2,960.75
Do	Laborers/AGC Education & Training Fund	25,585.75	2,968.75
Catherine Connor, 700 11th Street, NW Suite 710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	63.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	1,000.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	5,395.11	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		4,500.00	18,703.28
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		11,522.50	3,359.25
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036			
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			17,370.00
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Convergence Services, Inc, 1101 Vermont Ave., NW, Suite 400 Washington, DC 20005	Educational Broadcasting Corp	375.00	
Do	Greater Washington Educational Telecommunications Assn		
Do	Public Broadcasting Service		
Do	Twin Cities Public Television	375.00	
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	818.57
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			44,482.28
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,700.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,187.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Bente E. Cooney, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security	3,229.00	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	15,000.00	
Billy R. Cooper, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company	210.00	35.00
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	35,000.00	51.00
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	960.61	5,782.24
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	109.00
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	15,983.70	
Do	Biomagnetic Technologies	11,250.00	
Do	California League of Savings Institutions	12,616.90	
Do	County of Alameda	13,012.48	
Do	County of Merced	9,137.50	
Do	CALSTART	31,222.63	
Do	Dillon Development	10,000.00	
Do	Hazardous Waste Action Committee	6,168.90	
Do	International Bottled Water Assn	12,070.42	
Do	ICF International	12,249.31	
Do	JAYCOR	16,079.83	
Do	Monarch Wine Company	1,517.58	
Do	Nomura Enterprises, Inc	3,121.03	
Do	ORINCON Corp	7,856.29	
Do	Pacific Mutual Life Insurance Company	7,856.29	
Do	San Diego State University Foundation	40,072.09	
Do	Santa Barbara Metropolitan Transit District	16,321.45	
Do	South West Marine	10,024.67	
Do	Westlands Water District	11,521.95	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	2,000.00	
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Tom Corcoran, O'Connor & Hannan 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404	Wallace Associates Corp		
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	17,181.15	
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp		
Do	First National Bank of Maryland	350.00	
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,607.50	62.00
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	1,025.76	731.67
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	7,355.00	
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,800.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Jack Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		
Keyna Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		1,790.00	1,790.00
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	880.00	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			71,273.49
Council for Marketing & Opinion Reserach (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766	Council for Marketing & Opinion Research (CMOR)		3,766.59
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		6,168.00	21,390.10
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		4,700.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America		
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Ad Hoc Coalition on Intermarket Coordination	1,062.50	
Do	American Assn of Oral & Maxillofacial Surgeons		44.00
Do	American PCS, L.P.		
Do	American Watch Assn		
Do	Anchorage Telephone Utility		
Do	Association of Maximum Service Television, Inc.		
Do	Attorneys Liability Assurance Society, Inc	26,162.50	
Do	Bacardi Corp	9,655.00	
Do	Bankers Roundtable	1,020.00	29.00
Do	Bankers Trust Co		
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Committee on Royalty Taxation		
Do	Consolidated Natural Gas Company	1,567.50	
Do	Corporate Governance Task Force of the Business Roundtable	3,600.00	
Do	Council for Marketing & Opinion Research	3,705.00	58.00
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee	525.00	
Do	International Business Machines Corp		
Do	Investment Company Institute		
Do	John E. Simon Trust	13,331.25	675.17
Do	John Hancock Mutual Life Insurance Co	330.00	
Do	Kansas City Royals	870.00	7.75
Do	Lutheran Brotherhood		
Do	National Football League		
Do	NationsBank Corp	495.00	10.00
Do	Private Benefits Alliance		
Do	Public Broadcasting Service		
Do	Harry Shooster	3,017.50	81.39
Do	State of Alabama, Dept of Human Resources Legal Office		
Do	State of California, Dept of Health Services		
Do	State of California, Dept of Social Services		
Do	State of Florida, Dept of Health & Rehabilitative Services		
Do	State of Georgia, Division of Family & Children's Services		
Do	State of Idaho, Dept of Health & Welfare		
Do	State of Illinois, Department of Public Aid (Food Stamp Act)		
Do	State of Illinois, Dept of Public Aid (Social Security Act)		
Do	State of Indiana		
Do	State of Kentucky, Dept of Social Insurance		
Do	State of Louisiana (Medicaid/QC)		
Do	State of Louisiana, Food Stamp Director		
Do	State of Maryland, Dept of Health Services		
Do	State of Missouri		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	State of Missouri, Dept of Social Services		
Do	State of Nebraska, Dept of Social Services		
Do	State of New Jersey		
Do	State of New Mexico		
Do	State of New York Bureau of Deferrals & Disallowances		
Do	State of New York, Dept of Social Services	12,500.00	
Do	State of Ohio, Dept of Human Services		
Do	State of Oklahoma (Food Stamp/QC)		
Do	State of Oklahoma (Medicaid/QC)		
Do	State of Rhode Island, Dept of Human Services		
Do	State of Washington Office of Analysis & Medical Review		
Do	State of Washington, Dept of Social & Health Services		
Do	State of West Virginia, Bureau of Human Resources	2,500.00	
Do	State of West Virginia, Office of Medical Services		
Do	State of Wisconsin, Dept of Health & Social Services	5,000.00	
Do	Sun Life Assurance Co of Canada (U.S.)		
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,097.41	36.89
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	416.00	137.93
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	3,540.00	104.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,977.00	467.34
W. Bruce Crain, 900 19th Street,NW Suite#400 Washington, DC 20006	Savings and Community Bankers of America	18,818.75	272.44
Sherry Tonubbee Cramer, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	270.65
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	1,000.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		1,087.75
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	14,500.00	584.22
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	15,000.00	98.31
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	607.59
Christopher K. Croft, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,635.00	
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Adrian Cronauer, 1100 Connecticut Avenue, NW, 12th Floor Washington, DC 20036-4101	U.S. Interactive Microwave Television Assn		
Crop Insurance Research Bureau, 7301 College Boulevard, #240 Overland Park, KS 66210		2,240.00	2,240.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Federation of Teachers	17,382.54	40.00
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	184.59	10.00
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	1,211.25	8.00
Do	American Land Conservancy	3,776.25	20.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	783.75	8.00
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	350.00	10.00
Do	Endangered Species Coordinating Council		
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	21,303.75	108.00
Do	ICF International, Inc & Subsidiaries		
Do	L&F Products Group		
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	1,312.50	10.00
Do	National Risk Retention Assn		
Do	New York Life Insurance Co		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	62.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,053.81
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		24,000.00	29,600.74
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	1,338.84
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	644.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	3,276.00	
Do	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).		
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	5,200.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	5,538.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	1,950.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	17,498.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	3,250.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)	3,926.00	
Jennifer Cummins, 1616 H Street, NW Washington, DC 20006	National Grange	5,500.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #650-E Washington, DC 20005	Songwriters Guild of America	5,250.00	80.35
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
J. Courtney Cunningham, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	6,000.00	
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William J. Cunningham, 200 State Street, 10th Floor Boston, MA 02109	American Fed of Labor & Congress of Industrial Organizations	21,433.95	1,038.48
Do	Natural Disaster Coalition		
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn		210.00
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,000.00	175.00
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,406.00	7,497.70
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			1,000.00
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	20,099.00	2,828.64
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		21,000.00	20,232.10
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	6,225.00	2,312.55
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	569.44
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,818.69	
Dart Industries, Inc, P.O. Box 2353 Orlando, FL 32802			
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	64.29
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	American Advertising Federation	191.66	3.52
Do	American Assn of Advertising Agencies	191.66	3.52
Do	Association of National Advertisers, Inc	191.66	3.52
Do	Caraustar Industries	325.50	49.00
Do	Direct Marketing Assn	191.66	3.52
Do	Dun & Bradstreet Corporation	2,075.00	44.51
Do	Field Container Corp	46.50	7.01
Do	Garden State Paper Company	139.50	21.00
Do	Grocery Manufacturers of America, Inc	191.66	3.52
Do	Halltown Paperboard Co	23.25	3.50
Do	Homedco	1,900.00	234.29
Do	Lincare	950.00	117.19
Do	Magazine Publishers of America	979.22	3.52
Do	Media General, Inc	562.50	
Do	Miller & Chevalier, Chtd		
Do	National Assn of Broadcasters	191.66	3.52
Do	Newark Group	441.75	52.49
Do	Newman & Company, Inc	23.25	3.50
Do	Newspaper Assn of America	191.66	3.52
Do	Rock-Tenn Company	348.75	52.49
Do	Sonoco Products Co	465.00	70.00
Do	Southeast Paper Manufacturing Co	279.00	42.00
Do	Waldorf Corp	209.25	31.50
Do	White Pigeon Paper Company	23.25	3.50
Do	Yellow Pages Publishers Assn	191.66	3.52
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	288.45	20.50
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	3,802.20	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,888.02	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,123.92	333.37
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Valencia Community College)	7,500.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	12,600.00	68.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	3,450.00	42.00
Davis Wright & Tremaine, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	American Honda Motor Co, Inc	758.00	105.94
Do	Seattle Times Company		
Do	West Pac Vessel Owners Assn	5,003.01	
Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	672.00
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company	5,000.00	
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc	5,000.00	
Leslie Dawson, 1901 L Street, NW, Suite 300 Washington, DC 20036	Savarese & Associates (For:National Assn for the Superconducting Super Collider).		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	557.67
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	7,500.00	122.81
O. Mark De Michele, P.O. Box 53999 Mail Station 9060 Phoenix, AZ 85072	Arizona Public Service Company		
Donald K. Dean, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	45.24	
Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	70.00	47.05
Do	Coalition of Automotive Assns	156.00	78.10
Do	Specialty Equipment Market Assn	640.00	362.25
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	13,975.00	562.31
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,090.00	14.82
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	705.00	36.00
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	3,240.00	133.51
Do	New Jersey Turnpike Authority	2,482.50	180.63
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)		
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	1,924.00	
Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Elevator-Escalator Safety Foundation, Inc	3,000.00	
Do	Madison County Commission		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Enterprise Products		
Do	Findley Adhesives, Inc		
Democratic Leadership Council, 518 C Street, NE Third Floor Washington, DC 20002		342,000.00	6,976.50
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	General Atomics		
Do	Westinghouse Electric Corp		
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co		
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,200.00	450.00
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	326.55
Daniel B. Denning, 499 South Capital Street, SW, #502 Washington, DC 20003	Martin Marietta Corp	650.00	
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,700.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	8,696.10	110.10
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,177.13	15,177.13
Clayton S. Depue, 2020 Pennsylvania Ave., NW, Suite 164 Washington, DC 20006	Americans for a Presidential Line-Item Veto		1,550.00
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	4,500.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	420.75	
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	7,500.00	
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	Mobile Bar Pilots Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	3,000.00	147.50
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,216.90	
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	595.29
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	3,610.00	132.31
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,128.57
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,300.00	
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	5,000.00	120.00
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,628.18	255.72
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Gregory G. Diaz, 3200 Bristol Street, Suite 640 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell	4,131.00	13.70
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		3,451.11
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	American Greyhound Track Operators Assn	6,335.00	
Do	Apple Computer Corp		
Do	ABD Securities Corp		
Do	Bear Steams & Co		
Do	Cordova District Fishermen United, Inc		
Do	CoreSource	3,705.69	
Do	Electric Generation Assn		
Do	Federal National Mortgage Assn	895.23	
Do	Federated Cash Management Systems	1,200.00	
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Copper Company		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc	2,115.00	
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	8,331.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises	646.25	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute	600.00	
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc		2,625.00
John Dill, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	7,708.00	334.11
Robert E. Dillon, Sony Drive Park Ridge, NJ 07656	Sony Corp of America	4,000.00	
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	569.71	176.39
Do	Lumbermens Mutual Casualty Company	2,100.00	912.97
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	4,920.00	4,920.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		132,549.28	132,549.28
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Lawrence S. DiCara, 101 Federal Street, 12th Floor Boston, MA 02110	Peabody & Brown (For:Boston Financial Technology Group)		
Ann DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy	3,321.00	4,547.89
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Federal Home Loan Mortgage Corp	10,500.00	50.00
Lucia DiVenere, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	67.14	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	3,000.00	304.21
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	763.11	25.00
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Internatioinal, Inc.	1,700.00	
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	120.00	10.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	394.15	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	2,976.00	32.00
Do	Rosapepe & Spanos, Inc (For:Interim Services, Inc)	1,249.60	
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc		
Thomas J. Donohue, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	757.50	129.52
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)		
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	7,162.50	430.16
Do	New Jersey Turnpike Authority		
Do	Proctor & Gamble Mfg Co	75.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	22.50	
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	410.00	55.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	14,767.50	1,921.51
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		9,162.88
Do	Hercules Engine Co		1,579.85
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	America's Public Television Stations, Inc	230.00	
Do	Children's Television Workshop	150.00	
Do	National Captioning Institute	115.00	
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	38.40
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	2,754.00	
Do	City of St. Paul	688.50	
Do	Deluxe Corp	586.50	
Do	Guam Commission on Self Determination		
Do	National Computer Systems		
Do	Solvay Pharmaceuticals, Inc		
Do	United HealthCare Corp		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	2,499.00	
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Robert J. Dotchin, One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	U.S. Surgical Corp	2,000.00	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	132.00
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		1,422.05
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co	86.54	18.40
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	21,234.96	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	10,083.89	
Do	PHLCORP	18,000.00	117.16
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	11,269.00
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	8,000.00	
Do	Anheuser-Busch Companies, Inc	800.00	
Do	Consolidated Rail Corporation		
Do	Dow Corning Corporation	3,200.00	
Do	Federal National Mortgage Assn	800.00	
Do	General Motors Corp	2,400.00	
Do	Goldman Sachs & Co	1,600.00	
Do	Healthcare Leadership Council	8,000.00	
Do	Juvenile Diabetes Foundation International	1,250.00	
Do	Monsanto Company	2,400.00	
Do	National Cable Television Assn, Inc	7,200.00	
Do	Shell Oil Company	7,200.00	
Do	United Air Lines, Inc	2,400.00	
Do	Warner Communications, Inc	3,750.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Marcel Dubois, 1301 Connecticut Avenue, NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste		1,141.67
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	1,250.00	
Ducheneaux Taylor & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Campo Bank of Mission Indians	2,812.50	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Crow Creek Sioux Tribe	300.00	
Do	Gila River Farms		
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	300.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six Incorporated	300.00	
Do	Minnesota Indian Gaming Assocation	825.00	
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation		
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	374.85	12.00
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	279.94
Trent D. Duffy, 700 11th Street, NW, Suite 710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	28.85	
John V. Dugan Jr., 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics/Space Systems Division	1,000.00	636.93
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	6,250.00	100.00
Valerie Dulk, 1625 K Street, NW, Suite 1150 Washington, DC 20005	Americans for Democratic Action	1,406.25	
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	23,750.00	
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	791.78	322.92
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	770.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	900.00
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	American Plastics Society	140,000.00	3,636.17
Do	American Society of Cataract & Refractive Surgery (ASCRS)	30,000.00	3,536.02
Do	Arizona Afiliated Tribes, Inc		
Do	BOC Council	30,000.00	915.60
Do	Carpet and Rug Institute	110,000.00	507.66
Do	Child Care Support Council		
Do	Citgo Petroleum Corp	68,625.00	3,781.82
Do	Communications Satellite Corp	10,000.00	4,523.03
Do	Creditors Alliance for Freight Undercharge Assets	8,076.32	975.16
Do	CILCORP, Inc	16,000.00	137.16
Do	Domestic Priorities Leadership Council		1,960.44
Do	DSC Communications Corp	36,499.50	4,297.76
Do	Earth Observation Satellite Co	30,000.00	708.65
Do	Haldor-Topsoe, Inc	20,000.00	3,384.03
Do	Hart-Culp International		
Do	Hercules, Inc	10,955.00	215.78
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc/ONCOR Communications	15,000.00	985.45
Do	Jewish National Fund	10,000.00	1,601.53
Do	Medallion Knitwear, Inc	2,625.00	
Do	Monarch Wine Co of Georgia/Todhunter Intl, Inc	46,666.00	805.83
Do	National Accrediting Comm of Cosmetology Arts & Sciences	20,000.00	785.78
Do	National American Wholesale Grocers Assn	6,000.00	729.62
Do	National Cellular Resellers Assn	44,908.00	1,112.98
Do	National Ground Water Assn	21,000.00	1,219.07
Do	Oklahoma Basic Economy Corp		
Do	PacifiCare Health Systems	25,000.00	7,829.58
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	9,000.00	266.10
Do	Rmax, Inc		
Do	San Xavier Indians Project		
Do	Satellite Broadcasting & Communications Assn	3,000.00	
Do	Tiregator, Inc		
Do	Todhunter International, Inc		61.35
Do	United Illuminating	6,000.00	36.16
Do	Washington Research Group	15,000.00	792.70
Do	Wine Institute	18,787.50	
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	21,371.00	573.11
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	11,622.64	758.30
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	680.14
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	667.80	30.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	1,850.00	
Do	Graham & James (For:National Assn of Dredging Contractors)		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc		
Do	Kaman Diversified Technologies Corp		
Do	Martin Marietta Corp		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	American Healthcorp, Inc	9,365.28	2,579.47
Do	American Lithotripsy Society	5,134.85	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Atlantic Richfield Company	20,536.99	464.71
Do	ARCO Transportation Company	11,812.63	179.57
Do	Bender Shipbuilding & Repair Co, Inc	5,523.37	36.07
Do	BP America, Inc		633.47
Do	East Asiatic Company, et al.		
Do	Greek Shipping Cooperation Committee	27,300.00	2,462.34
Do	Heritage Surgical Corp		
Do	International Air Transport Assn (IATA)	4,067.11	553.98
Do	JM Family Enterprises, Inc	9,750.58	175.93
Do	Liberty Maritime Corporation	211,847.80	6,184.86
Do	Medical Care International, Inc	18,051.50	202.73
Do	MedCath, Inc	3,775.15	74.06
Do	National Maritime Alliance, Inc		898.16
Do	National Steel & Shipbuilding Co	1,127.85	15.23
Do	Northstar Shipping, Inc		4.83
Do	Panhandle Eastern Corp	7,692.90	32.25
Do	Praxis Community Healthcare Information		
Do	Psychological Associates	3,668.51	33.61
Do	Radiation Care, Inc	4,613.64	5.00
Do	Riverview of Frankenmuth, Inc		
Do	S.A.I.L., Inc		
Do	Schnitzer Group		1,664.78
Do	Shell Oil Co	90,000.00	127.05
Do	Surgical Care Affiliates, Inc	11,679.62	109.52
Do	T/2 Medical, Inc	15,034.70	62.97
Do	U.S. Naval Institute		
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center	525.00	
Do	Comerica	393.75	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	3,506.25	1,400.00
Do	Ferris State University	720.00	
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	1,440.00	137.60
Do	Military Boot Manufacturers Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	1,640.00	
Do	Wayne State University	360.00	
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:McClure Gerard & Neuenschwander, Inc)		
Do	Quarles & Brady (For:Medical College of Wisconsin)		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,000.00	
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,624.82
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan, Inc	2,750.00	25.00
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		25,500.00	308.22
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	2,500.00	370.67
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20013			10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,783.00	
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	2,301.00	
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	ADT Automotive, Inc	3,168.75	
Edelman Public Relations, 1420 K Street, NW 10th Floor Washington, DC 20005	Specialty Equipment Companies	10,000.00	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		622.35	72,528.34
Education Legislative Services, Inc, 5855 Stadium Way San Diego, CA 92122	Central California Legislative Consortium	3,750.00	3,128.36
Do	Fresno United School District	5,000.00	4,169.62
Do	Long Beach Unified School District	3,750.00	3,128.36
Do	Oakland Unified School District	10,000.00	8,339.24
Do	San Diego Unified School District	5,001.00	4,169.63
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.		
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	9,500.00	
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	681.25	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,674.90	40.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007	Vietnam Veterans of America, Inc	13,587.00	268.00
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		1,273.19
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	117.31	
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	13,125.00	54.44
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX: Technology and Services, Inc.	16,750.00	
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	12,500.00	509.00
Electronic Frontier Foundation, 1001 G Street, NW, #950 East Washington, DC 20001			8,516.00
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			6,468.43
George Elias Jr., 1177 Kane Concourse-PH Miami, FL 33154	George Elias Jr		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		210.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	226.80	5.32
George E. Ellis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Waste Management, Inc		
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)	5,950.00	14,692.79
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	501.24	19.25
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	11,206.50	18.68
Do	St. Charles County	11,250.00	12.18
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	19.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		77,249.37	65,431.19
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			1,805.20
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	20,638.75	61.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	3.44
Susan Emmer, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,125.00	2,279.82
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		1,175.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		174.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006	Intel Corp	15,000.00	3,764.89
English First, 8001 Forbes Place, #102 Springfield, VA 22151		280,950.87	251,790.75
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	128.52
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		4,181.47
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	11,250.00	
Do	Southern California Edison Co	12,000.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701	Panhandle 2000	30,000.00	3,745.05
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty Co	112.00	
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	180.00	
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus		
Ernst & Young, 1200 19th Street, NW,Suite 300 Washington, DC 20036	EnvironCol	35,000.00	27,997.00
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc	15,019.68	19.68
Do	Kaman Diversified Technologies Corp	9,001.08	1.08

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lister Bolt & Chain, Ltd	9,036.82	36.82
Do	Martin Marietta Corp	25,347.60	347.60
Do	McDonnell Douglas	12,044.00	44.00
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	14,581.77	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Sandra Bromberg Eskin, 5609 Jordan Road Bethesda, MD 20816		874.00	
Anita R. Estell, 1420 New York AVenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:MetaNetworks)	2,000.00	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	112.99
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	6,000.00	175.00
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Catherine Evans, 430 First Street, SE Washington, DC 20003	American Trucking Associations, Inc	9,000.00	
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Ellen Evans, 1227 25th Street, NW, Suite 610 Washington, DC 20037-1156	American Managed Care & Review Assn		
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	91.60	
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Edison Electric Institute	7,012.50	55.81
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	2,775.00	3.73
Do	Zeneca, Inc	40,000.00	765.14
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	Hospital Assn of Pennsylvania		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			1,308.58
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc		
Do	Northrop Corp		
Thomas L. Fagan, Jr., 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,495.88	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	11,875.00	50.00
Janice O. Faiks, 1401 I Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	6,500.00	150.00
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		51,297.00	11,222.00
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Federation of Independent Business	1,150.00	200.00
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,140.09
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		190,279.00	90,792.79
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	13,257.51
J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	9,000.00	
Do	Central Utah Water Conservancy District	30,015.00	328.00
Do	Clark County Nevada	17,597.25	
Do	Clark County Nevada-McCarran International Airport	19,590.00	
Do	Kirton McConkie & Poelman		
Do	Las Vegas Valley Water District	18,892.50	110.80
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	27,718.75	77.11
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	567.87	
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	12,075.00	1,962.71
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		3,000.00	16,247.93
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			8,103.36
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		13,500.00	13,500.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		44,583.00	1,735.00
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	362.61
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Steven A. Fehr, 204 West Linwood Blvd Kansas City, MO 64111		13,430.00	3,829.00
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	1,667.00	
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,283.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,667.00	
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,213.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	150.00
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	12,269.00	1,547.58
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204	American Petroleum Institute		
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,700.00	874.68
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council	10,000.00	649.29
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	13,021.86	207.85
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	934.89
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	126.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,525.00	1,329.00
Linda D. Findlay, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	574.12	5.00
Mary Ann Finnecy, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	980.00	
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		56.78
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	1,703.26	807.03
First National Bank of Boston, 100 Federal St. Boston, MA 02110			4,822.03
Martha Scott Fisackerly, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	3,750.00	902.34
H. David Fish, 5855 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	818.40	
Do	Education Legislative Services (For:Fresno Unified School District)	1,090.80	
Do	Education Legislative Services, Inc (For:Long Beach Unified School District)	818.40	
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	2,181.60	
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	1,090.80	
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	3,781.85	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	109.60	
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		1,153.00
Alan M. Fitzwater, 801 Pennsylvania Avenue, NW, #220 Washington D.C.	Burlington Northern Railroad Co	25,000.00	
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	60.00
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	275.75
Linda Doorfee Flaherty, 1129 20th Street, NW, Suite 200 Washington, DC 20036	Greater Washington Board of Trade	8,335.00	400.00
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	1,904.00	
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Mac A. Fleming, 26555 Evergreen Rd., #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	306.63
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:Reynolds Metal Co)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Constellation Technology Corp.	1,000.00	
Do	Cray Research, Inc	38,052.81	
Do	Florid Atlantic University		
Do	Florida Community College at Jacksonville	6,068.95	
Do	Florida State University	15,000.00	
Do	Lake City Community College	7,500.00	
Do	MEDCO Containment	4,000.00	
Do	University of Alaska	20,000.00	
Do	University of Nevada-Las Vegas	17,571.28	
Do	University of Vermont	13,306.97	
Do	Westinghouse Electric Corp	12,623.64	
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	10.00
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	960.57
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers	770.00	
Do	Global Technology Systems, Inc		1,707.50
Do	Real Estate Services Providers Council		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	5,000.00	300.00
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		15,687.00	15,687.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
Carol Tucker Foreman, 1155 21st Street, NW, #1000 Washington, DC 20036	International Women's Health Coalition		
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	International Women's Health Coalition		
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			10,542.71
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	1,168.00	80.00
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Heather Forsgren, 1000 Connecticut Ave., NW, Suite 1202 Washington, DC 20036	Wildlife Legislative Fund of America	5,000.00	
Theresa M. Forster, 519 C Street, NE Washington, DC 20002	Home Care Aide Assn of America/Nat'l Assn for Home Care		
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	25,070.00	544.02
Michael Fortier, 1227 25th Street, NW, Suite 610 Washington, DC 20037-1156	American Managed Care & Review Assn		24.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine	8,025.00	1,258.49
Do	AT&T	12,000.00	4,303.33
Do	Chem-Nuclear Systems, Inc	1,650.00	1,043.77
Do	Greenwood Development Corp	16,450.00	5,563.00
Alissa T. Fox, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,949.00	1,011.21
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	10,000.00	150.00
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	395.84
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,100.00	159.00
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For:Energy Tax Policy Alliance)		
Do	Nuclear Assurance Corp		
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort Development Assn	1,500.00	
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,315.28	712.40
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	69.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	3,600.48	10.21
Do	Dairymen, Inc	10,780.00	896.36
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,500.00	
Do	Montgomery Ward & Co, Inc	235.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,500.00	121.19
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	1,120.00	
Do	Lonza, Inc	1,002.00	93.72
Do	Virgin Islands Rum Industries, Ltd	5,135.00	6.50
Blaine P. Friedlander, 2341 Dale Drive Falls Church, VA 22043	Korean War Veterans Assn, Inc		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)	657.00	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Summit Energy Storage, Inc		
Susan Friedman, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	9.00
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company	3,000.00	
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Association	1,667.00	712.86
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,400.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	480.00
Alvin From, 518 C Street, NE Third Floor Washington, DC 20002	Democratic Leadership Council	648.00	
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	4,830.00	4,968.00
Richard L. Fruchterman III, 1850 M Street, NW Washington, DC 20036	Williams Telecommunications Group	2,250.00	16.00
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	3,760.00	16.50
Do	Federal Home Loan Bank Board of Dallas		49.50
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Daniel J. Funsch, P.O. Box 7613 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	500.00	50.00
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,062.50	
Furman Group, 818 Connecticut Ave., NW, #818 Washington, DC 20006	Basic Management, Inc		
Do	Central Basin Municipal Water District	7,500.00	300.00
Do	Central Utah Water Conservancy District	15,000.00	
Do	Kamm & Assocites, Ltd	12,000.00	
Do	Las Virgenes Municipal Water District	15,000.00	1,592.12
Do	Upper San Gabriel Municipal Water District	6,000.00	137.00
Do	West Basin Municipal Water District		257.36
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Colleen Furukawa, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports		
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	6,250.00	
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,000.00	400.00
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,254.94	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wendy's International, Inc		
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	2,000.00	
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute	351.44	
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	12,858.00	44.00
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,753.35	13.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		39.00
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 150 Andover San Francisco, CA 94105-1611	Citizens for Reliable and Safe Highways (CRASH)	211.00	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	7,580.70	291.24
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	13,920.00	1,059.44
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Patrick J. Garver, 201 South Main Street, #1800 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)	3,000.00	2,000.00
Do	Parsons Behle & Latimer (For:Barrick Resources USA, Inc)	3,000.00	2,800.00
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	1,483.61	
Do	George Gabriel		
Do	Interocean Management Company		
Do	J & B Management Company	14,949.93	
Do	Ministry of the Environment		
Do	Pacific Coast Federation of Fishermen's Assn, Inc	585.00	
Do	Seafood Consumers & Producers Assn, Inc	630.00	
Do	Space Industries, Inc		
Do	Tacoma Public Utilities		
Do	Totem Ocean Trailer Express, Inc	24,827.06	
Do	USX	3,044.75	
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 900 19th Street,NW Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	120.00	
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			7,988.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		1,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		21,233.17	21,233.17
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			1,792.67
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,600.39
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,857.00	121.05
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	1,567.00
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	100.00	
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	93.79
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	72.15
Kenneth Gersten, 69 Franklin Street Annapolis, MD 21401	Sierra Club		
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform		
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,671.50	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	16,000.00	234.00
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	2,500.00	
Kenneth W. Gideon, Fried Frank Harris Shriver & Jacobson 1001 Pennsylvania Ave., NW Washington, DC 20004	National Structured Settlement Trade Assn		6,634.91
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	625.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	4,350.00	89.00
Judy Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.10	
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	18,000.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,408.33	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	1,350.00	132.61
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Lepon McCarthy Jutkowitz & Holzworth (For:Astra Holdings Corp)		
Do	Gadsby & Hannah (For:Astra Holdings Corp)		
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	750.00	
Do	Gadsby & Hannah (For:Dyncorp)	876.12	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp)		
Do	Gadsby & Hannah (For:IPAC)	1,620.51	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)		
Do	Gadsby & Hannah (For:NMP Corp)	888.81	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:Veda, Inc)		
Do	Gadsby & Hannah (For:Veda, Inc)	427.50	
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)	112.50	
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	1,045.94
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	561.51	3,895.75
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	283.48	95.00
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,075.00	73.27
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	1,250.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	1,550.00	
Do	Robertson Monagle & Eastaugh (For:All Alaskan Seafoods, Inc)	1,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)		
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)	325.00	
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	750.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	3,750.00	
Do	Robertson Monagle & Eastaugh (For:Ocean Shipholdings, Inc)	250.00	
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	2,500.00	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	750.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	18,750.00	6,941.09
Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920	Brother Industries (USA), Inc		
Do	Brother International Corporation		
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	4,000.00	176.82
Do	Firearms Training Systems, Inc	5,000.00	223.98
Do	Lockheed Corporation	7,000.00	318.28
Do	Oglethorpe Power Corp	10,000.00	447.95
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	502.30
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			2,998.00
Earl E. Gjelde, 11240 Waples Mill Road, Suite 100 Fairfax, VA 22030	Waste Management, Inc.		
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	300.00	4.00
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	2,379.25
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	40.00
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		122.30
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	ABC Home Health Care		
Do	Convex Computer Corp		
Do	Gold & Leibengood		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation	42.07	
Do	Mazak Corporation	42.07	
Do	Murata Machinery, Ltd		
Do	Southwestern Bell Corp	28.85	
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Richard D. Gluck, 1801 K Stret, NW, Suite 1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	83.04
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Donald G. Goff, McDonnell Douglas Corporation 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Afin Casa De Bolsa, SA de CV	2,140.00	
Do	Amercan College of Cardiology	3,900.00	2,440.00
Do	American Academy of Dermatology	12,000.00	2,440.00
Do	American Academy of Ophthalmology	6,020.00	2,376.00
Do	American Mental Health Counselors Assn	500.00	2,178.00
Do	Beretta U.S.A. Corp	12,000.00	2,067.00
Do	Bridgeport Regional Business Council		2,140.00
Do	Caremark, Inc	20,000.00	2,440.00
Do	Chemical Manufacturers Assn, Inc	100.00	2,288.00
Do	Coca Cola Company	7,200.00	2,440.00
Do	College of American Pathologists	6,000.00	2,440.00
Do	County of Fairfax, Board of Supervisors	4,920.00	2,140.00
Do	Electronic Data Systems Corp	2,181.00	2,282.00
Do	Eye Bank Assn of America	3,769.00	2,392.00
Do	Federated Investors, Inc	15,000.00	2,440.00
Do	Fiat, U.S.A., Inc	9,600.00	2,406.00
Do	Ford Motor Co		2,140.00
Do	Genentech, Inc	32,000.00	2,440.00
Do	Global Excess Re, Inc	3,750.00	2,440.00
Do	Hopi Tribe	77,760.00	2,140.00
Do	International Council of Shopping Centers	15,000.00	2,140.00
Do	Investment Company Institute	15,344.00	2,440.00
Do	James Capel & Co	4,800.00	2,440.00
Do	Joint Commission on the Accreditation of Health Care Orgs	55,200.00	2,440.00
Do	Kidder Peabody & Co	4,250.00	2,440.00
Do	Mutual Of Omaha	10,000.00	2,440.00
Do	MAPCO, Inc	13,500.00	2,140.00
Do	MCI Communications Corp	17,200.00	2,444.00
Do	National Football League	4,400.00	2,440.00
Do	National Restaurant Assn	19,500.00	2,440.00
Do	National School Transportation Assn	6,750.00	2,440.00
Do	Nestle USA, INC	1,200.00	2,352.00
Do	Pacific Enterprises	15,000.00	2,440.00
Do	Pennzoil Co	4,000.00	2,440.00
Do	Philip Morris Co	66,500.00	2,440.00
Do	Regional Transportation District	12,000.00	2,140.00
Do	Salomon Brothers, Inc	3,000.00	2,440.00
Do	Thomson-CSF, Inc	9,000.00	2,440.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,378.00
Do	Times Mirror Co	3,960.00	2,440.00
Do	Washington Metropolitan Area Transit Authority		2,140.00
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,000.00	49.84
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,075.00	
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			6,050.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,950.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Evergreen International Aviation, Inc		
Do	Nike, Inc		
Do	U.S. Generating		
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,865.66	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	4,418.38
James L. Good, 1725 K Street, NW, Suite 1212 Washington, DC 20006	National Assn of Water Companies	51.93	12.00
Larry I. Good, 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Milliman & Robertson, Inc)		
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	256.50	
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Amanda L. Goodman, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,677.00	
Richard A. Goodman, 4925 Manor Lane Ellicott City, MD 21042			
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	620.00	667.50
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	5,125.57
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	7,551.26
Do	Export Processors Industry Coalition (EPIC)	7,500.00	10,583.78
Do	Iowa Pork Producers Assn	2,500.00	1,405.11
Do	National Sunflower Assn	3,000.00	2,005.96
Do	U.S. Canola Association	9,000.00	5,410.05
Anna Pegler Gordon, 2030 M Street, NW, Washington, DC 20036	Common Cause	4,344.00	
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	534.45
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	857.00	
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,311.76	23.00
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	8.00
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	30.00	7.00
William P. Gotschall, 6222 Cheryl Drive Falls Church, VA 22044	World Resources Company		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	86.93	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	3,605.31	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	5,496.75	
Do	Pueblo of Tesuque	7,084.00	
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	500.00	
Do	Shoshone Tribe	13,260.00	
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Zuni Housing Authority		
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions		
Alexander Graham, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	5,000.00	
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	1,550.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	208.42
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		356.46
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			64.51
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,750.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Ed Graves & Associates (For:Brickfield Burchette & Ritts)	150.00	
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)	437.50	
Do	CBI Sugar Group	300.00	
Do	Ed Graves & Associates (For:Emerald Resources, Inc)		
Do	Furman Group		
Do	Edwin C. Graves & Associates (For:McAuliffe, Kelly & Raffaelli)		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Capitoline International Grouo, Ltd (For:MCI Communications Corp)		
Do	Ed Graves & Asociates (For:OPEDA)	150.00	
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn of America).		
Do	Republic of Azerbaijan		
Do	South Dade Land Corp	4,725.00	
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn		
Adrienne A. Gray, 1301 K Street, NW Washington, DC 20005	IBM	591.49	244.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	11,300.00	4,969.76
Carol J. Gray, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	2,196.00	
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,700.00	41.00
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,340.00	
William T. (Tom) Gray, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		200.00	200.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	230.58
Deborah Green, 610 W. 110th Street #7C New York, NY 10025	Americans United with the Congolese People (For:Ross & Green)	21,500.00	23,674.15
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	967.58
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	7,500.00	647.18
Do	DARE AMERICA	7,500.00	647.20
Do	National Center for Missing & Exploited Children	10,000.00	862.93
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	500.00	500.00
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	8,010.00	347.97
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	41.95	
Jim Greenwood, 1350 Eye Street, NM, Suite 1240 Washington, DC 20005	Valero EnergyCorp		618.77
Sarah Massengale Gregg, 800 Connecticut Ave. NW Suite 1100 Washington, DC 20006	Baxter		
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	3,000.00	721.89
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	110.77
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp	1,050.00	178.47
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	4,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 fPenfnsylvania Ave., NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,602.00	109.73
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	6,375.00	204.00
Do	American Nuclear Energy Council	11,250.00	360.00
Do	American Petroleum Institute		
Do	American Psychological Assn	2,500.00	80.00
Do	American Red Cross	13,250.00	424.00
Do	Apollo Travel Services	2,000.00	64.00
Do	Appalachian Coalbed Methane Assn	5,000.00	160.00
Do	Arthur Andersen & Co	1,750.00	56.00
Do	Blue Cross & Blue Shield Assn	2,250.00	72.00
Do	Central and South West Services, Inc	3,750.00	120.00
Do	City of Broomfield, CO		
Do	Coal Industry Health Protection Coalition	5,000.00	160.00
Do	Coopers & Lybrand, et al.	12,500.00	400.00
Do	Council for Marketing & Opinion Research	5,250.00	168.00
Do	Council of Smaller Enterprises (COSE)	7,500.00	240.00
Do	CBS, Inc	3,750.00	120.00
Do	COMSAT Corp	750.00	24.00
Do	Delta Dental Plans Assn	13,000.00	416.00
Do	Eli Lilly & Co	5,750.00	184.00
Do	Fluor Corp	22,500.00	800.00
Do	Galileo International	2,000.00	64.00
Do	General Atomics	2,250.00	72.00
Do	Grumman Corporation	1,000.00	32.00
Do	Halliburton NUS Environmental Corporation	6,250.00	200.00
Do	Heartland Health Systems		
Do	Hong Kong Trade Development Council	500.00	16.00
Do	Human Rights Campaign Fund	750.00	24.00
Do	Martin Marietta Corp	5,000.00	160.00
Do	McCaw Cellular Communications, Inc	3,750.00	120.00
Do	Merck & Co, Inc	750.00	24.00
Do	Motorcycle Industry Council, Inc		
Do	National Coalition of Burn Center Hospitals		
Do	National Football League	500.00	16.00
Do	National Independent Energy Producers	3,750.00	120.00
Do	National Music Publishers Assn, Inc	7,500.00	240.00
Do	Natural Disaster Coalition	9,250.00	296.00
Do	Precision Co	5,750.00	184.00
Do	Primerica Corp	10,000.00	320.00
Do	Software Productivity Consortium	10,000.00	320.00
Do	Tobacco Institute		
Do	Waste Management, Inc	6,250.00	200.00
Do	Yale-New Haven Hospital	3,750.00	120.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co	115.00	873.10
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Riley Grimes, 6410 Rockledge Drive, #203 Bethesda, MD 20817	Association of American Cancer Institutes	9,000.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			809.83
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chevron Corp	225.00	30.00
Do	Eli Lilly & Company	150.00	
Do	Maxus Energy Corp	750.00	35.00
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	200.00	
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	450.00	35.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Christina M. Groszer, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	1,044.12
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology		
Do	American Society of Hematology		
Do	Cooley's Anemia Foundation		
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	500.00	30.00
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	6,000.00	135.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)	340.00	
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	500.00	65.00
Do	Marine Shale Processors, Inc	1,000.00	70.00
Do	McDermott, Inc	1,000.00	100.00
Do	Walk Haydel & Associates, Inc	500.00	65.00
Deborah H. Gum, 9167 Stevens Ct. Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		317,970.21	275,544.70
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	1,107.80
Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	15,972.36	2,514.79
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	50.00	30.00
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	6,000.00	
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)	200.00	200.00
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	6,000.00	6,061.75
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	456.50	237.98
Tom Hagedorn Associates, 3401 Holly Street Alexandria, VA 22003	Capital Partnerships, Inc (For:North Metro Mayors Coalition)		
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	EuroColumbus		
Do	Nedlloyd Lines (USA) Corp		7.20
James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001	American League for Exports and Security Assistance (ALESA)	2,100.00	
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,498.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	416.67	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	ACX Technologies, Inc	114.00	
Do	Genetics Institute		
Do	Harcourt Brace & Co	1,055.00	35.65
Do	Hybridon, Inc	171.00	58.80
Do	Intra-Sonix		
Do	Maxtor Corporation		
Do	Medallion Oil Company		
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc	3,962.00	81.75
Do	Northeastern University	884.00	89.79
Do	Park Electrochemical Corp		
Do	Psychological Corp	1,967.00	117.76
Do	Thinking Machines Corp	599.00	14.20
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	800.00	
Anne Hall, 100 East Broad Street Columbus, OH 43271-0157	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,343.30
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	3,086.96
Lawrie Platt Hall, 3175 North Orange Blossom Trail Kissimmee, FL 34744	Dart Industries, Inc	800.00	2,604.91
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co		
Robert P. Hall, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	5,000.00	161.59
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #402 Washington, DC 20003	San Diego Gas & Electric	3,437.00	2,674.50
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		245.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	447.45
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	2,100.00	
Do	Bruce P. Cameron (for: Embassy of Nicaragua)	350.00	
Do	Bruce Cameron (For:National Council of Maubere Resistance)	1,050.00	
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1301 K Street, NW, Suite 1020 East Washington, DC 20005	Bell Atlantic	12,992.50	
Do	NYNEX	12,547.50	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	3,000.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	560.00	1,220.08
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,832.00	68.00
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 1120 Conneciticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Fed of America, Inc		
Susan C. Hammann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	500.00	
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	250.00	
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Hammons & Hunter, 50 Penn Place, Suite 1300 Oklahoma City, OK 73118	AES Manufacturing Services, Inc	36,705.00	8,508.38
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Do	Silver Dollar City, Inc	10,000.00	267.39
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,318.88	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	1,058.75	
Do	Hazardous Waste Action Coalition	1,119.15	
Do	Ingalls Shipbuilding	595.83	
Do	Northrop Corp	1,037.50	
Do	Teledyne Industries, Inc	1,860.85	
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,172.00	217.41
Thomas H. Hanna, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manuacturers Assn		
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	10,249.98	1,996.14
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,000.00	
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		7.44
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		2,400.00
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Harkins Cunningham, ATTN: A. Carl Kaseman, III 1300 19th Street, NW, Suite 600 Washington, DC 20036	Computer Sciences Corp		
Do	Consolidated Rail Corp		
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	323.80
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	4,000.00	16.80
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	1,646.76
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	16,822.66	
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	774.00	103.00
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty Co	185.00	60.00
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	260.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	5,000.00	92.82
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	5,000.00	800.00
Marilyn A. Harris, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation	150.00	
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Coalition of Food Importers Assn	800.00	
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	800.00	18.00
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	2,000.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	140.00	4,188.75
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	2,775.00	48.40
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	6,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	687.50	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Mary M. Hartman, Diamond Shamrock, Inc. P.O. Box 696000 San Antonio, TX 78269-6000	Diamond Shamrock, Inc		6,816.85
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,241.36	
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	1,307.37
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Donald F. Haskell Jr., 400 Christiana Road Newark, DE 19713	MBNA America Bank, NA		
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	712.25	173.26
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,337.07
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	3,000.00	89.89
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	300.00	20.00
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	2,181.09
Do	Pharmaceutical Manufacturers Assn	21,000.00	161.03
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	708.30	
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	4,200.00	1,800.00
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:Ad Hoc Electronics Coalition)	220.00	2.50
Do	Latham & Watkins (For:American Electronics Assn)	5,922.62	26.52
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	1,262.50	0.72
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Association of Nurse Anesthetists	5,000.00	46.30
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Sportfishing Assn	2,000.00	
Do	Coastal Conservation Assn	6,000.00	
Do	Natural Resources United		
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	409.57
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	42,680.00	2,258.55
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		2,524.23	2,524.23
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			2,176.23
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,450.00	505.00
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	571.00
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems, Inc		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Atomatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems, Inc		
Do	Hecht Spencer & Associates (For:IEMCA)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Digitran Systems Inc.		
Do	International Electronics Manufacturers & Consumers of Am		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn	1,000.00	
Do	Charles E. Smith Management, Inc	3,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	15,372.54	
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Claire Heffernan, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	293.29
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	23,020.56	386.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,045.00	
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Senior Army Reserve Commanders Assn	3,000.00	
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		3,994.35
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,419.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	2,406.30
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn/American Thoracic Society	1,141.40	5,462.40
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	250.00
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	16,500.00	
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	12,000.00	3,838.04
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,535.00	297.77
Kevin S. Hensley, 1015 15th Street, N.W., #802 Washington, DC 20005	Murphy & Associates (For:California Energy)		
Do	Murphy & Associates (For:MEBA II)		
Do	Murphy & Associates (For:Proven Alternatives)		
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Michael D. Herman, 2000 M Street, NW Washington, DC 20036	Graham & James (For:RR Donnelley & Sons Company)		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		6,432.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens and Busines for D'Oench Duhme Reform		6,884.71
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause	450.00	
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	398.17
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	1,771.87
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc		
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,185.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	600.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	120.20	507.61
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,494.00
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	3,300.00	826.30
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
J. Eldred Hill Jr., 1331 Pennsylvania Avenue, NW 1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
Margaret A. Hill, 1400 L Street, NW Washington, DC 20005	Hoover Group	50.00	
Do	Nalco Chemical Co	50.00	
Do	Sonoco Products Co	11,250.00	242.50
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	119.00
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,638.00	
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty Co	18,750.00	100.00
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	24.00
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	30.00
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	13,497.00	330.55
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	500.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Aroostook Band of Micmacs		
Do	Evergreen Legal Services	60.00	
Do	Menominee Indian Tribe		
Do	National Indian Education Assn	910.00	
Do	National Minority Public Broadcasting Consortia		
Do	Northwest Indian Child Welfare Assn	140.00	
Do	Pueblo de Cochiti		
Do	Seminole Tribe of Florida		
Do	Yakima Indian Nation	187.50	
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	16,865.84	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	11,269.25	776.40
A.R. 'Trey' Hodgkins III, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,137.03	787.39
Mary Jo Hoeksema, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	108.36	
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Kristin Hofeditz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	1,378.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance	12,000.00	4,095.63
Do	Froedtert Malt Corp	3,000.00	1,023.90
Do	National Barley Growers Assn		
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	12,675.00	1,040.75
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	5,521.50
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		219.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences	36,367.50	503.89
Do	Alabama Contractors Coalition	7,117.50	689.64
Do	American Coke & Coal Chemicals Institute		
Do	American Frozen Food Institute		
Do	American Physical Therapy Assn		
Do	American Registry of Pathology	243.75	
Do	Amgen, Inc	137.50	7.00
Do	Ansell		
Do	Arctco, Inc		
Do	Auburn University	4,746.25	1,651.89
Do	Berg Steel Pipe Corp	8,575.00	43.50
Do	Blount, Inc		
Do	Blue Cross & Blue Shield Assn	21,741.61	1,205.16
Do	Brother International Corp	37,612.70	1,321.73
Do	Burger King Corp	19,793.75	1,161.68
Do	BE&K Construction		
Do	C & C Distributors, Inc		
Do	California State Teachers Retirement System	5,625.00	
Do	Charles E. Smith Companies	626,866.25	134,494.13
Do	Cholestech Corp	335.00	88.13
Do	Computer & Business Equipment Manufacturers Assn		
Do	Drummond Company, Inc	19,522.50	1,576.69
Do	Ductile Iron Pipe Research Assn	253.34	
Do	Farm Credit Bank of Baltimore	2,000.00	
Do	Farm Credit Bank of Texas	32,741.25	3,069.38
Do	Genentech, Inc	1,935.00	
Do	General Electric Co	2,398.44	280.91
Do	General Mills, Inc	5,425.03	128.85
Do	Glaxo, Inc		
Do	Grand Metropolitan	15,000.00	865.39
Do	Grocery Manufacturers of America, Inc		
Do	Group Hospitalization and Medical Services, Inc	4,931.07	359.27
Do	Gulf Citrus Growers Assn, Inc	12,499.98	2,159.55
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company	1,592.50	306.76
Do	Humane Society of the United States	4,769.78	56.78

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Intergraph Corp		
Do	JKC Stadium, Inc		
Do	May Department Stores Co	487.50	71.63
Do	Medtronic, Inc		
Do	Michelin Tire Company	37,000.00	1,226.55
Do	Michigan Consolidated Gas Co	19,521.64	473.75
Do	Monsanto Co	18,575.00	339.12
Do	Mortgage Insurance Companies of America	26,660.00	445.23
Do	National Action Council for Minorities in Engineering, Inc		
Do	National Apparel	1,130.00	
Do	National Assn of Community Health Centers		
Do	National Broiler Council		
Do	National Child Care Assn	3,291.25	740.79
Do	National Consumer Bankruptcy Coalition	21,000.00	1,369.39
Do	National Hospice Organization	586.50	
Do	National Osteoporosis Foundation	24,084.49	126.48
Do	National Structured Settlements Trade Assn		
Do	Nuexco Trading Corp, et al.		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	PepsiCo, Inc		55.47
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	49,330.56	1,403.53
Do	Private Child Care Providers	20,472.95	3,008.69
Do	Product Liability Coordination Committee	60,000.01	2,444.08
Do	Rust Engineering	30,000.00	2,682.49
Do	Sierra Forest Products	728.75	57.32
Do	Soap & Detergent Assn	38,804.19	1,077.67
Do	Southeast Peanut Assn		
Do	Southern Company Services	10,403.75	6,036.73
Do	Storage Technology Corp		
Do	Taco Bell Corp	7,000.00	600.39
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	5,610.00	110.00
Do	U.S. Sugar Corp	6,000.00	1,141.29
Do	Visiting Nurse Service of New York	31.87	
Do	Vulcan Materials Company	28,559.99	4,640.30
Do	Jim Walter Corp	14,728.75	3,349.71
Do	Williams Telecommunications	5,455.00	100.04
Do	XXSYS Technologies,Inc	4,050.00	
Do	Zeigler Coal Sales Co		7,946.60
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers		
Linda M. Hoggatt, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	92.00
Do	Home Savings of America	2,500.00	84.50
Do	Stuzin & Camner	2,500.00	97.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	Oneida Indian Nation		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,500.00	800.00
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Life Resources Corp		
Do	Goldberg Godles Wiener & Wright		
Do	Homestead Community Bank		
Do	International Taxicab & Livery Assn		
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority		
Do	VITAS HealthCare Corp of Florida		
Brant Patrick Hollenkamp, 517 Second Street, NE Washington, DC 20002	David Turch & Associates	1,000.00	
Jessica J. Holliday, 122 C Street, NW, Suite 240 Washington, DC 20001-2109	Peabody Holding Co, Inc		
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,432.40	1,528.66
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Stewart E. Holm, 1875 Eye Street, NW, Suite 775 Washington, DC 20006	Georgia-Pacific Corp	500.00	
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	85.50
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		6,000.00	5,639.42
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	American Waterways Operators	7,500.00	
Do	Arkla, Inc	7,800.00	
Do	Cap Rock Electric Cooperative, Inc	415.00	
Do	Catellus	9,000.00	
Do	City of San Francisco (Water & Power Div)	10,545.00	
Do	CSX/Yukon Pacific Corp	3,600.00	
Do	Destec Energy, Inc	1,516.00	
Do	Ebasco Services	5,400.00	
Do	Entergy Corp	7,500.00	
Do	Ewing Kauffman Foundation	13,329.00	
Do	ENSERCH Corp	2,700.00	
Do	ENSERCH Exploration	2,265.00	
Do	Fluor Corp	2,825.00	
Do	Goldstrike Mine	14,700.00	
Do	Guadalupe Valley Electric Cooperative, Inc	830.00	
Do	Hallmark Cards	4,687.00	
Do	Herzog Heine Gedold, Inc	4,000.00	
Do	Hubbell, Inc	5,541.00	
Do	Integrated Resources Group, Inc		
Do	Integrated Waste Services Assn	3,150.00	
Do	International Paper Co	7,500.00	
Do	IFINT, S.A.	3,000.00	
Do	Jena Bank of Choctaw		
Do	John Hancock Mutual Life Ins Co	19,600.00	
Do	Kansas City Southern Industries	5,100.00	
Do	Mobil Corp	9,413.00	
Do	National Assn of Royalty Owners		
Do	National Rural Letter Carriers' Assn		
Do	Panhandle Eastern Corp	22,200.00	
Do	Pennsylvania Engineering Co		
Do	Phlcorp	4,691.00	
Do	Science Applications Intern COrp	11,250.00	
Do	Trammell Crow Co		
Do	Tulane University	2,400.00	
Do	TECO Energy, Inc	11,600.00	
Do	Ultramar, Inc	5,800.00	
Do	United Asset Management		
Do	Utilicorp United, Inc	3,000.00	
Do	Water Island Civic Assn		
Do	WMX Technology & Services	5,400.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,250.00	70.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	4,500.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	300.00	14.70
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cook Inlet Region, Inc		
Do	Estate of Helen Wodell Halbach		
Do	Grand Trunk Corp	551.33	
Do	Louisiana Pacific Corp		
Do	Rogers American Cable Systems, Inc		
Sue E. Hopkinson, 777 N. Capitol St., SE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,700.00	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	9,381.00	
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	106,665.00	
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		7,212.39	7,212.39
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	332.00	241.26
Peggy A. Houlihan, 1100 Connecticut Ave., NW Suite 910 Washington, DC 20036	Coalition for Employment through Exports		
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	16,005.00	121.33
Do	Armour Pharmaceutical Company	14,050.00	1,000.00
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	19,000.00	94.15
Do	Western-Southern Life Insurance Co	2,625.00	150.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,574.00	1,699.68
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	1,000.00	1,000.00
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	4,613.76	123.00
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,900.50	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,046.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natual Resources & Conservation).	1,406.00	
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Australian Meat & Live-Stock Corp	6,080.50	
Do	GE Aircraft Engines	132.50	
Do	Hughes Aircraft Co	132.50	
Do	Litton Industries, Inc	132.50	
Do	Rockwell International Corp	132.50	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	6,250.00	246.24
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,500.00	722.43
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,025.69	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University		
Do	Molten Metal Technology, Inc	500.00	1,199.70
Do	Philip Morris, USA		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
James J. Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc	12,000.00	1,421.34
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)	80.00	
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	385.00
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	875.00	86.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Hughes Hubbard & Reed, 1300 Eye Street, NW, #900 West Washington, DC 20005	UNR Asbestos Disease Claims Trust	250.00	
B. Jeanine Hull, 12500 Fair Lakes Circle, Suite 260 Fairfax, VA 22033	LG&E Power, Inc		
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	8,447.50	595.73
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	25,050.24	56.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	770.00	27.00
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	1,322.98
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	3,328.02	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,470.00
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,155.27	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	4,400.00	100.00
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	465.59
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc		
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	1,710.25
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,343.14	411.66
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		406.07
Torbjorn Ihre, 1634 I Street, NW ard Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		400.00	400.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	10,070.00	93.53
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	650.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,827.49	
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,250.00	1,400.00
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037		2,000.00	2,000.00
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			52,997.56
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	23,463.00
International Advisory Services Group, 2550 M Street, NW, Suite 275 Washington, DC 20037	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		23,066.88	35,669.08
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			55,170.20
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			58,824.17
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,119.50
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	1,060.57
Investment Company Institute, 1401 H Street, NW Washington, DC 20005			49,834.03
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,600.00	1,482.64
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,579.00	177.45
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		7,916.08	9,045.58
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
Amy F. Isaacs, 1625 K Street, NW, #1150 Washington, DC 20006	Americans for Democratic Action	14,056.86	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,250.00	
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Susan A. Ishmael, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	350.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	600.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	419.71	22.50
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Eva Jack, 1825 I Street NW # 400 Washington, DC 20006	Intel Corp	6,000.00	3,766.89
Barbara Jackier, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	31.65	
Alphonse Jackson, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn		3,150.00
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	5,123.00	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	249.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	861.00	
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	35,223.00	7,701.79
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	9,800.00	304.00
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe, Raitt, Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	6,325.00	1,080.00
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	6,525.00	303.90
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia Communications		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Thomas M. James, 818 Connecticut Ave., NW, Suite 1020 Washington, DC 20006	Furman Group	5,000.00	106.53
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	24,000.00	14,420.66
Cy Jamison, 1101 30th Street, NW, Suite 300 Washington, DC 20007	Sodak Gaming, Inc	6,000.00	
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,943.00	1,943.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Richard B. Jarman, 1776 Eye Street, NW, #S-1050 Washington, DC 20007	Eastman Kodak Co		
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Comm for the Timber Industry	11,250.00	
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn, Inc		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	130.08
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Jellinek Schwartz & Connolly, 1015 15th Street, NW, #500 Washington, DC 20005	ASARCO, Inc	5,576.00	59.26
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
David M. Jenkins II, 1125 Basil Rd. McLean, VA 22101-1803	Council for Responsible Nutrition	15,000.00	258.25
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	MCI Communications Corp		
Do	National Glass Assn		
Do	Safe Steel Container Coalition	5,851.25	
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	8,580.00	86.74
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		1,453.49
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Association of Federal Credit Unions	1,250.00	
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	282.70
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,792.45	1,075.03
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,200.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	238.00	
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Mesa Petroleum)		
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:United Services Automobile Assn)		
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,700.00	249.00
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., Founders Square 900 Jackson Street Dallas, TX 75202-4499	Caltex Petroleum Corp		
Do	Centex Corp		
Do	Marine Preservation Assn		
Do	Permanente Medical Group, Inc	24,937.00	
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,800.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	10,124.09
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc	15,500.00	1,076.10
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	150.00
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,075.00	
Allan R. Jones, 430 First Street, S. E. Washington, DC 20003	American Trucking Assns, Inc	6,250.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Michael Jones, 516-A C Street, NE Washington, DC 20001	Texas Highway Patrol Assn	4,500.00	5,410.59
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,280.13	
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company		
Do	Utah State University		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	General Atomics		
Do	International Shipholding Corp	675.00	
Do	Jefferson Parish Council		
Do	Montana Sulphur & Chemical Company		
Do	Port of New Orleans		
Do	Tulane University		
Do	Turner Broadcasting System, Inc		
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Columbia University	8,000.00	8,015.50
Do	Consortium for International Earth Science Info. Network	18,000.00	18,703.28

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Polytechnic University	5,000.00	5,019.25
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	150.00	
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp	7,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	3,785.00	
Kathy Elena Jurado, 4202 East Fowler Avenue, ADM 280 Tampa, FL 33620	University of South Florida	2,000.00	3,203.90
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	347.36	48.00
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	3,148.00	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	10,350.00	188.50
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Softward Publishers Assn	128.00	91.00
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	1,680.00	86.16
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	398.17
Harpreet Kang, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Foreman & Heidepriem, Inc (For:International Women's Health Coalition)		
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	3,753.75	419.69
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	381.92	34.72
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	2,343.81
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,692.34	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	2,500.00	80.50
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	22.00
Paul C. Katz, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	260.19	976.11
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,743.00
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	12,500.00	366.93
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Jeffrey R. Keeler, 1627 K Street, NW, Washington, DC 20006	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,506.00	183.00
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	15.75	
Melvin Keener, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw, Inc (For:Laidlaw Environment Service)	2,500.00	
David Keepnews, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571	American Nurses Assn	1,625.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	300.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Promotional Products Association International	1,348.00	148.00
Andrew R. Kelley, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	600.00	
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	600.00	
Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647	Republic Engineered Steels, Inc		
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	1,300.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,625.00	3,357.00
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,609.00	
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	6,239.76
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			4,662.00
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			761.10
Kemper Securities, Inc, 333 W. Wacker Dr. Chicago, IL 60606			
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	2,000.00	
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	7,725.00	
Kendall & Associates, Inc, 50 E Street, SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	2,000.00	
Do	Toyota Motor Sales, USA, Inc	3,000.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	2,041.14
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	7,000.00	14,136.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,640.25	1,901.13
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	4,637.50	397.51
Do	Pemco Aeroplex	5,752.50	386.65
Do	Stockton East Water District	1,350.00	25.00
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn		
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	6,675.00	87.00
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Development Corp		
Do	National Wood Energy Assn, Inc		
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	511.38
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute		
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgery)		
Do	Kent & O'Connor, Inc (For:American Supply Association)	375.00	231.21
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	950.00	559.74
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)		
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)		
Do	Kent & O'Connor, Inc (For:MBI, Inc)		
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	10,150.00	5,867.41
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	6,000.00	3,581.80
William Kenworthy, 410 First Street SE, Washington, DC 20003	American Nuclear Energy Council	6,112.49	905.91
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	398.17
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,923.00	1,680.03
Susan Akers Kernus, 1424 Longfellow St., NW Washington, DC 20011	Synthetic Organic Chemical Manufacturers Assn, Inc		
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	800.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,500.00	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	70.00	58.05
Do	Coalition of Automotive Associations	156.00	72.10
Do	Specialty Equipment Market Assn	640.00	462.25
Todd D. Ketch, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,722.24
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,396.15	
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	1,186.98
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Royal Teton Ranch	2,500.00	
Do	Textron Defense Systems	1,500.00	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,110.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Society of Hospital Pharmacists	2,813.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	61.16
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:ADT Automotive, Inc)	1,175.00	
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	25,000.00	193.75
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc		
Do	American Veterinary Medical Assn	1,040.00	
Do	Atlanta Committee for the Olympic Games (ACOG)	9,427.50	45.00
Do	Banca Nazionale del Lavoro		
Do	Charter Medical Corp	1,267.50	
Do	Estate of Anne Grant Owens		
Do	Estate of Irene W. Michael		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste, Inc		
Do	GPIA-Animal Drug Alliance		
Do	Martin-Marietta	1,844.50	
Kathleen N. Kingscott, 6600 Rockledge Drive Bethesda, MD 20817	IBM Corp		
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	3,000.00	
Do	National Computer System	1,500.00	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	727.38
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	434.70	220.01
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Investment Company Institute		
Do	National Court Reporters Assn		
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	12,093.75	9,966.25
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	1,369.19
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn		
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	8,050.00	95.89
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Sealaska Corporation)	55,600.00	18,415.77
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,787.50	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,363.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	50.00
Stephan O. Kline, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	208.00
Mary Jane Klocke, 1025 Connecticut Ave., NW, #200 Washington, DC 20036			
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Theresa Knieriemen, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,067.00	
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,771.20
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	26.00
Robert P. Koch, 601 Thirteenth Street, NW, #580 South Washington, DC 20005	Wine Institute	5,100.00	168.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		250.00
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	3,603.14	516.08
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	19,192.50	
Leonard R. Kojm, 1850 K Street, NW, Suite 1190 Washington, DC 20006	EG&G, Inc	125.00	
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	924.98
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		137.00
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	3,500.00	403.31
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	2,000.00	6,108.37
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	28.85	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		75.00
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	421.28	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	75.00	
Raymond R. Krause, 712 Fifth Avenue, # 4600 New York, NY 10019	Grand Metropolitan, Inc	2,000.00	1,622.79
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Do	Greater Washington Board of Trade		
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Association	346.00	
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	CM Services	500.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	750.00	20.00
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	11,362.50	881.09
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	350.00	105.00
Gerald F. Kuester, 2000 P Street, NW Washington, DC 20036	Center for Science in the Public Interest		800.00
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,824.36
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	3,437.50	585.42
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	15,330.00	361.13
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
Jeffrey Kurzweil, 601 13th Street, NW, #1200 Washington, DC 20005	Jenner & Block (For:Marriott Corp)		
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
John R. Kyte, 1455 Pennsylvania Avenue, NW Suite 1000 Washington, DC 20004	National Assn of Manufacturers	1,500.00	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		1,025.29	1,025.29
Labor-Management Maritime Committee, Inc, 1150 17th Street, NW, Suite 700 Washington, DC 20036		3,746.00	7,342.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1401 I Street, NW, Suite 100 Washington, DC 20005	Securities Industry Assn	8,538.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	1,918.12	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
David R. Lambert, 601 13th Street, NW, Suite 570 South Washington, DC 20005-1593	American Seed Trade Assn	5,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc	888.00	616.65
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	823.65	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	8,290.02	299.00
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	3,000.00	153.02
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, Leboeuf, Lamb, Leiby & MacRae 1875 Connecticut Avenue, NW, Suite 1200 Washington, DC 20009-5728.	Leboeuf Lamb Leiby & MacRae		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
William C. Lane, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	1,000.00	4,295.84
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Ropak Corp, et al.	7,000.00	172.39
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation		
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	1,000.88
Do	New York City Partnership, Inc	6,000.00	921.37
Do	School of Visual Arts	6,000.00	254.86
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	1,500.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	8,125.00	4,452.64
Do	Health Policy & Strategy Associates, Inc (For:Blue Cross & Blue Shield of Massachusetts).	5,312.50	3,950.76
Do	Health Policy & Strategy Associates, Inc (For:Liberty Mutual Insurance Group)		
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,401.51
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,529.98
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,801.03
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,700.76
William M. Latimer, 6162 Castletown Way Alexandria, VA 22310	American Group Practice Assn	23.59	
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Stir-Melter, Inc		240.19
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	580.23	
Do	Gadsby & Hannah (For:IPAC)	436.33	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	7,000.00	101.81
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	3,951.92	
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	6,000.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company		
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	National Geothermal Assn	5,000.00	
Do	Valmont Industries, Inc	13,500.00	
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,417.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company		
Do	Lamb-Weston, Inc		
Do	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Home Finance Coalition		
Do	Martin Marietta Corp		2,000.00
Do	Milliken & Company	2,500.00	
Do	NTS Contractors Assn	6,250.00	
Do	Sears Roebuck & Co	6,250.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	889.50	302.28
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #860-N Washington, DC 20004	General Electric Co	1,850.00	
Eaton Lynn LaVigne, 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	5,000.00	
Barbara Leach, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn		
Laurie A. Leach, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		1,000.00	2,407.85
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	2,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Preston V. Lee Jr., 1120 Connecticut Ave., NW, Washington, DC 20036	American Bankers Assn.	5,700.00	
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	1,765.00
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco, Inc	1,400.00	
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	1,320.00	450.46
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	University of Pittsburgh	30,000.00	3,047.60
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	60.00
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	55.32
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	US Term Limits	200.00	
Do	Visiting Nurse Assn of America		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,665.00	126.32
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	15.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc	20,000.00	
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Monsanto Co	16,666.67	
Do	RJR Nabisco	15,000.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,017.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	488.97
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Jeff Levey, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Ad Hoc Group to Preserve the Deduction for Advertising)		
Do	Price Waterhouse (For:US Multinational Corp Tax Policy Coalition)		
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company	17,500.00	22,496.15
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines	4,800.00	49.96
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	188.49
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	1,963.37
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation		
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	5,000.00	300.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust	355.00	862.49
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,839.70	
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox Ebensburg Power, Inc		
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	1,306.82	29.00
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	260.00
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	120.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	7,500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brett E. Lief, 122 C Street, NW, Suite 750 Washington, DC 20001	National Asssn of Independent Colleges & Universities	10,584.00	20.00
Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007	American College of Surgeons		
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,270.62
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	3,874.33	
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,866.38	
Do	Iowa Department of Transportation		
Do	Michigan Dept of Transportation	15,648.60	
Do	State of Colorado, Dept of Highways	12,099.28	
Do	State of IL, Dept of Transportation		
Do	State of IL, Dept of Transportation, Div of Water Resources	31,641.34	
Do	Water Reclamation District of Greater Chicago	34,209.43	
Lionel Sawyer & Collins, 50 West Liberty Street, Suite 1100 Reno, NV 89501	Circus Circus		
Do	General Motors		
Do	Nevada Resort Assn		
Do	Sears Roebuck & Co		
Lipe Green Paschal Trump & Gourley, P.C., 15 East Fifth Street Suite 3700 Tulsa, OK 74103-4344	Thrifty Rent-A-Car System, Inc		
Linda A. Lipsen, 1666 Connecticut Ave., NW #310 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	200.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	671.65
Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608			2.45
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	100.00	
Do	Greater Washington/Maryland Service Station Assn	100.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	2,275.51
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	18,635.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	1,000.00	300.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	American Methanol Institute	10,000.00	91.09
Do	Biocraft Laboratories, Inc		
Do	Generic Pharmaceutical Industry Assn	8,720.00	86.76
Do	San Francisco Bay Guardian	2,000.00	
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems Inc.		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	8,666.42	299.48
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Timothy J. Lockhart, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Lockheed Information Management Services Company, Inc, 1350 Connecticut Avenue, NW, #700 Washington, DC 20036			
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		2,471.20
Thomas G. Loeffler, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central & South West Corp)	1,440.00	
Do	Arter & Hadden (For:Citicorp)	1,296.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Girling Health Care)		
Do	Arter & Hadden (For:Mesa Petroleum)	540.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	1,860.00	
Do	Arter & Hadden (For:United Services Automobile Assn)	1,200.00	
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	580.00	
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph	38,740.00	1,456.95
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Coca-Cola Co		
Do	Employee Stock Ownership Assn		
Do	General Health, Inc		
Do	Greater New York Hospital Assn		
Do	Metropolitan Life Insurance Co		
Do	MicroGeneSys, Inc	725.00	
Do	Occidental International, Inc		
Do	United Companies Financial Corp	750.00	802.54
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	2,000.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		5,016.71
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn		
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	7,709.00	2,459.75
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	150.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	1,000.00	
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	7,105.00	456.82
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	350.00
Joe O. Luby Jr., 1899 L Street, NW, Suite 1100 Washington, DC 20036	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	12,896.52	10.00
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	385.39
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	137.09
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Westland Development Corp	2,500.00	830.60
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	City of Miami	7,500.00	
Do	City of Miami Beach	18,333.36	
Do	City of Palm Springs	8,000.00	
Do	Houston Independent School District	1,600.00	
Do	Metropolian Dade County	16,048.09	
Do	School Board of Dade County, Florida	11,200.00	
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services	2,000.00	140.00
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,203.57
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	306.00	41.08
Do	Pennsylvania Power & Light Co	2,160.00	238.35
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
R. J. Lyerly, 5335 Wisconsin Ave. Nw Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Associations, Inc	15,000.00	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma Care (CATC)		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	28,240.00	500.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,182.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	415.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
Gordan D. MacKay, 501 Bcylston Street Boston, MA 02116	New England Mutual Life Insurance Co, ('The New England')	2,125.00	719.65
Robb S. MacKie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 WEst Washington, DC 20004	Interstate Natural Gas Assn of America	6,000.00	
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co	1,000.00	56.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	City of Newport Beach	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	24,999.00	
Do	MarkAir, Inc	18,000.00	
Do	Sarasota-Bradenton Airport	6,333.24	
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	737.16
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	Medco Containment Services, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sunquest Information Systems, Inc		
Do	Technology Applications and Service Co		
Do	Tenneco, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	9,975.00	277.97
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	11,893.26	53.87
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	9,207.69	105.02
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	18,888.75	13,294.99
Do	Inter-Mountain Forest Industries Assn	16,071.00	15,574.16
Do	Kaibab Forest Products Company	15,000.00	12,120.73
Do	Northern Arizona University Foundation		
R. Gary Magnuson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	9,375.00	202.70
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,000.00	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	158.94
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,090.00	
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Bankers Assn		
Do	American Chiropractic Assn	1,350.00	10.00
Do	Appraisal Institute	860.00	
Do	Atlantic Richfield, Co		
Do	Barr Laboratories		
Do	California Chiropractic Assn	1,666.25	
Do	California League of Savings Institutions		
Do	Chemical Bank	705.00	24.00
Do	City of Hope	893.75	6.00
Do	ConCorde Career Colleges, Inc	483.75	
Do	Dole Food Co, Inc	900.00	
Do	Microbiological Associates, Inc	600.00	
Do	Money Store	2,935.00	40.00
Do	NEC USA, Inc	967.50	4.50
Do	Royal Wine Corp	5,321.25	24.75
Do	Science Applications International Corp	2,475.00	
Do	Thomas Cook, et al.		
Do	Vitro, S.A.	1,977.50	
Do	Western Dental Services, Inc	967.50	20.61
Do	World Cup USA 1994, Inc	3,708.75	17.25
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	16,382.52	
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	21,953.00	127.03
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	853.00	1,119.00
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp	390.00	
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			22,500.00
Albert Manville, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	658.84	22.05
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 2550 M Street, NW, Suite 300 Washington, DC 20037	Smokeless Tobacco Council, Inc.	378.00	75.00
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			3,168.12
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			23,295.70
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co		
Do	Alaska Village Electric Cooperative		
Do	Anchorage Municipal Light & Power		
Do	City of Kake	2,500.00	
Do	INN Electric Cooperative		
Do	Kotzebue Electric Association	4,800.00	
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc		
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Marks & Murase, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc	1,555.50	4,623.57
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	2,400.00	58.00
Do	Captiva Erosion Prevention District		
Do	City of Venice, Florida	1,200.00	45.00
Do	Coalition to Keep Alaska Oil	9,935.00	243.00
Do	Coalition to Repeal the Wright Amendment	200.00	
Do	End Notch Discrimination		
Do	Independent Pilots Assn	3,325.00	168.00
Do	National Society of Fund Raising Executives	725.00	55.00
Do	Town of Longboat Key		
Marsh & Associates, P.C., 111 Washington Avenue Albany, NY 12210	Smokeless Tobacco Council, Inc	550.00	
Edward C. Marshall, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	350.00	
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	7,000.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
Howard R. Martin, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22203-4901	Nutritional Health Alliance		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	18,916.66	188.45
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	462.50	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,404.00	520.00
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	7,640.00	594.50
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	8,000.00	82.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc		
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	25.06
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	American Society of Composers, Authors & Publishers	90.00	5.00
Do	Atlantic Richfield Company	90.00	
Do	Government Employees Hospital Assn	3,975.00	126.88
Do	Procter & Gamble Manufacturing Co	37.50	
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	2,500.00	50.00
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	827.88	63.10
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute	12,750.00	3,333.87
Dawson Mathis, 1667 K Street, NW, Suite 310 Washington, DC 20006	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1667 K Street, NW, #310 Washington, DC 20006	Massachusetts Mutual Life Insurance Co	3,000.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,374.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,423.62	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,228.00	
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas	180.00	
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	2,699.92
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	2,000.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	15,645.00	211.50
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,300.00	40.17
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	28,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	13,500.00	535.00
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	3,049.54
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	833.94	224.55
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Automobile Manufacturers Assn	300.00	
Do	Arthur Andersen & Co, et al.	62.50	
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.	3,750.00	3,903.49
Do	Equitable Real Estate Investment Management, Inc	562.50	
Do	First Chicago Corp		
Do	FMC Corporation		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	L & B Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Morton International		
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Outboard Marine Corporation		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation	350.00	
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Do	Women's Legal Defense Fund	1,562.50	
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers	26,500.00	3,792.94
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,000.00	320.28
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
McAdam Group, Inc, 1156 15th Street, NW, #502 Washington, DC 20005	National Computer Systems	9,000.00	
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Rebecca Craford McAuliffe, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	3,500.00	
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Associacion de Hospitales de Puerto Rico	1,000.00	
Do	Association of Progressive Rental Organizations	3,000.00	
Do	Athena Global Management (former: Greenwich)		
Do	AT&T	22,500.00	180.71
Do	Buena Vista Golf & Country Club		
Do	Chabot Observatory & Science Center	1,600.00	
Do	City of Chattanooga	450.00	
Do	Cooper Hospital/University Medical Center		
Do	Council of American Overseas Research Centers	100.00	
Do	Creative Discovery Museum	600.00	
Do	Crystal Holdings Corp	2,000.00	
Do	Dean Witter Realty, Inc	3,000.00	
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Ft. Worth Transportation Authority	3,000.00	
Do	Gardner Carton & Douglas	10,321.50	40.00
Do	Golden Hill Paugussett Tribe	2,500.00	
Do	HealthInfusion, Inc	800.00	
Do	Imrig, Inc	1,000.00	
Do	Investment Management Services (former: Moore Capital)		
Do	ICI Chemical	1,000.00	
Do	Johnson Controls, Inc	2,000.00	
Do	Jones Intercable		
Do	Medi-Vu, Inc		
Do	MASSPORT/Commonwealth of Massachusetts		
Do	National Cable Television Assn	18,750.00	139.89
Do	National Medical Care	15,000.00	
Do	National Realty Committee	2,000.00	
Do	National Restaurant Assn		
Do	Nevada Power		
Do	Orlando-Orange County Expressway Authority	1,600.00	
Do	RAILTRAN		
Do	Seafarers International Union	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Soros Fund Management		
Do	Telecommunications Industry Assn	7,500.00	110.28
Do	Tucker Flyer & Lewis		
Do	Tudor Investment Corp		
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Do	Viacom International	1,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,675.04	133.00
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Nuclear Energy Council	3,000.00	305.14
Do	Carolina Power & Light Co	900.00	
Do	Consolidated Edison Co of New York, Inc		
Do	Edison Chouest Offshore	2,400.00	305.14
Do	General Atomics	2,800.00	205.41
Do	Integrated Resources Group	3,000.00	305.14
Do	ICF International		
Do	Louisiana Energy Services	1,200.00	
Do	National Assn for the Superconducting Super Collider	4,500.00	371.29
Do	Sealaska Corp	1,800.00	205.41
Do	Tulane University	2,250.00	335.44
Do	Westinghouse Electric Corp	3,260.00	305.14
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Society of Cataract & Refractive Surgery	7,689.44	171.26
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco, Inc	9,000.00	300.00
Do	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		
John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	160.00	
Venita McCellon-Allen, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	489.10	
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	1,473.00
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	9,885.36	371.26
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Amax, Inc	150.50	
Do	American Mining Congress	150.50	
Do	Asarco, Inc	150.50	
Do	Barrick Resources (USA, Inc)	150.50	
Do	Battle Mountain Gold Company	150.00	
Do	Brush Wellman, Inc	150.50	
Do	Coeur d'Alene Mines Corp	150.50	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	150.50	
Do	Cyprus Amax Minerals Co	150.50	
Do	Echo Bay Mines		
Do	Euro-Nevada Mining Corp, Inc	150.00	
Do	Franco-Nevada Mining Corp, Inc	150.00	
Do	FMC Gold	150.50	
Do	Hecla Mining Co	150.50	
Do	Homestake Mining	150.50	
Do	Idaho Power Company	500.00	
Do	Kennecott Corp	150.00	
Do	Magma Copper Company	150.00	
Do	Minorco, USA	150.50	
Do	National Endagered Species Act Reform Coalition		
Do	National Rifle Assn	400.00	
Do	Newmont Mining Corp	150.50	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	150.50	
Do	Phelps Dodge Corp	150.50	
Do	Placer Dome US, Inc	150.50	
Do	Santa Fe Pacific Gold Corp.	150.00	
Do	Stillwater Mining Company	150.00	
Do	World Cup USA 1994, Inc		
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company		
Do	Dart Container Corp	4,322.50	137.51
Do	Motion Picture Assn America, Inc		
Do	Paramount Communications, Inc		
Do	Perpetual Corp		
Do	Rank Video Services America		
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Ad Hoc Group to Preserve the Deduction for Advertising)		
Do	Price Waterhouse (For:Queen Emma Foundation)		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	950.00	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Carol A. McDaid, 1317 F Street, NW Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,452.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology & Services, Inc	12,250.00	45.32
Daniel J. McDermott, 1155 Connecticut Ave, NW, #500 Washington, DC 20036	Capital Holding Corp	2,250.00	
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Alaska Seafood Marketing Institute	1,800.00	44.00
Do	Allergan, Inc	200.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	American Vintners Assn	5,000.00	2,400.00
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	California Avocado Commission	7,650.00	
Do	California Canning Peach Assn	169.00	
Do	California Children's Hospital Assn	2,100.00	
Do	California Kiwifruit Commission	1,688.00	
Do	California Raisin Advisory Board	7,594.00	
Do	Caylor-Nickel Medical Center	500.00	
Do	Chiquita Brands, Inc		
Do	Crop Protection Coalition	9,338.00	
Do	Fargo Clinic	2,500.00	
Do	Fundesa		
Do	Good Sam Club	450.00	
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	11,363.00	
Do	National Potato Council	1,350.00	
Do	Outpatient Opthalmic Surgery Society		
Do	Public Employees Retirement Assn of Colorado		
Do	Tropicana		
Do	U.S. Mink Export Development Council		
Do	Welch Foods, Inc	338.00	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,812.00	
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn	1,000.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,080.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	14,750.00	300.00
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	2,500.00	208.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	12,382.50	112.50
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals	10,781.70	277.32
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	25,457.40	1,612.96

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	AT&T Federal Systems		
Do	NYMA, Inc	900.00	
Do	System Resources Corp		
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	400.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	562.50	
Do	McGuiness & Holch (For:Arch Mineral)	225.00	
Do	McGuiness & Holch (For:Barr Laboratories)		
Do	McGuiness & Holch (For:Consolidated Rail Corp)	675.00	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	1,237.50	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	3,442.50	
Do	McGuiness & Holch (For:PepsiCo, Inc)		
Do	McGuiness & Holch (For:RJR Nabisco)		
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	4,352.50	436.85
Do	Farm Labor Alliance		
Do	Workers Compensation Integrity Stability & Equity (WISE)	36,002.00	897.80
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Do	AlliedSignal, Inc		
Mary Lee McGuire, 2300 Clarendon Blvd., #l0l0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	398.17
Frank McKeever, 5409 South Laflin Street Chicago, IL 60609	New City Community Counsil		
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	DSE Industry Coalition	6,063.38	231.50
Do	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,443.18	355.12
F.J. McKeown, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	4,875.00	400.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	6,600.00	474.40
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,293.00	
McKittrick Jackson DeMarco & Peckenpaugh, 4 Park Plaza, 16th Floor Irvine, CA 92713	ABS Partnership		
Timothy P. McKone, 1667 K St., NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	7,237.98
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	1,500.00	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	687.50	
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	312.50	
Do	Rowan & Blewitt (For:Monsanto Company)	1,250.00	
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)	812.50	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)	1,187.50	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	125.00	
Do	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)	500.00	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)	437.50	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	2,125.00	
Do	Rowan & Blewitt, Inc (For:Wadley Research Institute)		
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	700.00	
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco EnergyCo	3,000.00	142.74
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	13,809.00	
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	14,337.00	398.00
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		5,455.46
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation		
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn	62.32	156.40
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	500.00	136.47
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott Babcock & Wilcox	4,000.00	4,199.76
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	20,000.00	
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	423.00
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06256	Aetna Life & Casualty Co	350.00	71.00
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality		
Do	Food Lion, Inc	1,750.00	
Do	Georgia-Pacific Corp		
Do	Harnischfeger Industries, Inc		
Do	International Assn for Financial Planning		
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co	637.50	
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter, Discover & Co	87.00	134.66
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	14,479.00	
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	7,320.00	19.00
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	12,500.00	334.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	18,232.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)		
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)		
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	183.50
Myron Meche, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	2,000.00	
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	35.00	
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	24,999.99	1,638.39
Do	Sierra Pacific Power Company		48.80
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Bogan Aerotech, Inc	10,000.00	
Do	Cessna Aircraft Company	450.00	
Do	Lockheed Aircraft Service Company	1,000.00	
Do	Syscon Corp		
Do	TCOM, L.P.		
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,697.45	
Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006	Sterling Winthrop, Inc	1,000.00	
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	660.00	
Do	Arter & Hadden (For:Citicorp)	165.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Girling Health Care)	165.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Arter & Hadden (For:International Hardwood Products Assn)	467.50	
Do	Arter & Hadden (For:Mesa Petroluem)	371.25	
Do	Arter & Hadden (For:National Assn of Broadcasters)	82.50	
Do	Arter & Hadden (For:Southwest Florida Enterprises, Inc)		
Do	Arter & Hadden (For:Tesoro Petroleum)	536.25	
Do	Arter & Hadden (For:U.S. Long Distance Corp)	838.75	
Do	Arter & Hadden (For:United Services Automobile Assn)	522.50	
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	792.94
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Amway Corp)		
Do	McClure Trotter & Mentz (For:Citibank)		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)	86.25	
Do	McClure Trotter & Mentz (For:Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,843.76	
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses Assn	9,740.10	227.35
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	15,000.00	223.16
Do	Merrill Lynch & Company, Inc		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	
Peter R. Merrill, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:US Multinational Corp Tax Policy Coalition)		
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			74,937.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	49.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	345.65
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	7,500.00	246.50
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	160.45
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	200.00	58.25
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,478.05	178.43
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1225 New York Ave.NW, #1200 Washington, DC 20005-3919	Davis Graham & Stubbs	769.84	
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	64.75
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,168.00	
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	120.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	335.24
Do	International Assn of Refrigerated Warehouses		
Do	National Peanut Growers Group	16,320.00	1,485.97
Do	Ricebelt Warehouse, Inc		122.97
Do	Texas A&M Research Foundation	22,920.00	1,293.58
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	2,316.00
Do	Centergas, Inc		
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	795.69
Do	Federal Land Bank Assn	22,800.00	1,320.33
Do	Hudson Tank Storage Co	4,500.00	60.38
Do	International Chiropractors Assn	9,999.00	60.38
Do	New Mexico State University, College of Agriculture	9,000.00	783.79
Do	New Mexico State University, College of Engineering	9,000.00	676.48
Do	Plato Industries		
Do	Technology Services Group, Inc	209.20	
Do	Wellman, Inc	9,000.00	435.52
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	88.46	
Mark A. Micali, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	650.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,500.00	
Frank G. Michelena, 1918 Kauai Place Costa Mesa, CA 92626	Landsdale Company		
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			596.23
Michigan International Trade Coalition, 1760 South Telegraph Road, Suite 207 Bloomfield Hills, MI 48302			35,569.54
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		2,343.75	44,528.61
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Roger E. Middleton, International Square 1825 Eye Street, NW, #400 Washington, DC 20006	Martinez & Sandoval		
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,045.94	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	41.66
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	1,844.26	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	2,002.80
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,125.00	100.00
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	500.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
Howard Miller, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp		
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	29,156.00	7,910.87
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	823.80
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	487.47	
Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	2,400.00	
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division		
Do	City of Jamestown	225.00	
Do	City of Laredo		
Do	City of St. Louis, Communications Division		
Do	Montgomery County Government, Cable Television Office		
Do	PRO-NAFTA		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company	1,000.00	826.00
Do	Alaska Air Group, Inc	1,500.00	1,235.00
Do	Boeing Company	3,000.00	2,460.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 93	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers ofAmerica	1,500.00	1,230.00
Do	Troutlodge, Inc		
Amy J. Millman, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	2,000.00	68.00
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	84.00
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Cable Television Assn, Inc	7,500.00	196.08
Do	Newspaper Assn of America	15,000.00	63.34

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sprint	5,000.00	127.10
Anthony F. Mitchell, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn		
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	13,602.06	500.00
Do	Worldspace, Inc	2,815.47	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp	245.00	11,783.00
Do	Metropolitan Life Insurance Co	3,317.15	336.25
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,437.00	234.30
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	635.00	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	16,000.00	225.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,150.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn		
Do			
Do	National Assn of Broadcasters		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	186.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	50.00
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	144.00	
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005-Mon	Axciom Corp	245.00	8,201.50
Do	Metropolitan Life Insurance Co	1,757.15	1,776.25
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,125.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	2,300.00	200.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,000.00	100.00
Do	Underground Injection Practices Council	500.00	55.00
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,820.00	125.80
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT-Association for the Manufacturing Technology	1,425.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	600.00	18.00
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Agusta Group)		
Do	Capitoline International Group, Inc (For:Allied Signal Corp)	2,500.00	
Do	Capitoline International Group, Ltd (For:Equifax Corp)	1,375.00	
Do	Capitoline International Group, Ltd (For:EH Industries, Inc)	550.00	
Do	Capitoline International Group, Ltd (For:Lockheed Corporation)	5,500.00	
Do	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).		
Do	Capitoline International Group, Ltd (For:National Association of Broadcasters)	1,100.00	
Do	Capitoline International Group, Ltd (For:Republic of Azerbaijan)		
Do	Capitoline International Group, Ltd (For:U.S. Cane Sugar Refiners Assn of America).		
Laura Moorhead, 1120 20th Street, NW, Suite 1000 Washington, DC 20036	NCR Corp		
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,060.48
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,000.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	17,201.76	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	985.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Chemical Manufacturers Assn		
Do	City of San Antonio		
Do	Coalition for an Undercharge Relief Bill	11,180.00	35.00
Do	Coalition of Supporters of the Shipping Act		
Do	National Fuel Gas Distribution Co		
Do	United Distribution Companies		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	4,414.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	12.70
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	21,363.42	108.00
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	90.00	
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	634.62	3,551.15
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Mark E. Morrison, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corp	2,000.00	748.58
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco	73.75	
Do	City of Los Angeles, Dept of Airports	3,023.75	17.75
Do	Consolidated Freightways	810.00	
Do	Mastercard International, Inc, et al.	32,081.25	153.00
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp	187.50	
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			350.00
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp of America		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	759.09	654.21
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Bankers Roundtable	540.00	
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation		
Do	Dean Witter Discover & Co		
Do	National Assn for the Superconducting Super Collider		
Do	NationsBank, Inc		
Do	Southwestern Bell Corp	450.00	
Do	Trans Union Corp		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			4,750.00
William S. Mott, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	102.40	
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group		
Mt. Carmel Health, 793 West State Street Columbus, OH 43222			1,649.80
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN		
Do	Delaware & Hudson Railroad	2,500.00	
Do	Douglas County Hospital		
Do	Florida East Coast Railway Co	1,000.00	
Do	Lake Region Hospital Corp		
Do	North American Equipment Dealers Assn	2,500.00	
Do	Soo Line Corporation	10,000.00	
Do	Trade Assn Healthcare Coalition	1,875.00	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	43.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)	6,000.00	2,798.00
Do	Laidlaw Environmental Services	22,500.00	3,125.91
Do	Saluda River Cooperatives, Inc	30,000.00	2,100.00
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	2,614.76
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc	1,375.00	
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	2,500.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James P. Murphy, Fleet Financial Group 56 East 42nd St. #345 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	1,800.00
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	648.34
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Robert D. Murphy, 509 E. Custis Avenue Alexandria, VA 22301	Monaghan Farms, Inc	5,000.00	
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc	11,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	252.30
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,146.00	152.00
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	2,000.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	1,750.00	16.50
Do	American Assn of Public Health Dentistry		
Do	Atochem, N.A.	700.00	44.00
Do	Cleveland Cliffs Iron Co		
Do	Coalition for Oral Health	2,050.00	22.00
Do	Connecticut Mutual Life Insurance Co	400.00	25.00
Do	Delaware River Port Authority	1,450.00	16.50
Do	Dynatech Corporation	350.00	44.00
Do	Independence Blue Cross		
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets		
Do	International Assn of Environmental Testing Laboratories		
Do	Iron Ore Assn	200.00	10.00
Do	LTV Corporation	400.00	33.00
Do	National Council of Coal Lessors	200.00	10.00
Do	New England Life Insurance Co	400.00	25.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	200.00	25.00
Do	Penn Mutual Life Insurance Co	800.00	25.00
Do	PepsiCo	900.00	55.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc	100.00	5.00
Do	Qualimetrics, Inc	600.00	16.50
Do	Shubert Organization, Inc	1,200.00	55.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	150.00	11.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp	1,950.00	55.00
Do	Temple University	1,700.00	55.00
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc		
Mutual Life Insurance Co Tax Committee, 213 Washington Street Newark, NJ 07102-2992			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	580.16
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	244.00	211.40
William G. Myers, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	13.20
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	1,450.00
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	605.70	
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		29,487.21	4,129.97
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		154,000.00	17,477.18
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,077.03	12,579.85
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			7,800.00
National Assn of Beverage Importers, Inc, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		179,793.24	179,793.24
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			27,549.00
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			27.75
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		896,913.00	78,538.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		1,94,222.55	1,94,222.55
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		265.00	450.86
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		28,500.00	28,919.16
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		9,075.00	14,965.25
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,260.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598		58,036.00	23,554.29
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		66,246.74	66,246.74
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		34,269.01	37,526.04
National Comm of Cities & States for Air Service, Transportation Bldg., Room 417 St. Paul, MN 55156		632.20	9,450.00
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		1,777,790.00	1,777,790.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	16,927.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		36,044.24	36,044.24
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		34,902.07	27,940.60
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006			953.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		9,035.18	7,914.23
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		8,959.31	8,959.31
National Employee Benefits Institute, 2445 M St., NW, #410 Washington, DC 20037			150.00
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214			47,466.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		8,250.00	15,050.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			3,807.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		22,000.00	22,000.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,698.64
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		27,037.40	35,853.01
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		75,000.00	11,044.25
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			1,078.74
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			22,321.25
National Newspaper Assn, 1525 Wilson Blvd. #550 Arlington, VA 22209		6,300.00	6,300.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1420 New York Ave., NW, Suite 1100 Washington, DC 20005		14,513.00	14,513.00
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			45,478.50
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,784.75	8,784.75
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,800.25
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			2,702.35
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			9,600.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group	15,000.00	946.00
Do	Columbia Communications Corp	6,750.00	535.89
Do	DWG Corporation (Trian Group, L.P.)	921.56	3.21
Do	Ferrell Gas		21.89
Do	Instinet	621.87	23.18
Do	Propane Gas Marketers Coalition	30,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Reuters North America, Inc	5,625.00	84.59
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,122.38
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152		22,537.50	5,000.50
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			89,732.48
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,175.00	50.00
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	28.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		61,451.00	90,127.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Embassy of the Republic of Korea	37,500.00	3,061.42
Do	General Electric Industrial and Power Systems		1,043.23
Do	Government of Jamaica	55,000.00	20,195.70
Do	Government of Trinidad and Tobago		6,322.00
Do	Islamic Republic of Pakistan	180,000.00	4,218.11
Do	Joint Diseases North General Hospital		
Do	Kingdom of Morocco		15,348.46
Do	Marks & Murase		21.64
Do	Queens Borough Public Library	24,000.00	1,160.66
Do	Republic of Cote d'Ivoire		
Do	Republic of Guinea		44.61
Do	Republic of Kenya		1,487.90
Do	Republic of Tunisia		23.63
Do	Saipan Garment Manufacturers Assn		
Do	Schomburg Center for Research In Black Culture		
Do	State of Bahrain		688.29
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus	2,000.00	75.00
Do	Institute of International Bankers	3,000.00	25.00
Do	Investment Company Institute	1,500.00	
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	47.00
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		50,491.00	52,348.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	2,006.28	6,279.54
New York for NAFTA, 70 Pine Street, 36th Floor New York, NY 10270		4,500.00	
New York Capitol Consultants, Inc, 120 Washington Avenue Albany, NY 12210	Sidney Frank Importing Co, Inc	24,000.00	1,292.15
New York State Assn of Fire Chiefs, 1670 Columbia Turnpike Castleton, NY 12033			2,933.00
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		4,000.00	1,890.00
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	558.81
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program		
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	14,629.00	
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	5,138.57	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,250.00	
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	4,000.00	88.39
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	1,950.00	
Jennifer S. Nitchman, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	105.00	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	312.00	53.87
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	12,702.38	411.90
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			69,607.34
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	625.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	62.50	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	500.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Insurance Assn	300.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	National Assn of Chain Drug Stores	450.00	
Do	National Assn of Insurance Brokers	300.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	300.00	
Do	Washington National Corp	450.00	
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,385.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			2,510.29
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Assn of American Railroads	8,749.98	458.42
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		4,748.75
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	4,000.00	1,418.87
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	209.59
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	6,000.00	
J. Michael Nussman, 1299 Pennsylvania Ave NW Suite 875 East Washington, DC 20004	American Fishing Tackle Manufacturers Assn	20,000.00	1,500.00
Nutritional Health Alliance, P.O. Box 267 Farmington, NY 11735		212,463.00	286,835.00
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,316.66	327.11
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual		
Do	Harris Corp		
Do	Kellogg Company		
Do	Mutual Life Insurance Co of New York		
Do	Natural Disaster Coalition		
Do	Underwriters at Lloyd's of London		
Do	Zeneca, Inc	3,000.00	
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	Savings & Community Bankers of America		
Do	Transportation Brokers Conference of America		
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc		
Do	Primerica Financial Services		
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation		
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Kelley E. O'Connor, 666 Pennsylvania Ave, SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Do	Albers & Company (For:Profit Recovery Group)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).	800.00	462.59
Do	Kent & O'Connor, Inc (For:American Supply Association)	375.00	231.21
Do	American Warehousemen's Association	2,400.00	1,503.56
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)		
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan Inc.	7,142.04	
Do	Alliance of Marine Parks and Aquariums	842.90	
Do	American Clinical Laboratory Assn	3,700.00	
Do	American Family Life Assurance Co	4,864.00	
Do	AFL-CIO Maritime Committee	71,760.00	
Do	Bobby Berosini, Ltd		
Do	Center for Marine Conservation, Inc		
Do	Coalition for Tax Equity		
Do	Coca-Cola Company	510.00	
Do	Colt's Manufacturing Company, Inc		
Do	Concerned Domestic Flower Growers and Handlers		
Do	CNA Insurance Co	13,265.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Eastern Michigan University	384.00	
Do	Ecomarine USA		
Do	Fishing Assn of Mexico		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	1,000.00	
Do	Government of the Philippines	30,000.00	
Do	Government of Israel		
Do	Government of Netherlands Antilles	6,614.99	
Do	Government of Peru	30,000.00	
Do	Health Images, Inc		
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc		
Do	Little Six, Inc	53,553.72	
Do	Martin Marietta Corp	3,325.00	
Do	Mercedes-Benz of North America, Inc	1,100.00	
Do	Mirage		
Do	Mullendore & Watt		
Do	National Assn of Optometrists and Opticians, Inc	1,000.00	
Do	National Assn of Portable X-Ray Providers	400.00	
Do	Northern States Power Company		
Do	Ontario Flue-Cured Tobacco Growers Marketing Board	20,000.00	
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc	28.00	
Do	Soka University Los Angeles	7,282.32	
Do	Solid Waste Agency of Northern Cook County	4,202.26	
Do	State of Alaska		
Do	Student Loan Funding Corp	598.20	
Do	Support Systems International, Inc	4,600.00	
Do	Wards Cove Packing Company		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	39,999.00	
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John O'Donnell, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	3,500.00	441.50
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,136.85	221.25
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Klukwan, Inc	30,000.00	
Do	Mutual of America	27,287.50	1,298.52
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	17.50
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Patrick G. O'Malley, 1600 Rhode Island Ave, NW Washington, DC 20036	National Rifle Assn of America		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Goldman Sachs & Co	29,110.00	1,421.26
Do	Transamerica HomeFirst	13,012.50	320.81
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,875.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	850.00	
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn		
Do	Beth Israel Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	General Mills, Inc		
Do	Glass Packaging Institute		
Do	JM Family Enterprises, Inc		
Do	Massachusetts General Hospital		
Do	New England Deaconess Hospital		
Do	Northwestern Memorial Hospital		
Do	Texas Utilities Co		
Do	USX Corporation		
Do	Viacom International, Inc	9,700.00	
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	15,080.00	4,895.20
John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036	PNC Mortgage Corp of America	2,000.00	24.97
Do	Securities Industry Assn	708.33	6.45
Do	The Limited, Inc	1,931.66	54.65
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc	173.16	91.58
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Greater New York Hospital Assn	20,001.00	175.00
Do	Strategic Management Associates, Inc (For:Healthcom International)		
Do	Strategic Management Associates, Inc (For:Lenox Hill Hospital)		
Do	Strategic Management Associates, Inc (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)	7,500.00	200.00
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)		
Do	Strategic Management Associates, Inc (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	5,025.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	767.21
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	5,922.40
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	5,999.99	
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
Mario Obledo, 1100 15th Street, NW, Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn		3,150.00
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	1,398.81	334.04
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Sharon E. Ogawa, 1227 25th Street, NW, Suite 610 Washington, DC 20037	American Managed Care & Review Assn		20.00
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	286.36
Ohio Forestry Resource, P.O. Box 696 Mt. Vernon, OH 43050			
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	800.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,750.00	143.54
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	5,000.10	119.87
Do	Alleghany Health Education & Research Foundation		
Do	Alliance for Managed Competition	9,250.00	951.29
Do	American Airlines, Inc		
Do	American International Group	7,500.00	215.75
Do	Anheuser Busch	3,750.00	14.51
Do	Ashland Oil, Inc	1,875.00	
Do	Association of American Railroads	12,500.00	490.32
Do	Avis, Inc		
Do	Baxter Healthcare Corp		
Do	Burlington Resources, Inc	750.00	
Do	Commonwealth Edison	1,875.00	
Do	Federal Express	4,500.00	202.13
Do	Ford Motor Co	750.00	3.75
Do	General Electric Co	3,000.00	
Do	Hewlett-Packard Co	775.00	9.17
Do	Investment Company Institute	7,500.00	379.46
Do	MCI Communications Corp	1,125.00	
Do	National Cable Television Assn	12,500.00	71.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pfizer, Inc	4,500.00	291.61
Do	Phillip Morris, Inc	7,125.00	65.76
Do	Proctor & Gamble co		
Do	Republic National Bank		
Do	RJR Nabisco, Inc	3,000.00	37.65
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America	1,372.92	
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	1,675.92	311.25
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	4,667.00	936.40
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	280.00	
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American-Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	ConAgra, Inc	1,000.00	
Do	Duramed Pharmaceuticals, Inc		
Do	Gentrac, Inc		
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	400.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	1,500.00	
Do	National Frozen Pizza Instutute		
Do	PennField Oil Co	4,320.00	
Do	Pillsbury Company	1,600.00	
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	2,400.00	
Do	Southern Star Shipping Company, Inc		
Do	U.S. Surgical Corporation		
Do	Vicam		
Do	Western States Meat Assn		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Oregon NAFTA Coalition, One World Trade Center 121 SW Salmon, Suite 1100 Portland, OR 97204		689.13	689.13
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,275.00	4,275.00
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		6,829.96	803.48
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For:Inter-American University of Puerto Rico)		
Do	Jefferson Group (For:Muncipality of San Juan, PR)		
Do	Jefferson Group (For:Municipality of Carolina, PR)		
Do	Jefferson Group, Inc (For:Municipality of Trujillo Alto)		
Do	Jefferson Group, Inc (For:Municipality of Vega Baja)		
Do	Jefferson Group, Inc (For:Puerto Rico College of Medical Technologists)		
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	127.30	
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	370.14
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	American Express Co	7,500.00	183.89
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	3,750.00	351.00
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	419.27
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	179.75
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	1,367.64
Sally LaHue Owen, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	3,412.00	134.81
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Margaret Owens, 750 First Street, NE, Suite 700 Washington, DC 20002-4241	National Assn of Social Workers	6,475.00	
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	19,573.05	447.03
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	83,400.00	26,350.84
Do	Washington State University	1,500.00	23.68
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		72,959.00	16,014.71
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	93.73
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	92.16
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc		
Denise A. Painter, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP, Inc	2,000.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	1,245.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	12,212.50	246.10
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	512.50	3.75
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospitalization Assn)	950.00	16.50
Do	New Jersey Turnpike Authority	400.00	
Do	Proctor & Gamble Mfg Co	4,912.50	153.50
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	550.00	
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	33,750.00	30,968.17
Do	Atlantic Richfield Co	36,000.00	5,718.54
Do	Government Employees Hospital Assn	27,000.00	17,795.73
Do	New Jersey Turnpike Authority	3,998.75	6,516.94
Do	Proctor & Gamble Mfg Co	52,500.00	15,120.41
Do	Southern California Rapid Transit District	33,488.93	6,543.62
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,982.00	
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	1,500.00	45.00
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Leslie Parks, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	6,749.99	549.90
James Parmelee, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	1,550.00	137.45
Leslie A. Parmelee, 12 Cynthia Court Ravena, NY 12143	American Train Dispatchers Department/Bro of Locomotive..)	868.50	
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	11,142.69	1,623.15
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,224.67	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	1,589.36
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	700.00	
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		1,343.53
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		110.99
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra		
Do	City of Alhambra (Long Beach 710 Freeway)		
Do	City of Bell & Bell Community Redevelopment Agency	9,594.00	
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Dow Chemical Co		
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	12,047.90	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination	305.00	10.00
Do	Air Products & Chemicals, Inc	1,260.00	
Do	Amenco		
Do	American Bankers Assn		
Do	American College of Gastroenterologists	500.00	
Do	Armco, Inc	1,260.00	
Do	Association for Manufacturing Technology (AMT)	1,440.00	
Do	Association of Trial Lawyers of America	527.50	30.00
Do	Blair Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Blue Cross of California	1,000.00	
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	BIC Corporation		
Do	Center for Creative Non-Violence		
Do	Center for Molecular Medicine & Immunology	170.00	10.00
Do	Center for Strategic Tax Reform (CSTR)	4,680.00	100.00
Do	Cherokee Nation of Oklahoma	2,860.00	290.00
Do	Chicago Board Options Exchange	418.75	20.00
Do	Christopher Columbus Center Development, Inc	1,000.00	
Do	Chrysler Corporation		
Do	City of Baltimore		
Do	City of Cincinnati	215.00	10.00
Do	Climate Council		
Do	Clorox Company	5,490.06	77.75
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Council on Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California		
Do	Denver Colorado Planning Department		
Do	Dole Food Co		
Do	Duty Free Shoppers Group, Ltd		
Do	DuPont-Merck		
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Federation of American Health		
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc		
Do	Freedom to Advertise Coalition	1,280.00	10.00
Do	FAG Kugelfischer Georg Schager KGaA	226.25	
Do	Genstar Container Corp		
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation	500.00	
Do	Greensboro-Jamestown Neighborhood Assn		
Do	GE Capitol Services		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc	796.25	10.00
Do	Irvin Industries	225.00	
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	1,320.00	130.00
Do	Johanna-Dairies, Inc		
Do	Kaiser Aluminum & Chemical Corp	3,950.00	
Do	Landauer, Inc		
Do	Liggett Group, Inc		
Do	Loop, Inc	510.00	
Do	Loyola University		
Do	Major League Baseball Players Assn	547.50	30.00
Do	Manhole Adjusting, Inc		
Do	Manor Care	113.75	
Do	Marathon Oil Co		
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Mars, Inc	4,543.75	81.00
Do	Mashantucket Peqush Tribe	1,980.00	230.00
Do	Mass Mutual		
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp		
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	972.50	10.00
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters	1,000.00	
Do	National Assn of Life Underwriters	655.00	58.00
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	2,511.25	
Do	National Cable Television Assn, Inc		
Do	National Propane Gas Assn	3,000.00	
Do	National Retail Federation (RITAC)	1,725.00	82.00
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	580.00	20.00
Do	New York Life Insurance Company	400.00	26.00
Do	Newspaper Assn of America	467.50	27.00
Do	Northwestern Mutual Life Insurance Co		
Do	NCNB Texas National Bank		
Do	OSG Bulk Ships, Inc	100.00	5.00
Do	Pacific Lumber Co	6,380.00	15.00
Do	Pepsico, Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	1,000.00	
Do	Reinsurance Assn of America	230.00	20.50
Do	Reliance Group Holdings, Inc		
Do	Republic of Guatemala		
Do	Republic of Uganda		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Charles E. Smith Companies		
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	7,363.75	130.00
Do	Sprat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman		
Do	Susan G. Komen Foundation		
Do	Thomson US, Inc		
Do	Trans Ocean, Ltd		
Do	Travelers	1,198.75	10.00
Do	Triton Container		
Do	TANO Marine Systems		
Do	U.S. Surgical Corp		
Do	U.S. Tobacco Company		
Do	University of Arizona Foundation	6,000.00	
Do	USAir, Inc		
Do	USX Corporation	1,260.00	
Do	Villa Julie College	5,000.00	
Do	Wayne County Michigan	1,327.50	11.00
Do	Westinghouse Electric Corp		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	2,500.00	80.13
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	4,146.25	47.60
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Trucking Assns, Inc	1,995.00	56.58

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	7,552.50	117.46
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	1,282.50	
Do	Novo-Nordisk Pharmaceuticals, Inc	1,218.75	65.43
Do	Siskiyou Co Board of Supervisors & Office of Education		
Do	Student Loan Marketing Assn		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Americable International, Inc		5,962.78
Do	Spacelabs Medical, Inc	4,173.00	
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	
Do	Victims of Insurance Company Errors (Voice)		
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	1,156.11
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,980.00	244.25
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	National Leased Housing Assn	2,000.00	
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	7,869.25	2,266.83
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			12,490.91
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Physicians Who Care	1,500.00	
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	5,000.00	
Edward L. Pecotte, 2700 First Avenue Seattle, WA 98121	IBEW Local 46		
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Edward F. Pembleton, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,166.00	266.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			347.08
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			2,398.35
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	648.33
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			4,533.06
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc	250.00	
Do	General Electric Co		
Do	James River II, Inc		
Do	Puget Sound Power & Light Company		
Do	Space Labs, Inc	300.00	
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	7,500.00	237.10
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	231.48	30.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	1,562.50	43.11
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	8,803.11	3,294.21
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		
John W. Pestle, 333 Ridge Street NW Grand Rapids, MI 49504	Michigan Municipal Cooperative Group	12,628.61	4,400.00
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	1,000.00	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses Assn	6,124.60	
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	6,773.50	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph P. Petito, 1800 M Street, NW, #400 Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,000.00	20.00
Thomas J. Petrizzo, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	700.00	
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	53,406.60
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	40.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,887.00
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Steven J. Pfister, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	National Retail Federation	3,000.00	54.00
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	354.92
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		34,912.00	34,912.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,550.40	448.73
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	316.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	3,520.00	6,442.38
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	31,000.42	1,704.97
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	7,548.52	1,741.82
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	1,800.00	3,022.03
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	150.09
Lisa Phillips, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	3,820.00	
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,500.00	39.25
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,933.00	
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	372.49
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co		
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	3,000.00	
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Jeremy Edes Pierotti, 1401 New York Ave., NW,Suite 1100 Washington, DC 20005	National Cooperative Business Assn	3,750.00	62.52
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	1,000.00	
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn		
Do	Villa Banfi, U.S.A		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,481.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute		
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc		
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska		
Do	Ketchikan Indian Corp	677.72	
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Odawa Indians		
Do	Michigan Inter-Tribal Council	464.70	
Do	Mille Lacs Band of Chippewa Indians	756.30	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Organized Village of Kake	159.30	
Do	Prairie Band of Potawatomi Indians	214.90	
Do	Red Lake Band of Chippewa Indians	759.50	
Do	Saginaw Chippewa Indian Tribe	8,065.20	
Do	Sitka Tribe of Alaska	115.26	
Do	Yakutat Native Assn	13.28	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		9,333.77	9,333.77
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,240.00	113.93
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Citicorp)	800.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Mesa Petroleum)	400.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	640.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	320.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Margaret B. Podlich, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	66.84
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Thomas C. Polgar, 1875 Eye Street, NW, Suite 1225 Washington, DC 20006	Paramount Communications, Inc	3,750.00	31.93
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	887.88	882.79
Alfred M. Pollard, 900 19th Street, NW Washington, DC 20006	Savings & Commmunity Bankers of America	15,038.46	119.50
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		6,129.41
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	1,303.00	
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	146.50
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Porter Wright Morris & Arthur, 1233 20th Street, NW Suite 400 Washington, DC 20036	Analit USA, Inc	500.02	76.08
Do	Automanufacturas, SA de C.V.		
Do	DSA America, Inc	1,855.00	35.87
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	432.72
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,792.45	178.89
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,266.22
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Government of Rheinland-Pfalz	31,275.00	1,642.84
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	80.00
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	1,800.00	
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines	1,945.00	
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co	772.50	
Do	Business Software Alliance		
Do	Calista Corp		
Do	Computer Systems Policy Project	675.00	
Do	Delta Queen Steamboat Company	978.00	
Do	Dynasty Cruise Line, Inc		
Do	Empire Cruise Line Ltd.		
Do	ENVIROTIRE, Inc		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America		
Do	Kyokuyo Co, Ltd	28.75	
Do	Marine Resources Company International		
Do	Maruha Corporation	28.75	
Do	Microsoft Corp	30,588.00	
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp	28.75	
Do	Nissui Shipping Corp	28.75	
Do	OMI Corp	470.00	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle	49.00	
Do	Printing Industries of America		
Do	Rhone Poulenc, Inc		
Do	Rokuchu Marine Corp		
Do	Royal Seafoods, Inc		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	Westinghouse Electric Company		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	General Electric Co		
Do	Investment Company Institute		
Patricia Pride, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	571.99	
Joan Priestley, 601 Pennsylvania Ave., NW North Tower, #1407 Washington, DC 20002	Citizens for Health		1,850.00
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	1,500.00	
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	460.65
Sydney Probst, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	648.33
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	500.00	
Public Affairs Counsel, Inc, 867 Liberty Street, NE Salem, OR 97301	Peter E. Overton		
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		66,308.33	71,408.33
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		87,426.73	27,607.44
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			174.00
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Hillwood Development Corp	4,800.00	118.32
Do	Southwest Airlines Co	4,800.00	71.60
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Forest & Paper Assn	25,000.00	
Do	American Trucking Assns, Inc	10,000.00	
Do	Anheuser-Busch Co, Inc	20,000.00	
Do	Beneficial Management Corp	20,000.00	
Do	Blue Cross Blue Shield Assn	24,000.00	
Do	Boston Capital Partners, Inc	2,000.00	
Do	G-Tech Corporation	18,000.00	
Do	Mexican Department of Commerce & Finance	200,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Chain Drug Stores	24,999.00	
Do	Southwest Airlines	6,000.00	
Charles R. Pucie Jr., 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Republic of Azerbaijan)		
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	American Electronics Assn		
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	8,000.00	376.62
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	4,894.00	1,558.00
Do	Florida Progress Corp	1,088.00	342.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Susan Putnam, 1301 K Street, NW Washington, DC 20005	IBM	525.60	98.00
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	
Do	Stratcor	3,000.00	
Do	Welch Foods, Inc	3,750.00	
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	5,229.06
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22311			12,000.00
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610			47,118.84
Joel R. Quine, 2401 Pennsylvania Ave., NW, Suite 350 Washington, DC 20037-1718	Assn of Reproductive Health Professionals		
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	2,000.00	
Patrick H. Quinn, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn	2,095.00	142.63
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	3,181.86
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	488.75	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	1,250.00	
Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd	3,000.00	
Do	Rafael Armament Development Authority	25,000.00	28.00
Do	TAAS, Israeli Industries LTD (IMI)	4,337.00	1,200.00
Do	Urdan Industries LTD		
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	American Society of Hematology	500.00	132.50
Do	Association of American Cancer Institutes	2,000.00	346.00
Do	Contrade Agri USA		
Do	Friends of the NIDCD	600.00	124.60
Do	P/C Advisors, Inc		
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)	450.00	
Do	Graham & James (For:Attorneys' Title Guaranty Fund, Inc)		
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:Federal Judges Association)	665.00	
Do	Graham & James (For:Federal Magistrate Judges' Assn)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,625.00	
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	1,000.00	
Diana Ramsay, 5922 Empire Way N. Bethesda, MD 20852-2861	American Occupational Therapy Assn, Inc		
Kristen M. Rand, 1666 Connecticut Ave. NW Suite 310 Washington, DC 20009	Consumers Union	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn		
Do	National Independent Dairy-Foods Assn		
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	2,065.00	200.00
Charles R. Ranson, P.O. Box 10054 Tallahassee, FL 32302	USA NAFTA	10,000.00	4,061.10
Murray Rapp, 2001 S Street, NW, Suite 530 Washington, DC 20009	Community Nutrition Institute	4,200.00	84.25
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	4,320.82
Magda A. Ratajski, Norfolk Southern Corporation Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	600.75	
Do	Bayley Seton Hospital	19,519.68	
Do	Cumberland Packing Company	10,583.85	
Do	Lutheran Medical Center	9,159.59	
Do	Pegasus Foods, Inc	3,589.42	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	500.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	300.00	
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	119.50
Clark E. Rector Jr., 1101 Vermont Ave., NW, Suite 500 Washington, DC 20005	American Advertising Federation		
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	2,073.48	122.87
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	749.87	7.00
Eric Redman, Heller Ehrman White & McAuliffe 6100 Columbia Center 701 Fifth Avenue Seattle, WA 98104-7098	Chugach Electric Assn, Inc		
Gregory Redmond, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co	400.00	
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	912.49	15.00
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	50.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	High Speed Rail Assn	3,069.50	108.51
Do	Mid-America Transplant Association	2,700.00	20.00
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Reese Communications Companies, Inc, 3050 K St., NW, Suite 200 Washington, DC 20007	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	181.25
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,500.00	
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	556.14
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		2,448.00	860.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		16,868.10	15,251.65
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	3,500.00	399.50
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation	15,366.84	113.29
Do	Embassy of the Republic of Uganda		2,391.78
Do	Republic of Guyana	67,500.00	4,844.67
Do	Republic of Nicaragua	18,350.99	2,091.82
Do	Saharawi Arab Democratic Republic		0.12
Do	Supreme Court of Justice of the Republic of Guatemala	51,194.02	342.31
Do	United Coconut Assn of the Philippines		
Do	United Front for Multiparty Democracy (Malawi)		50.84
Do	United Republic of Tanzania		1,211.08
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	ABB Drives, Inc	72,434.25	2,234.54
Do	Central & Southwest Corp		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	18,409.00	945.60
Do	Edison Electric Institute		
Do	Henschel, Inc	8,075.00	185.82
Do	Kabi Pharmacia, Inc	1,465.00	62.44
Do	Minnesota Power	2,250.00	
Do	MDU Resources Group, Inc	6,405.50	
Do	Nishika Corp	1,709.50	97.71
Do	Parsons Brinckerhoff Quade & Douglas, Inc	8,200.50	236.46
Do	Pride Refining, Inc		
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	SPD Technologies	6,782.50	483.66
Do	Tucson Electric & Power Co	5,795.00	55.75
Do	United Illuminating Company	3,025.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equipment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	671.65
William K. Reilly, 1250 24th Street, NW, 6th Floor Washington, DC 20037-1175	National Wildlife Action, et al.	150,000.00	11,397.55
Reinhart Boerner Van Deuren Norris & Rieselbach, 2445 M Street, NW, Suite 410 Washington, DC 20037	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	3,191.88
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)	1,417.00	
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	US Committee for UNICEF	10,000.00	7,000.00
Julia Renjilian, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders and Contractors	2,500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	811.52
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,329.00	
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Steve Repp, 8536 Cordway Sacramento, CA 95828			
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	Pepsico, Inc		3,056.58
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	75.00	119.32
Resource Management Consultants, Inc, 1212 New York Ave.,NW, Suite 345 Washington, DC 20005		18,500.00	584.45
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		124,238.62	46,066.16
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	25,897.61	452.50
Allan R. Rexinger, 717 A Street, SE Washington, DC 20003	Nonprescription Drug Manufacturers Assn		
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		1,403.00
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company	1,408.00	3,129.13
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	171.00
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,867.00	56.00
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,458.94	104.09
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	General Dynamics	1,000.00	
Do	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,750.00	
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	625.00	4,295.29
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,770.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,419.00	11.70
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	33,719.00	2,875.00
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		
Robert G. Rickles, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	420.00	1,749.12
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Blair A. Rieth Jr., 1101 Pennsylvania Ave. , NW Suite 540 Washington, DC 20004	Eli Lilly & Co	2,000.00	
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	4,500.00	44.00
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	68.00
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	950.57	
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	975.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227			350.00
Irene Ringwood, Bogle & Gates 601 13th Street, NW, #370S Washington, DC 20005	Direct Service Industries, Inc	3,000.00	
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036			
Mary Jo Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	288.50	385.04
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Alexander Hamilton Life Insurance Co		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,313.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	729.49	1,061.45
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	473.11
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,183.00	4,348.00
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn		
Do	Fragrance Materials Assn		
Do	International Assn of Color Manufacturers		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,805.20
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	141.26
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	11,791.00	604.89
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Crystal Cruises, Inc		
Do	International Group of P&I Clubs		
Do	National Assn of Wheat Growers	3,990.00	7,609.87
Do	Polaris Industries, L.P.		
Do			
Do	U.S. Wheat Gluten Assn		
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	2,219.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	1,160.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey and Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:National Industrial Transportation League)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	3,000.00	
Do	Commission on Self-Determination	500.00	
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	10,000.00	
Do	Mesa Limited Partnership		
Do	National Venture Capital Association		
Do	New York Mercantile Exchange (NYMEX)		
Do	Sun Diamond Growers of California	1,500.00	
Do	United States Banknote Corp		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)	1,000.00	
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	270.13
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort Development Assn	3,000.00	
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	1,500.00	
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194	American Maritme Congress	15,000.00	14.45
Do	American Rice, Inc	15,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CBS, Inc	30,000.00	60.00
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	600.19
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Kyle Rogers, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	7,500.00	
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	7,078.00
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Major League Baseball Players Assn	12,065.00	762.65
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments	2,000.00	30.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	200.00
Do	City of Moorehead	3,000.00	50.00
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,500.00	
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	5,556.60	
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp		
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	398.17
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		975.90
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	3,517.00	1,078.10
Do	Independent Defense Contractor Assn		
Do	Rosapepe & Spanos, Inc (For:Interim Services, Inc)	1,477.00	
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	27,057.00	9,316.11
Do	Independent Defense Contractor Assn	1,249.60	
Do	Interim Services, Inc	11,360.00	2,911.66
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	17,000.00	3,654.89
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation		
Do	Johnson Matthey, Inc		
Burt E. Rosen, 655 15th Street , NW, Suite 410 Washington, DC 20005	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,600.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	16,956.93	62.99
Ilene Rosenthal, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	4,000.00	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, 111 Main Street Little Rock, AR 72201			
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728		234.87	
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	657.00	1,130.16
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Air Courier Conference of America	1,575.00	
Joseph L. Rosso, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	6,405.10	592.80
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,943.51	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	14,700.00	217.84
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,108.70
Do	Ralvin Pacific Properties, Inc, et al.		
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	400.00	20.00
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Regional Transportation Authority		
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
James H. Rowe III, 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Company	500.00	150.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,032.00	2,313.05
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute	5,000.00	310.00
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company		
Do	Citizens Savings Bank		
Do	Eaton Vance Corp		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	Republic Boston Capital Corp		
Do	Philip J. Scutieri		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	17,507.23	5,945.51
T. Peter Ruane, 501 School Street, SW, #800 Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
James S. Rubin, 7004 Blvd. East, 22-D Guttenberg, NJ 07093	National Assn of Pharmaceutical Manufacturers	3,250.00	
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	750.00
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Tonda F. Rush, 1627 K Street, NW, #400 Washington, DC 20006-1790	National Newspaper Association		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 444 Saw Mill River Road Ardsley, NY 10022-699	CIBA-GEIGY Corp	4,375.00	
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc	20,000.00	
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	1,200.00	720.10
Do	American Optometric Assn	1,200.00	621.10
Do	American Society for Medical Technology	500.00	111.20
Frank Ryan, 9420 Annapolis Road, #307 Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	100.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Computer Services, Inc	8,136.00	3,725.00
Do	CAE-Link Corp	4,000.00	1,160.00
Do	Diagnostic/Retrieval Systems, Inc	4,687.00	2,370.00
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			32,158.84
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	150.65
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	498.27
Safe Steel Container Coalition, 601 13th Street, NW, 12th Floor Washington, DC 20005		5,851.25	5,851.25
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Manufacturers Assn	4,000.00	213.73
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	3,936.74
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Robert S. Salomon, 1300 Group 1300 19th Street, NW Washington, DC 20036	American Cancer Society/Missouri Division	150.00	
Do	Community Program Development	1,900.00	
Do	Technical Assistance Corportaion St. Louis		
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	16,914.30	1,051.50
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,500.00	141.77

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	125.00	
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	335.65
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	623.74	60.00
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	271.00
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,732.50	434.20
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	2,700.00	377.29
Do	ENS Resources, Inc (For:East Bay MUD)	4,417.75	289.90
Do	Union Sanitary District		
Do	Western Research Institute		172.74
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			2,580.13
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Association of Truck Stop Operators		
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		10,240.00	19,798.49
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		5,787.28	73,940.53
Scenic America, 21 Dupont Circle Washington, DC 20036			1,372.92
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,756.25	4,473.42
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	416.10	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Unisys Corp)		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Jeffrey L. Schlagenhauf, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc		
Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036	Weyerhaeuser Company		89.95
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	1,700.00	
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,166.95	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	2,055.00	200.00
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	11,668.00	21,390.10
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	3,000.00	
Mahlon C. Schneider, 1000 N.W. 14th Austin, MN 55912	Hormel Foods Corporation		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	6,400.00	123.90
Do	PepsiCo, Inc		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	5,625.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	9,000.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	4,500.00	
Paul A. Schosberg, 900 19th Street NW Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	8,866.00	1,406.28
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,760.12
Leah Webb Schroeder, 950 North Washington Street Alexandria, VA 22314	American Academy of Physicians Assistants	4,625.00	161.52
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,294.16	48.91
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	45.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	989.25	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	12,000.00	100.00
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Stephen I. Schwartz, 236 Massachusetts Avenue, NE, Suite 500 Washington, DC 20002	Tides Foundation	236.20	3,068.64
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	6,250.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	5,409.73	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	3,365.00	19.94
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Sally Sciacca, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			150.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	11,125.00	297.98
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	770.00	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,938.00	2,883.71
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities	550.00	286.47
Do	Iroquois Gas Transmission Systems	675.00	660.60
Do	J. Makowski Co	400.00	416.98
Do	Mobil Corp	1,200.00	1,138.35
Do	Pfizer, Inc	950.00	817.41
Do	RBOC-GAPC Task Force	950.00	413.10
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	9,999.60	76.00
Murray S. Scureman, 5335 Wisconsin Ave. Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	830.44
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			443,288.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			10,409.00
Pamela Sederholm, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines		
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		12,169.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Ruth L. Segal, 1212 New York Avenue, NW, #1210 Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	52.65
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	25.00	
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Leasing and Remarketing Assn (CDLA)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	2,500.00	601.80
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		2,541,406.44	569,805.51
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX	8,250.00	5,756.05
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	15,330.00	681.73
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	266.49
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	1,771.87
Tess Serranti, 43 Van Sant Road New Hope, PA 18938	EniChem America, Inc		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,620.16
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	
Do	Twin City Pipe Trades Welfare Trust		
Do	Unisys Corp	6,407.50	10.00
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,500.00	
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
Do	Price Waterhouse (For:Tenneco, Inc)		
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	2,525.00	1,140.00
Do	Pipe Tobacco Council	850.00	285.00
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America	2,193.75	1,803.00
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group		
Do	Senior Executives Assn	10,000.00	1,620.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp		
Do	Edlow International Company	2,000.00	100.00
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Institute of International Bankers	24,294.25	18,909.67
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization	1,180.24	25.00
Do	National Automobile Dealers Assn		
Do	National Marine Manufacturers Assn		
Do	Nuclear Fuel Services, Inc		
Do	RJR Nabisco	6,600.75	490.22
Do	Southeastern Star, Inc		
Do	Spectrum Astro, Inc	1,652.31	29.00
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co	1,580.70	36.37
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	200.00	50.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
Gail E. Shearer, 1666 Connecticut Avenue, NWE, #310 Washington, DC 20009	Consumers Union	4,000.00	
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)	1,600,095.00	229.76
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	16,852.26	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association		
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	1,650.74
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	105.96	
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	429.00	
L. Philip Sheldon Jr., 1071 Snapper Dam Road Landisville, PA 17538	Child Protection Lobby	9,000.00	1,697.68
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	700.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc		
Frances R. Shepardson, 1025 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Mollie Shields, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	2,500.00	
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	36.00
Carl Shipley, 475 Galleon Drive Naples, FL 33940	Western Southern Life Insurance		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	3,900.00	
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation	157,621.33	77,347.68
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,208.92	1,166.36
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,735.35	20.50
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	4,415.26
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc		
Sidley & Austin, 1722 Eye Street,N.W. Washington, DC 20006	W. K. Kellogg Foundation		
Do	Newell Company	2,493.75	
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	33.68
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	2,850.00	1,576.78
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	11,250.00	3,977.85
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).		
Do	Capitoline International Group, Ltd (For:OHM Corp)	3,900.00	
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		16.00
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	3,500.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	1,500.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	1,200.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)	3,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)	8,500.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	6,500.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	3,800.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		4,207.00	2,261.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	1,000.00	57.70
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	40.00
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	80.00
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	6,495.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	C & M Services, Inc		
Do	Cushman & Wakefield		
Do	Walter Harris, et al.	800.00	
Do	International Chiropractors Assn	4,000.00	
Do	IEEE	4,500.00	
Do	Life College	5,000.00	
Do	Monrovia Nursery Company		
Do	MCA, Inc		
Do	National Structured Settlements Trade Assn	9,000.00	
Do	Pacific Cargoes, Inc		
Do	U.S. League of Savings Institutions		
Do	5600, Inc		
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	350.00	400.00
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,500.00	4,177.12
Do	Elkhart, IN	5,044.88	4,496.09
Do	Gary, Indiana	7,768.64	4,465.96
Do	National Easter Seal Society	7,511.04	4,180.16
Do	Newark, CA	5,150.82	4,815.94
Do	Pierce Transit	6,062.12	4,614.22
Do	Portland, OR	11,963.45	5,517.05
Do	San Bernardino, CA	5,795.39	4,972.53
Do	San Leandro, CA	5,213.61	5,142.73
Do	Tacoma Public Utilities	1,603.33	4,292.42
Do	Tacoma, WA	6,319.14	4,870.64
Do	Urban Redevelopment Authority of Pittsburgh	3,333.69	4,510.81
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	Labor-Management Maritime Committee, Inc	2,875.00	292.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	785.94	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	First Mississippi Corp	2,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn	30,000.00	2,191.91
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	Allied-Signal, Inc	1,000.00	
Do	American Electronics Assn		
Do	American International Group, Inc		
Do	Angelo Brothers Co	3,500.00	
Do	Armco, Inc	5,000.00	
Do	Bethlehem Steel Corp	5,000.00	
Do	County of San Joaquin, CA		
Do	Dun & Bradstreet		
Do	Enron Corporation		
Do	General Mills		
Do	Inland Steel Industries, Inc	5,000.00	
Do	LTV Steel Company, Inc	5,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies	1,834.00	
Do	National Steel Corp	5,000.00	
Do	Prudential Insurance Co of America	5,000.00	
Do	Sara Lee Corporation		
Do	Transco Energy Corp		
Do	USX Corp	5,000.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	792.50	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	1,016.94	52.40
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	6,442.50	80.70
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	382.50	
Do	Proctor & Gamble Mfg Co	5,572.00	244.15
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	597.33
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	717.72	110.50
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		39,634.82	24,746.19
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	181.40
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	1,099.20	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn		
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20024	Xerox Corp		
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Association of the Americas	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	69,275.90	2,899.33
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	650.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	60.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	458.00	
Marc Smith, 714 Jackson St. Suite 939 Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,000.00	25.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	928.10	448.50
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	7,200.00	2,150.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	14,425.00	
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,135.29
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	6,615.00	1,102.18
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co		
Do	NYNEX Government Affairs		1,439.00
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	10,000.00	
Do	City of Eugene, Oregon	9,000.00	
Do	City of Gillespie, IL	6,000.00	
Do	City of Macon	4,500.00	
Do	City of Ontario, California	5,500.00	
Do	City of Springfield, Oregon	1,500.00	
Do	Composite Technology Transfer Consortium	2,000.00	
Do	CRASH	18,500.00	50.00
Do	Haarmann & Reimer Corp	6,000.00	
Do	Kansas City Transit Authority	6,666.66	
Do	Lane County, Oregon		
Do	Metropolitan Water Reclamation District of Greater Chicago	7,000.00	
Do	N.Y. Metropolitan Transportation Agency	14,000.00	100.00
Do	National Assn of Foreign Trade Zones	3,500.00	150.00
Do	Port of San Francisco	4,500.00	
Do	San Francisco Public Utilities Commission		
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance	130.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		9,496.75	9,496.75
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815			
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	254.00	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		5.00
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	17,000.00	
Laura Snyder, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Digital Systems Group	25.00	
Do	General Motors Corp	35.00	104.90
Do	NKF Engineering, Inc	37.50	
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	27.18	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack Sobel, 654 E Street, SE Washington, DC 20003	Center for Marine Conservation	61.30	
Soble & Associates, 1747 Pennsylvania Ave., NW, Suite 1200 Washington, DC 20006	National Coalition Government of the Union of Burma		329.64
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		27,751.84	24,965.69
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			45,000.00
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882		950.00	214.22
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Lisa Sockett, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,400.00	150.00
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	67.34	8.40
Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn		
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036		72,795.90	14,884.07
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)	700.00	1,202.58
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	5.00
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	100.00	6.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	5,000.00	129.39
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	Trek Bicycle Corp	13,608.00	1,379.22
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Association of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Wisconsin Winnebago Nation		
Do	Yukon-Kuskokwim Health Corp		
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	202.00	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		500.00
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		30,902.84	30,902.84
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			11,790.00
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	769.18	318.88
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	2,475.00	2,446.89
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Specialized Carriers & Rigging Assn, Inc, 2750 Prosperity Avenue, #620 Fairfax, VA 22314			
Wilbur R. Speer, 1275 K Street, NW Washington, DC 20005	National Center for Housing Management		80.00
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,600.00	
Do	North American Interstate Weather Modification Council		
Sandra Spence, 888 17th Street, NW, #600 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Former Residents of Centralia Pennsylvania		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World	3,631.67	
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in German, Rossmarkt		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	1,000.00	20.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	2,225.00	
Do	Public Securities Assn		
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Financial Services Council	1,505.00	
Do	Household International, Inc	740.00	
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	170.52
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	253.00	47.50
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	150.00	638.03
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	1,000.00	1,100.00
Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	3,250.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	4,345.00
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	1,000.00	5.25
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	1,480.00	10.00
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720			
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Association	400.00	50.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)	1,978.00	20.50
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	2,300.50	61.50
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,520.29	575.01
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	9,450.00	73.00
Do	American Insurance Assn	7,170.00	8.00
Do	Johnson & Johnson	8,940.00	8.00
Do	National Health Labs, Inc	5,520.00	
Do	Pfizer, Inc	8,670.00	9.00
Do	Pharmaceutical Manufacturers Assn	8,940.00	26.16
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Anna-Maria Stephens, 1250 Eye Street, NW, Suite 300 Washington, DC 20005	Mitsubishi Motors America, Inc	396.50	
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	23,391.25	1,634.10
Do	Bear Steams & Co		
Do	Citizens Savings & Financial Corp	4,588.85	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Isolyser Company, Inc		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	Investment Company Institute	4,034.34	1,483.71
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	1,200.00	
Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,250.00	
Gordon Stevens, 1275 K Street, NW, SUite 700 Washington, DC 20005	National Center for Housing Management		80.00
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	800.00	498.50
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,363.00	
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,449.46	30.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	4,550.00	1,288.52
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	2,760.00	
Neal Stine, 1200 S Pine Island Rd. Suite 200 Plantation, FL 33324	Baxter		
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	3,534.06
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation		
Do	National Assn of Business PACs	1,000.00	
Do	Springs Industries, Inc	2,200.00	
Carlton a. Stockton, 1801 Pennsylvania Ave.,NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	1,148.00	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	648.72
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		
Geoff Stone, 1300 North 17th Street, 8th Floor Rosslyn, VA 2209	Associated Builders & Contractors	2,500.00	
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	4,500.00	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	9,000.00	
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	668.04
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	5,500.00	252.04
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	95.00	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	12,904.25
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Brooklyn Hospital Center		
Do	Greater New York Hospital Assn	20,001.00	175.00
Do	Healthcom International		
Do	Lenox Hill Hospital		
Do	Maimonides Medical Center		
Do	MicroGeneSys, Inc	7,500.00	200.00
Do	Montefiore Medical Center		
Do	Mount Sinai Medical Center		
Do	New York Hospital-Cornell Medical Center		
Do	Our Lady of Mercy Medical Center		
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Healthcare Leadership Council	9,000.00	72.00
Do	US Healthcare	15,028.85	371.24
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	10.00
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	71.42	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	7,689.22	25.25
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	Advanced Telecommunications Corp	4,237.50	
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	4,160.00	160.00
Do	Dreyfus Corporation	820.00	49.00
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Association		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	1,105.30	113.30
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	National Assn of Manufacturers		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	6,452.96	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	5,930.00	3,295.00
Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701	Food Marketing Institute	600.00	
Jay R. Sullivan, 1101 30th Street, NW, Suite 300 Washington, DC 20007	Douglas County Oregon	3,000.00	
Do	Sodak Gaming, Inc	6,000.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	100.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:City of San Leandro)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Bay Transportation Authority (MBTA)	1,000.00	32.00
Do	Massachusetts Port Authority (MASSPORT)		
Do	Securities Industry Assn	4,620.00	
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	City of San Liandro		
Do	National Utility Products Company		
Do	Northeast Ohio Regional Sewer District		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	500.00	
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	600.00	530.00
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	967.23
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,873.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	36,132.37	
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	704.86
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	1,375.00	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		68.00
Philip E. Swink, 1Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	9,374.42
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute		
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	China External Trade Develpment Council	15,000.00	6,851.52
Do	Marcos D. Katz	25,000.00	13,703.04
Do	Marks & Murase		
Do	Par Pharmaceutical		
Do	Rabbi Milton Balkany	17,500.00	20,554.56
Do	Stewart E. Erickson Construction, Inc	10,000.00	4,567.68
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Szlavik Hogan & Miller, Inc, 1140 Connecticut Ave., NW, Suite 500 Washington, DC 20036		17,300.00	17,300.00
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	1,046.25
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,472.52	47.00
Tanner & Guin, P.C., P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co, Inc	340.00	390.00
Tapestry Consultants, Inc, 10507-A Braddock Road Fairfax, VA 22032-2236			158.00
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,854.30	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			30.00
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Victor Tawil, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	23,710.02	695.97
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	175.00	
Do	Midwest Motor Express, Inc		
Do	Multiemployer Pension Plan Solvency Coalition		
Do	National Assn of Convenience Stores		
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc		996.70
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute	1,046.15	1,582.63
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	242.81
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	3,781.00	1,200.07
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	449.20	1.00
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		837.04	837.04
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Laura I. Thevenot, 1350 Eye Street, NW, #1030 Washington, DC 20005-3305	Health Insurance Assn of America, Inc	147.63	28.00
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,000.00	
Terry V. Thiele, AP2-225 Appliance Park Louisville, KY 40225	General Electric Co	9,480.00	600.00
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	Arco Chemical Company	500.00	
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	800.00	56.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,890.00	500.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	950.00	559.74
Do	Kent & O'Connor, Inc (For:U.S. Shoe)		
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,430.00	
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	5,000.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	105.00	22.03
Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036	BellSouth Corp		10.00
Do	City of Kansas City, MO		
Do	Council for Superfund Fairness, Inc	5,000.00	10.00
Do	Duke Power Co	18,000.00	10.00
Do	Greater Kansas City Chamber of Commerce	10,000.00	10.00
Do	Greenwich Pharmaceuticals, Inc	8,333.33	10.00
Do	International Assn of Convention & Visitor Bureaus	1,500.00	10.00
Do	Itron and AMRplus Partners	15,000.00	10.00
Do	Jerome Levy Institute		
Do	Lenox, Inc		
Do	National Bareboat Charter Assn	693.00	10.00
Do	Polaris Industries, L.P.		10.00
Do	Potomac Capital Investment Corp	15,000.00	10.00
Do	Thermo Electron Corp	1,666.66	10.00
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	1,000.00	
Nick Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	660.29	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		2,814.96
Tracy L. Thompson, 1225 I Street, NW, #825 Washington, DC 20003	Beer Institute	260.12	
Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Company	18,000.00	7,643.08
Do	Mitsubishi Electronics America, Inc	10,125.00	3,473.10
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	2,625.00	
Do	Milliken & Company		
Do	National Dual Shop Coalition		
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	624.00	
Do	U.S. Durum Milling, Inc	285.00	
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
Sarah R. Thomson, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn, Inc	13,500.00	
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	43.00	
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	214.00	
John Thornton, 1150 17th Street NW #701 Washington, DC 20036	National Air Traffic Controllers Assn	1,562.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,325.00	255.08
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Gil Thurm, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn	10,000.00	
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	1,495.00	408.20
Paula Pleas Timmons, 1250 Connecticut Ave., NW, Suite 401 Washington, DC 20036	McCaw Cellular Communications, Inc	6,245.00	3,576.19
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Factory Trawler Assn	490.00	
Do	American Petroleum Institute	1,425.00	
Do	Ameritech	1,425.00	
Do	Amoco Corporation	1,575.00	
Do	Anheuser-Busch Companies, Inc	4,650.00	
Do	Association of Trial Lawyers of America	3,105.00	
Do	Capital Cities/ABC, Inc	1,875.00	
Do	Chrysler Corporation	2,475.00	
Do	General American Life Insurance Co	937.50	
Do	H.J. Heinz Co	2,475.00	
Do	Major League Baseball	5,925.00	
Do	National Rifle Assn	6,670.00	
Do	Northern Telecom, Inc	1,050.00	
Do	Northrop Corp	2,475.00	
Do	NutraSweet Co	750.00	
Do	G. D. Searle & Co	6,675.00	
Do	SCEcorp and Subsidiaries	3,450.00	
Do	Union Pacific Corp	1,875.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	20.00
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Vought Systems Corp	2,500.00	125.00
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	450.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			3,675.00
Erin Todd, 2626 Pennsylvania Aven, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	280.50
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	4,000.00	
Victor Todd, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	1,250.00	265.56
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	3,928.00	
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc	150.00	291.79
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Greg R. Toomey, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross and Blue Shield Assn	1,076.00	
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies		
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	140.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company	4,300.00	4,211.00
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,375.00	186.53
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			3,303.00
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	150.00	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,092.16
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,150.00	
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,515.00	4,761.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,103.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Bernard R. Tresnowski, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Association		6.00
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	12,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	10,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	2,500.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		1,935.21
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	888.68	
Michael G. Troop, 900 19th Street NW Washington, DC 20006	Savings and Community Bankers of America	10,000.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	2,471.54
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	1,293.02
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrack Conrail Pennsylvania Railroad Retirees	350.00	360.00
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	522.00	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	174.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	3,200.00	2,750.80
Do	Inland Valley Development Agency	2,400.00	1,780.00
Do	Recovery Engineering	4,000.00	1,686.30
Do	San Bernardino Associated Governments	2,400.00	1,780.00
Do	San Bernardino International Airport Authority		1,780.00
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	5,500.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,438.00	566.67
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		11,479.00	11,479.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	American NuKem		
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Blue Diamond Growers	400.00	4.50
Do	Sunkist Growers, Inc	32,931.25	1,335.94
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc		
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC	17,239.75	14,190.00
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,100.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute	951.00	114.80
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	36.50	
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,408.00	1,408.00
U.S. Border Control, P.O. Box 10800 Springfield, VA 22009-0800		21,992.79	19,501.21
U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		124,398.50	100,481.45
U.S. Recreational Ski Association, 1315 Gene Autry Way Anaheim, CA 92805			
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Caretenders Healthcorp		
Do	City of Las Vegas		
Do	Continental Medical Systems		
Do	Curaflex Health Services, Inc		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Do	USA Healthnet, Inc		
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		4,189.25	4,189.25
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,080.00	91.29
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act	35,000.00	
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	450.00	55.00
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota	1,296.00	3,041.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,787.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			24,752.12
United Distribution Companies, 520 Madison Avenue, 29th Floor New York, NY 10022			
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		1,331,319.36	339,200.10
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc		2,430.22
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	175.00	
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	15,067.62	32.00
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			4,356.52
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	4,000.00	40.94
Do	American Insurance Assn	15,000.00	114.75
Do	Valanzano & Associates (For:American International Group)		
Do	Chubb Corporation	3,000.00	117.25
Do	Colonial Life & Accident Insurance Co	13,050.00	1,460.61
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	12,000.00	132.40
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson	4,300.00	468.19
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,500.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Pharmaceutical Manufacturing Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	8,500.00	5,697.00
Laura Van Etten, 1747 Pennsylvania Ave., NW, #875 Washington, DC 20006-4604	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)	1,000.00	
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	1,240.00	225.83
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Tacoma, WA		
Do	City Public Service of San Antonio		
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd	472.50	
Do	Electric Transportation Coalition	141.00	
Do	Geothermal Resources Assn	216.00	13.87
Do	GE Industrial & Power Systems	962.00	11.00
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn	620.00	
Do	Koncor Forest Products Company		
Do	Mack Trucks, Inc		
Do	McKesson Corp		
Do	National Endangered Species Act Reform Coalition	1,497.50	40.00
Do	National Wetlands Coalition	3,489.00	145.00
Do	Navajo Nation	70.00	36.00
Do	Newport News Shipbuilding		
Do	Ormat	75.00	
Do	Price Waterhouse		
Do	Sacramento Municipal Utility District	105.00	
Do	Simpson Paper Co		
Do	Toyota Motor Corporate Services of North America, Inc		
Do	Uranium Producers of America		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	12,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	3,750.00	
Do	Van Scoyoc Associates (For:Champion International Corp)	2,500.00	
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates (For:International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)		
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	2,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	10,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)	1,250.00	
Do	Van Scoyoc Associates (For:Quanex)	8,375.00	
Do	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	9,000.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)	2,500.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	4,500.00	
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,955.20	278.58
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute		
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	174.09	
Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	1,250.00	
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	7,248.00	301.00
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company		
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	2,674.45
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company	19,500.00	16,980.98
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	5,000.00	169.00
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	DSG Strategies, Inc	1,400.00	7,051.98
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	306.51
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Sara Vickerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	9,000.00	562.57
Do	National Ag Underwriters	21,000.00	984.79
Do	National Assn of Crop Insurance Agents	53,000.03	707.24
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Department of Insurance	1,706.25	
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	85.50
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorney's Liability Assurance Society, Inc		
Do	Bank Tax Group		
Do	Bank United of Texas FSB		
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc	4,702.50	
Do	E. M. Warburg Pincus & Co, Inc		
Do	Federal Express Corp	1,890.00	
Do	Goldman Sachs & Co	5,812.50	
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Texas Veterans Land Board		
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Mennonite Mutual Aid Assn	5,000.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	14,102.16	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207			1.45
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	15,795.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	608.68
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	800.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	20,246.96	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)		
Do	Venable Baetjer Howard & Civiletti (For:Direct Marketing Assn)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	250.00
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	3,750.00	89.19
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Clinton Gas Systems, Inc		
Do	Committee of Publicly Owned Companies	875.00	49.98
Do	CVI, Inc	918.75	2.50
Do	Fraternal Order of Police - National Headquarters	1,624.93	740.88
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc	3,237.50	261.25
Do	Ohio Assn of Broadcasters	81.15	
Do	Ohio Cable Television Assn	1,093.75	66.64
Do	Ohio Forestry Assn		
Do	Recyclers of Copper Alloy Products	7,175.00	419.97
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.		608.86
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	23,066.88	581.93
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	941.26
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)	9,720.00	1,862.66
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	9,000.00	847.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	4,125.00	805.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	7,400.00	126.74
Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608	National Utility Contractors Assn		
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable	10,500.00	6,359.27
Do	J.P. Morgan/Morgan Guaranty Bank	5,500.00	3,399.04
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	7,500.00	
Do	Institute of Scrap Recycling Industies, Inc	8,000.00	
Do	Merck & Company		
Do	University of Pittsburgh Medical Center	10,000.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn		
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	16,788.00	
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nulear Energy Council	1,125.00	
Do	American Telephone & Telegraph Co	15,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	2,187.50	
Do	Coalition for Competitive Capital		
Do	Coalition on Superfund	1,497.19	
Do	CSX Corporation	1,875.00	
Do	Federal Home Loan Mortgage Corp	1,200.00	
Do	Mexican Department of Commerce & Industrial Development	66,900.00	
Do	Mid Continent Oil and Gas Assn	3,000.00	
Do	MBNA America Bank NA	3,000.00	
Do	National Stone Assn		
Do	Northville Industries Corp		
Do	Northwestern Mutual Life Insurance Co	1,875.00	
Do	NEDA/RCRA Project	500.00	
Do	Pacific Lumber Co	2,250.00	
Do	Sony Music Entertainment, Inc		
Do	Sony Pictures Entertainment, Inc	7,500.00	
Do	Southern Company Services, Inc	1,875.00	
Do	United HealthCare, Inc	1,562.50	
Do	USA Group, Inc	1,750.00	
Do	Wheelabrator Envrionmental Systems, Inc, et al.	2,500.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	American Forest and Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Committee on Radioisotopes & Radiopharmaceuticals II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark	500.00	
Do	Medical Associates of America	1,000.00	
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn	1,000.00	
Do	National Power Company		
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Manufacturers Assn	1,000.00	
Do	Pittston Group	1,000.00	
Do	PPG Industries, Inc	500.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	State of California	500.00	
Do	Sumitono Chemical Co	500.00	
Do	Tandy Corp	1,000.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Do	US Generating Co	1,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,780.00	
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		7,500.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	
Do	Alabama Power Co	25,000.00	
Do	American Soc of Farm Managers and Rural Appraisers	10,000.00	
Do	American Sugar Cane League	22,500.00	
Do	Calgene, Inc	10,000.00	
Do	Cash America International	3,750.00	
Do	Cotton Warehouse Assn of America	22,500.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Kingdom of Saudi Arabia	30,000.00	
Do	Service Corporation International	7,500.00	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,250.00	197.87
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	900.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	727.33
Do	National Assn of Dredging Contractors	13,750.00	
Do	National Rifle Assn of America	35,000.00	869.68
Do	Textron, Inc	15,000.00	844.80
Do	Thiokol Corp	10,500.00	326.88
Do	TRW, Inc	30,000.00	569.76
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,625.00	114.28
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co		
Helen Ward, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	6,000.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	20,972.90	158.10
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	675.00	8.00
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,200.00	348.17
Ann D. Warner, 1220 - 19th Street, NW, Suite 200 Washington, DC 20036	Airports Council International - North America	9,000.00	
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
David L. Warren, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,998.00	
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	667.43
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,900.00	762.64
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,400.00	
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	1,057.03
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Robert A. Waspe, P.O. Box 1417-049 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Watchdog Publications, Inc, 8182 Maryland Avenue, Suite 313 St. Louis, MO 63105			150.00
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	10,000.00	751.04
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		52.12
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	7,659.00	
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange	5,500.00	
Sherri D. Watson, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,000.00	5,514.75
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	45.00	
Douglas R. Watts, 1320 19th Street, NW, #201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,500.00	428.57
Nancy Watzman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,250.00	
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	17,696.44	3,685.25
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute		
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	10,768.04	461.95
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Jack Weber, 1301 pennsylvania ave., n.w. #900 Washington, DC 20004	Natural Disaster Coalition	37,500.00	1,950.00
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab and Livery Assn		
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Envirocare of Utah	9,000.00	450.00
Do	James W. Bunger & Associates	750.00	400.00
Do	National Assn of Counties	5,000.00	200.00
Do	Rural Utah Public Lands Council		6,395.00
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp	180.00	
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	132.50	45.00
Do	National Assn for Plastic Container Recovery (NAPCOR)	825.00	275.00
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	8,000.00	118.00
Deborah Weiner, 11004 Petersborough Drive Rockville, MD 20852	American Soc for the Prevention of Cruelty to Amimals	2,000.00	1,400.00
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.	157,621.33	77,347.68
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Steven B. Weingarten, One Commerce Plaza, Suite 2005 Albany, NY 12210	Weingarten Reid Associates	2,362.50	
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission of Clark County, NV	1,237.00	533.00
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company	400.00	350.00
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Kathleen Weiss, 200 Park Avenue New York, NY 10171	Westvaco Corp		1,771.14
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	6,200.00	637.70
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	14,436.00	168.00
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	10,233.40
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	4,968.75	
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	15,680.00	2,757.33
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Heidi L. Werling, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,362.52	228.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	395.00
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	189.50
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	25,540.96	11,300.17
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121			
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	395.70	333.75
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp	3,450.00	
Do	Air Conditioning & Refrigeration Institute	6,375.00	32.05
Do	American Airlines, Inc		
Do	American Dental Assn	9,000.00	90.66
Do	American Dietetic Assn	16,575.00	48.25
Do	American Public Transit Assn	21,450.00	319.40
Do	Anheuser-Busch Companies, Inc.	2,125.01	11.75
Do	AIDS Action Council	1,050.00	
Do	ARCO	600.00	6.50
Do	Camp Barsh & Tate		
Do	Catholic Health Assn of the U.S.	150.00	7.75
Do	Century Council	10,119.00	106.60
Do	Comcast Corporation	22.50	231.00
Do	Connie Lee Insurance Company	24.00	
Do	Consortium of State Maritime Schools	18.60	8.50
Do	Crow Tribal Council	69.75	116.55
Do	Defense Rations Manufacturers Assn	24.75	24.50
Do	Eastman Kodak Co		
Do	EG&G, Inc	2.50	
Do	Foothills Pipe Lines (Yukon) Ltd		
Do	Fox Bennett & Turner		
Do	FHP	9.00	17.65
Do	Grand Trunk Western Railroad, Inc		
Do	Guardian Industries Corp	3,900.00	27.30
Do	Hughes Aircraft Company Space and Communications Group	4,500.00	73.32
Do	J.P. Morgan & Co, Inc		8.00
Do	Johnson & Johnson	7,500.00	26.65
Do	Joslin Diabetes Center	1,050.00	65.00
Do	Lamont-Doherty Geological Observatory	1,050.00	130.25
Do	Massachusetts Foundation for Excellence in Marine & Polymer	720.00	6.50
Do	MetPath, Inc	9,000.00	
Do	Motion Picture Assn of America, Inc		
Do	National Gypsum Co		
Do	New England Aquarium	600.00	73.00
Do	Oceanic Institute	1,320.00	40.00
Do	Ohio Edison		
Do	OIS Optical Imaging Systems, Inc	450.00	63.99
Do	Science Applications International Corp	2,400.00	87.40
Do	Student Loan Marketing Assn		
Do	USA NAFTA	119,000.00	3,311.92
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	6,250.00	72.32
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
David W. Wheeler, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Alabama Power Co	124,209.58	5,857.15
Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		1,899.25
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	156.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,333.00	
John C. Whitaker, 1730 Rhode Island Ave., #206 Washington, DC 20036	Union Camp Corporation	3,352.00	44.00
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,250.00	9,895.78
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Maxxam	5,000.00	
Do	Tobacco Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.50	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	474.05
Margita E. White, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,057.50
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	56.67
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,203.00	82.84
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	24,500.00	1,173.65
Do	Cuyahoga County	2,500.00	633.00
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Houghton Mifflin Company	1,800.00	
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	1,064.00	440.04
Do	National Constructors Association	9,999.99	5,614.05
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp		
Ronald P. Whitmire, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	825.00	
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company		
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		382.02
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Jones Intercable)	1,050.00	
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)	6,412.75	625.52
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	155.00	
Wickham & Associates, 1701 N. Kent Street, #205 Arlington, VA 22209	Times Square Center Associates	14,547.50	2,076.00
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,525.00	2,806.39
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Association Council International	17,760.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	1,000.00	
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)		
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,970.00	
Brian Wilcox, 750 First Street, ME Washington, DC 20002-4242	American Psychological Assn	4,000.00	54.36
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			12,500.00
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		979.68
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	8,699.00	
Do	Industrial Technology Institute	2,500.00	
Do	MERRA	3,750.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc		
Do	Allied Marketing Group		
Do	Association of Telemessaging Services, International	2,133.00	26.00
Do	Chaparral Steel Co		
Do	Club Car, Inc		
Do	CBS, Inc		
Do	Firemen's Fund Insurance Cos		
Do	Georgetown Industries		
Do	David S. Hess	6,163.00	348.00
Do	Marine Mammal Coalition		
Do	McGaw, Inc		
Do	Merchants National Bank		
Do	Mtel		
Do	National Assn for Information Services		
Do	Newspaper Assn of America (NAA)		
Do	Olan Mills, Inc	275.00	
Do	Prodigy Services Company	116.00	
Do	Raritan River Steel Co		
Do	Ruddy Institute for Maritime Communications	1,505.00	
Do	United Parcel Service	2,978.00	9.00
Do	United States Banknote Corp	3,953.00	196.42
Do	UtiliCorp United		
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,500.00	1,195.95
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Acxiom Corp		
Do	Aetna Life Insurance	71,000.00	4,649.24
Do	American Airlines	26,595.20	1,595.28
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Inc	26,882.20	5,112.98
Do	Northwest Hydroelectric Assn	2,300.00	140.00
Do	RECOLL Management Corp	3,644.65	235.14
Do	RMJ Options Trading Corp		
Do	Solano Water Authority		
Do	Suntrust Banks, Inc		
Do	Turlock Irrigation District	6,300.00	460.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	1,110.00	14.00
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,300.00	250.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,200.00	250.00
Do	Electro Com Automation, Inc	1,500.00	300.00
Do	Mid America Dairymen, Inc	1,450.00	250.00
Do	National Marine Manufacturers Assn	1,400.00	300.00
Do	Pacific Telesis Group	1,400.00	250.00
Do	Riceland Foods, Inc	1,200.00	300.00
Do	Tyson Foods, Inc	1,300.00	250.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	222.04
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	6,834.82	
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	3,633.00	2,853.00
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	7,228.50	2,054.73
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Marsha Ann Willis, 371 South Emerson Street Denver, CO 80209	USA NAFTA		
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	929.50	106.96
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Association of Directory Publishers	1,760.00	
Do	Browning-Ferris Industries, Inc		
Do	Hispanic Information & Telecommunications Network	1,168.00	
Do	Morgan Guaranty Trust Co	5,988.50	
Do	National Assn of Independent Fee Appraisers	2,910.00	
Do	Standard Commercial Tobacco Co, Ltd		
Do	Time Warner	12,810.00	
Do	Westinghouse Electric Corp	1,050.00	
Do	William M. Mercer, Inc		
Do	Yamaha Motor Co, Ltd, et al.	660.00	
Do	Yamaha Motor Manufacturing Corp of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	Apple Computer, Inc		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc	806.00	
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	Electric Generation Assn		
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		
Do	Handgun Control, Inc		
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Long Island Savings Bank		
Do	Pepsico, Inc		26.00
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	7,000.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	615.36	934.21
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Kate V. Wilson, 900 Franklin Street Alexandria, VA 22314	Education Legislative Services, Inc (For:San Diego School District, et al.)	1,500.00	
Patricia M. Wilson, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc	85.00	38.00
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	Monk-Austin, Inc	7,481.25	124.97
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Insurance Assn)	45,000.00	
Do	Winburn & Jenkins (For:Bell Atlantic Capital Corp)	15,000.00	
Do	Winburn & Jenkins (For:BR Services)	15,000.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	15,000.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	30,000.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	22,500.00	
Do	Winburn & Jenkins (For:Ewing Kauffman Foundation)		
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	15,000.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	45,000.00	
Do	Winburn & Jenkins (For:Health Insurance Assn of America)	37,500.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	21,000.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	30,000.00	
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)	10,000.00	
Do	Winburn & Jenkins (For:Milliken & Co)	45,000.00	
Do	Winburn & Jenkins (For:National Assn of County Office Employees)	3,000.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	30,000.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	45,000.00	
Do	Winburn & Jenkins (For:Philip Morris)	66,000.00	
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Lehman Brothers, Inc	1,500.00	12.00
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	7,218.19	
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	344.59
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc)	10,215.00	
Do	Wilkes Artis Hedrick & Lane (For:Davis & Camalier Families)	5,337.50	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	987.50	78.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corp	725.00	55.00
Do	American Airlines		
Do	American Hospital Assn	1,123.75	88.62
Do	American Insurance Assn		
Do	American Legion	343.75	
Do	Barr Laboratories, Inc	12,756.36	4,065.61
Do	Carus Chemical Company		
Do	Cellular Telecommunications Industry Assn		
Do	Colorado Bio/Medical Venture Center	948.75	
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company		
Do	D.E. Shaw & Co, L.P.	232.50	64.24
Do	Digital Equipment Corp		
Do	ELGARD Corp		
Do	Federal Intermediate Credit Bank of Jackson		
Do	Financial Guaranty Insurance Co	2,852.50	36.00
Do	Fire Island Assn	2,853.75	38.00
Do	Government of the U.S. Virgin Islands	12,496.73	606.38
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt	1,820.00	
Do	Harpo, Inc	7,301.25	43.00
Do	Hearst Corp	1,161.25	
Do	Illinios State Medical Society	4,537.50	28.00
Do	Jefferies & Co, Inc	283.75	
Do	Lockheed Air Terminal, Inc	114.00	
Do	Mayflower Contract Services, Inc	11,630.00	96.00
Do	McClure Gerard & Neuenschwander, Inc	270.00	
Do	National Assn of Political Action Committees	330.00	
Do	National Marine Manufacturers Assn	477.50	
Do	National Retail Federation		
Do	Newport News Shipbuilding	49,321.25	1,169.16
Do	NYNEX Corp		
Do	Port of Pascagoula (Jackson County, MS)	15,000.00	241.83
Do	Public Securities Assn		
Do	Regional Transit Authority	288.75	
Do	Sprint	168.75	6.00
Do	SPR Task Force for Southeast Mississippi		
Do	Waggoner Engineering, Inc	12,650.00	186.62
Do	Walt Disney Co		
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	MCI Communications Corp		
Do	Saloman Brothers, Inc		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	500.00
Do	Matthews Foundation for Prostate Cancer Research	3,000.00	175.00
Do	National Assn of Credit Management	12,000.00	660.00
Do	San Francisco Bar Pilots Assn	6,000.00	425.00
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	5,910.00	438.47
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,375.00	581.92
Samuel B. Witt III, 500 Sheperd Street, Suite 200 Winston-Salem, NC 27103	Lawyers for Civil Justice	313.50	3,421.50
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc		4,135.29
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	15,000.00	2,411.03
Do	Children's Hospital of Philadelphia	51,000.00	3,429.53
Do	Children's Hospital of Pittsburgh	12,000.00	1,871.63
Do	Episcopal Hospital		445.05
Do	Hospital of University of Pennsylvania Medical Center		445.05
Do	Magee-Womens Hospital	7,500.00	5,247.65
Do	Mercy Health Corporation	15,000.00	3,065.38
Do	Mercy Health Plan	575.00	121.65
Do	National Assn of Urban Critical Access Hospital	15,000.00	12,899.83
Do	North Philadelphia Health System	445.05	
Do	Presbyterian University Hospital		445.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Thomas Jefferson University Hospital		445.05
Do	University of Pennsylvania	37,500.00	3,303.18
Henry C. Wolf, Norfolk Southern Corp. Three Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	1,000.00	
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	110.07
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	394.35	28.00
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	2,000.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	163.85
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	43.80	
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,500.00	13.30
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,807.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance		
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)	500.00	
James H.B. Woodroffe III, P. O. Box 111 Tampa, FL 33601	Teco Energy, Inc	20,700.00	3,421.00
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	226.43
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae	60.00	
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co	1,560.00	1,560.00
Woolworth Corp, 233 Broadway New York, NY 10279			2,694.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		14,000.00	42,043.00
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
World Federalist Association, 418 7th Street, SE Washington, DC 20003		1,000.00	14,366.91
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia	1,500.00	
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	497.05	205.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		154.35
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #230 Washington, DC 20004	Texas Instruments	1,500.00	112.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	BellSouth Corp		
Do	CSX Corporation	5,000.00	
Do	Guam Tax Code Commission		
Do	HDTV 1125/60 Group	4,500.00	151.00
Do	Maxxam		
Do	Metropolitan Life Insurance Co	14,760.00	450.00
Do	Montana Department of Transportation	1,000.00	
Do	Mutual Life Insurance Co Tax Committee		
Do	Northwestern Mutual Life Insurance Co	7,500.00	450.00
Do	Process Gas Consumers Group		
Do	Sony Corp of America	5,506.00	275.00
Do	South Dakota Dept of Transportation	1,000.00	
Do	U.S. Telephone Assn	5,000.00	14.00
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	53.84	
John R. Wylie, 90 South Cascade Avenue, #1300 Colorado Springs, CO 80903	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	148.60
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	125.00
Susan Wysocki, 2401 Pennsylvania Ave., NW, Suite 350 Washington, DC 20037-1718	National Assn of Nurse Practitioners in Reproductive Health		
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	2,439.83
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,375.00	1,375.00
John W. Yago, 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn	12,500.00	259.16
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	8,225.00	
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Association of the Americans	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	4,342.00	
Bruce Yarwood, Helmsin & Yarwood Associates 2637 Noth Marcey Road Arlington, VA 22207	American Health Care Assn	25,000.00	1,378.82
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	742.37	112.73
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	11,802.00	34.10
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	369.01
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	342.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	145.20
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Roberta Lynn Youmans, 122 C Street, NW, #680 Washington, DC 20001	National Housing Law Project		
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	35.10	
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,462.81	
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	10,500.00	780.45
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	302.47
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	991.40
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,475.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	330.67
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc	1,500.00	1,362.51
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	317.66
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006	Illinois Power		
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	160.23
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,031.08
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies	1,000.00	1,025.00
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,950.00	263.00
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,000.00	526.71
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid fo: by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*—Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00		TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Access Technology Assn, 3612 Bent Branch Court Falls Church, VA 22041			
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
John A. Adkins, 204 West 19th Street Houston, TX 77008	First Heights Bank, FSB		
M. Thomas Adkins Jr., P.O. Box 1914 Orange Park, FL 32067-1914	Criminal Justice Society of Florida		
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			11,771.65
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	1,000.00	
Bruce Agnew, 1141 7th Avenue, S. Edmonds, WA 98020	City of Edmonds	3,000.00	
Marta L. Aguirre, 6560 Rock Spring Drive Bethesda, MD 20817	COMSAT Corp	625.00	237.61
Stephen Ahnen, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn	6,464.43	841.97
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		1,241.49	1,241.49
Air Transport Assn of America, 1301 Pennsylvania Avenue, NW Suite 1100 Washington, DC 20004-1707		118,926.04	118,926.04
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	26,500.00	
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:International Assn of Conventions & Visitor Bureaus).	1,575.00	113.50
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises (For:International Assn of Conventions and Visitor Bureaus).	2,925.00	227.50
Albertine Enterprises, Inc, 1899 L Street, NW, # 500 Washington, DC 20036	International Assn of Conventions	4,500.00	300.00
Dale L. Alberts, 401 East E Street Casper, WY 82601	Rio Algom Mining Corp	7,219.42	8,357.54
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	7,350.00	975.00
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	4,000.00	735.00
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	300.00	72.39
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center	20,000.00	
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,020.62	718.06
Alliance for Acid Rain Control, 444 N. Capitol Street, #602 Washington, DC 20001		16,500.00	458.00
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	474.91
American Arts Alliance, 1319 F Street, NW, #500 Washington, DC 20004-1151		109,176.00	50,239.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		49,312.00	49,312.00
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		1,436.00	
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			207,537.00
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			141,925.39
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036			23,675.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		26,048.00	26,048.00
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			7,660.00
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			15,420.00
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			43,397.54
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			19,769.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		52,146.00	67,209.20
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		483,946.00	53,185.29
Americans for a Presidential Line-Item Veto, 2020 Pennsylvania Ave.,NW, Suite 164 Washington, DC 20006		25.00	940.00
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	504.00	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,375.02	
Kenneth William Anderson, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		200.73
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc		
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	50.00
Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	10,211.25	977.53
Do	Bay Area Rapid Transit District		
Do	Evans Company		
Do	Liquidity Fund Management, Inc	525.00	
Do	Navajo Nation	14,792.50	3,320.25
Jill C. Andrews, 4527 North 16th Street, #200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc	2,060.00	1,733.00
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	4.93
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND	20,000.00	
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson, Inc		
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	11,250.00	
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Association of Professional Flight Attendants	33,624.20	1,810.72
Do	Motor and Equipment Manufacturers Association		2,937.00
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Bank of Montreal		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice		
Karen McGill Arrington, 1629 K Street, N.W., #1010 Washington, DC 20006	Leadership Conference on Civil Rights	3,162.54	
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	900.00	80.05
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		1,900.00	1,900.00
John S. Autry, 1825 Eye Street, NW, S-400 Washington, DC 20006	JSA-1, Inc	12,000.00	2,016.29
AFL-CIO Maritime Committee, 1150 17th Street, NW, #700 Washington, DC 20036		5,585.00	309.95
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	719.88	280.00
Kelli Back, 1227 25th Street, NW, Suite 610 Washignton, DC 20037-1156	American Managed Care & Review Assn		50.00
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	4,000.00	160.14
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	America's Health Plan		
Do	Amherst Hospital	297.63	297.63
Do	Assn for Cost-Effective Cardiovascular Technology (ACCT)	7,889.67	7,889.67
Do	Assn of Organ Procurement Organizations	28,133.87	28,133.87
Do	Central Reserve Life		
Do	College on Problems of Drug Dependence (CPDD)	3,788.20	3,788.20
Do	Hospital Insurance Forum	56,434.64	56,434.64
Do	Invacare Corporation	30,090.87	30,090.87
Do	Life Gift Organ Donor Center	14,642.51	14,642.51
Do	Lorain Community Hospital	13,790.10	13,790.10
Do	Methodist Hospital of Indiana	2,662.15	2,662.15
Do	Renal Physicians of Texas	3,500.63	3,500.63
Do	Rochester Healthcare Coalition		953.40
Do	Schering Berlin, Inc	30,777.25	30,777.25
Do	Soap and Detergent Association		
Do	Society of Cardiovascular & Interventional Radiology	33,413.85	33,413.85
Do	St. Joseph Hospital & Health Center	13,880.44	13,880.44
Do	Upper Midwest Organ Procurement Organization, Inc	43,459.00	4,345.90
Do	Washington Regional Transplant Consortium	6,989.62	6,989.62
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	AFG Industries, Inc	2,227.50	70.33
Do	AT&T	1,100.00	
Do	Burger King Corp	1,342.00	33.43
Do	Dallas/Fort Worth International Airport Board	3,528.00	197.70
Do	Day & Zimmerman, Inc	550.00	
Do	Dinamo	1,182.50	
Do	Duty Free International, Inc		
Do	Fairchild Aircraft		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Federal Express Corp		
Do	Grand Metropolitan, Inc	1,605.00	
Do	Hashemite Kingdom of Jordan	4,629.00	
Do	International Business Machines Corp (IBM)	75.00	
Do	Los Angeles County Transportation Commission	10,505.00	
Do	Martin Marietta Corp	4,702.50	
Do	Morrison Knudsen Corp	137.50	
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority	660.00	
Do	Occidental Petroleum Corp		
Do	Pennzoil Co	415.00	
Do	Pillsbury Company	525.00	70.33
Do	Pratt & Whitney		
Do	Salomon Brothers, Inc	5,776.00	
Do	Schelle Cellular Group, Inc		
Do	Schering-Plough Corp	10,542.50	188.42
Do	Southern Star Shipping Co	474.75	
Do	U.S. Sprint/Contel		
Do	U.S. Tobacco, Inc	825.00	
Do	United Technologies Corp	1,693.75	
Do	Ventura Port District	2,739.00	
Do	Waste Management, Inc		
Donald Baldwin, 888 16th Street, NW #600 Washington, DC 20006	Diagnostic/Retrieval Systems, Inc		
Do	Federal Investigators Assn		
Do	Law Enforcement Assistance Foundation		
Do	National Law Enforcement Council		
Do	VALOR		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Stanley W. Balis, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Linda W. Banton, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	1,540.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	College Football Association		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	100.00	
Do	National Hockey League	100.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	102.75
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	1,660.57
Jim Barnes, 218 D St., SE Washington, DC 20003	Friends of the Earth	504.21	
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Ray A. Barnhart, 2905 San Gabriel, #206 Austin, TX 78705	Marathon Oil Co	9,000.00	883.45
Timothy Barnicle, 1050 17th Street, NW, Suite 810 Washington, DC 20036- Bar	Neece Cator Barnicle & Assoc,Inc (For:Education Management Corp)	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:RG Associtеs, Inc)	500.00	500.00
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	3,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	1,740.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	9,661.07
Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	2,500.00	
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Attorneys' Liability Assurance Society, Inc	451.82	451.82
Do	Piedmont Natural Gas Co., Inc		
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	533.58
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	127.80
Russell B. Batson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	200.00
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	500.00	763.00
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)	2,250.00	
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	2,486.16
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Merrill Lynch & Company	41,830.00	13,943.00
Do	National Basketball Assn	36,227.00	12,075.00
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	8,273.70	211.32
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	66.26	962.08
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	121.51
Joseph M. Bellino, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	449.90	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		72.00
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	4,000.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Catherine A. Belter, 700 Rush Street Chicago, IL 60611-2571	National Congress of Parents & Teachers		308.50
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		10.35
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	665.68
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	14,304.92	1,064.12
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,500.00	
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc	25,000.00	79.80
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	New England Council, Inc		
John F. Betar, 700 13th Street, NW #1170 Washington, DC 20005	Association of Bank Holding Cos	3,475.00	
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	829.57
Do	American Assn of Eye & Ear Hospitals	2,250.00	
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	227.52
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		140.04
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	112.00	231.00
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	17.50
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	Tea Assn of the USA, Inc		230.03
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Nascar, Inc	3,610.00	34.00
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	15,000.00	376.70
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Friends of the Earth	557.23	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	25.15
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc		
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris, Inc		
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	5,460.00	481.66
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,500.00	1,500.00
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	102.56	370.45
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		112,000.00	112,000.00
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	5,625.00	
Bogle and Gates, 1299 Pennsylvania Ave NW Suite 875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	United Sport Fishermen	1,500.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Association	10,000.00	
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,721.00	
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Diana Culp Bork, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance co		
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	7,688.00	
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	270.00	
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,204.00	
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	4,000.00	200.00
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	72.15
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Securities Industry Association		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority	10,000.00	
Do	Diamond Management	10,000.00	224.52
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,345.53	442.80
Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
J. Christopher Brady, 1600 Wilson Blvd, Suite 202 Arlington, VA 22209	Dominion Lands, Inc	10,000.00	720.00
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Karen L. Braunstein, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		10.00
Sandra E. Bregman, 2904 Avenue E Kearney, NE 68847	Writers & Research, Inc		
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,459.57
Heather Harral Bremer, P.O. Box 25366 Washington, DC 20007-8366	Hawkins and Associates (For:Alza Corporation, et al.)		
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	7,500.00	150.00
Wilbur E. Brewton, 225 South Adams Street, Suite 250 Tallahassee, FL 32302	Taylor Brion Buker & Greene (For:PRIDE of Florida)	3,500.00	2,400.00
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	4,800.00	11.75
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	4,000.00	
Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875			7,088.62
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	2,250.00	2,425.00
Do	City of St. Louis - City Hall	1,500.00	10,345.00
Do	Lambert-St. Louis International Airport	24,975.00	22,984.00
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	82,821.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	1,675.00	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	11,500.00	1,185.71
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	5,653.06	2,192.67
Do	Asset Investors	6,003.43	2,496.94
Do	Crystal Creek Homeowners Assn		
Do	Lake Catamount Joint Venture	294.00	
Do	Liberty Media Corp	7,928.00	3,957.96
Do	New Valley Corporation	116.77	
Do	ORNDA		
Do	Rose Medical Center	2,978.67	64.52
Do	US West	5,394.86	
Do	Western Union Corp		10,020.91
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp		
Do	New York State Mortgage Loan Enforcement & Admin Corp		
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	12,000.00	
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Wasatch County)	6,000.00	1,500.00
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, 'L 60601	School District 63, et al.	836.00	3,797.50
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		33.00
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation	6,000.00	98.73
Do	Metropolitan Transportation Commission	30,762.48	819.99
Do	Military Audits of Market Information, Inc	2,450.00	50.00
Do	Oakland County, Michigan	9,113.75	403.32
Do	Robinson Town Center	6,000.00	78.75
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,680.33	478.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,398.56	
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	16,000.00	
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	5,500.00	
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp	13,726.22	6,775.05
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	1,000.00	
Do	Savings Bank of the Finger Lakes	500.00	
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	2,000.00	
Do	ADVANTA Corporation	2,500.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	100.00	
Do	CRISIS	10,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute	1,000.00	
Do	Federation for American Immigration Reform	13,500.00	
Do	Household International	5,000.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Do	Towers Perrin	7,000.00	
Robert D. Byrne Jr., 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Patrick J. Cacchione, DCHNS 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health System		
John D. Cahill, McDermott,O'Neill and Associates 75 State Street #2130 Boston, MA 02109	Greater Boston Convention & Visitors Bureau, Inc	18,000.00	
Do	John Drew Co	18,000.00	
Do	Northeastern University	37,500.00	23,100.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	93.92
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	60.55
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		2,452.00
Do	Embassy of Nicaragua	10,500.00	1,226.00
Do	Fibromyalgia Network		139.00
Do	National Council of Maubere Resistance	12,055.00	1,467.00
Camp & Barsh, 2550 M St., NW, #275 Washington, DC 20037	Union Pacific Resources, Inc		
Campbell Falk & Selby, 444 North Capitol St., NW, #711 Washington, DC 20001	New York Power Authority	6,581.25	6,000.00
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	18,289.00	19,459.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,275.00	430.80
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,546.00	
Shawn Cantrell, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
Capital Partnerships (VA), Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation	46,000.00	6,900.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hansen Engine Corp		
Do	North Metro Mayors Coalition	10,880.00	4,219.00
Do	RADAR	19,824.00	2,973.00
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	15.00
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp	270.00	
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
William Carney, 523 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	15,000.00	
Do	Edison Electric Institute	15,000.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	5,865.00	48.40
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers		
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
James M. Carroll, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp	3,342.04	712.97
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,185.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	335.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	2,800.00	406.09
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	1,290.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	700.00	43.95
Do	American Assn of Homes for the Aging	17,250.00	177.50
Do	American Dredging Co		
Do	American Hospital in Shanghai Foundation		
Do	Atlantic Drydock Corp		
Do	ARCO Chemical Americas Co	4,350.00	151.70
Do	AT&T	1,562.40	12.00
Do	Babson College	575.00	31.50
Do	Bean Dredging Company		
Do	Bentley College	2,475.00	19.50
Do	Bishop Museum	225.00	
Do	Boston Carmen's Union		
Do	Boston College	2,650.00	34.50
Do	Boston University	6,975.00	29.00
Do	Bryant College		132.50
Do	Buena Vista College	2,012.40	54.90
Do	California Community Colleges	900.00	12.00
Do	California Pacific Medical Center	155.00	7.50
Do	Capitol American Life Insurance Co		
Do	Center for Health Technologies, Inc	3,300.00	31.65
Do	CertainTeed Corp	600.00	
Do	Charlotte-Mecklenberg Hospital Authority Foundation	825.00	15.00
Do	Chemical Manufacturers Assn		
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	900.00	24.00
Do	Children's Hospital in Michigan	150.00	
Do	Children's Hospital of Pittsburgh	550.00	7.50
Do	Children's National Medical Center	1,425.00	40.70
Do	City of Charlotte		
Do	City of Fairfield, CA	1,500.00	7.50
Do	City of Vallejo	375.00	89.90
Do	Clark Atlanta University	225.00	
Do	Columbia University	1,975.00	42.00
Do	Community College Assn for Technology Transfer		
Do	Connecticut Health System, Inc	2,400.00	60.00
Do	Coriell Institute for Medical Research		
Do	Critical Languages & Area Studies Consortium, Inc		
Do	CSO Partnerships	600.00	
Do	Dowling College	1,750.00	50.80
Do	Elliott Homes		
Do	Energy Partners	450.00	7.50
Do	Evergreen Airventure Museum	1,000.00	60.10
Do	Fairleigh Dickinson University	450.00	12.00
Do	Federal Express		
Do	Florida Institute of Technology	1,400.00	159.75
Do	Florida Power Corp		
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	150.00	
Do	Fudan Foundation		
Do	Garden Isle Cablevision, L.P.		
Do	General Dynamics Corp	6,525.00	67.50
Do	General Nutrition, Inc	4,050.00	28.50
Do	Genetic Design	4,125.00	122.95
Do	Glaxo, Inc		
Do	Gonzaga University	925.00	34.50
Do	Governor of Hawaii, Executive Office on Aging		
Do	Great Lakes Dredge & Dock Company		
Do	Hahnemann University Hospital	75.00	
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	2,175.00	37.50
Do	Infirmary Health Systems, Inc		
Do	Insituform of North America, Inc	3,375.00	12.00
Do	Intercontinental Energy Group	300.00	
Do	International Data Group		
Do	T.L. James & Company		
Do	Jones Intercable, Inc		
Do	Just Say No International	1,950.00	19.50
Do	Kauai CableVision, L.P.		
Do	Lahey Clinic	975.00	30.00
Do	LaSalle University	1,130.00	
Do	Lehigh University		
Do	Lewis and Clark College	225.00	7.50
Do	Loma Linda University Medical Center, Inc	150.00	12.00
Do	Loyola Marymount University	150.00	12.00
Do	Mac Andrews and Forbes		
Do	Maersk, Inc		
Do	Mary Washington Hospital Foundation	75.00	
Do	Massachusetts League of Banks		
Do	Massachusetts Municipal Wholesale Electric Company		
Do	McDonnell Douglas Corp	178,617.00	1,950.30
Do	Medical Center of Central Massachusetts	1,075.00	52.60
Do	Medical College of Pennsylvania		
Do	Medicon	1,500.00	
Do	Miami-Dade Community College	4,875.00	31.65
Do	Monterey Institute of International Studies		
Do	Motion Picture Assn of America	3,000.00	
Do	Mt. Sinai Medical Center of Greater Miami	3,750.00	
Do	Multinational Business Development Coalition		
Do	MOOG, Inc	525.00	
Do	National Assn of Dredging Contractors	1,360.00	40.00
Do	National Assn of Realtors		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	1,725.00	17.00
Do	New England Deaconess Hospital Corporation	1,525.00	119.25
Do	New Jersey Instutute of Technology	525.00	7.50
Do	New York Medical College	1,200.00	
Do	North Natomas Landowners Assn		
Do	Northwestern University	2,150.00	
Do	Ocean Spray Cranberries, Inc	6,600.00	144.40
Do	Paramax Systems II	340.00	31.50
Do	Pennsylvania Educational Telecommunications Exchange Network		
Do	Petresa Canada, Inc		
Do	Philip Crosby Associates, Inc		
Do	Pine Bluff Sand & Gravel		
Do	Polaroid Corp		
Do	Polytechnic University	225.00	19.50
Do	Providence & Worcester Railroad Company	8,775.00	36.60
Do	PGA Tour	225.00	
Do	Rehabilition Hospial of the Pacific		
Do	Rhode Island Hospital	675.00	15.00
Do	Rhone-Poulenc, Inc	225.00	
Do	Rochester Institute of Technology	750.00	39.50
Do	Sacred Heart Hospital	2,475.00	42.40
Do	Saint Joseph's University	375.00	
Do	Savings Bank and Life Insurance Company of MA	6,000.00	
Do	Scott County Highway Department		
Do	Smokeless Tobacco Council	9,000.00	15.00
Do	Societa Cavi Pirelli S.p.A.		
Do	Southeastern PA Consortium for Info. Tech. & Training	3,300.00	67.50
Do	St. Francis Healthcare Foundation of Hawaii	600.00	7.50
Do	St. Norberts College		
Do	St. Xavier College	4,800.00	112.30
Do	State of Indiana, Office of the Governor		
Do	State of Rhode Island Office of Economic Development		
Do	Sutter Bay Associates		
Do	Sylvan Learning Systems, Inc	300.00	28.95
Do	Tufts University	4,575.00	45.00
Do	Unified Industries, Inc		
Do	Union Memorial Hospital	1,200.00	
Do	Union Switch & Signal	1,800.00	
Do	University of the Arts		
Do	University of Dayton	375.00	78.75
Do	University of Detroit Mercy		
Do	University of Hawaii	225.00	7.50
Do	University of Limerick Foundation	1,400.00	
Do	University of San Francisco	150.00	7.50
Do	University of Southern Mississippi	500.00	
Do	University of St. Thomas		
Do	Watsonville Community Hospital	75.00	
Do	Western Townships Utilities Authority		
Do	World Learning		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	912.50	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc		
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn)	2,200.00	2,200.00
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition)		
Do	Neece Cator Barnicle & Associates (For:GMIS)		
Do	Neece Cator Barnicle & Associates (For:Hazardous Waste Action Coalition)		
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).	1,500.00	1,500.00
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).	1,150.00	1,150.00
Gordon Cavanaugh, 601 Pennsylvania Ave., NW, #800 Washington, DC 20004	Reno Cavanaugh & Hornig (For:Cooperative Housing Foundation)	333.50	14.50
Do	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	29,139.26	707.99
Do	Reno Cavanaugh & Hornig (For:Housing Assistance Council)	200.00	
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	899.00	
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	989.23	
Do	Reno Cavanaugh & Hornig (For:National Assn of Service & Conservation Corps)	6,476.00	123.49
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	4,200.00	1,800.00
Red Cavaney, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	6,600.00	
Cement Kiln Recycling Coalition, 1212 New York Ave. NW Suite 500 Washington, DC 20005			
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	10,472.00	
Cindy Thorne Chadwick, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	4,112.50	6,074.84
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	4,770.00	993.98
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,143.70
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,576.09	217.86
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	7,158.09
Child Care America, Inc, 14102 Warwick Blvd Newport News, VA 23602		100.00	100.00
Christian Action Network, P.O. Box 606 Forest, VA 24551		638,735.65	412,255.52
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		9,605.81	9,969.62
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	American Home Sewing & Craft Assn	1,300.00	1,300.00
Do	American Radio Relay League	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,400.00	1,400.00
Do	National Licensed Beverage Assn	4,500.00	4,500.00
Do	National Weather Service Employees Organzation	800.00	800.00
Do	Role Models America, Inc	2,000.00	2,000.00
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		145.11	145.11
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates (For:American Paper Institute)		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn		
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	10,686.48	
Lawrence Clinton, 900 19th Street, NW, Suite 800 Washington, DC 20006	U.S. Telephone Assn	1,250.00	
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	11,160.16	
Coet Combs, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	19,720.95	689.71
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	1,579.50	147.63
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,550.00	1,023.92
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	980.22
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Cole Corette & Abrutyn, P.C., 805 15th Street, NW, #900 Washington, DC 20005	Government of France		
Do	Matsushita Electric Corp of America, et al.		
Do	Millipore Corporation		3,886.45
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Cambridge International, Inc	2,000.00	
Do	Coalition for Employment Opportunities	4,000.00	
Do	Diagnostek, Inc	5,000.00	
Do	MMW/Strategic Communications, Inc	2,000.00	
Do	National Rehabilitation Hospital	5,000.00	
Do	Orleans Levee District	3,000.00	
Do	RGDC, Inc	2,000.00	
Do	St. Bernard Port, Harbor & Terminal District	3,000.00	
Do	Western Farmers Electric Cooperative		
Do	Winston & Strawn	1,000.00	
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	35.00	
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	10,185.25	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	296.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	EG & G/Dynatrend	7,500.00	
Community Service Society, 105 East 22nd Street New York, NY 10010			2,490.05
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	750.00	
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	William M Mercer, Inc		
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		48,976.92	48,976.92
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			2,237.50
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	1,900.00	
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	National Ag Underwriters, Inc		2,241.00
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	181.00	13.50
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,860.79	
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	1,000.00	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		73,820.00	4,956.19
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		102,739.00	73,994.00
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036			
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			17,370.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	384.00	826.92
Liz Cook, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	836.20
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	3,790.82	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Josephine S. Cooper, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Institute		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	960.61	6,260.85
Chuck Corbett, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' National Assn		
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	2,500.00	
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	5,841.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Jack Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		637.57
Keyna Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		637.58
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	729.00	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		65.45
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	10,264.73	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			38,954.16
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.			8,283.68
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
John F. Cove, 1114 Fallsmead Way Rockville, MD 20854	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Watch Assn	2,887.50	
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	3,540.00	104.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,977.00	492.34
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		1,344.40
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Eagle-Picher Industries, Inc		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	349.00	
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		32,000.00	25,038.28
Enrique M. Cubillos, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English		
Brien F. Culhane, 900 17th Street, NW Washington, DC 20006	Wilderness Society	106.41	455.77
Barry Cullen, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	American Forest & Paper Assn		
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	18,934.00	
Jennifer Cummins, 1616 H Street, NW Washington, DC 20006	National Grange	5,500.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #650-E Washington, DC 20005	Committee to Support the Antitrust Laws	3,000.00	12.00
Do	National Assn of Securities & Commercial Law Attorneys	9,000.00	374.31
Do	Service Station Dealers of America	480.00	56.70
Do	West Publishing Co	1,250.00	50.00
William J. Cunningham, 200 State Street, 10th Floor Boston, MA 02109	American Fed of Labor & Congress of Industrial Organizations	18,576.09	870.59
Maureen Curley, 105 East 22nd Street New York, NY 10010	Community Service Society	233.03	
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	23,750.01	354.20
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,944.00	933.47
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	University of Colorado	8,092.50	113.96
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			1,000.00
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	7,500.00	1,411.29
Do	British Petroleum, America	7,000.00	896.13
Do	Farmland Industries, Inc	6,000.00	553.39
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	509.39
Do	National Bank & Soil Producers Assn	3,150.00	774.03
Do	Responsible Industry for a Sound Environment	4,600.00	349.84
Do	Scotts Companies & Subsidiaries	15,000.00	2,606.03
Do	ZENECA Ag Products	12,000.00	2,624.09
John E. Daniel, 1133 21st St., NW, #710 Washington, DC 20036	International Technology Corporation		
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Valencia Community College)	5,000.00	
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company	9,000.00	
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc	7,500.00	
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005-2	Blue Cross of California	13,125.00	91.23
Ralph De Gennaro, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	880.59	
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Enterprise Products		
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,465.18	118.48
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,000.00	
Daniel B. Denning, 499 South Capital Street, SW, #502 Washington, DC 20003	Martin Marietta Corp	550.00	
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,636.56	15,636.56
Clayton S. Depue, 2020 Pennsylvania Ave., NW, Suite 164 Washington, DC 20006	Americans for a Presidential Line-Item Veto		2,885.00
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	Mobile Bar Pilots Assn		
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	3,000.00	38.00
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,119.88
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America	29.00	1,872.91
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Robert E. Dillon, Sony Drive Park Ridge, NJ 07656	Sony Corp of America	2,000.00	
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	758.53
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	17,665.00	17,665.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	70.69
Brian E. Dixon, 1400 16th Street, NW Suite 320 Washington, DC 20036	Zero Population Growth		
Lawrence S. DiCara, 101 Federal Street, 12th Floor Boston, MA 02110	Peabody & Brown (For:Boston Capital Partners, Inc)		
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Internatioinal, Inc.	3,300.00	
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,650.00	482.12

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp		
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	America's Public Television Stations, Inc		
Do	Children's Television Workshop	150.00	
Do	National Captioning Institute	115.00	
Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100 Washington, DC 20002		147,930.00	36,403.00
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Center for Employment Training		
Do	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Profit Sharing Council of America		
Michael Draper, c/o Dickstein, Shapiro & Morin 2101 L Street, NW Washington, DC 20037	Forest Products Industry National Labor-Management Committee		5,112.83
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	11,577.00
Marcel Dubois, 1301 Connecticut Avenue, NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste		712.83
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	17,472.32	130.00
Ducheneaux Taylor & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Santa Clara Indian Pueblo		
John V. Dugan Jr., 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics/Space Systems Division	1,000.00	491.94
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003			
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Andrea Durbin, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465	National Rural Letter Carriers Assn		
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	American Plastics Society	70,000.00	1,541.11
Do	American Society of Cataract & Refractive Surgery (ASCRS)	40,000.00	4,782.15
Do	Arizona Afiliated Tribes, Inc	1,575.00	29.42
Do	BOC Council	20,000.00	1,013.99
Do	Carpet and Rug Institute	30,000.00	2,867.98
Do	Child Care Support Council		13.63
Do	Citgo Petroleum Corp		2,705.49
Do	Communications Satellite Corp	15,000.00	1,371.74
Do	Creditors Alliance for Freight Undercharge Assets	46,511.33	3,111.04
Do	CILCORP, Inc	24,000.00	344.84
Do	Domestic Priorities Leadership Council	25,000.00	795.43
Do	DSC Communications Corp	34,385.00	1,882.86
Do	Earth Observation Satellite Co	30,000.00	273.49
Do	Haldor-Topsoe, Inc	30,000.00	29.76
Do	Hart-Culp International		
Do	Hercules, Inc	9,525.00	40.70
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc/ONCOR Communications	20,000.00	940.40
Do	Jewish National Fund	10,000.00	16,155.67
Do	Medallion Knitwear, Inc	8,542.50	53.25
Do	Monarch Wine Co of Georgia/Todhunter Intl, Inc		737.56
Do	National Accrediting Comm of Cosmetology Arts & Sciences	30,000.00	701.82
Do	National American Wholesale Grocers Assn	6,000.00	383.27
Do	National Cellular Resellers Assn	41,666.00	1,127.16
Do	National Ground Water Assn	10,500.00	1,570.31
Do	Oklahoma Basic Economy Corp	10,000.00	
Do	PacifiCare Health Systems	50,000.00	2,105.39
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	6,000.00	7.00
Do	Rmax, Inc		
Do	San Xavier Indians Project		
Do	Satellite Broadcasting & Communications Assn	3,000.00	
Do	Tiregator, Inc	10,000.00	22.80
Do	Todhunter International, Inc	15,440.00	
Do	United Illuminating	4,000.00	56.96
Do	Washington Research Group	15,000.00	655.57
Do	Wine Institute	8,587.50	167.36
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,886.79	582.59
Robert J. DuComb Jr., 2929 North Central Avenue, 14th Floor Phoenix, AZ 35012-2742	Sakcs Tierney & Kasen (For:USA Group, Inc)		
David Dyer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc		
Do	Kaman Diversified Technologies Corp		
Do	Martin Marietta Corp		
Do	Hand Arendall Bedsole Greaves & Johnston (For:Northrop Corp)		
Pam Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	2,144.61	
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		25,500.00	217.75
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	ADT Automotive, Inc	390.00	
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	10,105.67	647.55
Tony M. Edwards, 1120 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006		66,762.54	73,256.47
George E. Ellis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Waste Management, Inc		
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc	1,000.00	
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro,, MD 20772	International Assn of Machinists & Aerospace Workers	17,928.15	680.33
JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
End Notch Discrimination, P.O. Box 3630 59 West La Sierra Drive Arcadia, CA 91006-3630			
Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006	Intel Corp	15,000.00	3,698.89
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		2,695.87
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005			15,794.57
Dawn Erlandson, 218 D Street, SE Washington, DC 20003	Friends of the Earth	363.63	
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	554.03
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc	15,031.46	31.46
Do	Kaman Diversified Technologies Corp	9,055.92	55.92
Do	Lister Bolt & Chain, Ltd	9,071.35	71.35
Do	Martin Marietta Corp	25,457.14	206.14
Do	MIP Instandsetzungstriebe GmbH	27,000.00	
Do	Northrop Corp		
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	Competitive Telecommunications Assn (COMPTEL)		
Sandra Bromberg Eskin, 5609 Jordan Road Bethesda, MD 20816		700.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Do	B.L. Evans & Associates (For:Paul Revere Life Insurance Company)		
Ellen Evans, 1227 25th Street, NW, Suite 610 Washington, DC 20037-1156	American Managed Care & Review Assn		
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc		
Rae Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Do	Paul Revere Life Insurance Company		
Thomas L. Fagan, Jr., 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,000.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,495.88	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	11,875.00	150.00
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Federation of Independent Business	1,150.00	200.00
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,260.00	185.63
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	15,336.00	5,699.60
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Dillingham Construction Corp, Inc	7,500.00	563.40
Do	Global Marine, Inc	3,750.00	604.57
Do	Klukwan, Inc	11,250.00	625.02
Do	Mountaineer Gas Co	7,500.00	597.33
Do	Northern Air Cargo	3,750.00	625.20
Do	U.S. Borax, Inc	7,812.50	593.75
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	32,734.00	1,016.93
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	1,061.54	
Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172	Wichita Tribe	1,462.50	47.00
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
Mary Ann Finney, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	980.00	
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	1,027.76	267.29
Matthew H. Finucane, 1444 Eye Street, NW, #702 Washington, DC 20005	Asian Pacific American Labor Alliance, AFL-CIO	700.00	30.00
Rosario A. Fiorani Jr., 7115 Latour Court Alexandria, VA 22310			1,000.00
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	7,500.00	1,005.23
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,360.00	
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	4,800.00	
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036-3308	Secura Group	15,000.00	1,227.30
Alan M. Fitzwater, 801 Pennsylvania Avenue, NW, #220 Washington D.C.	Burlington Northern Railroad Co	25,000.00	
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	National Assn of Chain Drug Stores, Inc	100.00	
Mac A. Fleming, 26555 Evergreen Rd., #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Constellation Technology Corp.	3,000.00	
Do	Cray Research, Inc	49,399.38	
Do	Florid Atlantic University		
Do	Florida Community College at Jacksonville	1,500.00	
Do	Florida State University	20,000.00	
Do	Lake City Community College	7,500.00	
Do	MEDCO Containment	8,000.00	
Do	University of Alaska	15,000.00	
Do	University of Nevada-Las Vegas	15,945.64	
Do	University of New Mexico	5,000.00	
Do	University of Vermont	23,417.25	
Do	Westinghouse Electric Corp	13,164.79	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	10,572.00	129.00
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Carol Tucker Foreman, 1155 21st Street, NW, #1000 Washington, DC 20036	EMILY's List		
Do	International Women's Health Coalition	1,426.95	20.00
Do	Monsanto Co	4,155.00	45.00
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	Council for Responsible Nutrition	15,700.00	1,966.59
Do	Covington & Burling (for American Personal Communications)	3,333.30	1,933.29
Do	EMILY's List		
Do	International Women's Health Coalition	4,756.50	4,250.62
Do	Monsanto Co	13,850.00	4,305.11
Do	National Abortion Rights Action League (NARAL	16,794.50	5,518.21
Michael Fortier, 1227 25th Street, NW, Suite 610 Washington, DC 20037-1156	American Managed Care & Review Assn		
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington , DC 20036	Chrysler Corp	5,860.00	449.00
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	9,722.42	65.00
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	6,500.00
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	425.00	
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,060.00	621.21
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	1,868.54	16.00
Do	Dairymen, Inc	10,780.00	592.22
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	147.30	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	55.00
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	126.09
Do	Gulf Coast Waste Disposal Authority	5,653.50	166.90
Do	Los Angeles County Sanitation District	10,258.50	254.91
Blaine P. Friedlander, 2341 Dale Drive Falls Church, VA 22043	Korean War Veterans Assn, Inc		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		138,873.00	193,351.00
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	5,000.00	
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund		15.00
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,000.00	400.00
Kathleene E. Gallegos, 1925 N. Lynn Street., #502 Arlington, VA 22209	McNair Group, Inc (For:Hercules Aerospace Company)		
Thomas Gann, 1201 Pennsylvania Avenue, NW Suite 370 Washington, DC 20004	Sun Microsystems, Inc		3,475.00
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	87,010.00	
Reginald R. Garcia, 216 South Monroe Street, #300 Tallahassee, FL 32301	Taylor Brion Buker & Greene (For:PRIDE of Florida)	4,579.24	520.12
Robert Garcia, 301 SE Harbor Point Drive Stuart, FL 34996	Puerto Rico Federal Affairs	3,000.00	53.00
James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Heil & Weigler (for: RENTRAK Corp)).		
Lynda Nelson Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Neil & Weigler (for RENTRAK Corp)).		
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	80.00	
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			1,792.67
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	640.69
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233		172.50	172.50
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,200.00	946.56
Kenneth Gersten, 69 Franklin Street Annapolis, MD 21401	Sierra Club	173.63	
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company	3,807.00	2,095.00
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	16,000.00	453.00
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,408.00	62.15
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Astra Holdings Corp)	600.00	
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	5,077.20	
Do	Gadsby & Hannah (For:Dyncorp)	98.15	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp)	98.15	
Do	Gadsby & Hannah (For:IPAC)	1,519.10	
Do	Gadsby & Hannah (For:NMP Corp)	2,061.43	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:Veda, Inc)		
Do	Gadsby & Hannah (For:Veda, Inc)	1,215.00	
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)	457.97	
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,545.00	
Earl E. Gjelde, 11240 Waples Mill Road, Suite 100 Fairfax, VA 22030	Waste Management, Inc.		
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			6,310.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Alexandra Glowacki, 3901 Connecticut Ave., NW Washington, DC 20008	Saipan Garment Manufacturers Assn	14,375.00	257.00
Horace D. Godfrey, 15 Golf Course Road Littleton, NC 27850	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,075.00	
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	12,306.70	134.18
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	American Road & Transportation Builders Assn	3,000.00	
Do	National Assn for the Self-Employed	7,200.00	
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,865.66	
Helen C. Gonzales, 1875 Connecticut Avenue, NW, #510 Washington, DC 20009	National Consumer Law Center	586.08	
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	852.00	2,245.50
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	191.00
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn		
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	15.00	7.00
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	14,675.50	1,154.67
Paul E. Goulding, 1140 23rd Street, NW, Suite 505 Washington, DC 20037	Warren & Co (for Council of the Americas)	3,000.00	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	4,281.00	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	1,429.50	
Do	Pueblo of Tesuque	7,108.00	
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	287.50	
Do	Shoshone Tribe	16,438.50	
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	136.94
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,115.32	
Clifford S. Graul, 1800 M Street, NW, #325 South Washington, DC 20036	Creative Strategies Group		
Carol J. Gray, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	1,823.00	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		743,923.00	60,458.00
Stanley C. Green, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Hamilton Standard	2,400.00	334.48
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Healthcare Assn	12,000.00	168.84
Do	Central American & Caribbean Textile & Apparel Council	27,000.00	
Do	Chase Bank	2,500.00	
Do	Dade County	32,499.92	
Do	John Alden Life Insurance Co	24,969.25	1,087.98
Do	Mount Sinai Medical Center	18,000.00	
Do	National Assn for the Support of Long-Term Care (NASL)	21,321.75	59.64
Do	National Health Laboratories	63,285.00	107.76
Do	Ren Corp-USA		
Do	Smith Corona Corp	33,750.00	
Do	Torrington Co	27,000.00	
Do	Xoma	20,000.00	1,326.86
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	9,375.00	
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			24,000.00
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	25.46
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	4,000.00	
Mary Louise Griffin, 2214 Paddock Way, #900 Grand Prairie, TX 75050	Allied Pilots Association		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			2,211.76
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp	280.00	35.00
Do	Eli Lilly & Company		
Do	Maxus Energy Corp	300.00	40.00
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	415.00	45.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		
Christina M. Groszer, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,866.00	1,077.39
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	56,250.00	
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	2,000.00	100.00
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn	5,000.00	
Do	Council on Accreditation of Services for Families & Children		
Do	Manor Healthcare, Inc	16,000.00	
Do	Midwest Organ Bank, Inc	15,000.00	
Do	National Assn of Medical Directors of Respiratory Care	7,000.00	
Do	Puritan Group-Puritan Bennett Corp	2,000.00	
Do	Transtracheal Systems		
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	6,000.00	
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,498.00	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Boston Area Mutual Fund Group	12,000.00	650.00
Gregory V. Haledjian, 444 North Capitol Street, NW, Suite 711 Washington, DC 20001	Keefe Company (For:City of Homestead, FL)		
Do	Keefe Company (For:Radiofone, Inc)		
Heide Halik, 408 C Street, NE Washington, DC 20002	Sierra Club	4,178.36	6.50
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co	2,000.00	230.00
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	2,100.00	
Do	Bruce P. Cameron (for: Embassy of Nicaragua)	1,050.00	
Do	Bruce D. Cameron (For:Fibromyalgia Network)		
Do	Bruce Cameron (For:National Council of Maubere Resistance)	1,050.00	
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	26,667.00	20,410.74
Susan C. Hammann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	250.00	
William A. Hanbury, One Lincoln Center, #1180 Syracuse, NY 13202	Hanbury & Associates (For:Oneida Indian Nation)		
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		2,281,149.00	1,933,832.00
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Harkins Cunningham, ATTN: A. Carl Kaseman, III 1300 19th Street, NW, Suite 600 Washington, DC 20036	Computer Sciences Corp		
William G. Harley, 4301 North Fairfax Drive, #360 Arlington, VA 22203	National Utility Contractors Assn		
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	4,000.00	20.00
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Richard M. Harris, 501 School St., SW 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	27,000.00	865.03
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	2,600.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Scott D. Hatch, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	4,125.00	
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
James W. Hawkins III, P.O. Box 25366 Washington, DC 20007-8366	Hawkins & Associates (For:Alza Corp, et al.)		
Hawkins & Associates, P.O. Box 25366 Washington, DC 20007-8366	Cochlear Corp		
Do	Communicore		
Do	Metra Biosystems, Inc		
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		225.00
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	3,950.00	
Martin Hayden, 408 C Street, NE Washington, DC 20002	Sierra Club	3,624.75	
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Sportfishing Assn	2,000.00	
Do	Coastal Conservation Assn	6,000.00	
Do	Natural Resources United	9,000.00	
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	990.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		4,501.54	4,501.54
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Nikki Heidepriem, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Covington & Burling (for American Personal Communications.)	599.99	
Do	EMILY's List		
Do	Foreman & Heidepriem, Inc (For:National Abortion Rights Action League)	3,358.90	
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	190.24	
Barbara Alison Helfrich, 3510 Thornapple Street Chevy Chase, MD 20815			
Helicopter Assn International, 1641A South Hayes Street Arlington, VA 22202			17,276.00
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,843.07	25.00
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Senior Army Reserve Commanders Assn	1,000.00	
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control	220.00	
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn/American Thoracic Society	1,141.15	5,590.70
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	2,400.00	
Kevin S. Hensley, 1015 15th Street, N.W., #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	17,928.15	87.66
Margaret A. Hill, 1400 L Street, NW Washington, DC 20005	Hoover Group	200.00	
Do	Nalco Chemical Co	200.00	
Do	Sonoco Products Co	24,228.75	168.00
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Monsanto	6,350.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #635 Washington, DC 20004	Digital Equipment Corp	25,000.00	
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth		
Alex Hittle, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Sheila E. Hixson, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	American Psychological Assn (APA)		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	88.00	
Do	Association of Navajo Community-Controlled School Boards	600.00	
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp		
Do	Maniilaq Assn		
Do	Metlakatla Indian Community	110.00	26.30
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians		
Do	Norton Sound Health Corp		
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Pinon Community School Board		
Do	Ramah Navajo School Board		
Do	Rock Point Community School Board		
Do	Rough Rock Community School Board		
Do	Shiprock Alternative Schools, Inc		
Kristin Hofeditz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	1,119.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance	12,000.00	4,715.83
Do	Froedtert Malt Corp	3,000.00	1,179.16
Do	National Barley Growers Assn	15,000.00	5,894.78
Irvin A. Hoff, 18 Meadowlark Lane Hilton Head Island, SC 29926	U.S. Cane Sugar Refiners' Assn	3,750.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Arctco, Inc		
Do	C & C Distributors, Inc		
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	130.00	
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	87.00
Do	Home Savings of America	2,500.00	112.87
Do	Stuzin & Camner	2,500.00	113.75
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,875.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,624.18
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Estate of Helen Wodell Halbach		
Do	Tandy Corporation	7,384.00	
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		7,676.01	7,676.01
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Corp	905.00	
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	20,400.00	487.67
Do	National Assn of Veterans Admin Physicians and Dentists	10,400.00	6,000.00
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	1,000.00	1,000.00
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Lorraine Howerton, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn	12,341.32	
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	GE Aircraft Engines	112.50	
Do	Hughes Aircraft Co	112.50	
Do	Litton Industries, Inc	112.50	
Do	Rockwell International Corp	112.50	
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	700.00	586.14
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	880.48	100.83
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		36.70
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Edison Electric Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Long Island Lighting Co	1,000.00	
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	2,971.00	1,318.00
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	292.50	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)	1,468.00	164.81
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)		
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)		
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)		
Do	McDonald's Corp		
Do	Professionals for Spouse Reunification	348.00	5.78
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		3,606.37	3,606.37
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		10,598.00	10,598.00
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			2,500.00
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			63,077.25
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			11,240.22
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,579.00	236.37
Walter G. Irvine Jr., 34th & Civic Center Blvd. Philadelphia, PA 19104	Children's Hospital of Philadelphia	8,125.00	823.30
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,250.00	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Alliance of Non-Profit Mailers	500.00	
Do	Coal Industry Health Protection Coalition	18,000.00	
Eva Jack, 1825 I Street NW # 400 Washington, DC 20006	Intel Corp	6,000.00	3,937.59
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	2,980.05
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		366.95
Erik S. Jaffe, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)	2,884.00	135.58
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	6,675.00	925.00
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	166.00	
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	1,900.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	12,000.00	
Debra Levin Jardot, 1101 17th Street, NW, #501 Washington, DC 20036-4704	Disney Worldwide Services, Inc		
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Comm for the Timber Industry	11,250.00	
Do	Savarese & Assocs (for Nat'l Assn for the Superconducting..)	3,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	260.33
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	22,183.94	271.70
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		
Jellinek Schwartz & Connolly, 1015 15th Street, NW, #500 Washington, DC 20005	ASARCO, Inc	1,542.00	15.42
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	MCI Communications Corp		
Do	Safe Steel Container Coalition	6,135.00	
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
Valerie Jewett, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,625.00	
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	918.05
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,886.79	1,215.01
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	10,769.25	113.55
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,800.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	112.93	273.00
Linda Wolf Jones, 105 E. 22 Street New York, NY 10010	Community Service Society	41.23	554.58
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Barnes & Tucker	4,380.00	110.00
Do	Mountain Laurel Resources, Inc	4,380.00	110.00
Do	NACCO Industries, Inc	51,863.00	250.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company		
Do	Utah State University	400.00	
Jorden Burt Berenson & Klingensmith, 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007-0805	City of Gainesville	14,470.00	201.00
Do	City of Newark	25,607.00	372.00
Do	Florida Endowment Fund for Higher Education	508.00	8.60
Do	Metropolitan Atlanta Olympic Games Authority	9,059.00	144.00
Do	New York University	60,510.00	860.00
Do	South Dade Land Corp	2,275.00	29.00
Do	University of Medicine & Dentistry of New Jersey	8,300.00	115.00
Do	University of Miami	64,375.00	917.00
Do	University of Tulsa	13,719.00	201.00
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,399.00	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	43,125.00	2,112.71
Do	International Speedway Corp	9,000.00	
Do	Stock Information Group		
Kathy Elena Jurado, 4202 East Fowler Avenue, ADM 280 Tampa, FL 33620	University of South Florida	6,000.00	5,008.26
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			5,868.00
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	446.64	72.00
Lisa Kahn, 218 D Street, SE Washington, DC 20003	Friends of the Earth	43.08	
Kahn Soares & Conway, 1919 S. Eads St., Suite 103 Arlington, VA 22202-3028	Central Soya/Novamont	15,000.00	3,150.00
Kamber Group, 1920 L Street, NW, Suite 700 Washington, DC 20036	TDS Health Systems Corp	26,500.00	1,106.89
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	12,938.00	74.00
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	292.24
Harpreet Kang, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Foreman & Heidepriem, Inc (For:International Women's Health Coalition)	443.46	50.44
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,500.00	462.72
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	1,500.00	
Do	OPCO Wholesale Customer Group	3,000.00	
Do	Public Power Council	2,500.00	
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	4,720.00	543.64
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	189.01
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	11.72
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		14.19
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	712.83	130.97
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice		
Katten Muchin & Zavis, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Amersham		
Do	Fujisawa USA, Inc	3,080.00	1,020.00
Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302	Colorado State University	9,000.00	
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	275.12	857.55
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Instruments SA, Inc	1,433.28	75.00
Do	Morgan Guaranty Trust Co of New York	3,814.00	3,814.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,038.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		357.00
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	3,525.22	
Do	General Instrument Corporation		
Do	Group Health, Inc	48,946.53	
Do	Monsanto Co	39,975.05	
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,100.00	
Brant P. Kelch, 2270 Cedar Cove Court Reston, VA 22091	American Assn of Preferred Provider Organizations (AAPPO)		
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	7,500.00	
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)	234.00	
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)	117.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647	Republic Engineered Steels, Inc		
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,625.00	3,275.75
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			255.00
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			16.04
Andrew Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America		
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	9,257.00	8,883.00
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	7,285.00	122.00
Wendy Kenyon, 1700 North Moore Street, 21st Floor Arlington, VA 22209	Boeing Co		39.24
Susan Akers Kernus, 1424 Longfellow St., NW Washington, DC 20011	Synthetic Organic Chemical Manufacturers Assn, Inc		
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,500.00	
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	799.04
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert H. Kim, 11290 Harbor Court Reston, VA 22091			
Daryl G. Kimball, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,381.00	
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	13,315.20	2,633.33
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	12,350.00	357.00
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,190.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Society of Hospital Pharmacists	1,877.00	
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Glendale Federal Savings Bank	265.00	10.00
Do	Investment Company Institute		
Do	Investors Fiduciary Trust Co		
Do	National Court Reporters Assn		
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)		114.23
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	9,298.00	
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	24,000.00	
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	2,251.60	
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	500.00	
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	420.23	
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	2,453.20	79.99
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	Central Arizona Water Conservation District	7,500.00	
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	2,000.00	3,833.57
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		225.00
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	421.28	
Gawain Kripke, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	344.40	
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	145.11	
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
Labor-Management Maritime Committee, Inc, 1150 17th Street, NW, Suite 700 Washington, DC 20036		4,418.00	10,113.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			76,168.41
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Shirley W. Lach, 337 11th Street, SE Washington, DC 20003			
Marc E. Lackritz, 1401 I Street, NW, Suite 100 Washington, DC 20005	Securities Industry Assn	6,923.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc		
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	3,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	5,000.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, P.C. (For:Occidental Chemical Corporation)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	McGuire Woods Battle & Boothe (For:Solite Corp)	5,000.00	
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)	5,000.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation		25.00
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	3,000.00	80.10
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	5,538.00	
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	14,250.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	5,184.00	711.83
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Alexander & Alexander Services, Inc		
Do	Wireless Cable Assn International	1,000.00	
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	6,000.00	
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	National Geothermal Assn	5,000.00	1,700.00
Do	Valmont Industries, Inc	13,500.00	1,700.00
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Paul Werth Associates, Inc (For:American Business Council of the Gulf Countries (ABCGC)).		
Do	Battelle Memorial Institute		
Do	Paul Werth Associates, Inc (For:Hoechst Celanese Corporation)	24,801.22	177.14
Do	Paul Werth Associates, Inc (For:Labor Policy Assn)		
Do	Paul Werth Associates, Inc (For:Mississippi Band of Choctaw Indians)		
Do	Paul Werth Associates, Inc (For:United South and Eastern Tribes Gaming Assn)		
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #860-N Washington, DC 20004	General Electric Co	1,850.00	
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		31,576.39	39,662.61
Bruce Lear, 1101 15th street, N.W., #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	2,000.00	
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	14,700.00	2,423.43
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	Visiting Nurse Assn of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund		
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	RJR Nabisco		
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washignton, DC 20036	American Assn for Marriage & Family Therapy		
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Robert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,115.32	
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	139.25
David M. Levy, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Alliance of Nonprofit Mailers)	574.00	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation	135.00	39.80
Jack W. Lewis, 1101 Vermont Ave., NW Washington, DC 20005	Paperboard Packaging Council	30.00	
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	9,423.00	289.00
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,600.00	
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	1,200.00	
Susan Lewis, 5229 Westpath Way Bethesda, MD 20816	Jason Foundation for Education		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	2,567.34	820.09
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	361.00
Liberty Council, c/o Eligio Castro P.O. Box 21544 University Station San Juan, PR 00931-1544			
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	1,027.00	414.00
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)	450.00	
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	745.53
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	3,000.00	150.00
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)		
Do	Bruce P. Cameron (For:Embassy of Nicaragua)		
Do	Bruce D. Cameron (For:Fibromyalgia Network)	80.00	
Do	National Council of Maubere Resistance	241.00	
Linda A. Lipsen, 1666 Connecticut Ave., NW #310 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	550.00	298.00
Aaron Locker, One Pennsylvania Plaza New York, NY 10119	Toy Manufacturers of America, Inc		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	6,600.00	
Locker Greenberg & Brainin, One Pennsylvania Plaza New York, NY 10119	Toy Manufacturers of America, Inc		
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,800.00	430.07
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
David Loveland, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Charles M. Loveless, 801 17th Street., NW Washington, DC 20434	American Fed of State County & Municipal Employees	27,856.23	1,423.81
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	13,000.00	6,829.00
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	280.00	70.00
Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	8,266.39	572.59
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Westland Development Corp	2,500.00	830.60
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	Florida Medical Center		
Michelle Gibson Lusk, 1212 New York Ave. NW Suite 500 Washington, DC 20005	Cement Kiln Recycling Coalition		
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	690.00	2,953.49
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	8,293.00
M & R Strategic Services, Inc, 1725 K Street, NW, Suite 1209 Washington, DC 20006	Issue Dynamics, Inc	500.00	300.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
Uday Madiman, P.O. Box 755 Beltsville, MD 20704	Indy Unlocks, Inc		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	City of Newport Beach	2,100.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	9,681.91	253.20
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	10,456.46	1,146.56
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	3,098.21	80.21
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)	5,809.14	114.53
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	12,453.75	13,932.53
Do	Inter-Mountain Forest Industries Assn	13,660.50	15,920.24
Do	Kaibab Forest Products Company	3,750.00	4,457.59
Do	Northern Arizona University Foundation	7,500.00	10,572.13
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	569.00
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	4,120.57
Linda Major, P.O. Box 2801 Daytona Beach, FL 32120-2801	International Speedway Corp		
Do	National Motorsports Council of ACCUS-FIA		
Todd M. Malan, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce	8,400.00	
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	336.00	5.00
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Bankers Assn	250.00	
Do	Appraisal Institute	1,547.50	
Do	Barr Laboratories	913.75	
Do	California Chiropractic Assn		
Do	California League of Savings Institutions	3,437.50	17.00
Do	Chemical Bank	1,923.75	31.98
Do	City of Hope	2,140.00	74.00
Do	Dole Food Co, Inc	900.00	30.00
Do	Federal Express Corp		
Do	General Electric, et al.		
Do	L.A. Gear, Inc		
Do	Medlantic Healthcare Group		
Do	Money Store	3,146.25	7.50
Do	NEC USA, Inc	2,311.25	
Do	Royal Wine Corp	7,472.50	
Do	Science Applications International Corp	1,500.00	34.50
Do	Thomas Cook, et al.		
Do	Western Dental Services, Inc	3,171.25	
Do	World Cup USA 1994, Inc	18,795.00	44.00
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	19,300.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HME)	210.00	
Do	Helen Keller National Center	250.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	3,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	2,377.50	76.00
Do	Captiva Erosion Prevention District		54.00
Do	City of Venice, Florida		
Do	Coalition to Keep Alaska Oil	2,225.00	87.00
Do	Coalition to Repeal the Wright Amendment	50.00	
Do	End Notch Discrimination		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Independent Pilots Assn	850.00	293.00
Do	National Society of Fund Raising Executives	675.00	104.16
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Susan Roeder Martin, 700 Universe Boulevard, Rm A3074 Juno Beach, FL 33408	Florida Power & Light Co	575.06	330.37
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn	110.00	
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	16,724.55	416.65
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	4,484.00	
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	183.20	
James T. Massey, P.O. Box 1689 317 East Cascade Sisters, OR 97759	Farmers Legal Action Group, Inc		
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,648.00	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,241.49	
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	13,500.00	965.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	American Automobile Manufacturers Assn		
Do	Equitable Real Estate Investment Management, Inc	187.50	
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers	23,500.00	3,622.25
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,000.00	337.50
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Imrig, Inc	1,000.00	
Do	ICI Chemical	1,000.00	
Do	Seafarers International Union	1,000.00	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Nuclear Energy Council	3,000.00	169.21
Do	Carolina Power & Light Co	900.00	
Do	Consolidated Edison Co of New York, Inc		
Do	Edison Chouest Offshore	2,400.00	169.21
Do	General Atomics	2,800.00	169.21
Do	Integrated Resources Group	3,000.00	169.21
Do	ICF International	3,600.00	
Do	Louisiana Energy Services	1,200.00	
Do	National Assn for the Superconducting Super Collider	4,500.00	178.00
Do	Sealaska Corp	1,800.00	169.21
Do	Tulane University	2,250.00	133.19
Do	Westinghouse Electric Corp	3,440.00	231.58
Do	Yukon Pacific Corp	2,400.00	169.21
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Society of Cataract & Refractive Surgery	7,094.50	430.96
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	1,568.00
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Euro-Nevada Mining Corp, Inc		
Do	Franco-Nevada Mining Corp, Inc		
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	2,000.00	35.00
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	2,295.90
Carol A. McDaid, 1317 F Street, NW Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Allergan, Inc	200.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Soc of Outpatient Surgeons		
Do	American Vintners Assn		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	California Children's Hospital Assn	2,100.00	
Do	Caylor-Nickel Medical Center	500.00	
Do	Fargo Clinic	2,500.00	
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Outpatient Opthalmic Surgery Society		
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	1,119.00	144.00
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Mt Carmel Health		2,365.98
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	2,500.00	452.00
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	48,627.00	18,957.75
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,063.08	2,359.97
Jack V. McGrann, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson	1,060.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Robert McIntyre, 1311 L St., NW Washington, DC 20005	Citizens for Tax Justice	13,730.76	
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Frank McKeever, 5409 South Laflin Street Chicago, IL 60609	New City Community Counsil		
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	DSE Industry Coalition	9,264.50	80.09
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	733.99
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	9,166.00	
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	3,027.00	
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	3,436.00	
Do	McLeod Watkinson & Miller (For:PromoFlor)	8,772.00	216.72
Do	McLeod Watkinson & Miller (For:Right Choice Task Force)	1,755.00	
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)	2,883.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	410.00	
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)	1,436.43	
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	7,750.00	979.43
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)		
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	29,999.99	1,028.06
Do	Sierra Pacific Power Company	2,500.00	33.05
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Nanine Meiklejohn, P.O. Box 1 Garrett Park, MD 20896	American Fed of State County & Municipal Employees	22,398.00	67.50
Do	Coalition on Human Needs	900.00	
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)	5,128.50	278.48
Do	Society Asset Management, Inc	11,700.00	665.90
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn	3,071.76	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	15,000.00	193.80
Do	Merrill Lynch & Company, Inc	1,812.50	25.53
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	24.00	
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	9,375.00	192.00
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.00	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,975.00	3,905.75
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	2,112.00	
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	553.44
Do	International Assn of Refrigerated Warehouses		
Do	National Peanut Growers Group	16,320.00	679.89
Do	Ricebelt Warehouse, Inc		231.54
Do	Texas A&M Research Foundation	22,920.00	497.77
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,673.00	761.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	2,062.27
Do	Centergas, Inc		
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	553.09
Do	Federal Land Bank Assn	22,412.00	1,228.19
Do	Hudson Tank Storage Co	4,500.00	147.49
Do	International Chiropractors Assn	9,999.00	329.74
Do	New Mexico State University, College of Agriculture	9,000.00	731.02
Do	New Mexico State University, College of Engineering	9,000.00	451.66
Do	Plato Industries		
Do	Technology Services Group, Inc		
Do	Wellman, Inc	9,000.00	528.02
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	7,500.00	
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			12,000.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		1,215.00	32,402.32
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Roger E. Middleton, International Square 1825 Eye Street, NW, #400 Washington, DC 20006	Martinez & Sandoval		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Fred Millar, 1025 Vermont Avenue, NW, #300 Washington, DC 20005-3516	Friends of the Earth		
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	2,296.60
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	3,000.00	400.00
Do	Vought Aircraft Co	3,000.00	300.00
Howard Miller, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	17.29	
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Thomas M. Miller, 1005 Elm Avenue Tacoma Park, MD 20912	Center for Marine Conservation	217.11	
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Craft Council		
Do	American Nuclear Energy Council		
Do	Arizona Health Care Contract Management Services, Inc		
Do	Association of Financial Services Holding Companies	665.00	
Do	Blue Cross of California	210.00	
Do	Canadian Corps for Equitable Tax Treatment		
Do	Chevy Chase Savings Bank, FSB		
Do	CHAPS Health Services, Inc		
Do	Dun & Bradstreet Corp		
Do	Electronic Industries Assn	5,432.50	
Do	Export Source Rule Coalition		
Do	Federal Savings Bank of Rogers, AR		
Do	FMC Corporation	5,800.00	
Do	Government of British Columbia/Min. of Dev. Trade & Tourism		
Do	Great Northern Insured Annuity Corp	530.00	
Do	Hewlett-Packard Co	6,125.00	
Do	Humane Society of the U.S.		
Do	Leighton Parks Roper		
Do	O'Connor & Associates		
Do	Organization for Fair Treatment of Int'l Investments	42,987.50	
Do	Pulte Home Corp	13,060.00	
Do	SABIC Marketing Americas, Inc		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Toy Manufacturers ofAmerica	1,500.00	1,230.00
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 34990	American Telephone & Telegraph Co	1,400.00	495.00
W.W. Collin Moller, 1725 Jefferson Davis Hwy., #300 Arlington, VA 222C2-4127	Lockheed Engineering & Sciences Co	4,100.00	1,704.09
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	1,540.00	
Michael Monroney, 1250 H Street, NW, #700 Washington, DC 20005-3908	Citizens for a Sound Economy		
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		83.00
Karl R. Moor, 1101 Connecticut Avenue, NW, #800 Washington, DC 20036	Balch & Bingham (For:Southern Company Services, Inc)	1,072.43	1,072.32
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,781.25	
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement	200.00	
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	Waste Management, Inc	5,750.00	63.00
Michael D. Moore, 601 13th Street, NW, Suite 850 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Laura Moorhead, 1120 20th Street, NW, Suite 1000 Washington, DC 20036	NCR Corp		
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	744.00	994.97
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	828.00	
Mark E. Morrison, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corp	2,000.00	355.35
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Michael L. Morton, 1301 Pennsylvania Ave, NW, S401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		27,062.41	27,062.41
Mt. Carmel Health, 793 West State Street Columbus, OH 43222			2,365.98
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	87.25
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Robert D. Murphy, 509 E. Custis Avenue Alexandria, VA 22301	Monaghan Farms, Inc	7,500.00	
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc	33,000.00	
Robert Musil, 1101 14th Street, Nw, #700 Washington, DC 20005	Physicians for Social Responsibility	4,528.00	
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	96.00	8.00
Mary Ellen Natale, 1875 Connecticut Avenue, NW,#540 Washington, DC 20009	Food Research and Action Center	1,020.21	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005			
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		29,487.31	4,129.97
National Assn for the Self-Employed (NASE), 1101 15th Street N.W., #400 Washington, DC 20005		47,689.99	29,000.18
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			6,144.00
National Assn of Beverage Importers, Inc, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Criminal Defense Lawyers, 1627 K Street, NW, 12th Floor Washington, DC 20006		14,925.00	150.00
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		76,249.90	138,624.71
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		7,350,909.34	167,452.69
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		22,757.25	56,582.44
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002			6,200.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		5,101.71	17,483.53
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		61,113.12	61,113.12
National Center for Privatization, 6867 Elm Street, #101 McLean, VA 22101-3863		263,570.02	46,125.65
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		47,154.27	31,927.42
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		67,504.81	260.47
National Council of La Raza, 810 First Street, NE, #300 Washington, DC 20002		22,695.90	22,695.90
National Education Assn, 1201 16th St., NW Washington, DC 20036		26,322.29	26,322.29
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		108,656.00	480.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			6,750.00
National Grange, 1616 H St., NW Washington, DC 20006		22,000.00	22,000.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			10,843.23
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			54,789.00
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		56,400.00	1,840.22
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		129,571.65	145,607.18
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		302,434.61	461,227.07
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		40,109.00	42,460.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		20,979.00	18,531.00
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,295.50	6,295.50
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		49,953.00	49,953.00
Christine Naylor, 3278 Worthington Street, NW Washington, DC 20021-5	Saipan Garment Manufacturers Assn	14,375.00	257.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ralph G. Neas, 1629 K Street, N.W., Suite 1010 Washington, DC 20006	Leadership Conference on Civil Rights	20,298.12	112.25
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	'Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)	1,300.00	1,300.00
Terry Neese, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		172.00
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Community Services Society	6,000.00	458.25
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:PromoFlor)	614.00	59.30
Do	McLeod Watkinson & Miller (For:Right Choice Task Force)	2,627.00	147.12
Do	McLeod Watkinson & Miller (For:United Egg Assn)	1,993.00	295.04
Do	McLeod Watkinson & Miller (For:United Egg Producers)	3,602.00	357.58
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Investment Company Institute	15,000.00	1,458.00
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller	3,703.00	
Robert J. Nessel, 1726 M Street, NW, Suite 701 Washington, DC 20036	Pitman-Moore, Inc		
Louis H. Nevins, Thacher, Proffitt and Wood 1500 K Street, NW, Suite 200 Washington, DC, DC 20005	California League of Savings Institutions		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	738.99
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	13,419.00	18.00
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		120,527.45	120,527.45
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	8,181.43	212.47
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	76.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	114.00	
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & Noone (For:American Retirees Assn)	3,000.00	22.64
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		14.19
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,413.00	543.91
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,531.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	1,000.00	72.39
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			1,295.05
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Royal Seafoods, Inc	4,450.00	1,931.40
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	678.00	230.00
Russell C. Notar, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn		
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	9,000.00	803.96
J. Michael Nussman, 1299 Pennsylvania Ave NW Suite 875 East Washington, DC 20004	American Fishing Tackle Manufacturers Assn	20,000.00	
Nutritional Health Alliance, P.O. Box 267 Farmington, NY 11735		133,802.00	325,808.00
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,259.00	695.00
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	AFL-CIO Maritime Committee		
Do	Martin Marietta Corp	2,350.00	
Do	Northern States Power Company		
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,185.27	209.53
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	5,000.00	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	National Football League		
Do	Pyrotechnic Signal Manufacturers Assn		
John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036	PNC Mortgage Corp of America	1,100.00	51.72
Do	Securities Industry Assn	1,500.00	27.24
Do	The Limited, Inc	975.00	80.35
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:American Paper Institute)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	7,500.00	
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,124.32
Sharon E. Ogawa, 1227 25th Street, NW, Suite 610 Washington, DC 20037	American Managed Care & Review Assn		50.00
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	2,636.66
Ohio Forestry Resource, P.O. Box 696 Mt. Vernon, OH 43050		225.00	63.84
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America		
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	3,600.00	
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	880.00	
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Orbital Sciences Corporation, 21700 Atlantic Boulevard Dulles, VA 20166			359.00
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		750.00	55,445.03
David E. Ortman, 218 D Street, SE Washington, DC 20003	Friends of the Earth	184.15	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	434.68
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	635.20	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	458.67
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	16,693.31	265.58
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodgman (For:Aetna Health Plans)		
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	1,168.00	
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,254.00	
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	1,500.00	65.00
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	68,494.00	1,405.00
Leslie A. Parmelee, 12 Cynthia Court Ravena, NY 12143	American Train Dispatchers Department/Bro of Locomotive...)	868.50	
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	25.00
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	450.00	
Do	C.R. Eggs	2,400.00	
Do	Columbia Laboratories, Inc	900.00	
Do	D & F Industries, Inc	400.00	
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Glaxo, Inc	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	1,800.00	
Do	Lockheed Aeronautical Systems Co	1,650.00	
Do	Motion Picture Assn of America, Inc	3,600.00	
Do	Murdock Healthcare	2,000.00	
Do	Nonprescription Drug Manufacturers Assn	1,500.00	
Do	Pfizer, Inc	1,800.00	
Do	Research Corp Technology, Inc	4,800.00	
Do	Schering-Plough Corp		
Do	Syntex USA, Inc	1,200.00	
Do	Systech Environmental Corp	6,600.00	
Do	Unilever U.S., Inc	1,500.00	
Do	Upjohn Company	2,100.00	
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	1,218.88
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Kevin Patrick, 515 Noth Washington Street Alexandria, VA 22314-2357	International Association of Chiefs of Police	9,465.60	2,151.25
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Americable International, Inc		1,682.14
Do	Spacelabs Medical, Inc	31,832.50	7,035.41
Joann Payne, 622 North Tazewell Street Arlington, VA 22203	Associated Materials & Supply Co, Inc		
Do	Payne Shea & Associates, Inc (For:Curbs, Inc)		
Do	Safe T Flare		
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			11,013.66
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	5,000.00	
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,500.00	
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		12.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society	207.69	
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	15,000.00	
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	6,500.00	
Do	Metro	8,666.66	
Do	Mothers Against Drunk Driving (MADD)		
Do	New York State Thruway Authority	12,000.00	
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,500.00	194.74
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	11,456.00	176.60
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	1,642.00	
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	3,375.00	83.24
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	3,080.00	4,098.00
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Physicians for Social Responsibility, 1101 14th Street, NW, #700 Washington, DC 20005		15,650.00	18,418.00
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America		
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	12,434.35	
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,481.00	
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	95.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	76.00	
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	Allied-Signal, Inc		
Do	Assn of Directory Publishers	1,087.50	187.13
Do	Committee for America's Copyright Community	2,500.00	232.26
Do	Computer & Business Equipment Manufacturers Assn	2,666.00	64.84
Do	Digital Equipment Corp	7,333.00	173.23
Do	Electronic Frontier Foundation	2,055.00	1,823.39
Do	Genentech, Inc	8,000.00	384.18
Do	National Assn of Broadcasters	11,000.00	583.05
Do	National Conference of Bankruptcy Judges	9,765.00	768.32
Do	Newspaper Assn of America	7,885.00	41.04
Do	PCS Action Committee	23,753.00	1,748.02
Do	Times Mirror	6,000.00	123.57
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,392.25	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions		
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Assn for Marriage & Family Therapy	5,169.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			6,291.83
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Powell Tate		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	International Telecommunications Satellite Corp	552.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,886.79	209.75
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	7,800.00	107.34
Do	Government of Rheinland-Pfalz		2,040.04
Do	Lead Industries Assn, Inc	2,040.00	10.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Royal Seafoods, Inc		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	192.60
Daniel B. Priest, 1825 K St., NW, Suite 210 Washington, DC 20006	Ecolocorp, Inc		
Joan Priestley, 601 Pennsylvania Ave., NW North Tower, #1407 Washington, DC 20002	Citizens for Health		2,550.00
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	1,500.00	
Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	3,280.00	
Public Affairs Counsel, Inc, 867 Liberty Street, NE Salem, OR 97301	Peter E. Overton	23,000.00	
PCS Action, Inc, 1200 19th Street, NW, 7th Floor Washington, DC 20036		50,000.00	56,916.86
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	Oralco	5,000.00	
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	1,497.97
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	1,440.00	53.05
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	918.85	
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)	17,985.00	3,359.52
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)		1,808.54
Diana Ramsay, 5922 Empire Way N. Bethesda, MD 20852-2861	American Occupational Therapy Assn, Inc		
Kristen M. Rand, 1666 Connecticut Ave. NW Suite 310 Washington, DC 20009	Consumers Union	1,000.00	
James D. Range, 11240 Waples Mill Road, #101 Fairfax, VA 22030	Waste Management, Inc	10,000.00	
Charles R. Ranson, P.O. Box 10054 Tallahassee, FL 32302	USA NAFTA	12,000.00	3,003.00
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,142.00
Kenneth E. Raske, 555 West 57th Street, 15th Floor New York, NY 10019	Greater New York Hospital Assn	3,433.00	1,343.00
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #600 Washington, DC 20560			117.01
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		21,750.00	21,750.00
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	1,817.85	132.50
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Association of Financial Guarantee Insurors	2,500.00	50.00
Do	Mid-America Transplant Association	3,864.00	30.00
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,500.00	
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	ABB Drives, Inc		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia		
Do	Henschel, Inc		
Do	Parsons Brinckerhoff Quade & Douglas, Inc	9,587.15	189.22
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	SPD Technologies	32,021.25	1,017.00
Joan Reiss, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,351.65	
Rendon Group, Inc, 2000 S Street, NW Washington, DC 20009	Centro Industrial de Laboratorios Farmaceuticos Argentinos		
M. Leu Rennebaum, P.O. Box 1636 Middlesboro, KY 40965	Blue Diamond Coal Co	3,750.00	151.16
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Riley Repko, 2000 L Street N.W. #200 Washington, DC 20036	Repko Group		
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,768.00	18,431.00
Allan R. Rexinger, 717 A Street, SE Washington, DC 20003	Nonprescription Drug Manufacturers Assn	600.00	
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	942.00	164.00
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	General Dynamics	1,000.00	
Do	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	229.13
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc, Alaska Native Corp	6,000.00	
Do	Old Harbor Native Corp	6,000.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,419.00	104.41
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of Accus-FIA, Inc		
Norbert J. Riedy Jr., 900 17th Street, NW Washington, DC 20006	Wilderness Society	3,432.68	1,926.23
Blair A. Rieth Jr., 1101 Pennsylvania Ave. , NW Suite 540 Washington, DC 20004	Eli Lilly & Co	2,000.00	
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	4,500.00	65.00
Irene Ringwood, Bogle & Gates 601 13th Street, NW, #370S Washington, DC 20005	Direct Service Industries, Inc	3,000.00	
John S. Rippey, 700 13th Street, NW, #1170 Washington, DC 20005-3960	Association of Bank Holding Cos	4,220.00	
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Alexander Hamilton Life Insurance Co		
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Assn for Governmental Leasing & Finance	467.00	138.00
Do	Cantor Fitzgerald & Co, Inc	9,800.00	1,495.00
Do	Chicago Department of Aviation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chicago Educational Television Assn		
Do	Consolidated Rail Corp		
Do	CO2 Coalition	27,300.00	4,929.00
Do	Gibson Dunn Crutcher	17,500.00	3,800.00
Do	Goldman Sachs & Co	7,357.00	456.00
Do	H.J. Heinz Company	12,500.00	825.00
Do	Harvard Corp		
Do	Intergacro Insurance Co		
Do	Itel Corp	27,288.00	4,389.00
Do	Katten Muchin Zavis... (for Saginaw Community Hospital)		
Do	Merrill Lynch & Co	6,896.00	1,079.00
Do	National Assn of Independent Colleges & Universities	1,257.00	179.00
Do	National Council of Health Facilities Finance Authorities	3,750.00	733.00
Do	Natural Gas Vehicle Coalition	2,275.00	750.00
Do	New York State Housing Finance Agency	675.00	93.00
Do	New York State Medical Care Facilities Finance Agency	1,350.00	80.00
Do	North American Vaccine, Inc		
Do	Phoenix House Foundation	1,800.00	328.00
Do	Project Orbis, Inc	3,750.00	399.00
Do	Reed Publishing (USA), Inc	16,482.00	2,315.00
Do	Scholastic, Inc	15,000.00	4,711.00
Do	Town of Avon	6,458.00	147.00
Do	Warburg Pincus Capital Corp	41,700.00	6,224.00
Do	Writers Guild of America, West, Inc	3,750.00	317.00
Lara E. Robillard, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	91.00	4.00
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)		
Do	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).		
Do	Robison International, Inc (For:FMC Corp)		
Do	Robison International, Inc (For:General Atomics Technologies)		
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Allied-Signal Aerospace Company	2,400.18	2,339.30
Do	British Aerospace, Inc (Government Programs Office)	10,697.40	5,585.89
Do	FMC Corporation	1,500.00	923.15
Do	General Atomics Technologies	3,608.93	1,860.30
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	4,073.48	3,502.95
Do	Oshkosh Truck Corp	756.84	931.15
Do	Prudential Insurance Co	3,855.77	2,337.30
Do	Solid Waste Composting Council	3,000.00	1,487.12
Do	SOFEC, Inc	3,601.64	1,493.12
Do	U.S. Global Positioning Sustem Industry Council	3,000.00	1,866.30
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	9,680.70	1,659.70
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	371.63	47.63
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Randall B. Roe, 1400 K Street, NW, #910 Washington, DC 20005	Burns & Roe Enterprises, Inc		
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	842.48
Kyle Rogers, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	7,500.00	
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments	3,000.00	30.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	160.00
Do	City of Moorehead	3,000.00	50.00
Do	Hubert Humphrey Institute of Public Affairs		
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	5,434.64	
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	17,000.00	3,683.89
Richard Rosen, 6707 Old Dominion Drive, #210 McLean, VA 22101			
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon, P.C. (For:National AG Underwriters, Inc)		
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Joe Ross, 111 Main Street Little Rock, AR 72201			
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Regional Transportation Authority		
James H. Rowe III, 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Company	750.00	180.50
Nancy C. Rowe, 1919 9th Terrace Barling, AR 72923	Linville Henry		
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	1,500.00	25.00
Do	Rowland & Sellery, Inc (For:Borg-Warner Security Corp)	1,500.00	25.00
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute	5,000.00	10.00
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
James S. Rubin, 7004 Blvd. East, 22-D Guttenberg, NJ 07093	National Assn of Pharmaceutical Manufacturers	1,250.00	
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	49.01
Cathleen Russell, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,250.00	1,030.63
Rust Environment & Infrastructure, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Bishop Clarkson Hospital	1,050.00	189.32
Do	Cathedral Healthcare System	900.00	
Do	Independent Oil & Gas Association		
Do	Leech Lake Tribal Council	600.00	10.12
Do	West Virginia Hospital Assn	600.00	
Do	Wheeling Hospital	2,250.00	11.84
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	48,599.97	2,473.14
Do	Delaware Otsego System	23,700.00	2,473.14
Do	Illinois Central Railroad	24,000.00	2,473.14
Do	Investment Counsel Assn of America, Inc	7,268.75	2,473.12
Do	Regional Railroads of America	40,500.00	2,473.14
Do	Turbomeca Engine Corp	43,312.24	2,473.12
Sacks Tierney & Kasen, 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	USA Group, Inc		
Safe Steel Container Coalition, 601 13th Street, NW, 12th Floor Washington, DC 20005		6,135.00	6,135.00
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	City of North Las Vegas	4,000.00	111.97
Do	Ebasco Services Inc	600.00	75.03
Do	Erie County Industrial Development Agency		
Do	Flash Technology Corporation of America		67.92
Do	Goodwill Games, Inc	6,000.00	342.78
Do	Indiana Electric Assn	15,260.00	636.39
Do	Indiana University		
Do	MSE Corp		
Do	United Student Aid Funds	5,600.00	446.17
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Manufacturers Assn	4,000.00	441.68
Robert S. Salomon, 1300 Group 1300 19th Street, NW Washington, DC 20036	American Cancer Society/Missouri Division	27,700.00	101.53
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	14,659.06	889.36
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
Sheldon W. Samuels, 815 16th Street, NW Washington, DC 20006	Workplace Health Fund		
Arthur R. Sando, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp (COMSAT)	2,500.00	
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn		500.00
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	3,937.50	2,103.93
Do	ENS Resources, Inc (For:East Bay MUD)	4,537.00	2,699.60
Do	Union Sanitary District		
Do	Western Research Institute	2,200.00	1,610.68
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington, DC 20036	Ebasco Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Margot Freeman Saunders, 1875 Connecticut Avenue, NW, #510 Washington, DC 20009	National Consumer Law Center	1,210.11	
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	9,000.00	1,542.61
Marc Steven Scarduffa, 15th & M Street,NW Washington, DC 20005	National Assn of Home Builders of the United States		
Scenic America, 21 Dupont Circle Washington, DC 20036			
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc	546.00	472.75
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Committee on Pipe & Tube Imports	7,277.63	294.65
Do	Tyco-Grinnell Laboratories, Inc	195.75	27.00
Do	Weirton Steel Corporation	5,459.25	109.65
Candace K. Schaller, 1129 20th Street,NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	144.24	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	27.50
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	9,743.00	
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	700.00	783.30
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers		8,283.68
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	5,625.00	
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	897.63
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Grant County PUD, Chelan County PUD, Douglas County PUD	1,598.40	47.84
Do	Nichols Institute	5,607.35	147.48
Do	Public Generating Pool	4,528.13	353.68
Do	Solid Waste Assn of Morth America	1,847.48	55.07
Do	Tri-Met	5,971.63	80.66
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,000.00	
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
Michael Scott, 1101 Vermont Ave., NW, Suite 606 Washington, DC 20005	Wilderness Society	2,238.26	733.81
Debbie Sease, 408 C St., NE Washington, DC 20002	Sierra Club	1,046.75	14.00
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	251.57
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			294,205.00
Pamela Sederholm, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines		
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	300.00	
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	17.00	
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William C. Sellery, 1023 15th Street, NW, 7th Floor Washington, DC 20005	Coalition for Uniform Product Liability Law	2,000.00	25.00
Do	Sellery Associates, Inc (For:National Armored Car Assn)	2,400.00	30.00
Do	Sellery Associates, Inc (For:National Check Cashers Assn)	1,500.00	25.00
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Leasing and Remarketing Assn (CDLA)		
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	72.39
Lewis A. Shattuck, 6 Dean Road Winchester, MA 01890	Small Business for Advertising Choice		
Do	Small Business Alliance on Communications, Inc		
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Schnell-Bruter-Kernkraftwerksgesellschaft MbH		
Gail E. Shearer, 1666 Connecticut Avenue, NWE, #310 Washington, DC 20009	Consumers Union	4,000.00	
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	12,082.00	82.74
Karin P. Sheldon, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation	119,471.27	105,309.09
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn	2,475.00	
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,208.92	1,612.12
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,100.00	1,233.61
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	7,600.00	1,702.46
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Association (APGA))		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		35.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Walter Harris, et al.	800.00	
Do	MCA, Inc	10,000.00	
Do	Rolls-Royce Motor Cars, Inc		
Do	5600, Inc	300.00	
Susan Silveus, 110 Maryland Ave., NE, Box 36 Washington, DC 20002	U.S. Committee for UNICEF	6,000.00	7,000.00
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	300.00	350.00
David J. Simon, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	3,700.00	127.50
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	6,000.00	
Robert J. Simon Jr., 1750 K Street, NW, Suite 210 Washington, DC 20002	Industrial Truck Assn	5,225.00	
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,500.00	3,787.97
Do	Elkhart, IN	6,250.70	5,309.63
Do	Gary, Indiana	7,968.85	4,256.82
Do	National Easter Seal Society	7,521.34	3,796.70
Do	Newark, CA	4,957.49	4,251.48
Do	Portland, OR	11,223.22	4,608.80
Do	San Bernardino, CA	5,487.08	4,134.04
Do	San Leandro, CA	4,579.97	4,120.04
Do	Tacoma Public Utilities	1,736.33	4,024.30
Do	Tacoma, WA	6,325.78	4,478.75
Do	Urban Redevelopment Authority of Pittsburgh	3,822.71	4,610.78
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	AFL-CIO Maritime Committee	200.00	182.88
Do	Labor-Management Maritime Committee, Inc	2,875.00	346.00
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn	30,000.00	5,266.54
Do	Synergen Corporation		
Christopher A. Singer, 1455 Pennsylvania Avenue, NW, suite 925 Washington, DC 20004	Pfizer, Inc	1,500.00	580.79
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn	325.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	2,125.00	12.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	1,413.00	117.27
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc		
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands)		
Do	U.S. Strategies Corp		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	3,000.00	62.39
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	91.60	
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society		
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Association of the Americas	300.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	458.00	
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	1,580.00	1,740.00
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	400.00	1,840.22
Do	National Motorsports Comm of ACCUS-FIA, Inc	400.00	1,840.00
Rob Smith, 516 E. Portland Street Phoenix, AZ 85004	Sierra Club	2,115.41	1,785.08
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	14,425.00	
Velma Smith, 218 D Street, SE Washington, DC 20003	Friends of the Earth	153.82	
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana	384.00	125.10
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	24,005.00	655.03
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance	620.00	10.00
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Digital Systems Group	200.00	
Do	General Motors Corp	87.50	361.55
Do	NKF Engineering, Inc	62.50	71.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	54.36	
Jack Sobel, 654 E Street, SE Washington, DC 20003	Center for Marine Conservation	143.03	
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			45,000.00
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			2,648.79
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	116.21
Thomas J. Soles Jr., 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,665.57	
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,000.00	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	Trek Bicycle Corp	9,422.00	1,216.97
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Association of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	170.00	
Space Industries, Inc, 101 Courageous Drive League City, TX 77573			
Wilbur R. Speer, 1275 K Street, NW Washington, DC 20005	National Center for Housing Management		150.00
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World	3,361.11	
Squadron Ellenoff Plesent Sheinfeld & Sorkin, 551 Fifth Avenue New York, NY 10176	Screen Actors Guild, et al.	40,008.75	5,126.10
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in German, Rossmarkt		
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
John W. Sroka, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Do	Specialty Vehicle Institute of America		
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc	1,302.05	
Arlan Stangeland, 305 C Street, NE Washington, DC 20002	American International Group	15,000.00	
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	1,300.00	
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	1,295.00	140.54
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047			19,518.91
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jo Stephens, 139 Blue Ridge Acres Harpers Ferry, WV 25425	Farm Sanctuary	2,700.00	152.75
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	14,171.25	1,337.29
Do	Gibson Dunn & Crutcher	4,240.00	153.42
Do	Hillman Properties, Inc	2,980.00	17.24
Do	Star Enterprise	7,295.00	544.71
Gordon Stevens, 1275 K Street, NW, SUite 700 Washington, DC 20005	National Center for Housing Management		150.00
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	8,077.00	89.00
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation	1,050.00	
Do	National Assn of Business PACs	1,000.00	
Do	Springs Industries, Inc	2,800.00	
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	American Forest & Paper Assn.	1,200.00	
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,440.25	28.60
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	95.00	
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	18,670.65	
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group		1,367.56
Strategic Directions, Inc, P.O.Box 6011 Springfield, VA 22150-6011	ICI Explosives Environmental	19,500.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	American Paper Institute		
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	6,590.76	44.00
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Association		
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	National Assn of Manufacturers		
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	145.00
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	73.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	49.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	54.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	87.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Securities Industry Assn		861.00
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	15,357.57
Do	Design Professionals Coalition	6,000.00	6,734.62
Do	Northeast Ohio Regional Sewer District	1,800.00	3,195.62
Do	Water Environment Research Foundation	6,000.00	5,093.82
Elliot Swan, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	15,000.00	3,762.89
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Bakers Assn		
Do	Bayh Connaughton Fensterheim... (for Merrill Lynch & Co Inc)	13,272.50	
Do	Conservation Trust of Puerto Rico	1,440.00	
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn		
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Marks & Murase	13,500.00	5,529.90
Do	Rabbi Milton Balkany	20,000.00	12,903.10
Z. Michael Szaz, 7200 Commerce Street, Suite 101 Springfield, VA 22150	Transylvanian World Federation	4,000.00	
Szlavik Hogan & Miller, Inc, 1140 Connecticut Ave., NW, Suite 500 Washington, DC 20036		21,900.00	21,900.00
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Coordinadora de Organizaciones Empresariales de Comercio Ext		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	944.13
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			42.00
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	11,250.00	964.60
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,945.51	323.86
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	262.50	
Do	Midwest Motor Express, Inc	350.00	
Do	Multiemployer Pension Plan Solvency Coalition	350.00	
Do	National Assn of Convenience Stores		
Saramae Teich, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc	521.00	137.00
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	3,534.48	
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco, Inc		
Donald M. Temple, 2600 Virginia Avenue, NW, #312 Washington, DC 20037	National Bankers Assn	2,500.00	30.00
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	75,000.00	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Laura I. Thevenot, 1350 Eye Street, NW, #1030 Washington, DC 20005-3305	Health Insurance Assn of America, Inc	231.99	38.20
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	2,000.00	9.00
Diane E. Thompson, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Council for Responsible Nutrition	1,884.00	25.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	EMILY's List		504.00
Do	Foreman & Heidepriem, Inc (For:National Abortion Rights Action League)	2,015.34	103.00
Kirstin D. Thompson, 1819 L Street, NW, Suite 200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	72.39
Nick Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp	210.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma	6,612.50	
Do	CH2MHill Hanford, Inc	6,576.00	100.00
Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	AMEC Holdings, Inc	10,800.00	5,557.75
Do	Golden Rule Insurance Company	12,000.00	3,620.13
Do	Mitsubishi Electronics America, Inc	10,125.00	3,013.89
Do	Republic of Turkey	12,500.00	3,685.19
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	National Dual Shop Coalition		
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	348.00	
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	90.00	
John Thornton, 1150 17th Street NW #701 Washington, DC 20036	National Air Traffic Controllers Assn	1,562.00	
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
William N. Tindall, 1321 Duke Street, Suite 305 Alexandria, VA 22314	Academy of Managed Care Pharmacy		
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc	500.00	
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		313.56
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	Access Technology Assn		6.00
Do	Child Care America, Inc	100.00	6.00
Do	International Hearing Assn		5.00
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	3,231.00	
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc	300.00	194.42
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies		
Marijke Torfs, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		53.78
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	25.07	6.00
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,375.00	173.08
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	300.00	
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,741.00	4,761.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,442.00
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Jack F. Trope, 32 Division Street P.O. Box 609 Somerville, NJ 08876	Sant'Angelo & Trope, P.C. (For:Association on American Indian Affairs, Inc)	5,467.50	6,446.03
Genevieve W. Tuchow, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Distribution Companies	3,500.00	
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,438.00	331.36
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc		
Peter Tyler, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,151.00	
U.S. Recreational Ski Association, 1315 Gene Autry Way Anaheim, CA 92805			
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Caretenders Healthcorp		
Do	City of Las Vegas		
Do	Continental Medical Systems		
Do	Curaflex Health Services, Inc		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Do	USA Healthnet, Inc		
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act	54,000.00	
Philip J. Ufholz, 1615 L Street, NW, #1210 Washington, DC 20036	American Forest & Paper Assn	600.00	
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,062.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc		3,567.82
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,042.50	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	267.57
Do	Harsco Corporation	27,000.00	9,816.14
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	31,248.00	711.19
Do	American Gas Cooling Center	4,500.00	
Do	Bulova Technologies, Inc	7,500.00	15.67
Do	DGA International		
Do	Electrospace Corporation	10,500.00	125.27
Do	Fischer Imaging corp	5,400.00	284.86
Do	E. Bruce Harrison		
Do	Litton Applied Technologies	21,500.00	4,543.26
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	18,750.00	181.77
Do	Miltope Corp	7,500.00	194.16
Do	New York Gas Group	84,000.00	47.71
Do	NCube	7,500.00	596.83
Do	Omni-TECH Medical	3,000.00	12.85
Do	Sea Beam Instruments, Inc	9,000.00	690.88
Do	Southern California Gas	24,999.99	393.09
Do	Southern Maryland Naval Alliance	7,500.00	346.51
Do	Thermo Trex	7,500.00	319.16
Do	Vanguard Research, Inc	6,000.00	79.81
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	5,625.00	
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473		14,735.16	19,477.51
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	American Museum of Natural History	710.00	
Do	Ameritech	427.50	
Do	Association of American Railroads	3,320.00	
Do	Brown & Root, Inc		
Do	Burlington Northern, Inc		
Do	Central Gulf		
Do	Commonwealth of Puerto Rico	20,860.50	
Do	David Sarnoff Research Center	3,348.00	
Do	General Dynamics Corp	2,237.50	
Do	GenCorp	50,760.00	
Do	George Washington University	2,500.00	
Do	Guardian Industries	3,880.00	
Do	Hughes Communications, Inc	3,567.50	
Do	Hughes Network Systems, Inc	855.00	
Do	Insurance Solvency Coalition	350.00	
Do	Investment Company Institute	3,665.00	
Do	K Mart Corp		
Do	Kellogg		
Do	Large Public Power Cos		
Do	Manville Corp	5,290.00	
Do	Mars, Inc	5,247.00	
Do	McDonnell Douglas Corp	22,950.00	
Do	Merrill Lynch & Co, Inc	3,607.00	
Do	Michelin North America		
Do	Northwest Airlines	3,973.00	
Do	NBC	2,292.50	
Do	Puget Sound Power & Light Company		
Do	Rubber Manufacturers Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Travelers Companies	13,710.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Upjohn Co		
Do	Western Michigan University	2,831.00	
Verrill & Dana, 45 Memorial Circle P.O. Box 957 Augusta, ME 04332-0957	Major League Baseball Players Assn	46,122.00	6,619.71
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	City of Orlando	6,000.00	503.12
Do	Dallas Area Rapid Transit Authority	5,200.00	2,419.52
Do	Embry-Riddle Aeronautical University	8,000.00	1,177.77
Do	Jacksonville Transportation Authority	8,000.00	
Do	Lipton Sports, Inc		
Do	Memphis Area Transit Authority		
Do	Metropolitan Dade County	4,708.00	
Do	Metropolitan Transportation Authority	4,000.00	763.14
Do	Niagara Frontier Transportation Authority	10,500.00	1,711.88
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	8,987.00	1,128.50
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	11,294.00	609.00
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center	2,411.53	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)	2,500.00	
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	200.00	
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	National Council of Senior Citizens	12,645.02	142.95
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable	3,500.00	1,869.17
Do	J.P. Morgan/Morgan Guaranty Bank	3,500.00	2,701.25
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	7,500.00	
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company	9,000.00	
Do	University of Pittsburgh Medical Center	15,000.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn		
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Coalition on Superfund	2,065.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc	1,000.00	
Do	American Forest and Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Committee on Radioisotopes & Radiopharmaceuticals II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark	500.00	
Do	Medical Associates of America	1,000.00	
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn	1,000.00	
Do	National Power Company		
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Manufacturers Assn	1,000.00	
Do	Pittston Group	1,000.00	
Do	PPG Industries, Inc	500.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	State of California	500.00	
Do	Sumitono Chemical Co	500.00	
Do	Tandy Corp	1,000.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Do	US Generating Co	1,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,780.00	
Nancy Wallace, 408 C Street, NE Washington, DC 20002	Sierra Club	1,072.31	
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		2,000.00
R. Douglas Wallin Jr., P.O. Box 1417 D49 Alexandria, VA 22313	Allied Signal Aerospace		
Anne Marie Walsh, 1101 Connecticut Ave, NW, #700 Washington, DC 20036	American Assn of Preferred Provider Organizations		
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	900.00
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	5,534.00	3,206.20
Do	City of Miami	1,196.00	97.26
Do	City of Oakland	4,500.00	192.00
Do	Coca-Cola Company	907.00	149.17
Do	Electronic Data Systems, Inc		
Do	Gabonese Republic		
Do	Government of Antigua		
Do	Government of Sao Tome & Principe		
Do	Greater Cleveland Regional Transit Authority	1,000.00	327.38
Do	National Fertilizer Co of Nigeria (NAFCON)		
Do	Republic of Cameroon		
Do	San Francisco Public Utilities Commission	1,077.00	28.41
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria		
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	National Electro-Magnetic Fields Research Program		
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	254.00
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	15,000.00	868.58
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange	3,500.00	
Sherri D. Watson, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,000.00	5,576.00
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	EI duPont de Nemours & Co, Inc		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Jack Weber, 1301 pennsylvania ave., n.w. #900 Washington, DC 20004	Natural Disaster Coalition	37,500.00	249.55
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	28.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,100.00	
Deborah Weiner, 11004 Petersborough Drive Rockville, MD 20852	American Soc for the Prevention of Cruelty to Amimals	2,000.00	1,400.00
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.	119,471.27	105,309.09
Arthur E. Weisberg, 220 South Sixth Street Minneapolis, MN 55402	Dorsey & Whitney		
Daniel Weiss, 408 C Street, NE Washington, DC 20002	Sierra Club	4,627.12	
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,500.00	973.78
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Betsy R. Werronen, 2001 Pennsylvania Avenue, NW, #600 Washington, DC 20006	Council of the Americas	7,050.00	
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	38,311.44	3,137.27
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	5,000.00	53,185.29
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	239.72	2,837.79
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	90.00	
Thomas E. Wheeler, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
John C. Whitaker, 1730 Rhode Island Ave., #206 Washington, DC 20036	Union Camp Corporation	2,368.00	24.00
Jeff White, 919 18th Street, NW, Suite 450 Washington, DC 20006	Franklin Blee & Burling (For:Energy Tax Policy Alliance)	400.00	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	76.71
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	20.00	
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	3,620.00	
Elizabeth D. Whitiey, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,444.00	282.39
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society		219.45
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc	26,000.00	541.39
Do	Health Trust, Inc	1,500.00	45.00
Do	McDonald's Corp	3,000.00	24.00
Do	National Rural Letter Carriers Assn	1,000.00	12.00
Do	Pioneer Seed Co, Inc	3,000.00	16.00
Wickham & Associates, 1701 N. Kent Street, #205 Arlington, VA 22209	Times Square Center Associates	57,345.00	5,819.00
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	2,000.00	735.00
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)		
Brian Wilcox, 750 First Street, ME Washington, DC 20002-4242	American Psychological Assn	4,000.00	275.31
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc		
Do	Allied Marketing Group		
Do	Association of Telemessaging Services, International	3,136.00	14.00
Do	Chaparral Steel Co		
Do	Club Car, Inc	430.00	
Do	CBS, Inc		
Do	Firemen's Fund Insurance Cos		
Do	Georgetown Industries	292.00	65.34
Do	David S. Hess	4,116.00	230.82
Do	Marine Mammal Coalition	6,061.00	44.00
Do	McGaw, Inc	1,476.00	19.88
Do	Merchants National Bank	1,116.00	14.00
Do	Mtel	448.00	
Do	National Assn for Information Services		
Do	Newspaper Assn of America (NAA)	1,088.00	16.00
Do	Olan Mills, Inc		
Do	Prodigy Services Company	754.00	
Do	Raritan River Steel Co		
Do	Ruddy Institute for Maritime Communications	5,232.00	62.17
Do	United Parcel Service		
Do	United States Banknote Corp	12,438.00	310.60
Do	UtiliCorp United	2,350.00	187.02
Do	W.F. Young, Inc		
Edward Rockne Wilkinson, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	16,249.98	474.80
Lawrence F. Williams, 408 C Street, NE Washington, DC 20002	Sierra Club	900.15	
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	3,893.00	2,527.00
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Capital Cities/ABC, Inc	130.00	
Do	Cook Inlet Communications, L.P.		
Do	Council for Responsible Nutrition	2,108.00	
Do	Educational Testing Service		
Do	Handgun Control, Inc		
Do	McDonald's Corporation		
Do	Pepsico, Inc		10.00
Christopher J. Wilmot, 1400 16th Street, NW, Suite 320 Washington, DC 20036	Zero Population Growth		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	748.00	12.00
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	Brown & Williamson Tobacco Corp	1,518.75	105.97
Do	Lifschultz Fast Freight, Inc	1,068.75	
Do	Monk-Austin, Inc	3,318.75	52.29
Do	Trading & Investment Corp		52.65
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn	5,500.00	
Do	Barr Laboratories, Inc	15,172.87	530.86
Do	CSR, Ltd	1,000.00	10.50
Do	Government of the U.S. Virgin Islands	18,914.25	893.57
Do	International Council of Shopping Centers		
Do	Sandoz Agro, Inc		
Do	U.S. Rice Producers Legislative Group	6,000.00	41.50
Do	Western Peanut Growers Assn	1,000.00	20.50
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Corporate Health Care Coalition	8,360.00	
Do	Schering-Plough Corp		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	500.00
Do	Matthews Foundation for Prostate Cancer Research	3,000.00	155.00
Do	National Assn of Credit Management	12,000.00	620.00
Do	San Francisco Bar Pilots Assn	6,000.00	400.00
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	9,493.28	5,756.53
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	4,491.60	191.00
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	1,000.00	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,000.00	
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	157.50	
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	7,800.00	700.00
Do	Woods Research Associates, Inc		
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp		721.61
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	3,750.00	111.06
Do	American Orthotic & Prosthetic Assn	5,270.80	221.68
Do	American President Companies	1,000.00	
Do	American Soc of Assn Executives	1,250.00	31.63
Do	Ares-Serono, Inc	298.81	13.26
Do	Bituminous Coal Operators Assn	8,000.00	361.20
Do	Connaught Laboratories, Inc	12,004.94	523.03
Do	Council of Industrial Boiler Owners		
Do	Crescent Cities Jaycees Foundation, Inc	4,332.44	171.21
Do	General Motors Corp		
Do	Grand Metropolitan/Pillsbury	2,753.13	143.81
Do	Manville Corporation	3,573.00	20.65
Do	Metropolitan Life Insurance Co		
Do	Mylan Laboratories, Inc		
Do	National Funeral Directors Assn	8,164.07	245.32
Do	National Liquor Stores Assn	3,333.33	651.06
Do	National Retail Hardware Assn	3,821.06	115.71
Do	Neurology Center	4,500.00	262.91
Do	Process Gas Consumers Group		
Do	SmithKline Beecham	3,000.00	198.25
Do	Tobacco Industry Labor Management Committee	4,265.40	65.80
Do	Westinghouse Airship Industries	3,868.85	2,131.15
Do	Westinghouse Electric Corp	1,500.00	101.06
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	3,500.00	
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	600.00	
John W. Yago, 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn	12,500.10	163.99
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	10,281.00	61.00
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Association of the Americans	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Jonathan P. Yates, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	12,811.61	24.25
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,086.46	293.25
Ann S. Young, 1350 Connecticut Avenue, NW, Suite 200 Washington, DC 20036	Association of America's Public Television Stations	3,500.00	436.26
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates	4,500.00	
Thane Young, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:City of South Salt Lake)		
Do	Ferguson Company (For:Nottingham Limited)		
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		1,829.00	2,143.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,678.06	741.87
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies	1,000.00	1,025.00
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	6,683.00	155.00
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00

SENATE—*Tuesday, February 22, 1994*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer and thanksgiving to Almighty God, the creator of man and life eternal, will be led today by the Senate Chaplain, the Reverend Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If any of you lack wisdom, let him ask of God, that giveth to all liberally, and upbraideth not; and it shall be given.—James 1:5.

Almighty God, if ever leadership needed superhuman wisdom, they need it this year, facing as they are cosmic issues of health and welfare reform, crime and violence, plus the 1995 budget, in an election year when the Senate needs to adjourn in early October.

Gracious Father, as You know the hearts and minds and circumstances of the Senators and their legislative staffs, grant to them Divine insight as they face this monumental agenda. Give each the humility to seek the wisdom of God and then function in the light of it.

We pray in the name of Jesus who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE SELECTION OF SENATOR MOSELEY-BRAUN TO DELIVER WASHINGTON'S FAREWELL ADDRESS

Mr. MITCHELL. Mr. President, and Members of the Senate, momentarily the traditional reading of Washington's Farewell Address will occur. We are honored and pleased that the address will this year be delivered by Senator CAROL MOSELEY-BRAUN of Illinois.

It is a tradition of the Senate, a historic event in and of itself, and I believe it is particularly historic and significant that Senator MOSELEY-BRAUN has consented to deliver the address today.

SCHEDULE

Mr. MITCHELL. Following that address, the Senate by prior agreement will turn to the consideration of the nomination of Strobe Talbott. Under that agreement, there will be up to 4 hours of debate, followed by a vote on the nomination.

The Senate will, by prior order, recess between the hours of 12:30 p.m. and 2:15 p.m. to accommodate the respective party conferences.

I will either prior to, or shortly, or immediately after the vote on the Talbott nomination announce the schedule for the remainder of the day and the remainder of the week.

Mr. President, I yield the floor.

I thank Senator MOSELEY-BRAUN for her courtesy and willingness to deliver this historic address.

The PRESIDENT pro tempore. The Senator from Illinois.

READING OF WASHINGTON'S FAREWELL ADDRESS

Ms. MOSELEY-BRAUN, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,

17th September, 1796.

EXECUTIVE SESSION

NOMINATION OF STROBE TALBOTT, OF OHIO, TO BE DEPUTY SECRETARY OF STATE

The PRESIDENT pro tempore. Under the order, the Senate will go into executive session to consider the nomination of Strobe Talbott, to be Deputy Secretary of State, Calendar Order No. 629, which the clerk will report.

The legislative clerk read the nomination of Strobe Talbott, of Ohio, to be Deputy Secretary of State.

The PRESIDENT pro tempore. Under the order, there will be 4 hours for debate on the nomination, equally divided between the Senator in Rhode Island [Mr. PELL] and the Senator from North Carolina [Mr. HELMS] or their designees, with 20 minutes for debate under the control of the Senator from Arizona [Mr. MCCAIN] and 20 minutes for debate under the control of the Senator from Pennsylvania [Mr. SPECTER] with a vote to follow immediately following the conclusion or yielding back of time, without intervening action, on the nomination, and that if confirmed, the President be notified of the action of the Senate, and the Senate then return to legislative session.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BAUCUS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Rhode Island.

Mr. PELL. I wish to support the nomination of Ambassador at Large Strobe Talbott to be Deputy Secretary of State. He has in 1 year gained respect as a thinker and a guide in the Clinton administration foreign policy circle. Having distinguished himself as Ambassador at Large for ex-Soviet Union affairs, he is now our President's choice to be the Deputy Secretary of State, and I believe he deserves our unanimous endorsement.

Some of his key accomplishments as Ambassador at Large include, first, coordinating United States Government efforts to promote democratic reform in Russia and the other New Independent States. Second, coordinating United States Government efforts to promote economic reform in Russia and the other New Independent States, the NIS. Third, coordinating United States Government efforts to promote key United States security objectives in Russia and the New Independent States. In that capacity, Ambassador Talbott has demonstrated a clear understanding of the role of Congress in formulating foreign policy and demonstrated a keen interest and willingness to consult closely with the Congress.

I would note, too, that Ambassador Talbott has received the strong endorsement of the American Foreign Service Association. As a former Foreign Service officer myself, it is a recommendation that I value highly.

In his endorsement of Strobe Talbott, Tex Harris stated:

> Mr. Talbott is just the sort of person that the Foreign Service would like to see named to all noncareer diplomatic posts.

Mr. Harris further notes that U.S. foreign policy will be on firmer footing now that Mr. Talbott has taken on much broader responsibilities.

I ask unanimous consent that the full statement be made part of the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. On Tuesday, February 8, the Foreign Relations Committee held extended confirmation hearings for Mr. Talbott that resulted in the committee voting the following day 17 to 2 to recommend his confirmation. In addition to the close scrutiny the committee applied during his hearing, Mr. Talbott answered for the record approximately 100 questions.

One of the issues clarified during the committee's hearing was Mr. Talbott's position on Israel. As Senator METZENBAUM observed in introducing Mr. Talbott before the committee. Mr. Talbott's support for Israel is strong and unwavering. As Mr. Talbott observed in a statement presented to the committee:

> I have always believed strongly in the specialness of the state of Israel, in the special nature of the relationship between the U.S. and Israel, and on the special obligation that the U.S. has to do everything it can to assure Israel's survival and security. These are bedrock principles that undergird the relationship between the United States and Israel. My commitment to these principles is not only professional, but deeply personal.

The assurances Mr. Talbott gave the committee and the endorsement he has received from Senator METZENBAUM and Senator GLENN should lay to rest any criticism or doubts raised concerning Mr. Talbott's personal views on this subject.

Now is the time to move on with the deputy secretary in place. In this critical moment in foreign policy with NATO forces poised to attack in Bosnia and important negotiations being undertaken to resolve the crisis on the Korean peninsula concerning North Korea's nuclear weapons program, it is of the utmost importance to the security of the United States that the Department of State have its full complement of senior officials on duty.

As Ambassador Talbott noted in his testimony, "the events of the last few years left us little time to plan for the end of the cold war. But we do know that the post-cold-war world will be far more complex than the world to which we have grown accustomed. It is," as he further observed, "more complex because so much more is possible." The United States must move forward to manage these complex problems of the post-cold-war world. On February 10, our Foreign Relations Committee held an extensive hearing on the use of U.S. Armed Forces in the post-cold-war world as well as a closed door briefing by Ambassador Pickering on the situation in Russia.

These problems, these issues need Ambassador Talbott's leadership. I urge my colleagues to support his nomination.

EXHIBIT 1

AFSA WELCOMES TALBOTT APPOINTMENT

WASHINGTON, December 28.—The American Foreign Service Association (AFSA), which represents the 22,000 members of the U.S. Foreign Service, today welcomed the appointment of Strobe Talbott as Deputy Secretary of State. "Mr. Talbott is just the sort of person that the Foreign Service would like to see named to all non-career diplomatic posts", said AFSA President Tex Harris. "He has had a lifelong vocation in international relations and diplomatic practice, and is extremely knowledgeable about the culture and politics of vital areas of the world."

"In the year he has served as Ambassador-at-Large for the New Independent States", Harris added, "Mr. Talbott has worked very closely with the Foreign Service and has demonstrated great respect for and reliance on their indispensable talents and expertise. That respect is fully reciprocated by the Foreign Service officers with whom he has worked. United States foreign policy will be on a firmer footing now that Mr. Talbott has taken on much broader responsibilities. We look forward to ongoing close collaboration with him."

Mr. PELL. I suggest the absence of a quorum, and I ask unanimous consent to have the time equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, a parliamentary inquiry to which I am sure I know the answer. The pending business is the nomination of the Honorable Strobe Talbott. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Madam President, the Senate Foreign Relations Committee held hearings 2 weeks ago on the nomination of Strobe Talbott to be Deputy Secretary of State. In preparation for that hearing, I closely examined Mr. Talbott's qualifications. I read a great deal of his many writings dating back to his days as a reporter for Time magazine. Frankly, I was not thrilled by what I found.

Moreover, I heard nothing during Mr. Talbott's appearance before the Foreign Relations Committee to diminish my misgivings about this nomination. If anything, the hearing raised even greater questions in my mind about his competence to serve as Deputy Secretary of State.

I had intended to submit my views as part of a committee report. Under the rules of the Senate Foreign Relations Committee any member of the committee is entitled to a 3-day period in which to file additional views once a matter has been approved by the committee. Yet, when I sought to exercise my rights under this committee rule, my request was denied on a party line vote of 10 to 9.

As I said during the committee's business meeting, I do not recall any precedent for denying a committee member the right to file additional views on any matter reported from and by the committee. Let me say that I shall never be a party to denying that right to any member of the committee for so long as I may serve on the committee.

My request would not have delayed Mr. Talbott's nomination. The Senate still would have considered it this week. Even if the nomination had been delayed, there is a great body of opinion that this country may have been better off with no No. 2 man at Foggy Bottom than with this one.

Madam President, the committee's party line vote set an unfortunate precedent. The two most important nominations that the Foreign Relations Committee handles are those of Secretary of State and Deputy Secretary of State. Certainly a report would have been in order for the Talbott nomination. There should have been one. Since I was denied the right to file additional views, I feel obliged to speak at whatever length necessary to make the facts of this nomination a matter of record.

At the outset, let me emphasize that Mr. Talbott is a man of intellect. No question about that. But there is nothing in his résumé or his background to suggest that he is a manager. He does not claim that he is. I cannot understand why, at this critical juncture, a nominee with little or no demonstrable managerial experience is qualified to assume one of the most crucial foreign policy management jobs in Washington—that of Deputy Secretary of State.

The Deputy Secretary of State should not be another policy wonk. He must be prepared and able to step in for the Secretary, if necessary, and to handle the day-to-day management of the State Department bureaucracy—a bureaucracy of more than 16,000 men and women. It is one thing to write books and articles—it is quite another to be on the hot seat, managing a bureaucracy, and making decisions that affect the safety of American diplomats overseas, and the national security of our country.

When Mr. Christopher appeared a year ago before the Foreign Relations Committee for his confirmation hearing, he specifically emphasized the importance of having someone with managerial expertise as his deputy. I agreed then and I agree now. But Mr. Talbott does not see it that way. When he appeared before the Foreign Relations Committee he made clear that he intends to delegate management responsibilities to one of five Under Secretaries.

But Mr. Talbott's lack of managerial expertise is only one of several serious concerns. Equally disturbing is the impact he will have on the formulation of U.S. policy throughout the world. Mr. Talbott's numerous writings indicate that on many of the key foreign policy issues of our time, his judgments and predictions have been just plain wrong—and in some cases offensive.

At the hearing, Mr. Talbott attempted to explain some of his writings. He now claims that many years have gone by and that in some cases his views have changed. But Madam President, Judge Bork was not allowed to get by with saying that he had changed his views from what he had written years ago. Mrs. Lani Guinier was not allowed to claim that her views had changed. Yet suddenly it is acceptable to some Senators for Mr. Talbott to claim that he did not really mean what he wrote—or that he does not mean it now. He may have changed his line, but has he changed his mind?

Madam President, I have learned from personal experience the unfairness of being quoted out of context. It happens to a lot of people, particularly if they happen to be conservatives. For that reason, I ask unanimous consent that various articles written by Mr. Talbott mentioned in my statement be printed in the RECORD at the conclusion of my remarks.

Mr. Talbott's words speak for themselves. Res ipsa loquitur, as the lawyers like to say. On October 29, 1990, Mr. Talbott wrote about the Iraqi invasion of Kuwait and concluded, "Israel's policy today does indeed have something in common with Iraq's."

On September 7, 1981, he wrote, "Israel has been interfering skillfully and successfully in U.S. politics for decades." In that same article he gratuitously commented that:

> American Jews wield influence far beyond their numbers [and] there is considerable pent-up irritation in the U.S. with the power of the pro-Israel lobby.

Those are among the quotes concerning Israel that this Senator and others raised with Mr. Talbott during his confirmation hearing. But Mr. Talbott's supposed expertise is not with the Middle East, but rather with United States-Soviet relations—a topic about which he has written numerous articles and several books.

Every journalist has numerous sources of information. But it is common knowledge that throughout the cold war the Soviets used American journalists as a conduit for Soviet Government propaganda. In that context, I am alarmed by Mr. Talbott's longstanding relationship with a very famous KGB agent—Mr. Victor Louis.

Prior to the hearing I asked Mr. Talbott if he knew the late Victor Louis. He replied:

> I knew the late Victor Louis, a Russian journalist who died a year or so ago. I first met him in the 1970's, when I was working as a reporter for Time magazine and making frequent trips to Moscow. I continued to see him over the years. Occasionally I would visit him and his family for lunch or Sunday afternoons at their home in Peredelkino, a village on the outskirts of Moscow. He brought his sons to Washington in the mid-1980's, and I showed them the tourist sights in the city.

At his confirmation hearing, I asked Mr. Talbott if he was aware that Victor Louis was a KGB agent. Here is Mr. Talbott's reply, which was sort of testy and a little bit sarcastic:

> I do not know today what the late Mr. Louis' organizational affiliations were. I knew him from 1969 until his death in the middle of 1992. Even before I met him, I was familiar with him.

What kind of doubletalk is that, Mr. President?

In short, Madam President, as of February 8, 1994, Mr. Talbott claimed that he did not know the "organizational affiliations" of Victor Louis. Well, everyone else knew it, just like everybody knows that George Washington was a citizen of the United States.

A 1986 State Department report documented that the Soviet Union:

> * * * used Soviet citizens as unofficial sources to leak information to foreign journalists * * * One of the most prolific of these individuals is * * * Louis Victor—a Soviet journalist who several KGB defectors have independently identified as a KGB agent.

Now this is the State Department, not JESSE HELMS. So Mr. Louis was widely known and well known as a KGB agent.

Madam President, I ask unanimous consent that sections of the State Department report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF DOCUMENTATION ON VICTOR LOUIS AND HIS KGB TIES WITH RELEVANT CITATIONS AND SOURCES

1. State Department report "Active Measures: A Report on the Substance and Process of Anti-U.S. Disinformation and Propaganda Campaigns." Dept. publication 9630. August 1986, page 83:

"Targeting Journalists"—The Soviets give high priority to the recruitment of foreign journalists who can help shape the opinion both of elite audiences and of the general public. The KGB uses these individuals to place articles—including disinformation and forgeries, to influence the editorial line of newspapers and to publish special letters.

"Other Influence Channels"—In addition to regular agents of influence channels, the Soviets established other types of relationships to influence foreigners. For example, the KGB—along with the CPSU's International Department (ID)—use Soviet academics to try to influence the ideas of their Western counterparts. Both the KGB and the ID play a role in selecting Soviet participants for foreign conferences and Soviet delegates commonly receive guidance from the ID. Moscow doubtless hopes that Westerners will accept Soviets affiliated with "think tanks"—such as the Institute of the USA and Canada of the USSR Academy of Science—as bona fides non-political colleagues, and that Westerners will underestimate the extent to which these individuals are operating under Moscow's instruction.

The USSR also uses Soviet citizens as unofficial sources to leak information to foreign journalists and to spread disinformation that Moscow does not want attributed directly. One of the most prolific of these individuals in Vitaliy Yevgeniyevich Lui—better known as Victor Louis—as a Soviet journalist who several KGB defectors had independently identified as a KGB agent. In addition to his leaking such newsworthy items as Khrushchev's ouster, the imminent Soviet invasion of Czechoslovakia, and the reassignment of Marshall Orgarkov, he has been used to try and discredit the memoirs of Stalin's daughter Svetlana and, more recently, to surface a videotape on the physical condition of Soviet dissident Andrei Sakharov. After the Chernobyl accident, Victor Louis was the vehicle for publicizing distorted statements by Sakharov that implied he was supportive of the Soviet handling of the accident and critical of the Western reaction to it.

2. Joshua Rubinstein (with Amnesty International) *Soviet Dissidents: Their Struggle for Human Rights*. 1985. Beacon Press, page 302:

On June 20, 1984 a West German newspaper published separate reports of Sakharov and Bonner purportedly taken the previous week. The source of the photographs was Victor Louis, a Soviet journalist linked to the KGB who has been used to link information and "disinformation" to the West.

Page 303:

The first evidence that Sakharov had ended his hunger strike finally came on August 22 when Soviet officials released a film through Victor Louis showing Sakharov eating and reading the July 16 issue of Newsweek magazine. This was a major concession by the regime. For the first time in almost four months, the authorities provided hard evidence that Sakharov had survived his hunger strike and was alive, at least in the middle of July.

But the film had numerous sinister dimensions. The pictures of Sakharov, his wife, and previous visits of his children to Gorki were obviously taken by a clandestine camera. Sakharov was shown eating at a table while a camera must have been arranged nearby to tape him from behind a one way mirror.

3. Christopher Andrew and Oleg Gordievsky, *KGB: The Inside Story*, New York, Harper Collins, 1990, page 494:

A much more sinister development in the autumn of 1969 was the hints in articles for the Western press by the KGB-coopted journalist Victor Louis (born Vitali Yevgenyevich Lui) that the Soviet Union was considering a preemptive nuclear strike against China before it had the missiles to threaten the Soviet Union.

4. ed. Ladislav Bittman, *The New Image-Makers: Soviet Propaganda and Disinformation Today* "Sakharov, the KGB and the mass media"

Page 161:

"On January 8, 1977, a bomb exploded in a car on the Moscow subway, killing a number of people and injuring many others. Two days later, TASS announced what had happened, and the very same day an article by Victor Louis appeared in the London Evening News that implied that the explosion was the work of Soviet dissidents. Louis is a Soviet journalist who, in several books, has been accused of having ties with the KGB.

5. Martin Ebon, *The Soviet Propaganda Machine*, 1987, McGraw Hill, page 237:

"Victor Louis looks around his sumptuous villa, furnished lavishly and with innumerable expensive gadgets, and says defiantly, "I work harder than other Russians. That's why I have all these things." The things include a swimming pool, a tennis court, and a Swedish-made sauna. His villa is located in Peredelkino, a short train ride east of Moscow, best known as a writers' colony and home of the late poet novelist Boris Pasternak, author of *Dr. Zhivago* Louis' sumptuous dacha was previously the residence of Marshal Pavel S. Rybalco, a tank force commander who died in 1948.

6. John Barron, *KGB: the Secret Work of Soviet Secret Agents*, New York Readers Digest Press, 1974, pages 176, 177:

The most celebrated KGB agent of disinformation, Vitali Yevgennevich Lui, is an unctuous operative better known as Victor Louis. * * * His job demonstrably is to sow confusion, plant lies, peddle fraudulent or stolen manuscripts, and smear the reputations of dissenting Soviet intellectuals such as Solzhenitsyn.

Major Juri Nosenko, in breaking silence he maintained ever since his flight to the West in 1964, now has provided some. He explains how in the late 1950's Louis was employed by the local Moscow District of the KGB, rather than the Second Chief Directorate. * * * He could work against foreigners very well. * * * They kept telling us, "This Victor, he is a very good agent; our best agent."

He [Louis] has acquired expensive foreign cars, a luxury Moscow apartment, and a country mansion complete with swimming pool. Though he claims they are fruits of his entrepreneurship, they are actually KGB-supplied props necessary to the particular acts he puts on for foreigners at his homes he treats westerners to fine whiskey and caviar and even more delicious intrigue, scheduling interviews with intellectuals and sometimes demonstrating his goodwill by cautioning his guests to be discrete. To make him more attractive to foreigners the KGB allows him on occasion to feed them useful intelligence.

7. Arkady Shevchenko, *Breaking With Moscow*, 1985, page 360:

Victor Louis [is] a Soviet citizen whose ties to the KGB have made him a wealthy tipster for the Western press.

Mr. HELMS. I also ask that other examples of documentation on Victor Louis and his KGB ties, dating from 1969, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Madam President, perhaps the Russian Government will now tell us the truth about Victor Louis. If they will not do it right now, maybe some months from now. The next time Boris Yeltsin is here, I intend to meet with him. I have met with him each time he has come to the United States. I am going to ask him. If he does not know, I am going to ask him to look into it and send me whatever they have in their files.

We already have the Department of State report and volumes of classified information about Mr. Louis. The evidence clearly points to the fact that Victor Louis reported to the KGB and his primary mission was to work foreign media contacts. Mr. Talbott's response to the committee clearly acknowledges that he had more than a casual relationship with this KGB agent, Victor Louis. He just did not know he was a KGB agent. Anyone who believes that, I would like to see sometime today. There is some swamp land in eastern North Carolina that is for sale.

Madam President, one of Mr. Louis' jobs—and he did it very well—was to spread disinformation about Soviet dissidents such as Alexandr Solzhenitsyn and Andrei Sakharov and to pretend that the Soviet Union was not a bad place, just a different place. You can go back and read Time magazine, and see what was woven into the fabric of reports from Moscow. I was particularly interested in that because when I was seeking election to the Senate for the first time, in 1972, someone gave me a copy of "The Gulag Archipelago," one of the great books written by Alexandr Solzhenitsyn. It is a thick book. In the midst of a campaign, you do not have all that much time to read. But I would take 30 minutes or an hour before I went to sleep at night while on the road, campaigning and read Solzhenitsyn. I would read of his experiences in that gulag. And somewhere along the line, it came to my mind that this man is a Christian.

I did not finish the book until I had been sworn into the Senate on January 23, 1973. But I sat down and wrote Mr. Solzhenitsyn a fan letter. By that time, he had been released after all those years in the gulag. He had been released because he had become a political liability to the Soviets. People were waking up to the fact that Solzhenitsyn had been locked up under the most degrading circumstances simply because he would not swallow what the Soviet Government was doing and saying.

I wrote a fan letter to Solzhenitsyn. He was, as I say, then in Zurich. I told him I admired him.

Presently, I received an answer. I think it was the first letter that anybody in the United States received from Alexandr Solzhenitsyn. But he had used rough copy paper, paper such as is used in newspaper offices. He sat down at his little portable typewriter and he wrote a response to my letter in Russian. Of course, I could not read a word of it. I sent it over to the Library of Congress and I said, "Please translate this for me," and they did.

Then we began a correspondence including transatlantic telephone conversations. I always had to have a translator, but after 5 or 6 months, Solzhenitsyn did not need one.

Then Solzhenitsyn came to the United States, and we met. He now lives in Vermont. But he is going back home now that the Soviet Union is no more. He is going back home to Russia.

I mention all of that, Madam President, because here was a man, Victor Louis, whose job as a KGB man was to downgrade Solzhenitsyn and to downgrade Andrei Sakharov and to use U.S. journalists and journalists from other countries in his propaganda operation. That is the reason I was disturbed when this nominee, Mr. Talbott, despite his long-standing relationship with the man, said he did not know anything about the organizational efforts of the late Mr. Louis.

It is no coincidence that Mr. Talbott himself—according to his writings—did not himself regard the Soviet Union as a really bad place either. According to his writings, the United States should not have spent so much time and money opposing the Soviet Union because the Soviet Union wasn't as sinister or strong as we thought it was.

In fact, Mr. Talbott faults President Reagan and the development of the Strategic Defense Initiative for the deterioration of our relationship with the Soviet Union. Most Russians today disagree—including Russia's former Ambassador to Washington who has stated that by pursuing SDI the United States "hastened our [the Soviet] demise by about 5 years."

In 1990, Mr. Talbott wrote, "a new consensus is emerging that the Soviet threat is not what it used to be. The real point, however, is that it never was."

What an interesting observation against the backdrop of history. Where was Mr. Talbott when Soviet troops murdered more than 1 million Afghan civilians? Did it not happen? Where was Mr. Talbott when the Soviets shot down KAL 007?

Where was Mr. Talbott when East German citizens were shot while trying to cross the Berlin Wall?

Where was Mr. Talbott when the Soviet-backed government in Ethiopia starved tens of thousands of its citizens to death? History is replete with evidence that the Soviet threat was very real and very dangerous—Mr. Talbott notwithstanding.

The bloodshed, the oppression, The Gulags, the antisemitism, and all the grotesque manifestations of what President Reagan rightly called the "evil empire"—the "real point" that Mr. Talbott saw and reported in Time magazine rather condescendingly was that the Soviet Union never really was the threat that we thought it was. Horseradish! President Reagan was absolutely right about the "evil empire," unless you revise the historical record.

Yet, it was during this very time in history that Mr. Talbott was enjoying pleasantries with the KGB agent, Mr. Louis, at his swanky dacha outside of Moscow. Mr. Louis did not waste his time with people who were unwilling to be spoon-fed the Soviet line and who would not be receptive to Mr. Louis' perspective. No, sir. He had his hooks out for the big fish, the people who would influence opinion, presumably, in the United States of America because there was a President of the United States named Ronald Reagan who was standing up against communism around the world, and particularly in the Soviet Union.

In fact, Mr. Louis may have given the young Mr. Talbott his first big journalistic break. According to several reports, it was Mr. Louis who provided the Khrushchev memoirs to Time magazine—who in turn gave them to Mr. Talbott to translate in 1969—coincidentally the same year that Mr. Talbott first met Louis.

Mr. Talbott may not have been influenced by this KGB agent but if you read his writings on the Soviet Union and Israel, he and the KGB were singing from the same hymn book—if I may be permitted a missal metaphor.

Madam President, on February 2, the Winston-Salem Journal published an important article by B.J. Cutler concerning the Talbott nomination. It summarizes what is clear: not only has Mr. Talbott been wrong on most policy issues, he's made a profession out of it. I ask unanimous consent that the full text of the Cutler article be printed in the RECORD at the conclusion of my remarks.

In one article Mr. Talbott postulates that "within one hundred years * * * nationhood as we know it will be obsolete: all states will recognize a single, global authority." I don't know how a Deputy Secretary of State can stand up for American interests if he believes the United States will be out of business within the next century.

Mr. Talbott, I reiterate, is an intelligent individual who over the years has shown an ability, like any good journalist, to accumulate facts and arrange them in a manner that logically and rationally support his underlying contention. We see it all the time in the Washington Post. We see it all the time in the New York Times and other papers, and we hear it on CBS, NBC, and ABC. They arrange the facts to support their view of a matter. Experience has shown that Talbott's underlying theory or propositions were more often dead wrong then right.

A journalist spurs discussion, thought and a closer scrutiny of issues by juxtaposing competing concepts on paper. Mr. Talbott is not being nominated to be Deputy Secretary of State for Journalism. If he were, some senior people at Time magazine have commented that nobody else at Time magazine was as consistently wrong in his writings as Mr. Talbott.

As Deputy Secretary of State, his theories will become policy. America's policy. The American people may one day have to live or die by the consequences of these policy decisions. Mr. Talbott said after last December's elections that what Russia needs is "less reform and more therapy." Then, what do you know: the Russian government all but abandoned reform, and most of the reformers resigned in protest. The former Russian Finance Minister Boris Fyodorov said that Mr. Talbott "actually stabbed us in the back."

Much as I admire President Boris Yeltsin, I am persuaded that Russia is going in the wrong direction in other respects as well. Just a few weeks ago British Defense Secretary Rifkind said that he believes growing Russian imperialism is "the greatest threat to the security of Europe."

I agree. The Russian Foreign Minister has issued statements that could be considered imperialist and threatening to all states adjacent to Russia. The Russian military doctrine justifies the use of force outside Russian borders for practically any reason including the defense of Russians abroad.

Unbelievably, although claiming to stand up for nations such as Lativia facing Russian pressure, President Clinton told a Russian audience that Russia will—

> Be more likely to be involved in some of these areas near you, just like the United States has been involved in the last several years in Panama and Grenada.

I am confident that Mr. Clinton's old friend and chief policy advisor on Russia had a hand in that incredibly faulty, dangerous rationale.

The Deputy Secretary of State is just one heart beat away from running America's foreign policy through the Department of State. It is a serious position. It is a position for a skilled manager and for someone who has exhibited good judgment. It is a job that directly affects the lives of all American citizens, and our allies overseas who look to the United States for leadership.

I am not persuaded that Mr. Talbott fits the job description. I cannot in good conscience support this nomination.

I thank the Chair, and I yield the floor.

EXHIBIT 1

HOW ISRAEL IS LIKE IRAQ

(By Strobe Talbott)

To hear Saddam Hussein tell it, he and the leaders of Israel are involved in similar altercations with the United Nations over real estate. In most respects, the comparison is as invalid as it is invidious. Most, but alas, not all.

Israel's occupation of the West Bank and the Gaza Strip began 23 years ago quite differently from Iraq's annexation of Kuwait in August. Jordan attacked Israel and forfeited the West Bank. A series of Labor-led governments held on to the territory for two defensible reasons: as a buffer against another Arab onslaught and for bargaining leverage in negotiations.

But for once the Likud bloc came into dominance in the late '70s, an additional motive that had been lurking on the fringes of Israeli politics moved front and center; irredentism—one state's claim, rooted in history, to the land of another. So Israel's policy today does indeed have something in common with Iraq's. Saddam says that since Kuwait and Iraq were part of the same province under the control of the Ottoman Turks, they should be rejoined now. For their part, many Likud leaders believe that since the West Bank was ruled by Israelites in biblical times, not one square inch should be traded away as part of an Arab-Israeli settlement. Yitzhak Shamir's talk of "Greater Israel" is as ominous for the prospects of there ever being real and lasting peace in the region as Saddam's militant nostalgia for Nebuchadnezzar's Babylonian empire.

The original case of irredentism, the desire of Italian nationalists to seize lands governed by Austria—Italia irredenta, or unredeemed Italy—was a complicating factor in World War I. Nor does the trouble necessarily end when irredentists achieve their goals. Tibet, after centuries under the sway of China, declared complete independence in 1913, only to be invaded by Chinese troops in 1951. Largely as a result, India and China fought a border war in 1962.

Even when irredentism does not lead to open conflict between countries, it tends to cause misery and injustice within them. The occupying powers are so intent on righting old wrongs done to their ancestors that they commit new wrongs against the people now living in the disputed territory.

Only in the Middle East would a nation's most notorious warrior become—all too enthusiastically, it seems—Minister of Housing. Ariel Sharon has an apparent mandate to treat zoning as the conduct of war by other means. He is busily creating "new facts," in the form of Jewish settlement, on the West Bank. Saddam too is in the new-facts business with his systematic obligation of Kuwaiti nationhood.

To be sure, Saddam's methods are far more ruthless than Sharon's, but Israel's human and political dilemma is more acute than Iraq's. Because Israel is, in origin and essence, a Jewish state, most Arab residents are never going to feel that it is truly their country., That problem is vexing enough within Israel's pre-1967 borders, where the population is 82% Jewish. But on the West Bank and Gaza Strip, 1.7 million Palestinians constitute an overwhelming majority that will feel forever oppressed, forever cheated, never reconciled, never redeemed.

The one-sidedness of the carnage on the Temple Mount two weeks ago—19 Arabs dead—bespeaks a state of affairs that brutalizes all concerned. For now the Palestinians are the principal victims. But in the long run, the casualties in Likud irredentism will include David Ben-Gurion's ideal of Israel as "a light unto the nations," perhaps even the viability and credibility of Israel's democracy, and certainly its support from the rest of the world.

[From Time magazine, Sept. 7, 1981]

WHAT TO DO ABOUT ISRAEL

(By Strobe Talbott)

When Menachem Begin came to the White House to introduce himself to Jimmy Carter back in 1977, he brought with him a detailed, top-secret inventory of favors that the Israeli intelligence services had rendered the U.S., such as sharing captured Soviet-made weapons and intelligence reports from agents who had penetrated terrorist organizations. The just-elected Prime Minister intended the catalogue to be Exhibit A in his first call on the U.S. President—documentary proof of Israel's contribution to the political and military interests of the West. Begin believed that Israel could count on the U.S. only as long as the U.S. counts on Israel as a partner in the common cause of resisting Soviet expansionism and Arab radicalism.

Four years and another election victory later, Begin still feels that way, and he will probably make much the same pitch to Ronald Reagan when the two meet for the first time in Washington next week. Reagan is likely to listen sympathetically. He and his top aides have repeatedly hailed Israel as the cornerstone of the "strategic consensus" that the Administration hopes to build in the Middle East. Much more than any previous match-up of Israeli and American leaders, Begin and Reagan are inclined to stress Israel's value as a "security asset" to the U.S.

Unfortunately, though, the more the two men agree on that notion, the more they will be deluding themselves and each other. The more they will also be cheapening the U.S.-Israeli relationship and misrepresenting its very basis. In 1948 the U.S., led by Harry Truman, decided to midwife the birth of Israel out of the conviction that the Jewish people deserved a state of their own, especially after the horrors they suffered at the hands of the Nazis. The wisdom of the U.S.'s original sponsorship of Israel has been vindicated many times in many ways, by the sturdiness and vitality of Israeli democracy as well as by the richness of Israeli artistic and intellectual life. As a culture, a society and a polity—as a hospitable if sometimes overheated environment for the thriving of Western values—Israel has been a credit to itself and to its American benefactors.

But it is worth recalling that Truman's Secretary of Defense James Forrestal opposed the creation of a Jewish state in the coldest days of the cold war, partly because he feared that Israel and America's commitment to it would hamper the twin strategic tasks of keeping Joseph Stalin at bay and keeping the peace in the oilfields and tanker lanes. Truman overruled Forrestal—but for reasons of right, not might. He was under no illusion that Israel was, or ought to be, a military ally or that the U.S. was fostering an anti-Soviet "consensus" in the area. Arab hostility toward Israel, combined with Arab resentment of the U.S. as Israel's chief backer, has represented a major target of opportunity for the Soviets in the area ever since.

Truman's successors up through Jimmy Carter felt that American guardianship of Israel was more than worth the trouble—but that it meant trouble nonetheless, especially as one war after another broke out with the Soviet Union championing the Arabs. Soviet military support never translated into an Arab victory, but by the same token American diplomacy never translated into a permanent, comprehensive peace. The U.S.'s lonely, patient mediation between the Arabs and Israelis paid off in some important stopgap agreements along the way, but to many Americans it seemed a thankless, if not hopeless, job. Successive Israeli leaders recognized that even though they possessed the most formidable military machine in the region, their chronic conflict with their neighbors made Israel appear at best a mixed blessing to the U.S. in its own competition with the Soviet Union. Therefore they tended to soft-pedal the strategic dimension of U.S.-Israeli relations and to stress instead the ties of history, humanitarianism and ethnic politics.

But Menachem Begin trusted none of those. "Sentimentality," he called them. After all, the much vaunted Judeo-Christian experience, which links Israel to the West, includes the Holocaust, which Begin experienced personally and with which he is obsessed. His fellow Jews in America make up only 2.7% of the population. Begin recognized that American Jews wield influence far beyond their numbers, but he also knew that there is considerable pent-up irritation in the U.S. with the power of the pro-Israel lobby (which includes of course, many non-Jews) and that a significant body of American Jewish opinion opposes him. Besides, even before the Arab embargo of 1973, Begin had suspected that oil is thicker than either blood or water.

Hence the list he handed to Carter and the pitch he will make to Reagan. His message: let's be hardheaded; we need you for our survival, and you need us as an outpost in defense of your security.

Begin is only half right. His country does need the U.S. for its survival, but the sad fact is that Israel is well on its way to becoming not just a dubious asset but an outright liability to American security interests, both in the Middle East and worldwide. The fault is largely Begin's, although the U.S.—and particularly the Reagan Administration—has contributed to the problem by failing to define American interests more clearly and to stand up for them more forcefully.

The underlying, and potentially undermining, irritant in U.S.-Israeli relations is Begin's refusal to relinquish the West Bank of the Jordan River, which Israel seized during the Six-Day War in 1967. He and his political allies in Israel's ruling coalition regard the West Bank as an integral part of the Jewish homeland, deeded to modern Israel in the Old Testament. Begin once said privately that one of his greatest heroes, after the Zionists Theodor Herzl and Vladimir Jabotinsky, is Giuseppe Garibaldi, the solder-statesman who united Italy a century ago and helped introduce into the vocabulary of contemporary politics the word irredentism, which means a policy of expanding the boundaries of a state to incorporate territory claimed on the basis of historical or ethnic ties.

Begin's policies on the West Bank are unabashedly irredentist. While pretending to leave open the de jure status of the territory, he is vigorously and transparently seeking its de facto annexation. By pushing ahead with the establishment of Jewish settlements on the West Bank, Begin hopes to make that annexation irreversible.

He may succeed. Even though the leaders of the opposition Labor Party are willing to negotiate with Jordan about territorial concessions on the West Bank, they may inherit a fait accompli if they return to power. They might find the thousands of Jewish settlers, many of whom fanatically share Begin's biblical dream of a greater Israel, even more difficult to dislodge than the nearly 1 million indigenous Arabs are to absorb into Israel.

That prospect is contrary to America's interests—and, indeed, to Israel's own—in numerous ways. Israel argues that it is strong, stable and pro-Western, while most of the Arab states are weak, fractious and radical. But one reason the Arabs are that way, and becoming more so, is precisely because of their impasse with Israel. The tragedy and chaos that have engulfed the once peaceful, prosperous nation of Lebanon are a direct spillover of the Palestinian problem. Anwar Sadat's position both within Egypt and among his Arab brethren elsewhere will remain precarious unless he can point to some success in the Palestinian autonomy talks initiated by the Camp David agreements and due to resume in three weeks. By and large Sadat has shown forbearance over Israel's annexation of East Jerusalem and flexibility over the delicate issue of West Bank water rights. Israel, for its part, has done everything it could to prevent the West Bank Arabs for genuinely governing themselves—a goal set by the Camp David accords.

Granted, if Israel were to budge and permit the establishment of real Arab self-rule on most of the West Bank, that in itself would bring into sharp focus tricky, long-deferred questions about whether and how to demilitarize the area and who should ultimately have sovereignty there, Jordan or the Palestinians. Nonetheless, even though it is sure to raise some new problems, progress toward self-rule would be an improvement on the current festering of old ones. Even a lasting resolution of the Palestinian dilemma would not automatically bring stability to the Middle East or shore up all American interests there, but it would certainly help. Similarly, Israeli stubbornness is not the only obstacle to the pursuit of peace, but it is certainly a major one.

The continuing Israeli occupation of land Jordan administered from 1948 until 1967 galls, humiliates and weakens King Hussein, who has proved himself many times a staunch friend of the West. For all their own foot-dragging in the past, the Saudis have demonstrated true statesmanship—and implicitly recognized Israel's right to exist—in the way they helped mediate the current cease-fire in Lebanon. They are desperate for a U.S.-sponsored breakthrough in the Arab-Israeli conflict, largely to help them justify their own close ties with the U.S. Yet those ties are being strained anew by the determination of Israel and its lobby in Washington to block the sale to Saudi Arabia of airborne warning planes (AWACS) and other hardware that the Reagan Administration announced last week. Reagan, and Carter before him, chose to make this deal a symbol of the U.S.'s commitment to the security of Saudi Arabia. Whatever the wisdom of that original American decision, a reversal now would be damaging to U.S. interests. Therefore Congress should approve the sale.

Kuwait, whose population is nearly a quarter Palestinian refugees, has drifted alarmingly toward the pro-Moscow pole of the nonaligned movement. Other small gulf states may follow. The nonaligned have recovered from their initial collective outrage over the Soviet occupation of Afghanistan and resumed their earlier harping on Israeli occupation of the West Bank. The close identification of the U.S. with Israel has impeded American attempts to coordinate diplomacy with the European community, and it has complicated U.S. relations with most Third World countries and virtually all Islamic ones. It has also complicated American efforts to pre-position military supplies and guarantee access to bases around the gulf.

A network of such arrangements is strategically critical if the U.S. is to deter, and, if necessary, resist, a Soviet thrust toward the warm waters and the oil. To be sure, Israel's own military power might be a genuine asset to the U.S. in such a contingency. Israel could provide the American units with tactical air support—as long as its hostile Arab neighbors did not take advantage of the broader conflict and attack Israel and thus tie down its air force. Moreover, while the possibility of a Soviet blitzkrieg into Iran or Pakistan cannot be discounted, a new war in the region is far more likely to cast Israel once again in its all too familiar role as a combatant taking on the Arabs or as a muscle-bound but paralyzed pariah on the sidelines of another inter-Arab conflict.

Beyond the realm of scenarios and strategies there is a more amorphous but still important respect to which Israel is doing a disservice both to itself and to its American defenders. Israel sometimes seems to have taken on the visage and tone of a rather nasty and bitter nation, even a violent one. There was something strutting and heartless about the way the Begin government celebrated its gratuitously vengeful bombing attack on Beirut, in which about 300 were killed. It would be unreasonable to expect official contribution. But Israel in the past has managed to convey more sorrow than anger when it wielded its terrible swift sword. Now there seems to be only anger, and it is too often shrill, self-righteous and even a bit frightening—more so to those who love Israel than to those who hate her.

This growing catalogue of detriments to U.S.-Israeli relations ought to be Exhibit A when Reagan deals next week with Begin's claim that Israel is part of the solution to the U.S.'s strategic problems. Reagan should explain that Israel itself is a problem, and a growing one.

So far, however, the Reagan Administration has shown a distressing reluctance to stand up to Begin, especially on the central issue of the West Bank. Reversing the position of the Carter administration, Reagan has contended that the settlements are "not illegal," thus inviting Begin's smug observation that a double negative equals a positive. The Administration has pledged to continue the Camp David process, although it has done so rather half-heartedly and without much idea about how to proceed. It has only tacitly and in passing endorsed United Nations Security Council Resolution 242, which essentially calls for Israeli withdrawal in exchange for Arab recognition Hardline Israelis have pointed to what they see as the absence of an explicit, ringing endorsement as a sign that the Reagan Administration may be down-playing 242, which was the basis of Middle East policy for the previous four U.S. Administrations.

Reagan has indicated to his aides that he tends to accept Begin's often repeated and patently self-serving argument that the Palestinian issue is parochial and containable; that it is one of history's running sores, like the chronic but localized troubles over Cyprus or Kurdistan; and that it should not loom large in the dealings of a superpower with its strategic partner. Sadat rebutted that point of view passionately in his own meeting with Reagan three weeks ago, arguing, correctly, that the Palestinian issue is the biggest barrier to his own and the U.S.'s efforts to stabilize the area on behalf of the West Israeli intransigence and Arab propaganda have combined to make the Palestinian cause a major international issue. But now Begin has a change to rebut Sadat.

Even though Reagan and his top aides are mightily annoyed over the Israeli bombing attacks against Beirut and the Iraqi nuclear reactor this summer, they muted their annoyance in public, expressing instead their "understanding" of Israeli insecurity and militancy. To the rest of the world, it appeared either that the U.S. had known in advance about the bombing missions and condoned them or, more accurately, that the U.S. had not known what a client state was going to do with American-supplied aircraft and munitions. Neither interpretation did American prestige any good.

Nor did the Administration's temporary and symbolic delay in the delivery of jet fighters to Israel repair the damage, especially since Secretary of State Alexander Haig announced the lifting of the suspension less than 24 hours after Begin complained that the U.S. was "absolutely unjustified" in holding up "Israeli planes . . . bought by Israel." Begin—or, more to the point, Haig—might have added that the planes were bought largely with U.S. military aid funds.

That fact lies at the heart of both the reason and the means for a tougher U.S. policy toward Israel. The U.S. has an immense investment in Israel: billions in public and private funds since 1948. It also has an incalculable political, human and idealistic, or what Begin would call "sentimental," investment in the survival of the Jewish state. But not in its irredentist conquests. Quite the contrary, the U.S. is obligated by morality and Realpolitik alike to do everything in its power to thwart Begin's annexation of the West Bank. American ambiguity on that point serves only to encourage Begin, confuse other Israelis and anger almost everyone else.

Reagan should use the occasion of Begin's visit to clear up any doubts about his personal commitment to Resolution 242 and particularly to its implication of a West Bank withdrawal as part of a peace. He should also assert his unequivocal opposition to the West Bank settlements. Declared public policy must be brought more into line with concerns—and warnings—that U.S. officials express privately. On that score, Reagan might consider putting Begin on notice that since the West Bank settlements are in effect financed by American dollars, the U.S. will hold in escrow against genuine progress in the autonomy talks a certain proportion of the $800 million now budgeted in economic aid to Israel. Furthermore, if Israel sanctions any new settlements, or expands existing ones, it will be penalized by corresponding additions to that escrow account. Thus a future, more moderate Israeli government could recoup what Begin's policies had cost his nation not just in cash but in American good will.

The U.S. obligation to work harder in prying Israel off the West Bank does not, however, entail recognizing the Palestine Liberation Organization or pressuring Israel to do so. The fashionability of the P.L.O. option in the West these days is directly proportional to frustration with current Israeli policy: any idea that makes Menachem Begin apoplectic cannot be all bad, or so it might seem. Trouble is, moderate Israelis are almost as adamant in refusing to deal with the P.L.O. as Begin is, at least as long as the P.L.O. refuses to accept the existence of Israel. Also, once the U.S. recognizes Yasser Arafat & Co., the P.L.O. will be under less pressure to recognize Israel. Sadat urges the simultaneous mutual recognition of Israel and the P.L.O. Right now there is no sign of receptivity to that idea on the part of either the P.L.O. or Israel, and the U.S. has no way of bringing them together without compromising its necessary boycott of the P.L.O. The best course for American diplomacy is to keep the West Bank autonomy talks alive so that there is still something for King Hussein or the Palestinians to negotiate about if and when there is an Israeli government they can deal with.

If Israel continues to take international law into its own hands as violently—and as embarrassingly to the U.S.—as it did in Baghdad and Beirut, then the next display of U.S. displeasure ought to be more sustained and less symbolic. It might include selective cutbacks in American military aid, which is $1.2 billion for fiscal '81 alone. Some of that aid is not critical to Israel's defense. In fact, it amounts to a subsidy to the Israeli defense industry, which in turn sometimes competes with the U.S. on world markets.

There is little doubt about how Begin would respond to warnings of these or similar sanctions. He would remind Reagan that every time a U.S. Administration has tried to pressure him in the past, it has strengthened his political position at home and brought down on the White House the wrath of Israel's many friends in Congress. That is true, but there is no reason why it must always be true, and plenty of reasons why it should not.

It is high time for the U.S. to engage Israel in a debate over the fundamental nature of their relationship. If that means interfering in Israeli internal politics, then so be it. Israel has been interfering skillfully and successfully in U.S. politics for decades, and will be doing so again with a vengeance in the weeks to come over the Saudi AWACS sale. About half the Israeli electorate questioned the wisdom of Begin's policies in the last election. Perhaps a majority will do so in the next. The U.S. might help bring that about if its Government were less timid in asserting publicly that Begin's aims and means are potentially disastrous for both Israel and the U.S.

A policy aimed at inducing Israel to behave more compatibly with American global interests does not mean abandoning or even diminishing the special U.S. relationship with Israel. Just the opposite, in fact: it might help rescue that relationship from the mistrust, misunderstandings and misconceptions that have begun to eat at its foundations—starting with the delusion that Israel is, or ever has been, primarily a strategic ally. Whether they think of themselves as hardheaded or sentimental, both Israelis and friends of Israel in the U.S. must realize that for all the very real external threats faced by the Jewish state, none is more difficult to deal with than the danger that under Begin, Israel may become not only a net liability to the U.S. but its own worst enemy as well.

[From the U.S. Department of State, August 1986]

A REPORT ON THE SUBSTANCE AND PROCESS OF ANTI-U.S. DISINFORMATION AND PROPAGANDA CAMPAIGNS

The Soviets have also sought to penetrate opposition peace and antinuclear groups—particularly in Western Europe—to put pressure on their governments. In 1983, a Soviet second secretary was expelled from West Germany for trying to enlist agents to influence the West German antinuclear movement. During the same year, the Swiss Government expelled the director and ordered the closure of the USSR's Bern-based Novosti bureau, charging that the bureau had been used as a center for the "political and ideological indoctrination" of young members of the Swiss peace and antinuclear movements.

TARGETING JOURNALISTS

The Soviets also give high priority to recruitment of foreign journalists who can help shape the opinions both of elite audiences and of the general public. The KGB uses these individuals to place articles—including disinformation and forgeries, to influence the editorial line of newspapers, and to publish special letters. KGB officers normally meet with their press assets to give them guidance on what to write, and frequently provide financial support. The Soviets have been particularly adept at penetrating and manipulating the media in the Third World, but they have also had some significant successes in the more sophisticated press of Western Europe and Japan:

One of the more celebrated cases was that of Pierre-Charles Pathe, a French journalist convicted in 1979 of acting as a Soviet agent since 1960. The Soviets provided funds to Pathe so he could publish a private newsletter, and they reviewed his articles—which subtly pushed the Soviet line on a wide range of international issues—prior to publication. The subscribers to Pathe's newsletter included almost 70 percent of the members of the French Chamber of Deputies and almost 50 percent of France's Senators.

Another important agent of influence was Danish journalist Arne Herlov Peterson, who was arrested in 1981 and charged with carrying out illegal activities for the USSR. Although he was not convicted, the Danish Government made available evidence that Peterson apparently was recruited several years earlier by the KGB. He served the Soviets by publishing Soviet-supplied anti-NATO propaganda tracts, conveying funds to peace organizations, and disseminating Soviet-prepared forgeries. Peterson received from the Soviet Embassy gifts, free travel, and cash payments.

Levchenko claimed that in Japan the KGB had agents in most of the major newspapers and media outlets. One of them, the editor of one of the largest newspapers in Japan, resigned in 1983 after being publicly identified as a Soviet agent. He had reportedly been involved in a number of Soviet active measures, including the surfacing of the forged "last will and testament of Chou En-lai"—an operation considered by the KGB to have been very successful. Other media assets apparently continue to promote Soviet interests in Japan. For instance, one journalist identified by Levchenko as a "trusted contact" published a story in 1984 supporting the Soviet version of the KAL shootdown.

OTHER INFLUENCE CHANNELS

In addition to regular agent-of-influence operations, the Soviets establish other types of relationships to influence foreigners. For example, the KGB—along with the CPSU's International Department—use Soviet academics to try to influence the ideas of their Western counterparts. Both the KGB and the ID play a role in selecting Soviet participants for foreign conferences, and Soviet delegates commonly receive guidance from the ID. Moscow doubtless hopes that Westerners will accept Soviets affiliated with "think tanks"—such as the Institute of the USA and Canada of the USSR Academy of Science—as bona fide nonpolitical colleagues, and that Westerners will underestimate the extent to which these individuals are operating under Moscow's instructions.

The USSR also uses Soviet citizens as unofficial sources to leak information to foreign journalists and to spread disinformation that Moscow does not want attributed directly. One of the most prolific of these individuals is Vitaliy Yevgeniyevich Lui—better known as Victor Louis—a Soviet journalist who several KGB defectors have independently identified as a KGB agent. In addition to his leaking such newsworthy items as Khrushchev's ouster, the imminent Soviet invasion of Czechoslovakia, and the reassignment of Marshall Ogarkov, he has been used to try to discredit the memoirs of Stalin's daughter Svetlana and, more recently, to surface a videotape on the physical condition of Soviet dissident Andrei Sakharov. After the Chernobyl accident, Victor Louis was the vehicle for publicizing distorted statements by Sakharov that implied he was supportive of the Soviet handling of the accident and critical of the Western reaction to it.

[From the New York Times, Sept. 18, 1969]

CONTROVERSIAL SOVIET NEWSMAN HINTS RUSSIANS MIGHT LAUNCH ATTACK ON CHINA

LONDON, September 17.—Victor Louis, the controversial Moscow correspondent of the London Evening News, has strongly hinted that the Soviet Union might make a surprise attack on China.

In a dispatch by Mr. Louis, a Soviet citizen believed to have close connections with the Soviet secret police, the suggestion was advanced that whether or not the Russians attacked the Chinese nuclear test site, Lop Nor in Sinkiang was only "a question of strategy."

Mr. Louis' dispatch said:

"Some circles in Eastern Europe are asking why the doctrine that Russia was justified in interfering in Czechoslovakia's affairs a year ago should not be extended to China. Events in the past year have confirmed that the Soviet Union is adhering to the doctrine that socialist countries have the right to interfere in each other's affairs in their own interest or those of others who are threatened.

"The fact that China is many times larger than Czechoslovakia and might offer active resistance is, according to these Marxist theoreticians, no reason for not applying the doctrine. Whether or not the Soviet Union will dare to attack Lop Nor, China's nuclear center, is a question of strategy, and so the world would only learn about it afterwards.

The appearance on Chinese territory of underground radio stations criticizing Mao, indicates the degree of unification of anti-Mao forces within the country. It is quite possible that these forces could produce a leader who would ask other socialist countries for 'fraternal help.'"

Mr. Louis said it was a common assumption among well informed sources in Moscow that Soviet nuclear weapons were aimed at Chinese nuclear facilities.

The increasing number of border incidents and the way they are being handled, Mr.

Louis said, shows that the Russians prefer using rockets to manpower.

For example, he said when the Chinese attempted to occupy an island, "the whole surface of the island was burned together with any Chinese troops and equipment there."

A WAR OF NERVES

(By Harrison E. Salisbury)

Victor Louis' suggestion that the Soviet Union may carry out a sneak attack on China's nuclear facilities appears to be part of a broadening war of nerves by Moscow against Peking.

Mr. Louis has in the past carried out special tasks in the field of foreign propaganda; apparently at the behest of the Soviet K.G.B. or secret police, or the Soviet foreign office or both.

His dispatch echoed a circular letter that was distributed to foreign Communist parties and Eastern European Communist governments shortly before Sept. 1 in which Moscow raised the question of a possible preemptive strike against China.

BREZHNEV THESIS RECALLED

Whether Moscow seriously contemplates an attack or is seeking to bring pressure on China by such a threat cannot easily be determined, but the Chinese have reacted as though the threat is genuine.

Mr. Louis' dispatch put the pre-emptive attack into the ideological framework of the thesis advanced by the Soviet party Secretary, Leonid I. Brezhnev, at the time of the Soviet intervention in Czechoslovakia when he proclaimed the right of "socialist countries" to intervene in each other's internal affairs.

The doctrine of intervention has been castigated by Peking which has warned all Communist countries that the doctrine means that Moscow has arrogated to itself the right to intervene in any country in any manner it desires.

Mr. Louis' reference to a possible attack on Lob Nor and his statement that the "world would only learn about it afterwards" coincided with the Soviet circular letter's suggestion of a sudden attack on Chinese facilities.

Mr. Louis's report of underground anti-Mao radio stations in China is not borne out by other sources. Independent observers believe the stations are situated on Soviet territory and are part of the general war of the airwaves being carried out along the Soviet-Chinese frontier.

His suggestion of a "leader" arising in China who would request Soviet intervention matched what the Russians thought would happen in Czechoslovakia but didn't. There has been no sign that any pro-Russian Chinese opposition to Mao Tse-tung exists or is likely to rise.

It is not known if the dispatch by Mr. Louis, who last week was the first to report the visit of Premier Aleksei N. Kosygin to Peking, reflects actual discussions in Moscow of military moves. But it seems certain that the Soviet Union wishes to convince Peking of the genuine possibility of a sudden strike. The Russians presumably hope to compel the Chinese to enter into meaningful discussions of Chinese-Soviet differences, with the implicit threat that the alternative is nuclear war.

EXHIBIT 2

[From Time Magazine, May 7, 1984]

THE CASE AGAINST STAR WARS WEAPONS

(By Strobe Talbott)

The esoteric yet immensely important national debate over how to avoid nuclear war has suddenly been focused like a laser beam on one issue: Should the U.S. develop and deploy a space-based system for defending itself against Soviet missiles so as to deter Moscow from ever contemplating such an attack?

Slightly more than a year ago, President Reagan surprised the nation, and many experts in his own Government as well, by calling for an all-out program, along the lines of the Manhattan Project, which developed the atom bomb, to build a defense system in space. He envisioned a network of orbiting sensors that would detect a Soviet attack as soon as it was launched, then trigger giant remote-control ray guns that would destroy attacking rockets or their warheads before they could do any damage.

The idea had been planted in Reagan's mind by his friend and frequent adviser Edward Teller, the Hungarian-born superhawk, often described as the father of the hydrogen bomb, whose bold and controversial ideas have occasionally led some of his fellow physicists to moan, "E.T., go home." Teller's brainstorm became Reagan's dream, and the dream became national policy. In a speech in March 1983, the President asked, "What if free people could live secure in the knowledge that . . . we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?" In December, with no fanfare, Reagan approved $26 billion over the next five years for research into a Strategic Defense Initiative.

Last week the program came under close scrutiny by two high-level groups on Capitol Hill, and it was found wanting. The Congressional Office of Technology Assessment released an extremely negative report warning that a comprehensive antiballistic-missile system was so unpromising "that it should not serve as the basis of public expectation or national policy." At the same time, the Senate Foreign Relations Committee subjected five Administration witnesses, including the President's science adviser, George Keyworth, and the newly designated director of the program, Lieut. General James Abrahamson, to withering skepticism. Among the doubters were moderates like John Glenn as well as liberals like Massachusetts Democrat Paul Tsongas.

Lest there be any doubt that the issue will figure in the presidential campaign, Democratic Front Runner Walter Mondale last week denounced the plan as "dangerously destabilizing" and called for a freeze on military uses of space. The Democrats believe that the President's embrace of antimissile weapons will fan fears that he is a trigger-happy nuclear cowboy.

That charge is not only unfair—it misses the point that there are substantially more legitimate doubts about the wisdom of this policy in particular and about the President's approach to complicated national security issues in general. Reagan has often been drawn instinctively to simplistic, gimmicky solutions to problems that entail layers upon layers of historical background and technical complexity. Reagan's early fascination with supply-side economics in its least sophisticated form and his advocacy of a two-China policy are but two examples. He abandoned both during the crash course in realism that comes with being President. But he has clung more stubbornly to the idea of space-based defenses. He has done so for reasons that are as straightforward and sincere as they are wrongheaded.

In his March 1983 speech unveiling the scheme, he said he hoped the U.S. could erect an umbrella of impenetrable antimissile defenses over itself and its allies. By thus rendering an attacker's weapons impotent, the U.S. would not have to count on ballistic missiles and bombers to deter Soviet aggression or to retaliate against an attack. No longer would "crisis stability" between the superpowers have to be enshrined in a suicide pact.

In Reagan's view, the scenario for World War III would become more like an arcade video game and less a prime-time apocalypse. Instead of mushroom clouds springing up from charred landscapes and families being vaporized in their backyards or dying slow deaths from radiation sickness, the imagery would feature unmanned enemy projectiles being zapped and disintegrating high above the earth; the planet and its population would remain out of harm's way.

What is more, the U.S. would be able to protect itself without the threat of committing mass murder. Like Darth Vader spinning helplessly but harmlessly away from the doomed Death Star in his crippled TIE Fighter, the Soviets would be mightily frustrated in their losing battle with American ingenuity, but they would not be incinerated.

Best of all, the Soviets would probably not do anything as foolish as start a fight. If they were to do so, however, they would probably not come back to fight another day: realizing the futility of their earth-based spears against the new, space-based American shield, the Soviets might set down, or at least phase out, their missiles and other weapons of aggression. Following the American example, they too would shift to defense rather than retaliation. The world would be a safer place. Reagan has even suggested that the U.S. might some day share its defensive technology with the Soviet Union.

Critics quickly dubbed the Strategic Defense Initiative "Star Wars." That sobriquet suggested a fantasy—not just a dream, but a pipedream, and a potentially perilous one at that.

The case against Star Wars rests on a cluster of mutually reinforcing arguments. Strictly on technical grounds, experts all across the ideological spectrum doubt that space-based ray guns would work well enough to vindicate Reagan's vision. To provide the sort of blanket protection the President and Teller originally had in mind, the system would have to offer a 100% guarantee (an untested guarantee at that) of intercepting and disarming an entire huge barrage of Soviet warheads. If even a tiny percentage of the warheads "leaked" through, the devastation in the U.S. would be horrendous, and the American leadership would very likely feel compelled to order a retaliatory strike with whatever remained of its offensive arsenal.

After a year of study and refinement in the Executive Branch, the Strategic Defense Initiative now implicitly accepts the impracticality of a leakproof umbrella. Instead it adopts the somewhat more modest "interim" goal of "enhancing," rather than replacing, deterrence based on offensive weapons. The idea is that Soviet plans for an attack would be further complicated by even an imperfect American defense.

The President's program remains, however, a radical, unilateral American departure from the rules that have governed the strategic competition between the superpowers for two decades. As seen from Moscow, it is bound to look like an attempt to create an invulnerable sanctuary from which the U.S. can attack the Soviet Union with impunity. American leaders insist, of course, that they would never consider such a thing, but the Soviets will not believe such protestations. Instead, they will see the U.S. indulging in a deadly combination of ambitions—better offense, better defense—that the Soviets are sure to try to match.

It has long been part of the dogma of the nuclear age that the best defense is a good offense. That is what deterrence is all about: the other side is less likely to attack if its leaders know they will prompt a vastly destructive counterattack. A corollary to the dogma of "offense-dominated" deterrence is that there is nothing more provocative and destabilizing than a strategic defense. The more one superpower tries to protect itself against attack, the more the other side will try to improve its offensive weapons to be sure it can overwhelm and thwart those defenses. Thus a defensive arms race will exacerbate and accelerate the offensive one, with the advantage always remaining with the offense.

The classic example of how this dynamic has worked in practice can be seen in an insidious interaction between two high-tech systems: today's ultimate offensive weapons, multiple independently targetable re-entry vehicles, or MIRVs, and yesterday's misconceived defensive weapons, antiballistic missiles, or ABMs.

The Soviets erected a primitive ABM defense around Moscow in the '60s. Like Ronald Reagan today, the Kremlin leaders of 20 years ago believed it was a matter of common sense and irreproachable civic responsibility to do whatever they could to protect their country from nuclear attack. "A defensive system that prevents attack is not a cause of the arms race," said the late Soviet Premier Alexei Kosygin in 1967. It took former Defense Secretary Robert McNamara and other officials of the Johnson Administration hours of arduous discussion to persuade Kosygin and his comrades that they were wrong, and that an ABM race would only intensify efforts to create even more destructive weapons. The U.S., in any case, had an ABM system of its own. It also had an incipient MIRV program that would allow it to penetrate, or beat, any Soviet ABM network simply by hurling more warheads (and decoys) at the U.S.S.R. than the Soviets had interceptors.

Shortly after coming into office, Richard Nixon said, "Although every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so . . . And it might look to an opponent like the prelude to an offensive strategy threatening the Soviet deterrent." Nixon was aware of the paradox that Reagan has overlooked: one side's quest for safety can heighten the other side's insecurity. By 1972 the Soviets had accepted the logic of the American position and agreed, in the Strategic Arms Limitation Talks (SALT), to severe restrictions on ABMs. But if one lane of the arms race was thus closed down, another stayed wide open when the U.S. passed up a chance to negotiate limits or a ban on MIRVs. Why? Primarily because MIRVs, with their microcomputers and other prodigies of Yankee electronic wizardry, were then seen to be an area of permanent American technological superiority, an ace not to be discarded in the nuclear poker game.

Within a few years, however, the Soviets not only had mastered MIRVing but in some areas were outdoing the U.S. at it. With their Hydraheaded monster rockets, they were able to pull sharply ahead of the U.S. in the land-based MIRV race. It is partly to compensate for that imbalance that Reagan finds Star Wars appealing. But the risks are daunting. One is that the ABM race that was called off a dozen years ago might resume with a vengeance, only this time utilizing space-based death rays and satellite killers in addition to ground-launched antimissile interceptors. The Soviets are poised on the starting blocks for such a race themselves. They have been experimenting vigorously with directed high-energy weapons.

Even if the U.S. were able to perfect and monopolize space-based defensive weapons capable of neutralizing the entire Soviet arsenal, these American wonder weapons might still eventually prove to be sitting ducks for pre-emptive attack by Soviet antisatellite (ASAT) devices. So far the Soviets have been experimenting only with rather cumbersome ground-launched satellite killers that can strike at relatively low altitudes; the U.S., meanwhile, has a more sophisticated, versatile and effective aircraft-launched weapon in the works, but it would be unrealistic to assume that an American lead in ASAT would prove any more permanent than the one the U.S. enjoyed in MIRVs twelve years ago.

The Kremlin has professed a willingness to stop the ASAT race before it begins. Thirteen months ago, the late Yuri Andropov called for an international ban on space weapons, and last August he declared a unilateral moratorium on Soviet launches of antisatellite weapons. While there is good reason to be wary of Soviets bearing disarmament initiatives, there is no reason for refusing to probe them further. Yet the Reagan Administration dismissed Soviet ASAT feelers out of hand. It did so partly because of its shortsighted and amnesiac confidence in the superiority of American high tech, and partly because of its deep-seated distaste for arms control of any kind.

No program of strategic defense should be launched unless a comprehensive arms-control program that places sharp limits on offensive weapons is established first. That way, strategic defense might conceivably serve as a useful backup to traditional deterrence, an extra insurance against war breaking out by accident (a space-based American death ray might knock out an errant Soviet missile, for instance, without necessarily touching off a full-scale Soviet attack) or against war being started by a reckless newcomer to the nuclear-weapons club.

But the current situation could not be less propitious, or the dilemma more obvious. It was articulated clearly by a top Administration military scientist, Richard DeLauer, Under Secretary of Defense for Research and Engineering, about six weeks after Reagan's original Star Wars speech. The proposed defensive system, said DeLauer, could be overcome by Soviet offensive weapons unless it was coupled with substantial controls on offensive arms. "With unconstrained proliferation" of Soviet warheads, he added, "no defense system will work."

Yet offensive arms control is dead in the water. The Administration's proposals in the Strategic Arms Reduction Talks in 1982-83 were transparently nonnegotiable because they required drastic, one-side cuts in Soviet forces. To make matters worse, the Soviets walked out of those talks last year. As of now, the Administration has no unified plan for resuming negotiations, much less achieving an agreement. Star Wars itself jeopardizes what little is left of arms control. Despite Administration disclaimers to the contrary, an all-out Strategic Defense Initiative would surely bring the U.S. into violation of the nuclear-arms-control agreements still formally in force with the U.S.S.R., including the ABM treaty concluded as part of SALT I.

Meanwhile, offensive weapons are proliferating on both sides, and the prospect for limits any time soon, to say nothing of reductions, is bleak. That makes today the worst possible time for the superpowers to carry their competition into space—or even to threaten to do so.

[From Time magazine, Jan. 1, 1990]

RETHINKING THE RED MENACE; GORBACHEV IS HELPING THE WEST BY SHOWING THAT THE SOVIET THREAT ISN'T WHAT IT USED TO BE—AND, WHAT'S MORE, THAT IT NEVER WAS

(By Strobe Talbott)

George Bush concluded after the shipboard summit in Malta that the time had come for him to join in an enterprise that Mikhail Gorbachev has called "new political thinking." It was a sentiment worthy of a New Year's resolution, and a new decade's. So far, Gorbachev has had a near monopoly on the promulgation of bold ideas. Bush's main contribution has been an appeal for Western policy to move "beyond containment." That phrase, which he hoped would be the slogan of the year, sounded all right when he first enunciated it last spring, but that was a long time ago. Since then Gorbachev's initiatives and the events they have triggered have made containment sound like such an anachronism that the need to move beyond it is self-evident. Last week's U.S. invasion of Panama was a case in point. It was Uncle Sam's first major post-containment military operation; neither the ghost of President James Monroe nor a single live communist was anywhere in sight.

Members of the Administration have had trouble thinking about the long-term future because the short term is so uncertain. No sooner did they decide on affirmative answers to their initial questions about Gorbachev—Is he for real? Is he good for us?—then they started worrying, Will he last? Will he succeed? What happens, and who takes his place, if he doesn't?

Such questions are by definition unanswerable except with qualified guesses. What are the chances of rain tomorrow? Forty percent. Better take an umbrella. What are the chances of the Big One sometime in the next 30 years if you live along the San Andreas fault? High enough that you'd better check your insurance policy; make sure it covers acts of God. Gorbachev is to political earthquakes what matadors are to bulls. Wondering about what will happen to him—or because of him—is unlikely to inspire boldness in someone so naturally cautious and prone to overinsurance as George Bush. That, in essence, is what happened in 1989.

Whether Gorbachev succeeds or not matters immensely to his people and the world. But the world should not need to await the outcome of what he is trying to do to see the significance of what he has already done: he has accelerated history, making possible the end of one of its most disreputable episodes, the imposition of a cruel and unnatural order on hundreds of millions of people. Sooner or later, their despair and defiance would have reached critical mass. But the explosion occurred this year, much sooner and more spectacularly than anyone had predicted, because the people had in Gorbachev the most powerful ally imaginable.

Perhaps just as important, the Gorbachev phenomenon may have a transforming effect outside the communist world, on the perceptions and therefore the policies of the West. Watching him ought to inspire, in addition to awe, suspense and admiration, an epiphany about what his fellow citizens call, with increasing irony, anger and impatient, "Soviet reality." Gorbachev's determination to restructure that reality should induce Westerners to practice a kind of reverse engineering on the imagines in their own mind. The question of the hour should be not just, What next? but, Knowing what we know now, having seen what we have seen this year, how should we revise our understanding of the Soviet challenge?

The best way to begin mapping the conceptual terrain that lies beyond containment is to re-examine the premises of containment itself.

For more than four decades, Western policy has been based on a grotesque exaggeration of what the U.S.S.R. could do if it wanted, therefore what it might do, therefore what the West must be prepared to do in responses. Gorbachev has shown that, in some respects, where the West thought the Soviet Union was strong, it was in fact weak. The spectacle of this past year—often exhilarating, sometimes chaotic and in Tiananmen Square horrifying—has revealed a brittleness in the entire communist system, whether the armed and uniformed minions of the state ended up snipping barbed wire, as they did in Hungary, or slaughtering students, as they did in China. That brittleness has been there all along, but it was often mistaken for toughness by "calling things by their own names," Gorbachev is admitting that much of what has been perceived by the outside world as his country's collective "discipline" is actually an ossifying, demoralizing, brutalizing system of institutionalized inefficiency. He should make us look again at the U.S.S.R.: a monstrosity, yes, but not a monster in so formidable and predatory a sense as has figured in the cross hairs of Western defense policy.

The Soviets themselves now look back on the almost two decades of Leonid Brezhnev's rule as the era of "stagnation." Harsh as that word sounds, it is actually a euphemism; it really means general decline. Gorbachev personifies to his own people, and should personify to the outside world, a damning revelation about Soviet history: Russia made a huge mistake at the beginning of the 20th century, one that it is trying to correct as it prepares to enter the 21st. Having already missed out on what the 18th and 19th centuries offered in the way of modernity, including much of the Industrial Revolution and the democratic revolution, Russia then missed whatever chance World War I and the collapse of the monarchy gave it to become a modern country in this century. In assembling the Soviet state, the Bolsheviks took two components of their own revolutionary modus operandi—terror and conspiracy—grafted them onto the ideology of universal state ownership, then retained five vestiges of the czarist old regime: despotism, bureaucracy, the secret police, a huge army and a multinational empire subjugated by Russians.

The result of that mix is the disaster that Gorbachev faces today. The combination of totalitarianism, or "command-administrative methods," and bureaucracy has stultified Soviet society, economy and culture. Gorbachev is trying to introduce the economic mechanisms and democratic political institutions that have been developing in the West while the Soviet Union has been trudging down its own dead end, particularly during the lost years of the Brezhnev period.

Yet in the West the era of stagnation was seen as one of Soviet ascendancy—even, in some key and dangerous respects, of Soviet supremacy. Here was a vast, mysterious country on the other side of the globe from the U.S., the Great Geopolitical and Ideological Antipode. It was believed to be possessed of immense and malignant strength, including the self-confidence, prowess and resources for the conduct of all-out war. Even now, with the Pentagon looking for ways to trim its budget, U.S. defense policy includes a caveat: the West must be prepared for the danger that Gorbachev will be overthrown; he might be replaced by a retrograde Soviet leadership that will once again—that is the key phrase: once again—threaten the rest of the world with military intimidation if not conquest.

Soldiers are given to cautioning their civilian bosses to judge the enemy by his capabilities, not by his stated intentions. He can deceive about his intentions, or his intentions can change from one year to the next. Capabilities, by contrast, are more constant; they can be gauged objectively; they are harder to change and mask, and once they have truly changed, they are harder to reverse.

And what was this capability that the Soviet Union supposedly had, which the West must, at whatever cost necessary, be prepared to match and thwart? The short answer: the capability to win World War III. And what would World War III be like? Again, the short answer: it would be like the beginning of World War II. The minds and computers of Western defense experts have long concentrated on two dangers, each a variant of a devastating episode that occurred about a half-century ago. One is an armored attack on Western Europe, a replay of Hitler's dash to the English Channel. The other is a nuclear Pearl Harbor, a bolt-from-the-blue attack by Soviet intercontinental ballistic missiles that would catch American weapons sleeping in their silos.

These nightmares are the ultimate example of generals preparing to fight the last war. Western strategists arguably must assume the worst about how good the enemy is in his ability to do bad things, how reliable and well-trained his troops are, how swiftly and effectively he could coordinate his attack. But they must also have a plausible answer to the question, Why would the enemy do those bad things?

Scenarios for a Soviet invasion of Western Europe have always had a touch of paranoid fantasy about them. In the late 1940s, when Western Europe was weak and virtually defenseless, the Soviet Union itself was exhausted and overextended. Yes, Joseph Stalin "conquered" Eastern Europe—Exhibit A in the charge of Soviet expansionism—but he did so in the final battles of World War II, not as a prelude to World War III. The Red Army had filled the vacuum left by the collapsing Wehrmacht. By the early 1950s, any Kremlin warmonger would have to contend with a Western Europe that was already firmly back on its feet and therefore no pushover, and also with an American doctrine warning that Soviet aggression would trigger nuclear retaliation against the U.S.S.R.

As for an attempted Soviet decapitating attack on American missiles, that danger has always been mired in a paradox. No matter how homicidal or even genocidal the enemy is thought to be, he is not supposed to be suicidal. Deterrence presupposes not only the capacity to retaliate but also sanity and the imperative of self-preservation on both sides. A madman bent on self-destruction is, almost by definition, impossible to deter. It has always required a suspension of disbelief to imagine a sane Soviet leadership, no matter how cold-blooded, calculating that it could, in any meaningful sense, get away with an attack on the U.S. nuclear deterrent. Even if all American land-based missiles were destroyed, the men in the Kremlin would have to count on the distinct possibility that their country, and perhaps their command bunker, would sustain a pulverizing blow from U.S. submarine- and bomber-launched weapons.

Former Secretary of Defense Harold Brown, a world-class thinker about the unthinkable and nobody's softy, acknowledged back in the 1970s that a Soviet decision to attack American missiles would be a "cosmic roll of the dice." Yet Soviets play chess; they do not shoot craps. Stalin advanced several black pawns and a knight against one of white's most vulnerable squares, West Berlin, in 1948. Nikita Khrushchev tried a similar gambit in 1961, and he was downright reckless over Cuba in 1962. The stupidity as well as the failure of that move contributed to his downfall.

Those episodes, scary as they were at the time, should be strangely reassuring in retrospect. They prove that deterrence is something like a force of nature. The very existence of nuclear weapons exercises a gravitational pull on the superpowers during moments of political and military confrontation, tugging them back from the brink. In a real crisis, precise calculations on one side about exactly how many of what kind of weapons the other side has do not matter all that much; what matters is that both have nuclear weapons, period.

This concept of "existential deterrence" (so named by McGeorge Bundy, who was at John F. Kennedy's side during his showdowns with Khrushchev) is rooted in common sense and experience alike. Yet until now it has never been deemed a prudent basis for keeping the peace. Why? Because worst-case assumptions about Soviet intentions have fed, and fed upon, worst-case assumptions about Soviet capabilities.

Even now the nightmare of a Soviet nuclear attack continues to darken the waking hours of Western military and political leaders and the theoreticians who advise them. The Bush Administration remains committed to an expensive, redundant and provocative array of new strategic nuclear weapons—the MX and Midgetman intercontinental missiles, the B-1 and B-2 (Stealth) bombers and the Trident II submarine-launched missile. These programs are monuments to old thinking. They are throwbacks to the days when the strategists accepted, as an article of their dark faith, the vulnerability of the U.S. to Kremlin crapshooters.

In order to believe the Soviet Union is capable of waging and quite possibly winning a war against the West, one has to accept as gospel a hoary and dubious cliche about the U.S.S.R.: the place is a hopeless mess where nothing works, with the prominent and crucial exception of two institutions—the armed forces and the KGB. A Kremlin that cannot put food on its people's tables can put an SS-18 warhead on top of a Minuteman silo in North Dakota, some 5,000 miles away. Even though 15% to 20% of the grain harvested on the collective farms rots or falls off the back of trucks before it reaches the cities, a Soviet-led blitzkrieg through West Germany would be a masterpiece of military efficiency.

The big red military machine may still look formidable from 22,000 miles up, the altitude from which American spy satellites snap pictures of armored columns on maneuver. But at ground level, the Soviet army looks more like a lot of bewildered 17-year-olds, many of them far from their backward, non-Russian homelands, bouncing around in the back of chunky trucks on potholed roads leading nowhere useful to their country's devastated economy. Yet they are counted under the ominous rubric of 4.25 million men under arms in the Warsaw Pact. So are over a million troops, most of them draftees, from the East European states. They include some of the same Hungarians who chanted, "Russians Go Home!"; the same Czechoslovaks, many of army age, who thronged into Wenceslas Square and exorcised the Politburo by clinking their key chains; and the same East Germans who found a better way to invade the Federal Republic throughout the year.

In addition to counting heads with helmets on them and inventorying the enemy's hardware, the American arithmetic of fear has always factored in an ideological multiplier. Here was a political system that, seen from the outside seemed to have a flat belly, a thick neck, big biceps and plenty of intestinal fortitude; it was also thought to have, in communism, a coherent and all too plausible plan for winning the zero-sum game of history.

In the 1970s some respected intellectuals in the U.S. and Europe worked themselves into paroxysms of Spenglerian pessimism about the decline of the West. As recently as 1983, Jean-Francois Revel, the distinguished French journalist and philosopher, wrote a widely read book, How Democracies Perish. It began: "Democracy may, after all, turn out to have been a historical accident, a brief parenthesis that is closing before our eyes . . . It will have lasted a little over two centuries, to judge by the speed of growth of the forces bent on its destruction." Principal among those superior hostile forces was world communism.

Yet an important part of the drama of this past year was the implosion of the very idea of communism. Many card-carrying party intellectuals in Moscow particularly of the younger generation, admit that perestroika too is a euphemism; it suggests fixing something that is broken, but it really means scrapping something that never worked, even as a blueprint for Soviet society, not to mention for world conquest.

One of Gorbachev's closest advisers, Polituro member Alexander Yakovlev, privately told a foreign leader this fall, "Perestroika means a loss of our self-confidence." Then he added, "It also means realizing that our self-confidence was always misplaced." The West ought to realize that much of its fear of the Soviet Union was also misplaced.

To recognize that the Soviet threat has been greatly exaggerated is not to commit the sin of "moral equivalence"; Western self-criticism about the phobias of the cold war does not imply a neutral judgment about the Soviet system. Quite the contrary: it is precisely because that system is such an abomination against basic human aspirations, against human nature itself, that much of what the West called "Soviet power" was actually Soviet weakness, and the instruments of that power could never have been all they were cracked up to be.

For years there has been dissenting wisdom in the West. Most notably, George Kennan, the intellectual godfather of the original concept of containment, has objected to the way it was applied; he has cautioned against demonizing the adversary, overestimating enemy strength and overmilitarizing the Western response.

As early as 1947, Kennan suggested that Soviet power "bears within it the seeds of its own decay" and that the U.S.S.R. might turn out to be "one of the weakest and most pitiable of national societies." But unlike the little boy in the fable, Kennan was largely ignored by the crowd when he dared to say out loud that perhaps the emperor in the Kremlin was not quite so resplendent in his suit of armor. Now along comes Gorbachev to announce his nakedness to the world, and Yakovlev to confide that he too feels a chill.

Even some of the most hardheaded Western diplomats stationed in Moscow as well as some of the most hard-line experts who have recently visited there are revising their views. They now say they doubt that Gorbachev's Kremlin or any imaginable successor's will undertake foreign adventures while the home front is in a state of such crisis, as it will be for a long, long time to come. A new consensus is emerging, that the Soviet threat is not what it used to be.

The real point, however, is that it never was. The doves in the Great Debate of the past 40 years were right all along.

Yet, ironically, it is the hawks who are most loudly claiming victory, including moderate Republicans who are uncomfortable with that label and would rather be seen as conservatives. Much of American policy now seems based on the conceit that insofar as Gorbachev is good news, he is both a consequence and a vindication of Western foresight, toughness, consistency and solidarity. According to this claim, the heady events of 1989 are the payoff for the $4.3 trillion ($9.3 trillion adjusted for inflation) that it has cost the U.S. to wage peace since 1951.

Some go further, contending that the $2 trillion Reagan defense buildup of the 1980s made possible the opportunities for ending the cold war in the 1990s. In other words, had it not been for the whole panoply of post-detente Western pressure tactics, starting with the imposition in 1974 of the Jackson-Vanik Amendment linking improved U.S.-Soviet trade to increased Jewish emigration from the U.S.S.R. there would be a different man in the Kremlin today. Or at least there would be a very different Gorbachev, one who would still be suppressing dissidents, sending refuseniks to Siberia, invading neighboring countries, propping up dictators, financing wars in the Third World and generally behaving the way central-casting Soviet leaders are supposed to.

If one believes that, then it follows naturally enough that there should be no basic change in the main lines of U.S. policy. It was largely this logic and the smugness that went with it that earlier this year helped the Bush Administration rationalize its initial passivity in response to Gorbachev.

But Gorbachev is responding primarily to internal pressures, not external ones. The Soviet system has gone into meltdown because of inadequacies and defects at its core, not because of anything the outside world has done or not done or threatened to do. Gorbachev has been far more appalled by what he has seen out his limousine window and in reports brought to him by long-faced ministers than by satellite photographs of American missiles aimed at Moscow. He has been discouraged and radicalized by what he has heard from his own constituents during his walkabouts in Krasnodar, Sverdlovsk and Liningrad—not by the exhortations, remonstrations or sanctions of foreigners.

George Bush and Secretary of State James Baker are realistic enough to see that there is little the U.S. can do to "help" Gorbachev turn his economy around in the near- or even the medium-term future. By the same token, there was never all that much the U.S. could do, or did do, to hurt the Soviet economy. The inertia, the wastefulness, the corruption—these have always been inherent in the Soviet system. Therefore their consequences are self-inflicted wounds rather than the result of Western boycotts or other punitive policies. The imposition more than 15 years ago of the Jackson-Vanik Amendment was politically symbolic but marginal in its impact; the same is likely to be true if and when the amendment is waived next year.

It is a *solipsistic* delusion to think the West could bring about the seismic events now seizing the U.S.S.R. and its "fraternal" neighbors. If the Soviet Union had ever been as strong as the threatmongers believed, it would not be undergoing its current upheavals. Those events are actually a repudiation of the hawkish conventional wisdom that has largely prevailed over the past 40 years, and a vindication of the Cassandra-like losers, including Kennan.

If Kennan's view and his recommendations had prevailed, the world would probably at least still be where it is today, beyond containment, and perhaps it might have arrived there considerably sooner and at less expense.

For much of the past year, it was considered bold to ask, What if Gorbachev really is willing to disarm significantly? What if he is prepared to demilitarize Soviet society and Soviet foreign policy? What if he adopts levels and deployments of troops, types and numbers of weapons that give real meaning to his slogans of "mutual security" and "nonoffensive defense"?

The question marks are now out of date and therefore out of place. Gorbachev is already doing the things spelled out in the litany of conditional clauses. This fall the prestigious London-based International Institute for Strategic Studies solemnly concluded that the unilateral cuts that Gorbachev has already announced "will, once complete, virtually eliminate the surprise attack threat which has so long concerned NATO planners." In November the Pentagon said virtually the same thing. That certification is all the more meaningful coming from two organizations that have long believed such a threat existed not only on paper but in the real world.

To its credit, the Bush Administration has gone from asking what-if questions about Gorbachev to what-now questions about the American share of responsibility for transforming the military competition. But it would be easier to come up with a new answer to the perennial question about defense—How much is enough?—if there were a clearer realization that the old answer was excessive.

It also is time to think seriously about eventually retiring the North Atlantic Treaty Organization, with honor, to be sure, but without too much nostalgia. Yes, NATO has helped keep the peace. But so has the existence of nuclear weapons, and so has the inherent weakness of the Soviet Union—the nakedness of the red emperor before his enemies.

There is no danger that NATO will be dismantled precipitately, since virtually all leaders in the West and even some in the East agree that the alliance is necessary to help handle the dislocations, instabilities and potential conflicts that are almost sure to attend the disintegration of communist rule in the East. But NATO is at best a stopgap until something more up-to-date and effective can be devised to take its place. The Western alliance was invented to maintain the standoff between two giant blocs. But the great ideological divide of the Iron Curtain is giving way to messier divisions among nation-states and nationalities within states. NATO is simply not constituted or equipped to deal with trouble between two highly uncomradely Warsaw Pact members, Hungary and Rumania, or between two feuding republics of nonaligned Yugoslavia, Serbia and Slovenia. NATO should be maintained during a period of transition, as long as it is understood to be playing that temporary role. To his credit, and the Administration's, James Baker, in a thoughtful and farsighted speech earlier this month in West Berlin, seemed to be inviting Western statesmen and thinkers to join in the search for new ideas and institutions that will ensure the security of post-cold war Europe.

Nor is it too soon to think about rolling back other U.S. security commitments outside Europe. If the Soviets will finally pack up and pull out of their air and naval bases in Viet Nam, why shouldn't the U.S. vacate its facilities in the Philippines? One objection is that the peoples and governments of Southeast Asia and the Pacific Rim want a permanent, visible American military presence in that region as a counterbalance to China and Japan. That is a bit like suggesting, as many are suddenly doing, that now more than ever the world needs NATO—and the Warsaw Pact—to fend off the specter of German reunification and remilitarization. New rationales are being concocted for old arrangements.

Maybe a transformed international order does require American (and Soviet) troops in a divided Germany, or American warships in the South China Sea. But the objectives for those deployments should be honestly and clearly defined; they should be vigorously debated and politically supported on their own terms. If the U.S. obfuscates or misrepresents its purposes, it will be able to sustain neither domestic political support for its overseas missions nor the hospitality and cooperation of its allies.

When the global revolution against communism came to China this year, stimulated in part by Gorvachev's visit in May, the U.S. Government was seized with ambivalence. It welcomed the outburst of democratic spirit, up to a point. At the same time, it feared instability, not just because widespread trouble could cost the lives of hundreds, perhaps thousands of students, but because it would jeopardize a long-standing relationship between the U.S. and the now so obviously misnamed People's Republic. The Administration was so eager to repair relations that it seemed willing to do so on the terms laid down by the decrepit tyrants in the Forbidden City. Bush first sent his National Security Adviser, Brent Scowcroft, and the Deputy Secretary of State, Lawrence Eagleburger, to Beijing secretly in July. Another visit earlier this month was not announced until after the emissaries had arrived at their destination. The whole thing looked sneaky, as though the Administration were trying to pull a feast one (which in a way it was). As a result, the U.S. humiliated itself, insulted the forces of democracy in China, dishonored the martyrs of Tiananmen and reminded the world that old thinking from the 1970s still dominates on certain issues of American foreign policy. The misguided mission also seemed intended to send a distinctly ominous signal to the Soviet Union, quite out of keeping with the one Bush had sought to convey a few days earlier in Malta. Gorbachev and perestroika may fail. The U.S.S.R. may revert to its misbehavior of the past. But the Kremlin should beware: the U.S. is hedging its bets with good old-fashioned triangular diplomacy; however often its existence has been denied, the infamous China card is available for whatever poker games the future may have in store.

The U.S.'s treasured "strategic partnership" with China is valid and worth preserving only if it can be redefined beyond its original anti-Soviet reason for being. The same goes for all the U.S.'s security arrangements, in Asia, Latin America, and the Middle East.

In its unrelenting hostility to Cuba, Nicaragua and Viet Nam, the Bush Administration gives the impression of flying on an automatic pilot that was programmed back in the days when the Soviet Union was still in the business of exporting revolution. Fidel Castro, the Sandinistas and the rulers in Hanoi are all, in varying ways and to varying degrees, disagreeable characters. But so are plenty of other leaders with whom the U.S. deals. The U.S. might be able to cope with these particular bad actors more effectively if it stopped treating them as Soviet clones. That very notion has lost its meaning in the past year.

In general, such American fresh thinking as there has been is too much focused on the question of what the U.S. can do to "help" Gorbachev. There is also the issue of what he can do to help the U.S., its allies and the rest of the world. He has already done a lot, simply by presiding over a Soviet Union that is easier to see anew as a great big country with great big troubles and that is trying to get out of the 20th century in one piece.

The cold war has been not only a multitrillion-dollar (and ruble) expense but also a grand obsession. It has distorted priorities, distracted attention and preoccupied many of the best and the brightest minds in government, academe and think tanks for nearly two generations. There is a long line of other issues awaiting their turn, and some have been waiting none too patiently.

The indebtedness and poverty of the Third World threaten the trend of democracy there. The indebtedness of the U.S., both to itself and to foreigners, threatens its prosperity at home and its influence abroad. The consequences of Japan's emergence as an economic superpower could end up dwarfing the current, suddenly fashionable concern over the reunification of Germany. The U.S. may have won the cold war against the Soviet Union, but it has gone a long way toward losing the trade and technology war with Japan. Meanwhile, the environment, while also newly fashionable as a subject of political rhetoric, is not being treated by policymakers, legislators and citizens with anything like the seriousness and urgency it deserves.

The U.S. and its principal partners have no coherent strategy for dealing with these and other mega-issues. Until now, the cold war provided an alibi.

No longer.

Even as he is thanked by the masses, Gorbachev is quietly cursed, only half-jokingly, by some in the foreign-policy elite for having kicked the centerpiece out from under the big top of American diplomacy. All of a sudden, the think tanks and back rooms of the policymaking establishment are filled with a new kind of head scratching. Some who have spent their careers fretting about the end of the world (the big bang of nuclear Armageddon) are suddenly lamenting "the end of history"; now that the good guys have won and the Manichaean struggle is over, humanity will have nothing but a lot of boring technical and local problems to deal with. It is a silly idea but a telling one, for it underscores the dilemma facing all Western foreign-policy thinkers and doers, starting with George Bush: the fading of the cold war in and of itself does not provide a road map or a compass for the post-cold war era.

They should worry less about what Gorbachev will do next, or what the tiger he is riding will do to him. Leave that to Gorbachev. He has done fairly well so far. Besides, he has certainly made monkeys out of the experts and prophets.

If Bush can muster "the vision thing," he should apply it to the development of a new internationalism, a new geopolitics that prepares the West, and perhaps the West and East together, to manage the looming problems that will make the chapter now beginning every bit as challenging as the one, mercifully, coming to an end. Whether the new period will be known as the Gorbachev era belongs to that category of unanswerable questions on which it is better not to waste time. But whatever the next stage of history comes to be called, there is no question that Gorbachev has made it possible.

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THE BIRTH OF THE GLOBAL NATION

(By Strobe Talbott)

The human drama, whether played out in history books or headlines, is often not just a confusing spectacle but a spectacle about confusion. The big question, these days is, Which political forces will prevail, those stitching nations together or those tearing them apart?

Here is one optimist's reason for believing unity will prevail over disunity, integration over disintegration. In fact, I'll bet that within the next hundred years (I'm giving the world time for setbacks and myself time to be out of the betting game, just in case I lose this one), nationhood as we know it will be obsolete; all states will recognize a single, global authority. A phrase briefly fashionable in the mid-20th century—"citizen of the world"—will have assumed real meaning by the end of the 21st.

All countries are basically social arrangements, accommodations to changing circumstances. No matter how permanent and even sacred they may seem at any one time, in fact they are all artificial and temporary. Through the ages, there has been an overall trend toward larger units claiming sovereignty and, paradoxically, a gradual diminution of how much true sovereignty any one country actually has.

The forerunner of the nation was a prehistoric band clustered around a fire beside a river in a valley. Its members had a language, a set of supernatural beliefs and a repertoire of legends about their ancestors. Eventually they forged primitive weapons and set off over the mountain, mumbling phrases that could be loosely translated as having something to do with "vital national interests" and "manifest destiny." When they reached the next valley, they massacred and enslaved some weaker band of people they found clustered around some smaller fire and thus became the world's first imperialists.

Empires were a powerful force for obliterating natural and demographic barriers and forging connections among far-flung parts of the world. The British left their system of civil service in India, Kenya and Guyana, while the Spaniards, Portuguese and French spread Roman Catholicism, to almost every continent.

Empire eventually yielded to the nation-state, made up primarily of a single tribe, China, France, Germany and Japan are surviving examples. Yet each of them too is the consequence of a centuries-long process of accretion. It took the shedding of much blood in many valleys for Normandy, Brittany and Gascony to become part of France.

Today fewer than 10% of the 186 countries on earth are ethnically homogeneous. The rest are multinational states. Most of them have pushed their boundaries outward, often until they reached the sea. That's how California became part of the U.S. and the Kamchatka Peninsula part of Russia.

The main goal driving the process of political expansion and consolidation was conquest. The big absorbed the small, the strong the weak. National might made international right. Such a world was in a more or less constant state of war.

From time to time the best minds wondered whether this wasn't a hell of a way to run a planet; perhaps national sovereignty wasn't such a great idea after all. Dante in the 14th century, Erasmus in the 16th and Grotius in the 17th all envisioned international law as a means of overcoming the natural tendency of states to settle their differences by force.

In the 18th century the Enlightenment—represented by Rousseau in France, Hume in Scotland, Kant in Germany, Paine and Jefferson in the U.S.—gave rise to the idea that all human beings are born equal and should, as citizens, enjoy certain basic liberties and rights, including that of choosing their leaders. Once there was a universal ideology to govern the conduct of nations toward their own people, it was more reasonable to imagine a compact governing nations' behavior toward one another. In 1795 Kant advocated a "peaceful league of democracies."

But it has taken the events in our own wondrous and terrible century to clinch the case for world government. With the advent of electricity, radio and air travel, the planet has become smaller than ever, its commercial life freer, its nations more interdependent and its conflicts bloodier. The price of settling international disputes by force was rapidly becoming too high for the victors, not to mention the vanquished. That conclusion should have been clear enough at the battle of the Somme in 1916; by the destruction of Hiroshima in 1945, it was unavoidable.

Once again great mines thought alike: Einstein, Gandhi, Toynbee and Camus all favored giving primacy to interests higher than those of the nation. So, finally, did many statesmen. Each world war inspired the creation of an international organization, the League of Nations in the 1920s and the United Nations in the '40s.

The plot thickened with the heavy-breathing arrival on the scene of a new species of ideology—expansionist totalitarianism—as perpetrated by the Nazis and the Soviets. It threatened the very idea of democracy and divided the world. The advocacy of any kind of world government became highly suspect. By 1950 "one-worlder" was a term of derision for those suspected being woolly-headed nails, if not crypto-communists.

At the same time, however, Stalin's conquest of Eastern Europe spurred the Western democracies to form NATO, history's most ambitious, enduring and successful exercise in collective security. The U.S. and the Soviet Union also scared each other into negotiating nuclear-arms-control treaties that set in place two vital principles: adversary states have a mutual interest in eliminating the danger of strategic surprise, and each legitimately has a say in the composition of the other's arsenal of last resort. The result was further dilution of national sovereignty and a useful precedent for the management of relations between nuclear-armed rivals in the future.

The cold war also saw the European Community pioneer the kind of regional cohesion that may pave the way for globalism. Meanwhile, the free world formed multilateral financial institutions that depend on member states' willingness to give up a degree of sovereignty. The International Monetary Fund can virtually dictate fiscal policies, even including how much tax a government should levy on its citizens. The General Agreement on Tariffs and Trade regulates how much duty a nation can charge on imports. These organizations can be seen as the protoministries of trade, finance and development for a united world.

The internal affairs of a nation used to be off limits to the world community. Now the principle of "humanitarian intervention" is gaining acceptance. A turning point came in April 1991, shortly after Saddam Hussein's withdrawal from Kuwait, when the U.N. Security Council authorized allied troops to assist starving Kurds in northern Iraq.

Globalization has also contributed to the spread of terrorism, drug trafficking, AIDS and environmental degradation. But because those threats are more than any one nation can cope with on its own, they constitute an incentive for international cooperation.

However limited its accomplishments, last month's Earth Summit in Rio signified the participants' acceptance of what Maurice Strong, the main impresario of the event, called "the transcending sovereignty of nature"; since the by-products of industrial civilization cross borders, so must the authority to deal with them.

Collective action on a global scale will be easier to achieve in a world already knit together by cables and airwaves. The fax machine had much to do with the downfall of tyrants in Eastern Europe. Two years ago, I was assigned an interpreter in Estonia who spoke with a slight Southern accent because she had learned her English watching *Dallas*, courtesy of TV signals beamed over the border from neighboring Finland. *The Cosby Show*, aired on South African television, has no doubt helped erode apartheid.

This ideological and cultural blending strikes some observers as too much of a good thing. Writing in the *Atlantic*, Rutgers political scientist Benjamin Barber laments what he calls "McWorld." He also identifies the countertrend, the re-emergence of nationalism in its ugliest, most divisive and violent form.

Yet Azerbaijan, Muldova and Czechoslovakia were part of the world's last, now deceased empire. Their breakup may turn out to be the old business of history, not the wave of the future. National self-assertiveness in the West can be mighty ugly, especially in its more extreme Irish and Basque versions. But when Scots, Québécois, Catalans and Bretons talk separatism, they are, in the main, actually renegotiating their ties to London, Ottawa, Madrid and Paris.

They are the disputatious representatives of a larger, basically positive phenomenon: a devolution of power not only upward toward supranational bodies and outward toward commonwealths and common markets but also downward toward freer, more autonomous units of administration that permit distinct societies to preserve their cultural identities and govern themselves as much as possible. That American buzz word empowerment—and the European one, subsidiarity—is being defined locally, regionally and globally all at the same time.

Humanity has discovered, through much trial and horrendous error, that differences need not divide. Switzerland is made up of four nationalities crammed into an area considerably smaller than what used to be Yugoslavia. The air in the Alps is no more conducive to comity than the air in the Balkans. Switzerland has thrived, while Yugoslavia has failed because of what Kant realized 200 years ago: to be in peaceful league with one another, people—and peoples—must have the benefits of democracy.

The best mechanism for democracy, whether at the level of the multinational state or that of the planet as a whole, is not an all-powerful Leviathan or centralized superstate, but a federation, a union of separate states that allocate certain powers to a central government while retaining many others for themselves.

Federalism has already proved the most successful of all political experiments, and organizations like the World Federalist Association have for decades advocated it as the basis for global government. Federalism is largely an American invention. For all its troubles, including its own serious bout of secessionism 130 years ago and the persistence of various forms of tribalism today, the U.S. is still the best example of a multinational federal state. If that model does indeed work globally, it would be the logical extension of the Founding Fathers' wisdom, therefore a special source of pride for a world government's American constituents.

As for humanity as a whole, if federally united, we won't really be so very far from those much earlier ancestors, the ones huddled around that primeval fire beside the river, it's just that by then the whole world will be our valley.

EXHIBIT 3

TALBOTT'S JOURNALISTIC RECORD ISN'T ENCOURAGING: AS DIPLOMATIC CORRESPONDENT, HE WAS WRONG ON VITAL ISSUES

(By B.J. Catler)

An ink-stained wretch named Strobe Talbott is enjoying a meteoric rise in the striped-pants precincts of the State Department.

A friend of President Clinton since they were roommates at Oxford, Talbott began his diplomatic, career last year at a lofty level, as ambassador-at-large to the 15 nations that made up the Soviet Union.

Now the president has nominated him to be deputy secretary of state, the No. 2 job at Foggy Bottom.

With his energy, intelligence and closeness to the president—and with Secretary of State Warren Christopher in decline—Talbott seems to become the country's de-facto diplomatic chief.

Thus the public and the senators who will vote to confirm him ought to take a hard look at the paper trail he left as *Time*'s longtime diplomatic correspondent and editor-at-large.

They will find, perhaps to their surprise, that he was dead wrong about a number of vital issues.

In 1984, for example, he chastised the Reagan administration for "challenging the legitimacy of the Soviet regime, calling the U.S.S.R. an 'evil empire' doomed to fail."

But Reagan was right; it was evil, and it did fail.

> Talbott was an avid admirer of the Great Waverer, Mikhail Gorbachev. In 1990, a headline over his column read, "Gorbachev is helping the West by showing that the Soviet threat isn't what it used to be—and what's more, that it never was."
>
> He wrote that "scenarios for a Soviet invasion of Western Europe * * * always had a touch of paranoia * * *
>
> Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George Bush—all fantasizing as they deployed troops to defend NATO Europe.
>
> Apparently, during all that time, the only sane people were Talbott and a clutch of leftist, revisionist historians who blamed the Cold War on—naturally—American policies.
>
> What did take place over those four decades? The Kremlin forcibly communized Eastern Europe, tried to strangle free Berlin, crushed the East German workers' uprising, sneaked nuclear missiles into Cuba, invaded Hungary, Czechoslovakia and Afghanistan and massed huge tank armies on West Germany's border—with enough river-crossing equipment to carry them to the Atlantic.
>
> How sick we were, in Talbott's eyes, to detect any threat in such benign trifles.
>
> During Clinton's 1992 campaign, Talbott wrote an influential column in *Times* denying that his roommate had dodged the Vietnam-era draft, which of course he had.
>
> As ambassador-at-large, he has not avoided blunders. After fascists and communists scored in Russia's Dec. 12 election, he quipped, *Time*-like, that Russia needed "less shock and more therapy."
>
> The remark was not only foolish but also factually wrong. Russia had not tried economic shock therapy. The people's pain came from mismanagement by the Communists not from reformists efforts. The new Old Guard used Talbott's words to discredit change.
>
> By the time Talbott "explained" that he hadn't meant what he said, the damage was done. Boris Fyodorov, who was forced out as reformist and inflation-fighting finance minister, said Talbott "actually stabbed us in the back."
>
> The imbroglio will not prevent Talbott's promotion. Clinton should know, but doesn't, that some fields must be closed to cocky amateurs. One is brain surgery. Another is serious foreign policy.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. PELL. I yield myself such time as may prove necessary.

Madam President, I was interested in the points raised by the Senator from North Carolina, sensibly spoken, observing the whole picture, but there are some points I would like to raise.

First, there is the question about getting a report. That is correct, it is a privilege you can be accorded, but I believe the rules do not say it is an actual right. I think the Parliamentarian has stated that, too.

Second, the quotation about the inordinate impact of Jews on American decisionmaking was stated by Begin, a quote from Begin where Talbott said:

> Begin recognized that American Jews wield influence far beyond their numbers, but he also knew that there is considerable pent-up irritation in the U.S. for the power of the pro-Israel lobby.

This was not Talbott. This was Begin at this time.

There was also the question of his management. I am struck here by the excellent job that Deputy Secretary of State Damm did a few years ago. He had absolutely no managerial experience, yet proved excellent.

I believe the phrase that Talbott used was not that he would not "delegate" management responsibilities. He said he would be "working" with others and this would be the case, and I think it should be.

As far as the contacts with Victor Louis go, I am reminded of my own experience when I was stationed behind the Iron Curtain and found the opportunity to talk with any opinion leader there—it was in Czechoslovakia—I seized the opportunity of doing so.

In all of our negotiations, I am reminded of the words of Talleyrand who said that when you negotiate with the adversary, for every hour you spend negotiating, you spend 5 minutes in their skin. I think to be in contact with opinion leaders—Victor Louis, it sounds to me, was an active member of the KGB—would be perfectly proper. I know, as I said, when I was behind the curtain, I sought out opinion leaders and tried to pick their brains. We used each other. I remember even being accused of espionage by the Russian delegate to the Security Council.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. May I inquire as to how much time this side has remaining?

The PRESIDING OFFICER. The Senator from North Carolina controls 79 minutes.

Mr. HELMS. Seventy-nine minutes.

The PRESIDING OFFICER. Correct.

Mr. HELMS. I yield 20 minutes to the distinguished Senator from New York [Mr. D'AMATO].

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Madam President, I rise today to speak out against the nomination of Strobe Talbott to be Deputy Secretary of State.

First of all, let me say I am deeply concerned about Mr. Talbott's writings. And if any of them are true, I think it is an outrage. And if all or most of them are true, then his nomination should be defeated.

This Nation's foreign policy has had some difficulties in recent times, first in Somalia, then in Haiti, and up until a few days ago in Bosnia, where we said one thing and did another repeatedly, time after time, and now today we are debating the nomination for the Deputy Secretary of State to join that foreign policy team. I have to tell you if, indeed, his sentiments and his statements are accurately reflected in the writings that I have before me, there is no way we should go forward with this nomination.

On February 9, 1994, before the Foreign Operations Appropriations Committee, we held a closed hearing. While I cannot reveal in open session what was said, I believe that my colleagues, before they vote on this nomination this afternoon, should read a transcript of that hearing to find out what Mr. Talbott's views are. I believe Ambassador Talbott's remarks in that closed session substantially strengthen my position against his confirmation.

His outrageous views run the gambit.

As early as March 1990, he wrote that the United States should lift its embargo on Angola, Afghanistan, Cuba, and Vietnam, calling the embargoes "vendettas." In 1990, he wrote in "Tribute to Mikhail Gorbachev" in Time magazine, and I am quoting his writing:

> A new consensus is emerging that the Soviet threat is not what it used to be.

I underline this point—

> The real point, however, is that it never was. The doves in the great debate in the past 40 years were right all along.

Tell that to the people who were enslaved for 40-plus years, who were denied the right to practice their religion, denied the ability to move about as they saw fit, and denied basic rights that we take for granted. Tell them that the doves were right. Tell these people.

In Time, on July 20, 1992, he wrote:

> I'll bet that within the next 100 years nationhood as we know it will be obsolete. All States will recognize a single global authority.

I have to tell you, I suggest this is the kind of multilateralism that led to the debacle in Somalia. Ambassador Talbott is all too willing to surrender our sovereignty to the United Nations. It is one thing to cooperate; it is another thing to say we are going to have U.N. global authority over this Nation.

Throughout the cold war, in the writings of Ambassador Talbott, he has repeatedly spoken out against the linking of Soviet actions, such as Soviet intervention in human rights practices, to arms control. I have to ask you, do you think the great success we had with the Berlin Wall coming down, the collapse of communism, was because we just appeased the Soviets, because we just said we do not care about your human rights violations?

Let me tell you, he attacked such staples of foreign policy such as the 1974 Jackson-Vanik amendment which links Soviet human rights practices to trade status with the United States. He views such legislation, and I quote, as "intrusions by the Congress into foreign policy" and alleges that it results in "obstreperous constituents."

Can you imagine that, Congress had the nerve to say, no, we are not going to give you most-favored-nation status until you recognize the rights of all of your citizens, Jews, Christians, non-Jews, et cetera, to practice their religion. No, we are not going to allow business as usual and look the other way as you deprive people of their civil rights.

Obstreperous constituents? What does he mean by that? By the way, is it he has his grand view, he knows what is good for us, and we should not stand up and fight for freedom; we should not say, no, we are not going to have an embargo against those nations that would deprive citizens and others and bring war to them; that somehow he knows what is best; that the Congress is meddling in this? Jackson-Vanik was bad?

Maybe it had nothing to do with the fall of communism or the Communists coming around. I think it had a lot to do with it.

Talking about MFN in China, I quote Ambassador Talbott:

> Once again, those who would be statesmen on Capitol Hill are trying to micromanage American foreign policy and legislate morality in other countries.

I think maybe he ought to talk to the President, Mr. Clinton. Has he changed his view? I did not know. I thought that during the Presidential elections we heard people—and I heard the majority leader and others on the floor of this Chamber talking about how immoral it was, how reprehensible it was that we would engage most-favored-nation status with the Chinese given what they did in Tiananmen Square. How do we weigh this? Oh, he says, it is obstreperous conduct.

I have to ask you, this is a man who is going to be the No. 2 person at the State Department?

What does he say about our friends, the Iraqis. Oh, I have to tell you, this is interesting. In Time, on October 29, 1990, he wrote—I guess maybe—I do not know if he had a speech writer. Some of us do. Maybe he had a speech writer. Maybe he did not write this.

> So Israel's policy today, indeed, has something in common with Iraq. Saddam Hussein says that since Kuwait and Iraq were part of the same province under the control of Ottoman Turks, they should be rejoined. For their part, many Likud leaders believe that since the West Bank was ruled by Isrealites in Biblical times, not one square inch should be traded away as part of the Arab-Israeli settlement.

To liken Israel's policies to that of Saddam Hussein's and Iraq and his invasion of Kuwait I would describe as extreme, very extreme.

United States-Israeli relations, what does Mr. Talbott say about them? I quote:

> From now on, the U.S. Government should encourage not just diplomacy between Israel and its Arab neighbors but political reform within Israel as well. So should the American Jewish community, including the ones in Brooklyn.

Is that not interesting. I have to tell you, it goes on and on and on.

> If Israel continues to take international law into its own hands as violently and embarrassing to the U.S. as it did in Baghdad * * *

I have to tell you something. I commend Israel. Thank God she knocked out the Osirak nuclear reactor. Maybe Mr. Talbott thought that is taking action into their own hands, but thank God they had the courage to stand up and do it. And here we have this fellow, back in 1981, when it was fashionable to criticize Israel, to be there criticizing, tearing them apart, if it takes international law into its own hands. Are we now suggesting that we wait for somebody to build the bomb, put the bomb on its missile delivery system, and send it up before we do anything? Or are we suggesting that maybe a country has a right to defend itself and not have to wait until there be a delivery system and a bomb built when you have someone who is threatening it with obliteration, with a fire storm.

What about some balance in these articles? Do you think that the Israelis just went ahead and knocked out Osirak simply because they wanted to target practice or because they saw and understood a real threat to their security, one that the world community and this Nation obviously did not see until it was manifested in Iraq's invasion into Kuwait, until our own interests were imperiled, until the need to see that we had energy and oil, et cetera, and, yes, Saudi Arabia itself was at stake?

That is why we moved. We did not move because of morality, compassion. Let us understand that.

How is Mr. Talbott to condemn a nation for standing to protect itself? To do it in a manner that comes as close as you can possibly come when you begin to talk about the Jewish community in Brooklyn, how dare he?

I quote again the same article in Time:

> Menachem Begin recognized that American Jews wield influence far beyond their numbers but he also knows there is considerable pent-up irritation in the U.S. with the power and the pro-Israel lobby which includes, of course, many non-Jews and that a significant body of American Jewish opinion opposes him.

I have to suggest that this is not the kind of person we should confirm to the No. 2 person in the U.S. State Department.

He does not evidence the kind of temperament necessary, and, oh, yes, he came and politely said those are views that he held 13 years ago. Do you really think the leopard has changed his spots? Do you really? No. I have to tell you. I am deeply concerned about Mr. Talbott's writings. As I indicated before, if any of it is true, it is an outrage.

We have an obligation as Senators who are going to confirm and be voting for or against this nominee to ascertain for ourselves whether or not these writings are true and then attempt to square away what he says now as it relates to whether or not his feelings may or may not have changed. I cannot see and I do not detect the change.

I am going to vote against his nomination. I believe that we will make a serious mistake if we confirm the nomination of Mr. Talbott.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. There are many points we will be raising in this discussion. Some will be somewhat repetitive. But I would like to speak for a moment on Mr. Talbott's management style. I think he enjoys the credentials to be an excellent Deputy Secretary. He enjoys the most important credential of all, as Senator GLENN observed, because "he clearly enjoys the full and complete confidence of the President and the Secretary of State." The American Foreign Service Association, a professional group, said he is just "* * * the sort of person that the Foreign Service would like to be named to all noncareer diplomatic posts."

AFSA also said that as Ambassador-at-Large he has won the respect of the Foreign Service officers with whom he has worked and further noted that U.S. foreign policy will be on firmer footing now that Mr. Talbott has taken on such broader responsibilities.

Actually, in our view, Mr. Talbott will be in the grand position of Larry Eagleburger and John Whitehead, who, as Mr. Talbott noted in his testimony, spent a great deal of time both in Washington and on the road attending to our relations in Eastern Europe.

I am reminded here, too, of the excellent job that Kenneth Dam did, noting his managerial experience as one of the best Deputy Secretaries that we have had.

The day-to-day management policy toward the Soviet Union will continue to be taken over by James Collins, now the Coordinator for Regional Affairs.

With the trust of the President and the Secretary of State and, of course, with his expert knowledge in foreign affairs, I believe he has the excellent ingredients to be a superior Deputy Secretary.

In that regard, we should recall the fact that for a good many months now he has been handling the managerial functions as part of his job as coordinator of our policy vis-a-vis the former Soviet Union.

The PRESIDING OFFICER (Mr. BREAUX). Who yields time?

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, parliamentary inquiry. Has 20 minutes been reserved for this Senator?

The PRESIDING OFFICER. The Senator is correct; 20 minutes has been reserved.

Mr. SPECTER. Mr. President, I yield as much of that time as I shall consume for the remarks that will follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I find this vote on the confirmation of Ambassador-at-Large Strobe Talbott to be very difficult because it involves several important and pertinent considerations.

First, I believe in giving the President wide discretion in selecting his executive support staff and advisers, especially ones that he knows as well as the current nominee, Ambassador Talbott. This nominee has demonstrated ability and intellectual capacity, as evidenced by at least some of his writings—I refer specifically to a book that I found very insightful, "The Deadly Gambits", which I studied closely many years ago on the issue of arms control. In consideration of the need in this administration for all the help it can get in foreign policy on problems in North Korea, Russia, the New Independent States, the Middle East, Vietnam, and in virtually every corner of the globe, it is important that the President be permitted to select advisers he feels have sufficient ability and intellect.

On the other side of the ledger, I find very major concerns. Ambassador Talbott's judgment, at least in my opinion, is troubling when considering his articulation of U.S. policy which he has written on as a journalist in the past. I acknowledge at the outset that the paper trail is something which ought not to be held against someone, but at the same time it is a matter of the public record and something which has to be examined in evaluating fairly the person's background. In evaluating his writings, I discount to some significant extent his journalistic liberties from what might be expected as a matter of public policy.

I also am very troubled by his shallow, incomplete, or even indifferent responses to questions which were presented to Ambassador Talbott by Senators on the Foreign Relations Committee.

I also express concern about his responses to my own inquiries. When he appeared before the Foreign Operations Subcommittee several weeks ago, on January 24, 1994, on the subject of Russian policy, I asked him a number of questions, and as of this moment, at least according to my staffer who handles my Foreign Operations Subcommittee work, there have been no responses.

When I met with Ambassador Talbott for more than an hour the week before last, there was a commitment to send me a good bit of information on his articles in full, almost none of which has been received, notwithstanding calls last week and efforts again yesterday when finally some materials came over, but totally inadequate. The difficulties of Members of Congress in receiving responses from executive branch officials are legendary, but usually there is a little bit better response when a confirmation is pending. In some sense, about the only time you can get the attention of the executive branch officials is when a nomination is pending. But that has not worked out here.

In considering the appropriate latitude to be given the President on a Cabinet or sub-Cabinet appointment, the Senate may have established a more restrictive standard in the rejection of John Tower as Secretary of Defense. If that is the standard, then there may be relatively little latitude for a President.

For myself, I reject the partisanship and the raw politics which characterized the floor debate on the nomination of John Tower for Secretary of Defense. And I think my own record on confirmation proceedings demonstrates an independent view regardless of the politics of the nominee or the politics of nominating.

I do expect Ambassador Strobe Talbott to be confirmed by a large margin. Judging from the talk around the Senate floor and the corridors and the Cloakrooms, some have said that they want to maintain access and influence. I do not think that access to a Cabinet officer or Deputy Secretary ought to depend on a Senator's independent judgment in how he votes.

If I am wrong in my expectation that Ambassador Talbott will be confirmed by large numbers, then, of course, he will continue to be available to the President in his capacity as an Ambassador at Large. I think it is a fair statement that the President has access to Ambassador Talbott's judgment as matters have unfolded even though he has not yet been confirmed as the No. 2 man in the State Department.

I do think that Ambassador Talbott, if confirmed, as I say I expect he will be, will be back before the Senate. It may be that there will be a stronger record for confirmation if, as many expect, he is in line to become the No. 1 man in the State Department, the Secretary of State.

In evaluating what Ambassador Talbott has written, I do not go back 13 years ago to his writings, in the early 1980's, but I do note his article of October 29, 1990, in Time magazine concerning Iraq. I do note his comment about Israeli politics being one of "irredentism—one state's claim, rooted in history, to the land of another. So Israel's policy does indeed have something in common with Iraq's."

I note his comment, referring to Prime Minister Yitzhak Shamir:

> Yitzhak Shamir's talk of "Greater Israel" is as ominous for the prospects of there ever being real and lasting peace in the region as Saddam's military nostalgia for Nebuchadnezzar's Babylonian Empire.

I find that very, very troublesome, Mr. President, to use a mild word, to criticize Israel's action in eliminating the Iraqi nuclear reactor, an event which, in October 1981, seemed preeminently reasonable to most people as an act of self-defense. I find it also very troublesome that Ambassador Talbott criticized this act at the time and even as late as October 29, 1990, long after Saddam Hussein and Iraq had invaded Kuwait, and on the eve of a war between the United Nations and, principally, the United States and Iraq.

Continuing on in the article, he refers to Israel's Minister of Housing and remarks, "Ariel Sharon has an apparent mandate to treat zoning as the conduct of war by another means."

When I talked to Ambassador Talbott, I told him that I would not take the extracts which have been circulated in opposition to his nomination, but would, in fact, look to the totality of the article. And as I looked at the totality of this article written in October 1990, just a little more than 3 years ago, I question his judgment, to again put it mildly, perhaps diplomatically.

I ask unanimous consent that, at the conclusion of my remarks, a series of these articles be printed in the RECORD so they may be apparent to those who care to evaluate the entire article.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, when Ambassador Talbott appeared before the Foreign Relations Committee, a question was propounded to him.

> Question: In an article that appeared in Time Magazine on September 7, 1981, when discussing the Middle East peace process, you wrote that "The territory trade would become a part of a Palestinian 'entity,' a cryptogram that many predict will someday be decoded to mean a Palestinian State. What are your views regarding the prospect of establishment of a Palestinian State?
>
> Question: Do you believe the establishment of a state would bring stability to the region?

Mr. President, that article was, in fact, written on April 23, 1990 and I believe that it forms a fair basis for a question as to what Mr. Talbott's views are on the establishment of a Palestinian State. His answer follows:

> This administration does not support the establishment of an independent Palestinian State. In any event, the focus now is not on

> final status negotiations. It is on the implementation of the Declaration of Principles. When final status negotiations begin it will be up to the parties themselves to determine the shape of the final settlement.

Note, if you will, that there is no response to the question: What are your views regarding the establishment of a Palestinian State? I think that is a fair question in light of what Ambassador Talbott has written.

During the course of the proceedings before the Foreign Relations Committee, Senator MOYNIHAN submitted this question in writing to Ambassador Talbott.

> You have in part characterized Israel as a "rather nasty and bitter nation," even a "violent one," a "dubious asset, "a net liability," and even "an outright liability to American security interests." These characterizations are contrary to those of the Clinton administration. Question: How will you reconcile those differences between your prior writings and the Clinton administration's views?
>
> Answer: None of these fragmentary references accurately characterize my views now or any views that I have ever held. They have been taken out of context. I have always believed in the special nature of the State of Israel, U.S.-Israeli security, special obligation of us to ensure Israel survival and security.

Note the absence of an answer to how such views would be reconciled. There is the comment that they are fragmentary. It seems to me that those of us who were looking at this record are entitled to an explanation of what his views are and a documentation as to how, if at all, those are fragmentary views.

Another question posed by Senator MOYNIHAN to Ambassador Talbott follows:

> In 1990 you suggested that United States displeasure at actions taken by Israel, such as the bombing of the Osirac Nuclear Reactor, should invite a "more sustained and less symbolic display of United States displeasure," and alluded to "selective cutbacks on American military aid." Do you believe today that this is an appropriate way for Americans to deal with a close ally?
>
> Answer: Even the closest of friends, like the United States and Israel, as the closest of friends, will not always agree on every issue. However, I do not believe the public threats are an appropriate way to express our displeasure with Israel's actions. On those occasions when we do disagree, we speak frankly and privately with our Israeli friends, often at the highest levels.

Mr. President, it is apparent on the face of that response, or purported answer, that it is totally unresponsive. This is not one of the articles 13 years ago. This is a 1990 article which refers to the bombing of the Iraqi nuclear reactor. At a minimum, this question ought to get a response as to his sense of the propriety of that act. And when there are specific references to his position on a sustained and less symbolic display of United States displeasure and selective cutbacks in American military aid, I think the Senate is entitled to a response.

Again, a question posed by Senator JOHN MCCAIN, in writing, after the Foreign Relations hearings follows:

> In an article entitled "What to Do About Israel," published in the September 7, 1981 edition of Time, you made reference to President Truman's support for the Nation of Israel. You wrote, "He," Truman, "was under no illusion that Israel was, or ought to be, a military ally or that the United States was fostering an anti-Soviet 'consensus' in the area."

Now comes the question, which does not relate really to the preceding article.

> Question, how would you assess Israel's value as a strategic ally during the cold war? How would you assess Israel's value as a strategic ally today?
>
> Answer, Israel is and has long been a strategic ally of United States. The U.S. and Israel have a special relationship and the U.S. has a special obligation to ensure the survival and security of Israel.

Mr. President, I think it is appropriate to ask the nominee how he assesses Israel's value during the cold war. I think it is also appropriate to ask the nominee how the nominee assesses Israel's value as a strategic ally today. And there is absolutely no response to Senator MCCAIN's inquiry.

Senator MOYNIHAN posed another question.

> In various essays, you portray Israel as having seized the West Bank and Gaza. Do you believe that this is a correct characterization of Israel?
>
> Answer: No. The status of the West Bank and Gaza is the subject of negotiation between the parties to the peace process.

Mr. President, stating that the peace process is to take up the issue is hardly a response to Ambassador Talbott's prior statement characterizing Israel's having seized the West Bank and Gaza. And while he does give a "no" answer, it is hardly the statement or explanation for his position as to what he meant when he said that, or what he believes about that issue today.

Senator MOYNIHAN propounded another question:

> What steps would you suggest the United States take to expedite an end to the Arab boycott of Israel? Would you link United States aid to arms sales to end the compliance in at least the secondary or tertiary boycott?

A very important question. Listen to the answer:

> We need to continue our public and private campaign to persuade the boycotting states that continuation of the boycott is contrary to their own interests, as well as to those of Israel, the United States, and all countries with commercial interests in the Middle East. This strategy has brought us some success in the past, and I believe offers us the best opportunity to achieve our ultimate goal of an end to the boycott in its entirety.
>
> Regarding the linkage between arms sales and adherence to the secondary and tertiary aspect of the boycott, we endorse the objective of the Brown amendment to the State authorization bill which seeks to bring an end to these aspects of the boycott.

I find it surprising that an incisive thinker like Ambassador Talbott does not articulate some thoughtful and significant steps to end the boycott, which is a major problem in international affairs today and, when asked about whether he would link United States aid and arms sales, he refers only to what Senator BROWN did, endorsing the objective, which is hardly a response to that kind of an important question.

Mr. President, I ask unanimous consent that the article of Mr. Talbott dated April 23, 1990, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, as I said at the outset, a decision on the confirmation of Ambassador Strobe Talbott has not been an easy matter for me. When I finished a meeting with Ambassador Talbott, which lasted for more than an hour, one on one, my inclination was to support his nomination. As I have reviewed the record and read his articles in their entirety, I regretfully must say that I do not believe that the harsh extracts are unrepresentative of the feel and texture of those articles as a whole.

The PRESIDING OFFICER. The Chair will advise the Senator that the time allocated to him has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent for 2 additional minutes to complete my concluding thought.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 2 additional minutes.

Mr. SPECTER. Mr. President, there is a good bit more which I would like to say, but a number of views in opposition to Ambassador Talbott have already been expressed.

I know—and this is repetitious—or I have reason to believe that there will be a vote of confirmation of Ambassador Talbott today. I believe that that vote will be cast by many of my colleagues, even though there is very substantial concern and real opposition to the record as a whole which Ambassador Talbott has projected. I do believe he will be confirmed, but I think this vote, while it may only be a vote in protest against his confirmation, is an important one. And I believe that his attitudes on a number of matters in foreign policy—on Soviet affairs, on Israeli affairs, on Angolan affairs—should be subject to severe question and to substantial criticism.

What he has had to say about Israel is totally at variance with United States policy there in the past, and what I believe United States policy should be there in the future. The security interests of Israel are not a matter for just Israel. The United States has found a tremendous ally in Israel and in Egypt from the days of the Camp David accord and before. And when the gulf war was in process, even though

Israel was taking a merciless bombardment from Iraq and refrained from defending itself even though it had the capability to respond, it held back as a matter of dignity and a matter of national pride. Israel acceded to United States requests to refrain in any response.

The record of Israeli support for U.S. policy is conclusive, and I believe that on this cornerstone of United States foreign policy, Ambassador Talbott's record, at least, is at strong variance with what our policy has been and should be.

I hope I am proved wrong and that it may be that Ambassador Talbott will come before this Senate on another day for confirmation for a more important position—although only one is more important, and that is the secretaryship itself. But on the basis of this record, as much as I admire what he has done and as much as I respect his intellect and his writings, I feel constrained as a matter of duty to oppose his nomination.

EXHIBIT 1

[From Time magazine, Oct. 29, 1990]

AMERICA ABROAD; HOW ISRAEL IS LIKE IRAQ

(By Strobe Talbott)

To hear Saddam Hussein tell it, he and the leaders of Israel are involved in similar altercations with the United Nations over real estate. In most respects, the comparison is as invalid as it is invidious. Most, but alas, not all.

Israel's occupation of the West Bank and the Gaza Strip began 23 years ago quite differently from Iraq's annexation of Kuwait in August. Jordan attacked Israel and forfeited the West Bank. A series of Labor-led governments held on to the territory for two defensible reasons: as a buffer against another Arab onslaught and for bargaining leverage in negotiations.

But once the Likud bloc came into dominance in the late '70s, an additional motive that had been lurking on the fringes of Israeli politics moved front and center: irredentism—one state's claim, rooted in history, to the land of another. So Israel's policy today does indeed have something in common with Iraq's. Saddam says that since Kuwait and Iraq were part of the same province under the control of the Ottoman Turks, they should be rejoined now. For their part, many Likud leaders believe that since the West Bank was ruled by Israelites in biblical times, not one square inch should be traded away as part of an Arab-Israeli settlement. Yitzhak Shamir's talk of "Greater Israel" is as ominous for the prospects of there ever being real and lasting peace in the region as Saddam's militant nostalgia for Nebuchadnezzar's Babylonian empire.

The original case of irredentism, the desire of Italian nationalists to seize lands governed by Austria—Italia irredenta, or unredeemed Italy—was a complicating factor in World War I. Nor does the trouble necessarily end when irredentists achieve their goals. Tibet, after centuries under the sway of China, declared complete independence in 1913, only to be invaded by Chinese troops in 1951. Largely as a result, India and China fought a border war in 1962.

Even when irredentism does not lead to open conflict between countries, it tends to cause misery and injustice within them. The occupying powers are so intent on righting old wrongs done to their ancestors that they commit new wrongs against the people now living in the disputed territory.

Only in the Middle East would a nation's most notorious warrior become—all too enthusiastically, it seems—Minister of Housing. Ariel Sharon has an apparent mandate to treat zoning as the conduct of war by other means. He is busily creating "new facts," in the form of Jewish settlements, on the West Bank. Saddam too is in the new-facts business with his systematic obliteration of Kuwaiti nationhood.

To be sure, Saddam's methods are far more ruthless than Sharon's, but Israel's human and political dilemma is more acute than Iraq's. Because Israel is, in origin and essence, a Jewish state, most Arab residents are never going to feel that it is truly their country. That problem is vexing enough within Israel's pre-1967 borders, where the population is 82% Jewish. But on the West Bank and Gaza Strip, 1.7 million Palestinians constitute an overwhelming majority that will feel forever oppressed, forever cheated, never reconciled, never redeemed.

The onesidedness of the carnage on the Temple Mount two weeks ago—19 Arabs dead—bespeaks a state of affairs that brutalizes all concerned. For now the Palestinians are the principal victims. But in the long run, the casualties of Likud irredentism will include David Ben-Gurion's ideal of Israel as "a light unto the nations," perhaps even the viability and credibility of Israel's democracy, and certainly its support from the rest of the world.

EXHIBIT 2

[From Time magazine, Apr. 23, 1990]

AMERICA ABROAD; WHY ISRAEL SHOULD THANK BUSH

(By Strobe Talbott)

George Bush has overthrown two foreign governments since becoming President. Toppling the dictatorial regime of Panama in December required 24,000 U.S. troops. Sending Israel's overwrought democracy into a nervous breakdown last month took only four words from Bush's lips.

Actually Israel was asking for it. Its political system has long been based on the adage that the enemy of my enemy is my friend, or at least my coalition partner. Since 1984 Israel has claimed to have a government of national unity, a misnomer if ever there was one. The odd couple of Likud and Labor never had a unified position, or even reconcilable differences, on the most important issue of national security and national identity: What are the boundaries of the Jewish state?

Likud's Yitzhak Shamir believes that Israel should include the West Bank captured from the Arabs in 1967—and still heavily populated by Arabs in 1990. Labor's Shimon Peres believes in trading land for peace. The territory traded would become part of a Palestinian "entity," a cryptogram that many predict will someday be decoded to mean a Palestinian state. While opposing that particular outcome, Labor is at least willing to begin neogtiating with the Palestinians and see where the process leads. Likud seems not be, which is why Shamir did everything he could as Prime Minister to delay the opening of peace talks.

Getting those talks started is the central goal of the U.S.'s efforts in the region. George Bush was understandably fed up with Shamir's twin tactics of stalling on the diplomatic front while claiming that the influx of Soviet immigrants justifies a "big Israel." So the President said on March 3 that he was opposed to new settlements in the West Bank "or in East Jerusalem."

It is hard to imagine four more explosive words in the semantic minefields of the Middle East. Most Israelis consider East Jerusalem liberated, not occupied. Even the most dovish government would insist on an undivided Jerusalem as the permanent capital of Israel.

Bush did not mean to equate the Holy City with the West Bank or to prejudge its ultimate status. Rather, he was expressing his impatience with Shamir's settlement policy. But Bush's comment was read in Israel as a signal that the U.S. might be hardening its own policy. Israelis resent American pressure in part because they are so vulnerable to it. The body politic, which was already in a state of paralysis, suddenly went into spasm. Within 13 days the government collapsed.

The pro-Israel lobby in Washington howled in protest, and First Friend James Baker, though hardly an apologist for Shamir, privately told his boss in the bluntest terms that he had better learn to choose his words more carefully.

Yet it may turn out that Bush did Israel a favor. However, inadvertently, he helped expose the Likud-Labor coalition for what it was—a government of national disunity and incapacity. The crisis he sparked underscored the need for a new electoral system that will yield a Prime Minister who is free of crippling alliances. To their credit, many Israelis were in the streets last week, venting their exasperation with deadlock democracy. From now on, the U.S. Government should encourage not just diplomacy between Israel and its Arab neighbors, but political reform within Israel as well. So should the American Jewish community—including the one in Brooklyn.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks the floor? The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, we have here the points that have been made, his views vis-a-vis Russia, his views vis-a-vis Israel, and his statement about Israel and Iraq.

In the first place, on his views vis-a-vis Russia, in these past years, many of us have thought the innateness of the rottenness and evil of the Soviet system, the Communist system, would tear itself down from within. This is just what happened, and this is what George Kennan, the great philosopher and scholar on Russia and things Russian, stated in the past.

The PRESIDING OFFICER. The Chair will ask the chairman, does he ask unanimous consent to proceed?

Mr. PELL. I ask unanimous consent to proceed for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Then we come to the question of Israel. I think the views by Strobe Talbott that are important is what he advances and says. He says:

> I've always believed strongly in the specialness of the State of Israel, in the special nature of the relationship between the U.S. and Israel, and on the special obligation that the U.S. has to do everything it can to

assure Israel's survival and security. These are bedrock principles that undergird the relationship between the United States and Israel. My commitment to these principles is not only professional, but deeply personal.

Then finally we come to the question of the comparison between Israel and Iraq, and the occupation of territory. And he says:

> The comparison I made in 1990 was invidious and I regret making it. I would not do so today.

I think some of us—all of us—can find statements in the last 30, 40 years that we regret having made. If we can only dig up one or two, we are very lucky indeed.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the time of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CAMPBELL).

NOMINATION OF STROBE TALBOTT, OF OHIO, TO BE DEPUTY SECRETARY OF STATE

The Senate continued with the consideration of the nomination.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator HELMS is recognized. The Senator from North Carolina is recognized.

Mr. HELMS. I will be glad to yield to the distinguished Senator from Ohio provided I do not lose my right to the floor.

Mr. SPECTER. Will my colleague yield for a 30-second unanimous-consent request?

Mr. METZENBAUM. I was about to make one myself.

Mr. SPECTER. I will await Senator METZENBAUM.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be able to speak for 10 minutes as in morning business on a totally different subject than the Talbott nomination.

The PRESIDING OFFICER. Is there objection? If not, the Senator is recognized.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. Mr. President, I have a unanimous-consent request. Following the remarks by the distinguished Senator, Mr. MCCAIN, who will follow, as I understand it, the distinguished Senator from Pennsylvania, I ask that the distinguished Senator from Washington [Mr. GORTON] be recognized for 20 minutes.

The PRESIDING OFFICER. Is there an objection?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleagues for yielding——

Mr. METZENBAUM. Is this on the unanimous-consent request to which the Senator from Pennsylvania is addressing himself?

Mr. SPECTER. I am addressing the Chair. The Senator from Ohio is making a parliamentary inquiry, subject to the yielding of time by the manager of the bill.

Mr. President, I ask unanimous consent that articles by Ambassador Talbott be printed in the RECORD in full dated April 3, 1989, August 20, 1990, June 3, 1991, and October 7, 1991, which constitute the text of Ambassador Talbott's comments which I had submitted in my floor statement this morning which shows a pattern of attitude on the United States-Israeli relationship, which is of recent origin, not going back to 1981. I have said that these items were not furnished to me——

The PRESIDING OFFICER. Will the Senator withhold? Who yields time to the Senator from Pennsylvania?

Mr. McCAIN. The Senator from North Carolina had stated that I would be recognized under the previous agreement for 20 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I thought the Senator from North Carolina yielded time to me for my unanimous-consent request.

Mr. President, is there a parliamentary inquiry from the Senator from Ohio?

The PRESIDING OFFICER. Was there an inquiry from the Senator from Ohio?

Mr. METZENBAUM. Indeed, there was. The question was whether or not while my parliamentary inquiry was being made, a request for permission to speak as in morning business, then as I understand it, the Senator from North Carolina asked unanimous consent that certain people be recognized for the purpose of speaking on the Talbott nomination. I do not believe that consent was ever given to that request.

Mr. SPECTER. Mr. President, when the Senator from Ohio sought the floor earlier and asked for recognition, I asked for 30 seconds to make a unanimous-consent request. I then understood the Senator from Ohio to say that he had a 30-second unanimous-consent request that he asked for consent for 10 minutes and the Senator from Arizona objected. Then the Senator from North Carolina, who is the manager on the Republican side, yielded time for my unanimous-consent request which may go to 45 seconds instead of 30 seconds and then yielded time to Senator MCCAIN and to Senator GORTON. I believe the Senator from North Carolina has the authority to yield that time since he has that much time on the bill.

Mr. HELMS. That is correct.

The PRESIDING OFFICER. The Senator from North Carolina has the authority to yield the time. However, it takes unanimous consent to establish that.

Mr. HELMS. I certainly ask unanimous consent. I thought it was implicit. If not, I am glad to ask unanimous consent.

The PRESIDING OFFICER. Is their objection? Hearing none it is so ordered. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleague from North Carolina and I thank the Chair.

I just wanted to make a clarifying statement following a floor presentation I made this morning to include these copies of Ambassador Talbott's articles in Time which represent, in my view, a continuation of his attitudes far beyond the 1981 date. Second, I wish to add that when I met with Ambassador Talbott for more than an hour on February 8, he said he would send me a copy of his articles so that I could read them in their entirety. That had not been received.

What had been received by my office last Thursday was a packet of materials which contained a good bit of information in favor of Ambassador Talbott's nomination, but not the articles I had requested. I just wanted to clarify the record on that. I do not wish to make a Federal case out of whether he sent me the material or not, but I was reciting a concern I had in collaboration with materials which were supposed to have been sent by Ambassador Talbott following the hearing of the Foreign Relations Committee on January 24, 1994. I thank my colleagues and yield the floor.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Time magazine, Apr. 3, 1989]

AMERICA ABROAD; HOW TO MOVE THE IMMOVABLE

(By Strobe Talbott)

Yitzhak Shamir personifies intransigence. Wherever he goes, even if it is just to his office in Jerusalem, he is attended by low expectations for Arab-Israeli diplomacy. Still, his visit to Washington next week could advance the cause of peace if his encounters with the American President, Congress and the Jewish community reinforce the message he has been getting back home: something has to give on the occupied territories.

Shamir believes that Israel has a historic birthright to the lands it seized from Jordan in the 1967 War. After 21 years of Israeli rule and settlements in the West Bank, Palestinian Arabs still outnumber Jews there 16 to 1. For demographic reasons alone, it is hard to see how "Greater" Israel can remain a Jewish state and still be a true democracy. Nor is an Israel whose soldiers are ordered to break teenagers' bones the "light unto the nations" that its Zionist founders wanted.

Not incidentally, those founders—David Ben-Gurion and Chaim Weizmann—detested the Stern Gang that was implicated in terrorist bombings and assassinations. Shamir was one of its most notorious members. If Israel refuses to budge on the West Bank, it could, over time, become just another Levantine war zone pretending to be a country, in which latter-day equivalents of the Stern Gang battle with the most extremist of the Palestinians.

Like all other Administrations since 1967, the new leadership in Washington believes that Israel must at some point trade some of the West Bank for peace. The U.S. opened a dialogue with the P.L.O. last year because it hoped the organization was redefining the first two words of its name: the "Palestine" to be "liberated" is on the West Bank; it does not include pre-1967 Israel. As part of an eventual agreement, the U.S. is looking for reciprocal territorial concessions by Israel.

But forcing the issue now will do no good and could do harm by giving Shamir an excuse to dig in his heels. Likud has consolidated its strength in recent local elections, so it would be folly to peg American diplomacy to the more pliable policies of the weakened Labor Party.

Left to his own devices and instincts, Shamir would come to the U.S. with his jaw out, his dukes up and nothing in his pocket. The idea of a "Shamir initiative" sounds like a contradiction in terms. His preferred role is still that of defiant custodian of the status quo.

But the status quo is untenable. That is the message Shamir has been getting not just from the Palestinian stone throwers but from their antagonists in the Israeli army as well. It is a reminder of the enduring humanism and idealism of the Zionist state that many of its warriors hate breaking bones and say so to their Prime Minister.

So Shamir knows he needs to make a move, if only to escape the impression that he alone is standing still while events run beyond his control. He is expected to arrive with a proposal for elections among the Palestinians on the West Bank, followed by negotiations between those elected representatives and Israel. He wants to buy time by avoiding the question of whether Israeli withdrawal from—and Arab sovereignty over—the West Bank might someday be on the agenda of those negotiations. The Bush Administration will probably not insist that he bless the idea of territorial compromise in advance, but as his part of the bargain he had better not rule it out forever. That would probably be as much flexibility as the U.S. or the Arabs are likely to get out of this Israeli leader. But it might be enough to restart the diplomatic process; and perhaps that process will continue long enough for other Israeli statesmen to decide where it finally leads.

[From Time magazine, Aug. 20, 1990]

AMERICA ABROAD; THE DANGERS OF DEMONIZATION

(By Strobe Talbott)

According to a perverse law of international politics, hard-liners on opposing sides tend to reinforce each other's stubbornness and influence, especially in times of tension. Consider the interaction between Baghdad and Jerusalem. Prime Minister Yitzhak Shamir's Likud government is hoping that Iraq's conquest of Kuwait will make it easier for Israel to retain possession of the West Bank and Gaza Strip.

Before the crisis broke, Shamir's Foreign Minister, David Levy, intended to visit Washington last week for what had promised to be a tough session. Secretary of State James Baker was prepared to bear down hard on the need to jump-start the peace process that Shamir let stall last spring. Both Bush and Congress have grown impatient with the Likud's ingenuity in finding excuses not to negotiate with the Palestinians.

Levy's trip has now been postponed until early next month. Thanks to Saddam, Levy will probably find his American hosts less insistent on Israeli concessions. A full-scale confrontation in the Middle East makes this an inauspicious time for the U.S. to be pressuring its closest ally in the area. Besides, the Iraqi dictator's well-publicized embraces last week of Palestine Liberation Organization chairman Yasser Arafat and the Precarious Little King of Jordan make it all the easier for hawkish Israelis to say: You expect us to deal with these people?

The American answer to that question ought still to be yes. The Likud is using the current upheaval to underscore one reason for the Arab-Israeli conflict—the bellicosity and treacherousness of its radical neighbors—while obscuring another—Israeli intransigence and expansionism. As long as Israel refuses to budge from any of the occupied territory and as long as it continues to repress the Palestinians who live there, Israeli policy will be a source of instability; and the U.S., as Israel's friend and guardian, will pay a price in its ability to deal with Arabs of all stripes, moderates as well as radicals.

Iraq's aggression has inflicted another, more subtle kind of collateral damage on the prospects for peace between Israel and the Arabs. No sooner had word of the attack reached the outside world than politicians, pundits and editorial cartoonists in the U.S. and Europe, including Germany—and particularly in Israel—were identifying Saddam with Adolf Hitler, and Kuwait in 1990 with Czechoslovakia in 1938. One purveyor of this parallel even found historical prototypes for King Hussein (Benito Mussolini) and President Hosni Mubarak of Egypt (Neville Chamberlain).

In the case of Saddam, the name-calling is far from preposterous. He has unleashed a blitzkrieg against a weak country on his border and committed mass murder—using poison gas, no less—on Iraq's Kurdish minority. But there is nonetheless something pernicious about the analogy. Regardless of how those making the comparison try to qualify its implications, there is a danger that many of their readers and listeners will, at least subliminally, take the point to its invidious extreme: Saddam equals Hitler, ergo Arabs equal Nazis. As a brutalizing corollary, the forces fighting the Jewish state, from P.L.O. commandos to the child warriors of the intifadeh, can too easily appear as agents of a new Holocaust.

Saddam has done enough on his own to make the Middle East a more dangerous place than it was two weeks ago. His critics, in their justifiable outrage, should be careful not to feed, however inadvertently, the tendency that already exists on all sides in that region to demonize adversaries.

[From Time magazine, June 3, 1991]

AMERICA ABROAD: WHAT GOOD FRIENDS ARE FOR

(By Strobe Talbott)

The U.S. has "special relationships" with half a dozen or so countries. Near the top of the list are Israel and Japan. The U.S. was instrumental in the founding of the Jewish state in 1948, and almost 6 million American Jews could be automatically entitled to citizenship there. The case of Japan is more ambiguous but no less special. The U.S. used A-bombs to finish off a militaristic empire, then helped rebuild what has become an economic superpower.

Both relationships are strained these days. The Likud government's commitment to the de facto annexation of the occupied West Bank, hence to the open-ended subjugation of its Palestinian population, hinders the U.S.'s ongoing effort to broker a Middle East peace and jeopardizes Israel as a humane and democratic society.

Ties between Tokyo and Washington are frayed as a result of bad American habits, notably an addiction to debt, as well as predatory Japanese trade practices.

But if the U.S. is having trouble with both Israel and Japan, these two countries have had practically nothing to do with each other. Without ever admitting it was doing so, Japan has aided and abetted the Arabs in their 43-year-old economic boycott of Israel. The U.S., Canada and some countries in Western Europe have laws against companies' abiding by the boycott. The Japanese kept mumbling that they favored free trade, but that the "private sector" must make its own decisions on commercial grounds.

In fact, there is no such thing as a private sector in Japan. Either that or there is nothing but the private sector. For years Japan Inc. has had a one-dimensional foreign policy: what's good for Japanese exports is good for Japan. Since there were many times more customers for Toyota and Nippon Steel in the Arab and Islamic worlds than in Israel, Japan abided by the boycott.

That's begun to change. In April, Toyota announced it would sell cars directly to Israel. Nissan and Mazda are expected to follow. For the first time, Japan is adding a representative of the powerful Ministry of International Trade and Industry to the staff of its embassy in Israel. El Al is being allowed to open service between Tel Aviv and Tokyo (via Moscow).

Israeli diplomats consider these moves to be modest and tentative but welcome nonetheless. American Jewish leaders and members of Congress have been lobbying hard for the staff. So, much more quietly, have some younger civil servants inside several Japanese ministries. They see their country's compliance with the boycott as symptomatic of the parochialism and selfishness that have until now marked Japan's definition of its role in the world.

The Reagan and Bush administrations have helped too. Former Secretary of State George Shultz raised the issue repeatedly. James Baker and most of his senior deputies have done the same. During a meeting in California in April, President George Bush told Prime Minister Toshiki Kaifu that the end of the gulf war "might be an opportunity for Japan to have closer relations with Israel." Kaifu agreed, adding that the Arab boycott was "undesirable." Vice President Dan Quayle, who met with Kaifu in Tokyo last week, pressed for more steps in the right direction.

This story, while unfinished, already has a moral: the Japanese need gai-atsu, or outside pressure, almost as much as they resent it. By leaning hard on its friends in Tokyo, the U.S. is doing a favor for Japan as well as Israel. But, then, what else are special relationships for?

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[From Time Magazine, Oct. 7, 1991]

AMERICA ABROAD; THEY COME BEARING HOPE

(By Strobe Talbott)

When I visited Israel earlier this year, the night flight from Cairo taxied to a spot between two El Al jumbo jets that were already disgorging onto the tarmac a profusion of joyous, exhausted humanity. Standing in line for customs, I was engulfed by a sibilant jabber that I recognized from other journeys—to Moscow, Minsk, Kiev, Tbilisi, Tashkent, Baku, Irkutsk.

The people around me were the latest of the 1 million immigrants from the U.S.S.R. who are expected to swell the Jewish population of Israel nearly 30% in the coming years. I've thought about them a lot in the past few weeks.

In the short term, they're part of the problem that's poisoning Israel's relations with far-off American friends and diminishing the chances of peace with its nearby Arab enemies.

The Likud government has been using the massive influx of Soviet Jews to justify a tripling in settlement activity in the occupied territories. Never mind that few of the new arrivals have any desire to live in the West Bank or Golan Heights; never mind that even though Israel is a small country, there's still plenty of undeveloped real estate inside the pre-1967 borders.

Likud is bent on settling the territories to ensure their defacto annexation and preclude any exchange of land for peace. If Housing Minister Ariel Sharon had his way, the Trojan horse would be filled with immigrants speaking Russian.

George Bush, quite rightly, doesn't want the U.S. to subsidize Sharon's operation. That's why Bush has asked Congress to hold off granting Israel $10 billion in loan guarantees to help in the "absorption" of the Soviet Jews. Bush's critics, in both Israel and the U.S., have accused him of playing a crude and cynical game with the immigrants, holding them hostage to his political objectives. It's the right charge, but it should be aimed at Sharon, not Bush.

Prime Minister Yitzhak Shamir is also dead set against conceding one square inch of the West Bank. Inaugurating a new settlement last week, he vowed that "all our territories that can be built on will be populated by Jews to the end of the horizon." But at least Shamir is motivated by a sense of what he believes to be the historical birthright of his people.

Sharon's goal, by contrast, has less to do with an ideological commitment to Greater Israel than with the aggrandizement of his personal power. His strategy, breathtakingly obvious and all too promising, seems to be to subvert the peace process, provoke a crisis with Washington and then elbow Shamir aside in the resulting Cabinet upheaval.

For Sharon, the Soviet Jews have appeared at just the right moment. Desperate for somewhere to live, they're natural constituents of the Housing Minister. Many are easy recruits for Likud—if only because the alternative, the Labor party, flies a red flag, celebrates May Day and has been known to sing the Internationale.

Nonetheless, because they've come to stay, "the Russians," as they're often called, may in the long run be part of the salvation of their new homeland. They joined the aliyah (literally, "the ascent") in order to move up in the world. They didn't leave an expansionist, totalitarian empire that repressed its minorities only to become citizens of a garrison state at war with its neighbors as well as with 1.7 million embittered, disfranchised and mutinous Palestinians.

Nor are the Soviet Jews happy at the prospect of foundering in another bureaucratized, militarized, socialistic economy. They don't just need places to live—they need meaningful, productive jobs. Even if they bring nothing but what they can carry in two suitcases, they are rich in education, skill and ambition. Already there are enough doctors for a clinic on every corner, enough musicians for a string quartet in every apartment building and enough engineers and computer programmers for a booming, high-tech, export-oriented manufacturing sector on the order of Taiwan's or Singapore's.

Yet Israel is too burdened by defense spending and too isolated internationally, especially in its own region, to take advantage of the infusion of human capital that the Soviets Jews represent.

Writing last April in the weekly magazine the Jerusalem Report, Natan Sharansky, a former prisoner of conscience in the U.S.S.R. and a leading spokesman for Soviet Jews, complained that "in the existing stagnant economic and political system, there is no place for the enormous energy the immigrants bring with them." Unless Israel develops an "open economy," he warned, the Zionist dream itself will be in jeopardy. Sharansky picked up that theme again in the latest issue of the Report: "Whether this exodus will become a great blessing or a terrible burden for our country depends on how our government meets the challenge."

Sooner or later, Israel will face a stark choice: either it can have Arab lands or it can have Arab markets; either it can absorb the West Bank or it can absorb the Soviet Jews.

Last week several planeloads of newcomers arrived at Ben-Gurion Airport. Fortunately, most of them will be around a lot longer than Sharon and Shamir.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, first, I would like to say to the Senator from Ohio, who I see has left the floor, I apologize if I inconvenienced him. The fact is I had asked for a specific amount of time and I had asked earlier today if I could address the Senate at this particular time. I am more than agreeable for the Senator from Ohio to proceed after I conclude my remarks, but since we are on the Talbott nomination, that is the subject of my remarks and I had asked for this particular time and it had been agreed to, it is my understanding, by both sides.

I would prefer to proceed with my remarks and then, if the Senator from Ohio wishes to address the Senate as in morning business, that would be perfectly agreeable to me. I hope there is no misunderstanding or inconvenience.

Mr. President, last spring I addressed the Senate in opposition to the confirmation of Strobe Talbott to serve as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States. My opposition was based on my grave concern that as a statesman, Ambassador Talbott would exercise the same flawed judgment about urgent matters of State that he consistently demonstrated as a journalist.

At the time, I explained my opposition in the following terms:

> My opposition is neither partisan nor personal. I take no pleasure in denying support to the President's choice for this critically important post. I am aware that Mr. Talbott is a close friend of the President, and I am generally disposed to defer to the Commander in Chief's choice of personnel to implement his foreign policy. But if I find a nominee's judgment to be consistently in error on questions of such great importance to our national security as I have found to be the case with Mr. Talbott, then I cannot in good conscience vote to confirm his appointment.

I suspected that Ambassador Talbott's flawed judgment, consequential as a policy analyst, would prove even more important as a policymaker. Mr. President, I take no satisfaction in saying that Ambassador Talbott's record in office over the last 9 months has confirmed my original concern.

Thus, I must again voice my strong opposition to the nomination of Strobe Talbott, this time to an even more important office, Deputy Secretary of State, an office where Ambassador Talbott's proclivity for zealously defending one's thesis beyond the bounds of logic and truth and wisdom will potentially endanger our national interests in a much larger area of the globe than he has heretofore had the opportunity to effect.

Frankly, I find alarming the prospect that Ambassador Talbott could possess the same ability to influence our policy in Korea that he has had with regard to our policies in Europe and the former Soviet Union.

While I am under no illusion that a majority of my colleagues will join me in opposing this nomination, I would caution Senators to consider very carefully the unfortunate parallels between Ambassador Talbott's record as a journalist and his record as a policymaker before voting to confirm him.

In my previous statement, I quoted generously from Ambassador Talbott's many essays for Time magazine to support my contention that while he occasionally responded by modifying his reasoning for finding fault in United States policies toward the Soviet Union, he never waivered in his conclusions. More often than not, his conclusions found the policies of Presidents Reagan and Bush toward the Soviet Union to be reckless, dangerously simple minded, unnecessarily provocative, and ultimately counterproductive.

Throughout the last decade, Ambassador Talbott challenged virtually every Reagan-Bush initiative to counter the Soviet threat, arguing variously that anti-Soviet diplomacy and rhetoric from Washington only undermined Soviet reformers; that United States positions in arms control negotiations would never be accepted by the Kremlin; that the Soviets would match any United States defense buildup, be they offensive or defensive weapons.

When subsequent developments discredited Mr. Talbott's opinions, he quickly dismissed the accomplishments of Reagan and Bush policies by either questioning the value of the accomplishment or by rejecting the relevance of U.S. policies to these developments. When the Soviets acceded to the terms of the INF Treaty, Talbott questioned whether the elimination of an entire class of nuclear weapons in Europe was a result "we should have asked for? And do we want it now?"

When the Soviet Union not only failed to match the U.S. defense buildup but collapsed while trying to do so, when one Soviet reformer was replaced by an even more ambitious reformer, Mr. Talbott refused to credit the containment policies of 40 years with that singular achievement. Instead, he chastised the "hawks" of the cold war debate for consistently overestimating Soviet strength and attributing the Soviet system's collapse solely to its own inadequacies and defects.

Mr. President, I wonder if Ambassador Talbott could identify those cold war hawks who exaggerated Soviet strength more often than he did as he dismissed everything from cruise missiles to Pershing II's to SDI as feckless provocations of Soviet fears of encirclement, provocations which the Soviets would ultimately overcome? Why did not Ambassador Talbott consider the inadequacies and defects of the Soviet system when he reckoned Soviet military might to be impervious to the puny efforts of the West to correct the cold war balance of power?

"The doves in the great debate of the past 40 years were right all along," Ambassador Talbott wrote in 1990. But who among Ambassador Talbott's doves concurred with Ronald Reagan's 1982 address to the British Parliament envisioning the West's triumph over the Soviet threat in our lifetime? Who among them shared President Reagan's belief that "a new age is not only possible but probable." Who among these visionary doves did not wince when Ronald Reagan brought a little honesty to the cold war debate accurately describing the nature of the Soviet empire as evil?

Who among them truly believed that as Lech Walesa scaled the wall of the Gdansk shipyards he in effect breached the fortifications of the Soviet empire? Who among them thought Vaclav Havel, and every other courageous East European who braved the imperial wrath of the Kremlin could by their courage restore their national sovereignty? Who among them grasped the real power of one dissident, one Sakharov, one Shcharansky, one refusenik to defy the prerogatives of the police state and hasten its collapse?

I do not fault Ambassador Talbott for not envisioning the demise of the Soviet Union. Only a few people possessed such wisdom, and I was certainly not among their number. But I do fault Ambassador Talbott for claiming after the fact that the doves of the great debate, among whom we can include Ambassador Talbott, saw it coming all along and hastened its arrival.

He could have spared a few words of praise for Soviet dissidents, for Solidarity, for Afghan rebels, for the people of Czechoslovakia, East Germany, Hungary, Lithuania and every captive nation where good triumphed over evil. And he could have given a little of the credit to those Western statesmen—those hawks—who had the honesty to call evil evil, the wisdom to see its defeat, and the courage to proclaim it before it happened.

Mr. President, I will return to Ambassador Talbott's opinions as a commentator on foreign policy later in my remarks. But I would now like to examine his record as a statesman, a record I find to be just as flawed as his record as a journalist.

"Less shock, more therapy." It is ironic that a prolific writer like Ambassador Talbott has come to be associated with that pithy remark more than any other. Perhaps it is the price a journalist pays when he enters government service. One learns that musing out loud is a risky hobby when every day dozens of foreign embassies report back to their governments every utterance of senior American officials. Being cavalier in one's remarks is a luxury which statesmen should not share with journalists. I suspect Ambassador Talbott understands that rule better now that he has had to endure considerable criticism for uttering his clever, but reckless prescription for Russian reform. But utter it, he did. And the criticism he has received for it has been deserved.

The most powerful criticism came from a leading Russian reformer former Finance Minister Boris Fyodorov, as he left the Yeltsin government. According to Fyodorov, Ambassador Talbott had "stabbed Russian reform in the back."

I asked Ambassador Talbott about that criticism in a question I submitted for the record at his confirmation hearing. He responded by saying that his remark had been "widely misinterpreted," and that he had merely meant that reform should be "pursued in a way that alleviates the social pain caused by the transition from a command economy to a market economy." He went on to stress the importance of controlling inflation in Russia and that he understood Fyodorov's "frustration with the events of recent months." Finally, he boldly stated that the Clinton administration's support for Fyodorov's cause "is beyond question."

Well, Mr. Fyodorov saw fit to question it, along with former Deputy Prime Minister Gaidar and other Russian reformers. With President Clinton, Vice President GORE, Secretary Christopher, Ambassador Talbott, and much of the administration's Russian policy team in Moscow last month, I would think that reformers like Gaidar and Fyodorov could have had their concerns about United States support for serious reform assuaged. Why was it that the President and Ambassador Talbott, two very articulate and persuasive men, were not able to correct Fyodorov's misinterpretation of Talbott's remark?

I suspect it is because they had cause to believe that Ambassador Talbott's remark correctly indicated that the pace and extent of reform has become less important to the administration.

Surely, United States assistance can address some of the dislocation that precedes real economic and political reform. But, in political campaign parlance—which I am sure this administration understands—the United States should never get off message in its insistence to Moscow that urgent, systemic reform is the quickest way out of Russia's current mess. Most of that mess has not been caused by rapid economic changes, but by half-hearted efforts to privatize huge state-run industries, and control inflation.

Recently, Ambassador Talbott explained that United States assistance can continue even if IMF assistance cannot. He went on to say that a "major goal of our assistance program is the development of 'islands of success' at the regional and local levels, with the hope that these islands will have a spillover effect into less reform-minded areas." That is all well and good, but United States assistance will not be very effective without the macroeconomics reforms that Moscow now seems to fear. If the Russian Central Bank doesn't quit printing rubles, national economic chaos will overwhelm any "island of success."

Admittedly, some of the administration's rhetoric in recent weeks has stressed their commitment to promoting real reform in Russia. Unfortunately, all too often in the administration's foreign policies there has been a yawning chasm between rhetoric and action. I will judge their commitment by their deeds and not their words. Ambassador Talbott's admonition notwithstanding, until such time that I have evidence of a sustained administration insistence on urgent, systemic economic reform in Russia, I will continue to have questions about that commitment.

Other criticisms have been leveled at the administration and Ambassador Talbott in particular for developing aid programs that leave other former Soviet republics waiting for the table scraps left over from our generous assistance to Russia. And I also note the concerns raised by the chairman and ranking Republican of the Foreign Operations Subcommittee, Senators LEAHY and MCCONNELL, who have complained about the lack of a coherent strategy to guide our aid program.

The most distressing recent manifestation of Ambassador Talbott's preoccupation with Kremlin sensitivities is the administration's Partnership for Peace proposal. This proposal in effect denies NATO membership to the Visegrad countries, offering them instead membership in a sort of junior auxiliary where the terms and requirements of their association with NATO have been left deliberately vague.

The Wall Street Journal credits Ambassador Talbott with almost singlehandedly preventing an offer of provisional NATO membership to Eastern Europe's new democracies because the move would feed Russian paranoia and weaken Mr. Yeltsin.

Mr. President, the United States should substantially assist the political and economic transformation of Russia. But we should work just as hard at preparing for the consequences of failure as we do pursuing the benefits of success. We should make clear to Russia that we appreciate the importance of Russian stability to our own security. But we should make equally clear to Russia that we are free to pursue all opportunities for enhancing our security and that of our allies.

Why should the United States forgo opportunities to expand the frontiers of NATO ever further from the plains of Germany while Russia feels free to meddle in the affairs of newly independent nations on its borders—a meddling which, by and large, has been tacitly tolerated by the Clinton administration? A Harvard University report released last January concluded that "the U.S. is acquiescing in the de facto reconstitution of the U.S.S.R. by turning its head as Russia maneuvers its way back into the affairs of all its former republics."

Giving the Czechs, Slovaks, Poles, Hungarians and others a date certain for NATO membership should they meet a specific set of political and economic conditions is sound security policy and morally right. NATO is and always has been a defensive alliance. That Russia should fear encirclement by a security guarantee to the Czech republic is absurd.

Talbott's narrow concern with Moscow—a concern which one journalist has described as "yielding" to rather than confronting the Kremlin—has begun to attract greater criticism.

Duke University Russian scholar Jerry Hough described Talbott's views as "extraordinarily dubious and dangerous." Richard Haas calls them "unrealistic," and Zbigniew Brzezinski contends that Talbott suffers from a "Russocentric obsession which is troubling." Lately, journalist Morton Kondrake, as well as former Bush administration foreign policy professionals such as Robert Zoellick and Brent Scowcroft, and a great many other observers have raised concerns about that obsession as well.

Mr. President, I want to touch on another concern which has recently been raised about the nominee. I believe other Senators will address Ambassador Talbott's writings about the United States/Israel relationship in greater detail, but I want to register my concern over the tone and substance of some of those writings.

I understand that quotes lifted from larger essays can magnify the import of those quotes beyond the author's intention. In fairness, some of the quotes which have been cited recently, when read in context, are qualified somewhat. However, the nature of many of these opinions, read in or out of context, substantially exceed that Ambassador Talbott described as "provocative." They are insulting, immature, and incorrect.

In a 1981 article entitled: "What to Do About Israel," Talbott contended that: "Israel was well on its way to becoming not just a dubious asset but an outright liability." Ambassador Talbott now claims that his thinking about the value of the United States/Israeli relationship has evolved, and that the opinion expressed in that article was wrong.

I will leave it to others to determine whether Talbott's mea culpa constitutes the real thing or just a confirmation conversion. I must admit that, at a minimum, I find his retraction to be refreshing since it is one of the rare occasions I know of when Ambassador Talbott has conceded that he is capable of making mistakes in judgment.

Both Democrat and Republican members of the Foreign Relations Committee expressed their concern over the insensitivity of many of Ambassador Talbott's writings on United States/Israel relations. Often cited was Ambassador Talbott's 1990 essay, entitled, "How Israel is like Iraq," drawing some comparisons between Yitzak Shamir and Saddam Hussein.

Talbott wrote that "Shamir's talk of a greater Israel is as ominous for the prospects of there ever being real and lasting peace in the region as Saddam's militant nostalgia for Nebuchadnezzar's Babylonian empire."

He went on to assert that "Ariel Sharon is busily creating new facts in the form of Jewish settlements on the West Bank. Saddam too is in the new facts business with his systematic obliteration of Kuwaiti nationhood."

Again to be fair, Talbott did draw distinctions between Israel and Iraq in that article, and he has also recently apologized for the comparisons he did draw characterizing them as "invidious." Indeed they were.

Another Talbott comment that distressed a good many people was his reference to Israel's meddling in American politics and his description of Menachem Begin's appreciation for the political influence that the American Jewish community wielded being "far beyond their numbers." I do not accuse Ambassador Talbott of antisemitism. But as many other Senators pointed out to Ambassador Talbott such characterizations of Jewish political influence quite often find their way into the most despicable antisemitic tracts.

Mr. President, I do not know Mr. Talbott personally nor am I trained in psychoanalysis. My speculation on why Ambassador Talbott, in Dr. Brzezinski's words, has a "Russocentric obsession" would be purely subjective. Suffice it to say that in both his journalistic and government careers, Talbott has manifested such an obsession, an obsession which has often been at odds with the national interest.

To illustrate that point let me cite two quotes about SDI, the first is from a 1983 column by Ambassador Talbott. He wrote:

> If the U.S. tried to erect the sort of protective umbrella Reagan has in mind, the Soviet Union would suspect that the U.S. was seeking the capability of destroying the USSR with impunity. To forestall that, the Soviets would no doubt accelerate their own already considerable research into defensive weapons, while simultaneously refining their offensive weapons in order to "beat" or "penetrate" whatever ABM system the U.S. devises. In that sense, the worst sin against strategic sensibility is a good defense—particularly the kind of "prevent defense" Reagan has in mind.

Now, let me quote a far more astute analyst of the Soviet regime, Alexander Solzhenitsyn:

> The Cold War was essentially won by Ronald Reagan when he embarked on the "star wars" program and the Soviet Union understood that it could not take the next step. Ending the Cold War had nothing to do with Gorbachev's generosity; he was compelled to end it. He had no choice but to disarm.

Mr. President, in recent years a great many former Soviet officials have corroborated Solzhenitsyn's view that SDI and the Reagan defense buildup helped force the Soviet Union into bankruptcy and greatly accelerated the break up of the Soviet Empire and the democratic reforms underway in Russia today.

In response to questions during his confirmation process, Ambassador Talbott allowed that he had a social relationship with a Mr. Victor Louis, an established disinformation agent for the KGB who long masqueraded as a journalist. Ambassador Talbott has maintained that irrespective of Victor Louis' covert assignment to spread Soviet disinformation through the articles of unsuspecting Western journalists, Louis never influenced Mr. Talbott's work. I will take Ambassador Talbott at his word.

However, I could also observe that given Ambassador Talbott's facility as a journalist to embrace a considerable variety of Soviet diplomatic strategies, Victor Louis might have seen no further need to use Ambassador Talbott's columns as vehicles for Soviet propaganda.

Mr. President, I have taken up a considerable amount of the Senate's time, and I will conclude my remarks in a moment. In closing, let me stress my primary concern about this nominee. I have no doubt that Ambassador Talbott is an intelligent, industrious, and dedicated public servant. But it is my belief that Ambassador Talbott lacks sound judgment about most of the critical foreign policy questions of our time. I have found sufficient evidence of this failing in Ambassador Talbott's record as a journalist and his record in government.

Until his recent retraction of remarks about Israel, I knew of no occasion when Ambassador Talbott had admitted making an error in judgment despite the fact that many of his expressed opinions about Russia, and United States policy toward the Soviet Union have been thoroughly discredited by other more experienced observers and by subsequent historical developments.

This, then, is my greatest concern about Strobe Talbott. A person so reluctant to admit error when confronted with abundant evidence of his bad judgment is probably incapable of learning from his mistakes. This is an irritating failing in a journalism. It is a very dangerous attribute in a statesman. This flaw alone provides the Senate with sufficient justification to reject this nomination and I strongly urge my colleagues to do so.

Senator PELL addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mr. GORTON. Mr. President, I do note that my friend from Illinois, Senator SIMON, has been here for some time. How much time is he going to use?

Mr. SIMON. If I could have 3 minutes, I would appreciate it.

Mr. GORTON. Mr. President, without losing my right to the floor, I am delighted to yield to my friend from Illinois.

The PRESIDING OFFICER. Who yields time to the Senator from Illinois?

Mr. PELL. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized for 3 minutes.

Mr. SIMON. Mr. President, Strobe Talbott has written some things that I wish he had not written. Strobe Talbott has written some things that he wishes he had not written.

Part of being a journalist is you write a great deal—sometimes with wisdom; sometimes lacking it.

Part of being a public official is we speak a great deal. I am sure if someone went back over the speeches of PAUL SIMON, you will find some things that I wish I had not said. That might even be true of the Senator from Colorado or the Senator from Rhode Island or the Senator from Washington or the Senator from Arizona.

But the question is: First, does he have the basic skills and ability to be a good Deputy Secretary of State? I think he does. That is my judgment. I have worked with him on some things.

The second question, and a very sensitive one and an important one: Does he harbor an attitude toward Israel that has some tone that should not be there?

I was interested in his response to the questions from Senator HELMS and Senator BIDEN. My judgment is that he has learned in this process; he has learned about our concerns; he is going to be more sensitive; he is going to be helpful in the Middle East situation and not harmful; and we would be wise to follow the President's recommendation and advise and consent to his nomination.

Sometimes we learn through mistakes. That is true for all of us. I think Strobe Talbott has learned that he has to be more careful and that some things can be misinterpreted.

The very basic question is: Is there any touch of anti-Semitism in his background? I do not think there is. I think we are not taking any huge gamble by approving the President's recommendation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I do not frequently vote against Presidential nominees who serve at the pleasure of the President. Barring unusual circumstances, I believe the President should be allowed to pick whoever he believes can best serve his administration, particularly in his capacity as Commander in Chief.

Last April, however, I voted not to confirm Strobe Talbott as Ambassador at Large to the New Independent States. I based this decision on the only evidence of his character available to the Senate at that time, his writings. Because Mr. Talbott had written some 150 articles between 1980 and the early 1990's, and, because for most of that time I had been one of his readers, I considered myself qualified to evaluate him fairly. On the issue of United States policy toward the Soviet Union—Ambassador Talbott's area of expertise—he was wrong on a great majority of the major decisions made by the Reagan and Bush administrations, decisions that won the endgame of the cold war and led to the dissolution of the Soviet Union.

Mr. Talbott began the 1980's by expressing his agreement with the Reagan administration on a number of assumptions about the Soviet Union. He saw its threat with a clear eye, finding it not only recently enlarged but dangerously active. In 1982, he reported Soviet military that was "at least as powerful as the United States in some respects and more powerful in others," and a Soviet foreign policy that, "when the United States was shrinking from overseas commitments because of Vietnam, * * * was busy making mischief, on its own and by proxy, in Africa, Indochina and Central America."

But by 1983 Mr. Talbott began to oppose Reagan policies aimed to meet that threat. His positions were based on arms control policies rather than military buildup, and included opposition to the Strategic Defense Initiative, to increased funding for advanced technologies, and to President Reagan's zero option initiative on intermediate missiles in Europe.

On SDI, he wrote:

> If the U.S. tried to erect the sort of protective umbrella Reagan has in mind, the Soviet Union would suspect that the U.S. was seeking the capability of destroying the U.S.S.R. with impunity. To forestall that, the Soviets would no doubt accelerate their own already considerable research into defensive weapons, while simultaneously refining their offensive weapons in order to "beat" or "penetrate" whatever ABM system the U.S. devises. In that sense, the worst sin against strategic stability is a good defense.

Let me delete some words in that last sentence to convey the essence of Mr. Talbott's thinking in the very area of foreign policy for which we are asked to confirm him: "The worst sin * * * is a good defense."

Two years later he capitulated completely writing:

> If Reagan holds firm on Star Wars, he might as well abandon the pursuit of drastic reductions in existing Soviet weaponry.

In fact, the Reagan administration did achieve major arms cuts, and former Soviet officials later acknowledged SDI to be a realistic proposal that improved our negotiating position.

On the issues of advanced technologies, such as the Tomahawk cruise missile, Mr. Talbott opposed increased funding not only because he saw no need for them, but because they would slow progress in arms control talks. In 1983, he wrote:

> One of the burdens under which the administration's arms-control negotiators are laboring is an injunction not to trade away or even accept, significant limitations on weapons systems where the U.S. has a technological edge. For example, microelectronics and precision guidance put the U.S. cruise missile program well ahead of the U.S.S.R.'s. As a result, cruise missiles have been declared virtually out of bounds for restrictions under START. This faith in technology as the solution to the country's military problems may be both forgetful about the past and shortsighted about the future.

In fact, these claims were unfounded: Tomahawk cruise missiles were later subject to a successful arms control agreement with the Soviet Union. Furthermore, less than a decade after his comments, the very missiles that he labelled "shortsighted," rapidly accelerated our victory in the Gulf war.

Finally, Mr. Talbott devoted an entire book to denouncing President Reagan's attempt to obtain a zero option agreement. He preferred a deal in which the United States would deploy fewer Pershing II's and allow the Soviets to keep some of their heavy SS–20's, all the while considering the zero option unrealistic and grandstanding. He wrote: "[In Reagan's opinion,] as No. 2, the United States must try harder; it must build up while the Soviet Union scales down. That is the premise on which both his START and INF theories are based, and it is dubious."

Yet, the United States signed an INF agreement accomplishing the zero option initiative 5 years later, this one removing 850 United States weapons in return for 1,750 Soviet missiles stationed not only in Europe, but in Asia as well.

Mr. Talbott was dead wrong on three of the fundamental decisions of the cold war, and as the New Republic put it, "knew that Reagan's bold and rudely moralistic rhetoric and the sanctions linked to human rights attacked the Soviet Union as its weakest point: Its political illegitimacy. And for precisely that reason he opposed them."

All of Mr. Talbott's flawed suggestions and predictions, however, might well be forgiven if he had had the grace to admit to and learn from his mistakes. After all, an ability to reevaluate the collapse of the Soviet Union would be one of the most valuable assets of an Ambassador at Large.

But after the cold war was won, Mr. Talbott insisted that only the inherent weakness of the Soviet system was responsible for our victory, and that President Reagan's military buildup was unnecessary. In 1990, he wrote:

> A new consensus is emerging, that the Soviet threat is not what it used to be. The real point, however, is that it never was. The doves in the great debate of the past 40 years were right all along.

Yet, I can find no instance of Mr. Talbott predicting the imminent fall of the Soviet Union. Rather, 1982, he said:

> It would be wishful thinking to predict that international communism someday will either self-destruct or so exhaust itself in internecine conflict that other nations will no longer be threatened.

He goes on to say that—

> The sorry state of morale and well-being [in the east bloc] do not automatically mean the imminent demise of the system, at least in the U.S.S.R.

Mr. Talbott did not predict the Soviet Union's demise until after it happened.

Instead of reflecting on his mistaken analysis, Mr. Talbott attempted to rewrite history. He said:

> If the Soviet Union had ever been as strong as the threatmongers believed, it would not be undergoing its current upheavals. Those events are actually a repudiation of the hawkish conventional wisdom that has largely prevailed over the past 40 years.

Mr. Talbott apparently believes that the Soviet collapse discredits not just the Reagan and Bush military policies, put the entire post-World War II policy of containment. Nor would he allow that forcing the Soviet Union to spend 20 to 25 percent of its GNP on defense might have helped bring about its dissolution.

While I may be biased with respect to President Reagan's Soviet policy, former Soviet leaders cannot be. Two years ago, President Yeltsin stood in this Capitol to thank the Reagan and Bush administrations for their policies toward the Soviet Union, admitting that they contributed to the second Russian revolution. Mr. Talbott's inability to recognize this truth was perhaps the greatest indictment of his suitability for the ambassadorship: if he could not correctly evaluate the forces that toppled communism, I believed, he was unlikely to appreciate the complicated forces that threaten a tenuous Russian reform. That failure argues with equal weight against his promotion.

Today, however, as we consider Ambassador Talbott for Deputy Secretary of State, we must examine his writings not only in regard to Russia, but with respect to the rest of the world as well. The most disturbing, no doubt, are the product of a 1981 article titled, "What To Do About Israel," in which Mr. Talbott joined the chorus of those who doubt the strategic worth of Israel to the United States.

He wrote:

> The sad fact is that Israel is well on its way to becoming not just a dubious asset but an outright liability to American security interests, both in the Middle East and worldwide.

The implications of that statement are devastating. If the United States ceases to consider Israel a strategic ally, Israel may very well cease to exist. Moreover, Mr. Talbott made this statement 12 years ago. Since then, his predictions that Israel—a nation that at our request turned its cheek to Saddam Hussein's Scuds, and that has boldly embraced a dangerous peace process—have proven completely groundless.

In other articles, Mr. Talbott compared Israel's administration of the West Bank to Iraq's pillaging of Kuwait, and suggested that the United States condition aid to Israel on progress in the peace talks. During his hearings, Ambassador Talbott said he had simply changed his mind, that he now considered Israel a strategic ally that should not be pressured to make concessions in the peace process. Yet he also said that he made the comments because he knew "what was good for [Israel]." It is this same assumption that State Department officials know better than Israel what is in Israel's best interests that too often taints the administration's policies toward the Mideast peace process.

After President Clinton's meeting with President Assad, Charles Krauthammer wrote:

> The administration expects Israel to respond with radical territorial concessions to satisfy Assad. The heat is on.

Such pressure ultimately works against our interests. The concession that the administration asks of Israel is the Golan Heights from which someday may come a devastating Syrian offensive. In exchange, Syria has allegedly offered normal diplomatic ties, while remaining vague about the numerous steps required to achieve them. Israel should pursue these negotiations only to the extent that it benefits her well-being. Our role, in turn, is not to serve Syria, or Jordan, or even the Palestinians. Israel is our most important and stable ally in the region, and the party with the most to lose. If Ambassador Talbott is to serve our interests in the peace talks as Deputy Secretary of State, his views toward Israel will, indeed, need to have changed dramatically since 1981.

Mr. President, again unlike the situation 10 months ago when we last considered Mr. Talbott's ability to serve the Department of State, we now have his record. Indeed, we have the record of the entire Department of State.

I find it bewildering that the administration has chosen someone with little managerial experience for a post that requires enormous managerial skill, in an agency which has been consistently criticized for its inability to reorganize itself. On this issue alone, I believe the Ambassador's nomination invites serious skepticism.

But even more relevant is an emerging Russian policy that bears a striking resemblance to Ambassador Talbott's views on the possibilities of Russian reform, and its potential threat to former Warsaw Pact nations. The most disturbing aspect of this policy is its effect on the enlargement of NATO membership—an issue on which the Ambassador's views have held sway over Secretary Christopher.

Just as in the cold war, Mr. Talbott prefers a course that minimizes conflict with Russia, the places all the eggs in his basket on that nation's willingness and ability to reform. In January, he wrote in the Boston Globe that Russia's economic reform was stabilizing. Days later two of its prominent leaders resigned, undercut by Mr. Talbott's flip comment that the Russian election called for less shock and more therapy and the Russian Prime Minister said he was considering wage and price controls. Russian officials, meanwhile, claim their right to stabilize the near-abroad, while interfering in Georgia, Azerbaijan, and other neighboring republics, and Mr. Zhirinovsky brandishes a map which places much of Europe, not to mention Alaska, under Russian control. Even so, the United States has not developed a strategy for protecting Eastern European nations.

Part of the problem is a policy that has focused too narrowly on furthering Russian reform, and has interpreted that effort as including the appeasement of, rather than confrontation with, Russian nationalism.

While I support our efforts to promote reform in Russia, we should realize that our attempts to affect Russia's internal struggles can be only marginally effective. Everything so far—from aid, to public shows of support, to overlooking violations of democratic practice—had no influence on December election returns in which totalitarian forces won nearly half the vote. We should proceed with an understanding that Russia's fate is almost entirely in Russia's hands, and that its democratic neighbors need the promise of security.

Our current policy not only ignores the security of nations clearly dedicated to democracy, free markets and the West; it encourages Russian nationalism. In effect, we have given Russian nationalism a veto on the enlargement of NATO membership. Given this deference, what else will Russia soon be demanding? Almost certainly portions of President Yeltsin's foreign policy, with a renewed understanding that Eastern Europe, not to mention support of the Serb position in the Balkan conflict, remain within their sphere of influence.

In fact, the proper way to deal with these nationalists is by including the Eastern Europeans in NATO at the first opportunity. Since its inception in 1949, NATO has acted as a purely defensive entity; it has had no role but to protect its members from the threat of attack and to support stability in the region. The President should be capable of explicitly stating that, while offering no threat to the Russians, the United States supports the entrance of stable, democratic Eastern European nations into NATO. The creation and history of NATO is the only justification he needs.

If this is not persuasive, he should ask what threat the Russians perceive in the armies of Poland, the Czech Republic, and Hungary. The people of Poland live in a nation whose boundaries have shifted east and west on half a dozen occasions over 200 or 300 years, always as a result of aggression from a more powerful nation. It has been literally partitioned out of existence on four separate occasions. Are the Poles a threat? Can their actions be considered provocative? To ask these questions is to answer them.

We have allowed artificial concerns to become overriding. Henry Kissinger recently reminded us in the Washington Post of Dean Acheson's quote in regard to Soviet fears of NATO: "the guilty flee where no man pursueth."

For the Eastern European countries, the administration has unfortunately created a Partnership for Peace Project that provides no clear requirements, and no timetable, for enlarging membership in NATO. This project, whose chief purpose was to mollify nations hoping to join NATO, was called by the Polish Prime Minister a buzz-off. Contrary to Mr. Talbott's suggestion in 1992, that, "It is time to think seriously about eventually retiring the North Atlantic Treaty Organization," that alliance is central to the future of Eastern Europe's stability.

In fact, NATO's relevance depends on its expansion east. The President has said it, the Europeans have said it, Boris Yeltsin said it in August, and most importantly for the purposes of this nomination, the U.S. Senate has said it with a 94 to 3 vote in favor of a resolution urging enlarged NATO membership as soon as possible. That was an easy vote, a sense of the Senate resolution, as certain not to offend the administration as it was to be ignored by it. But if those Senators seriously propose to advance the recommendations of that amendment, they should vote against this nomination. It's Ambassador Talbott who brought us the Partnership for Peace, and it is the rejection of his nomination that will effectively deliver on our January 27 sentiments.

Eastern Europe, Mr. President, is just one region in which I consider our current foreign policy to be dangerously misdirected. As we look around the world, we see others in which we are engaged in fruitless diplomacy, or are risking our uniformed men and women without clear objectives. None of these policies will be much improved, in my opinion, by moving Ambassador Talbott to the Deputy Secretary of State position.

For a year, North Korea has refused the International Atomic Energy Agency's request to inspect two locations believed to contain plutonium. In that time, the United States has relied solely on diplomacy to win North Korean compliance, and has avoided any confrontation with the North Korean Government, either by the IAEA or the United Nations Security Council itself. In June, the administration offered the North Koreans new political and economic ties if they would agree to maintain the continuity of the IAEA safeguards, a phrase which by itself allows North Korea to avoid inspections of the two sites under question. Predictably, the Koreans did not agree, but demanded until last Tuesday that the IAEA inspect only portions of the other seven of the nine acknowledged sites. We have moved no closer to attaining access to the two clandestine sites, forcing the President to back off on a November pledge that North Korea cannot be allowed to develop a nuclear bomb.

The cost of these failures is too high: a North Korea with nuclear capability will destabilize the entire region, spur rearmament, and threaten the region's economic development. It also seriously jeopardizes South Korea, and the 37,000 American troops stationed there. The United States must either stop making concessions to Kim-Il Sung, and firmly demand North Korean compliance with the nuclear Nonproliferation Treaty with a threat of possible military destruction of its key nuclear sites, or candidly admit that the nuclear Nonproliferation Treaty is dead, not only in Korea, but in every other bandit nation around the world.

Instead, the President has delivered an ultimatum to the Serbs. Admittedly, Sunday's gambit appears to have succeeded: Sarajevo's 380,000 residents now enjoy immediate relief from the daily artillery and mortar shelling—for which the President deserves credit.

But we are unwilling to extend our protection to other Bosnian communities, the atrocities which are not covered by CNN. Nor would the actual use of our air power and its inevitable American casualties, be likely to bring the conflict to an end. Finally, in return for a limited cessation of Serb atrocities, we are now attempting to enforce a partition on the Bosnians which just a few months ago we denounced as unjust and incapable of producing a viable Bosnian nation. In other words, we are now willing to ratify the results of Serbian aggression.

If the administration wishes to establish its leadership and make good on its sentiments, it should prevail upon the Europeans to lift the misdirected arms embargo or do so unilaterally. As recently as the Soviet invasion of Afghanistan we provided profoundly billions of dollars in aid to people with whom we disagreed except for their desire to be free and independent. Yet, we have accepted the notion that Bosnia's citizens were not entitled to fight for their own independence with arms secured not just from the United States, but from any place in the world. The result has been an immoral policy, superficially evenhanded but on the ground overwhelmingly favorable to Serb aggressors. If there is to be true peace in Bosnia, it will need to be forged on the ground by the Bosnians.

A similar sentiment must have driven the President's Somalia policy. First, the decision to adopt the U.N. policy of nation-building there, and his decision in October to keep U.S. troops in Mogadishu in spite of mounting casualties, suggested an overvaluation of our ability to restore peace and democracy on the cheap in a country totally unwilling to accept them. The troops now there could have returned home in

October after the failed raid, or earlier in May when we adopted nation-building responsibilities, and left behind the same conditions we will leave in March.

Last week, the Washington Post reported that clan warfare is erupting daily in Mogadishu, and, even more disturbingly, in southern towns like Kismayoo and Baidoa, which for more than a year have been considered secure. The Post went on to say:

> The latest surge in violence raises questions about exactly what the costly 14-month-long Western military intervention in Somalia has achieved. Instead of resolving the problem of warfare, clan violence and banditry that led to widespread famine and prompted the international community to send troops to relieve the starving, the intervention seems only to have placed Somalis' fighting on hold. Now that fragile peace appears to be breaking down, Somalis are returning to settle old scores.

No doubt future generations will look back upon this intervention and debate whether we left too early. The fact is, we left too late—and were wrong to enter at all. We never had an attainable objective clear enough to warrant our intervention. It was an intervention caused and maintained by television.

Mr. President, every foreign crisis deserves to be examined individually. Each requires a unique response—which makes it difficult to determine exactly how and why an administration has faltered. But disturbing patterns have emerged from the Clinton administration: A willingness to commit forces—or allow them to linger—in areas where we have neither a vital national interest nor a clear objective. And perhaps more importantly a heavy reliance on fruitless diplomacy, and faith in the promises of potential adversaries to reform, when clearly action is required.

The United States must at times use force, and just as importantly, lead. We are blessed today by being the world's only superpower at a time when many of our former enemies are attempting democratic reform. This is a historic opportunity, which we can seize only if we act decisively and without fear, and properly use our influence.

Throughout the cold war, Ambassador Talbott argued that the United States should not attempt to win. In his current post, he has helped forge a policy that appeases Russia's least savory elements, while turning his back on democratic states in Eastern Europe. Now, that style of management is to be applied to all of the responsibilities of the Department of State. As the New Republic put it,

> Talbott's assignment is to give the administration's floundering statecraft a new direction and a more polished spokesman. He is the favorite to succeed Secretary of State Warren Christopher when the appointed hour arrives.

I suggest that we begin repairing this administration's floundering statecraft by ensuring that Mr. Talbott's views do not continue as State Department policy. Mr. Talbott is a man of great intelligence and eloquence—and has wisdom. As a consequence we should not elevate or confirm the exemplar of the words "the worst sin * * * is a good defense." I will vote against Ambassador Talbott's confirmation, and I encourage my colleagues to do the same.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

Mr. PELL. I yield as much time as he may desire to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. Mr. President, I thank the Senator from Rhode Island.

I rise to support the nomination of Strobe Talbott to be Deputy Secretary of State. I have known and respected Mr. Talbott for a number of years, and I am particularly pleased that President Clinton appointed him to be the overall coordinator for United States policy toward Russia and other countries of the former Soviet Union at a period of time when we really needed coordination and leadership.

Of course, that challenge continues. He has done, I think, a fine job in that position. This was the position that Senator LUGAR and I, and others in the Senate urged, and Strobe Talbott has brought to this position energy, imagination and extensive backgrounds in foreign policy generally and in Soviet affairs specifically—now Russian affairs—and, of course, now the former Soviet Union. He has performed with distinction, and we have been fortunate to have a person of Strobe's talents and experience in this key position.

Among his many accomplishments over the past year, Mr. Talbott has advanced programs to dismantle weapons of mass destruction in Russia, Byelarus, Kazakhstan, and Ukraine pursuant to legislation originating in this body in 1991. In particular, the trilateral agreement between Russia, Ukraine, and the United States signed during President Clinton's recent visit to Moscow has the potential to resolve a very serious and potentially very dangerous dispute between Russia and Ukraine over strategic nuclear weapons and, correspondingly, to advance the national security interests of the United States.

The removal of strategic nuclear weapons from Byelarus is proceeding smoothly and a comparable program is about to be instituted with Kazakhstan.

Strobe Talbott and his staff can take pride in these accomplishments, and we all share that pride in what has been done so far, realizing that a great deal more needs to be done.

I believe that Mr. Talbott's talents and experience will enable him to serve with distinction as Deputy Secretary of State. Strobe has followed foreign policy matters and national security matters, and particularly arms control matters, very carefully and very closely. For years he has written extensively on arms control and on international relations. And so he certainly has the background required for this foreign policy challenge.

He has developed an excellent productive working relationship with Secretary of State Christopher. He enjoys the personal friendship and full confidence of President Clinton, which is enormously important in this key position.

My only concern that I will share with my colleagues—not about this nomination but the collateral concern I have that would flow from this nomination—is that we would be losing an ideal, full-time coordinator of our policy toward the former Soviet Union at a time of complex historic transition in that critical part of the world.

Mr. President, we saw during the last administration that an effective Deputy Secretary of State, no matter how able and accomplished and experienced, simply does not have time to also be an effective coordinator of policy toward the former Soviet Union. In my view, that is a full-time job. I hope the administration will come to this realization because I believe we need to preserve the coordinator position as Mr. Talbott has developed it. We need to fill that position with a person who, like Strobe, has considerable stature and standing and also has a close relationship with the Secretary of State and the President of the United States.

Mr. President, the Strobe Talbott nomination fully merits the Senate's confirmation as Deputy Secretary of State. I urge my colleagues to support this nomination. I thank the Chair. I thank my colleague from Rhode Island for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, in the order of appearance, as I understand it, we are going from Democrat to Republican. That is the way it should be. I ask unanimous consent that the Senator from Colorado [Mr. BROWN] be recognized for 10 minutes; the distinguished Republican leader, Mr. DOLE, for 12 minutes; Mr. MCCONNELL for 10 minutes; and Mr. MURKOWSKI for 10 minutes in the order of their being recognized.

The PRESIDING OFFICER. Is there objection? The Senator from Rhode Island.

Mr. PELL. One question. I think if we go back and forth, if a Democrat comes in, he or she will——

Mr. HELMS. Absolutely. That was understood.

The PRESIDING OFFICER. The Chair understood that to be the intention of the Senator from North Carolina.

Mr. PELL. If, for example, there is a Republican, Democrat, and you stop, then a Democrat should be recognized.

Mr. HELMS. Certainly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I hope that unanimous consent did not include any of my time because we are running short.

The PRESIDING OFFICER. The Chair suggests to the Senator that it did not. Under the previous order, the Chair now recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I rise out of concern for the nomination of Mr. Talbott to be Deputy Secretary of State.

This body has previously voted on Mr. Talbott when he was appointed as special Ambassador at Large to the New Independent States. I voted for Mr. Talbott for that nomination. I find myself often voting not necessarily for people I would appoint myself or whom I would normally endorse, but I believe great deference is given to the President, as is appropriate, whether that President is Democrat or Republican.

However, it seems to me that this nomination for Deputy Secretary of State is a different matter than the ambassadorial post that Mr. Talbott now holds. It is different in that the primary focus is managerial. It is different in that the scope of responsibilities is much broader and the areas affected are much broader. This job involves the entire world and not simply an area where Mr. Talbott had, I thought, significant experience and expertise, in the area of the former Soviet Union or the Newly Independent States.

I am concerned about Mr. Talbott's nomination, and I want to be specific. It is not that I do not believe he is intelligent. I think he is quite intelligent. It is not that I do not believe he has some fine attributes. I do indeed recognize him as not only a scholar but a very effective journalist who has a distinguished career. But I do have specific concerns and I want to go through them individually.

No. 1: I am concerned about Mr. Talbott's view of the Soviet threat throughout much of our recent history. In 1990, Mr. Talbott wrote:

> A new consensus is emerging that the Soviet threat is not what it used to be. The real point, however, is that it never was. The doves in the great debate of the past 40 years were right all along.

Mr. President, I respectfully disagree with Mr. Talbott on that observation. I believe if one thing is apparent, it is that far from the doves being correct, those who wanted a firm hand against the former Soviet Union were correct. There is no more specific or clear differentiation than the policies of President Reagan and President Jimmy Carter.

President Carter sincerely and honestly believed the way to deal with the Soviet Union was to unilaterally disarm, make unilateral concessions on nuclear items and engender in the Soviet Union a response that would lead to peace, harmony and a reduction of tensions. Thus, Jimmy Carter unilaterally reduced military expenditures. The Soviet response was to increase their military.

President Carter unilaterally declared, even after the countries of Western Europe had called for intermediate range missiles to be deployed, that he would not deploy those missiles. The Soviet response was to increase deployment of their intermediate range ballistic missiles. In response to our dovish approach to the Soviet Union, the Soviet Union invaded Afghanistan.

To say that the doves in the great debate of the last 40 years were right all along is simply not correct. At least in that perception of the Soviet Union, I fundamentally disagree with Mr. Talbott. I do not question the sincerity of his comments. I simply disagree fundamentally with his conclusions.

On June 11, 1990, referring to Mr. Yeltsin, Mr. Talbott said:

> He is a lightweight demagog, a buffoon, a windbag, at best naive, at worst dangerous.

Mr. President, I fundamentally disagree on that analysis of Mr. Yeltsin. It seems to me that in that process—and I would believe Strobe Talbott at this point would describe his reactions to the new President differently—he has failed to properly assess the qualities and commitment that President Yeltsin brought to his job.

Third, with regard to Israel, on September 4, 1981, he was quoted as saying:

> Israel sometimes seems to have taken a visage and a tone of a rather nasty, bitter nation, even a violent one. Israel, in the past, has managed to convey more sorrow than anger when it wielded its terrible swift sword.

Now there seems to be only one anger and it is too often shrill and self-righteous and even a bit frightening.

I fundamentally disagree with Mr. Talbott's assessment of Israel. It seems to me Israel has a right to exist and to defend itself.

On October 29, 1990, speaking on how Israel is like Iraq, he said:

> Ariel Sharon has an apparent mandate to treat zoning as the conduct of war by other means.

Mr. President, I fundamentally disagree with Mr. Talbott on his assessment.

Fourth, Mr. President, in developing a policy of partnership for peace in Eastern Europe, Mr. Talbott's position has been to oppose immediate membership in NATO for the nations of Eastern Europe. This body has gone on record, as I have, in favor of NATO membership for these countries. Mr. Talbott even disagrees with setting a time line for that membership. I find myself in fundamental disagreement on this important aspect of policy.

No. 5. Mr. President, it is clear that Mr. Talbott opposed the deployment of Pershing missiles in Europe in 1982. I simply disagree, and I think the proof is in the pudding. The fact is the Soviets had deployed intermediate range ballistic missiles prior to that. The U.S. failure to deploy intermediate range ballistic missiles in the Carter administration had led to further deployments, and the reality is our willingness to deploy intermediate range ballistic missiles in 1982, contrary to Mr. Talbott's viewpoint and advice, ended up helping bring about a reconciliation, bringing about a reduction of arms rather than the opposite.

Sixth, Mr. President, in U.S. News & World Report, Mr. Talbott is quoted with regard to star wars as saying:

> If Reagan holds firm, he might as well abandon the pursuit of drastic "Soviet arms" reductions.

Mr. President, Mr. Talbott was fundamentally wrong on that observation. The reality is that President Reagan's holding firm was the key that brought about fundamental reductions in arms. Once again, I find myself in strong disagreement.

Mr. President, recently, July 20, 1992, in Time, an article entitled "The Birth of the Global Nation," Mr. Talbott is quoted as follows:

> I'll bet that within the next hundred years nationhood as we know it will be obsolete. All States will recognize a single global authority.

He is further quoted as saying:

> All countries are basically social arrangements, accommodations to changing circumstances. No matter how permanent and even sacred they may seem at one time, in fact, they are all artificial and temporary.

Mr. President, I fundamentally disagree not just with the forecast but with the view of our Nation. It is far more than simply a social arrangement. It is a commitment to an ideal, something far more fundamental than a social arrangement that could be a passing fancy. The commitment to human rights and individual rights is so fundamental to pass it off as a social arrangement ignores or overlooks the fundamental focus of the American dream and the American experience as well as its influence on the world.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Rocky Mountain News of February 11, and a copy of an article from the New Republic that was recently published concerning Mr. Talbott.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Feb. 11, 1994]

A DISMAL RECORD OF OPINION

The Senate confirmation hearings for Strobe Talbott, who will be the next deputy secretary of state, were strangely lopsided. They aired at length the nominee's controversial writings on Israel but scarcely noted his slant on a more far-reaching issue, the Soviet Union.

As a longtime diplomatic correspondent and editor-at-large for Time magazine, Talbott commented regularly on international affairs throughout the 1980s. He also translated Nikita Khrushchev's memoirs and wrote scholarly works on arms control. He argued that U.S. policy for four decades was based on a "grotesque exaggeration" of the Soviet threat.

Consistent with this assessment, Talbott opposed NATO's deployment of Pershing missiles in Europe in 1982, considered the Star Wars defense system a dangerous provocation, scolded President Ronald Reagan for "challenging the legitimacy of the Soviet regime" (something the captive peoples of the Soviet empire would soon risk their lives to do en masse) and chalked up to "extraordinary luck" Reagan's part in the unravelling of Soviet communism.

These beliefs are serious misjudgments. Soviet expansionism was no delusion. As late as the second half of the 1970s, former arms control chief Ken Adelman reminds us, the Soviets planned or assisted a communist takeover of a pro-Western country each year: "in 1975, South Vietnam; in 1976, Angola; 1977, Ethiopia; 1978, Cambodia; and in 1979, Afghanistan and Nicaragua."

Numerous former Soviet officials have confirmed Reagan's significant role in spurring change in Moscow. The senators might have asked Talbott whether the fall of communism has changed his thinking. They were too busy grilling him on a 1981 statement that Israel was becoming "a liability to U.S. interests," which he said he no longer believes.

No one is right all of the time, but Talbott's record in his field of expertise inspires little confidence. We still hope that he at least will do some good in combatting this president's inclination to ignore foreign affairs altogether.

[From the New Republic, Mar. 7, 1994]

THE MASTER OF THE GAME

(By Charles Lane)

On an April day in 1967 columnist James Reston of The New York Times visited the campus of Yale College. The protests at Yale had been quieter than at most places, so Reston came to prove that the anti-Vietnam war movement was not just "weirdies and beardies." Respectable students were involved, too. Exhibit A was Nelson Strobridge Talbott III, "a clean-cut, solemn, serious, patriotic, progressive Republican type." His opposition to the war seemed a matter of mature concern for the national interest, and the tone of the national debate, not mere adolescent moralism. As Talbott told Reston, "I do not want to help pillory the present administration. I am interested to see if there are new means and attitudes by which this university—and hence the university community in general—can make discussion less polemical and more meaningful, and at the same time help the search for peace."

Talbott has written since of the nation's "traumatic memory" of Vietnam, but for him those years were free of trauma. It was a time in which he assumed the identity expected of him as son and namesake of Nelson Strobridge Talbott Jr., Cleveland investment banker and chum of the Republican Tafts. Strobe Talbott wasted no time on failure, introspection or rebellion. "Though he was our age, he always seemed much, much older," says Hannah Achtenberg, a fellow student in those years. From Hotchkiss and Yale, where his father and grandfather had also studied, Talbott went on to Oxford as a Rhodes Scholar, then to a job in Eastern Europe for Time magazine, where he worked for the next twenty-two years as White House correspondent, diplomatic correspondent, Washington bureau chief and editor-at-large.

His memories of being shaped by the turbulent '60s seem only to underscore his actual insulation. During the Cuban Missile Crisis, he and the rest of the Hotchkiss boys were summoned to the chapel to pray for peace. "A vivid memory of our sixteenth year—along with proms, high school sports and our first driver's license—was the prospect of instant obliteration," Talbott and his friend, political scientist Michael Mandelbaum, wrote in an essay for their Yale twenty-fifth class reunion. In a Time essay he wrote in 1992 to defend his friend and fellow Rhodes Scholar Bill Clinton from charges of draft-dodging, Talbott recalled another epiphany: Clinton and housemate Frank Aller, a draft resister, arguing the issue so heatedly they lost track of time while basting a Thanksgiving turkey.

Talbott himself secured a medical deferment thanks to a letter to his draft board from a friendly orthopedist in Cleveland. He later confessed to "a moral discomfort bordering on guilt" about the trick knee that kept him "out of the Mekong Delta, but not the squash courts and playing fields of Oxford." He and Mandelbaum conceded that "it took more intellectual and political courage to support [the war] than to oppose it," given the campus mood of the times. But Talbott had opted for a Clintonian gambit: he kept his ties to his establishment elders, without alienating his friends or breaking ranks with his generation. He protested the war, but in a calibrated way. "At Yale, he was not an organizer of events, not even teach-ins," recalls classmate and brother-in-law Derek Shearer. "He did not participate in marches." In the essay with Mandelbaum, Talbott claimed to have written a Yale Daily News editorial endorsing Eugene McCarthy for president. Talbott is writing a larger role for himself in the rebellious history of his generation than he actually played: in fact, the paper's endorsement editorial was written by Alan Boles, a junior.

Today, Nelson Strobridge Talbott III is poised to assume the stewardship of American foreign policy. During a jog on the beach during the Renaissance Weekend in Hilton Head, South Carolina, in 1992, President-elect Clinton invited Talbott to be his special envoy to the former Soviet Union. After a year in that post, Talbott has been nominated to be deputy secretary of state. Traditionally the number two at State has either focused on department management or on issues the secretary himself doesn't want to deal with. But in the Clinton administration, Friends of Bill are usually more important than their bosses. Talbott's assignment is to give the administration's floundering statecraft a new direction and a more polished spokesman. He is the favorite to succeed Secretary of State Warren Christopher when the appointed hour arrives.

The intellect and probity of this product of elite institutions are not, and should not be, in doubt. His competence, his geniality and his remarkable discipline have won him the power and admiration for which he always seemed destined. "Strobe believes that by doing right in the world, America enhances its own strength," says author Walter Isaacson, a former colleague at Time. Such a view is not incorrect, but what exactly does it mean? For all his glittering credentials, even Talbott's friends fall back on platitudes to describe what he stands for.

At 47, Talbott has perfected the Clintonian art of squaring circles. His thinking is analytic rather than empirical, pragmatic rather than idealistic, though it pretends to idealism. While he takes moral positions, he prefers to defend them in the language of national self-interest. His characteristic prescription is one that lets the country keep its options open, while meritocratic elites, at "the highest levels," keep the state afloat. Thus, in 1986, during the ferocious Nicaragua debate—a time, like Vietnam, when friendships were ending over the issue—Talbott urged Congress to grant military aid to the contras, but if and only if it were used as a form of pressure to win diplomatic concessions from the Sandinistas. Partnership for Peace, the Clinton administration's security framework for the new Europe, "can go either way," in Talbott's recent phrase. If Russia turns aggressive, we can let the Eastern European countries into NATO; if not, we might let the Russians in, too.

But Talbott's worldview is not all compromise. Two lodestars have remained fixed throughout his carefully measured career. The first is the mystique of Russia. Talbott is a passionate student of Russian language and poetry. He translated Nikita Khrushchev's two-volume memoirs for Time while still at Oxford, and has written or co-written six books on U.S.-Soviet relations. Yet for all the depth of Talbott's Russophilia, its origins seem puzzlingly serendipitous. Though Talbott has visited the country often, he never lived there for more than a few months at a time—in part due to a KGB ban imposed because he worked on the smuggled Khrushchev papers.

Rather, he has lived for years in the Russia of his imagination. The origins of this enthusiasm lie in an experience that seems to have been a cross between youthful indulgence and the flowering of a mature, but not exactly flamboyant, aesthetic sensibility. As a tenth-grader at Hotchkiss, Talbott was assigned to an English class taught by an inspiring young man named Clinton Ely. Ely also happened to teach Russian and Russian literature to eleventh-graders, and he recruited Talbott to join his class the next year. Young Strobe became "enraptured and fascinated," recalls Ely, with whom Talbott has remained friends ever since. "We both felt there was just something magical about Russia."

The fascination deepened at Yale. As his mother wished, Talbott started out pre-med, but turned to journalism and Russian studies after he did poorly in chemistry. As a Yale senior he wrote a 256-page thesis, "Fyodor Tyutchev: Poet of Privacy," about an ardent pan-Slavist who once wrote: "Russia cannot be known with the mind, cannot be gauged with some general measure. . . . In Russia, it is only possible to believe." In Tyutchev, Talbott found a character whose career had a particular resonance for the romantic but career-minded Yalie. Tyutchev was a minor aristocrat and diplomat who, after losing a package of secret codes in Switzerland, was fired from the foreign service and wound up later as a toady in the imperial court. As a reward for an essay in which he had called on the West to join with reactionary Russia against the forces of reform in Europe, Tyutchev was appointed by Czar Nicholas I to a commission in charge of censoring foreign publications. "Neither before or since has the Russian autocracy had a more loyal bard," writes Joseph Brodsky. Tyutchev is said to have been one of Lenin's favorite poets as well.

Tyutchev's contempt for the masses would find a faint, but unmistakable, echo in Talbott's own career. The second concept around which Talbott's intellectual system revolves is the special, anointed role of elites. At the Highest Levels, the title of his recent study (with Michael Beschloss) of George Bush, Mikhail Gorbachev and the end of the cold war, could be Talbott's credo. The participation in the affairs of foreign policymakers by lobbies, Congress or an unruly public has long annoyed Talbott. In an August 1992 Time column, for instance, he took China's and Bush's side in the debate over Most Favored Nation status for Beijing—even as Clinton campaigned against Bush's coddling of the butchers of Tiananmen Square: "Once again those would-be statesmen on Capitol Hill are trying to micromanage American foreign policy and legislate morality in another country—something Congress does often and badly. . . . The whole episode is a vivid reminder of the uneasy, often unhelpful interaction between U.S. politics and foreign policy, especially in an election year. Politicians are quick to embrace simple positions on complex issues that make them feel good and look good—but in fact make a bad situation worse."

His admirers construe his elitism as virtue, calling him the lineal descendant of the "Wise Men"—the centrist, internationalist mandarins who shaped postwar American foreign policy. "Strobe is part of the honest foreign policy tradition that began with Elihu Root and Henry Stimson, and runs through Paul Nitze and Cyrus Vance," says Isaacson, himself an admiring chronicler of the "Wise Men."

It's a peculiar encomium for a journalist. At Time, Talbott's stories were almost entirely free of any insurgent spirit. His writing about George Kennan, Cyrus Vance, et al., was always reverent. Sometimes it was worshipful. In the preface to The Master of the Game, his critical but admiring biography of Paul Nitze (Hotchkiss '24), Talbott's salute to the liberal meritocrats of the establishment was downright unctuous: "Harold Brown, who has been such an important theoretician and practitioner of national security policy . . . McGeorge Bundy . . . soon to publish a landmark book on the role of nuclear weapons . . . Robert McNamara, himself a key figure in the history of the nuclear age. . . ."

Talbott's books and articles were billed as top-secret inside looks at the movers and shakers, but their real purpose was more to explain than to expose. His three major books on arms control and the cold war, Endgame, Deadly Gambits and At the Highest Levels, were all done with the cooperation of senior officials who agreed to confide in Talbott as long as he agreed not to write anything contemporaneously for Time, or to reveal their identities. Talbott's access lent his otherwise anodyne writing a "you are there" feel.

To some, it also lent it an air of professional compromise. In the New York Times Book Review in 1984, Theodore Draper took on the "novelized history" of Deadly Gambits. Talbott had provided word-for-word quotations, attributed to no source, for the famous 1983 "Walk in the Woods" arms negotiations between Nitze and his Soviet counterpart, Yuli Kvitsinsky. First, Draper pointed out, there were only two men present at the Walks in the Woods, so hiding the source of the words was a charade. Obviously it was Nitze, as Nitze himself later admitted. Second, how could other researchers check Talbott's accuracy if no source was cited?

Draper's polemic was a bit overwrought, and Talbott was right to respond that sometimes reporters have no choice but to protect their sources. (This article is no exception.) Still, Draper raised a legitimate issue. Talbott's coziness with his sources was troubling not because there was a conflict of interest, but because there was an identity of interest. Most of the people Talbott was writing about, or using as sources, were his colleagues in the study groups and panel discussions of such bodies as the Aspen Strategy Group and the Council on Foreign Relations. No fewer than seventeen people mentioned in his books are now fellow senior officials of the Clinton administration. (It was almost eighteen. But Talbott's source and Aspen colleague, Bobby Ray Inman, whom he enthusiastically recommended to Clinton for secretary of defense, confounded Talbott's confidence by staging a public psychological meltdown.—

The cold war. Talbott's intellectual obsession from adolescence to adulthood, posed a series of contradictions for him: between the inner grandeur of the Russian people and the manifest barbarity of Soviet communism (he never denied this); between the danger of nuclear war and the promise of superpower cooperation; between the demands of democracy and the demands of diplomacy. Talbott's romantic view of Russia and elite view of politics shaped the template he developed for sorting out these tensions.

His was a careful balancing act, derived largely from Kennan's work. The Soviets were dangerous. But they were dangerous mostly because Russians feel threatened by, and inferior to the West. That insecurity might press less urgently upon them if they were shown respect and reassured about the West's intentions. This could be achieved through contact—at the highest levels—between statesmen on both sides. Engagement was valuable for its own sake. In this policy prescription, détente provided mutual reassurance and arms control provided stability. "He was a 'two apes on a treadmill' kind of guy," says one specialist in Russian affairs, "'If we could only have smart people from the Aspen Institute in charge this would all be over.'"

These views once again placed Talbott in the position he found most comfortable; that of treating complicated moral and historical matters in the technocratic language of national interest. Talbott argued that the balance of terror paradoxically was the most realistic, and therefore best, hope of preventing nuclear war. This was a perfectly defensible position, and in the days of the peace movement of the early '80s, a courageous one, because deterrence was under moral attack both from advocates of a nuclear freeze on the left, and from advocates of Star Wars on the right. The purpose of arms control was to refine deterrence. Thus Talbott hailed the Carter administration for its 1979 SALT II agreement with the Soviets, and urged the Reagan administration to swap Star Wars for Soviet reductions in heavy missiles.

The end of the cold war wrecked Talbott's worldview, as it did everyone else's. His first reaction was to declare vindication. In 1990, in a paean to Mikhail Gorbachev as Time's "Man of the Decade," Talbott announced the triumph of Kennanism: "A new consensus is emerging that the Soviet threat is not what it used to be. The real point, however, is that it never was. The doves in the great debate of the past forty years were right all along." The Soviet system had collapsed of its own weight, he maintained, proving it had always been a paper tiger. The West's rearmament and resurgence had had nothing to do with it. "That piece offered Strobe the unique opportunity to commit to paper his conclusions about a subject he'd devoted most of his attention to over twenty years," recalls Henry Muller, the magazine's managing editor at the time. "I pushed Strobe to write his definitive view of the cold war." Reading this essay now, you do feel as if Talbott had been liberated to express the Russophilia that had been welling up inside him for years.

But his "definitive view" is stunningly lopsided. First, it does not follow, logically or empirically, that the hollowness of the Soviet economy and the corruption of Soviet civil institutions rendered the Soviet war machine impotent. Even internally weak regimes can be aggressive abroad. In fact, it is often at moments of greatest internal weakness that dictatorships lash out, seeking to divert public anger or to find abroad the legitimacy that they cannot find at home. The crisis in the Soviet Union became manifest on the domestic front, but it had a clear international component as well: "imperial overstretch." The wars in Angola, Central America and especially Afghanistan not only drained the material resources of the Soviet empire, but also its political legitimacy. Talbott brushed this aside. Star Wars, too, spurred the Soviets to rethink their foreign policy by confronting them with a potential arms race they could not possibly win.

The Soviets were also impressed with the deployment of U.S. nuclear missiles in Europe in 1983. The villain of Deadly Gambits was an assistant secretary of defense, Richard Perle, whose insistence on the "zero option" for intermediate-range missiles in Europe Talbott blames for much of the internal administration bickering that undid the talks. The zero option meant the United States would not deploy its cruise missiles and Pershing rockets if the Soviets would agree to take out the SS–20s they already had deployed within range of Europe. Talbott favored a Walk in the Woods-like deal in which the United States would deploy fewer missiles, and the Soviets would keep some of their heavy SS–20s. The Talbott, the zero option was a grandstanding ploy never intended to be acceptable to the Soviets. The Reagan administration's hawks preferred to think of it as political cover for European allies reluctant to deploy U.S. missiles without appearing to try arms control first. The hawks preferred no agreement to an agreement that could help the Soviets by driving a wedge in the alliance and leaving the SS–20s in place, unmatched by similar American weapons.

The American missile deployment prompted a Soviet walkout from the talks. Talbott, like many others, wrung his hands about dire consequences for the peace of the world. Talbott thought our interest lay—what else?—in keeping up a dialogue with the Russians, even if no agreement was in range. But the Reagan administration made the judgment that, at that moment, there were greater interests at stake to the West than a continuation of talks: among other things, the political cohesion of the alliance.

The view was vindicated. In 1987 the "Man of the Decade" accepted the zero option. In time, Talbott tried to depict this capitulation as a Soviet victory, claiming they had achieved their goal of getting the U.S. missiles out of Europe. This is absurd. Not only had the USSR failed to keep the U.S. missiles out in 1983, when it mattered most during the cold war, but the Russians had also ended up having to remove all medium-range missiles in Asia as well as in Europe. It was all part of the general Soviet military ebb tide that began as a tactical, negotiated retreat and ended in utter strategic collapse.

For Talbott, Reagan was dangerous not just because he threatened arms control, but also because he hurt the Russians' feelings. The thrust of Talbott's 1984 book, Reagan and the Russians, and many of his other writings, was that there were some ugly truths about the Soviet Union better left unspoken. The United States "overplayed its hand" in labeling the Soviet shootdown of Koreans Airlines Flight 007 as a mass murder. Reagan's 1982 speech to the British Parliament, in which he spoke of "a great revolutionary crisis" in the Soviet bloc, and of a system bound for "the ash heap of history," was, to Talbott, "bear-baiting." (It now reads like clairvoyance.) Talbott also derided Reagan's "evil empire" remark.

Talbott opposed "linkage," the idea that American positions on arms control and the like should be "linked" to Soviet military intervention in Africa or the fate of dissidents. He echoed the realpolitikal, Kissingerian view that efforts to alter the internal order of the Soviet Union were countrerproductive—threatening to the high-level dialogue over "bilateral issues." Talbott repeatedly singles out the 1974 Jackson-Vanik Amendment—another intrusion into foreign-making by Congress and its obstreperous constituents—as proof that using trade to pressure the Soviets (or anyone else) on human rights is bound to fail. This is at best half-right. The amendment denied the Soviet Union Most Favored Nation trading status unless it permitted freedom of travel to Soviet Jews. Shortly after it was passed, the Brezhnev regime did sharply reduce emigration by Jews. But later the Soviet Union restored emigration to higher levels in an effort to curry favor with the United States.

Meanwhile, the West had achieved something of political importance; to once again call attention to the true nature of the Soviet system, and to stand by its victims. Not every futile gesture is an empty gesture. Talbott can't be faulted for failing to predict the fall of the Soviet Union. Only a handful got it right: in the East, Sakharov, Havel and their associates; in the West, Reagan, Thatcher and their associates. Talbott's error was, in a sense, even worse. He knew that Reagan's bold and rudely moralistic rhetoric, and the sanctions linked to human rights, attacked the Soviet Union as its weakest point: its political illegitimacy. And for precisely that reason, he opposed them.

Talbott assigns no credit for the end of the Soviet Union to the long struggle waged by the dissidents and the refuseniks, or the Afghan rebels and the Polish workers. In fact, no one who stood up and took risks to defy the Soviets gets credit. Talbott instead wrote a glowing introduction to Georgi Arbatov's book The System, published in 1992, in which the erstwhile apparatchik claims that it was he who was the dissident, that it was the ever so discreet dissent of soft-liners like himself that set the stage for Gorbachev and his reforms. Talbott endorses Arbatov's claim. But then Arbatov like Tyutchev, was a Talbottesque figure: a fixture at conferences and a man of his establishment.

The collapse of the Soviet empire was a boon for high-level conversation. So many more high levels in so many more low places! As early as March 1990, Talbott was calling for the United States unilaterally to extend full diplomatic relations to Angola, Afghanistan, Cuba and Vietnam. Now that the cold war had ended, there was no point to what Talbott strangely referred to as American "vendettas" against the likes to Muammar Qaddafi and Fidel Castro. "The task for the West is to coax nations with die-hard leftist tyrannies into as much engagement as possible with the outside world," he wrote. "That will accelerate the inevitable transformation of their societies and perhaps even reduce the danger of bloodshed."

Talbott systematically minimizes the fact that constructive engagement contains a moral hazzard, which is appeasement. There are bad guys, however cruelly misunderstood, who respond only to one thing: force. The Reagan and Bush administrations learned that the hard way from their dealings with Saddam Hussein; North Korea, a die-hard leftist tyranny newly "engaged" by U.S. diplomats on its nuclear bomb-building program, may yet teach the Clinton administration the same lesson.

Talbott has written little about South Africa, but it is one case where sanctions—imposed by Congress over Reagan administration objections—did as much or more than constructive engagement (the Talbottian-Reagan policy toward Pretoria) to help topple a brutal dictatorship. Indeed, it was also a case in which wrangling between Congress and the president was, contrary to Talbott's expressions of disdain, a paradoxically useful factor. Between an engagement-minded president and a sanctions-minded Congress, America developed a good cop/bad cop routine that resulted in an appropriate blend of carrots and sticks. The unruliness of the American foreign policy-making process can, in fact, be a strength: adversaries such as the Soviets and other dictators tend to prefer a predictable environment in which to develop their long-term plans.

The Gulf crisis in 1990 forced Talbott, for the first time since Vietnam, to grapple with the imminent prospect of a major use of U.S. force abroad. His existing outlook provided an uncertain template for the task. On the once hand, he had always seen the oil of the Persian Gulf as a vital U.S. interest, vulnerable to a "Soviet thrust" toward the petroleum and the warm waters. On the other hand, well, there was Vietnam. Also, the prospect of going to war had split the establishment. People like Nitze were against it. People like George Shultz were for it. And so Talbott reacted in his way—carefully. His prewar position is no clearer than Bill Clinton's. A person who went with him to Saudi Arabia before the war recalls that Talbott was "hawkish" but an editor at Time says, "I can guess he was among those who hoped a resolution could be arrived at short of war." During the Desert Shield phase of the operation, he never wrote a Time column urging Bush to use force. The closest Talbott came was to muse that it was right to put an offensive U.S. capability in Saudi Arabia, because it might pressure Saddam to leave without a fight.

Talbott fretted about the ability of the United States and its allies to handle Iraq's military. In part, this was a matter of Saddam's supposed advantages as "a master of twentieth-century totalitarianism," which meant he could be more ruthless in battle than the democracies that opposed him. "Winning [the war] will not be easy," Talbott wrote. The Iraqis were "every bit as tough a military and strategic challenge to the U.S." as the Vietnamese. Talbott was also skittish about the danger of "demonizing" Saddam. As always, he was concerned about the enemy's self-esteem: it was important to defeat Iraq, but "equally important that this crisis not end with the Arab world feeling it has suffered a humiliation at the hands of the West." This fashionable but unfounded expression of anxiety did not include an explanation of how Talbott's finely calibrated proposed outcome could emerge from the ugly crucible of war.

By the end of Desert Storm, however, Talbott had become an enthusiastic hawk, along with everyone else. Correctly, he took Bush to task for failing to support the Shiite and Kurdish rebels who rose to topple Saddam in the wake of Desert Storm. His earlier reticence about legislating morality and interfering in the internal affairs of sovereign countries suddenly vanished. "Now that the cold war is over," he wrote, "intervention need no longer be quite so suspect as a cynical gambit on the East-West chessboard. The concept of benevolent interference is already coming back into fashion." Still, Talbott shrank from casting this in terms of America's taking a stand. Rather, the world community could act as one in the name of principle. And the United States, he argued, should be prepared to subordinate its sovereignty to multilateral institutions. Our forces could "join a posse led by someone else," even when our vital interests are not directly threatened.

On Bosnia, he rightly, and early, advocated force against the Serbs, although his motivation seemed curiously driven by domestic concerns. In a column called "Why Bosnia is not Vietnam," written in August 1992, Talbott called for "an all-out [NATO] peacemaking effort" as a way for the United States to "truly cure itself of the Vietnam syndrome." In December 1992 he supported a U.N. trusteeship over Somalia—"humanity's burden." Talbott pooh-poohed the military risk facing the United States and its U.N.-authorized allies as "Toyota Land Cruisers mounted with recoilles rifles manned by boys."

Just beyond the horizon, Talbott discerned a United States of the World growing out of today's multilateral expeditions and organizations. In a July 1992 column, "Birth of the Global Nation," Talbott announced his (hedged) bet that in a century or so, "nationhood as we know it will be obsolete; all states will recognize a single global authority." The stage was set for "a world federalism . . . a union of separate states that allocate certain powers to central government while retaining many others for themselves."

Talbott's aims were nobel, his assertions sweeping. His call for U.N. trusteeship was a refreshing departure from squeamishness about "neo-colonialism." His mistake, however, was to suppose that removing the element of superpower conflict from regional conflicts rendered any military action there somehow apolitical. The trend to global integration is real; but there is also a cross-cutting trend toward fragmentation along ethnic lines. It is by no means clear which tendency will win out in the end. Meanwhile, all politics is still maddeningly local. Thus, in Somalia, the United States led in a U.N. posse to feed the hungry—what could be more apolitical? American forces wound up spearheading a U.N. effort to sort out a byzantine clan struggle that was deadly but in which we had no real stake. The net result was an American humiliation: the defeat of elite Delta Force and Ranger troops by those boys in Land Cruisers—among the wounded were Talbott's dreams of trusteeship, not to mention world government.

Then there is the Middle East. At Talbott's recent confirmation hearings, he was quizzed by senators about a 1981 article in Time titled "What To Do About Israel," which he penned just after Israel's bombing of the Iraqi nuclear reactor at Osirak. In the article, Talbott called the idea of Israel's strategic value to the United States a "delusion" and suggested cuts in military aid to Israel if it ever took "international law into its own hands" as "violently and as embarrassingly to the United States" as it has done over Iraq. He suggested that American Jews "Wield influence far beyond their numbers."

Of course, the Osirak action was in the interest of America—and even of Saddam's rival Arab states. Just think how the Iran-Iraq War, or the Gulf crisis, would have unfolded if that bomb factory has been left intact. Confronted with his own words at the hearings, Talbott pursed his lips, shifted in his chair and repudiated his paper trail. "On that I simply have changed my opinion," he said. "I do believe Israel is indeed a strategic asset of the United States." Pressed by Senator Paul Sarbanes of Maryland on using aid to change the policy of democracies with which the United States "has a special relationship," Talbott said his "core belief" was exactly the same as Sarbanes's; he had just "deviated" from it in the "heat" of this "different line of work" as a journalist.

The truth is that the alleged problems Israel causes for U.S. interests in the Middle East were a staple Talbott theme. In 1990 he compared the rape of Kuwait to the occupation of the West Bank. While conceding that Israel has come by the West Bank in a defensive war with Jordan, he argued that its settlement of the territory was like Saddam's claim to a nineteenth province. In 1991 he wrote that the Soviet Jews flowing into Israel might obstruct peace and harm U.S.-Israel relations because they were "easy recruits" for the hard-line Likud party in the upcoming election, and because they would be settled on the West Bank.

In the short run Talbott's views on Israel probably won't matter very much, because he will concentrate on Russia. The labor party is back in control in Israel, having won the 1992 election, pace Talbott, with the lion's share of newly settled Soviet Jews' votes. Israel is pursuing a land-for-peace deal with the Palestinians—a fact that vindicates Talbott's view that such a deal was in Israel's long-term interest, but debunks his claim that the settlements were the main obstacle to a breakthrough. And, to be sure, Talbott had reason to feel frustrated with the dilatory government of Yitzhak Shamir.

Israel nevertheless represents a glaring exception to Talbott's overall penchant for stroking countries that give the United States a hard time. He doesn't seem to worry about wounding Israeli leaders' self-esteem or interfering in their internal affairs. In fact, in 1981 he advocated U.S. pressure on Israel as a means of helping topple then Prime Minister Menachem Begin at the polls: after all, he noted acidly, "Israel has been interfering skillfully in U.S. politics for decades, and will be doing so with a vengeance . . . over the Saudi AWACS sale."

Perhaps Talbott harbors these feeling because Israeli behavior simply flies in the face of all of his nostrums. The Israelis don't have much use for summit conferences. They protect their principles and their security, as at Osirak, whether that costs them friends or not. Indeed, they wear the enmity of certain countries as a badge of honor. Israel, with its fractious Parliament and citizen army, makes decisions hyperdemocratically. And its support in the United States depends less on the considered assent of disinterested regional specialists than it does on winning over Congress with the help of a citizen's lobby.

Strobe Talbott is undeniably a smart man, but is he really a wise one? We are about to find out. For the first time in his distinguished but safe career, he finds himself in a post where his judgments will have life-and-death consequences. It will be impossible not to make real enemies. To this unaccustomed role, he brings the same conceptual equipment that produced such mixed results for him during and after the cold war. His newfound impulse to moral interventionism, and his earnest optimism about increasing world cooperation, could lead the administration into more blind alleys in the regional conflicts of the non-Western world. His stubbornly romantic view of Russia—together with a desire to keep dealing with a Kremlin elite that is no longer necessarily in control—could prove an obstacle to fresh and realistic thinking.

In terms of taking a stand, the high point of Talbott's government service so far was his unequivocal defense of President Boris Yeltsin against the reactionaries of the now disbanded Russian parliament. The low point was his performance in the wake of the strong showing by neo-fascist Vladimir Zhirinovsky in the December 12, 1993, elections for a new parliament. He lost his cool and compounded the damage, saying that the vote meant that Russia's economy needed "less shock and more therapy." The comment betrayed colossal ignorance about the true nature of the economic reform, ignored the failure of the United States to provide substantial aid sooner (see "Betrayal" by Jeffrey Sachs, TNR, January 24) and handed the reactionaries in Russia a propaganda coup. The last reformer in Yeltsin's Cabinet, Finance Minister Boris Fyodorov, resigned, blaming Talbott for "stabbing reform in the back." He had a point. Talbott has subsequently undermined U.S. credibility even further by partially withdrawing his comment.

Talbott was right in the recent debate on expanding NATO. His five-page, single-spaced memo arguing against including the Eastern European countries in the alliance persuaded Secretary of State Christopher to back the more tentative "Partnership for Peace." Poland, Hungary and the Czech Republic are not ready for full participation in NATO (and America is not ready to commit itself to their defense); their more pressing need is access to Western markets. But Talbott won this argument by invoking the wrong reason: the encirclement cliché. We can't risk arousing the Russians' fears, which would inflame the Russian military, which would set back the cause of reform. Russia is important, the fate of Russia's leader is important to the fate of Russia and the fate of Russia is important to America. Russia's interests and residual military strength must be taken into account. But none of that means that the leader of Russia must be given a say in the policy of the West—on NATO, Bosnia (think of Bill Clinton waiting two days to have a dialogue about Bosnia with Yeltsin) or anywhere else.

Talbott, though, seems most comfortable treating the Kremlin as if it were still the seat of a superpower. It's all a part of engagement. And it serves another purpose. As long as Moscow, twinned with Washington, is vital to the world, there will always be a conversation partner for Strobe Talbott—at the highest level. The American foreign policy elite can perpetuate a role for itself into the next century. The long, twilight dialogue can go on; and the master of the game can keep on playing.

Mr. BROWN. Mr. President, it seems to me that when one finds himself in fundamental disagreement with a nominee to a very high office, over matters that will come under the purview of that office, the presumption in favor of the President's nominee should be overridden.

As one who voted for Mr. Talbott for his ambassadorial post, I find myself unable to vote for him as a Deputy Secretary of State. I fundamentally disagree with him on a wide range of U.S. policy issues over which he will have determinative influence.

In a way, we have an opportunity today to judge his short tenure as Ambassador to the New Independent States. What are the results? President Yeltsin has called for trade, not aid. Yet the reality is that this country has primarily given the New Independent States Government assistance. There have been virtually no major trade initiatives. I think that has been a fundamental mistake in policy.

The fact is, under Ambassador Talbott's tenure there has, indeed, been a resurgence of hard line Marxists in the former Soviet Union and particularly Russia. I certainly do not attribute this or mean to imply in any way that this is favored by Ambassador Talbott nor pleases him in any way. I suggest, though, the results of his tenure have been less than what all of us had hoped. It seems to me that it would be a mistake for this country to appoint as Deputy Secretary of State someone who holds the views and has held the views that I have outlined. I believe a more appropriate choice would be someone who has a more fundamental commitment to the views and beliefs of mainstream America and who has a greater appreciation for the qualities that have made this country great.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. PELL. Mr. President, I am glad to yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, has the floor for up to 10 minutes.

Mr. KERRY. I thank the Chair. I thank the distinguished chairman of the Foreign Relations Committee.

Just listening to my good friend from Colorado, with whom I have worked on so many issues within the Foreign Relations Committee and with whom I enjoy working, I must say I just do not find myself agreeing with him and his comments, but obviously he believes what he believes, and he is always a person who has arrived at those beliefs, I know, with careful judgment.

If you just take the last comment he made, in which he suggested that we need somebody who believes more deeply in freedom and democracy and free enterprise, I do not know of anything in the record, or outside of the record, or anything in the background of Strobe Talbott that suggests anything other than an extraordinary belief in freedom, democracy, and free enterprise. I think it is possible as a journalist to make observations about a country's policy at a particular moment in time that may displease the government or displease some of the most passionate supporters of that government but nevertheless not in any way be diminishing or even declarative of that particular journalist's commitment to freedom, democracy, or free enterprise.

In fact, if one were to look at most of the writings of Ambassador Talbott through the course of his heralded tenure at Time magazine, I think you would notice, to the contrary, a remarkable continuum of articles that are consistently articulating the best interests of the United States in how to stand up for freedom or democracy and free enterprise. Indeed, the very focus of much of his interest and writings with respect to the former Soviet Union were to try to help us better understand as a nation how those particular concerns were going to be best served. His passionate writing about arms control is a classic example of that.

I think Strobe Talbott was consistently ahead of the curve, understood the dynamics and helped many people in this country to understand better the relationship of our money to the arms we were buying and to the issues that we were facing.

I have listened to a number of speakers during the course of this morning, and I want the RECORD to be very clear with regard to Ambassador Talbott, particularly on the question of Israel and support of Israel.

Let me, first of all, remind my colleagues that Ambassador Talbott has been referred to the floor for a full vote of the Senate by a vote of 17 to 2 by the Foreign Relations Committee. Seventeen of our colleagues on that committee heard the testimony or read the record and are satisfied that Ambassador Talbott brings no anti-Israel bias or dereliction with respect to his views on one of our foremost allies in the world.

I think it is very important to state that I have not agreed with everything that he wrote during the period of time when he was a journalist. I have reread some of it recently. I still disagree with some of it. But none of it suggested to me that there was somehow either a bias or a fundamental disagreement with the basics of our relationship with Israel. There may have been disagreement with strategies; there may have been disagreement with a particular choice at a particular moment in time or a particular policy pursued, but that must not be, particularly in our country, which allows for such a broad scope of dialog, interpreted as being a whole hearted disapproval of the Nation itself or its people or its goals.

I do not think there is a lot of value spending a huge amount of time on this, on trying to analyze every comment, every article he wrote on Israel, or the Mideast conflict over the last decade or more. I think that what we are seeing here, to a certain degree, is what some might call "much ado about nothing." By that I mean what is relevant to this nomination is what Ambassador Talbott has accomplished in his role as a public person, what he has said as a public person, and what he has said and done that carries out his responsibilities and expresses the confidence the President of the United States in putting him in this position.

He made those views very clear in his confirmation hearing before our committee on February 8. I just want to share these with my colleagues very quickly. Regarding Israel, Ambassador Talbott told the committee, and I quote:

> My core beliefs where Israel is concerned are that Israel is a very special country in the world, by virtue of its people, by virtue of the circumstances that brought about its birth. It is also a very special country for the United States of America for many reasons, including our own proud role in the birth of Israel and, of course, also because so many Americans have such close ties to Israel. My core beliefs are also that we have a special obligation for reasons not only rooted in our moral obligation to Israel but also rooted in our geopolitical interests to support the security of Israel.

Mr. President, I do not think you can be more straightforward or clear. I know of nothing in the public record of Ambassador Talbott that suggests pursuing a policy other than that. In fact, this administration has vigorously pursued a constructive Mideast policy which led to the momentous occasion that took place on the White House lawn last year. I am confident that it is high on the priority list of Ambassador Talbott.

I might add that, commenting upon United States relations with Israel, and the Clinton administration's policy in particular, Ambassador Talbott said and I quote:

> First, I have always believed that the U.S.-Israeli relationship is unshakeable. Second, I have always believed that a strong Israel is in America's interest because it serves the cause of peace and stability in the region. Third, I am proud to be part of an administration that has already done so much to promote a comprehensive peace in the area, and I look forward to assisting Secretary Christopher in any way I can to keep that process moving forward.

When asked whether he found the involvement of domestic groups such as American Jews or Polish Americans or Greek Americans as a complicating factor in American foreign policy-making, as some of his writings seemed to imply, Ambassador Talbott answered:

> I do not think that I have ever expressed the view that it is improper. Complicating is not in and of itself a normative word. It is, in general, an aspect of American politics. And the interaction between American politics and American foreign policy, I think, is enriching, and that, basically we are better for it * * * I would certainly not endorse any interpretations of my writings that suggest that I thought this was anything other than a strong feature of the American system.

When asked if American interests were being undervalued because of lobbying by ethnic American groups, Ambassador Talbott responded directly and unequivocally:

> No. Quite the contrary * * * it is not only one of the aspects of American society that makes us as strong as we are, namely, our diversity and our variety, but it is also a feature of American society that ties us to the rest of the world. It means that we are almost constitutionally incapable of being isolationists, because some Americans have such strong ties to countries elsewhere in the world.

Mr. President, I really think that these statements speak for themselves. And they underscore why the Senate Foreign Relations Committee by a vote of 17 to 2 expressed its confidence in Ambassador Talbott. Ambassador Talbott recognizes the importance of Israel as a unique nation in the Mideast. He understands there is a special relationship between the United States and Israel, and I know and am confident that he sees the involvement of all domestic ethnic groups as a strengthening factor in American foreign policy. It is very clear that he is committed to pursuing the President's policy, which is, in and of itself, strongly supportive of Israel and its security interests.

Mr. President, I heard my colleague, the Senator from Colorado, suggest that somehow we do not have a lot to show for Ambassador Talbott's efforts with respect to the former Soviet Union.

I ask for 3 additional minutes.

The PRESIDING OFFICER. The Senator from Rhode Island yields an additional 3 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, indeed it would be wonderful if we could trade more with Russia. I think Ambassador Talbott is certainly struggling to see that happen. But it is very clear also that Russia has serious economic problems—not to mention the political problems that it has—including the lack of a means of production, the lack of convertibility in currency, and the lack of a banking structure. A host of decisions which he, and others, have encouraged President Yeltsin to try to make obviously were not made, not because Ambassador Talbott did not want them to be made, not because they were not suggesting them, but because President Yeltsin has had trouble getting any decisions made with a Parliament that was unwilling to make them because it was filled with the very people that the Senator from Colorado most despises.

So I think that in fact Ambassador Talbott and Secretary Christopher and President Clinton deserve enormous credit for walking an extraordinarily complex, difficult, line. The fact is that reform is going to come extremely slowly in the former Soviet Union. And I think many of us anticipate that there may be far more difficult days before there are good days.

The fact is also that Ambassador Talbott had an extremely important view that in fact helped to mold the policy of the Partnership for Peace and conceivably restrained us from moving in a direction that might have worked contrary to the very reforms that the Senator from Colorado wants.

The Chairman of the Federal Reserve spoke about a week or so ago to a group of citizens assembled from Massachusetts here in Washington. And he suggested that perhaps one of the most important foreign policy issues of our time will be how events turn out in Russia because it will have a profound impact on our spending and a whole host of choices that we make in this country as well as in Europe.

I would respectfully suggest that Ambassador Talbott comes to this particular role at an important moment with relevant experience and with demonstrated capacity to do the job.

I equally respectfully suggest that there is nothing in the record that diminishes from Ambassador Talbott's ability to perform this job with the confidence that the President of the United States has expressed in him, and I hope my colleagues will overwhelmingly confirm him for this position and express the confidence of the U.S. Senate in the prospective No. 2 person at the State Department.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senate Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, until last week I was prepared to reluctantly support the President's nominee for Deputy Secretary of State, Strobe Talbott, but with serious reservations. However, I have decided that a strong signal needs to be sent with all the widespread speculation about where he may go from here. And maybe it is time to say enough promotions for Strobe Talbott.

There is no doubt that Strobe Talbott has an impressive background. He is well-educated, well-traveled, and has had a prolific career as a journalist. However, my concerns rest with Mr. Talbott's perspective on U.S. foreign policy matters, specifically his judgment on how best to promote U.S. interests. In light of the widespread speculation that he may move up to Secretary of State someday soon, it is well to point out that during the cold war Mr. Talbott was critical of tough-minded policies toward the Soviet Union. He argued that a hardnosed approach would be ineffective and counterproductive. Yet, now that the cold war is over, we learn from top Soviet military leadership that the strong U.S. defense posture, including programs like the Strategic Defense Initiative, initiated during the Reagan administration, had a significant impact on the demise of the Soviet Union.

It is also clear that it paid off to expose the Soviet regime for what it was—illegitimate, totalitarian, and imperialistic—regardless of how much these characterizations offended the Soviet leadership. Despite Mr. Talbott's protestations, the clear statement of United States principles heartened aspiring Democrats throughout the Soviet bloc.

Ambassador Talbott tries to have it both ways. He opposed tough policies during the cold war, and then wrote that "The doves in the great debate of the last 40 years were right all along" once the tough policies paid off. Twelve years ago, President Reagan spoke of leaving the Soviet system on "The ash heap of history." Talbott criticized that bold—and prophetic—remark as bear-baiting. In my view, it was precisely because the West was resolute—and unafraid to speak and act clearly—that the Soviet system has been left on the ash heap of history.

There is no doubt that the United States relationship with Russia is a central element of our foreign policy. And, Mr. Talbott has learned a great deal about Russia over the years. However, Russia is not our only interest. It seems to me that Mr. Talbott must be reminded of that fact.

Mr. President, over the past few months Russia has been casting silent vetoes over United States foreign policy options. I am concerned that Mr. Talbott has been the leading advocate within the administration for yielding to Russia's wishes.

I do not want to be misunderstood. I am a strong supporter of President Yeltsin and his reform program. The Congress has backed up its support for Russian reform with a substantial aid package. However, I am opposed to developing United States foreign policy options according to the expected response from hardliners in Russia. U.S. interests should guide U.S. foreign policy, not the potential reaction of Yeltsin critics.

At the NATO summit, the United States rejected the pleas from Poland, Hungary and the Czech Republic to join NATO and instead offered the partnership for peace. Reportedly, Mr. Talbott played a critical role in resisting the move toward establishing criteria for expanded NATO membership because of Russian objections. President Yeltsin changed his position on expanding NATO after the military sided with him in his showdown with the parliament; he is probably trying to keep the military leadership on his side—and that is understandable.

The administration is also considering supporting Russian military actions in former Soviet Republics under the banner of United Nations peacekeeping. I asked Ambassador Talbott several questions for the record on this issue. His responses do not satisfy my concerns. For example, Ambassador Talbott writes that the "Russian role must be desired by all parties" before the United States would vote yes at the United Nations. But I hope Ambassador Talbott recalls that the Soviets were invited into Hungary in 1956, Czechoslovakia in 1968, and Afghanistan in 1979. Giving the overwhelming power and presence of Russia in the so-called "near abroad," the freedom of countries like Georgia, Tajikistan and others to desire Russian peacekeeping is in serious question. This administration has enough problems on its peacekeeping platter without indulging and legitimizing Russians neoimperialism.

The United States response to Yeltsin's domestic pressure should not be abandoning the right course, but reassuring President Yeltsin as we reassured President Gorbachev when Germany was reunited and Eastern Germany joined NATO as part of that process. The best way to strengthen the hand of hardliners is to remain silent toward their policies.

This Russia tilt is evident in United States policy toward Bosnia. The United States has bent over backward to accommodate Russia—which staunchly opposes tough action against its close ally, Serbia—despite the fact that Serbia is the aggressor. While I support NATO's latest decision, it is more than just evenhanded, it favors the Serbian position. And Russia's involvement is destined to make the situation even more favorable to the Bosnian Serbs.

The United States must not only expect reform in Russia's domestic policy, but in its foreign policy, as well.

I must say, based upon reports today of espionage activity with the arrest, on Sunday of this week, of some mole in the CIA that has been getting information and informing Russia, it could be the most serious espionage activity in the past 20, 30 years that has just been revealed in the last 2 hours.

And I understand President Clinton will send a strong protest to Moscow. So the world is not quite the way we would like to have it. We would like to think we have a changed relationship and everything is fine, nothing is going to go wrong.

And it is another reason, when you look at Mr. Talbott and some of his positions, it makes you wonder if he is the right person for the job.

Finally, many of Ambassador Talbott's writings about the Middle East reveal a clear anti-Israel bias. He has shown virtually no regard for Israel's legitimate security concerns. He has compared Israel to Saddam Hussien's Iraq. He has disparaged Jewish-Americans. He has repeatedly seen the worst in Israel and the best in hard-line Arab States. At his committee hearing, we heard of a classic confirmation conversion when Ambassador Talbott disavowed these writings but his disavowal does not put the concerns shared by many Americans to rest.

Because of my misgivings, I will vote against confirming Ambassador Talbott as Deputy Secretary of State. While I believe in the right of the President to have the nominees of his or her choice, I do believe the Senate has a right to work its will on potential nominees. President Clinton may share Ambassador Talbott's views—on the Middle East, on the cold war, and on policy toward Russia. If he does, we in the Senate will consider and debate administration policies based on those views in the coming months. And we will monitor Ambassador Talbott's performance and policies towards Russia, Bosnia, Israel and the rest of the world if he is confirmed—as I expect he will be.

However, I will vote against Ambassador Talbott because of my concerns over his past views—only some of which have been renounced—and because I believe he is not the right person for this, or any more senior, position.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield myself such time as is necessary.

Mr. President, as I see it, there are really four targets of doubt that are the main sources of criticism of Strobe Talbott: One, his views on Russia; two, his views on Israel; three, his managerial ability; and, four, his acquaintanceship with Victor Louis.

First, on his views on Russia, you could see in his own quotations the seriousness with which he took the Soviet threat. At the same time he also recognized that the Soviet system was fatally flawed, containing inequities, illusions and roughness.

The views on Israel that are accredited to him were actually spoken by Mr. Begin. And that has been cited in the RECORD already.

As to his managerial ability, Mr. Kenneth Damm was a very distinguished Deputy Secretary some years ago who came from very much the same background as did Strobe Talbott.

Finally, when it comes to his contacts with Victor Louis, I think it is very important that to be familiar with your adversary, to have as wide a range of contact as possible, particularly if you are a diplomat or journalist. In this case, I think he should not be criticized but rather praised for branching out from the usual circuit when he was assigned to Moscow.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator will withhold.

Under the previous order, the Senator from Kentucky was authorized to speak for up to 10 minutes.

Mr. MCCONNELL. If I could inquire of my friend, the junior Senator from Rhode Island, who I see on the floor, how much time he might need, I might defer momentarily.

Mr. CHAFEE. Mr. President, I would take 2 minutes or less.

Mr. President, I ask unanimous consent that when I finish, the Senator from Kentucky would then proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island yields 2 minutes to his colleague who now has the floor.

Mr. CHAFEE. Mr. President, I would like to make several comments regarding Ambassador Strobe Talbott and specifically his nomination to be Deputy Secretary of State, the number two position at the State Department.

I have known Strobe Talbott for many years. He is a friend for whom I have the very highest regard. We worked together on a board, where I grew to know him well. I have always found Strobe Talbott to be a thoughtful, intelligent, and capable person.

In recent weeks, and during today's floor debate, Mr. Talbott's many writings have been scrutinized to gauge his views in a variety of important foreign policy issues. This type of scrutiny is fair and appropriate for a person who hopes to hold such a high position in the State Department.

I certainly do not agree with everything that Mr. Talbott has written in Time magazine over many, many years. Nevertheless, I am confident that Mr. Talbott, if confirmed, will be responsive to U.S. interests in Europe, the Middle East, the Pacific rim, and all around the globe.

In conclusion, I want to say how pleased I am that a person of Strobe Talbott's character and quality wants to enter public service today. We are always trying to get good people to come into public service. Strobe Talbott is doing this at considerable personal financial sacrifice. He has done a good job for the President, in my opinion, and I think he will be an asset to Secretary Christopher's team at the State Department. Accordingly, I plan to support the Talbott nomination and urge my colleagues to do likewise.

Mr. President, I thank the distinguished Senator from Kentucky for letting me proceed. I know that he has been waiting and I came outside of my turn.

And, of course, I thank my colleague from Rhode Island for permitting me to speak at this time.

The PRESIDING OFFICER. The Senator from Kentucky has the floor for up to 10 minutes.

Mr. MCCONNELL. Mr. President, over the past several weeks, I have given a great deal of thought to the nomination of Strobe Talbott for Deputy Secretary of the Department of State. In reviewing the nomination, I gave three factors consideration: The Department's management interests, Mr. Talbott's record, and the balance of executive and congressional responsibilities and authority.

This has not been an easy decision.

Let me first, briefly address my view of the concerns which have been raised about the management role of the Deputy Secretary. Although many argue the day-to-day management of the State Department is the burden of the Deputy Secretary, I do not think these responsibilities are set in bureaucratic cement. Historically, some of the most effective Deputy Secretaries have been the most active on policy matters. In fact, Larry Eagleburger assumed routine responsibility for overseeing the emerging relationships in Eastern Europe and the NIS through the Ambassador at Large office.

At heart, the management and morale of the State Department will improve through the effective administration of diplomacy. During the Bush administration some complained at being excluded from the Baker inner circle, but all foreign service officers were proud to be associated with such a successful team.

In contrast, as our foreign policy fortunes have sunk through setbacks in Haiti, Bosnia, North Korea, and elsewhere, there has been an ever louder call for new management and committed managers. Frankly, management is not the issue. If the Secretary and Deputy Secretary can work out a reasonable division of the responsibilities to address the difficult problems which trouble the foreign policy landscape, real management issues can appropriately be left to the Under Secretary. I believe Mr. Talbott and Secretary Christopher have worked well together and expect that to continue, as there is no shortage of crises around the world to tax even their combined abilities.

Since I think the management question is largely driven by policy matters, in considering this nomination, I turned next to Mr. Talbott's views and record. Frankly, this is the area offering the weakest justification for Mr.

Talbott's confirmation. Over the past year, a number of his decisions and comments have provoked me to say that I have met very few people in my life who are as well educated and smart as Strobe Talbott who are so consistently wrong. Indeed, it is not an overstatement to say that Mr. Talbott's life is a cautionary tale about the difference between great learning and common sense.

On matters of vital importance in the past, at present, and of future concern, I find myself in strong personal and policy disagreement with Mr. Talbott. I have been inundated with calls and letters from friends of long standing and good judgment who have been appalled at his thinking on Middle East issues. While he attempted to clarify his point of view before the Foreign Relations Committee, speaking to some special moral obligation the United States has and vaguely identifying geopolitical interests, I do not think he particularly helped his case.

In fact, I think he made matters worse by failing to fully and precisely acknowledge the basis for our relations with Israel.

Ours is not a bond born of a paternal role in establishing the state of Israel, as Mr. Talbott suggested. The alliance rests firmly on a common commitment to peace, the fundamentals of freedom, and the entwined destiny all democracies share.

These points were never mentioned when he defined what he called his core beliefs about our relationship with Israel. It seems past time for him to bury those core beliefs.

Now, the Middle East is not the only area where Mr. Talbott has demonstrated how shortsighted he can be. I might say that Mr. Talbott could argue that his views on the Middle East are somewhat old; that he has a chance to reexamine those and reach a different conclusion. So I would, instead, Mr. President, like to focus on more current Talbott positions. For the better part of a year, I have urged the administration to look beyond Russia as it defines our policy and national interests in the New Independent States. In hearings, in letters, and in meetings, I have pressed Mr. Talbott and his associates to enlarge the scope of our political interests, to increase our economic commitment, to expand our national attention and involvement beyond Russia.

Unfortunately, the administration's architect for post-cold-war policy has actively pursued a Russia-first approach. In my view, we have paid a high price for this Moscow myopia.

Mr. Talbott may have been well-intentioned in his preoccupation with Moscow and Yeltsin's survival. Nonetheless, because of his overbearing regard for Russian sensitivities, in effect, he surrendered United States interests in regional stability, economic growth and political liberty.

Throughout 1993, President Yeltsin and his advisers moved to establish Russian interests in the so-called near abroad. I was astonished to hear Foreign Minister Kozyrev's speech to the U.N. General Assembly last fall, actually seeking funding and approval for expanding Russia's security role in the NIS. As Foreign Minister Kozyrev left the floor of the United Nations, he was joined in an international news conference by Secretary Christopher who applauded this novel role for Russia. The news conference was one of many statements and actions which were viewed as alarming by Russia's neighbors. Leaders across the continent from the Baltics to Ukraine understandably wondered whether United States policymakers had relinquished any responsibility for the region's future. From their perspective, Russia sought and received American approval for political and military activity which undermined their sovereign national interests.

Nowhere was the evidence of this more frightening than the clear intervention of Russian troops in Georgia. Under siege in Abkhazia, President Shevardnadze pleaded for American support. Although the administration chose to ignore this assault on democracy, Congress could not. At the time, I worked with Senator BYRD and others to draft an amendment to the foreign operations appropriations bill linking our aid to respect for territorial borders and national sovereignty. In spite of strong objections from Mr. Talbott's office and the administration, the amendment passed with bipartisan support. Sadly, the administration's recent report on this important issue, which is required by law, once again, diminishes concerns expressed by Congress and Russia's neighbors.

This Russia-first approach has also affected congressional debate on Ukraine. Although Congress was able to overcome vocal administration objections to my earmarking $300 million of the NIS package specifically for Ukraine, the battle has continued. Since passage of the bill, Ukraine has been virtually ignored. Russia has received the lion's share of obligated resources, with Ukraine squeezing out 2 percent of the total, so far.

Ukraine has clearly been punished for failing to accommodate our sole interest. The only item on Mr. Talbott's agenda with Ukraine has been arms control and pushing Ukraine to comply with START obligations and turn over to Russia its nuclear inventory.

No leader in Ukraine ever contradicted or attempted to undercut that goal—the key has always been forging a Parliamentary consensus to ratify the obligations. Instead of building confidence, encouraging a process of coalition and consensus to support U.S. goals—we issued ultimatums. Fortunately, in their own way, in their own time, Ukraine has ratified START and will no doubt fulfill its arms control obligations.

Ironically, overnight, it has become the year of Ukraine at the White House. Recently, the President, the Vice President, and Mr. Talbott met with the national leadership of the Ukrainian-American community. The group stopped by to visit with me afterward and I told them how much I welcomed the President's announcement that he intended to provide at least $300 million to Ukraine. It is, of course, no less than Congress designated last fall. In short, he had no choice.

Ukrainian-Americans worry how they can sustain the administration's interest in nations other than Russia. Their concern is echoed by Americans with family ties and roots in Eastern and Central Europe—for the consequences of a Russia-first approach have unfortunately now extended beyond the Newly Independent States.

Here again, I find fault with Mr. Talbott's thinking. In deference to Russian concerns about drawing new lines in Europe, Mr. Talbott argued against expanding NATO membership to new democratic nations including Poland, the Czech Republic, Hungary and others. The substitute, Partnership for Peace, left most confused and many out in the cold.

Just after the European summit, I introduced an amendment encouraging the administration to move quickly to clarify the terms for NATO admission. Passage of the amendment provoked an eloquent letter of support from an Eastern European ambassador. He noted that it is in Western interests to "enlarge the space of stability and security in Europe and to offer new democracies, which have demonstrated both the capability and willingness to join NATO, an unambiguous chance to become part of this most reliable security structure." That is a direct quote from his letter. Certainly, I agree.

Instead, the administration allowed Russia to dictate our policy—again. Fear of rising nationalism, among other arguments, was advanced by Mr. Talbott and his colleagues. I find myself in total accord with former Secretary of State Kissinger who said "It is, in fact, ambiguity about dividing lines, not their existence, and ambivalence about Western reactions, not their certainty, which tempt militarists and nationalists."

American ambiguity and ambivalence have also troubled the negotiations with North Korea over nuclear proliferation. I do not think Mr. Talbott made a constructive contribution during his confirmation hearing by suggesting he had reason to believe the Chinese would support United States efforts to resolve the violations Security Council sanctions or similar action. I gather his statement was immediately and summarily rejected by the Chinese Ambassador to the United Nations. He and I may have misunderstood Mr. Talbott's statement, but the complex, arduous negotiations on matters of life and death on the Korean peninsula require precision and scrupulous attention to detail, not contradictory, confusing policy pontification.

As I scan the globe, I find myself in disagreement with Mr. Talbott on most of the pressing issues which no doubt will dominate American foreign policy today and in the future.

In fairness, with other nominees, I have balanced any policy differences I might have with my basic philosophy that the President should have the flexibility to appoint people to key policy positions who reflect his views, possess his trust, and maintain his confidence.

In my case, I have supported every one of President Clinton's nominees for positions in the foreign policy community. In fact, as I think back, the last time I voted against a State Department nominee, it was a George Bush choice. In general, short of legal, moral or ethical considerations, the President is entitled to his choice. I might note, that Mr. Talbott obviously has unimpeachable credentials in these areas. It was for all these reasons, I was able to support his initial confirmation as Ambassador-at-Large.

However, there are rare occasions when a nominee demands customary practice and convention be set aside. After a year in office, such is the case with Mr. Talbott.

Since we are all prone to Olympic metaphors this week, I will, add mine. I give Mr. Talbott very high marks for artistic impression. It is the technical proficiency category that he falls down.

I have no doubt Mr. Talbott will be confirmed—he continues to enjoy the President's friendship and support. However, I am so troubled by his views and his record of the past year, I can no longer offer him my support. I have reached a point, where I feel compelled to send the strongest possible signal to this administration that we urgently need to correct course. Unfortunately, Mr. Talbott is directly responsible for many of the decisions which I consider damaging to U.S. credibility and U.S. national interests. It is not his comments from 20 years ago that concern me. It is this past year of decisions which are damaging.

Yet I should say I enjoy working with Mr. Talbott. As he has described himself, he thrives on the "heat of forensic and journalistic battle." So, too, has he thrived on policy disagreements in working with the foreign operations subcommittee. He does not wither in the face of argumentative opponents on the other side.

At the end of the day, U.S. national security is not just an academic exercise of forensic battle. American men and women may be forced into war over a miscalculation in our negotiations with North Korea. They may find themselves in the crossfire of Bosnia because of a mistake.

I can not vote for a nominee with Mr. Talbott's track record of miscalculation. I am respectful of his close ties with the President, but it is simply too high a price to pay.

In conclusion, Mr. President, I hope my colleagues will oppose the nomination of Strobe Talbott as simply a statement that it is time Ambassador Talbott be correct on some of the policy positions he has taken.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Rhode Island.

Mr. PELL. Mr. President, I think it important at this point to read into the RECORD some of the statements that Strobe Talbott has made, because as the author he is best equipped to speak for himself. As he says here:

> To recognize that the Soviet threat has been exaggerated is not to commit the sin of "moral equivalence"; Western self-criticism about the phobias of the cold war does not imply a neutral judgment about the Soviet system. Quite the contrary: It is precisely because that system is such an abomination against basic human aspirations, against human nature itself, that much of what the West called "Soviet power" was actually Soviet weakness, and the instruments of that power could never have been all they were cracked up to be.
>
> For years there has been dissenting wisdom in the West. Most notably George Kennan, the intellectual godfather of the original concept of containment, has objected to the way it was applied; he cautioned against demonizing the adversary, overestimating enemy strength, overmilitarizing the Western response.
>
> As early as 1947, Kennan suggested Soviet power "bears within it the seeds of its own decay" and that the U.S.S.R. might turn out to be "one of the weakest and most pitiable of national societies."

These words speak for themselves. We all know the dissolution, removal from the world stage of the evil empire, of the Soviet Union, the Communist system, was the result of two factors: One was the containment philosophy, originally promoted by President Harry Truman years ago, and the other was the evilness, immorality, and incompetence of the Communist system. One factor did not play more of a role than the other, but a combination of the two that finally brought that evil empire down.

I suggest the absence of a quorum.

Mr. HELMS. Mr. President, I join in that, but I ask unanimous consent that the time be charged on either side on this one.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on the nomination of Strobe Talbott. Senator PELL controls the time, and Senator HELMS controls the time.

Mr. PELL. I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee.

I rise to express my strong support for the President's nomination of Ambassador Strobe Talbott to be Deputy Secretary of State. I am concerned that we are seeing on this nomination partisanship running rampant for the sake of partisanship. We have seen nominees, including many Deputy Secretaries of State—certainly, I have in the 20 years I have been here—very well-qualified people, people who sometimes I have agreed with and sometimes I have not agreed with, who have gone through with virtual unanimity. The Senate does this with the realization that administrations are granted wide latitude in whom they pick for these positions, especially if they are well-qualified people. And Ambassador Talbott is certainly well qualified.

It appears to me, though, that this is not a debate on qualifications or abilities but unfortunately one that has evolved more into partisanship for the sake of partisanship. I think that is unfortunate, and as one who has worked very hard in both Republican and Democratic administrations to bring about consensus in foreign policy, I urge my colleagues not to fall into this trap. It is not good for the Senate. It is not good for the country. It is certainly not good for our conduct of foreign policy.

Over the last year, I have come to know Ambassador Talbott quite well. As the administration's chief strategist on relations with Russia, he worked closely with me and others in the Senate and House to shape and push through the U.S. package of aid to the New Independent States of the former Soviet Union.

During that time, we put together a strong bipartisan coalition, and I saw Ambassador Talbott work very closely with Republicans and Democrats alike. I do not recall any of them suggesting there was anything partisan in his approach to the foreign policy of our Nation but, rather, he did it in the way we expect those at the highest level of the State Department. He sought a broad bipartisan consensus, because we are working as Americans for American foreign policy, not for any individual

President or any individual Secretary of State, but as Americans for American foreign policy. I am sorry to see there are those who might feel otherwise.

There is no greater United States foreign policy priority today than to help the chances for democracy and economic reform in Russia, possessor of many thousands of nuclear weapons capable of reaching the United States. We have to find a cooperative relationship with Russia. Just today's headlines alone point out the need to move away from the dangers and the threats, the spying and everything else from the cold war, into a new era.

Now, concerns have been raised about Ambassador Talbott's previous writings in Time magazine and elsewhere on Israel. This is a decision we have to make as Americans in America's best interests. No Senator should tell another country whom they should or should not appoint. I would not expect anybody to come onto our shores and tell us whom we should appoint. As a friend of Israel, and as one who, incidentally, has carried through and led the debate on Israeli foreign aid in this Senate for the last several years, as one who has put together and helped pass the aid packages to Israel—and, in fact, as the chairman who has passed the largest aid packages to Israel—I have no doubt about Ambassador Talbott's acceptance of the foundation of United States policy toward Israel ever since its formation as a state—that a primary objective of the United States in the Middle East is the security of Israel.

To that end, the United States has provided over $56 billion in economic and military assistance to Israel, and unstinting diplomatic and political support. Ambassador Talbott is part of an administration which has repeatedly, from the President on down, publicly and privately, reiterated its commitment to the security of Israel and to participation in the Middle East peace process. This administration, particularly Secretary of State Christopher, has worked very closely with Prime Minister Rabin in the effort to negotiate a just and lasting peace.

I think it is a red herring to suggest this is a reason to turn him down.

Mr. President, I have an article from the Philadelphia Inquirer of February 8 quoting the Israeli Deputy Foreign Minister as calling Ambassador Talbott "a very good man." The Israeli Deputy Foreign Minister indicates that certain American Jewish groups that have criticized Ambassador Talbott's nomination do not speak for Israel. A number of major American Jewish organizations have voiced support for Ambassador Talbott's nomination. I ask unanimous consent that several articles and statements about those endorsements be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. I also note that Ambassador Talbott was presented to the Foreign Relations Committee for his confirmation hearing by Senator HOWARD METZENBAUM. There is no more active or determined voice for a strong, close United States relationship with Israel than HOWARD METZENBAUM. If Senator METZENBAUM is prepared to endorse Ambassador Talbott, then I fail to understand why any friend of Israel would withhold their support for this nomination.

Mr. President, President Clinton wishes to have Ambassador Talbott to serve as Deputy Secretary on his foreign policy team. There are extremely important events taking place around the globe which materially affect U.S. foreign policy. We need to get our foreign policy team in place to deal with those events. I realize there will be some "no" votes today in protest against some statements Ambassador Talbott wrote as a journalist many years ago. That is very unfortunate. The vote should be unanimous. But if it is not to be unanimous, let us make it overwhelming. I urge all Senators to vote to confirm Ambassador Strobe Talbott as Deputy Secretary of State.

EXHIBIT 1

[From the Philadelphia Inquirer, Feb. 8, 1994]

ISRAELI DEFENDS CLINTON NOMINEE

(By Barry Schweid)

WASHINGTON.—Defending Strobe Talbott as "a very good man." Israel's deputy foreign minister said yesterday that Talbott's critical articles for Time magazine were no reason to reject his nomination to be deputy secretary of state.

Yossi Beilin, at a news conference, said that Talbott's Jewish opponents in the United States do not speak for Israel and that "generally speaking, he is friendly to Israel."

Beilin also said, however, that not everything Talbott wrote is "my cup of tea."

Talbott, whose nomination will be taken up today by the Senate Foreign Relations Committee, wrote critically at times about policies of Israel's former Likud government Beilin, an architect of Israel's recognition of the Palestine Liberation Organization, is prominent in the Labor Party, which now governs the country.

Last week, the Jewish Institute for National Security Affairs said Talbott's views disqualified him from the No. 2 post at the State Department. Two other Jewish groups, the Zionist Organization of America and the National Jewish Coalition, distributed excerpts of his writings.

The former Time magazine bureau chief and diplomatic correspondent wrote in 1990, during the Persian Gulf war, that Likud's claim to the West Bank had "something in common"with Iraq's invasion of Kuwait.

Talbott also said that then-Prime Minister Yitzhak Shamir's assertion of a "greater Israel" was as ominous for peace in the Middle East as Iraqi President Saddam Hussein's "militant nostalgia for Nebuchadnezzar's Babylonian empire."

Beilin, referring to the Jewish groups, said, "If there are people who are criticizing the nomination, they are not speaking in behalf of my government."

Beilin said his opinion was that Talbott "is a very important and a very good man. I don't see any reason to reject his nomination."

AMERICAN JEWISH CONGRESS LEADERS WELCOME TALBOTT'S STATEMENTS TO THE SENATE FOREIGN RELATIONS COMMITTEE

The following statement was issued by Robert K. Lifton, president, and Henry Siegman, executive director, of the American Jewish Congress, following the approval by the Senate Foreign Relations Committee of Strobe Talbott for the position of Deputy Secretary of State.

"We welcome Strobe Talbott's statements before the Senate Foreign Relations Committee in which he distanced himself from earlier writings on the subject of the relationship of the United States and the State of Israel. His expressions of unqualified commitment to that relationship, and his view that "a strong Israel is in America's interest" are reassuring. Equally reassuring has been his full support for the Administration's peace efforts in the Middle East and his complete identification with President Clinton and Secretary of State Christopher's deep friendship for and support of the State of Israel.

"In this connection, we categorically reject as totally unfounded the charge by the Jewish War Veterans that the Clinton Administration is changing its support of Israel and "moving in the direction that would endanger Israel's security in the Middle East peace negotiations." It is a reckless charge, and can only serve to damage U.S.-Israel relations. Israel has never had greater support and more understanding friends in Washington than it has in President Clinton and in Secretary Christopher."

NATIONAL JEWISH DEMOCRATIC COUNCIL ANNOUNCES SUPPORT FOR TALBOTT

WASHINGTON, DC.—The National Jewish Democratic Council today announced its support for the nomination of Strobe Talbott to the post of Deputy Secretary of State.

"The Jewish community is not being represented by the actions and views of the groups now rushing to condemn Talbott," said NJDC Chair Monte Friedkin, one of several Jewish leaders who spoke with the nominee Friday in a conference call designed to answer questions raised by the attacks.

"I'm not suggesting that certain comments he made in the past don't deserve review and explanation," Friedkin said. "But he supports foreign aid to Israel in its present form. He understands and supports Israel's unique relationship with the U.S. He endorses the position of the president, whose support for Israel is equal to, if not superior to, that of any previous administration.

"It is clear to me that Talbott is holding out a hand to the Jewish community, demonstrating sensitivity to our concerns and issues. We should accept that offer."

AMERICANS FOR PEACE NOW,
Washington, DC, February 4, 1994.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR PELL: We are an American Zionist organization with strong concerns for the peace and security of the State of Israel. In that connection, we write to you in support of the nomination of Ambassador Strobe Talbott to be Deputy Secretary of State.

We have spoken directly with Ambassador Talbott about his views on the U.S.-Israeli relationship. In our discussion, he vigorously affirmed his support for the Clinton Administration's peace initiatives, its strong strategic connection with Israel and its support of the ongoing foreign assistance package for Israel. Ambassador Talbott assured us of his commitment to maintaining Israel's qualitative security edge, recognizing that it is surrounded by traditional enemies. He had a firm understanding of the unique nature of Israel's democratic role in the region.

As uncompromising supporters of Israel, we are fully assured that Ambassador Talbott is pro-Israel and pro-peace.

Sincerely,

LINDA HELLER KAMM,
RICHARD GUNTHER,
Co-Presidents.

AMERICANS FOR PEACE NOW SUPPORTS THE TALBOTT NOMINATION

In a letter to Senate Foreign Relations Committee chair Senator Claiborne Pell, Richard Gunther and Linda Heller Kamm, co-presidents of Americans for Peace Now endorsed the nomination of Ambassador Strobe Talbott as Deputy Secretary of State.

In their letter they stated that:

"We are an American Zionist organization with strong concerns for the peace and security of the State of Israel. In that connection, we write to you in support of the nomination of Ambassador Strobe Talbott to be Deputy Secretary of State.

"We have spoken directly with Ambassador Talbott about his views on the U.S.-Israeli relationship. In our discussion, he vigorously affirmed his support for the Clinton Administration's peace initiatives, its strong strategic connection with Israel and its support of the ongoing foreign assistance package for Israel. Ambassador Talbott assured us of his commitment to maintaining Israel's qualitative security edge, recognizing that it is surrounded by traditional enemies. He had a firm understanding of the unique nature of Israel's democratic role in the region.

"As uncompromising supporters of Israel, we are fully assured that Ambassador Talbott is pro-Israel and pro-peace.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PELL. Mr. President, I yield such time as he may need to the Senator from Ohio.

Mr. METZENBAUM. I thank my friend from Rhode Island.

Mr. President, I rise in support of the President's nomination of Strobe Talbott for the post of Deputy Secretary of State.

This is the No. 2 post in the State Department. Under any circumstances, this is a nomination that deserves to be debated.

The Senate would be shirking its duty if it were to give this nomination pro forma examination, and then approve it late at night by unanimous consent.

Mr. President, there has been no lack of talk about Strobe Talbott's nomination. But I wonder how much of this talk has been the type of debate contemplated by the advice and consent clause of the Constitution. I wonder what this discussion has really been about.

Mr. President, it seems that Strobe Talbott has the unfortunate distinction of being a convenient target for partisan mud-slinging. Frankly, I have heard much invective regarding this nomination. But I have heard very little debate.

Mr. President, there have been all sorts of charges thrown at Strobe Talbott.

If we took his accusers at their word, we could neatly sum up Strobe Talbott as a rabid anti-Semite, and indiscriminate Israel-basher, a diplomatic nincompoop, and managerial moron. And with respect to Russia, we could label him as little more than a Boris Yeltsin groupie.

This is all very nice talk. But it has not contributed much to the debate that the Senate should be conducting.

Mr. President, for sure there has been a lot of talk. But let us look at the facts.

On the former Soviet Union, Strobe Talbott has been accused of making United States policy totally dependent on the success of Boris Yeltsin. We all know that in the recent Russian election, Yeltsin received a political cold shoulder. So now people tag Strobe Talbott with losing Russia.

Mr. President, this allegation assumes as fact a number of fantasies.

First, Russia is not lost; second, neither is United States policy on Russia lost.

Among other things, Russia recently adopted a new democratic Constitution. Furthermore, Russia, Ukraine, and the United States recently reached an agreement on removal of Ukrainian nuclear weapons.

Moreover, the very Russian election which the Talbott critics use to paint him as naive, was the first open, multiparty election in Russia—in over 70 years.

Mr. President, I wonder how Talbott's critics would have supported reform in Russia without supporting Boris Yeltsin? The fact of the matter is that it was simply impossible for the United States to back a generic policy of reform, without backing the key leader of reform.

There was no reason named reform standing atop a tank, defying Soviet Communist coup plotters—it was Boris Yeltsin.

This magical person named "reform" has not been at the political barricades, confronting old-line Communists and new-age Fascists at every turn.

The person who has been there is Boris Yeltsin.

Mr. President, I think that debating whether we backed Yeltsin too strongly or too weakly is a debate on the margins: it is a distinction without difference.

The fact is that there was no one else to support who was so well known to the Russian people, and whose face and voice stood so clearly for the forces of reform in Russia.

Mr. President, I do not know every word that Strobe Talbott uttered with respect to Boris Yeltsin.

I do not know if he was 100 percent correct on every fact; 100 percent perceptive in every opinion; 100 percent prescient on every prediction.

I do know that he is able to offer his views in 100 percent fluent Russian, which is more than can be said of many key United State diplomats working in that arena.

Mr. President, I am frank to say that when it comes to being a 100 percent ace-in-the-hole every day of the week, I just do not care.

Absolute perfection is not the standard that this Senator demands from any nominee of any President.

If Strobe Talbott's critics want to condemn him for giving advice which was far from unreasonable, on a cause that is far from lost, they can go right ahead.

I just do not care to play that game.

Intellect, judgment, stamina, and a proven ability to articulate U.S. policy and defend that policy are what I look for in a nominee.

And all of those qualities are abundantly present in this nominee.

Mr. President, I do believe that Strobe Talbott is a superb candidate for this job.

Yet, it is my sad duty to confirm for Talbott's critics the regrettable fact that * * * Strobe Talbott does not walk on water.

Mr. President, another area of controversy has been Talbott's views on the Middle East and on Israel. Frankly, he has written some articles I wish he had not written, some of which I have strong disagreements with. However, I would respectfully remind my colleagues that this Senator is not in the habit of supporting anyone who does not view Israel as an asset to, and ally of, the United States.

I have read what Talbott has written on the Middle East.

I have read those columns, some dating back 3 years, and some dating back 13 years.

I have read all of those columns, not merely the cut-and-paste jobs being circulated around Washington lately.

Mr. President, I have read Talbott's writings on the Middle East, and I have spoken with him on the Middle East. If I felt that Strobe Talbott would be hurtful to the security of Israel, I would be on this floor leading the charge against his nomination.

While I am frank to say that I would not have chosen some of the words Talbott chose, I can state that I am satisfied, that Strobe Talbott will be a vigorous, determined advocate for a strong United States-Israel relationship.

Let there be no mistake: It is my unequivocal belief that Strobe Talbott is now, and will be in the future, as solid a supporter of United States-Israel relations as anyone in the Clinton administration. He will reflect the views of the President, a president who is openly and unabashedly supportive of the long-time close relationship between our country and Israel.

Mr. President, I have one more comment with respect to Strobe Talbott's alleged anti-Israel position.

It has been said by some that the Jewish community opposes Strobe Talbott's nomination. This is pure, undiluted fantasy. It is sheer fiction.

The Jewish community, like so many other segments of our Nation, does not speak with a single voice.

Mr. President, the fact is that there are two, possibly three, organizations within the Jewish community which have mounted a campaign against Talbott's nomination.

By fax and by phone, they are attempting to create the impression that American Jews, who obviously care deeply about the Middle East, collectively oppose Strobe Talbott's elevation to the position of Deputy Secretary.

Mr. President, these organizations are among the few within the Jewish community which have been identified, implicitly or explicitly, with partisan political causes.

I have no quarrel with the right of any organization to affiliate itself with any political position.

I do quarrel, however, when such an organization creates the impression that it represents something, or someone, for whom it has no right to speak.

The fact of the matter is that mainstream organizations within the Jewish community have expressed satisfaction with Strobe Talbott's views on the Middle East.

If any organizations can be said to represent the majority of American Jews, it is those organizations that have indicated their satisfaction. A number of groups have even endorsed him outright.

So let us put to rest once and for all any suggestion that there is some kind of Jewish community campaign against Strobe Talbott. There is a campaign all right—but it is not by the Jewish community.

It is by a small group of conservative Americans and the organizations to which they belong who happen to be Jewish.

Mr. President, I will conclude by repeating my concern about the Senate's debate on Strobe Talbott:

It seems to me that some Senators are using debate on this nomination as a smokescreen to throw partisan mud.

What is really going on here? Is there really concern about Strobe Talbott's policy positions? Or is this an attempt to get some partisan payback?

Rather than being the subject of serious study and debate, the nomination of Strobe Talbott is being put through the political wringer.

Mr. President, we have had all to much talk, and far too little debate. I believe that a vast majority of Senators have seen through the partisan smokescreen.

I believe that they have studied Strobe Talbott's record, and know how truly well-suited he is for this job.

Mr. President, let us cut out the talk. Let us confirm this talented man for this tough job. Let us allow him to finally turn his energies to the real work ahead.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield the remainder of my time to the distinguished Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska has 7 minutes.

Mr. MURKOWSKI. I thank the Chair. Mr. President, I rise to express my concerns about the nomination of Strobe Talbott to be Deputy Secretary of State.

I think, Mr. President, that we have here in Mr. Talbott a gentleman who is ultimately a high risk for our President, and I am inclined to believe that he is basically the wrong man for the job.

Many nominees, as we know, grow into their jobs. Based on everything I have read about this nominee, however, I think this job is simply beyond his brief.

In this new position, Talbott is but a heartbeat away from being the Secretary of State and, very frankly, that gives the Senator from Alaska heartburn.

First and foremost, I am concerned about Mr. Talbott's policy toward Russia. Some of his comments make me wonder whether he gets his influence from Boris Yeltsin or Bill Clinton.

As a Senator from a State that is near to Russia, nearer than any other State, I pay particular attention to the ambitions of Russia. Based on his numerous comments, I am not sure that Talbott is equally concerned about Russia's ambitions. Writing about Gorbachev in 1990, Talbott wrote of a "new consensus" which he saw emerging; "That the Soviet threat is not what it used to be. The real point, however, is that it never was. The doves in the Great Debate over the past 40 years were right all along."

Well, Mr. President, I do not believe the doves were right all along. I surely hope we do not base our current policy toward Russia on the assumption that the Russians have made a complete turn toward freedom and free markets, because the facts prove that she has not.

The strong showing of Russian nationalist Zhirinovsky shows that an ultra-nationalist message is popular in Russia today. I might remind my colleagues that Zhirinovsky suggested that Russia take back Alaska, Lithuania, Latvia, Estonia, and Finland.

Even more frightening is that since the election Boris Yeltsin's party has sounded more and more like Zhirinovsky. Mr. President, Russian foreign policy and military doctrines call for the "use of force to protect Russian speakers outside the current boundaries should Moscow perceive their rights to be threatened." On the economic front, economic reformers in Yeltsin's Cabinet have been replaced by Communist hardliners.

And what does Strobe Talbott have to say about these disturbing trends? He has called for "less shock and more therapy." As many Russian experts have observed, this comment displayed extreme ignorance about the nature of economic reform and handed reactionary forces in Russia a propaganda coup.

Alaska, my State, is full of many entrepreneurs who are very anxious to do business in Russia, and the activities of these businessmen will be helpful in Russia's transformation to a free market. But if there is one thing all these business people tell me, it is that for economic reform to succeed, Russia must escape the yoke of Moscow's bureaucrats: those that have simply changed their Communist hat for a reformer's hat.

Unfortunately, Strobe Talbott seems to think the world revolves around Moscow and he seems reluctant to support initiatives that may ruffle Moscow's feathers. This fear of ruffling the feathers of the Moscovites seems to be a constant character trait of Talbott, and one that I do not want to see at the number two spot down at State.

Finally, Mr. President, I am concerned Talbott's Russia-centric policy views have led him to ignore a significant part of the world, particularly in Asia. His answers to questions of members of the Foreign Relations Committee, on which I serve, leads one to wonder whether he knows, or to what extent he really cares, about the Asian region. At such a critical time in our relations with China and North Korea, such lack of experience is not comforting.

My colleagues have commented extensively on Mr. Talbott's troublesome views on the Middle East, and I do not intend to comment further on those. But I simply feel that those views represent a troubling trend of how he views the world as a whole.

For these reasons, Mr. President, I plan to vote against this nominee.

I yield the remaining time back to the Senator from North Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from New Jersey [Mr. BRADLEY].

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I rise today in support of the nomination of Strobe Talbott to be Deputy Secretary of State.

In thinking about the nominations that come before the Senate for advice and consent, I try to evaluate the nominee against three simple criteria. First, can the nominee work well with his or her new colleagues? That is usually an easy call, and something I do not need to deal with further today. The President and Secretary of State want Strobe Talbott to be Deputy Secretary of State. Enough said.

The second criterion is whether the nominee has the background, skills, and intellectual capacity to handle the responsibilities of the new position. Again, there is no question about Strobe Talbott's abilities. Everything he has touched has turned to gold. After compiling a brilliant academic record, he had a distinguished career as a journalist and author. For the past year, Talbott has structured the administration's policy toward Russia and the other former Soviet Republics. While we may not always agree on the specifics of policy, it is clear that Strobe Talbott has demonstrated his ability to make the Government work in his area of responsibility.

The third, and last, criterion is what I call the "sanity test." That is, are the nominee's ideas sound. This is a substantive, not a political criterion. It is not based on whether I agree with the nominees ideas. Rather, it is whether the ideas are sufficiently in the mainstream of American political thought. For example, I would vote against even a competent extremist.

Here, too, Strobe Talbott passes muster. I have already mentioned his stewardship of the NIS account. No one seriously questions his nomination on these grounds.

However, concerns have been expressed about Strobe Talbott's ideas about United States relations with Israel. I have seen the excerpts from his Time magazine columns, and I have looked at his testimony before the Foreign Relations Committee. While I cannot condone all his remarks or, indeed, any administration activity that would imply a weakening of the United States commitment to Israel, I simply do not believe, based on the evidence, that Strobe Talbott would do anything except work competently in support of the administration's policy. This, I might add, is a policy of strong support for Israel and for the political peace process that can ensure Israel's security.

Columnists write provocative pieces. They question accepted ideas. That is their function. That is what they get paid for. But I have no reason to doubt Strobe Talbott's assertions before the Foreign Relations Committee that he believes that a strong Israel is in America's interests.

In my book, then, Strobe Talbott is a 3 for 3. He is wanted, he is capable, and he is mainstream. We in the U.S. Senate should today confirm him as Deputy Secretary of State.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

Mr. PELL. I yield 5 minutes to the Senator from New York [Mr. MOYNIHAN].

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. MOYNIHAN. Mr. President, I, too, rise in support of the nomination of Strobe Talbott to be Deputy Secretary of State. I would like to emphasize just one aspect of his work, which is a little bit apart from the comment of my distinguished friend from New Jersey about his being mainstream; and that is to just record the consistency with which he observed the weakness of the Soviet economy and the Soviet political system at a time when many saw it as an imminent threat to the whole world, not least to the United States.

We, of my generation in all events, will remember him. He first came to the attention of the Nation when he appeared as the translator of that extraordinary book, "Khrushchev Remembers," which Time magazine was able to publish in 1970, the first insight we had into the world of the Kremlin. It was altogether unprecedented, smuggled out of the Soviet Union by various devices. I can recall Andrew Heiskell describing on an occasion the ways in which they had used voice profiles to establish, that the tapes were indeed recordings of Khrushchev. And young Talbott, with great clarity, did the translation. For the first time we got a sense of the degree to which the Soviet Union was badly governed and facing decline. Withal, we did not necessarily learn all we could have at the time.

But in 1981, Talbott wrote, in Time magazine, on the state of the Soviet economy. He put it thus. He said:

> Legitimate American worries about Soviet military might and Soviet aggressiveness tend to obscure the reality that the U.S.S.R. has major problems of its own. It has a rigid, inefficient economic system that simply does not work and a sclerotic, unimaginative leadership tied to an ideology that carries neither resonance nor conviction.

If only someone at the Central Intelligence Agency had read that paragraph and comprehended it. This was at a time when they estimated that the great Soviet Union was growing at a rate twice that of the United States; higher than the whole European union. By 1987 our intelligence community estimated that the East German per capita gross domestic product was higher than the West German—2 years before the wall came down; a fantasy persisted in our Government, oblivious to a clarifying comment from an informed journalist.

In that same article he wrote that "The economic ills of the satellites are not just chronic, they are degenerative and could be terminal," including East Germany, which we assumed to be a wealthier state than the Federal Republic of Germany. Any taxi driver in Berlin might have told you that was not so, but in Washington, only Strobe Talbott and a few others were doing so.

In Time magazine, on April 18, 1983, Mr. Talbott continued to warn that the Soviet economic situation would prove ruinous, characterizing the Soviet economy as being in a state of "permanent, institutionalized crisis."

"Permanent, institutionalized crisis," at the time we were thinking we might have to stand them off at Arlington, TX. If you recall, Mr. President, in that same article he wrote:

> One limit on the Soviet acquisition of raw power has been internal. The military-industrial complex of the U.S.S.R. (which is far more pervasive than anything Dwight Eisenhower warned against in the U.S.) is made up of what the Soviets themselves call "metal eaters," which devour resources that might otherwise feed the anemic, crippled economy.

Mr. President, if I am running out of time, perhaps I might ask for another 2 minutes from my distinguished chairman?

Mr. PELL. Absolutely.

Mr. MOYNIHAN. Thank you.

In that same article he went on to criticize President Reagan for failing to understand the significance of the Soviet's economic plight. He said:

> Reagan has frequently stressed the intramural weakness in the Soviet empire. Yet, strangely, he has not factored those weaknesses into his calculation of Soviet strength.

In Time magazine on September 25, 1989, Mr. Talbott wrote that "The Soviet economy, all but bankrupt when Gorbachev came into office nearly 5 years ago, has actually deteriorated." He was right onto the trend.

In Time magazine's "Man of the Decade" edition on January 1, 1990, Strobe Talbott continued to write about the decaying Soviet economy and the West's misrepresentation of it.

I close with this passage:

> Gorbachev is admitting that much of what has been perceived by the outside world as his country's collective "discipline" is actually an ossifying, demoralizing, brutalizing system of institutionalized inefficiency. Yet in the West, the era of stagnation was seen as one of Soviet ascendancy—even, in some key and dangerous respects, of Soviet supremacy.

Mr. President, a man with such a clear record of contrarian views, many of which have proved accurate in the end on the central issue of American diplomacy surely deserves our confidence. I cannot doubt he will be confirmed by the Senate this afternoon under the able and determined leadership of the chairman of our Committee on Foreign Relations, Claiborne PELL.

I thank the chairman for his indulgence and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. I thank the Senator from New York for his kind remarks. I congratulate him, too, on his prescience in evaluating the long-term viability of the Soviet system. He, and others, including George Kennan, saw that the Soviet system was so antinatural, so incapable of satisfying human needs that it eventually would rot away.

Added to the system's internal rot were also the effects of the U.S. policy of containment, first promulgated by President Truman in the late 1940's. The combination of those two factors certainly was certainly a critical factor in the downfall of the Soviet system. Some of us believe one factor is more responsible for this, some believe the other. But it is certainly a combination of the two. And Senator MOYNIHAN was one of those who early noticed and made public reference to the internal contradictions in the system.

Mr. MOYNIHAN. I thank you, sir.

Mr. PELL. Thank you.

I would like to read some words from Strobe Talbott that are in the Time magazine of January 4, 1982:

> The quest for security can be aggressive, especially when it involves the hot pursuit of some enemies, the pre-emption of others, subjugation or subversion of still others. In a world full of dangers—real, imagined or exaggerated—the Soviet leadership would prefer to protect its gains with minimum risk of war by means of diplomacy, intimidation, propaganda, covert action, or the use of proxies. If necessary, though, it will resort to direct military intervention to ensure the survival of the Soviet system including in those countries where the system has been imposed by outright conquest—such as Hungary, Czechoslovakia and possibly next, Poland. On Christmas Day two years ago, the Soviet army invaded Afghanistan to prop up a faltering Marxist regime and has been there ever since.
>
> Even when Soviet force is not on the move, the existence of so gargantuan a military machine threatens other states. It emboldens zealots within the Politburo who might be tempted to use this prowess, as well as pro-Soviet forces abroad who might hope that Moscow's leaders will aid or rescue their own bids for power.
>
> Communism is serious competition for other social and economic systems in large measure because it is backed up by the threat of Soviet force.

I think these remarks show that Strobe Talbott was very conscious of the Soviet threat and the use of force in January 1982.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, notwithstanding the time situation, I ask unanimous consent it be in order for the Senator from Mississippi [Mr. LOTT] to have 5 minutes.

Mr. PELL. Under whose time is he speaking?

Mr. HELMS. It would have to be on not your time or my time, it will be just 5 minutes for the Senator from Mississippi to have a chance, since nobody is here speaking.

Mr. PELL. I rather he did it under my time.

Mr. HELMS. Very well. All right.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Rhode Island for that courtesy. I will stick to my time.

I would like at this time to rise in opposition to the nomination of Strobe Talbott, Ambassador-at-Large to the former Soviet Republics, to be Deputy Secretary of State.

Statecraft is not just arms and armies. Wisdom and foresight are also essential elements in foreign policy. Mr. Talbott in his writings and public statements has not shown wisdom or foresight. Never have clearer minds and sharper eyes been needed than now in this time of international turmoil and uncertainty.

This Nation needs and deserves better than this nominee whose foreign policy prowess is dubious and whose experience as a manager is almost nonexistent, as far as I can tell.

With the end of the cold war, America and her ideals should be triumphant. The international sphere has never been a Garden of Eden, but America, sure in its resolve and rightness, and steeled by its victory over communism, should now have a sturdier hand and influence in the world.

Yet we are floundering. Part of the problem is that this administration is unsure of our country's rightness. Thus, you have this multilateralism fetish. The United States has been carrying water for the United Nations because we are not willing to play the quarterback ourselves. We have threatened force and not used it. We have promised intervention, then we have cowered. We have been blind sided by events in the world. There is the danger that our allies and, even worse, our enemies think our resolve is only bluster and that we are weak and we are blind.

The administration needs strong foreign policy wisdom. Any administration does. It is not just this one. Mr. Talbott, though, does not have it. He has written and has spoken against the policies that won the cold war. He harshly criticized Israel and the special relationship we have with that strategic nation. Also, he has in his current position maybe even jeopardized or at least caused some problem with reform in Russia.

Mr. Talbott was soft on the former Soviet Union, touting its legitimacy while denigrating this Nation's legitimacy. In a May 21, 1984 article in Time magazine, he criticized the Reagan administration's policy of peace through strength. In that article, Mr. Talbott wrote:

> The Reagan administration has made a bad situation worse in two ways: First, by convincing the Soviet leaders that the U.S. no longer accepts military parity as the basis for relations with Moscow; second, by challenging the legitimacy of the Soviet regime, calling the U.S.S.R. an "evil empire" doomed to fail.

Obviously, President Reagan was right and Strobe Talbott was not right in those enunciations. The United States was in the cold war to win, yet Mr. Talbott seemed to advocate a stalemate.

Further, the Soviet Union was an illegitimate regime and was an evil empire. Yet, Mr. Talbott took the former Soviet Union to be legitimate and morally equivalent to our own system, which it was not.

The Soviet Union was doomed to fail and people who Mr. Talbott criticized in his columns, like former President Reagan, saw this. Mr. Talbott, though, did not have the wisdom or the foresight to see the inevitable. Do we want a man like this in charge of our foreign policy? I doubt it. In a January 1990 column in Time magazine, Mr. Talbott wrote:

> A new consensus is emerging that the Soviet threat is not what it used to be. The real point, however, is that it never was. The doves in the great debate of the past 40 years was right after all * * *.

I do not accept that, and I think there are a lot of questions about whether that is a correct statement.

The problem with the statement though is the doves during the dark days of the cold war wanted us to give up and unilaterally disarm. This country stood its ground and won. For Mr. Talbott to praise those who would have cost us victory is misjudgment in the least, plain blindness at the most.

Let me point out here that it is not just about fighting the cold war or partisanship. This is about the eagle-eye view and the true judgment that our foreign policy leaders must have, certainly should have. Though I point out what Mr. Talbott has said and written in the past, I feel that these things from the past play a role here and now and tell us a lot about his judgment.

He has been exceptionally a harsh critic of Israel. Maybe it was 10 years ago. That is not that long ago—in the early 1980's. For instance, in an article of September 7, 1981 in Time magazine, Mr. Talbott wrote:

> The sad fact is that Israel is well on its way to becoming not just a dubious asset but an outright liability to American security interest, both in the Middle East and the world.

This was written after the Israeli Air Force had bombed a nuclear facility in Iraq. We are very fortunate today, especially after Desert Storm, that Iraq does not have nuclear weapons capability. We can thank the Israelis for that. Yet, Mr. Talbott saw Israel as a liability. Foreign policy is not just about knowing your enemy, it is about knowing your friends and, in this case, Mr. Talbott did not seem to know that.

He also called for conditioning aid to Israel on Israel's willingness to engage in negotiations with its avowed enemies. There is a hostility in his writings about Israel in particular and in other areas that brings into question whether he will continue to foster a good relationship with a very important ally. I think there is enough evidence to say that Mr. Talbott will promote policies which will harm that relationship or at least based on his earlier statements and writings one can come to that conclusion.

Recently, reformers in Russia accused Ambassador Talbott of stabbing them in the back for criticizing President Yeltsin's economic reforms after former Communist leaders gained electoral control in the Russian legislature. This event required the United States to bolster those proreform forces, but Mr. Talbott disparaged those forces. This area of the world is very sensitive and I hope that we will not make that kind of mistake again.

I have mentioned just a few things that Mr. Talbott has written. There is much more we could say. I just feel like he is the wrong person at this time for this particular position, Deputy Secretary of State. He is one step away from being the Secretary of State. He does not have the management experience he needs for the job and his writings certainly bring into question his judgment. I urge my colleagues today to vote against this nominee.

I thank the Senator again, the chairman of the committee, for yielding me that time. I yield the floor at this time.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Ohio be recognized to speak as in morning business but that the time relating thereto be charged against the Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO THE FEDERAL COMMUNICATIONS COMMISSION

Mr. METZENBAUM. Mr. President, first, permit me to express my appreciation to the manager of the Talbott nomination for allowing me to have this time.

I speak on a totally different subject. I come to the floor to congratulate the Federal Communications Commission for ordering a further reduction in cable rates. But I warn all cable consumers that you will not see that reduction unless you or a local official in your community file a formal complaint with the FCC quickly.

The FCC today did deliver very good news to cable customers. It ordered an additional 7 percent reduction in cable rates, added to the 10 percent already ordered. That is good news and the FCC is to be commended. The reason for this action is that not enough Americans saw the promised decreases in their cable bills after the 1992 Cable Act became law. As a matter of fact, too many of them saw increases. They were supposed to get decreases; they got increases. Too many cable companies looked for and found loopholes in the Cable Act and used those loopholes to raise the cost of cable service.

So today the FCC did something about it: It modified its rules governing the regulation of cable television service under the 1992 Cable Act to close those loopholes and make sure that all Americans get the rate reduction we, in Congress, promised. I applaud the FCC's action to date. As a matter of fact, earlier on, I had spoken with both Chairman Reed Hunt and Commissioner Quello and am pleased that the Commission took these steps. It was in the public's interest.

I told the Chairman and Commissioner Quello that many of us believe that the cable companies actually are overcharging by as much as 28 percent, and I expressed my hope that the FCC would consider additional reductions in the future.

However, I rise today to alert my colleagues and consumers nationwide: These rate reductions will not go into effect unless cable subscribers or local officials file a complaint form at the FCC on or before February 28.

The FCC has acted, but unless a formal complaint is filed by individuals or by the mayors of the respective cities throughout the country, those communities will not get the benefit of the FCC's action.

Today's FCC decision will not bring cable rates down automatically. Cities must certify that their local cable monopolies should be regulated and local officials or cable subscribers must file a complaint alleging that cable prices are unreasonably high, and they must be filed with the FCC.

Last week, I wrote to the mayors of the 200 largest cities in the country and mayors throughout my State of Ohio to urge them to file their complaints before the February 28 deadline. I included complaint forms in my letters to mayors nationwide. But anyone watching today on C-SPAN or reading the morning papers, can take action by themselves by contacting your local mayor or the FCC directly. Contact officials in your community. Make sure what they have to do to meet that fast-approaching filing deadline.

To the best of my recollection, I cannot think of anything similar to this in my public or private life: an instance where individuals or a community must act before a certain date, or a rate reduction to which they are entitled will be foreclosed. But that is the way it is. If complaint forms are not filed next week for your community, you may not receive the full range of cable rate reductions you deserve, and as we in Congress promised.

I say to my colleagues, let those in your communities know, let them know that these rate reductions are available, but that they will not come about unless the formal complaint is filed.

I hope that cable subscribers who are watching the Senate's deliberations and who believe they are being overcharged for their cable service will immediately check with officials in their communities to ensure that a certification form has been completed and a complaint has been filed on their behalf. It would be a horrible shame if consumers who deserve the 17 percent rate reductions that the FCC now promises are denied relief simply because their city did not file a timely complaint.

Mr. President, I ask unanimous consent that a copy of my letter to one of the mayors be printed in the RECORD, as well as a copy of the complaint form that should be used by the mayors of this country in filing a complaint.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 15, 1994.

Hon. RICHARD WATKINS,
Mayor, Canton, OH.

DEAR MAYOR WATKINS: I am writing to alert you to a fast-approaching filing deadline in the 1992 Cable Act that triggers potential rate reductions for all cable subscribers in your community. If complaint forms are not filed in the next two weeks, citizens in your community may not receive cable rate reductions that they deserve.

Through its implementation of the Cable Act, the Federal Communications Commission (FCC) has determined that cable rates are at least 10 to 15 percent above a "reasonable" level and should therefore be reduced. Many telephone companies and consumer groups claim cable rates should be reduced 28 percent, and the FCC is still considering making deeper cuts in rates.

However, none of these rate reductions are self-executing. Local officials must certify to the FCC that their cable company is a monopoly charging unreasonably high basic rates. In addition, "expanded basis" service and all other non-basic tiers of service can only be regulated if subscribers or local officials file a timely complaint with the FCC, alleging that rates are unreasonable.

Under the Cable Act, if complaints are not filed by the end of February (i.e., 180 Days after the FCC regulations took effect), consumers and local officials will not be able to demand or receive the rate reductions that the FCC has determined are necessary to bring "cable programming service" rates down to a reasonable level (see attached Washington Post Article). I am concerned that many local officials and consumers are unaware of this deadline and will, as a result, be denied rate reductions they deserve.

If you believe that citizens in your community are being charged unreasonably high cable rates, I urge you to preserve their right to a potentially substantial rate reduction by completing and filing the enclosed complaint form with your cable company and the FCC.

Very sincerely yours,
HOWARD M. METZENBAUM,
U.S. Senator.

[Federal Communications Commission
Washington, DC]

CABLE PROGRAMMING SERVICE RATE COMPLAINT FORM

(Please read the attached instructions before completing this form)

1. Your name; street address; city; State; Zip code; daytime phone number (optional).

2. Franchising authority name; street address; city; State; Zip code. The name of your franchising authority should appear on your cable bill. If not, contact your cable company or local government for this information.

3. Cable system name; street address; city; State; Zip code. If you are complaining about the rates charged by more than one cable system, you must complete and file a separate system, you must complete and file a separate FCC Form 329 for each system.

4. What is the FCC's community unit identifier for your cable system? This is a two letter abbreviation followed by four numbers—for example, PA0000—that should appear on your cable bill. If it does not, leave this space blank.

5. Have you previously filed a complaint against this cable system? Yes; No; month, day, year.

If yes, was your complaint returned to you by the FCC with a request for additional information? Yes; No; month, day, year.

6. A rate increase may occur when your cable company increases the price for your cable programming service and/or changes the number or types of channels you receive. Complaints about rate increases for cable programming services or related equipment must be received by the FCC within 45 days from the date you first received a bill showing the rate increase. (There is one exception to this rule. if you are challenging a rate that was in effect on September 1, 1993, you have until February 28, 1994 to file a complaint about that rate.) Late-filed complaints will be returned and your cable company will not be required to file a response to your complaint, so be sure to file your complaint within 45 days of the first time your bill includes the rate increase.

When did you first receive a bill reflecting the rate increase you are complaining about? (If you are complaining about a rate in effect on September 1, 1993, please enter "9/1/93" in this box.) Month, day, year.

7. What is your current monthly rate for cable programming service?

If you are complaining about a rate increase, what was your previous monthly rate for cable programming service?

8. Have any channels been added to or dropped from your cable programming service since your last bill?

a. Yes, channels have been added
b. Yes, channels have been dropped
c. No, there has been no change

9. If you are a cable subscriber, you must attach a copy of your current cable bill or we will not be able to process your complaint. You may attach a copy of your previous cable bill as well; however, this is not required.

10. You may attach any additional comments or explanations to this form.

11. You must send copies of this complaint, your cable bill and any additional comments to your cable company and to your local franchising authority at the addresses you listed above by first class mail, postage prepaid, on the same data you sent this complaint to the FCC. if you do not send the copies, your cable company will not be required to respond and we will not be able to process your complaint.

On what date did you send the copies? Month, day, year.

12. By signing this form, I certify:

a. That to the best of my knowledge, the information supplied on this form is true and correct; and

b. That I am sending a copy of this complaint, including a copy of my cable bill and any additional comments, to the cable company and the local franchising authority at the address listed above via first class mail, postage prepaid.

This form must be signed or we will not be able to process your complaint. Signature, date.

13. Mail or FAX the original signed copy of this completed form, with a copy of your cable bill and any additional comments, to: Federal Communications Commission, Attention: Cable Programming Service Rate Complaint P.O. Box 18958 Washington, D.C. 20036. FAX Number: (202) 416-0885 (For FCC Form 329 only).

Remember also to mail copies of the form, with a copy of your cable bill and any additional comments, to your cable company and your local franchising authority.

Your participation is critical to the implementation of the Cable Act.

FCC 329—CABLE PROGRAMMING SERVICE RATE COMPLAINT FORM INSTRUCTIONS

The Federal Communications Commission (FCC) investigates the reasonableness of rates for cable programming service based on complaints filed by subscribers and local and state governments. By filing this form, you begin an investigation of your cable system's rate for cable programming service. Therefore, your participation is critical to the enforcement of the FCC's cable rate regulations.

Please read the following information before completing the attached Cable Programming Service Rate Complaint Form.

WHO REGULATES CABLE RATES?

When you subscribe to cable television, your cable system offers you the option of choosing from among different programming packages. Some packages are regulated by the FCC and others by your local franchising authority.

The Federal Communications Commission is the federal administrative agency charged with regulating communications by radio, television wire, satellite and cable.

A franchising authority is the local municipal, county or other government organization that regulates your cable television service at the state or local level. The name of your local franchising authority should be on the front or back of your current cable bill. If the information is not on your bill, contact your cable company or your local government.

WHAT DO LOCAL FRANCHISING AUTHORITIES REGULATE?

In most instances, your local franchising authority is responsible for regulating:

Rates for basic cable service, equipment used to receive basic cable service, and installation and service charges related to basic service. The term "basic service" refers to the lowest level of cable service you can buy, and is the program package that includes signals from local television stations (such as ABC, NBC and CBS affiliates and independent television stations) and public, educational and governmental access channels. Your cable system may use other terms to describe this service.

Customer service—for instance, complaints about bills, a cable system's response to inquiries about signal quality and a cable system's response to service requests.

Franchise fees—the fees paid by the cable system to the franchising authority for the right to offer cable service.

You should contact your local franchising authority if you believe your rates for basic service related equipment or installation are unreasonable. Your local franchising authority will tell you if it is not responsible for regulating these rates.

You should contact your local franchising authority, and not the FCC, with complaints regarding customer service and franchise fees.

WHAT CABLE RATES DOES THE FCC REGULATE?

The FCC regulates the rates you pay for certain programming that the FCC refers to as cable programming service. "Cable programming service" includes all program channels on your cable system that are not included in basic service and are not separately offered as pay-per-channel programming or pay-per-program services.

The FCC also regulates rates for equipment used solely to receive cable programming service and installation and service charges related solely to cable programming service. However, since most equipment used to receive cable programming service is also used to receive basic service, equipment complaints should generally be directed to your local franchising authority.

ARE THERE SOME RATES THAT NEITHER THE FCC NOR LOCAL FRANCHISING AUTHORITIES REGULATE?

Yes. Neither the FCC nor your local franchising authority regulates rates for pay-per-channel programming (for instance, a premium movie channel such as HBO or Showtime) and pay-per-program services (for instance, pay-per-view sports events). Therefore, you should not file a complaint about these services with the FCC or your local franchising authority.

WHO SHOULD FILL OUT THIS FORM?

You should fill out this form and submit it to the FCC if you are a cable subscriber wishing to file a complaint with the FCC about rates for cable programming service, related equipment or installation. Franchising authorities and other relevant state or local governments may also sue this form to file a complaint with the FCC about rates for cable programming service, related equipment or installation.

HOW DOES THE COMPLAINT PROCESS WORK?

Your complaint begins a legal process that requires your cable company to demonstrate that its rates are reasonable under the law.

The FCC requires your cable company to respond in writing to your complaint within thirty days of the date you file your complaint, unless your cable company is notified by the FCC that your complaint cannot be processed. In its response, your cable company must show that its rates are reasonable under the law. The cable company must provide you with a copy of its response. The FCC will examine the information submitted by the cable company and determine whether its rates for cable programming service are too high. If so, the FCC may order a refund and/or a rate reduction for the cable programming service. You and the franchising authority will receive a copy of the FCC's final ruling on the reasonableness of the cable programming service rate charged by your cable company.

Your complaint will be maintained by the FCC under the cable company's community unit identifier, which is a number assigned to each cable system by the FCC administrative purposes. This number should appear on your cable bill. Your complaint will not be filed under your name. If you have a question concerning the status of your complaint, you may call (202) 416-0919. Please be prepared to tell us the name of the cable system and the name of the community where the cable system is located.

HOW TO FILL OUT THIS FORM

1. You should use this form only to complain about rates for cable programming service, related equipment or installation, as described above.

2. In order to complete this form, you will need a copy of your current cable bill and the name and address of your local franchising authority. The name and address of your local franchising authority should appear on the front or back of your cable bill. If it does not, you must contact your cable company or your local government to obtain this information. We cannot process your complaint unless you include this information!

3. You may ask your local franchising authority for assistance in filling out this form. You may also attach a statement from your local franchising authority describing its views about the cable programming service rate in question. However, this is not a requirement.

4. Please fill in all information requested on this form. If you do not do so, we may not be able to process your complaint.

5. By submitting this form, you are stating your belief that your cable company's rates for your cable programming service, related equipment or installation are unreasonable.

6. If you have any questions about how to fill out this form, you may call the FCC at (202) 416-0902.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine the reasonableness of a cable company's rates. In reaching that determination, or for law enforcement purposes, it may become necessary to provide personal information contained in this form to another government agency. All information provided in this form will be available for public inspection. Your response is required to initiate and pursue your complaint.

Public reporting burden for this collection of information is estimated to average 45 minutes including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0549), Washington, DC 20503. Do *not* send completed form to these addresses.

The foregoing notice is required by the Privacy Act of 1974, P.L. 93-579, December 31, 1975, 5 U.S.C. 522(A)(e)(3) and the Paperwork Reduction Act of 1980, P.L. 96-511, December 11, 1980, 44 U.S.C. 3507.

Mr. METZENBAUM. Mr. President, I yield back the remainder of my time. I express to my colleague and friend from Rhode Island my appreciation for his making time available to me.

Mr. PELL. I thank the Senator from Ohio.

NOMINATION OF STROBE TALBOTT TO BE DEPUTY SECRETARY OF STATE

The Senate continued with the nomination.

Mr. PELL. Mr. President, I should like to read into the record a couple of sentences here that show Strobe Talbott's feelings about Israel. He says:

> The wisdom of the United States' original sponsorship of Israel has been vindicated many times in many ways, by the sturdiness and vitality of Israeli democracy as well as by the richness of Israeli artistic and intellectual life. As a culture, a society and a polity—as hospitable if sometimes overheated environment for the thriving of Western values—Israel has been a credit to itself and to its American benefactors.

In reading some of the material that we have all had a chance to look at these past days, one finds real sympathy, empathy for Israel, and it certainly denies the canard that there are any anti-Semitic feelings in Mr. Talbott.

Mr. COHEN. Mr. President, the nominee being considered by the Senate is a man of great intellect and significant accomplishment. From his selection as a young man to be a Rhodes scholar to his debut as a young scholar translating Khrushchev's memoirs to his well-sourced books on arms control and the Reagan administration, Mr. Talbott has been an overachiever.

At the same time, we have heard today a number of questions raised about the views that Mr. Talbott has expressed over the years concerning the Soviet Union, Israel, and other matters.

I want to join my colleagues in expressing concern about many of the statements Mr. Talbott has made, in writing. While Mr. Talbott's advocates argue that some of his most egregious statements were made more than a decade ago and he has since matured in his understanding and views, many of these writings are quite recent.

In the fall of 1990, as Saddam Hussein sought to link any effort to reverse his invasion of Kuwait with efforts to resolve the fate of the Israeli occupied territories, Mr. Talbott compared Israel's policies with those of Saddam, writing that "Israel's policy today does indeed have something in common with Iraq's."

In 1991, he compared the United States-led international effort to expel Iraqi troops from Kuwait with Russian troops' attacks in Lithuania. "There was a bizarre similarity," Mr. Talbott wrote, "between what Gorbachev and Bush felt compelled to do last week. Each was resorting to the use of force in the name of law and order."

The only thing bizarre was that Mr. Talbott "felt compelled to" compare rather than contrast these decidedly different events, which were expressions of totally contradictory concepts of law and order. One could just as well compare President Eisenhower's sending troops to Little Rock to protect schoolchildren to Bull Connors' sending his troopers to assault civil rights marchers in Birmingham—each was resorting to the use of force in the name of law and order.

According to Henry Kissinger, writing in a recent article in the Washington Post, Mr. Talbott and the Clinton administration have "elevated the radical critique of cold war policies into the operational premises of contemporary American foreign policy."

"For nearly half a century," Kissinger writes, "that critique had maintained that Soviet policies were as much caused by American policies as by Communist ideology; that the Soviet Government was divided, just as the American Government was, between hawks and doves; that it was the task of American diplomacy to ease Soviet fears, many of which were quite legitimate." This critique was rehashed, Dr. Kissinger notes, in Mr. Talbott's article in the 1990 Time magazine issue naming the Soviet Union's last Communist leader, Mikhail Gorbachev, as Man of the Decade.

In that article, Mr. Talbott stated that there was a growing consensus not only that the Soviet threat was diminished from what it had been in the past, but also that it had never been so great in the first place.

In fact, the information that has come to light in recent years leads to exactly the opposite conclusion, namely that the Soviet Union was far better prepared for war than we estimated and very serious about waging war in Western Europe. To cite a few examples:

In East Germany, the Soviets had stocked occupation currency and Cyrillic road signs for Western European cities.

Their stocks of ammunition and other war material in the GDR were much larger than we had estimated.

They had climate-controlled tank shelters in the GDR so that armored equipment would be ready to go to war on a few hours notice, rather than the days or weeks we estimated.

They had operational maneuver groups for rapid, deep penetration of Western Europe and encirclement of NATO troops. When U.S. Government analysts warned of such units in the 1980's, liberal Western analysts dismissed this as baseless paranoia.

Their nuclear arsenal, according to the Russian Minister of Atomic Energy, was some 45,000 weapons, far higher than publicly estimated by anyone in the West save for Caspar Weinberger.

Contrary to Mr. Talbott's contention that it was the doves who were right during the cold war, it was Ronald Reagan who campaigned on the platform that Russia was on the edge of fiscal crisis and could not afford to engage us in an arms race.

While Mr. Talbott may have changed his views on Israel, as he announced during his confirmation hearings, it appears that he has not altered his views toward Moscow.

At a hearing last October before the House Foreign Affairs Committee, Chairman HAMILTON questioned Mr. Talbott about "Russia's move to reassert its influence and power in the various regions of the former Soviet Union." In a remarkable response, Mr. Talbott stated that "We are not yet prepared to characterize the situation in precisely those terms, Mr. Chairman. I would put it like this: There is unquestionably a good deal of disorder, tension, conflict, ethnic conflict and otherwise, around the periphery of the old U.S.S.R."

This neutral statement, like Mr. Talbott's statement that Gorbachev "felt compelled" to use military force to attack Lithuanians, may be the epitome of diplomacy to some. But, besides being free of judgment and values, they also are devoid of factual context as they also contradict the undeniable fact that, as Chairman HAMILTON stated, Russia has moved to reassert its influence and power in the former Soviet Union.

After receiving this response from Mr. Talbott, Chairman HAMILTON began to sharply question him about specific cases of Russian military intervention in its neighbors, beginning with Georgia. Mr. Talbott testified that "while there were problems from time to time, we did not, at any point, feel that those problems were part of a pattern suggesting that the Moscow leadership itself was conducting a mischievous foreign policy toward Georgia." "It was," he said, "a mixed picture and very complicated."

This was less than 2 weeks after Moscow had manipulated the situation in Georgia, first fighting on the side of a rebellious Province of Georgia and then offering to come to the rescue of the Georgian Government, but only for a price. The price was for Georgia to join the Commonwealth of Independent States, one of the principle mechanisms by which Moscow is reasserting its influence and power in the other Republics of the former Soviet Union.

Even more disturbing than his testimony is the fact that it has been translated into the administration's policy. During the Moscow summit last month, President Clinton compared Russian military intervention in the so-called near abroad to United States operations in Panama and Grenada and other places near our area. The President specifically cited Russian intervention in Georgia as stabilizing.

One columnist has termed this policy the Clinton doctrine, but it could more accurately be described as the Talbott doctrine. And clearly in response to the President's enunciation of this Talbott doctrine, shortly after the summit, Russian Foreign Minister Kozyrev affirmed Russia's intent to reestablish a "sphere of Russian interest." "We should not fear the words," he declared, although Russia's neighbors might have another view.

Concerned by the administration's failure to speak out against Russian intervention in the other States of the former Soviet Union, last fall Congress adopted an amendment conditioning continued aid to Russia on its respecting the territorial integrity and sovereignty of its neighbors. In its December 1993 report justifying continuation of aid despite these statutory conditions, the State Department argued that the situation was complex and that it was not possible to draw conclusions. As special adviser to the Secretary of State for the New Independent States, Mr. Talbott presumably had a major hand in this report, which mirrors his October testimony.

I would merely point out that this State Department report is at odds with more than one intelligence community report which did draw conclusions. This is not to say that aid should necessarily have been cut off. But it does raise questions about the State Department and the administration's policy on these matters and about those who crafted those policies.

Republicans, I would point out, are not the only ones questioning Mr. Talbott's policies. Democratic Senators have questioned the coherence and management of our aid programs to the former Soviet Union, for which Mr. Talbott has been responsible.

And even more telling, Mr. Talbott's policies have been attacked by Russian reformers, the very people who were supposed to be the beneficiaries of America's Russian policy. Referring to the terribly damaging effect that resulted from Mr. Talbott's infamous remark last December that Russia needed "less shock and more therapy," Russian Finance Minister Boris Fyodorov declared that Russian reformers had been "stabbed in the back" by Mr. Talbott.

During its consideration of the State Department authorization bill last month, the Senate adopted several amendments to address administration policy mistakes in which Mr. Talbott has been involved, including the issues of NATO expansion and Russian military intervention in its neighbors. We can continue to pass legislation in an effort to ameliorate mistaken administration policies. Or we can take actions to dissuade the administration from adopting such mistaken policies in the first place.

The later course obviously makes more sense, and defeating this nomination would be a step toward that end.

While I have generally given Presidents great deference in making appointments to their administrations, Mr. Talbott's nomination is far from a routine case. I believe that the policies crafted by Mr. Talbott in his position as ambassador at large have had the consequence of weakening Russian reformers, encouraging Russians with imperial ambitions, and shaking our friends in East-Central Europe.

Ordinarily, I offer great deference to Presidential nominees. My vote should not be construed to mean that Mr. Talbott lacks the qualifications to serve in this high post. It is, rather, a protest over the policies that have been developed and pursued.

In this case, the vote may only be symbolic, but it is one I nevertheless believe should be cast.

Mr. President I ask unanimous consent that several articles be printed in the RECORD related to some of the matters I have discussed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 26, 1994]

TOWARD THE BREZHNEV DOCTRINE

(By Paul A. Goble)

Today much attention will be focused on last night's State of the Union message, with emphasis no doubt falling on domestic issues—President Clinton's favorites. But the president's foreign agenda should not be forgotten. His concessions to Russian sensibilities at his meetings in Brussels and Moscow earlier this month threaten to strengthen rather than reduce the division of Europe and to lead to a regime in Russia that could ignite a new cold war.

In past weeks, the president has done destructive work. By refusing to extend NATO membership east, out of concern that it would undermine Boris Yeltsin. Mr. Clinton has in fact signaled that there are still two Europes, not one. And by acquiescing to Russian demands that Moscow be allowed to intervene militarily in the former Soviet republics in the guise of "peacekeeping," he has set in motion pressures that will preclude stability in the region and the establishment of Russian democracy, and he has set the stage for renewed Russian-American competition.

If the first of these actions has been much discussed, the second—especially its implications for Russia's neighbors, for Russia itself and for us—has been largely ignored. But, in fact, it is likely to have even more fateful implications. Of course, no one would dispute that Russia has legitimate interests in these countries that should be taken into account. But we should not concede to Russia a right to behave toward its neighbors in ways that we would not allow any other country to get away with.

Indeed, Russian claims of a right to intervene in former Soviet "space" represent, as it were, a revival of the Brezhnev Doctrine, the notion that the Soviet state had the right to intervene in any socialist country to defend the status quo. These days, virtually everyone recognizes that this doctrine was harmful not only for Eastern Europe but for the Soviet Union as well. Yet similarities in the current scenario have not been understood by President Clinton or his advisers.

Instead, Mr. Clinton, Strobe Talbott (the president's nominee for deputy secretary of state and currently a State Department special adviser), and the U.S. ambassador in Moscow, Thomas Pickering, have characterized Russian military involvement in these countries as "stabilizing." This even when Russian force has been used to seize territory or overthrow governments. Moreover, they have failed to respond to Russian Foreign Minister Andrei Kozyrev's demands that Russia have the right to send "peacekeepers" into all former Soviet republics and that the international community pay for this. Mr. Kozyrev, incidentally, made this claim not only in a private meeting that the Russian government has denied—to the relief of Washington—but in a Jan. 14 article in the Russian army newspaper.

As this newspaper's European edition reported early this month. Mr. Clinton is prepared to be extremely solicitous to Russian insistence on this point. When pressed by his advisers to urge restraint on the Kremlin, Mr. Clinton responded that "you are right on the policy" but went on to say that everyone must "understand" what the Russians are going through.

Call for "understanding" are fine, but they miss the point. Precisely because the states of the former Soviet Union were so integrated in the past and because there are not only 25 million Russians living outside the Russian Federation but also 35 million non-Russians living outside their home territories, the divorce between Russia and such states as the Baltics needs to be clean and nonviolent. Unless that happens, and unless we and the rest of the international community insist that Russia behave as we would expect others to behave, the risks are all too great that the situation will spiral out of control and that we will see the restoration of a single entity unstable within and hostile to us abroad.

The first victims will be the non-Russian states. Russian pressure on the 14 new countries is already creating a disaster: First, it is undermining the legitimacy of these governments in the eyes of their own populations, thus reducing still further their ability to manage the difficult transitions we are urging on them. Second, it is leading to the birth of anti-Russian nationalism among these populations. When the Soviet Union collapsed, there were virtually no physical attacks on Russians. Now, there are likely to be, which will make Russian military intervention more likely, not less. Our failure to oppose Russian military intervention absolutely is reducing our influence in many of these countries because their populations increasingly view us as assisting the Russian reconquest.

The next victim is Russia itself. A newly militaristic Russia will mean that Russia will have to maintain a larger defense sector in order to control the situation and that the military will have a larger say in what goes on. Both these things will make the transition to a market economy and a democracy far more difficult. But the change also means that Russians will not have to come to terms with their own place in the world, with the fact that Russia should become a country, not a cause. The strong showing of Vladimir Zhirinovsky is a symptom of this, not its source, as so many in the administration seem to think.

But the final victims will be Europe and the U.S. and the hopes for peace and prosperity in the future. Just as a liberal and friendly Soviet Union proved to be a contradiction in terms, so too will be a "liberal" Russian empire pursuing what its defenders in Moscow and the West see as a benign "Monroeski Doctrine." In short, by catering to Russian sensitivities, we are not doing anyone any favors—not the non-Russians, not Russia itself and certainly not ourselves.

[From the Washington Post, Jan. 21, 1994]

PERMISSION FOR KREMLIN INTERVENTION

(By Stephen S. Rosenfeld)

In Moscow, Bill Clinton pretty much handed off to Russia the task of policing the unrest in the borderlands that formerly were part of the Soviet Union. Boris Yeltsin had asked the United Nations for just such a grant of "special powers." Clinton enunciated a kind of Clinton doctrine, one applying not to restrictive standards for American intervention but to permissive standards for Russian intervention.

He characterized Russia's involvement in Georgia—where in fact the Russian army first contributed to and then exploited the local government's duress—as "stabilizing." He went on to liken Russian involvement in such operations to American involvement in Panama and Grenada "and other places near our area."

Two standards were specified: Intervention must be consistent with international law, and when possible it must be supported by other nations through the United Nations or otherwise. But Clinton then offered a broad blanket dispensation for cases where the demise of totalitarian rule uncorked old conflicts; this can be read to apply to almost every little war in the Russian "near abroad."

The striking aspect of this pronouncement is, of course, that Clinton is so much more clear and forthright about Russia's intervention in situations of strife near its borders than he is about America's intervention in situations of strife far from its own borders.

No less striking, he is making a gesture of great deference to Yeltsin. The Russian president is under growing pressure from the nationalist right to conduct a vigorous and interventionist Russian foreign policy.

Already Secretary of State Warren Christopher had observed that the countries of the former Soviet Union were "a long, long ways from the United States" and that Russia could act to guarantee regional stability if it respected "international norms."

Little wonder, then, that days after a beaming Clinton came home from Moscow, Yeltsin's foreign minister—and he is one of the good guys—fudged an earlier pledge to pull all troops out of the Baltics. Openly he enunciated a claim to reestablish a traditional "sphere of Russian interest" ("we should not fear the words") in the newly independent states created out of the former Soviet Union.

This from a man—Andrei Kozyrev—who a year ago was himself cautioning of a comeback by those with a "fascist ideology" and with "a grand vision of restoring Russia in its grandeur to the borders of the former U.S.S.R."

Let us stipulate that it comes naturally to a country with a long geopolitical reach (the United States) or an old imperial habit (Russia) to assign neighborhood intervention rights to the metropolitan power. Set aside the modest irony of a somewhat liberal American president embracing the Reagan-Bush interventions in Grenada and Panama. Set aside as well the painful irony of the lapse of the American interventionist urge in present-day Haiti. Policing what is, whatever it is called, a sphere of interest is a familiar geopolitical chore and far from an inherently reprehensible one.

What President Clinton failed to fold into his remarks in Moscow, however, is the potential dark side of the current Russian interventionist trend. Researchers Fiona Hill and Pamela Jewett spell it out in a new Kennedy School paper "Back in the USSR." Moscow, pretending to good deeds, is exploiting regional conflicts to destabilize its neighbors and reestablish its own authority, they say; Washington is "acquiescing in the de facto reconstitution of the USSR by turning its head."

That strikes me as an exaggerated or at least premature conclusion. But it is no more exaggerated than the Clinton premise that Russian interventionism is essentially a civilizing force.

The Clinton view skips past the fact that the Russian army is moving not in the relatively settled geopolitical conditions of Central America and the Caribbean but in an anything-can-happen context where no rules reliably apply. Here civilian Russian nationalism is compounded by a headstrong Russian army's desperate quest for institutional survival.

Russia's policy in the near abroad is becoming more evident and more unsettling. Clinton's responses are going to have to be sharpened. His commitment to Yeltsin cannot be allowed to extend to the point where the United States becomes by default a party to the reconstruction of the Russian empire. Clinton's approach to many tough foreign policy dilemmas is to talk out loud about them. Let him broaden his public address to this one.

[From the Washington Post, Nov. 26, 1993]

AN EARLIER TILT TOWARD MOSCOW

(By Stephen S. Rosenfeld)

A Yale graduate student's obscure journal article on World War II diplomacy is sending ripples through Washington. It is conveying an immensely damaging blow to the reputation of a lion of the American establishment and casting a trace of a shadow over President Clinton's approach to the former Soviet empire.

History doctoral candidate William Larsh is the author of the article on then-ambassador to Moscow W. Averell Harriman's handling of the Polish question in 1943 and 1944. It was published in the "Eastern European Politics and Societies" journal of the University of California-Berkeley. The late enjoy's heretofore untapped personal papers are Larsh's principal source.

I respected the service of the former New York governor, Democratic presidential hopeful and longtime Washington policy maker, who died in 1986. I was saddened by this fuller disclosure of the American role, and his role, in Stalin's consummation of a Communist takeover in a nation whose liberation from Nazis was a principal Allied war aim.

Saddened and sickened. For what the new article argues is that Harriman "fundamentally" misread Stalin. He covertly negotiated replacing the recognized Polish government in exile with the Soviet dictator's Polish puppets.

Harriman was not without high purpose: to strengthen the U.S.-Soviet link at a time when the war against Germany and Japan was still going strong. His hope was that Stalin, having tended to Soviet security needs in the East European buffer zone, would let Poles run their own internal affairs. His method was to hide American diplomacy so as not to stir public opinion, especially among Polish Americans.

Only when the Red Army stood by and deliberately let the German army destroy the Poles' own forces, which had risen up to preempt Moscow's liberation of Warsaw, did Harriman begin to alter his sanguine outlook, the young scholar Larsh suggests. George Kennan wrote that this incident "shattered" Harriman, who would repeatedly deny his own daughter's allusion that he had suffered a near nervous breakdown because of it.

Harriman's chief, Franklin D. Roosevelt, evidently had to similar illusions about what Stalin had in mind for Eastern Europe. Harriman recorded this breathtaking note: "On one occasion in May [1944] the president had told me that he didn't care whether the countries bordering Russia became communized."

"At that time"—Harriman goes on—"I did not have a chance to indicate my views. * * *"

Later Harriman authorized historian Herbert Feis to write up his Moscow experiences. The Feis manuscript included "a sharply critical evaluation" of Harriman on Poland, Larsh says. Harriman never released it. "Perhaps," Larsh speculates, "it was decided to keep the Feis synopsis under lock and key because of the possible political ramifications—Sen. Joseph McCarthy's accusation, among others, that the Roosevelt administration had 'sold Eastern Europe down the river' should be kept in mind here."

The Harriman papers detail what Larsh describes as Washington's "wobbly and over-accommodating stance" toward Moscow in a key episode leading up to the Cold War. This new presentation undercuts recent "revisionist" histories attributing sinister anti-Soviet motives to Washington and is bound to deepen historical debate.

Political debate, too. Thanks in the first instance to Yale's publicity department, the Larsh study is becoming known within the Clinton administration. It is starting to touch the current updated form of the enduring Western question of how to deal with the weight of Moscow on the European scales.

Boris Yeltsin's Russia is vastly different from Joseph Stalin's Soviet Union. It isn't communist, and it has emergent democratic tendencies. But it also has resurgent nationalistic and imperialistic tendencies. I want to be careful not to exaggerate the threat. But today Poles and others in central Europe feel a tentative double chill. From the east, for instance, Yeltsin warns against East Europe's being taken into NATO. From the west, the United States offers what many Eastern Europeans perceive as insufficient concern for their exposure to Russia.

The NATO-membership issue is key, going to the ultimate security structure of the new Europe. The Clinton administration has its reasons not to invite new members in right now. First it wants to settle solidly on a new NATO mission; meanwhile it offers democratic Eastern Europeans a lesser "partnership."

But in dissenting circles inside the administration and elsewhere, the suspicion lingers that Washington is again tilting to Moscow at others' expense, this time to keep an embattled Yeltsin upright and moving forward. The new study of Harriman is a timely reminder of the perils still lying on the path to European security.

[From the Washington Post, Mar. 16, 1993]

Soviet Bloc Had Detailed Plan To Invade West Germany

(By Marc Fisher)

East German and Soviet planning for a military offensive against West Germany was so detailed and advanced that the communists had already made street signs for western cities, printed cash for their occupation government and built equipment to run eastern trains on western tracks, according to documents found by the German military.

Documents covering the period from the 1960s to the mid-1980s—as well as assault equipment found in the East German communist regime's huge underground storage facilities—have persuaded German military planners and historians that the Soviet Bloc not only seriously considered an assault but had achieved a far higher level of readiness than western intelligence had assumed.

"We have found that the National Peoples Army [East German military] made every necessary preparation to conquer and occupy the west, and especially West Germany," Vice Admiral Ulrich Weisser, chief of the planning staff for the German Bundeswehr, or armed forces, said in an interview. "Our officers were deeply impressed."

The preparations, which were regularly updated over the years, ranged from the trivial to the terrifying. East Germany's military and the Stasi secret police had printed up new street maps and signs for western cities. Koenigsalee, Dusseldorf's tony avenue of furs, jewels and designer fashions, was to be dubbed Karl Marx Allee.

When western officers took over eastern bases after East and West Germany reunited in 1990, they found more ammunition for the 160,000-man East German force than the Bundeswehr had for its 500,000 troops.

In the eastern town of Lehnin, less than 30 miles from West Berlin, the East German military had erected a mock western city in which East German and Soviet troops practiced for the invasion and street battles that would never happen. Now a collection of abandoned, shell-pocked buildings, the "city" of Scholzenslust included a school, bank, courthouse, bar, hotel, rail station and subway entrances. Until the Bundeswehr took control of the area, bands of neo-Nazi teenagers would sneak into the town for weekend training shoot-ups.

The East German documents now being studied by the German military and German historians indicate that western analysis of Soviet and East German military planning may have underestimated the bloc's capabilities. Not only did the Warsaw Pact nations have elaborate plans for taking over West Germany, but they had logistical resources well beyond what western intelligence had reported.

If a combined East German and Soviet force had moved to conquer West Berlin and West Germany according to plan, the west would have been initially "outmanned, outarmed and overwhelmed," Weisser said. "The operational planning was far more advanced than anything our intelligence had envisioned. The National Peoples Army was designed to invade within hours of a political decision."

Although historians have been inclined to take the blueprints for the takeover of the west with a considerable portion of salt, the East German stockpiles and other physical evidence indicate a capacity well beyond anything the west had expected.

"We found cellars full of cash that they had printed up for immediate distribution in a West Germany controlled by an occupation government," said Heinrich Weisse, the Bundeswehr's deputy planning chief. "They had already made up medals, complete with designations for their officers who performed well in the conquering of the west."

In vast cellars previously unknown to the west, according to officials, the East Germans kept huge arsenals, including weapons, vehicles and railroad equipment that would have allowed East German rolling stock to be used immediately on West German rails, which were built to different standards.

As dreary and dilapidated as western officers found East German and Soviet bases in East Germany to be after reunification, there was a clear distinction between the communists' care of their soldiers and their maintenance of the vehicles and equipment that would be needed to invade the west.

"The soldiers had to live in an infrastructure that was left unrenovated for more than five decades," Weisser said. "But the tanks were kept in the best shape in warmed holding areas so they could be started up immediately."

As late as 1985, according to Stasi documents examined by Berlin historian Otto Wenzel, the East German secret police prepared a detailed plan for the takeover of West Berlin. The plan, written for a deputy of Stasi chief Erich Mielke, described the creation of 12 neighborhood administrative offices for West Berlin and laid out a battle plan for the Soviet forces and East German army, border police and local police who would storm through the Berlin Wall.

On "Day X," as the plan called the day of invasion, specific units were assigned to tasks such as capturing U.S., British and French military bases in West Berlin, shutting down airports and taking over the city's radio and TV stations, newspapers, museums, telephone switching stations, churches and universities.

In all, the plan envisioned 32,000 communist troops invading a West Berlin that would be defended by 12,000 allied forces and local police.

The plan, written in coordination with Soviet officers in East Berlin, called for the Soviets to capture and hold the city's most important symbols—the Brandenburg Gate and the Reichstag legislature building, which the Soviets had liberated from Nazi Germany at the end of World War II.

Wenzel, writing in the Frankfurter Allgemeine newspaper, said there are indications that the communists had prepared lists of West Berliners—intelligence agents, police, politicians, journalists and scientists with access to technological secrets—who were to be arrested to prevent them from leading opposition to the invasion. No such lists have been found to date in the East German archives.

[From the Agence France Presse, Aug. 3, 1991]

CONFIRMED: WARSAW PACT PLANNED NUCLEAR, CHEMICAL ONSLAUGHT ON WESTERN EUROPE

(By Richard Ingham)

Wheel to wheel, the massed armour of the Warsaw Pact launches its offensive against the rich lands of western Europe, knifing across the German plain towards the North Sea.

On day two the conflict goes nuclear, as Soviet commanders smash through North Atlantic Treaty Organisation (NATO) troop concentrations and then divide their forces.

Polish tanks swing north to capture the Danish peninsula, letting the Soviet Baltic fleet spring free into the Atlantic to ravage NATO convoys. Tens of Soviet and East German divisions wheel to the Southwest, towards Paris, Spain and Portugal, as NATO's forces crumble or retreat in disarray.

A nightmare scenario existing only in the minds of NATO planners? A Tom Clancy novel?

No: these were the Warsaw Pact's battle plans, seized by the western German military last October, when East Germany and its National People's Army (NVA) dissolved into the history books.

For NATO experts, the find is of immense historical value. It enables them to check their evaluations of the threat posed by the seven-nation Pact until it fell apart last year after the anti-Communist revolutions of 1989.

It also confirms their view, maintained over 40 years, that the Pact was offensive-based, in contrast to its propaganda image as a defensive organisation and to NATO's own strategy of defence and deterrence.

"The threat was very serious and very real," says Captain Walter Reichenmillar, a spokesman at the German Defence Ministry. "It was no 'Potemkin village' which we dressed up to alarm people."

"Tonnes" of secret documents, including maps, intelligence reports and exercise evaluations, were taken from eastern Germany after German unification and are now being sifted by experts, Reichenmillar said.

"We can only make a first appraisal at this stage," he said. "Later, we will put together a full report and make it public."

But some startling details have already leaked to the press:

As late as June 1990, eight months after the fall of the Berlin Wall, the NVA's 5th Army carried out joint exercises with the Soviet military that still rehearsed for a westward offensive in northern Germany.

The plan involved the use of chemical weapons and up to 87 nuclear warheads. And a similar wargame involving Soviet and East German generals was planned for September, less than a month before German unification.

The overall Soviet plan centered on a gigantic offensive from the "start line" of the inter-German border, sending hundreds of thousands of men and thousands of tanks on a 20-pronged blitzkrieg, advancing at an average of 50 kilometers (31 miles) per day.

Options included a widening of the front to the south, sending Czechoslovak, Hungarian and Soviet troops to seize Yugoslavia and northern Italy.

Each Pact member was responsible for seizing and occupying a certain area of land. The NVA, for instance, was tasked with administering West Germany after the victory: it even printed a mountain of "Besatzungsgeld" (occupation money) to replace the Deutsche mark. And it trained personnel, in advance, to manage "captured" installations such as airports and rail stations.

East German troops, up to a very senior level, were kept in the dark about NATO doctrine and troop strengths. Propaganda was reflected even in operational maps, which depicted NATO forces as poised offensively along the inter-German border, and in numbers far superior to reality.

Secrecy even extended to the overall Pact strategy, which the Soviet high command jealously kept from East German generals. But East German leader Erich Honecker was fully briefed by the Stasi intelligence service, which gave him accurate "eyes-only" reports unvarnished by propaganda.

Well-informed sources who have seen the documents say they contain little that surprises NATO except perhaps the Pact's readiness to use nuclear weapons.

"We now know that they were considered an operational weapon, something quite normal," a Bonn official said.

NATO's doctrine is to use its atomic arsenal as a last resort, to riposte to nuclear attack or a land offensive that could not be stopped by conventional means.

"What we've had confirms what we thought," said Henry Dodds, editor of Jane's Intelligence Review in London.

But he was disappointed that the documents relate primarily to the East German role and reveal little of what he called the "Soviet master plan."

"That one takes you all the way down to Gibraltar and up to the tip of Scotland," Dodds said. "It's pretty frightening."

Mr. DOMENICI. Mr. President, I would like to speak for a few minutes about the pending nomination of Strobe Talbott to be Deputy Secretary of State, and the confirmation 15 days ago of Tom Dine. In both cases, I will focus on the issue of United States assistance to Russia and Ukraine.

My own experience in directing a tiny part of our assistance toward new civilian roles for Soviet weapons scientists leads me to conclude that our assistance strategy is flawed and that its management needs overhauling. I have seldom encountered such entrenched and unimaginative attitudes as I found among the officials working for Ambassador Talbott and our Agency for International Development's NIS task force.

Adjustments are already underway. Ambassador Talbott's recent shift in tone and focus regarding United States relations with Russia is one instance. A new emphasis on assistance for Kazakhstan and Ukraine is another. These changes help, but it is clear that the President's long friendship with Talbott and reliance on his advice has left Talbott with too little time and energy to manage the foreign aid program.

The appointment of an experienced and decisive public figure such as Tom Dine to manage AID's efforts in the region is another sign that the administration now recognizes that it will be held fully accountable for the $5 billion that has been appropriated for the former Soviet Union.

The amount of American assistance to Russia and the newly liberated nations of Central and Eastern Europe will not, as some assert, determine their future. It is possible, however, that mismanagement of our aid programs over there by the Agency for International Development could shatter the reputation of the United States in the nations that we used to call the Soviet bloc.

The elevation of Ambassador Talbott to the position of Deputy Secretary of State is likely to make AID the major focus of accountability for assistance to Russia and Ukraine. The confirmation of Tom Dine as the AID official responsible for Russia and Ukraine may preclude a management disaster in the making and result in United States assistance being delivered more effectively. If the assistance programs already underway are not quickly brought under tight control and accountability, then Dine will surely have to answer for the scandals that will result.

The initial euphoria about the fall of the Berlin Wall and the end of communism is over now. The peoples of Russia and East Central Europe now realize that whatever dollars or D-marks that can be coaxed from Western purses will matter less than the evolution of their own civic traditions and economic strategies.

The imminent arrival of democracy and a market economy is currently the foundation of our assistance strategy in the region. Confusing ideals with reality, democracy, and a free market are the outcome we often anticipate, prematurely, as the inevitable result of each nation's evolution. Such confusion is a sure recipe for the waste of both billions of tax dollars, and a unique opportunity to reduce tension and promote trade.

Let me review the complex history of executive branch efforts to coordinate American assistance to Russia and Ukraine.

The Bush administration had failed to take the advice of myself and other Senators to designate a single individual to manage Russian aid on a Government-wide basis, so I was hopeful that the new administration was doing the right thing.

At one time, we were told that American financial and technical support for Russia, Ukraine, and their neighbors would be managed by the President's personal coordinator, Ambassador Strobe Talbott. That was not to be the case.

It became clear over the course of 1993 that no single individual was coordinating, much less managing our aid program in Russia. It was commonly assumed that Strobe Talbott was in charge. He took the title "Special Advisor to the Secretary of State on the New Independent States." As the President came to rely on Talbott for policy advice in many other areas, Talbott delegated much of his management role to others.

At the Department of State, two of Talbott's subordinates were designated as coordinators for specific functions. Our former Ambassador to Poland, Tom Simons, was named coordinator for United States Assistance to the New Independent States. Our former Deputy Chief of Mission in Moscow, James F. Collins, was named coordinator for Regional Affairs for the New Independent States. Collins is expected to assume Talbott's existing title and duties for assistance, although he is a career diplomat with none of Talbott's experience or access to the President.

Programs funded outside the foreign aid appropriations bill largely escaped Talbott's control. Elsewhere in the Department of State, in the Bureau of Political-Military Affairs, Elizabeth Verville is senior coordinator of Nuclear Safety and Science Centers in the NIS. At the Department of Defense, there is a cooperative threat reduction coordinator, Gloria Duffey, for the Nunn-Lugar program. Yet, many decisions on aid to Russia were relegated to the NIS Task Force at our Agency for International Development, chaired by Malcolm Butler, whose most recent assignment was in the Philippines.

The confirmation of Tom Dine as the AID official responsible for Russia and Ukraine brings a very different record and style of management to these programs. Tom has direct experience working overseas as a peace corps volunteer and leader in the Philippines, as well as a tour with our Embassy in India. He spent a decade working for Congress, including a period at the Budget Committee. As executive director of the American-Israel Public Affairs Committee, he presided over the growth of a remarkable grassroots expansion of that organization.

Dine's character is exceptional. It signals a bolder attitude toward management of assistance to Ukraine and Russia. When others arranged for medical deferments to avoid military service, he volunteered for 2 years in the Philippines between 1962 and 1964 as one of the early Peace Corps volunteers. He did this in the face of a physical disability that would have exempted him from any type of national service.

Dine's personal courage and willingness to dissent from conventional views was demonstrated on many occasions. As a senior Democratic congressional staffer, he broke with an incumbent President of his party to support Senator KENNEDY's bid for the Presidency in 1980. As executive director of AIPAC, Dine endorsed Middle East peace initiatives that were very unpopular with some of his members. In such instances he did what he thought was right at some risk to his career prospects.

I intend to vote in favor of Strobe Talbott's nomination as Deputy Secretary of State. I do this because I believe that each President enjoys the benefit of the doubt in his subcabinet appointments. My vote for his nomination today is for Deputy Secretary of State. Should Mr. Talbott be nominated for a Cabinet post, based on his record to date, I would be far less likely to support him.

Like my colleagues, I am troubled by aspects of Mr. Talbott's record. Like many journalists and academics specializing in Soviet matters, he has been wrong often. Unlike some, he has shown that he learns from his mistakes. He has been accessible to me in his current post, and willing to overturn the mistakes of his subordinates.

Finally, I reject the notion that opposition to this nomination violates someone's notion of a bipartisan foreign policy. Although Talbott himself has shown no undue partisanship in his dealings with me, others in the State Department have shown little reluctance to cut Republicans out of timely information. For the first time in my experience, this year the Department's basic budget data was released on a partisan basis. Any Member voting against this nomination is fully within his or her rights. There is no bipartisan foreign policy at this time.

Mr. MACK. Mr. President, the Constitution gives the Senate of the United States the responsibility and power to advise and consent upon the nomination of high Cabinet and subcabinet administration officials. Each Senator must decide how to exercise his or her advise or consent role. Generally, I believe that Senators should let the President choose his key advisors. I have voted to confirm almost every administration appointee, including many with whom I have important disagreements.

There comes a point, however, when the conscience and judgment of a Senator demands that he or she oppose a President's choice. As a Senator, I cannot vote in a way that I believe would jeopardize fundamental American national interests.

A number of my colleagues have spoken about Mr. Talbott's record of misguided foreign policy judgment over many years, and the Russia-focused policy that resulted in the denial of NATO membership to new democracies in central Europe. I share their concerns, but wish to focus on what in my judgment is the most serious threat to our fundamental interest—the willingness to jeopardize the security of the only free and democratic American ally in the Middle East, the State of Israel.

While speaking in glowing terms about an idealized Israel in the past, Mr. Talbott's writings, taken together, go beyond common criticisms to a systematic attack upon the foundations of America's close relationship with Israel. His views have been outside the American foreign policy consensus and in conflict with the policies of every American President over the past generation.

Strobe Talbott has blamed Israel in part for instability in the Arab world, for the Lebanese civil war, for undermining our relations with Europe and the Arab States and Third World, and for the spread of Soviet influence in the Middle East. He repeatedly compared Israel's settlements policy to the Saddam Hussein's invasion of Iraq. He has largely dismissed the strategic importance of the American-Israel alliance, suggested that Israel could become a net liability to the United States, and suggested cuts in military aid to Israel.

When asked to explain these views in his confirmation hearing, Ambassador Talbott dismissed his own writings as deviations from his real views in the heat of forensic and journalistic battle.

What does Ambassador Talbott mean when he says "in the heat of battle"? Does he mean he was so passionate about punishing a democratic ally for policies he disagreed with that he could not control himself?

Does he mean that he was highly irresponsible as a prominent journalist, but he would not be so as a top policymaker?

Does he mean that as a top Time magazine correspondent he used words sloppily, but he would not be so sloppy as a public official?

This is like Dr. Jekyll and Mr. Hyde. Mr. Hyde, the out-of-control journalist, transforms magically into Dr. Jekyll, the responsible public official. When Strobe Talbott is a journalist, he writes some of the most anti-Israel essays in any mainstream media. But what if he becomes Deputy Secretary of State? What assurance do we have that if there is a change in Israeli Government or policies that he won't turn back into Mr. Hyde?

Mr. Talbott says he no longer believes that the United States should cut military aid to Israel to punish Israel for actions taken to protect her security, such as the bombing of the Iraqi nuclear reactor. He said he no longer believes that Israel was "a dubious asset, on the way to becoming an outright liability." Why has he changed his mind?

At the confirmation hearing Mr. Talbott gave no explanation as to why he changed his mind, only that his former views were temporary aberrations from his core views. But this aberration continued from 1981 all the way to 1990, when Talbott applauded President Bush for linking loan guarantees for Israel to Israeli policy on settlements. The more the administration pressured Israel, the happier Strobe Talbott was.

Which is the true Strobe Talbott? The Strobe Talbott of a decade of essays in Time magazine or the Strobe Talbott of this week's confirmation hearings? This is what is called a confirmation conversion. It was not a convincing one for me.

Our foreign policy must be rooted in the principles of freedom, democracy, justice, and human rights. We cannot afford to have someone at or near the helm of the ship of state who will in the heat of the moment toss aside these principles to the detriment of our own interests and those of our key allies.

I would urge Members to focus on what is at stake here. This week's New Republic magazine cover story describes Ambassador Talbott as our next Secretary of State. This is not just a vote for Deputy Secretary of State, as important as that is. Strobe Talbott will be, from day 1, not a manager of the Department, but a surrogate Secretary of State. Second, there is good chance that someday he will be nominated to be Secretary of State himself.

If he is one day nominated to Secretary of State, it will be very difficult for Senators, who voted to confirm twice before, to vote against him on the third vote.

If you are a strong supporter of Israel's freedom security, and you believe that Strobe Talbott's conversion to such support is sincere, you should vote for him. But if you believe that as Secretary of State Strobe Talbott's passion for pressuring Israel will probably emerge—now is the time to vote against his nomination.

Now is the time to end an unequivocal signal that the Senate will reject the notion of an American Secretary of State who has, at best, an enormous blind spot when it comes to America's fundamental national interests in the Middle East, and in particular, our interest in a strong, secure, and free State of Israel.

Mr. COATS. Mr. President, today I will oppose the nomination of Strobe Talbott for Deputy Secretary of State. This is not a decision I make lightly nor one I make for solely philosophical differences. In general, I am disposed to give great deference to Presidential nominations.

However, I have serious reservations about Mr. Talbott serving in such a high policy position in the U.S. Government. There is no doubt that Ambassador Talbott is an intellectual with experience in foreign policy arena particularly in Russia. However, I have found that Mr. Talbott's judgment as expressed in numerous articles to be severely flawed. His opinions particularly on Israel and on the Soviet Union are disturbing. In his writings over the last decade he was remarkably shortsighted in his failure to recognize the importance of Israel to the security interests of the United States. He challenged every Reagan/Bush initiative which heralded us to successfully triumph over the Soviet threat.

Today, Ambassador Talbott says that he believes the breakup of the Soviet Union was inevitable. He opposed the U.S. defense buildup of the eighties. He opposed the MX missile, the B-1 and B-2 bombers and Trident II submarine-launched missile programs. He also opposed the placement of Pershing missiles in Europe. Mr. Talbott attributes the collapse of the Soviet State to "internal contradictions and pressures within the Soviet Union and the Soviet system itself." He fails to acknowledge the primacy of Western resolve in precipitating the downfall of the Soviet Union. Today, former Soviet military leaders attribute tough minded United States defense policies for a major role in the demise of the Soviet State.

In 1990 Talbott wrote that:

> For more than four decades, western policy was based on a grotesque exaggeration of what the U.S.S.R. could do if it wanted to. The doves in the great debate of the past 40 years were right all along.

But while Talbott opposed our defense buildup he seemed to cast a blind eye to the Soviet modernization program and their involvement in exporting revolution. He called the potential dangers of a Soviet Union attack on Western Europe paranoid fantasy. Instead he favored detente and arms control—exclusively. President Reagan's vision of providing real defense for the American people, the strategic defense initiative, would only interfere with arms control success, in his opinion.

Strobe Talbott in 1985:

> Star Wars is a dream of total safety, of a world without missiles and MIRV's. Dreams are not the stuff of which bargaining chips are made. * * * If Reagan holds firm on Star Wars, he might as well abandon his pursuit of drastic reductions in existing Soviet weaponry.

His writings about Israel are equally troubling, demonstrating a pattern of anti-Israel views. In 1981 he called Israel "well on its way to becoming not just a dubious asset but an outright liability to American security interests, both in the Middle East and worldwide." He called the proposition that Israel has ever been a strategic ally a delusion.

In 1990, he likened Saddam Hussein's invasion of Kuwait to Israel's continued occupation of the West Bank. Talbott's writings are sharply critical or Israel's retention of the territories seized during the Six-Day War. He attributes the complex problems of the Arab States on United States support of Israel and Israeli occupation of the territories. Talbott also suggests that the United States reduce its security commitment to Israel.

He call on the United States in 1981 "to engage Israel in a debate over the fundamental nature of their relationship. If that means interfering in Israeli internal politics, then so be it."

His opinions about Israel are remarkably clear upon reading his columns. Despite these statements, at his recent confirmation hearing, he recanted what he had written by saying that he has "always believed that a strong Israel is in America's interest because it serves the cause of peace and stability in the region." He added that he doesn't feel the same way today as he did 13 years ago. It bothers me that a man can so easily change from a decade of strongly expressed opinions.

Mr. President, I am concerned that Ambassador Talbott has consistently demonstrated deeply flawed judgment on two vital areas of United States strategic interest: our past relationship with Communist Soviet Union and our interest in a strong Israel for a stable Middle East. For this reason, I will oppose his nomination for Deputy Secretary of State.

Mr. BURNS. Mr. President, I rise today in opposition to the nomination of Mr. Strobe Talbott of Ohio for Deputy Secretary of State.

Today the Senate is undertaking one of its most important functions, as we prepare to vote on the confirmation of a Presidential nominee. This is serious business. While our President has the privilege of nominating his choice for the top jobs in Government, the Senate has the duty to ensure that his choice is the best choice for America.

After deep consideration of this nomination I feel that Mr. Strobe Talbott is not the best choice. I took a long time in reviewing his record and his ability to fulfill the requirements of the No. 2 slot at State. After a thorough study of his previous writings. I have several concerns about his nomination.

As a journalist, Mr. Talbott has a long history of recorded thoughts on U.S. foreign policy. He has said that he has changed his mind on some of his writings and some of my colleagues say they can understand this. I don't understand how ideas and thoughts on issues written repeatedly over a long period of time can suddenly change overnight. While his writings on the former Soviet Union have proven to be dead wrong, they ruled his decisions in his last position as Ambassador at Large for the former Soviet Union.

As Ambassador at Large for the former Soviet Union, he was responsible for drafting United States policy toward Russia. I am not convinced that he was not more of a hindrance than a helping hand while he was in Moscow.

I also have grave concerns about his ability to handle the job of Deputy Secretary of State. Mr. Talbott has never held a position in management in a large organization at any point in his career. The State Department needs a proven manager who is capable of streamlining the huge bureaucracy and reigning in costs to bring it into the post-cold-war era.

The Secretary of State is responsible for policymaking. The State Department needs an effective manager capable of handling administrative responsibilities—not another policy wonk. Strobe Talbott may know how to write about policy from his old job in journalism, but is that what we need, or want?

I don't believe Mr. Strobe Talbott has the wisdom, foresight, and experience required for the No. 2 job at the Department of State. As I am not completely satisfied that he is the right choice for this important job, I plan to cast a vote against his confirmation when the Senate votes.

Mr. LAUTENBERG. Mr. President, I want to make a few brief remarks in connection with the nomination of Strobe Talbott to serve as Deputy Secretary of State.

This is an important position which requires the incumbent to step in for the Secretary of State in his absence and participate in broad-ranging policy decisions at the Department. At the same time, the occupant of this Office must have the capability to run a huge and complex bureaucracy which stretches around the globe.

During consideration of the Talbott nomination, before the Senate Foreign Relations Committee, some questions were raised about Mr. Talbott's views on the Middle East and, in particular, whether he might harbor ill will toward the State of Israel or be insensitive to her security needs and the potential threats she faces in the region. These questions were raised because of several articles Mr. Talbott wrote about the region during his tenure as a journalist at Time magazine. These articles are disturbing and provocative and contain views with which I strongly disagree.

Mr. President, in seeking additional information about Mr. Talbott's views on Middle Eastern issues, I have reviewed the hearing record of the Senate Foreign Relations Committee, which was charged with initially reviewing the Talbott nomination.

I also sought out Mr. Talbott personally to discuss his perspectives on the Middle East and the policies he would be responsible for implementing. I questioned him closely about his views on these issues and his past writings. I sought to satisfy myself that he could discharge these important responsibilities in a manner with which I felt comfortable and which is consistent with Clinton administration policy on the Middle East.

I also spoke directly to President Clinton about the nomination. President Clinton reassured me in the strongest possible terms that United States policy regarding Israel is set in the White House and that both his Secretary of State and Deputy Secretary of State are charged by him to carry out his policy. He assured me that the United States-Israel relationship will remain strong in the future because it is based on our mutual security needs.

Mr. President, I have satisfied myself that Mr. Talbott should be confirmed to serve as Deputy Secretary of State. As a senior member of the Senate Foreign Operations Subcommittee on Appropriations, I intend to stay in close touch with him on issues of concern and will certainly respond quickly should I find any evidence of bias or imbalance in his discharge of his duties.

Secretary Christopher has listed the Middle East as one of the Clinton administration's top foreign policy priorities. I commend the President and the Secretary for the diligence with which they have sought peace in the Middle East and for the strong and consistent support they have provided to Israel, our strongest ally in the region.

Mr. President, when Mr. Talbott testified before the Foreign Relations Committee earlier this month, he pledged himself to fully adhere to the administration's policies in the region. He was questioned closely by Senators BIDEN and SARBANES, among others on that score. They probed the rationale behind some of his earlier writings and questioned him about his views on the Middle East and the United States-Israeli relationship.

During these hearings, and in conversations with me and others, he has clarified his views and stated clearly and emphatically that he will implement administration policies. He's indicated that he understands the importance of Israel to United States national security interests and the special relationship that exists between our two countries based on strategic interests, shared democratic values, and historic ties.

Let me quote from Mr. Talbott's testimony:

> First, I have always believed that the U.S.-Israeli relationship is unshakable. Second, I have always believed that a strong Israel is in America's interest because it serves the cause of peace and stability in the region. Third, I am proud to be part of an Administration that has already done so much to promote a comprehensive peace in the area, and I look forward to assisting Secretary Christopher in any way I can to keep that process moving forward.

Mr. President, I disagree strongly, even vehemently, with some of the things Mr. Talbott wrote in the past. But, I am impressed by that unequivocal testimony and am prepared to accept that Mr. Talbott meant what he said to the committee. In conversation this morning, Mr. Talbott conveyed to me an appreciation of the importance of the United States-Israeli relationship and an understanding of the unique challenges Israel faces.

Mr. President, Strobe Talbott and I had a good, frank talk. I believe that he will be faithful to the spirit, as well as the letter, of President Clinton's policies in the Middle East and that he will do all he can to move the peace process forward in a manner that protects Israel's security needs.

Mr. President, President Clinton has forged the strongest ties with Israel of any recent President and is committed to forging a peace accord that protects Israel from threats to her sovereignty and safety. All of us hope for a resolution of the age-old conflicts in the Middle East. The nations of that war-torn region would benefit enormously from a peace that is genuine, stable, and enduring. So would the United States, which now provides substantial foreign aid and military assistance to Israel and some of her Arab neighbors.

Mr. President, today we are closer to a Mideast peace than we have been since the birth of Israel. I commend the President for his constructive role and encourage him to continue to serve as a catalyst to a peace that can bring with it stability and growing prosperity for the entire region, and, accordingly, I will support his nominee for the position of Deputy Secretary of State.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Ambassador Strobe Talbott has a distinguished career and is well qualified to do an outstanding job in the post of Deputy Secretary of State. He has recently demonstrated his ability to promote democratic reform in Russia and the other New Independent States.

Ambassador Talbott has stated his support for Israel's democracy. He has indicated that he has always believed that the United States-Israeli relationship is unshakable.

As a journalist, Ambassador Talbott has naturally expressed several different points of view in his over 20 years of covering international foreign policy affairs. However, any close, unbiased reading of his writing reveals an acute sensitivity and understanding of world affairs and the national best interests of the United States.

He has the full and complete confidence of the President and the Secretary of State. He brings to the office of Deputy Secretary of State a broad understanding of the international scene and the importance of our relationship with our allies in promoting world peace and the national security of the United States.

He is eminently qualified to successfully assist Secretary Christopher in establishing and carrying out the difficult and important international task which our country must now undertake in creating a new foreign policy framework for our role in a turbulent post-cold-war world.

I intend to support Ambassador Talbott's nomination and I urge my colleagues to vote for his confirmation.

Mr. HELMS. Mr. President, I believe I have 2 or 3 minutes remaining. I yield my time.

Mr. PELL. Mr. President, I believe I have some larger number of minutes. In any case, I yield my time.

The PRESIDING OFFICER. All time is yielded.

The question is: Will the Senate advise and consent to the nomination of Strobe Talbott of Ohio to be Deputy Secretary of State? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote nay.

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—66

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Coverdell
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Reid
Riegle
Robb
Sarbanes
Sasser
Shelby
Simon
Stevens
Warner
Wellstone
Wofford

NAYS—31

Bond
Brown
Burns
Coats
Cochran
Cohen
Craig
D'Amato
Dole
Durenberger
Faircloth
Gorton
Gramm
Grassley
Hatch
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Roth
Simpson
Smith
Specter
Thurmond
Wallop

NOT VOTING—3

Bennett
Pryor
Rockefeller

So, the nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Ms. MIKULSKI). The Senate now returns to legislative business in the regular order of the session.

The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent the Senate now proceed to the consideration of calendar No. 245, Senate Joint Resolution 41, the joint resolution providing for a constitutional amendment to require a balanced budget; that there be a time limitation this evening as follows: 45 minutes under Senator SIMON's control, 90 minutes under Senator BYRD's control, and 45 minutes under Senator HATCH's control; and that following that time there be continued debate this evening on Senate Joint Resolution 41; that when the Senate resumes consideration of Senate Joint Resolution 41 on Wednesday, February 23, that the time prior to 9 p.m. on that day be equally divided between Senators SIMON and BYRD; and that no action, other than debate, be in order with respect to Senate Joint Resolution 41 prior to the close of business on Wednesday, February 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 41) proposing an amendment to the Constitution of the United States to require a balanced budget.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, if we can have some order here?

The PRESIDING OFFICER. The Senator from Illinois is correct. The Senate is about to begin a debate on a constitutional amendment. It is a serious event, serious debate. We would like the Senate to be in order so we may hear the distinguished Senator from Illinois, a proponent of the amendment.

Mr. SIMON. Madam President, ordinarily the chief sponsor speaks first, but my colleague and major cosponsor, Senator HATCH, has a schedule conflict. I am pleased to yield to him to speak first on the debate.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I thank my colleague. Please charge this to my time on this debate this evening.

The PRESIDING OFFICER. Does the Senator from Utah wish to speak as a proponent?

Mr. HATCH. As a proponent. The time for proponents is divided 45 minutes to Senator SIMON, 45 minutes to me. I will do this on my time.

Madam President, I want to personally thank my dear colleague from Illinois. He deserves so much credit for leading the fight to bring this amendment to the floor and for leading it throughout these last number of years. I have great affection for him and appreciate his leadership in this area. He has done this as a courtesy to me so I can meet the commitments that I made before this evening. So I am really very grateful to him. Ordinarily he should lead off and I appreciate him showing this kind of deference to me.

Madam President, the Senate is once again considering a constitutional amendment to balance the budget, Senate Joint Resolution 41, the Simon-Hatch consensus balanced budget amendment. I wish an amendment to the Constitution were not necessary. But it is. Statutory measures have been tried; but, for one reason or another, they have not worked.

If we had passed the balanced budget amendment before now, we would not be spending precious time debating the ends, but rather the means of balancing the budget. But we have not heretofore been able to agree on the end of a balanced Federal budget requirement. Sadly, I believe we must get this amendment in place to ensure there will be an end to the long spending binge of Congress.

Once a constitutional rule is in place, we will all be forced to be serious about getting the deficit under control within a definite period of time.

Madam President, a national debt of over $4.5 trillion is slowly but surely killing businesses and individuals by soaking up capital that could be used to create jobs and wealth for Americans.

Our national debt is now over $18,000 for each man, woman, and child in this country. Each man, woman, and child as of 1994 owes $18,000.

So our fellow Utahn's, each one of you owes $18,000 because of the profligacy of Congress.

In 1975 it was only $2,500. A year ago it was $1,300 less. In just 1 year we have gone up 1,300 more dollars for every man, woman, and child in America, to be in debt.

As I have said, the problem is getting worse exponentially. In 1975 our per capita debt was $2,500. Now it is $18,000. Our debt has increased more than sevenfold in the last 19 years. In fact, the per capita debt when we introduced our balanced budget amendment last February was $16,700. That means every American's debt burden has increased $1,300 in just 1 year.

This uncontrollable debt burden will be the legacy that this generation leaves our children and grandchildren.

We are taxing the future of our children and grandchildren. This is the lifetime net tax burden per generation.

Congress' uncontrolled spending is the real problem. Even after the 1990 budget deal, record-setting tax hikes led to record deficits. Why? Because Congress spent $1.83 for every $1 raised. No amount of tax increases will reduce our debt as long as spending continues to increase faster.

President Clinton's much touted deficit reduction plan only slows the increase in the national debt. Even the President's own most recent, rosy forecasts indicate that we will add over $200 billion to our debt this year. Congressional Budget Office estimates suggest that the President's deficit reduction plan, will add nearly $1 trillion to our national debt in the next 5 years. Our current deficit reduction efforts are wholly inadequate.

I would like to say a few words about interest costs. Frankly on this chart, No. 3, this shows the deficit outlook through the year 2004. Yes, in 1994 we will come down because of the President's plan. They hope it will be only $171 billion deficit this next year, 1994. But actually as you can see it takes off and goes up to better than $359 billion by 2004. So they are just slowing the increase in the national debt.

As anyone who has borrowed money knows, compounding interest can eat up a budget and a person's options faster than any other type of expense. It is no different with the Federal Government. Interest on the Federal debt in 1993 amounted to nearly $293 billion. That is more than total Federal revenues in 1975. Interest alone cost us 26 percent of all Federal revenues and 57 percent of all individual income tax revenues.

OMB projects that interest on the debt will rise substantially over the next 5 years. It will pass the $300 billion mark in 1995 and reach $373 billion in 1999. That is if their estimates are right. CBO's estimates are even higher, with $311 billion in interest in 1995 and $382 billion in 1999.

Opponents of the balanced budget amendment have suggested we cannot afford to cut the deficit more than the Clinton plan does because decreased social spending will have severe, adverse effects. But think how much we could do in crime control, defense, disaster relief, or programs like Medicare and Medicaid if we had $300 billion more available every year?

I do not understand the logic of continuing to waste over 20 percent of our entire budget on interest payments on the rationale that we cannot afford to cut spending. We simply cannot afford to continue to throw away one-fifth of our budget on interest payments. The biggest risk to any or all of the spending programs of the Federal Government is mounting debt and spiraling interest costs.

Just by way of comparison, Madam President, in the 1993 budget, gross interest on the debt was more than the entire defense budget, $292.4 billion; 97 percent of Social Security claimants, which is $302 billion. Gross interest was 55 percent of all discretionary outlays which are $542.5 billion and 44 percent of all mandatory programs which are $667 billion. In fact, the nearly $293 billion cost of gross interest on the national debt could have covered our entire health spending, including Medicare and Medicaid which are $207.6 billion, all veterans' benefits and services which are $19.3 billion, unemployment compensation, $35.5 billion, our entire international discretionary spending, $21.6 billion and the costs of the earned income tax credit of $8.8 billion.

Without the gross income on the debt, we would not even have had a deficit last year. In fact, we would have run a budget surplus of $38 billion. Interest on the debt is wasted money. It is money we could have used but cannot. Over the next 5 years of "deficit reduction," the Office of Management and Budget's own calculation is that interest on the public debt will total really about $1.7 trillion; that is, in the next 5 years, interest will go up $1.7 trillion. That amount of money would fully fund the entire 1994 budget with money left over to take care of other things.

We can only begin to get interest costs under control, after we get the budget deficits under control. That is why whether you want to spend more money on programs or save money for the taxpayer, you should support Senate Joint Resolution 41, the balanced budget amendment. It will give us the constitutional support we need to stop going deeper into debt.

Deficit spending is the worst kind of spending, Madam President. It is easy. Members of Congress, special interest groups and constituents like spending increases, and they are certainly more popular than tax hikes. Our balanced budget amendment, Senate Joint Resolution 41, has a three-fifths majority requirement to make deficit spending more difficult. If you want to spend, then you are going to have to get three-fifths of a vote to do so beyond balancing the budget. And you are going to have to stand up and vote to do so, which we do not do now.

This is an absolutely critical provision because it will require 60 votes in the Senate to do what would otherwise be the easier and more popular course; that is, spending on the Government credit card.

Senate Joint Resolution 41 also has a tax limitation provision. A constitutional majority rollcall vote is required to raise taxes. This is higher than the current requirements. A constitutional majority means at least no less than 51 votes in the Senate, rather than just a majority of the voting Senators. And those 51 Senators must go on record as voting for those tax hikes if they want to do that. We could vote anything through the Senate normally on a 26-to-25 vote because 51 people would make a majority. In this case, if you want to raise taxes under this amendment, you are going to have to have at least 51. No longer can you have less than 51.

We need the balanced budget amendment now to reverse the deficit trends that are cutting off the lifeblood of the United States economy. Perhaps more importantly, Senate Joint Resolution 41 will create an additional constitutional process that will bring back legislative accountability to the constitutional system. The balanced budget amendment process accomplishes this by making Federal deficit spending significantly more difficult.

Under the proposed amendment, Congress will have to prioritize its legislative agenda to determine which spending measures are most important and fund only those that the people are willing to pay for. It would then be much harder to shift the economic costs of less justifiable spending projects to the whole Nation through legislation that is adverse to the good of our commonwealth. In other words, Congress will become again a deliberative assembly fulfilling its intended function with its encroaching appetite curtailed and liberty, as a consequence, furthered. We have to pass Senate Joint Resolution 41, the Simon-Hatch-Thurmond-Craig balanced budget amendment. It is the right thing to do for the American economy, for the American constitutional system, and the right thing to do for our American families.

Madam President, we are in trouble in this country. We have to do something. I heard all of these hysterical bits of testimony last week from the administration. Why, they act like you cannot do anything unless you continue to spend. Frankly, they act like you have to cut this budget in 1 year when, in fact, we are going to allow until 2001 to actually get on this glide path to get our budget balanced.

I am tired of the hysteria. I am tired of these people saying we ought to do it ourselves. We have not done it ourselves for 33 of the last 34 years, and we have not done it ourselves for most of the last 56 years. So we need the discipline that this balanced budget amendment would bring to the Congress, that would force the Members of Congress to live within their means, to make priority choices among competing programs, and to do what is right for this country.

Once again, Madam President, I want to thank my dear colleague from Illinois for giving me this opportunity to speak this evening. I will have more to say tomorrow.

But it is important I make these remarks before I leave. I just want to thank him again for his kind courtesy to me and for his great leadership on this particular amendment. I thank him, and I yield the floor.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I yield myself as much time as I may consume.

The PRESIDING OFFICER. The Senator from Illinois may proceed.

Mr. SIMON. Madam President, I thank the many people who have played a role in bringing this to this point. That includes my colleagues on both sides of the aisle, 54 cosponsors of this legislation, staff people who have worked very hard on this, and I am grateful to all of them, as well as to organizations and people around the country who have expressed their concern. This is one where the people around the country have to express an interest.

Senator BYRD has been quoted as saying it is the most important vote in 40 years in the U.S. Senate. Our former colleague, Paul Tsongas, who testified in behalf of this legislation last week, said it is the most important vote in the 20 years that he has been observing Congress.

The reason it is more important, for example, than the 1986 vote when this lost by 1 vote is then there was the probability the House would defeat it. Today, this body remains the stumbling block, if there is a stumbling block. It is going to be a close vote. We all know that. But the House is ready to pass it and it will pass the House very, very quickly. My sense is, from talking with Governors and others, is that it will be ratified by the States very quickly.

I think a very fundamental question is: What is the purpose of a constitutional amendment? The purpose of a constitutional amendment is, No. 1, to express philosophy and, No. 2, to prevent Government abuse. We have had Government abuse in abundance. We are celebrating—I should not use the word celebrating—but this is the 25th anniversary of the United States Congress and our Presidents together spending more money than we take in. We celebrate various anniversaries. We have celebrated the 25th anniversary recently of the Peace Corps, and we celebrate various anniversaries. I doubt that there is anyone anywhere who is planning a celebration for the 25th anniversary of spending more money than we take in because we know it is hurting us. It is hurting these pages and their future. It is hurting all of us.

The idea is not a new idea. Thomas Jefferson was not in the United States when the Constitution was written. He was over in France negotiating for us. When he came back, Thomas Jefferson said, "If I could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money."

Now, we do not go as far as Thomas Jefferson wanted. He wanted an absolute prohibition. We believe that there are times when you should have a deficit—when you have a recession or if, for example, you have an earthquake in California or something else. There may be a time when you should spend money that you do not have in terms of revenue. So we permit with a 60-percent vote that you can have a deficit.

The other point that was made by our Founding Fathers in the Federalist Papers was this:

> The eagerness to spend should be matched by the reluctance to tax.

And that historically has been where we have been, Madam President—up until recently. In the past, during a war, yes, we went into debt. But after the war, we immediately paid for it and we went on a pay-as-you-go basis.

Right here, Madam President, on this chart is the history since 1946 of where we have been, and you can see these red figures coming down. This is where we have been. If we were to add 1994, it would go up, and then as we go down the later years, the deficit grows and grows and grows ad infinitum, and that will continue unless we do something about it.

There are those who say, well, this was just one letter Thomas Jefferson wrote. Thomas Jefferson expressed himself in this field a number of times. At one point Thomas Jefferson said:

> To preserve our independence we must not let our rulers load us with perpetual debt.

Another point. In 1813—this is after he was President. People say, well, once Thomas Jefferson became President he realized what was needed. In 1813 he wrote:

> Ought not then the right of each successive generation to be guaranteed against the dissipations and corruptions of those preceding by a fundamental provision in our Constitution?

And then a few years later he said:

> It is incumbent on every generation to pay its own debts as it goes.

He believed that it was. And again quoting Jefferson:

> It is of such importance—

The principle of paying as you go:

> As to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.

I see my colleague from Illinois standing and would be pleased to yield to her for a question.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question, yes.

I say to the Senator, this morning I had the singular privilege of reading George Washington's Farewell Address which was delivered in 1789, and I was taken in reading it by the fact that he makes reference, a very direct reference, frankly, to the amendment for the balanced budget.

And if I may, just to quote, he says—and this speech, by the way, that George Washington delivered to our country, he never actually wrote. As a testament for his administration, it was written in concert with James Madison and Alexander Hamilton. And so it says on this very subject, and I quote:

> As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object . . . ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

So in Washington's Farewell Address, I wanted to bring to the Senator's attention, because he referenced Thomas Jefferson, the encouragement and exhortations that the Father of our Country gave in his farewell address on this very subject; that we have an obligation to keep the public credit and not pass on the burden to posterity.

Mr. SIMON. I thank my colleague from Illinois for that observation. I wish I could say George Washington has endorsed my amendment. We cannot quite say that.

Mr. GRAMM. If he were here, he would.

Mr. SIMON. Certainly in principle what he said is accurate and is in line with this. I thank my colleague very much.

I would also like to have printed in the RECORD a statement by Alexander Hamilton. Alexander Hamilton and Thomas Jefferson did not agree on much but this is one of the areas where they strongly agreed. I ask unanimous consent, Madam President, to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMAGOGY AND DEBT

(In the course of his research, Donald Stabile, professor of economics at St. Mary's College of Maryland, came upon Alexander Hamilton's "Report on a Plan for the Further Support of Public Credit," dated Jan. 16, 1795, from which this is taken)

To extinguish a Debt which exists and to avoid contracting more are ideas almost al-

> ways favored by public feeling and opinion; but to pay Taxes for the one or the other purpose, which are the only means of avoiding the evil, is always more or less unpopular. These contradictions are in human nature. And the lot of a Country would be enviable indeed, in which there were not always men ready to turn them to the account of their own popularity or to make other sinister account.
>
> Hence it is no uncommon spectacle to see the same men Clamouring for Occasions of expense, when they happen to be in unison with the present humour of the community, whether well or ill directed, declaiming against a Public Debt, and for the reduction of it as an abstract thesis; yet vehement against any plan of taxation which is proposed to discharge old debts, or to avoid new by defraying the expense of exigencies as they emerge.
>
> The consequence is, that the Public Debt swells 'til its magnitude becomes enormous, and the Burthens of the people gradually increase 'till their weight becomes intolerable. Of such a state of things great disorders in the whole political economy, convulsions & revolutions of Government are a Natural offspring.
>
> [My previous report] suggests the Idea of "incorporating as a fundamental maximum in the System of Public Credit of the United States, that the creation of Debt should always be accompanied with the means of extinguishment—that this is the true secret for rendering public credit immortal, and that it is difficult to conceive a situation in which there may not be an adherence to the Maxim" and it expressed an unfeigned solicitude that this may be attempted by the United States.—Alexander Hamilton, Treasury Department, Scy. of the Treasury.

Mr. SIMON. It is interesting that even the lead witness in opposition to the balanced budget amendment last year, Prof. Laurence Tribe of Harvard—I do not want to mislead anyone. He is still opposed to the balanced budget amendment, but he said this:

> Despite the misgivings I expressed on this score a decade ago, I no longer think that a balanced budget amendment is at a conceptual level an unsuited kind of provision to include in the Constitution. The Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution. In a sense, it represents a structural protection for the rights of our children and grandchildren.

Madam President, the last time we voted on this in the Senate after significant debate was 1986. It failed to carry the Senate by one vote. The argument used then was we can balance the budget without a constitutional amendment. It is very interesting that we are hearing the same arguments today. At that point we had, with the approval of a Republican President of the United States, taken some steps to reduce the deficit a little, and now we have taken steps to the great credit of President Clinton to reduce the deficit. But in 1986, the deficit was $2 trillion. Now the deficit is $4.5 trillion. And we are hearing the same arguments.

This bill was reported out of the Judiciary Committee by a 15-to-3 vote, the largest vote ever for a constitutional amendment for the balanced budget. But can we do it without a constitutional amendment?

Well, let us take the Gramm-Rudman-Hollings provision that did have some effect. In theory Gramm-Rudman-Hollings was supposed to balance the budget by the year 1991. And look, here we are, 1991—$269 billion, the next largest line on this deficit chart.

The reality is that statutory changes are too easily avoided. As soon as it becomes awkward, we change the statute.

Then there are those who say, well, Congress just will not pay any attention to it. I do not believe that. I did not hear a single Member of the Senate get up in the Chamber and say let us not pay attention to Gramm-Rudman-Hollings. I did not hear a single Member of the Senate say let us not pay attention to the budgetary agreement we had.

We just changed the law when it became too awkward.

Each of us has taken an oath to uphold the Constitution. It is the one oath we take to protect that Constitution. I really believe the Members of this body take that oath seriously, and would not just ignore the Constitution.

I might add, for those who say it is a gimmick, our House colleague, Representative OLYMPIA SNOWE, had a great line. She said, "If it were just a gimmick, Congress would have passed it a long time ago."

I think there is some truth to that. And for those who say it is just a gimmick, that Congress will evade it, there is no word "budget" in the amendment. What we do to lock this in to make sure receipts and revenues match, we say, so you do not play games with off-budget, on-budget, and that sort of thing, we say it takes a three-fifths majority to increase the national debt.

We ought to be encouraging pay-as-you-go Government.

It is very interesting that back some years ago, President Eisenhower, to his great credit, suggested an interstate highway system. It was the largest single public works project in the history of humanity, not just of our country. And President Eisenhower suggested that we issue bonds to pay for the interstate highway system. A Senator by the name of Albert Gore, Sr. said we should not issue bonds on this. We should pay for it on a pay-as-you-go basis. Fortunately he prevailed, and we have saved over $800 billion that would have gone for interest, and harm to the economy.

This has flexibility. People say, well, you cannot have a capital budget. First of all, I do not know of any reason for having a capital budget at the Federal level. When people say, well, a homeowner has to have a mortgage, we ought to have the same flexibility, or a local school district. They do that because they have no option. If you have money in the bank, you do not borrow. We ought to be balancing things on a pay-as-you-go basis.

The biggest single project we have, Madam President, in the Federal Government right now, is the nuclear carrier. We pay for that. We could pay for that over 6 years. The most we would pay for would be $1 billion in 1 year. There is no reason for issuing bonds on that.

And under this provision we could have some flexibility for something like the new judicial center that is near Union Station. Senator PAT MOYNIHAN used some creative financing on that. I am not sure as a matter of precedent that it is wise. But for the new judicial center we have a 20-year lease. We pay each year, and at the end of 20 years the Federal Government will own it. I think most Members are not aware that is how that is financed.

I do not recommend that. But that would be possible under this Constitution.

Those who say that it has no flexibility are wrong. But it does not have complete flexibility.

I had the experience about a year ago, a year and a half ago, of introducing a bill for long-term care with a half percent increase in Social Security to pay for it. Two of my colleagues in the Senate, who shall remain nameless, came to me, and said that they really liked my long-term care bill. If I would just drop the half percent increase in Social Security to pay for it, they would like to be cosponsors. We can do that now. We have a blank check.

What we are saying here is we should not have a blank check; that if we want a long-term care bill, we have to have the taxes to pay for it. And if we do not have the courage to vote for the taxes, we cannot have the long-term care bill. That is the reality that we have to face.

My colleague from Idaho, Senator CRAIG, who has been so helpful on this—we might differ on a long-term care bill, but we are in agreement that if we have a program we have to have the taxes and the revenue to pay for it, that you cannot simply constantly go into debt.

The question of a recession has also been brought up. There is concern on this. I thought Fred Bergsten, former Assistant Secretary of the Treasury under Jimmy Carter, who testified, "If you had asked me 5 years ago, would I be for a balanced budget," he said, "absolutely not." But he said, "Now I think it is essential for the country."

He pointed out that a balanced budget amendment will give us greater flexibility if we do it wisely and build in a 1- or 2-percent surplus so that we have the flexibility if there is a recession to spend money for these kinds of needs. Now, because we are so strapped we cannot pass $11 billion for a jobs program in this recession.

Professor David Calleo from your State of Maryland, Madam President, from Johns Hopkins University, recently wrote:

> Financially, the United States is fast growing into a giant banana republic. Our national debt has risen from less than $1 trillion in 1980 to over $4 trillion in 1993. High interest payments squeeze out the Federal funds needed not only for those humanitarian needs that make us a better and happier society, but also for the educational and infrastructural spending required to keep us competitive with other nations.

Why would a constitutional amendment work when Gramm-Rudman and other statutory attempts have failed? He goes into that, and then he says:

> Without some structural restraint on borrowing, the present strong bias towards spending without revenues will continue, and the Nation's balance sheet will fall deeper and deeper into the red. Structural restraints on wayward power are presumably what a Constitution is for.

He is absolutely correct.

Our former colleague, Senator Paul Tsongas, said in testimony last week in behalf of this, that we have a debt addiction. I think that is correct. Like a drug addiction or an alcohol addiction, to get rid of the addiction will require some pain. But it is infinitely better to get rid of the addiction than to keep the addiction.

I would also like to put up another chart because we have heard a great deal about the deficits coming down. They are coming down for a variety of reasons, including the bill that we passed last August.

Here you see them coming down. What is not said is that under CBO's calculations they start going up again. Here you have in the last year of CBO's estimate, a deficit of $365 billion, a record deficit. We can do much, much better than that.

We are spending right now $800 million a day for interest. What do we get for that $800 million a day for interest? Nothing other than higher interest rates and deeper debt for our children.

What harm is done with this huge deficit? All kinds of illustrations can be used. But it was interesting that last week there was a report on the front page of the New York Times about the homeless, an area that I know the Senator from Maryland is very interested in along with others of us. A major reason for the problems of homelessness is we have not built enough housing in our country. One of the major reasons for not building enough housing in our country is that interest rates are too high. That has discouraged the building of private housing.

So when you do not have enough housing, who gets housing? Well, those of us who can afford it. Who gets squeezed out? Those who cannot afford it.

We are hurting ourselves fiscally. The New York Federal Reserve Bank says that from 1978 to 1988 we lost 5-percent growth in GNP and national income because of the deficit.

I cannot tell you what that means practically in terms of each of our States. CBO says 1 percent is 650,000 jobs.

On that basis, that is 3.75 million jobs lost because of the deficit. How many of those are in Maryland, Idaho, or Illinois? I do not know. But there are a lot. The GAO says we are headed toward an economic catastrophe—that is their phrase, not mine—if we do not get ahold of this thing. We have to get ahold of this thing. They also say if we continue muddling along, we are going to hurt the people of our country. But if by the year 2001—and that is the date we have in our amendment—we balance the budget, by the year 2020, the average American will have an increase in standard of living of 36 percent.

It is also interesting that the Concord coalition put together a statement and analysis of where we would be if we did not have this deficit, and they suggest, on the basis of history, that our productivity would have been significantly higher and that the average family in America today, instead of having an average family income of $35,000, would have an average family income of $50,000. Well, that is a huge, huge difference.

What about the trade deficit? I asked CBO and the Congressional Research Service to provide me studies, and the studies varied from 37 percent to 56 percent of the trade deficit is caused by the budget deficit.

Then we have a distribution problem, a fiscal problem. In inflation-adjusted terms, this is what happened between fiscal years 1981 and 1993. Some of the items are down. For example, transportation, down 6 percent; education, down 8 percent. Yes, we have increased the appropriations, but not as much as inflation. And then defense—and a lot of people think that is the big growth item—was 16 percent. Entitlements, because of health care and number growth, up 32 percent.

What is the big growth item? This one here: interest. What do we get for it? Zero, nothing, other than harm to our economy. This is $293 billion spent last year. Who pays that $293 billion? People of limited means. Who collects it? Those who are more fortunate in our society. What is happening is that this is squeezing out our ability to respond on education and health care and things that are important to our country.

This past year we spent twice as much on interest as all the poverty programs combined, eight times as much on interest as on all of our education. The biggest welfare program we have in this country, my friends, is the interest program. It is welfare for the rich. We ought to change that. It is eating at the heart and soul of this country.

A very interesting article appeared in the magazine called International Economy—and I confess I am not a regular reader of the magazine—by a writer named Richard Coo, and the heading on it really tells a story: "America's Budget Deficits; They Redistribute Income To The Rich." That is what we are doing.

Plus, one of the things that happens when we redistribute income to those who are more fortunate is we take away a stabilizing factor in our society. You see that people at the lower income level get money, and they will spend it, because they have no alternative. You give money to those who are more fortunate economically and a lot of them will save it, invest it in other countries, and do things like that.

Some of you will remember Senator Paul Douglas. I have his seat in the U.S. Senate, and I am proud to have it. He was my political mentor. He was an economist. A lot of people do not know that. Some will remember the Cobb-Douglas theory of wages. The Douglas of that was Paul Douglas. Back in 1950, he warned against the dangers that we are moving down toward greater deficits, and he said with that will be higher interest rates. It is very interesting that that year the deficit was $3 billion, and the prime rate that year was 2 percent. What a great thing that would be if we were there today.

But it is not only that we redistribute money to the wealthy; 17 percent of what we redistribute through interest now goes to other countries. And the real figure is higher than 17 percent. The 17 percent is the public figure, held by individuals and corporations and other countries. The reason the figure is higher is that some people, because of laws in their country, do not want it known. But the 17 percent is a matter of some trouble.

Let us just say that the distinguished Senator from Maryland was the president of the First National Bank in Carbondale, IL, and I came to him and I said, "I would like to spend more money than I take in this year. Will you make me a loan?" You look at my balance sheet and you would agree to do that for 1 year. And I came in a second year, and you would agree to do it a second year, and maybe the third year. But at some point, a prudent banker is going to say: I think I better put my money somewhere else. And at some point, some indefinable point, prudent international bankers are going to say the same.

Lester Thurow, a very distinguished economist, has warned us that the question is not if foreign holdings are at some point going to be withdrawn; the question is when they are going to be withdrawn. The only way we can prevent that from happening, in my opinion, is with a balanced budget amendment.

I serve as chairman of the Subcommittee on Africa, and that troubled continent has major problems. One of the problems is, as the IMF and the World Bank will tell you, that their debt exceeds their national income. Their debt is 109 percent of their national income. But where are we headed? In 1980, our debt relative to national income was 24.9 percent. Today, it is 70.5 percent. We are headed down the same road.

The GAO, in June 1992, made a report suggesting that we are headed toward major problems—again they use the term "economic catastrophe"—and suggested that we are headed toward 20 percent of deficit relative to national income. That is modified because of the action taken last August, and I wish I had up-to-date figures. The initial indication is that figure may be down by about 3.7 percent.

But the significant fact is that no nation, no industrial nation, has come anywhere near that figure without monetizing the debt, without just printing money to get around it, and without having hyperinflation. The closest example that we have near us is Mexico, who, in 1988, reached the point of a 12.5-percent deficit relative to their national income, and inflation there was 114 percent. That 114 percent would mean just cutting in half their Social Security retirement fund; 114 percent inflation would mean cutting in half pension benefits of people; 114 percent means cutting family savings in half, and there are others that are much worse than that.

But let us just say you do not want to believe GAO on this. Let us take a look at OMB. Here we have what they say—this is from the budget documents, those four huge documents we got the other day—"Lifetime Net Tax Rates Under Alternative Policies."

Well, I was born in 1928. Here they had 130. You will see I will spend an average of 30 percent of my lifetime income on taxation.

Let us get down here to the bottom where they say future generations. Future generations was, before we passed reconciliation, believe it or not, 93 percent; after that, 82 percent. And then they say with health care reform and with their economic assumptions—and their economic assumptions are not only that health care reform is going to save a lot of money; and I am a cosponsor of the Clinton health care plan; I am a believer in it—but they also assume you are going to have 10 years of steady economic progress.

What about future generations? They say future generations will have 66 to 75 percent of their net lifetime earnings going for taxes.

Now that just is not going to happen, my friends. Do you know what we will do before we do that? We will start printing money. We will start the printing presses rolling. We will have funny money that is out there. That is the experience of a great many nations.

I read a book recently about ancient Florence. That is what happened there.

Adam Smith wrote "The Wealth of Nations" in 1776. He said:

> When national debts have once been accumulated to a certain degree, there is scarce, I believe, a single instance of their having been fairly and completely paid. The liberation of the public revenue, if it has ever been brought about at all, has always been brought about by a bankruptcy; sometimes by an avowed one, but always by a real one, though frequently by a pretended payment.

So, by phony money.

Again I want to commend President Clinton for his leadership on what he has done in the deficit.

According to CBO, what we voted on last August has saved us $433 billion. What CBO says we have to do between now and 2001 is save $600 billion, roughly the same amount. And there are other factors that even suggest that the CBO figure is an underestimate in terms of the $433 billion. We are talking about a gradual decline in deficit, less than the decline in the last 2 years. We are talking about something that is not impossible.

It is interesting that the Wharton School last Thursday—and I have not had a chance to discuss this with my colleague from Idaho—the Wharton School last Thursday released a study saying that, yes, if we were to move on this deficit, it could cause a little pain. They were assuming across-the-board cuts, which I do not think we would provide. But they also said, 30-year bonds, if we pass this, they predict will drop from 6.5 percent to 2.5 percent.

Well, do you know what would happen to the economy in this country if we dropped 30-year bonds from 6.5 percent to 2.5 percent, as they say we will if we pass this? Housing construction would boom; industrial investment would boom. It would be a great, great plus for this Nation.

I ask unanimous consent to have printed in the RECORD a column by George Will and one by Michael Kinsley. George Will is a conservative writer. Michael Kinsley is a liberal writer. Both of them are saying why they are for the balanced budget amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 30, 1992]

IT OUGHT TO BE A CRIME

(By George F. Will)

What House Speaker Tom Foley recently said would have sent shivers down Washington's spine, if it had one. He predicted the end of civilization, as Washington has known it. He predicted Congress this year will pass a constitutional amendment to require the federal government to balance its budget.

The unlikely Robespierre of this revolution is Illinois' mild-mannered Sen. Paul Simon, who calls himself a "pay-as-you-go" Democrat. With the patience learned in nearly four decades in politics, he has been visiting colleagues one at a time, warning that the federal government's gross interest costs, which were just $74 billion in fiscal 1980, are projected to be $315 billion in fiscal 1993, when interest—the rental of money—will be the largest federal expenditure.

Discerning conservatives know that huge deficits make big government cheap for current consumers of its services, thereby reducing resistance to the growth of government. Sentient liberals recognize that huge deficits involve regressive transfer payments: We are transferring $315 billion from taxpayers to buyers of Treasury bills—generally rich individuals and institutions—in America and places like Tokyo and Riyadh.

These are among the reasons why in 1986 the Senate cast 66 votes—just one short of the two-thirds needed—for a balanced budget amendment. And in 1990 the House fell just seven votes short. Today Congress is battered by scandal, by anti-incumbent fever and by the term-limits movement, and is bracing to be the villain in President Bush's campaign rhetoric. So a balanced budget amendment is indeed likely to be sent to the states.

Will the necessary three-fourths of the states ratify it? Forty-nine of them—all but Vermont—operate under similar requirements. And a vote against the amendment looks like a vote for big government.

A balanced budget amendment would serve Congress's institutional interests by requiring the president to propose a balanced budget, something neither Reagan nor Bush has come close to doing. Thus the amendment would end the tiresome presidential posturing—"Only Congress can spend money"—that places on Congress exclusive blame for deficits. In fact, in states as well as in Washington, executive branches generally determine the level of spending, and legislatures merely modify—and not very much—spending patterns.

Some people predict that a balanced budget amendment would be used as an excuse for large tax increases. That is possible but, given today's taxaphobia, not likely.

Other people predict that an amendment would result in cuts in program X, Y or Z. Such predictions are implicit confessions that if Congress is forced to enforce priorities, then X, Y or Z will be deemed dispensable. When $400 billion deficits are permitted, marginal, even frivolous programs get funded because costs can be shoved onto future generations.

Anyway, it is wrong to make support for a constitutional change contingent on guesses about particular short-term policy consequences. A sufficient reason for a balanced budget amendment is to impose, on both the legislative and executive branches, a regime of constitutionally compelled choices.

Simon's amendment has a clause permitting escape from restraint by vote of a super majority. Sixty percent of the full membership of both Houses can vote an imbalanced budget for, say, countercyclical purposes.

An unsolved and perhaps ultimately insoluble problem for any balanced budget amendment is enforcement. What will be the penalties for noncompliance? An unenforceable amendment is less a law than an expression of intention. No one, least of all conservatives, can equably contemplate involving courts in enforcement of such an amendment, and evasion of it would deepen public cynicism.

But at certain points, and this is one, the governed must simply presuppose a sufficiency of honor among the governors. Furthermore, elevating fiscal responsibility to the rank of a constitutional duty will heighten public scrutiny of budgeting behavior and will intensify public indignation about any disregard of the duty.

I have hitherto (July 25, 1982) argued against a balanced budget amendment on the ground that it is wrong to constitutionalize economic policy. Since then there have been 2.9 trillion reasons for reconsidering—the 2.9 trillion dollars added to the nation's debt. My mistake was in considering deficits merely economic rather than political events. In fact, a balanced budget amendment will do something of constitutional significance: It will protect important rights of an unrepresented group, the unborn generations that must bear the burden of the debts. The amendment blocks a form of confiscation of property—taxation without representation.

The Constitution is fundamental law that should indeed deal only with fundamental questions. But as the third president said, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Simon's amendment is, in Jefferson's language, an emphatic withdrawal of an authorization government has wrongly assumed.

[From the Washington Post, May 14, 1992]

THE LIBERAL CASE FOR A BUDGET AMENDMENT

(By Michael Kinsley)

"It is the Congress that tells the executive how to spend every dime," said President Bush, attacking "the spending habits of the Congress" at a Bush-Quayle fund-raiser the other day.

To call this hoary Republican bluff is one reason I'm for Sen. Paul Simon's balanced budget constitutional amendment. Each year, it declares, "the President shall transmit to the Congress a proposed budget * * * in which total outlays do not exceed total receipts." Neither Ronald Reagan nor George Bush has ever come close.

The amendment also would require Congress to enact a deficit-free budget, unless a three-fifths majority in both houses voted not to. Congress, terrified of the sour public mood, is near-certain to pass some kind of balanced budget amendment next month. But voting for a balanced budget amendment is not just a desperate short-term political expedient. For Democrats, it is good long-term politics.

The voters are hypocrites about federal spending: hating it in general, cherishing it in the particular. The deficit is the concrete expression of this voter hypocrisy. Politicians of both parties cater to it. But by and large, it is Republicans who since 1980 have made this hypocrisy the central feature of American politics and Republicans who have benefited politically from it.

A balanced budget amendment, if it worked, might lead to lower spending or higher taxes or some combination. But at least it would lead to an honest debate. That would not just be hygienic. It would be helpful to the party that's been losing the dishonest debate of the past decade.

Of course, mere partisan advantage is not a good enough reason to amend the Constitution. There are those who think that the goal of a balanced budget is neither necessary nor wise. And there are those who support the goal but doubt the means.

The argument against the desirability of a balanced budget has many byways, but the main point is the traditional Keynesian one that the stimulus of a deficit should be available during recessions: The proper goal is balance over the course of an economic cycle. Simon's three-fifths escape clause is intended to allow for deficits during bad times. If exercised promiscuously, this escape clause could make the amendment worthless. But the medicine is there if needed.

What's driven some liberals to support a balanced budget amendment, however, is the realization that deficit spending has become a medicine we Americans can't be trusted with. We use it when we're sick, then when we're healthy we just increase the dosage. When, inevitably, we get sick again, even gargantuan doses don't have their usual therapeutic effect. Even to use this drug properly in the future, we first will have to clear it out of our system.

The deficit also makes new forms of government activism nearly impossible. If liberal politics is to be anything more than a holding action ("reactionary liberalism," in Kevin Phillips's devastating phrase), the nation's deficit addiction must first be cured.

As a general rule the Constitution ought to dictate the procedures of democracy and the protection of individual rights, not specific policy outcomes. As Justice Holmes famously put it, "a constitution is not intended to embody a particular economic theory. * * * It is made for people of fundamentally differing views.

But have you read the Constitution lately? Many of its clauses address concerns that now seem trivial. See the Third Amendment, about quartering soldiers. We should only be so lucky that fiscal responsibility seems a passe issue in future years. And the balanced budget amendment, despite its name, is arguably procedural, not substantive. It doesn't mandate a balanced budget, but amends the legislative process to counteract the current bias against one.

Robert Reischauer, head of the Congressional Budget Office, calls the balanced budget amendment a "cruel hoax" on the public because—like Gramm-Rudman before it—it substitutes procedure for substance. It allows politicians to pretend they're addressing the deficit while actually putting off the painful slicing for later. (The amendment takes effect two years after ratification by the states, which also could take years.)

Reischauer is right that the amendment is a hoax on the public, which is not being told what a balanced budget would actually entail. But is it a cruel hoax? It would be if the three-fifths escape clause became a routine exercise. But if the amendment actually produced genuine fiscal discipline, even four or five years down the road, it would be a kind hoax, not a cruel one—sort of like enticing a beloved relative into a drug treatment program.

It is cowardly, to be sure, for today's politicians to support a balanced budget amendment instead of actually taking action toward a balanced budget. But that cowardice will catch up with them one way or another. They'll either have to face the music in four or five years or retire in order to avoid it. In fact, the balanced budget amendment could make that other constitutional cure-all—term limits—superfluous.

Mr. SIMON. The Concord Coalition says that we have to move in this direction to get the kind of budget balance kind of help to our Nation that we need.

I ask unanimous consent to have portions of this item printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCORD COALITION ZERO DEFICIT PLAN

INTRODUCTION

Why Balance the Federal Budget?

The Zero Deficit Plan is a plan for our economic future. The goal is to assure a more secure, prosperous future for us and our children.

We are not seeking to balance the budget for its own sake. Reducing government spending and increasing taxes means short-term sacrifice. This can only be justified by the long-term economic benefits that will flow from putting our fiscal house in order.

Eliminating the deficit will help put the nation back on the path to lasting prosperity and a rising standard of living in the next century. That larger goal cannot be achieved as long as the nation continues to run large, chronic budget deficit.

Balancing the budget and the nation's economic future are directly linked. There is a tie between budget deficits today and what we can enjoy tomorrow:

Because there are only so many hours in each day, the principal way Americans can increase their standard of living is if each worker becomes more productive: produces more and better goods and services for each hour worked.

For workers to become more productive, investments must be made in better-educated and better-trained workers; in modernized plants, equipment, and productive techniques; in new discoveries and innovations; and in transportation, communications, and other infrastructure.

To make these investments, there must be a pool of savings that can be used for this purpose. Historically, the United States has had a particularly low rate of private savings but, what is worse, the federal government's deficit is financed by soaking up most of the savings we manage to put away. When the government spends more money that it has, it borrows the rest. Most of the money borrowed comes from private savings.

Only if the government stops using up private savings will the money be freed for investment. Balancing the federal budget will mean that the nation's savings could be used to increase our productivity, create good jobs, and raise the standard of living.

The declining trend in what Americans produce for each hour worked illustrates how serious a problem this has become. From 1946 to 1973, what Americans produced for each hour of work increased 2.9 percent each year. From 1974 to 1993, the increase was only 1 percent a year. If productivity had improved as rapidly in the past two decades as it had in the previous three, the median annual family income today would be $50,500, instead of the $35,000 it is.

That $15,500-a-year gap is related to our large federal deficit. But because we never had the $15,500, we don't miss it in the same way we would if we had first enjoyed the income and then given it up. As long as incomes continue to creep up even slightly from one year to the next, the cumulative shortfall in income remains largely hidden from public indignation.

Solving the deficit problem does not automatically guarantee a rosy economic future. Other developments are needed to complement a balanced budget: reduced consumption, increased savings and investment, improved productivity, education, inflation and interest rates at desirable levels, and a favorable worldwide economic climate. But unless we get our deficit problem behind us, we will remain unable to take advantage of these other necessary economic ingredients.

We cannot ignore the consequences of deficits much longer. Growing commitments from one generation to the next cannot be honored on empty pocketbooks. A stagnant long-term economy cannot support retirement payments, medical care, and all the other benefits and services we would like. And it cannot support economic opportunity for today's youth to live as well as their parents did.

Our massive federal budget deficits threaten our economy in other ways as well. They increase the likelihood of reigniting inflation by putting pressure on the government simply to print more money to pay off its debt. The more dollars are printed, the less each dollar in your wallet is worth.

As foreign ownership of our resources has grown, so has our dependence on the actions of foreign investors and governments. These entities have come to own more and more of our productive capacity. In addition, foreign investors have bought up almost 20 percent of our government's recently issued debt. As foreign holding of U.S. debt grows, so will U.S. interest payments to foreign nationals.

Huge, continual deficits strangle the ability of even a nation as rich as ours to respond when emergencies arise or when new opportunities or problems emerge, including recession. With our government deep in debt and continuing to run huge deficits, we remain unable to shoulder new responsibilities unless we shuck off existing ones.

How Large are our Annual Deficits and Accumulated National Debt?

In 1992, our government spent $290 billion more than it raised in taxes. That deficit amounts to $1,150 for every single American, or $4,600 for each family of four. That is the sum your government borrowed on your behalf last year, whether you wanted it to or not.

The $290 billion deficit was equal to 21 percent to federal spending. For every dollar the government spent, 21 cents was borrowed.

Our national debt, the net accumulation of all the annual deficits we have run, stood at $4.4 trillion in August 1993. That is $17,413 for every single American, or $69,651 for each family of four.

The $4.4 trillion debt is equal to 74 percent of our national economic output in 1992 (called the gross domestic product or GDP). If every American worked from January 1 to September 20 and paid all of his or her earnings to the federal government and spent nothing on food, clothing, shelter, or anything else, the public debt would still not quite be paid off.

Some people say there is no line-item in the federal budget labeled "waste, fraud, and abuse." But there is. It is called interest on the national debt, and last year it cost our government $292 billion. That is more than we spent on the entire U.S. military and almost as much as we spent on Social Security. What did we get for it? Nothing—not a single mile of highway, Social Security check, or military aircraft—not even a single school lunch.

Because annual interest payments on the debt are now as large as the entire annual deficit, our government is actually borrowing just to pay interest. It is as if we were running up our MasterCard to pay off our debt to Visa, knowing that next year we will have to borrow even more from American Express to keep the game going.

How Did We Accumulate a $4 Trillion National Debt?

Our nation was born in debt, a consequence of the high cost of fighting the Revolutionary War. Our first president, George Washington, adopted the practice of running generally balanced budgets. President Thomas Jefferson went one step further, pledging the nation to the goal of paying off its debt within one generation. All subsequent administrations for more than the next century and a half followed the founders' lead: running infrequent deficits during most wars and deep recessions and building surpluses to pay down the national debt in times of peace and relative prosperity.

The Great Depression of the 1930s led to large deficits when government revenues fell dramatically due to the high number of people out of work and no longer paying income taxes. Following on the heels of the depression, World War II required still greater borrowing to mobilize 16 million American troops to fight in Europe and Asia.

In the early postwar period, the Truman and Eisenhower administrations and the Congresses with which they worked roughly balanced the budget. Each president presided over three surpluses and five deficits. As the economy boomed, the national debt fell as a percentage of GDP.

However, during the 1960s and 1970s, the government began to run deficits continuously. The debt grew slowly and steadily and by 1980 it was almost $1 trillion. During the past 12 years, it quadrupled to more than $4 trillion and is projected to rise another $1 trillion by 1997. Since 1980, our debt has grown far more quickly than our economy, so that the debt is a much greater percentage of GDP than it has been since the 1950s. The 1980s marked the first peace time economic expansion during which the debt grew faster than the economy.

Who is to blame for amassing such debt in times of peace and relative prosperity, a debt that would have shamed our nation's founders? All of us. Republican Presidents Reagan and Bush and the Democrats controlling Congress resisted the spending cuts and tax increases needed to balance the budget. And voters supported candidates of both parties who kept telling us what we wanted to hear instead of what we needed to hear.

TWO VISIONS OF THE FUTURE

What Will Happen if We Do Nothing

If we ignore our mounting debt, if we just wish it would go away and so nothing about it, it will grow and grow like a cancer that will eventually overwhelm our economy and our society. The interest we owe on the debt will skyrocket. We will continue our vicious cycle of having to raise taxes, cut spending, and borrow more and more and more to pay interest upon interest. Our productivity growth will remain stagnant; more of our workers will have to settle for low-paying jobs; and our economy will continue its anemic growth. America will decline as a world power.

Sometime early in the next century, we will have to confront the fundamental truth that low productivity and slow economic growth have failed to generate enough goods and services to satisfy all of our demands. Working people will be required to pay an ever-larger share of their earnings to support a growing retired population and to pay the exploding interest on the debt that the older generation accumulated. Eventually, working people will refuse to submit to the crushing burden forced upon them by their elders. They will vote for leaders who will slash entitlement programs, even on the truly needy, rather than raise taxes still further. Millions of elderly who thought that they could count on their retirement benefits will find that the resources are not there to meet their needs. There will be a generational conflict pitting American against American, child against parent, in a way that our nation has not seen before.

What Will Happen if Instead We Balance the Budget?

We could, on the other hand do the right thing: we could refuse to let our leaders continually borrow and spend and borrow and spend: insist that they stop wasting our money and our children's money on programs that do not work and on entitlement payments for the well-off who do not need them; insist that what spending is done is paid for now out of current taxation. If we do this, our deficits will disappear; our debt will shrink; our interest payments will become more and more manageable; our businesses will invest; our economy will renew its rapid growth of earlier years; and more of our people will find employment in higher-paying jobs; our society will continue to flourish; and the American Dream will be restored to our children and to our children's children.

Do We Have To Start Now?

Yes. Every year we delay deficit elimination, the problem gets worse. And every year we muddle through with halfway measures, we slip deeper into debt. Even a smaller deficit adds to our mounting national debt and pushes up interest payments.

Some argue that the economy is too weak right now to launch a serious deficit elimination campaign, but the truth is that the economy is weak largely because we have such a massive national debt. Until we get control over our deficits and our debt, we will not control our economic destiny.

Why Have Other Attempts To Balance the Budget Failed?

Before considering what sort of deficit elimination plan we should adopt, we ought to consider why previous plans have failed to eliminate the deficit. Several reasons can be identified.

Some did not even try to eliminate the deficit. They settled for the lesser goal of reducing the deficit by only a certain amount over a specified number of years.

Most were highly partisan and kept large parts of the budget off the table. They excluded entitlement spending reductions or tax increases, and were calculated more for political than for economic effect.

Most plans employed gimmicks such as assuming unrealistically high economic growth forecasts, pledging savings in unspecified spending cuts, or using accounting loopholes to claim savings where none existed. Deficits grew larger when spectacular economic growth and cuts failed to happen.

Some plans actually started with spending increases and put off deficit reduction until tomorrow. That "tomorrow" never arrived.

Some had too many conflicting priorities. They allowed less important goals to supersede balancing the budget.

Most did not have reliable enforcement provisions. Without them, they escaped the discipline required for deficit reduction.

None of these efforts won adequate levels of grass-roots support. Without the public behind them, the plans never realized their potential because elected officials never felt that hard choices were politically acceptable.

To maximize the chances that our plan will succeed, we must avoid these pitfalls.

How Do Members of the Concord Coalition Think We Should Eliminate the Deficit?

The Concord Coalition is a grass-roots organization with members in every congressional district across the country. To guide the formulation of The Zero Deficit Plan, The Coalition surveyed its members, soliciting their views on the deficit and how to reduce it. More than half responded.

The following points summarize the member input obtained through the survey:

Virtually all Concord Coalition members are willing to accept short-term sacrifice to enable long-term economic growth and think that the budget should be balanced. A majority wants it balanced within five years.

Large majorities favor employing tax increases, defense reductions, entitlement reductions, and domestic discretionary cuts in deficit elimination.

A strong majority advocates more spending reductions than tax increases. Almost all other responses advocate equal spending cuts and tax hikes.

If taxes must be increased, Concord Coalition members strongly prefer higher alcohol and tobacco, luxury, and energy taxes over increases in corporate, income, and sales taxes.

Mr. SIMON. Madam President, what we are talking about is something that is achievable.

Some people come to me and say, "Well, why don't you present a plan?"

There are a half dozen plans out there; one of them by a group called Families First, which says if you exclude Social Security and you were to limit growth for this 5-year period to 2 percent, you would have $542 billion of the $600 billion needed.

I am not wedded to any plan. What I am saying is we have to get here. But if our opposition says, "Why don't you present a specific plan of getting there," and they say we can balance the budget without a constitutional amendment, I think we ought to hear from them. Where is their plan if they say we can do it without a balanced budget amendment?

If this passes—and I think I speak for my colleagues who are cosponsors—we want to start to work right away putting something together.

Social Security has been raised as an issue; that we are going to harm Social Security. First of all, politically, it will be the last thing we start cutting. But it is interesting, Madam President, that Robert Myers, who was the actuary for Social Security for 23 years, has written me a letter in which he says the only way to protect Social Security is through a balanced budget amendment.

I ask unanimous consent that Robert Myers' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SILVER SPRING, MD,
February 15, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: I am pleased to have this opportunity to express my support for the Balanced Budget Amendment.

For 37 years I worked for the Social Security Administration, serving as Chief Actuary in 1947–70, and as Deputy Commissioner in 1981–82. In 1982–83, I served as Executive Director of the National Commission on Social Security Reform. And I continue to do all that I can to assure that Social Security continues to fulfill its promises.

The Social Security trust funds are one of the great social successes of this century. The program is fully self-sustaining, and is currently running significant excesses of income over outgo. The trust funds will continue to help the elderly for generations to come—so long as the rest of the federal government acts with fiscal prudence. Unfortunately, that is a big "if."

In my opinion, the most serious threat to Social Security is the federal government's fiscal irresponsibility. If we continue to run federal deficits year after year, and if interest payments continue to rise at an alarming rate, we will face two dangerous possibilities. Either we will raid the trust funds to pay for our current profligacy, or we will print money, dishonestly inflating our way out of indebtedness. Both cases would devastate the value of the Social Security trust funds.

Regaining control of our fiscal affairs is the most important step that we can take to protect the soundness of the Social Security trust funds. I urge the Congress to make that goal a reality—and to pass the Balanced Budget Amendment without delay.

Sincerely,

ROBERT J. MYERS.

Mr. SIMON. And then the argument, "Well, doesn't the Federal Government have to issue bonds just to take care of things?"

The GAO has made it very clear that would be an unwise policy.

I ask unanimous consent to have printed in the RECORD a statement by the GAO on this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GAO STATEMENT

* * * the creation of explicit categories for government capital and investment expenditures should not be viewed as a license to run deficits to finance those categories * * *. The choice between spending for investment and spending for consumption should be seen as setting of priorities within an overall fiscal constraint, not as a reason for relaxing that constraint and permitting a large deficit.—GAO, Prompt Action Necessary to Avert Long Term Damage to the Economy.

(Mrs. BOXER assumed the chair.)

Mr. SIMON. Then people say, "Well, with the balanced budget amendment, we can't have the kind of investment that we ought to have."

It is very interesting that in 1966 when we had a deficit of $3.7 billion, we had long-term investments of 2.6 percent out of our budget. In 1991, with a $268 billion deficit, we had 1.8 percent. The deficit has not increased investment.

What we need right now, finally, Madam President, is an outpouring of people contacting their Senators saying: "We want pay-as-you-go Government."

We simply are not going to stop the abuses. You see what is happening in the future in terms of the deficit, even with what happened last year. We are going to have to get ahold of this thing. The American people have to let the Members of the U.S. Senate know that they want this.

There is an old saw that there were so many heroes at the Alamo because there was no back door. We need something without a back door.

Politicians do not like to do unpopular things. There is no popular way of balancing the budget. But we are going to have to do some unpopular things.

Every generation of Americans, Madam President, has taken care of themselves and invested in the future, up until this generation. We have partially taken care of ourselves and borrowed from the future. That has to change.

I mentioned at the caucus this noon—and you were at the Democratic caucus, Madam President—that while I have one grandchild now, this year I am going to have two more. And I am looking forward to becoming a grandfather twice more.

What this amendment suggests is that I ought to take a little pain on myself, rather than borrow from those grandchildren who are not yet born.

Am I willing to do that? Of course. Are the American people willing to do that? Of course. We are ready. We have to do the right thing. But we need the discipline of a constitutional amendment, and I hope we get it.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, once again let me compliment my colleague from Illinois for the tremendous work he has done over the last good number of months and years to ultimately bring this resolution to the floor of the U.S. Senate. I have served 14 years in the U.S. Congress. Ten of those years were in the House. From 1982 on, it became obvious to me that unless this kind of change, as proposed in Senate Joint Resolution 41, was brought to the American people that we would never gain control of the Federal budget.

So, when I came to the U.S. Senate I was so privileged, I felt, to join Senator SIMON, Senator ORRIN HATCH who spoke just a few moments ago, Senator STROM THURMOND who, for over 30 years, has stood on the floor of the U.S. Senate and spoken to this issue, and of course Senator DECONCINI of Arizona, another outstanding leader on this issue. So we are here this evening to begin what I believe is a momentous debate on legislation that this generation will not only feel the impact of, but generations to come will feel the tremendous benefit of.

I would like to pause for a moment and do something that I very seldom do in the debate on legislation. I would like to read into the RECORD this very simple, straightforward and relatively brief amendment that we are proposing to send to the United States for its consideration and ratification. You will hear, in the course of this debate over the next days and possibly weeks, Senate Joint Resolution 41 referred to. As my colleague from Illinois has mentioned, it now has 54 cosponsors, both from the Democrat and Republican sides of this body. So let me read.

Senate joint resolution 41, proposing an amendment to the Constitution of the United States to require a balanced budget.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1999 or with the second fiscal year beginning after its ratification, whichever is later.".

Eight very clear and very simple sections to what could easily become the 28th amendment of the Constitution of the United States.

Madam President, I have read this amendment. You have heard it. And I do not see any portion of that amendment that threatens to dismantle the vital Government programs. I do not see any portion of this amendment that threatens to dismantle the military. I do not see anything in this that would disenfranchise our elderly, especially our children, and I do not see ruinous taxes or a downward spiral in the economy. In other words, and you have heard the amendment tonight, I think all can agree that there is not a "sky is falling" scenario wrapped within the words of the 28th amendment to the Constitution as it has been proposed by the 54 Senators that now cosponsor it. It is without question a clear and straightforward document of the nature that anyone would want to see placed within the Constitution of the United States that believes in a constitutional charge to this Congress for the purpose of remaining fiscally responsible.

I see a restoration of that compact in which Government again begins to practice responsible stewardship of the people's economic resource. Far more than codifying a fiscal rule or an economic principle, this amendment would make the Government more responsive to and more representative of the people, and of course we know that is what the Constitution is all about.

When I look at a balanced budget amendment I see a constitutional class resolution to a constitutional class crisis, and I see a constitutionally appropriate mechanism for restoring a part of the democratic process that has been broken beyond our ability to repair it for well over a decade. When I spoke to this amendment on the floor in recent weeks, I began to outline what I believe is the fundamental right that we seek to protect. That right is offered in this amendment. What is that right? It is the appropriate right that our Framers meant when they formed the Constitution, and that was to protect citizens from a large or growing government.

So, first I want to reiterate the single compelling principle that I think leads us to Senate Joint Resolution 41 before the Senate now and for several days to come. And I believe that compelling principle is simply this: The ability of the Federal Government to borrow money from future generations involves decisions of such magnitude that they should not be left to the judgments of a transient majority. Let me repeat that. The ability of the Federal Government to borrow, borrow money from future generations, involves decisions of such great magnitude that they should not be left to the judgments of a transient majority.

I believe that to be a fundamental constitutional principle. My colleague from Illinois spoke to it this evening in referencing Thomas Jefferson and his great fear that a government would grow beyond its ability to pay for itself and the political environment would allow that to happen.

We are not coming to the floor to try to amend the Constitution merely because the Federal Government has been fiscally irresponsible, though. The stakes are much higher than that, Madam President. Sometimes we lose sight of the fact amid all of the deficit projections and the budget numbers and the economic models, we are coming to the floor tonight with Senate Joint Resolution 41 because at a systemic structural level, our system has become locked on a course of violating the fundamental right of our people: The right to be free from the harms caused by massive indebtedness from a profligate Government. We know that is a right, but we have not been willing to stand up and speak to it.

Tonight, we are standing, speaking to that very principle and what I believe must become a constitutional right, as insightful thinkers like Thomas Jefferson to the chief sponsor of our resolution, Senator SIMON, have pointed out. There is a moral imperative that the Government restrain itself or be restrained by the Constitution. He spoke of his grandchildren softly and kindly tonight. He speaks of the moral imperative that you and I and every Senator must face today and tomorrow and through the week of this very important debate. When we look at the provisions in the Constitution and the kind of rights protected and processes described, we see a balanced budget amendment would be constant alongside all of those provisions.

First, we noted our Constitution generally protects the rights of all individuals by restraining the powers of Government, the very things I talked to this evening. The Government is restrained from infringing on the right of free speech and of the press, on the exercise of religion. It is restrained from taking life and liberty and property without due process of law and from taking private property without making just compensation. It is constrained from abridging the right to vote on the basis of race and sex. It may not impose excessive bail, fines or cruel and unusual punishment. It may not infringe upon the right of the people to keep and bear arms.

Like these other provisions, I believes the balanced budget amendment would limit the power of Government. It prohibits Government from allowing its outlays to exceed its receipts, except in certain and very exceptional circumstances. It limits Government's ability to incur debt. Like so many other provisions of the Constitution, its central function is simply to prevent the Government from committing to very harmful excesses. Like those other provisions of the Constitution, a balanced budget amendment limits the power of Government for the purpose of protecting a fundamental right of the people. This right has both political and economic dimensions.

In terms of the political process, Madam President, the balanced budget amendment goes right to the heart of how effective the democratic process actually works. In poll after poll, and election after election, the American people have shown that they want a balanced budget amendment because, after all, they want their Government to live within its means and they speak to us every year and every day through the means that they can focus on. The public has a general, if diffused, interest in Government that spends no more than they are willing to pay in taxes and restrain its appetite in growth and the intrusion upon the lives of the free citizen.

On the other hand, though, the interests that want and benefit from much Federal spending are narrower and much better organized than the average citizen. They mobilize to fund, to promote, and to reelect those who fund them and to defeat those who, for one reason or another, say no to them. In other words, very large and very powerful interest groups have grown up over the last 40 years who speak to the issue of Federal spending and defend what they believe is their right to gain accession to the largess of the public Treasury, while the average citizen who pays his or her taxes and goes along and only asks Government to stay out of their lives now begins to speak up because they recognize, as so many do, that Government, in its profligate spending, is beginning to take away their right, their freedom to live in the best way they can, based on their ability to earn.

Saying no, Madam President, is never pleasant. That is simply human nature. But the Congress and the President found it easier to say no when it was necessary to do so because of a common view that the size and the scope of Government was strictly limited by the expressed, literal declaration of the powers in the Constitution and the ability to accommodate deficit spending was severely restricted by the monetary policy tethered by an anchor of gold. Well, then, during the Great Depression of the 1930's, the desperation of the American people and the willingness to experiment by elected officials changed America's view of its central Government.

While deficits were expected to exist only in a temporary way, for the purpose of combating economic downturn, the role of Government became not only more expansive but also much less defined. It was assumed the Government would manage the economy—sort of, that is—provide for a modest social safety net and eventually turn to the practice of balancing its budget once again. It did not happen. During the 1960's, the American people were told by a new generation of economists and politicians, courting various groups without having to worry about fiscal restraint, that deficits did not matter anymore. After all, we only owe this money to ourselves, a modern, enlightened, scientific view; well, if we work this altogether and somehow mix it up, we will balance the budget, someday, and anyway, it is just an old dogma. You know, we do really owe this money to ourselves.

We know the rest of the story. After all, Government did not feel any need to go on a diet as long as they could borrow enough to buy newer and bigger suits of clothes for all Americans. As a result, the dynamic of spend and spend and borrow and borrow and elect and elect became ingrained in our political system at the Federal level. And you will hear hour after hour over the next few days the repetition of that dogma. Oh, it will come in different forms and it will be expressed with different styles, but the bottom line is that a Congress bound now to this appetite of spending and spending and borrowing and borrowing cannot get off it.

The accumulation of these trends was "stagflation" of the 1970's. A new term; we had to create it. We did not understand where we were. Some of us did not understand how we got there, but we found out what the results were: Thousands of Americans out of work, a budget that was in runaway, and inflation that had to be grabbed and corralled with great severity on the economy and, therefore, the people of our country.

But what happened, with all of those efforts, the deficit continued to grow and a sluggish economy resulted in the economy now of the 1990's. In short, the old constraints that tended to balance the Government's appetite to grow with the people's appetite to have our Government grow was there. The people's view of their Government can change and this Nation can remain strong, but there needs to be some process to constrain the ability of our Government to spend, and we step forward tonight with the beginning of that process.

Senate Joint Resolution 41 sets forth, as I have read to you, a very simple requirement that brings this Congress together, like it has never been brought together before, for us to make the tough decisions that will lead us to a balanced budget.

We are not just talking about future dangers or present harms. The Senator from Illinois knows so well and pointed out at last week's Appropriations Committee hearing, the Federal debt that occurred in the 1980's has already lowered our standard of living by 5 percent or more. If the national debt had been paid off during the prosperous times after World War II, if we had no Federal debt to serve today, the Government would actually be running a $286 billion surplus over the next 5 years. That is $286 billion that is not available for some to spend on their favorite social programs, if they wanted to. That is not $286 billion that would be available for national defense, if that is where we wanted to spend it. And that is not $286 billion that this Senator would be more inclined to give to his citizens of Idaho and to other Americans in the form of tax relief.

Spending on interest not only crowds out our fiscal priorities, it is blatantly regressive. Interest payments represent a transfer of funds from the working middle class who pay the bulk of the Federal taxes to the large bankers, the corporations, the wealthy individuals who have the money to invest in U.S. Treasury securities.

About 15 percent of these payments now go overseas. Already, at $201 billion in fiscal 1994, net interest is the third largest item in Federal spending behind Social Security. A $298 billion gross interest is the second largest spending item in the Federal budget. We are now having to pay for all of that money we borrowed and spent over the last decades, and yet we have not even touched the principal. I am talking about interest and interest alone on the debt.

Today, Federal budget deficits are the single largest threat to our economic security and therefore our national security. The Government has spent more than it has taken in for 56 out of the last 64 years. The budget was last balanced in 1969. The result is a Federal deficit totaling $4.5 trillion. As many of us stood on the lawn of the Capitol today in a press conference and showed the national debt clock running, that represents over $18,000 for every man, woman, and child in America that they now owe as a part of their citizenship in this country to the Federal debt. And that figure continues to grow. This Congress has demonstrated no ability to contain it.

Americans are paying now not only with the debt burden they have but, with a sluggish economy, for Government's past debt addiction. We must stop that.

"Muddling through" is the term that I think the CBO baseline represents today. We cannot talk about a dynamic economy that employs the unemployed. We can only talk about getting through, making ends barely meet. Muddling through should not be the economic policy of this country. But when we have an annual Federal deficit of the kind we have, without any means of showing its reduction, without any means of referencing to the American people that we are headed on a downhill slide toward a balanced budget in the positive and responsible sense, then muddling through is what we will get.

After 1996, although there are glowing reports about the current budget, what is quietly being whispered by this administration is that the budget begins to balloon in the sense of a deficit, and by the year 2020 that Federal deficit again hits the $500- to $600-billion-a-year mark. So for the moment, muddling through is a scenario of literally no action at what is most importantly a very critical time in our country.

In the recent statements I have made, I have outlined what I believe is the essence of the balanced budget amendment to deal with what I think is a fundamental American right, a right of the citizen, a right of the people. The nature and importance of this right has made it the kind of right traditionally, and what we believe to be appropriately, protected in the Constitution because somehow, as much as we all believe in it, we have not yet in the history of this country been able to secure and then maintain that right for our free citizens. This right has been seriously and repeatedly violated. The American people have been harmed, and absent what we think is a fundamental structural change in our system, our children will be harmed even more.

As the debate over the balanced budget amendment is now joined in earnest by all of our colleagues, I will demonstrate, as will others, what I believe to be the importance of this constitutional restraint; that it does not harm nor does it infringe, but in fact it begins to unleash the dynamics and the energy of the marvelous experiment known as America and our Republic.

We will also see, through a proposed amendment, other ways of protecting that I do not believe will be valid. We will stand before you and say that no amendment is appropriate if it is to stray away from, to set aside, to move off budget any portion of the consideration of our Federal Government expenditures.

I am even more eager to move this amendment to the many State legislatures which will ultimately debate it once the Congress has ratified it, because I think for the first time across America and in the chambers of every State legislature will be one of the most exciting debates in the history of our country, or since the ratification of the Constitution, or the debate on the Bill of Rights, or the first 10 amendments, because Americans will understand more than they ever have what our budget is all about and what we are talking about, and what they ought to expect of their Federal Government's budget and, more importantly, what they ought not expect because that will be the debate that will follow.

While we will be engaged here but a few days or a week, this debate will go on for months in the 50 legislatures of this country. I think that to be in the end the most exciting proposition that brings us to changing the Constitution and adding the 28th amendment;

So, Madam President, let the debate begin. It is historic and I believe fundamentally important to the future of our country.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator retains 5 minutes, the Senator from Illinois has 1 minute and 51 seconds remaining, and the Senator from West Virginia has 90 minutes.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from West Virginia.

Mr. BYRD. Mr. President, this will undoubtedly be, in my estimation, the most important issue that will come before this Congress, and as far as I am personally concerned it will be one of the most, if not the most, important votes that I shall have cast in 41 years on Capitol Hill. This is my 41st year. I have cast in the Senate 13,381 votes as of this moment, and including my votes in the House of Representatives during 6 years there I have cast 13,812 votes—13,813, as a matter of fact.

Now, why do I consider this vote to be of that importance?

I shall, by and by, before the evening is over get back to that point. For the moment, let me begin by saying that I agree with my friends and colleagues, the distinguished Senator from Illinois [Mr. SIMON], the distinguished Senator from Idaho [Mr. CRAIG], the distinguished Senator from Utah [Mr. HATCH], and all those who speak of the seriousness of the deficits and the seriousness of the debt.

I agree that we have a mountain of debt. That debt has increased from a little under $1 trillion during the first 39 administrations and the first 182 years of our country's history, that debt has increased from a little under $1 trillion up to what it is today now, almost $4.5 trillion. In other words, as I was going to say, it took 39 administrations and 102 years in our Republic to reach just under $1 trillion. And that meant that we went through several wars, panics, recessions, and depressions. But during the past 13 years, 12½, 13 years, that debt has increased to four times—certainly increased by three times what it was—so that today it is $4.5 trillion. That is sufficient to cause anyone concern.

So I do not disagree with my friends on that point at all. We are in agreement. We will stipulate that.

I went to a budget summit in 1990. I voted for the budget deficit-reduction package on that occasion. I voted for the budget deficit-reduction package last year. So I am on record as having supported both those budget deficit-reduction packages. My friend from Illinois voted for the one last year, but he did not vote for the 1990 budget deficit-reduction package.

So I think we are on the right track insofar as the budget deficit-reduction packages are concerned. So to begin with, as I say, we agree. There is no argument, no debate with respect to the seriousness of the debt, the deficits, and the interest we pay on the debt. That is not what we are debating. So we shake hands on that right at the beginning. But let us go from there.

I do not hear my friends describing their amendment, explaining their amendment, debating the amendment. They have been debating only that we are in tougher times and we have to make headway with the debt and the deficit. Of course, that is true. Everybody out there will agree with that, everyone who is watching and listening to the proceedings here this evening.

Now let me deal with a few of the points that have been suggested here this evening. My friend from Illinois, Mr. SIMON, said that our Constitution serves two purposes. I am trying to paraphrase him. If I am in error, he is here on the floor, he will correct me, of course. But as I understood him, he said that the Constitution serves two purposes. One, it is an expression of philosophy, and, two, it prevents abuses. The Senator is nodding his head in the affirmative.

Now, I do not agree that the Constitution is an expression of philosophy. I hope that we are not contending that this is not a republic but that it is a philosophocracy. A philosophocracy is a government by philosophers, a government by philosophy.

Our Constitution is far from being an expression of philosophy. The fundamental purposes and principles that are written into our Constitution do these things: First, they create the branches of the government. The first article creates the legislative branch. The second article creates the executive branch. The third article creates the judiciary, and so on. So the Constitution creates the various branches of power, the branches of government.

Then it distributes the powers. It distributes the powers between the Nation and the States. It also distributes the powers between and among the three branches of government, the legislative, the executive, and the judicial.

Finally, it distributes the powers within the legislative branch itself, the powers between the two Houses. It gives the House certain powers. Revenue bills shall start in the House. The House has the power of impeaching a President. The Senate conducts the trial of a President or any other Government officer who is impeached. So it distributes the powers between the two Houses.

What else does it do? It protects certain liberties and freedoms for the individual—life, liberty, property, the right of freedom of speech, the right of freedom of religion.

So that basically is what this organic instrument does. It does not express philosophy. It sets up the various branches of government. It creates the structure of government. It distributes the powers between and among these various branches. And it delineates the rights of individuals. That is what it does. It is the basic organic law of our country.

That Constitution does not set forth budget or fiscal policy. This amendment would place in the Constitution of our country an element that is foreign to it as of now, an element that was foreign to it when the Framers wrote that Constitution.

What else does this amendment do to the Constitution? It violates the basic principle of the Constitution. And that principle is the basic undergirding element in a representative democracy, the element of majority rule. Take the element of majority rule away and this no longer is a democracy. It is no longer a representative democracy. Throughout that Constitution—except in five instances in that Constitution—we see that majoritarian principle pervasive; it pervades all four corners of the Constitution. That is fundamental. Take away that and this is no longer a republic.

Thirdly, this amendment will prove to be illusory. It is an empty promise, and we are about to write into the Constitution a promise that cannot be kept in this way and will not be kept. And if it is kept, as I will discuss, it will prove very destructive to the constitutional system of checks and balances and separation of powers.

Additionally, it may increase the deficit instead of reducing the deficit. Why do I say that? Because once this amendment is adopted in both Houses, God forbid, then it goes to the States for ratification. Then, contrary to what my friends here say, there will be a letdown in the vigor, the determination, and the serious efforts to balance the budget. And the people back home will think the problem is all taken care of. We have an amendment that says the budget will be balanced. So we will let down our efforts and, come 1999 or the year 2001, whichever is the later according to the amendment, we will find ourselves with greater deficits than we have now.

There are other reasons why the deficits, I think, would probably be greater than they will be without this amendment, and I shall touch upon those later.

Now, my friend Mr. SIMON again refers to Thomas Jefferson. Well, Thomas Jefferson was one of my favorites, also. He was the town fiddler; he played the violin, and he was a great President. By my book, he is one of my favorite Presidents of all time, the sage of Monticello. But the Senator from Illinois continues to talk about Mr. Jefferson. I want to talk a little about Mr. Jefferson, also. Thomas Jefferson wrote a letter to John Taylor, who was a Senator from the State of Virginia. Jefferson wrote a letter to John Taylor on November 26, 1798, in which Jefferson said:

> I wish it were possible to obtain a single amendment to our Constitution. I mean an additional article taking from the Federal Government the power of borrowing.

And then in 1789, September, he wrote the celebrated "The Earth Belongs To The Living" letter to James Madison. In that letter, he argued that no generation can contract debts greater than may be paid during the course of its own existence. Jefferson calculated that period of about 19 years.

So Jefferson's quotations have been made the underpinnings, to a very considerable extent, of the arguments that are propounded by my very able and lovable friend, PAUL SIMON, and others.

Jefferson was not at the convention. He was in Paris during the convention in 1787, and I wish at this point to quote James Madison. Madison is generally recognized to be the "Father of the Constitution." I do not know how many of my friends have read his notes from one end to the other. I have. James Madison, who is the father of the Constitution, believed differently on this subject.

One question that I would ask rhetorically of my friends is: If Jefferson believed that a nation should not incur debt; if he said, as he did say, "I wish it were possible to obtain a single amendment to our Constitution, taking from the Federal Government the power of borrowing," why did he not promote such an amendment to the Constitution? He was President from 1801 to 1809. Why did Jefferson not promote a constitutional amendment to carry out what he said in his letter to Senator John Taylor? Why did he not do it? He was President of the United States. He had the opportunity to press for such an amendment then.

Well, Jefferson had the unique opportunity to add to the territory of this Nation the Louisiana territory, out of which all or part of 15 States of this Nation eventually were formed. He hoped to purchase the Floridas, east and west Florida, and the Port of New Orleans. So he asked his Ambassador, Robert Livingston, to propose the purchase of the Floridas and New Orleans. Jefferson also sent James Monroe as an envoy to Paris to work with Livingston. Talleyrand suddenly, in essence, asked: How would you like to purchase all of the Louisiana territory, all of Louisiana? Well, our two envoys there were not sure that they were constitutionally authorized to do that. But they felt that the Congress and the President would certainly approve it, because this was a magnificent opportunity to add to the length and breadth of the United States.

And so, there was an agreement that they pay $11¼ million, plus assuming $3¾ million of claims against France, making a total of $15 million. And so the Louisiana territory was purchased for $15 million.

Did Jefferson pay it cash on the barrel head? No. They went into debt for it. And the Congress authorized the borrowing of that money from English and Dutch banks. So here we are with this President, whom we all honor and would love to emulate, borrowing the money. So he went into debt. So he said one thing and did another. And I am glad that he did.

Now, how big a debt was that $15 million? Well, in that day and time, the total Federal budget was $7.852 million. That was the total Federal budget, $7.852 million. That was the total Federal budget. But he went into debt $15 million, which was 1.9 times the Federal budget.

Now, how would that budget and that debt equate as compared with today's budget and today's deficit?

Well, $7.852 million being the total budgetary expenditures that year as compared with the budget of this year, which is $1.474 trillion. That is the total budget for this year.

Well, how much would the additional deficit be to add to our mountain of debt if a similar purchase were made today?

The purchase in that instance was 1.9 times the Federal budget. A like purchase today being 1.9 times the Federal budget of $1.474 trillion would amount to $2.815 trillion.

Now how would that be to suddenly add to the debt and to the deficit if this year in one transaction we added $2.815 trillion? That would be a whopper, would it not?

Well, that is what Jefferson took on. He made a purchase. He went into debt for the territory, the purchase amounting to 1.9 times the total Federal budget. Well, that would perhaps lend a little perspective to the view.

Well, let us see what Madison says about this business of going into debt. Madison, as Father of the Constitution, said: "The improvements made by the dead form a charge against the living who take the benefit of them." Meaning the improvements made by the people of today form a charge against the living of the next generation or the next several generations—"form a charge against the living who take the benefit of them." The living, the future generations, take the benefit of the improvements made by the leaders and the people of today.

Madison went on to say: "Debts may be incurred for purposes which interest the unborn"—Jefferson must have thought that—"interest the unborn as well as the living." "Debt may be incurred for purposes which interest the unborn as well as the living; such are debts for repelling a conquest, the evils of which may descend through many generations."

So we should give greater weight to Madison's view. Why? One, because he is recognized as the Father of the Constitution; and, two, because Jefferson did exactly what he said he did not believe we ought to do. So he said one thing and did another. And I am glad he did. And I am sure that he was glad that he did.

So we should give greater weight to Madison's view that debts will be incurred principally for the principle of posterity. Jefferson's view was an abstract idea that was written in a letter from European shores.

And particularly compelling is Madison's salient observation of the year of 1790 that "the present debt of the United States . . . far exceeds any burden which the present generation could well apprehend for itself."

Now, Jefferson grappled with this contradiction. Elected in later years, he grappled with this contradiction. He referred to the question. He said, "The question was easy of solution in principle but somewhat embarrassing in practice."

So Jefferson was embarrassed when he was confronted with this statement or these statements of his with reference to debt and saying that we should not go into debt beyond our own ability to pay and our own generation and all that. He was confronted with that statement and also in the light of his actions in purchasing the Louisiana territory and going into debt for that territory.

So he suggested that the laws of necessity were sometimes higher than the written laws of Government and concluded that it would be absurd—now this is Jefferson talking—he concluded that it would be absurd to sacrifice the end to the means.

Well, so much for Jefferson on that point.

Next, my friend from Illinois and his colleagues who are supporting the amendment state that statutory changes are too easily avoided; we change the statute.

But, let me first, however, take a look at the amendment.

So, let us read the amendment and then we will get back to this.

Section 1 of the amendment, "Total outlays"—here it is. Two pages. Two pages. Not very voluminous. But in this large print it reads:

"Section 1. Total outlays for any fiscal year shall not. . . ." It does not say, "may not." There is no room to wiggle. ". . . shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote."

"Section 2."

Mr. CRAIG. Mr. President, may I ask the Chairman a question before we leave that section?

Mr. BYRD. I would like not right at this point. I will be glad to yield later.

Mr. CRAIG. All right.

Mr. BYRD. "Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote."

So here we have the supermajority, another supermajority written into the Constitution. There are only 5 of those, only 5 supermajority votes written into the Constitution: One, the supermajority that is required to override Presidential veto; two, the supermajority that is required in article V to amend the Constitution, two-thirds of each House. And one, the supermajority required to approve the ratification of a treaty. One, the supermajority required to convict a President or other officer of the United States who has been impeached. And the other is the supermajority that is required in either body to expel a Member.

Now, those are the 5 supermajorities. Those are the 5 supermajorities. This amendment would add another, a requirement for a supermajority and, thus, it invades the basic principle of a democracy, majority rule.

"Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts."

Well, I will simply say in passing here that this section seriously impinges upon the powers of the President. The President is required in the Constitution to present a message on the State of the Union and to give an accounting from time to time. But this section would say to the President: You cannot present an honest budget for the U.S. Government for a particular fiscal year. If you believe that outlays exceed receipts, that is not the budget—that is not the budget you are to present. You are to present a balanced budget. So against his better judgment, depending upon the circumstances of the time, it may be during a recession—when the President would want to exercise countercyclical economic tools—he may feel that, indeed, the budget—the outlays should exceed the receipts in order to keep the country from going from a recession into a depression. But he, nevertheless, is required by this section to present a balanced budget. That impinges not only on his powers, it impinges on his responsibility to present facts and to send an honest and realistic budget up to the Congress. And so we see that the executive branch will be impinged upon and damaged in this respect.

"Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote."

At the present time a majority of Members present may enact legislation to increase revenue. But now, contrary to the Constitution which provides at the present time that bills may be passed by majority vote of those present, this section would say: No. There is required to be a majority of the whole number in each House in order to pass a revenue bill. That kind of a majority is not being required of any other legislation, only in the case of revenue bills.

So this amendment would institute an imbalance into the Constitution. All other bills may be passed by a majority of the Members present but not so with revenue bills. Now, there is not any—there is no distinction in the Constitution between the number of votes required for revenue bills and those required for other bills.

"Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

All right; let us take a look at section 1 again just for a moment.

"Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess. . . ." It does not say a general excess. It has to state precisely what excess is going to be needed for outlays over receipts.

Now, when the people vote on this amendment that is what they are going to see. They are going to see that the budget is going to be balanced every year, and to the nickel. There is no wiggle room. Total outlays shall not exceed total receipts.

Now, let us take a look at section 6. It says something different to what section 1 says.

It says:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

So we have two directives in this one amendment: Outlays shall not exceed receipts in any year, unless this is waived by three-fifths majority.

Section 6 says, "Well, we do not really mean that. We do not really mean that the outlays shall not exceed receipts. What we mean is that the Congress shall enforce the article by legislation which may rely on estimates of outlays and receipts."

Now that is a horse of a far different color. So here in the same amendment that is going to be presented to the legislatures throughout this country, we are saying two different things: It must be balanced, it shall be balanced to the penny—that is what section 1 says, unless you can get three-fifths votes in both Houses, three-fifths of the whole membership of both Houses. So unless you can get three-fifths, you have to balance to the penny. Here it says, "Well, we really do not mean that; Congress will enforce this article, and it may rely on estimates of outlays and receipts."

Let us see how dependable the estimates of outlays and receipts are.

This chart to my left shows the differences between actual budget totals and first budget resolution estimates for the fiscal years 1980 to 1993 in billions of dollars. It shows that during these years, if the revenues received had been exactly as they had been estimated, then it would be represented by a straight line. But in each of those years, the estimates were off and in most of the years, as the viewers can see, the revenues were under what they were estimated to be. In 1 year, 1983, for example, revenues were $65 billion below what they were estimated to be. In the year 1992, they were $77.5 billion below what they were estimated to be. In the year 1989, they were $26.4 billion above what they were estimated to be.

So the average for these years, 1980 to 1993, the average by which the revenues were off was $24.7 billion annually.

The point is that the estimates not once were accurate.

Let us take a look now at the outlays. This chart shows the differences between the actual budget totals and the first budget resolution estimates for fiscal years 1980 to 1993. Here, again, if the outlays had been exactly in accordance with what the estimates said they would be, then the straight line would represent that kind of accuracy, right on the dime. But, again, we see that in no year were the estimates accurate.

In 1980, the outlays were $47.6 billion greater than was estimated. In the year 1990, the outlays were $85 billion more than they were estimated. In the year 1993, the outlays were $91.9 billion below what they were estimated to be.

The charts show that we cannot depend on estimates of either outlays or receipts. So back to section 6.

The two charts I have just talked about, the estimates with respect to outlays and the estimates with respect to receipts, demonstrate how foolhardy it is to say that we can depend on those estimates. But section 6 says, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

What kind of a balanced budget is that going to be? In section 1 we say outlays shall not exceed receipts, and that is what the American people out there are going to understand. If there is anything about that amendment they will understand, they will understand that. They say, "Boy, that's got 'em. That means business. That means they can't spend a nickel more than they take in."

But look at the fine print of section 6, how shall this be enforced? It says: The Congress shall enforce and implement it by appropriate legislation which may rely on estimates of outlays and receipts. Now what kind of reliance is that? The charts have shown how far off we can be in estimating our outlays and in estimating our receipts.

So the American people are being taken for a ride right there and they ought to know it.

Let us talk a little more about this section 6 that we just looked at. In the committee report which the Judiciary Committee sent to the floor along with the resolution—by the way, this resolution has been on the calendar since October 21 of last year. Now I understand they want to change the resolution. They want to change it. It has been on the calendar since October 21, I believe, of last year. Hearings were conducted on it in the Judiciary Committee. It was discussed in the committee, reported out by the committee and has been on the calendar since last October 21, and now I understand they want to change it. But anyhow, so much for that.

What does the report say about section 6 of this amendment? The report says—here in this little report, with reference to section 6, what does section 6 mean—it says:

> This provision gives Congress an appropriate degree of flexibility——

Section 1 did not say anything about flexibility. It says outlays shall not exceed receipts. Shall not. But the report says:

> This provision gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year——

And we saw where that took us.

> to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable and made in good faith.

Who knows? Who knows whether they are reasonable? Who will know whether they were made in good faith? Only God. Only God will know whether they were made in good faith.

> In addition, Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article.

Who is going to determine what is meant by "temporary," what is meant by "self-correcting drop in receipts," what is meant by "temporary, self-correcting . . . increase in outlays during the fiscal year?"

> But Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article. Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

There you have it. Congress can say that a violation is not a violation. Let us read it again:

> Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

Now, section 1 does not say anything about any deviation. Section 1 does not say that, well, outlays do not really need to match receipts, or receipts do not have to match outlays. Section 1 says outlays shall not exceed receipts.

But here we read in a committee report:

> Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

How much is small? How much is negligible? Is $50 billion small? We are talking about a $1.474 trillion budget. What is small? Is $50 billion small? Well, $50 billion would only represent about 3.3 percent of the total budget. The total budget is $1.474 trillion. So if you are off $50 billion, that is only 3.3 percent of the total budget. Is that small? Is that negligible? Well, Congress can state that it is very small and that it does not represent a violation.

> If an excess of outlays over receipts were to occur, Congress can require that any shortfall must be made up during the following fiscal year.

Now, there you have it. There is the final wrinkle. If there is an excess of outlays over receipts, which the amendment in section 1 says there shall not be, well, you can just yawn and say it does not really mean what it says because Congress can require that any shortfall must be made up during the following fiscal year.

Well, what if in the following fiscal year there is another shortfall? Then carrying over the initial shortfall will compound the problems in the subsequent year.

I asked my friend, Senator SIMON, during the hearings about this: What is small? How much is small? How small is small? He testified that a 2 percent budget deficit was small.

That is not what the amendment says. The amendment says there will be no deficit. The budget must come into balance. Outlays shall not exceed receipts. The amendment does not say outlays shall not exceed receipts except when there is no greater than a 2 percent deficit in a given year. Up to 2 percent is OK. One percent is OK. Two percent is OK. The American people are not going to be told that when they vote on the amendment in their legislatures.

What we see here, Mr. President, is a committee report which says that Congress may declare a violation is not a violation. What are the American people going to believe? What are they going to think? Are we not saying to them you cannot believe us?

Section 1 says that outlays in any given year shall not exceed the receipts in that same year. But the report says they can if the excess is negligible or very small, or you could even roll it over until the next year.

Are the proponents of the amendment anticipating that the deficits really will not be balanced in those years? The deficits really will not be balanced?

And so in the report we are being told we can maneuver around these requirements. We can cut the corners; we can cut the edges a little. That is not being fair with the American people.

That is not being straightforward with the American people.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. Thirty-two and a half minutes.

Mr. BYRD. I thank the Chair.

The chief proponent of the amendment says we have to have this constitutional amendment. We simply have to force ourselves to balance this budget. We need something that will force us. We need something that will give Members of both bodies the courage to make hard choices.

So this little piece of paper here is what we need to give us the courage, something that will force us to balance the budget.

Now, why? Why? Why do we need that? Well, we will not be able to do it by statute because Senators get around statutes. They amend statutes. We saw that in the Gramm-Rudman years. We saw that under Gramm-Rudman. We set targets and then we amend those statutory targets with new ones. So we cannot depend on Senators to balance the budget unless we have a constitutional amendment that forces them to—forces them to.

Do not depend upon them to pass statutes and balance that budget. They will amend those statutes. They will get around the statutes. But a constitutional amendment will force us.

How does the constitutional amendment say that this mandate in section 1 will be enforced? Section 6 of the amendment says:

> Congress shall enforce——

So the Congress is going to enforce it.

> Congress shall enforce and implement this article by appropriate legislation.

"Appropriate legislation." So my friend, Senator SIMON, is saying you have to have a constitutional amendment to force us to do these things. You cannot depend on our standing up and balancing the budget by statute because we will get around the statute. We pass a statute one year, and the next year we will amend it.

So section 6 dumps it right back into the laps of those Senators who will amend the statutes and who will find a way around the statutes.

So we have not gotten anywhere after all, have we? We say give us a constitutional amendment to make us pure, to make us balance the budget. And how are you going to enforce it? Well, it comes right back home, right back here to this Senate.

> The Congress shall enforce and implement this article by appropriate legislation.

So I say rhetorically, my friends, what makes you think that Senators whose feet are made of clay today and who get around statutes which they craft themselves and on tomorrow will amend the statutes that we craft today, what makes you believe that those same Senators will not have feet of clay when that constitutional amendment sends the matter right back here? And how do we do it? We implement it by legislation. So why do we have to have a constitutional amendment to put it in our laps? That is where it is now.

I think we are kidding the American people. I do not hear these Senators talking about the sections of the amendment word for word. Surely, they must have seen these loopholes before I saw them.

I did not see this monstrosity. I say that with all respect to my friends and in deference to them. I did not see it until it was on the Senate calendar. But somebody saw it before it got to the Senate calendar—members of the Judiciary. Surely they must have thought that was a loophole. But apparently not.

So my friend, Senator SIMON, says you cannot play games under this constitutional amendment. Why can you not play games? Oh, three-fifths of the majority can stop us from playing games—the three-fifths majority.

Mr. President, this is a recipe for minority rule. It is a recipe for gridlock. The majority leader will tell you that it is easier to get 60 votes for cloture in many instances than it is to get 51 votes to pass a law extending the debt limit. He will tell you that it is easier to get 60 votes for cloture than it is to get 50 votes for a bill that reduces the deficit over a 5-year period. If you do not believe that, look at last year.

We had a deficit enforcement package here that reduced the deficit over the next 5 years by $500 billion—some say a few dollars less, some say a few dollars more. How many of the supporters of this amendment voted against that budget deficit reduction package? I will bet my friend from Idaho, Mr. CRAIG, voted against that budget deficit reduction package because it had an increase in taxes in it for one reason, an increase in taxes on the wealthy. Not one of my dear friends on that side of the aisle, not one, voted for that budget deficit reduction package last year.

Do you know how close we came to not being able to pass it? We had to have the Vice President's vote. The vote was 50 to 50. And that was tough. Getting the 50 votes was tough. It was hard for the majority leader to get 50 votes. That is half the membership here, 50 votes. He could not get a majority of the whole membership here.

So it was 50–50. We had to pull in the Vice President. He is not a Member of the Senate. So we finally got 51 percent of 101 votes. We only got 50 percent of 100 votes. That is how hard it is to get a majority on something that causes some pain on a budget deficit reduction package amounting to $500 billion over 5 years, and it includes some cuts in discretionary spending. Boy, it really cuts discretionary spending. We are operating under a freeze over the next 4 years after this one. We are actually under a freeze this year.

So discretionary spending has been cut, some entitlements have been cut, and some taxes have been increased on the wealthy. Not one of my friends on the other side of the aisle supported that package in this body or in the other body, and then come in here and say, well, we can waive this requirement in this amendment by three-fifths majority. That is the escape valve. You can waive it. All you have to do is get 60 votes.

And the same Senators—I could not say all the same Senators. That would be unfair to say that. But, generally speaking, the same Members who are supporting this amendment and who would not vote to give us the majority in the Senate last year on the budget deficit reduction package will not vote to give us three-fifths when we need it to raise the debt limit. If we do not raise the debt limit, what happens? The Social Security checks will not go out. Government stops. What happens to the stock markets and the bond markets? What happens to America's credibility overseas?

This minority of two-fifths plus one in one body can put this country into gridlock. And they can exact anything they want from the majority when we have our backs to the wall.

All right. The time has come when we have to raise the debt limit, and there is a recession on. Because there is a recession, we need to spend more money for unemployment compensation, food stamps, job training, and so on. Our receipts are down because a lot of people are out of work. So here we have the outlays exceeding receipts. And recession, it is just exactly the reverse of what we ought to do in a recession to keep it from becoming a depression. We will be required to raise taxes in a recession, and cut programs in a recession. As I say, it is just exactly counter to the countercyclical fiscal measures that we have been accustomed to using.

Oh, do not worry about that. We have provided for that. That is where the three-fifths majority comes in. They did not step up to the plate and help us to get a bare majority in the Senate or in the House last year with that budget deficit reduction package. So it "ain't" that easy.

Now, put that kind of a weapon into the hands of a minority. We would have minority rule—and minority rule is something that is pretty messy. We have not had a minority rule under this Republic ever. It has always been majority rule. That is minority rule.

Oh, they say, well, you ought to be able to get three-fifths vote. Let us take a look at what the big States can do if they were of a mind to do it in the other body. Now in this body—this is the forum of the States where the Senator from Idaho represents a State that is equal to the State of Illinois, equal to the State of California, and my little State of West Virginia with three votes in the House. That is a little bit like putting my little dog, Billy, up against a big bulldog—my little dog, Billy.

Well, my little State of West Virginia has three votes over there. Look at these six States. In the House, in order to waive this requirement in section I that outlays shall not exceed receipts in a given year, three-fifths of this body—if we could get 60 votes, they would all be equal. West Virginia's votes would be equal to California's, but not in the other body. In the other body, it would only take 175 votes to block the waiver of that section.

So if we were in a recession, for example, or in circumstances in which we had, for the good of the Nation, to exceed receipts with the outlays, you go over in the other body and ask the Members to give you three-fifths so as to waive that requirement. Theoretically, six States in the Union could block that in the other body. One hundred seventy-five votes constitutes two-fifths plus one over there. But you have the States of California, with 52 votes over there; New York with 31; Texas with 30; Florida with 23; Pennsylvania with 21, and Illinois with 20. Six States, with a total of 177 votes.

Let us take a look at the six States. They are all seacoast States, either on the seacoast or the coast of the Great Lakes. California with 52; Texas with 30; Florida with 23; New York with 31; Pennsylvania with 21; and Illinois with 20. So you have 177 votes. We could exchange Ohio for Illinois and you would still have 176 votes. Theoretically, six votes could block the waiver. Well, I say that there are some interests that would be in common to all those States. Shipping interests would be in common. Suppose those six States got together and said: We will not give you a vote until you give us thus and so. So a minority can extract from the rest of the Congress—the minority in either body. Let us say the Senate voted 100 percent to waive section I and 206—well, all except 175 or 176 votes on the other side would vote to waive it. That puts a very potent tool, very potent power in the hands of a small minority. I do not think we want to do that. That is minority rule, and that is anticonstitutional. That is antidemocratic.

Well, I shall close tonight by referring to this concern about our grandchildren. Before I do that, however, it has been called to my attention that President Eisenhower was mentioned a little earlier in connection with the building of our Interstate Highway System. I was in the House during the first Eisenhower administration, and it is with a sense of great pride that I refer to that legislation, the legislation that formed the foundation of the Interstate Highway System. President Eisenhower was our Chief Executive, and he led the way. It has been called to my attention that in the 1957–1958 recession—I was in the House—the Eisenhower administration purposefully switched from a $3 billion surplus to a $9.9 billion deficit. In other words, $140 billion in today's economy. And this switch occurred in just four quarters. That was President Eisenhower. His administration purposefully switched and for good reason: We were in a serious recession. If they had not switched, that would have been another Great Depression. I lived in that Great Depression.

I say this to my friend from Illinois. I believe he said the other day he was born in 1928. I was 11 years old in 1928. I remember the stock market crash. I remember President Hoover. President Hoover sought to balance the budget, even in the face of that depression. You see where that got us. The memories of that depression are forever etched upon the minds and hearts of millions of men and women in this country, and mine, too. The utter foolheartedness of attempting to balance the budget in that recession did not make sense; it was crazy. That is what this amendment is going to perpetrate on the American people today in our time. It is going to say that in a recession you have to balance the budget, unless you get a three-fifths vote, and we have gone over that already. We have talked about how difficult that would be.

Finally, let me say to my friends—and they are my friends; we shake hands, we smile, talk with each other and try to help one another in many instances—I congratulate them on the tenacity with which they continue to press for this amendment. I do not believe that anything I have said or will say will change their minds one iota.

James Russell Lowell said, "Only the foolish and the dead never change their opinion." Well, neither of these Senators is foolish, and they are not dead. So James Russell Lowell would have to amend his statement slightly. They will not change their opinion; I am sure of it. And they will not discuss this amendment. They will not tell us where to cut. They will not tell us how much to cut, and they will not tell us what taxes will have to be increased.

Regarding Senator SIMON, I will have to take a little bit back immediately of what I just said. He will tell you he favors increasing taxes. I believe I heard him suggest it on television that he would increase the tax on gasoline.

But how much would you cut Social Security? How much would you cut veterans' compensation? How much would you cut veterans' pensions? How many veterans hospitals would you close down?

"Oh," they say, "it is a bugaboo, this business about cutting Social Security," and they cite Robert Myers. I was around when Robert Myers was an actuary—and he was a good one. He testified before my committee the other day.

But, Robert Ball, who was the Social Security Commissioner under Kennedy, Johnson, and part of Nixon's administration, I believe, tells a different story, the former Commissioner of Social Security.

Inasmuch as my friend, Mr. SIMON, inserted in the RECORD a letter, I believe, that Senator SIMON said had been written to him by Mr. Myers, I ask unanimous consent that the testimony by Mr. Ball before my Appropriations Committee on February 18 be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY ROBERT M. BALL, BEFORE THE SENATE APPROPRIATIONS COMMITTEE, FEBRUARY 18, 1994

Mr. Chairman and members of the Committee:

My name is Robert Ball, I was Commissioner of Social Security from 1962 to 1973. Prior to my appointment by President Kennedy, I was the top civil servant at Social Security for about ten years and had a total of some thirty years of service at the Social Security Administration. Since leaving the government, I have continued to write and speak about Social Security, health insurance and related programs. I was staff Director to an Advisory Council on Social Security to the Senate Finance Committee in 1948, which council recommended the major changes that became the amendments of 1950.

I was a member of the Statutory Advisory Councils in 1965, 1979, and 1991. I was also a member of the National Commission on Social Security Reform in 1982–83, the Greenspan Commission. This was the commission whose members included Senators Moynihan, Dole, Armstrong, and Heinz and whose recommendations served as the basis for the important 1983 Amendments. I am currently Chair of the Board at the National Academy of Social Insurance.

I am pleased to testify in strong opposition to the Balanced Budget Amendment to the Constitution. On the other hand, I fully support moving to an actual balanced budget in the years ahead as the economy and other goals of our society permit.

Large deficits in good times are bad policy and have led to the huge build-up in the debt, with its crushing load of interest payments. Borrow and spend is much less responsible than carefully choosing what we want to spend money on and paying for it as we go; tax and spend if you will. We are at last on the right road, only the out-of-control increases in health care costs and our unwillingness to tax ourselves enough to pay for the services we want stand in the way of achieving our goal. But forcing cuts through the Constitution would deprive the government of the flexibility it needs as it continues progress toward a balanced budget. In my opinion, it would force actions contrary to the best interests of the nation.

You have heard eloquent testimony on these general points from many highly competent witnesses. Let me therefore confine my testimony to the effect of the Amendment on Social Security, a program, to which along with Medicare, I have devoted most of my adult life.

Simply put, Mr. Chairman, although I am not easily frightened by the proposal, it puts at great risk the monthly benefits of 42 million people currently receiving benefits and the benefits of millions more who are working and building credits for future benefits.

In 1993 alone, 134 million earners worked under Social Security. Practically every American family has a major stake in Social Security. Hardly a special interest group. The program today keeps 15 million people out of poverty and millions more from falling into near poverty, but it is much more than a poverty program. It is the only retirement system for 6 out of 10 workers in private industry and the base on which private pensions are built for the other 4 out of 10. Social Security is family insurance as well as a retirement plan. Life insurance protection under Social Security in 1992 was worth $11.2 trillion, $800 billion more than the $10.4 trillion for all private life insurance in force. It pays nearly 3 million children each month. And, of course, there is also protection against loss of income because of disability.

The protection of young families is very significant. A family made up of a husband, 32, earning average wages, and a wife, 28, with two children ages 3 and 5 has survivors protection of $250,000. (It would be the same if the wife were the wage earner or the same if both earned average wages.) Disability protection for the same family amounts to $221,000. All of this protection, retirement, survivors, and disability insurance, would be put at risk by a Constitutional Amendment forcing a balanced budget. The Amendment provides a great opportunity for those who favor cutting Social Security and radically restructuring it. The Concord Coalition with its proposal to means-test Social Security would have a heyday.

And the Concord Coalition representatives are speaking and organizing all over the country today. They are a threat even now. With this Amendment, they would be much more of a threat. Social Security is self-financed and responsibly financed. It has had no part in creating the deficit and the staggering debt. It has always paid its own way. From 1937, when payments started, through 1992, it collected $3,900.7 trillion and paid out $3,569.2 trillion, leaving $331.5 billion in assets. But no matter, even though its benefits are modest, since everyone is covered, its numbers are huge and will make a tempting target when budgets are forced to balance under a constitutional amendment.

The Concord Coalition's proposal for means-testing Social Security is the worst proposal—I believe it might well destroy the system—but there are others who, even without a Constitutional imperative, would cut the COLA on the benefit formula. Not because it makes sense from the standpoint of the Social Security system, but in order to reduce the deficit in the consolidated budget of the United States. I hardly see how with a Constitutional Amendment to balance the budget how the Congress could avoid cutting Social Security. Some will cheer but almost all Americans will feel betrayed. Not because Social Security would never be changed. Changes have been made in the past and will be again, but changes in the past have been made with long lead times so that people can adjust, and because Social Security itself needed change to adjust to new conditions. But to cut back on the rights that people have contributed to and worked for because of a year by year requirement for balancing all the receipts and expenditures in the compensated budget will not be understood by either contributing workers or beneficiaries. Yet, under this Amendment, I believe large cuts are the most likely outcome and I think that would be terrible.

After more than 55 years of experience, we have developed in this country a four-layer approach to retirement income that is working well. The basic layer is the compulsory contributing, way-related Social Security program. The second layer is our private pension system, encouraged by government through favorable tax treatment. The third layer, also encouraged by government through favorable tax treatment, is made up of the savings people made on their own, particularly through home-ownership. Both pensions and savings are built on Social Security so that cuts in Social Security affects the other two.

The fourth layer is the Supplemental Security Income (SSI) that makes grants on a means-tested basis to the poorest of the elderly and those with disabilities.

Social Security is the key element in all this—the base for everything else. In my judgment, the Amendment threatens what has been so carefully built up over the last half century. Mr. Chairman and members of the committee, don't let this happen.

Mr. BYRD. Mr. President, I close with a reference to my grandchildren. I have five beautiful, wonderful, intelligent grandchildren. Erma and I had six. The oldest one was killed. He was taken by the Father of us all to be in God's garden. Now we have five remaining. And they are wonderful grandchildren. We are distinctly proud of our grandchildren. I would bet my right arm—my right arm—that not one of those grandchildren has ever resorted to drugs. I would bet my left arm that not one of those grandchildren has ever used God's name in vain. So I love my grandchildren. All grandparents do, or should.

Now, my good friend, Mr. SIMON, says we should think of our grandchildren and not pass the debt on to them. Well, I have tried at the summit in 1990 and last year in connection with the budget deficit-reduction package to assume the payments on that debt in this generation. We started the process. President Clinton and the Congress working together have begun to move in that direction. And Mr. Bush and the Congress, as I say, in 1990 worked out a package, too.

But that is the way it ought to be done. That way we do not bring on cataclysmic reverberations in the economy. We do it in an orderly way. And we ought to continue to do that.

I do not like to pass on debt, either. But from the beginning, this country has had debts. There have been some years in which we have been in surplus, but throughout the two centuries we have depended upon the constitutional powers to incur indebtedness. And so I, too, want us to assume that burden.

But I will tell you something else. I want to pass on to my grandchildren the same Constitution that the Framers crafted and that our forefathers passed on to me. If this amendment is incorporated into that Constitution, we will not be passing on to our children the Constitution that we know. We will be passing on to our children a Constitution in which the system of checks and balances and separation of powers has been eroded and ruptured. And that is key.

I will have more to say about that in the days to come, a lot more to say, because that basically is the heart of my opposition to this amendment; what it does to our Constitution, our organic document, the basic instrument which assures us of our freedoms and liberties, which provides for the separation of powers, the checks and balances, the structure of this Government.

Put this into the Constitution and we tear that all down, and then where are we? Where are our liberties then?

Section 1 would be violated. As a matter of fact, the amendment provides for the violation of it, and the committee report provides for the violation of it and tells us all the ifs, ands, and buts about it and how we can get around it.

Now we are about to fool the American people. They are being misled. I am not saying that all the supporters of this amendment knowingly are misleading people. There are supporters of this amendment who undoubtedly are very sincere about it.

But I am telling you why we should vote against this amendment and what we are doing to our future generations, to our grandchildren, mine and yours, and their grandchildren. We are acting like Samson, taking the pillars of the Constitution in our arms and pulling down the whole structure upon us.

What greater disservice can we do to our grandchildren than to rend that Constitution into pieces and create dissatisfaction and distrust on the part of the people of this country toward that basic organic document that has helped to steer this ship of state over these 200 years, to avoid the shoals and the rocks, and has been the basis of this country's prosperity and its strength and its growth and the freedoms and the liberties that are ours?

This is a serious question. And, believe you me, I will have some more to say on the business of what we are doing for our grandchildren, what we are sending to them, and what we are doing with this Constitution.

I thank my friends for their patience in sitting and listening. My friend from Idaho had wanted me to yield. My time is up.

If our time has expired, I will be glad to yield to him for any question he has.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator's time has expired.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, my friend from West Virginia, the distinguished Senator from West Virginia, will not be surprised that I differ with him. And, let me add, he is my friend.

One of the things I think that will come out of this is this is going to be a civil debate. We are going to look at some very, very basic questions in this country.

I do not have the time remaining to respond this evening. I will be responding to his remarks tomorrow and I look forward to continuing this discourse.

I think we have the chance to really make a change for the positive for this country. And I hope we take advantage of that.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it looks like I will have the opportunity to close out the evening's debate. Let me echo the comments of my colleague from Illinois as it relates to the remarks of the chairman from West Virginia. It will be a civil debate but it is a very profound and fundamental debate. So, tonight for the RECORD, let me add, and I ask unanimous consent that I might add into the RECORD, Thomas Jefferson's constitutional dilemma, as laid out tonight by the chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRAIG. He did have a fundamental dilemma. He had inherited a budget that was not balanced and he did not want to borrow money and inflict a new debt. So he provided and got the necessary supermajority, the three-fifths in this instance as required in our proposed constitutional amendment from both Houses, the necessary go-ahead to project a note—in those days they called it a stock—that would come due 15 years out, so that during that time he would have a balanced budget and then the note would come due at 6 percent interest.

That is exactly what happened. The note was offered at 6 percent interest due in 15 years to the French, and the French immediately sold it to the Dutch to finance it. So, from 1803 to 1818 there was nothing paid on it and from 1818 to 1823 the debt was paid off.

So let the RECORD show that the amendment that the Senator from Illinois and I have offered is very consistent with the philosophy of Jefferson in the three-fifths required as he sought from the legislatures of the Congress, both Houses, and got it; and then in the out years, paid it off. Because it was, as the Senator from West Virginia said, an exceptional opportunity to acquire property equal to that of the continental United States at that time. The Congress with a three-fifths—or 60 percent I believe at that point—agreed with Jefferson. I will argue that the Jefferson principle was not violated, that he paid off the debt, he brought the budget into balance, and he provided a unique financing opportunity that would fall under section 1 and under section 2 of our amendment to deal with this issue.

Let me close the evening by saying I referenced in my opening remarks that indebtedness—or more importantly the lack thereof—inflicted on the citizens was a right, a right that ought to be in the Constitution. And if it is a right—and I believe it is a right—I do not have grandchildren yet but I hope someday to have them, and I do not want one of my votes to force them into an indebted posture that they cannot live with. I will argue that every right that is in the Constitution today is guarded by that three-fifths vote. That is constitutional.

So, when we talk about a majoritarian principle, as my colleague from West Virginia talked about tonight, we walk the constitutional line. We maintain the constitutional tightrope, because the Congressman—the Senator from Illinois—I used to know my colleague as a Congressman in the House—will argue with me that it is a fundamental right that we do not indebt future generations; that we pay as we go.

If it is a right, and we believe our amendment says it is, then article 1 and article 2 of our amendment are absolutely consistent with the right of free speech, the second amendment rights, all of the other rights that I delineated tonight.

We are within the concept of the element of the majority and most assuredly we have not violated, nor will this amendment violate, the Constitution. I believe it will strengthen it. I believe it fits into the concept of Jefferson. It certainly adheres to his principles and the arguments he placed before the Congress when he was provided with a unique and unbelievable opportunity. If this Congress, and its budget were balanced, came under tremendously difficult times and the citizens cried out—or if it in fact stumbled upon a unique opportunity, as did Thomas Jefferson at a time when he began to close Government down and tighten it up to balance the budget—he went to the Congress and they gave him that supermajority, that three-fifths necessary.

He stayed within his principles. He stayed within his belief of the Constitution. He provided for this country a phenomenal legacy, and out of that legacy came the Idaho Territories, and out of that territory came the State of Idaho that I represent today. But it was done in a balanced approach, with a debt that was paid off in 5 years after it came due, in the responsible fashion that was of the day, and of the human principle of that day.

So when he talked about an amendment that said this Nation should not borrow and it should not be allowed to indebt, what he was talking about was the belief of a principle that was embodied in the human element of the day. If you read, as I know my colleague from West Virginia has, the history of the Constitutional Convention, they did not even think you had to put the first 10 amendments down; that they were fundamental, that they were already embodied there.

But to sell it to the States, they had to do more. They had to specify. They had to guarantee. And it was that—that was what Thomas Jefferson meant, that we had failed to guarantee what was fundamentally a belief of the time. His practices as a President demonstrated it. What he brought forth to the House and the Senate demonstrated it.

So I will argue, and I think the paper that I presented, which is a compilation of the Jefferson argument and the Jefferson concern, will suggest to all of us that we are not revising history, that we are extending history. Thomas Jefferson was, as his comments in letters so profoundly said, fundamentally one who believed in balanced budgets and fiscal responsibility and not passing forth debt to future generations, and his Presidency did not do that.

I yield the remainder of my time.

EXHIBIT 1

JEFFERSON'S CONSTITUTIONAL DILEMMA WITH THE LOUISIANA PURCHASE—(SUMMARY)

It is widely thought that Thomas Jefferson ignored his own principles of a strict interpretation of the Constitution when the United States was given the opportunity to purchase the Louisiana Territory in 1803. On the contrary however, the purchase raised no question of unconstitutionality in his mind. It was the admission into the Union of new states which might be created from the territory that caused him great concern. Creating additional debt for the country also seems to be contrary to traditional Jeffersonian principles, but Jefferson was hopeful the Congress could finance the purchase without raising taxes.

The Treaty of 30 April 1803 set the terms for the purchase of the territory. A payment of $11,250,000 to France at six percent interest, not redeemable for fifteen years was the price. An additional $3,750,000 would be used to assume the claims of American citizens against France. While there is no record of Jefferson giving a written justification of incurring such a debt, it might be assumed that because he was eventually willing to set aside his concerns about the constitutionality issue (because of what one historian called the national emergency of acquiring Louisiana), he was also willing to lead the country into debt because of the long-term advantages he foresaw.

This paper attempts to give a brief summary of the events leading to the ratification of the treaty by which the United States purchased the Louisiana Territory with special attention given to Jefferson's constitutional concerns.

Jefferson's Constitutional Dilemma With the Louisiana Purchase

The presidential election of 1800, often referred to as the "Revolution of 1800", marked the beginning of the end of the Federalist Party and the rise of a more democratic, less formal style of government. In his inaugural address, the new president proclaimed: "* * * a wise and frugal government, which shall restrain men from injuring one another, which shall leave them free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."

During Jefferson's first term internal taxes were abolished, the national debt was reduced by half, the armed forces were restructured, West Point was established and the land area of the country was doubled by the purchase of the Louisiana Territory. This last accomplishment, however, was the subject of strenuous debate among Jefferson's Cabinet and in Congress because the Constitution gave the Federal government no explicit authority to acquire territory and incorporate it into the American nation.

Through a secret treaty with Spain in 1800, France secured title to the Louisiana Territory of North America. Circumstances on the European continent, however, led Napoleon to seek a means of raising funds to purchase war supplies for France's military campaigns and he was forced to forego his dream of an empire in the Americas and turn his attention to the coming war with Great Britain. As a result, he was willing to sell the millions of acres just across the Mississippi River from the United States. President Jefferson had a tremendous opportunity to enlarge the country's borders by purchasing a territory many in Congress had advocated taking by means of war.

In January of 1803 legislation was introduced in the House of Representatives to appropriate $2 million to speed the negotiations between the United States and France, or rather, "to defray the expenses which may be incurred in relation to the intercourse between the United States and foreign nations; to be paid out of any money in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States; who, if necessary, is hereby authorized to borrow the same, or any part thereof, an account whereof, as soon as may be, shall be laid before Congress." (Annals of Congress, 7/2) The bill was passed and referred to the Senate, which passed the bill by a 14–12 margin.

The American negotiators in Paris announced the purchase of the territory in a letter to the Secretary of State dated 13 May. It was not until 14 July, however, that the treaty and its accompanying documents arrived in Washington. Two days later, the president met with his Cabinet to consider the proper course of action. Under the terms of the treaty, the United States would purchase the Louisiana Territory for $11,250,000 with an additional $3,750,000 going to satisfy private American claims against the French government. As payment, the United States would create a stock of the former amount bearing interest at the rate of six percent a year. Interest payments were to be made each year with the principal being payable no sooner than fifteen years from the date the treaty was ratified. The treaty also stipulated that should France wish to dispose of the stock before maturity, the transaction would be conducted in the manner most favorable to the credit of the United States. Finally, the document provided that, in the event the treaty was not ratified by 30 October 1803, the land would revert to the French.

Secretary of the Treasury Albert Gallatin complained that the treaty would allow the French to dispose of the stock for cash (which they did almost immediately). At the same time, the United States could not begin to curtail the debt for fifteen years. The president, however, wrote an acquaintance that the United States had gained in four months of deliberations what would have required seven years of war and cost 100,000 lives and $100,000,000 of debt. (There is no record of the source of these estimates.)

Writing to a friend on 17 July, Jefferson explained that Congress "will be obliged to ask from the people an amendment to the Constitution authorizing their receiving the province into the Union providing for its government, and the limitations of power which shall be given by that amendment, will be unalterable but by the same authority."

Writing to John Dickenson on 9 August, "Our confederation is certainly confined to the limits established by the revolution. The general government has no powers but such as the Constitution has given it; and it has not given it a power of holding foreign territory and still less of incorporating it into the Union. An amendment to the Constitution seems necessary for this. In the meantime we must ratify and pay our money, as we have treated, for a thing beyond the Constitution, and rely on the nation to sanction an act done for its great good, without its previous authority."

In a letter to Senator John Breckinridge three days later, Jefferson wrote: "This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise never again be in their power. But I suppose they must then appeal to the nation for an additional article to the Constitution, approving and confirming an act which the nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive in seizing the fugitive occurrence which so much advances the good of their country, has done an act beyond the Constitution. The Legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves if they had been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; and saying to him when of age, I did this for your good; I pretend to no right to bind you: you may disavow me, and I must get out of the scrape as I can: I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and their act of indemnity (an amendment to the Constitution) will confirm and not weaken the Constitution, by more strongly marking out its lines."

Because Congress had adjourned for the summer and was not due to go back into session until November, Jefferson called for a special session beginning on 17 October. The purpose of the session was to gain Senate approval for the treaties and House authorization for payment of the purchase before the 30 October deadline. He spent the rest of the summer and fall preparing for the coming session and trying to gather all the information he could about the territory. (He also drafted two versions of an amendment which Congress might consider upon its return.)

In late August, word arrived from France that Napoleon was having second thoughts about selling the territory to the United States and would not accept the American ratification if the Senate made any changes in the treaty. Jefferson quickly surmised that raising the issue of the constitutionality of the purchase would give Federalist opponents in Congress an opportunity to delay the ratification process into winter. As a result, he wrote to Secretary of State Madison on 20 August: "I infer that the less we say about constitutional difficulties respecting Louisiana the better, and that what is necessary for surmounting them be done sub silentio."

According to historian Dumas (Doo-mah) Malone, Jefferson's most scholarly biographer, the president seemed to consider the affair of Louisiana at this point a national emergency that justified stretching the Constitution beyond its original shape. To Treasury Secretary Gallatin, Jefferson wrote: "It will be well to say as little as possible on the constitutional difficulty, and the Congress should act on it (ratifying the treaty) without talking."

Jefferson's third annual message to the Congress on 17 October made only passing reference to the constitutional question. (It is also one of his few public statements about intentionally increasing the debt.)

"It is already ascertained that the amount paid into the treasury for that year (FY 1803) has been between eleven and twelve millions of dollars, and that the revenue accrued during that same term exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

"The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half dollars of the principal of that debt, besides the accruing interest, and there remain in the treasury nearly six millions of dollars. Of these eight hundred and eighty thousand have been reserved for payment of the first instalment [sic] due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed under the power and accountability of the president, toward the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

"Should acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of imposts from increasing population and wealth, the augmentation of the same by revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress in reviewing their resources will find means to meet the intermediate interests of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position."

The Senate ratified the treaty on 20 October by a vote of 24–7. A subsequent Senate vote to establish a government for the new territory passed by a 26–6 margin less than a week later. New England Federalists provided the opposition on both votes.

On 25 October three resolutions relating to the government of the territory and payment to the French government were introduced in the House. A resolution to enforce the provisions of the treaty passed 90–25. The bill establishing a government for the territory met with stiff initial opposition because it would have given all military, civil and judicial powers to the President. Even loyal Jeffersonian Republicans refused to support the resolution until an equitable distribution of power between the President and Congress was added. This measure passed 89–23. The resolution regarding payment for the territory was approved by voice vote the same day it was introduced.

Not content to let the constitutionality question die, Senator John Quincy Adams of Massachusetts introduced a measure on 25 November which would have established a special Senate committee "to inquire whether any, and if any, what further measures may be necessary for carrying into effect the treaty between the United States and the French Republic * * * whereby Louisiana was ceded to the United States." The Senate did not consider the measure until 9 December. Only two of his Federalist colleagues joined him in supporting the motion. It subsequently died and the issue of the constitutionality of the Louisiana Territory ended.

The debt incurred by the purchase was finally paid off in 1823, twenty years after the agreement was ratified.

This chain of events established a precedent for the principle of implied powers in the Constitution and the elasticity to meet changing situations.

Mr. SIMON. Mr. President, I ask unanimous consent that the time allocated for myself tomorrow, Wednesday, February 23, be equally divided between myself and Senator HATCH, or our designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SIMON. Mr. President, I ask unanimous consent there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SAM EARLE HOBBS

Mr. HEFLIN. Mr. President, Sam Earle Hobbs, a long-time Selma, AL, attorney, judge, banker, and civic and professional leader passed away on January 4. His contributions to the University of Alabama as a teacher, trustee, and chancellor were recognized with much praise. He was an outstanding citizen who served his city, State, and country in many prominent positions over the last 50 years.

Sam Earle Hobbs earned his bachelor's degree at the University of North Carolina; master's at George Washington University; law degree from the University of Alabama; and LLM from Yale University. He was awarded a doctor laws by the University of Alabama in 1987. Following 4 years as a special agent with the FBI, Sam resigned to serve during World War II as an officer in the U.S. Naval Reserve, seeing duty in the Pacific theater. he began practicing law in Selma in 1952, served as Dallas County Court Judge, as president of the Selma-Dallas County Bar Association, and held various offices with the Alabama State Bar Association.

Sam also gave freely of his time to other causes outside his profession. He served as a member and chairman of the Selma City School Board, was president of the Selma-Dallas County Chamber of Commerce and the YMCA board. He was a charter member of the board of directors and chairman of the board of the Citizens Bank and Trust Co. and served in those same positions with the SouthTrust Bank of Selma. He was also active in running the New Vaughan Memorial Hospital and in his beloved Episcopal Church.

Thirty years ago, Sam was named to the board of trustees of the University of Alabama, serving there for 23 years. From 1981 to 1984, he completed a term as chairman of the board. In 1989, he was called upon to serve for a time as interim chancellor of the university system.

He was a man for all seasons at the university. He commanded the respect of the faculty, students, administration, alumni, and his fellow trustees. His keen intellect, quite, calm, and reasoned counsel helped successfully guide the university system during a period of explosive and troubling times.

Progressive service to education, the law, the State, and Nation has been a hallmark of the Hobbs family. Sam's father, Judge Samuel Francis Hobbs, is remembered as one of Alabama's finest Congressmen. His brother, Judge Truman Hobbs, has contributed to his family's tradition of progressive service as an outstanding lawyer in Montgomery, as president of the Alabama State bar, and as a U.S. district judge. Sam's son, Ralph N. Hobbs, has earned a reputation as one of Alabama's finest attorneys.

As an editorial appearing in the Selma Times-Journal just after his death said so eloquently:

> "If service to one's community is a measure of a man's worth, then the loss of Sam Earle Hobbs has depleted Selma's civic coffers in a fashion which would bankrupt benevolence in most small towns. Mr. Hobbs will be sorely missed, but he will continue to serve as a role model for Selmians who witnessed his extraordinary love for this town.

These words are a most fitting tribute to who Sam Earle Hobbs was and the way he lived his life, and a testament to the tremendous amount of respect and affection afforded him while he lived. I ask unanimous consent that this editorial be printed in the RECORD in its entirety immediately following my remarks.

[From the Selma Times-Journal, Jan. 5, 1994]

CITY WILL SELDOM SEE CITIZEN LIKE SAM EARLE HOBBS

If service to one's community is a measure of a man's worth, then the loss of Sam Earle Hobbs has depleted Selma's civic coffers in a fashion which would bankrupt benevolence in most small towns.

Mr. Hobbs was born in Selma and died here Tuesday, leaving behind a legacy few future citizens will be able to approach in such a short 76 years.

Educated in Selma public schools, he went on to recieve degrees from America's most prestigious institutions of higher learning. Perhaps his highest honor came in 1989 when he was named Interim Chancellor of the University of Alabama System, in part based on the admiration he received during 23 years on the University of Alabama Board of Trustses.

Mr. Hobbs served his nation as an FBI agent before fighting in World War II. He returned home to open a law practice which saw him serve as a Dallas County judge, president of the local bar association, state bar officer and president of the UA Law School Alumni Association.

But Mr. Hobbs greatest contributions were to his community, which he served as chairman of the school board, president of the Chamber of Commerce, president of the YMCA board, chairman of the Citizens Bank board, chairman of the board of Vaughan Memorial Hospital and Vestrymen of his beloved St. Paul's Episcopal Church.

Mr. Hobbs will be sorely missed, but he will continue to serve as a role model of Selmians who witnessed his extraordinary love for this town.

COMMENDING BRIG. GEN. RALPH V. LOCURCIO, U.S. ARMY CORPS OF ENGINEERS

Mr. INOUYE. Mr. President, I would like to congratulate Brig. Gen. Ralph V. Locurcio on his heroic efforts on the Island of Kauai during Hurricane Iniki.

The U.S. Army Corps of Engineers has many missions, but it is during disaster response operations that the service to the public truly shines.

Hurricane Iniki struck the Island of Kauai on September 11, 1992 damaging 12,000 homes, killing 3, leaving 8,000 homeless, leveling utility poles, destroying crops, and causing more than $1.6 billion in damages. Within 12 hours of the hurricane's landfall, Brig. Gen. Ralph V. Locurcio, in accordance with the corps' mission of flood control and coastal emergency support, personally led the engineers and technicians of the U.S. Army Engineer Division, Pacific Ocean [POD] to the isolated and disaster stricken island to perform damage assessment and join forces with the Federal Emergency Management Agency, active military, the National Guard, and various State and local agencies responding to the disaster.

This initial team carried out their duties with a high degree of efficiency and professionalism, in part enabled by prior knowledge of Kauai's governmental structure and planning and management functions, and familiarity with the local culture and local concerns acquired over many decades of Federal water resource development on the island. Within 24 hours of the hurricane's landfall, Brigadier General Locurcio further mobilized and dispatched to Kauai 100 engineers, technicians, lawyers, real estate, and contract specialists, and established a dedicated headquarters support staff on Oahu consisting of all disciplines and specialties responsible for satisfying needs of the forward elements at the disaster scene.

Brigadier General Locurcio's hands-on experience during the Kuwait recovery was invaluable in establishing decentralized field assistance throughout Kauai as well as effecting efficient coordinating procedures and partnership actions with concerned Federal, military, State, and local decisionmakers. And perhaps most importantly, he listened to the victims.

Brigadier General Locurcio and his highly motivated and competent staff literally worked day and night for the initial 90-day period succeeding the hurricane's onslaught, epitomizing the highest and most exemplary level of dedicated service to the public. In view of this outstanding performance, it is most appropriate that the U.S. Senate recognize Brig. Gen. Ralph V. Locurcio and the U.S. Army Engineer Division, Pacific Ocean for their quick, highly professional, and effective response to the ravages of Hurricane Iniki, and for their many services and kindnesses to the people of Kauai above and beyond the call of duty.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, February 18, the Federal debt stood at $4,539,326,517,316.73, meaning that on a per capita basis, every man, woman, and child in America owes $17,411.33 as his or her share of that debt.

LETTERS FROM DANA ELEMENTARY SCHOOL

Mr. LEAHY. Mr. President, every week I receive hundreds of letters from the folks in Vermont, telling me about the issues that are important to them and what they think about the job I am doing for Vermont here in Washington. All of these letters are important to me, and during recess last week I received some very special letters from the second grade class of Dana Elementary School in Rutland, VT. The students of Mrs. Marro's class were writing to thank me for a bill I introduced last November, the Better Nutrition and Health for Children Act of 1993. This bill will bring the school lunches our children eat all year up to the nutritional standards recommended by the Department of Agriculture and the Department of Health and Human Services. Healthy eating habits in our kids will help to build healthy bodies for a lifetime. And what better place is there to teach our young people about the importance of a healthy diet than in their own schools.

These letters are especially important to me because they came from the people this bill will affect the most; the children who will benefit from healthier, more nutritious diets. Some people have said that my bill will not work because kids will refuse to eat healthy food that is served to them. These letters tell a different story. Heather Rice wrote that she would like to have salad in her school lunch; Samantha Palumbo likes the idea of healthier lunches because the food in her lunches is fatty; and Casey Jennings wants healthier food so he can be strong and build a house of his own. Our children should have the option of eating healthy foods early in life. It is time we did our part to bring these meals to them.

I would like to thank Mrs. Marro and every student of her second grade class for taking the time to learn about good nutrition. The letters and drawings I received have been hung in my staff's offices as a reminder of who the Better Nutrition and Health for Children Act is for—the children in Vermont and in every State. I ask unanimous consent that the letters that I received from Mrs. Marro's class be included in the RECORD. I hope that my colleagues in the Senate will take a moment to read what our schoolchildren have to say about providing healthy lunches to our schools.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEAR SENATOR LEAHY, I like your idea of the Better nutrition and Health for children Act? I want to be healthy so I can be strong to build a house. I want to be a builder.

From,

CASEY JENNINGS.

DEAR SENATOR LEAHY, We've learned that we have to be careful not to eat too much fat. I hope you like my letter when you get it from Mrs. Marro's 2nd grade class. My name is Caitlin Wolven and I am 8 years old. I have back problems. My hair is brown.

Yours truly,

CAITLIN WOLVEN.

DEAR SENATOR LEAHY, Hi, I'm Katie Stockton. I am in second grade. My teacher told us about your bill S. 1614. I think it is a good idea to have healthy meals in school cafeterias. I want to be strong so I can do gymnastics.

Sincerely,

KATIE.

DEAR SENATOR LEAHY, I think your Better Nutrition and Health for Children Act is a good idea. I think it is good about lowering fat in schools. Keep up the good work.

Sincerely,

LAURA.

DEAR SENATOR LEAHY, My name is Michael. I am in Mrs. Marro's second grade class at Dana school in Rutland, Vermont. You are a nice guy I am glad that you are taking the fat out of my school lunch.

Yours truly,

MIKE.

DEAR SENATOR LEAHY, My name is Joseph. I am in Mrs. Marro's second grade class at Dana School in Rutland, Vermont. I like what you are doing. I want to eat healthy at school.

Yours truly,

JOSEPH.

DEAR SENATOR LEAHY, I go to Dana school and I live in Rutland Vermont. We would like to have healthy meals in school and we would like your help.

Sincerely,

ASHLEY SKIDMORE.

DEAR SENATOR LEAHY, I would like healthier lunches. I think it is a great idea to have a healthier lunch because I want a healthier life. My name is JR I just got my ear pierced

Bye,

JR.

DEAR SENATOR LEAHY, I am Samantha Palumbo, and I live in Rutland, Vermont. I go to Dana School. My teacher told us about your bill S. 1614. I think it is a good idea also! I think you are a very good Senator! I have two sisters and a brother. He was born in December. I like your idea because the food is fatty!

Sincerely,

SAMANTHA PALUMBO.

DEAR SENATOR LEAHY, Mrs. Marro told us about the bill S. 1614. I really liked the part about changing the school lunches to have less fat and salt and sugar. I am 7 years old. And I go to Dana School

Yours truly,

MARYBETH RADAKER.

DEAR SENATOR LEAHY, I think this is a good idea to have healthier food at school. I like healthier food. We have been talking about food and nutrition.

Sincerely,

CAROLYN SANBORN.

DEAR SENATOR LEAHY, Hi, I'm Kathryn Ahearn. I'm in 2nd grade. I go to Dana Elementary School in Rutland, Vermont. I want to thank you for thinking about us because of your bill to make school lunches healthier. My parents would like that too because my mom and dad like me and my sister to have a good lunch and snack.

Sincerely,

KATHRYN AHEARN.

DEAR SENATOR LEAHY, I like the idea about nutrition meals in our school. It isn't too good to eat too much fat. I want to be healthy, so I will be big and strong.

Sincerely,

JESSIE RULE.

DEAR SENATOR LEAHY, I like the idea of the bill S. 1614. The reason I know about it is because my teacher told our class. The thing that we are studying is food and nutrition. I like to eat healthy foods. You are thinking about healthy children. Thank you.

Sincerely,

JANELLE LARSON.

DEAR SENATOR LEAHY, I am from Dana School. I like your idea of the Better Nutrition and Health for Children Act. You are a good Senator.

Yours truly,

FRANKIE SANBORN.

DEAR SENATOR LEAHY, I live in Rutland, Vermont. I go to the Dana School. I like your idea about the good Nutrition and Health for Children Act. It is a good idea! My name is Carrie Ames. I have one sister and her name is Stephanie Ames. You are a good Senator.

Yours truly,

CARRIE AMES.

DEAR SENATOR LEAHY, I like your idea about healthy and nutritious school lunches. I want a healthy life so I can be in the army.

Yours truly,

STEFAN.

DEAR SENATOR LEAHY, I am Heather Rice and I like your idea about less fat in school lunch. That is nice of you to take care of us. Can I tell you what I like? Salad. Can I have that? Can I have one piece of candy? I go to Dana School in Rutland Vermont. Mrs. Marro is my teacher.

Sincerely,

HEATHER RICE.

DEAR SENATOR LEAHY, I go to Dana School and my name is Cassie. I have brown or black hair. I like your idea because I'm studying about food and nutrition. I learned that eating too much fat could make you sick. How are you feeling? I hope you are feeling fine. What is it like down there?

Yours truly,

CASSIE.

SPEECH BY JACK VALENTI

Mr. SIMON. Mr. President, on January 29, 1994, Mr. Jack Valenti, the president and CEO of the Motion Picture Association of America, gave a speech outlining his views about violence on television. I would like to commend Mr. Valenti for one of his best speeches yet on this subject. He has shown true leadership in his industry with his call for shared responsibility between families, the Government, and the entertainment industry in addressing the issue of television violence.

In his latest speech, Mr. Valenti pointed out that the freedoms guaranteed by the first amendment carry with them an obligation to act socially responsible. He called on his colleagues in the creative community to take responsibility for their work. Mr. Valenti has once again proven his sensitivity and insight into this complicated matter, and I would like to thank him for his work.

I ask unanimous consent that Mr. Jack Valenti's January 29 speech, "The American Creative Community—Best in the World—Must Take Responsibility for What It Offers to Television Audiences" be entered at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE AMERICAN CREATIVE COMMUNITY—BEST IN THE WORLD—MUST TAKE RESPONSIBILITY FOR WHAT IT OFFERS TO TELEVISION AUDIENCES

(By Jack Valenti)

Today, it takes a William Butler Yeats to throw a defining light on our society. Things fall apart, the center cannot hold, the ceremony of innocence is drowned. And I suppose if you agree with Yeats, you would then follow Woody Allen. In Woody's words, "humankind is at a crossroads. One path leads to utter despair and hopelessness. The other path to total extinction. Let us pray we have the wisdom to choose correctly."

I am not a pessimist. Never have been. Don't choose to start now. This country did not survive more than 200 years of cruel disjointing to break down at this particular moment when the nation seemingly can't cope with crime, madness and mayhem in the neighborhoods. Violence is the sovereign of the street. It reigns with expanding fury.

But this scrambling, unquiet, violent time is one of the rare moments in our history when the Washington politicians and the folks who live and work and raise their kids in cities and towns all over the country are in concert. Fear is the scarlet threat that ties them together.

There is nothing so compelling to a public official as the angry buzz of the local multitudes. The Congress, hearing the frustrations of constituents, has stirred itself. Make no mistake about it. These public frustrations are real. The zeal to do something is also real. Members of Congress like Senator Paul Simon, Senator Fritz Hollings, Congressman Ed Markey are committed by passion and belief to this cause. There is afoot in the land a profound anxiety about what the hell is going on in this country where people mug, rob, rape, and kill each other without remorse, without reason, and without end. Which is why in the congressional hopper are a dozen or more pieces of legislation, all aimed at getting rid of violence on television. A goodly number of law makers truly believe that if we banish violence from TV the surly streets will become tranquil.

I don't know, and neither does anyone else know, what exact role violence on television plays in this dismal real life drama. The research available is loose fibered, incapable of precise conclusions. But that really doesn't matter. What we in our industry must do is act as if TV is indeed a factor in antisocial behavior. Which is why I say to you today that if these disturbing civic rhythms are not to overwhelm us, our industry must confront one indispensable truth: Each of us has to be responsible for what we create.

Whatever happened to individual responsibility? Is the government to become the surrogate guardian of family value standards? Doonesbury would doubtless weigh in with some wholesome comments about that. The hard fact is that parents must be responsible for their children, young people must be responsible for their own behavior, churches and schools must responsibly give their best to those who pray and learn. The Congress and the White House must be responsible for its leadership.

Should not, then, the American creative community be responsible for what it presents to audiences? We have to believe our individual work is crucial to the country. By "country," I mean plain American citizens who admire what we create, and who mostly are enchanted by what they see and hear. No wonder. The American creative community is the best in the world.

Which is why each of us, with serious forethought, must contemplate what we write, produce, direct, act in, market, distribute and exhibit. We must shape the stories we tell so that the action which drives our narrative is, in the mind of the creator, essential to the drama and the development of character. But no more than that, or perhaps, less than that.

Of course our film and TV industry is protected by the First Amendment. No one is going to coerce you or force you to say, write, present or distribute anything you don't want to do. But the First Amendment does not guarantee responsible acts. The individual is the only guarantor of his or her actions.

What I am saying is simple. We have a national dilemma. We have to be part of its solution. We in the creative community have an obligation to be responsible for what we conceive, accountable only to our lucid, moral instincts. We have to be part of a national effort to get a collective grip on ourselves, to deal with the dirty business of crime or we will soon be at Woody Allen's fork in the road.

No one needs to tell a story teller when "just enough" gets to be "too much." No one needs to instruct you how to tell your story so that you are sensitive to action which may not be necessary. It's your decision. Your responsibility. No government official, no agency or department has any right to force on you a design for the work you create.

But I don't believe you have the right to stand aloof while that great shapeless beast slouches toward the next neighborhood. We just can't allow ourselves to conclude that the First Amendment somehow is antagonistic to individual decision making.

So, let me sum it up.

No matter what anyone may proclaim in Washington, or elsewhere, the First Amendment will not be penetrated by rhetoric, or threats or legislation. It is the least ambiguous clause in the Constitution. It has withstood more fierce assaults than what might be heaped upon it over the next several months. It will prevail.

The issue here is whether or not individual creative artists, studio executives, TV programmers, cable networks, national broadcast networks, distribution companies, all those who lay some claim, minor or otherwise, on the final form of TV programs, will take full responsibility for what they put before the American audience.

We have to act as if there are viewers of television who will be inspired to do unhappy things to others because of what is absorbed by their viewing. To repeat, no one really knows what incites violence. I personally believe that what ails us is a breakdown in the assumed social normalities which guide a society through the daily moral grind. Too many one-parent or no-parent homes, too much abject poverty, too many children having babies, too much drugs, too many guns in the hands of too many young people, the collapse of discipline in the schools and the faltering role of the Church.

Until both law makers and citizens of this liberty-loving land get serious about these hard, seemingly unfixable problems, we are kidding ourselves about diminishing violence.

But we who create, produce and exhibit visual entertainment have to be part of the national exertion. If we react with less than we ought and can do, then each of us has to engage our individual conscience. Some of us may be perfunctory in that examination. Others will be peevish. And still others will stuff themselves with so much of a sense of freedom that there is nowhere to put their sense of shame.

But the great majority of artists, proud of their skills, their fidelity to their art intact, recognize that their labors inhabit the most fluent and revelatory of all the art forms. Which is why story telling on a screen cannot be immune to the possibility of reality on the streets. We are responsible for what we do. In this country, responsibility carries the weight of both freedom and obligation.

THE 100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

Mr. SIMON. Mr. President, the ties between America's ethnic communities and their countries or regions of origin have enriched our foreign policy and our relationships with the world. Developments in their countries or regions of origin have special meaning for our ethnic communities, which draw on common traditions, shared languages, and family ties.

Today marks the 100th anniversary of one of America's great ethnic organizations, the Ukrainian National Association which was founded on February 22, 1894, and had its origins, like other immigrant organizations of the day, as a fraternal life insurance organization.

President Kravchuk's upcoming visit to the United States marks a further step in Ukraine's assumption of its place among the world's sovereign nations. It is fitting, as we celebrate Ukraine's emergence as a nation, that we honor an organization which kept faith with Ukrainian culture and language, and with the idea of a Ukrainian national identity during decades when many in the West were willing, intellectually and politically, to concede that Ukraine had been absorbed into imperial Russia and the Soviet Union.

Through initiatives such as the Taras Shevchenko memorial in Washington and funding of research on the Ukrainian famine, the Ukrainian National Association raised consciousness of "Ukrainian-ness" well beyond the Ukrainian community. With the Soviet collapse, the Ukrainian National Association transformed itself from a barrier against communism to a bridge between the United States and independent Ukraine. We wish Ukraine a bright future as a democracy with a thriving market economy. And we wish the Ukrainian National Association well in its efforts to help.

EMILY TAFT DOUGLAS

Mr. SIMON. Mr. President, Illinois and the Nation recently mourned the loss of Emily Taft Douglas, former Representative from Illinois and widow of Senator Paul Douglas of Illinois, who passed away on Jan. 28 in White Plains, NY, at the age of 94.

Emily Taft Douglas was elected to an Illinois at-large congressional seat in 1944 and served during the 79th Congress. History will record the fact that she was the first woman to precede her husband in service in the Congress. Years later, Paul Douglas was fond of saying that the only reason he was elected to the Senate was that people confused his name on the ballot with Emily's.

She served on the House Foreign Affairs Committee, was an active proponent of post-war U.N. relief programs, and immediately after the war traveled throughout the devastated precincts of Europe. In the House of Representatives, she introduced legislation for library bookmobiles to serve rural areas, and her bill ultimately passed Congress as the Hill-Douglas Act following Paul Douglas' election to the Senate in 1948.

Born in Chicago, she was the daughter of Lorado Taft, the renowned sculptor, and Ada Bartlett Taft. After graduating from the University of Chicago, she studied acting and starred in the Broadway and road company productions of "The Cat and the Canary."

Before her election to Congress, Emily Taft Douglas was active in the fight against international fascism and was a strong opponent of U.S. isolationism. She served as Illinois secretary for the League of Women Voters, chaired the League's foreign policy department, and later was executive secretary of the International Relations Center in Chicago.

During the 18 years of Paul Douglas' service in this body, Emily Taft Douglas supported numerous civil rights and political causes, was a representative to UNESCO and other United Nations conferences, and she joined Dr. Martin Luther King, Jr., as a participant in the historic 1964 civil rights march in Selma, AL. As a Unitarian, she served her faith at one point as Moderator of the American Unitarian Association.

Her part-time career as an author included publication of "Appleseed Farm," a children's book, in 1948; "Remember the Ladies," an account of the lives of American women, in 1966; and "Margaret Sanger," a biography of the family planning pioneer, in 1970.

She is survived by a daughter, Dr. Jean Taft Douglas Bandler of New York City, and two grandsons, James Douglas Bandler of Woodstock, VT, and John Taft Bandler of New York City.

I owe Paul and Emily Douglas a great deal for their contributions to my own development in public life. They freely offered advice, insight and opportunities for service. Their commitment to each other was also an inspiration, because Emily Douglas and Paul Douglas were good partners. You could see that clearly in their life together. Emily never flagged in her devotion to Paul, nursing him—often by herself—after his stroke. He relied on her intelligence, political instincts and advice in his work in the Senate. Once, while I was traveling with Paul Douglas in Illinois, we received word that Emily had been in an accident. In the end, it turned out to be a minor accident, with no serious injury. But the look on Paul Douglas' face told it all about their partnership.

In innumerable ways, large and small, Emily Taft Douglas and Paul Douglas contributed immensely to Illinois and to their country. We are a better Nation for their having been with us.

DEATH OF MARY WOODARD LASKER

Mr. HOLLINGS. Mr. President, Members of the Senate, today is a day for remembering and paying tribute to a great lady, an American hero and a legend bigger than life. A woman who affected the lives of millions as few have in their lifetime—Mary Woodard Lasker.

Mary Lasker died yesterday, peacefully in her sleep, after a lifetime of tireless dedication to a crusade against disease and disability. Among her many, many causes, Mrs. Lasker was the cochairman of the board of the Hollings Cancer Center, dedicated to fighting the disease she inspired researchers and legislators to conquer.

For over 50 years, Mary Lasker passionately worked as an advocate for those less fortunate. In fact, Mary Lasker is an example of a person who gave her entire life to the cause of her fellow man.

Mary believed that it was the duty of every person to make life better for others. Her own was a testimony to that conviction. Her legacy is a living vibrant message that one person can make a difference. A difference which will not be judged by wealth, but by the health of millions of Americans who owe their lives to a woman they never met—Mary Lasker.

It has been said that "if God created mothers for children, He created Mary Lasker for medical research." Her singular passion and sense of urgency to enhance all programs at the National Institutes of Health has ensured the gift of improved health through a strong vibrant and unparalleled medical research program.

Mary Lasker began her efforts at a time when there was no National Institutes of Health. Today, there is not one research program funded by NIH that does not bear Mary Lasker's mark as an advocate. From the establishment of research facilities such as the Cancer Institute, the Heart Institute, and the Eye Institute, to the funding over decades which realized phenomenal research progress, Mary Lasker was a formidable force in realizing the dream of a healthy America.

On May 24, 1984, Public Law 98-297 was enacted, designating the establishment of the Mary Woodard Lasker Center for Health Education and Research in recognition of her personal pledge to strengthen the commitment of this Nation to medical research.

At the time of the dedication Mary stated:

> ". . . the fruits of our labors throughout the years will: Alleviate pain where there is suffering; Provide the freedom to live in health so that we can fulfill our promise and quest in the pursuit of happiness; and Provide hope where none existed before."

The fruits of Mary Lasker's efforts and commitment to improve humankind are all around us; they will live on in each of our families; and they will live on in our children's children; they will be timeless. A grateful Nation owes much thanks to Mary Lasker.

HOUSEDENVER

Mr. CAMPBELL. Mr. President, recently, the Federal National Mortgage Association, Fannie Mae, and the city and county of Denver announced a 5-year, $1 billion affordable housing investment program. This initiative—known as HouseDenver—would provide financing for 10,000 housing units for low- and moderate-income families in Denver. This represents the largest private financial commitment to affordable housing in the history of Denver.

HouseDenver represents a new way of thinking about old problems. No longer does Washington have the only answer to affordable housing. No longer can the Federal Government do it alone. We need a new approach, and I believe the HouseDenver initiative is part of that new approach.

HouseDenver will give many low- and moderate-income families, who have had trouble qualifying for a home mortgage, a chance to buy a home. Under the HouseDenver plan, a larger percentage of homeowners' income will go toward house payments—33 percent of their gross income compared with the current limits of 28 percent.

The plan's main intent is to leverage public sector funds and to act as a catalyst for further private sector investment in Denver's community development efforts. The public-private initiative combines the resources of the private mortgage lending community with Fannie Mae in the national secondary mortgage market to leverage the limited public funds of the city. Yes, public funds are being used, but only by combining these with private capital and the homebuyers' own funds.

HouseDenver is a new idea that will serve as an example for other cities across the country. I applaud Fannie Mae's efforts and the efforts of the city of Denver in working to help families in Denver achieve the American dream of home ownership.

HONORING AN AMERICAN OLYMPIAN

Mr. KEMPTHORNE. Mr. President, I rise today to pay tribute to a special person. A young American from my home State of Idaho who has distinguished herself in the international arena.

Mr. President, I like millions of other Americans, have been watching the Winter Olympics from Lillehammer, Norway, and I have marveled in the athleticism, spirit, and patriotism of all the competitors. I would like to recognize a young woman who not only did her very best, but lifted the spirits of all Americans.

Picabo Street is a 22-year-old, third-generation Idahoan from the tiny mining town of Triumph. Like many Idahoans, she began skiing at an early age, learning to ski at Sun Valley with her father. At the age of 12, she told her parents, Ron and Dee, that she would win an Olympic medal. Saturday, on the slopes of the Olympic downhill race, she skied the race of her life, finishing just sixty-six one hundreths of a second away from a gold medal. She won the silver.

Picabo Street has been described as a freckled-faced, pigtailed, free-spirited speedball of a downhill racer. To her teammates, she is known for her nonstop chattering and cocky good cheer. She says she was confident, but nervous before the race, telling herself to relax before the start.

Much of what made Picabo Street an Olympic hero can be traced to her upbringing, and her determination matches the dedicated work ethic of the Idaho pioneers. The tiny town of Triumph is in the rugged Sawtooth Mountains. As a child, she raced against boys—she had to, she was the only girl in town. Picabo credits these early challenges with building her competitive drive.

Her family moved throughout the West, and her father worked many jobs. It was not glamorous or filled with all the comforts that many of us know well. But the Streets stuck together, they were a family.

The Idaho pioneer also lived a tough life in the wilderness, and those early families stuck together to form the foundation of what is now the prosperous State of Idaho. The will to succeed, to be the best, to provide a better way of life, are all traits found in those early Idaho settlers. Those characteristics can be found in Picabo Street.

She was named after the small Idaho town of Picabo. The name's origin is obscure, but it's believed to be from an Indian dialect, and means "Silver Water." How appropriate, Mr. President, that an Idahoan whose name means "Silver Water" won an Olympic silver medal on snow—frozen water. And the Street family was there: her mother, father, and brother joined her in Norway. Once again, the family stuck together.

Mr. President, I think all Idahoans join me in congratulating Picabo Street not only for her individual achievement, but for lifting the spirits of millions of Americans. She is an inspiration to us all.

DR. HAROLD JAMES WALLACE, JR., 1993 VERMONTER OF THE YEAR

Mr. LEAHY. Mr. President, each year I look forward to the year-end edition of the Sunday Rutland Herald/Barre Montpelier Times-Argus—and the newspapers' annual Vermonter of the Year Award.

I find myself in complete agreement with their judgment year after year. This year is no different. I am sure you will all agree after reading the attached article about Dr. Harold James Wallace, Jr., the 1993 Vermonter of the Year.

Herald reporter, Yvonne Daley, captures the essence of this beloved physician in her report. Dr. Wallace's pioneer work with cancer patients in Vermont is a tribute to his humanity, as well as his professional skills.

In this article from the December 19, 1993 edition of the Sunday Rutland Herald and Times-Argus, it is the recollection and testimony of the good doctor's patients, not his own modest pronouncements, that solidify his credentials as the 1993 Vermonter of the Year.

I ask unanimous consent that this article be reprinted in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald and The Barre-Montpelier Times-Argus]

(By Yvonne Daley)

Marie Harris of Manchester calls herself a cancer survivor, a blessing she attributes to one man: Dr. James Wallace.

In 1986, Harris was found to have a rare form of cancer. She had no tumerous mass, but many tumor seeds scattered throughout her abdomen.

She had an unusual procedure in which the lining of the abdomen was removed, then received chemotherapy once, twice, three times. James Wallace was with her through it all, assisting in her surgery, rushing to the hospital to comfort her in the middle of the night, even when the problem was not related to cancer.

Today, Harris proclaims herself "pretty healthy. I think it's because of Dr. Wallace's terrific psychological approach as much as anything else. He never seemed to panic. He always gave the impression that there was hope down the road.

"There's nothing that's too much trouble for him," Harris continues. "Once, I was having a hard time with another problem, tachycardia. I called him in the middle of the night. He had already called the hospital and made arrangements for me to be admitted. He had had his typically long day, making rounds in the morning, seeing patients all afternoon. But he was on his way. He introduced me to the cardiologists and made sure everything was okay. The fact that Dr. Wallace was there when it wasn't even his problem was so reassuring. That's the kind of doctor he is."

Dr. Harold James Wallace, Jr., a well-known figure at the Rutland Regional Medical Center where he established the Community Cancer Center, has been chosen the 1993 Vermonter of the Year, an annual recognition of a distinguished Vermonter by The Rutland Herald and The Barre-Montpelier Times Argus.

In this time when health-care reform has captured the attention of both the state and the nation, when the medical profession has been attacked as venal and self-serving, Harold James Wallace Jr. proves to us that a physician can be both at the forefront of his field and devoted to his patients—a scientist with the values of a family doctor on a house call.

Very recently, Wallace has been named executive officer for the Cancer and Leukemia Group B clinical research program at Dartmount Medical School—a consortium of 27 member-institutions from coast-to-coast, themselves connected to more than 200 hospitals and universities where 1,700 oncologists work and study.

"It's a whole new age of science," says Wallace, excited with the potential that this linking of clinical research projects in microbiology, molecular genetics and preventative medicine could mean for the future treatment and prevention of cancers.

Wallace, 63 years old, is a soft-speaking, unassuming man with a balding head, cheerful face and a direct gaze. He knows illness and the medical profession from both sides. His right arm was paralyzed as a result of childhood polio. In 1967, he lost his left leg to cancer. Until the very day of his surgery, Wallace the oncologist, has never considered the possibility that the tumor on his left shin bone was malignant. It was—a fact he learned only upon awaking from the surgery.

Perhaps because he has known personal adversity, Wallace emotes a kind of even-tempered optimism. His energy isn't flashy but, judging by his accomplishments, it is constant and efficient.

In 1979, after a successful career as a researcher at some of America's most prestigious research centers, Wallace realized that he missed more direct contact with patients. He had discovered that the higher he rose in the medical-research hierarchy, the fewer patients he had time to see.

"And that," says Wallace, "wasn't what I went to medical school for."

At the same time, he looked at National Cancer Institute numbers and realized that 80 percent of the cancer patients in the country were being treated at small community hospitals while the nation's cancer specialists and its best treatment equipment and drugs were centered at the big university hospitals located in urban settings.

For example, Rutland, Vermont's second city, had a modern hospital with a well-trained staff but had no oncologist and no radiation and chemotherapy treatment programs prior to 1979. Cancer patients from Rutland had to travel to Burlington or Hanover for treatment, at considerable physical and financial expense to themselves and their families.

Wallace wanted to establish a cancer-treatment program connected to a community hospital. He talked with the National Cancer Institute about creating a pilot program that would bring the latest drugs and treatment protocol, even experimental drugs and procedures in the final stage of testing, directly to patients living far from a university hospital.

With the blessings of the National Cancer Institute, he started looking around for the right community. Having spent his high school years in St. Albans, Wallace, a native of Utica, N.Y., knew Vermont well. Much of his academic work had been at the university of Vermont. And there was Rutland without an oncologist.

It took Wallace 10 more years to realize his dream of creating the Community Cancer Center at the Rutland Regional Medical Center. Approval hearings before the Vermont Health Policy Corp. review board took two years. Working with hospital staff and experts in the field, even architects, Wallace was involved in all aspects of the creation of the facility.

For much of the 10 years between his arrival and the opening of the cancer wing, Wallace and his right-hand-woman, his wife Dottie, ran what they call a "Mom and Pop" operation out of a tiny office on Allen Street. the two staffed the office, Dottie doing paperwork in the mornings and setting up appointments while Wallace made his rounds. Then, working as a team, they would treat patients in the afternoon, with Dottie mixing chemotherapy drugs. One or the other would administer the drugs and stay with sick patients through the afternoon.

The Community Cancer Center opened in 1989—a state-of-the-art complex where patients can be examined, receive treatment and attend seminars, where the local Tumor Board meets to review current cases and a variety of studies are being conducted. These currently include scientific investigations into prevention of breast and prostate cancer, the administration of experimental cancer-prevention drugs and quality of life studies.

And despite his heady, new responsibilities at Dartmouth, Wallace remains connected to the Rutland hospital, spending Friday afternoons and weekends on call, doing consultative work and—his favorite part—making rounds and checking in on patients.

"That is what being a doctor is all about, isn't it?" asked Wallace.

Shirley Rosen of Mendon was one of Dr. Wallace's pioneers. Diagnosed with breast cancer in April 1983, Rosen also has signs of cancer in seven of her 27 lymph nodes.

"It looked pretty grim," said Wallace.

Rosen's treatment included a full year of chemotherapy. When her veins failed and she needed another way to receive the drugs, Dr. Wallace was able to get permission for her to be the first person in New England to test a Port-A-Cath, a device inserted into the chest through which drugs were administered. She wore the thing for four years, a kind of security blanket.

"He sat with you or his wife and gave you your treatment. I'd bring my poodle to treatment. He didn't care. You could call that man up at any time. One day he saw me at 2:30 in the afternoon and then again later for a second appointment to talk about the game plan for my treatment."

After her surgeries, Rosen returned to work, taking naps when she was tired. Over and over she told herself, "I'm not sick."

"When I lost my hair, that was the worst. That was a day I cried. I called Dr. Wallace. I bet he still remembers my treatment plan," she says.

He does.

Today, Rosen keeps a busy schedule, running an accounting firm with her husband, Howard, attending several aerobics classes a week. She lifts weights and works our with sports equipment.

Rosen gave up red meat when she came down with cancer, limits fats and dairy products, all with the support of her doctor.

Rosen recalls that Wallace cautioned not to think of her disease as fatal. "It may not even be chronic," she says he told her. "Heart problems are chronic. Diabetes is chronic. The power of positive thinking is real. If you don't feel rapport, a certain charisma with your doctor, it's impossible to know you can get better. To heal you have to have confidence in your healer. I had an awful good helper.

"Dr. Wallace has that tremendous charisma. He's a tremendous listener. He's always there when you need him," said Rosen, who currently takes tamoxifen. The chemical, which blocks the effect of estrogen on cancer cells, is available to Rutland area patients who qualify under one of the dozens of pilot programs that Wallace was able to bring to the Rutland hospital.

One of the clinical trials that the Rutland hospital is conducting aims to determine if low-fat diets reduce hormone levels and cancer risks.

Participants include women who have had breast cancer and exceed recommended body weight by more than 10 percent. They are asked to reduce their fat intake while the hospital keeps track of their hormone levels.

"Low fat diets reduce the risk of cancer," notes Wallace. "High fat increases the risk of recurrences of cancer."

Wallace graduated from the University of Vermont in 1954 and graduated cum laude in 1958 from the UVM School of Medicine. In the last months of his last year of medical studies, he saw two nurses walking down a hall at Mary Fletcher Hospital. One caught his eye; it was Dottie.

There was an upcoming social event and it was generally accepted that senior medical students would bring a date, but Wallace was shy.

"That was my first venture in dating. I had pretty much had my nose to the grindstone but a spark had been lit," he says.

"He does things when the pressure is on," laughs Dottie.

A friend helped arrange the date and the rest, as the expression goes, is history.

The couple married in 1959 and had three children: Harold James Wallace III, a radiation oncologist at Cape Cod Hospital in Hyannis; Elizabeth Marie Morton, the supervisor of in-patient registration at Rutland Regional Medical Center; and John Hill Wallace, a para-legal working in a law office in Washington, D.C.

Wallace had initially thought he needed to go straight into a high-powered medical internship after he graduated from medical school but he didn't get accepted where he wanted to go and ended up doing his internship and residency at Mary Fletcher Hospital.

"It was the best thing for me, taught me everything happens for the best. It showed me all sides of medicine," he said.

But hormone and chemotherapy treatments were just coming onto the scene, and the young Dr. Wallace was interested in learning an overall view of the disease and its care. In 1962, he became a senior research fellow at the Roswell Park Memorial Institute in Buffalo, part of a clinical-research project funded by the National Cancer Institute. Roswell Park combined clinical or technical programs in which the newest drugs and treatments were tested and administered directly to patients.

Here, Wallace undertook two years of training in the new expanding science of oncology, the technical name for the treatment of cancer. Wallace's mentor was Dr. Jim Holland, whom Wallace describes as a leader in the research into new treatments and doses of drugs for battling cancer. Holland went on to become chairman of the cancer-treatment department at Mt. Sinai Hospital in New York City.

In 1964, Wallace returned to the University of Vermont Medical School to bring some of what he had learned at Roswell to the new students. He was the first medical oncologist in Burlington, and his duties included teaching the new science of oncology to UVM medical students as well as the direct care of patients at Mary Fletcher and DeGoesbriand Hospital.

Three years later, Wallace began to suffer from swelling and pain in his left leg. When he went in for a biopsy, however, cancer was the furthest thing from his mind.

"I was a medical oncologist and I went into the surgery never thinking it could be malignant. I never realized how powerful denial was. I woke up coming from the operating room on my way to the radiation room with a tourniquet still on the leg. After that, I was sick from infection and they had to amputate above the knee. I was out, totally out of commission, for about a week," he recalls.

Dottie remembers that as "a terrible time. Jim was so sick and we were so busy with these little children."

Today, he says, a smaller biopsy, better radiation treatment procedures and chemotherapy probably would have saved the leg.

Wallace was in a wheelchair for about six months while he recuperated and learned how to use his prosthesis, but he still worked part time.

"Dottie would cart me to the hospital. We would go in through the emergency room and would make the rounds. I was doing clinical teaching with the students. We had no cancer wing then so the patients were on six floors in two units," he says.

"We'd pick him up with one child helping to push the wheelchair, one carrying the briefcase and one in his lap," says Dottie. "They were little but they were a big help. Once that first bad week was over, there was never any question he was going to make it. Realizing that put things into perspective. We don't worry about the small things."

"I learned to walk with the prosthesis fairly quickly," adds Wallace. "I couldn't use a cane very well, because I needed my good hand to carry my briefcase. There was no question I had to walk, so I had to wing it. I haven't used a wheelchair since."

Cindy Polcaro of West Rutland was only 29 when she was diagnosed with breast cancer in June 1988. Like the other patients, she remembers the date of her surgery, the day her right breast was removed.

For Polcaro, being fitted with a breast implant was an important part in her healing. But soon after the operation, she developed problems and had trouble breathing. She had a blood clot on her lung, was admitted to the hospital and given blood thinners to dissolve the clot.

Unfortunately, Polcaro developed an infection and the prosthesis had to be surgically removed. "It was like losing it twice," says Polcaro. "I needed more surgery. In all, I had seven operations and chemotherapy for a year."

Chemotherapy sometimes decreases a woman's ability to have children but Polcaro was lucky. Almost three years ago, she had a baby boy.

"I was really mad when I heard Dr. Wallace was leaving," Polcaro says. "I remember him when I found out about the cancer. I was a wreck. He said, 'You look like I did 25 to 30 years ago.' That put things in perspective. He said, 'You're here, aren't you?' I think if you trust in your doctor, well, I was trusting him with my life and he fulfilled my trust. He was a big asset to me. Still is."

"I think a positive attitude helps and the things that promote that are important," Wallace says, defusing the moment of sadness.

"Why don't you just say what it is you give—tender loving care," Polcaro rejoins.

After his own cancer operation, Wallace was concerned about his stamina and his ability to keep up a hectic pace so he went to Roswell Park to talk to his old mentors who invited him back as acting chief of the department of medicine.

"We had a strong interest in treating leukemia and using brand new drugs in the initial tests on humans. The treatment for leukemia in children had advanced tremendously. We were seeing 50 percent success rates in children and were beginning to find successful treatments for acute leukemia in adults.

"In the early 1970's, we developed the standard doses and chemotherapy still in use today for some of the new drugs being tried on humans for the first time. We were one of four institutions in the country selected to do the trials," he said.

A colleague led the tests on Platinol, the standard drug used now to treat for testicular, ovarian, lung, head and neck cancer. "It's one of the best and does result in cures. It was astounding, a big event in our scientific life," Wallace said.

What Wallace and the other scientists were learning was how cancer cells differ from normal cells and in what ways they were more susceptible to injury. These various drugs that were being developed led to better and better ways of selectively killing off cancer cells by interfering with their genetic makeup or their metabolism or by stimulating them to self-destruct.

In 1975, Wallace took a year's sabbatical from Roswell to study and do research at the National Cancer Institute while he developed his idea about bringing research and advanced treatment programs directly into communities.

After a few years more at Roswell, he was ready to come to Rutland and get back into the daily care of patients.

Dottie Wallace says the phone didn't ring for the first week they were open in their new office here. But once the phone began ringing, it never stopped.

"I was the only help he could afford initially," she says, jokingly. Even so, the couple dipped into their savings to keep the office open in the initial year.

"Dottie was nurse, secretary and accountant. She started the lab work. She mixed the drugs. Between us, we'd give the chemotherapy," says Wallace.

One of the problems at the time was that oncology wasn't recognized as a specialty by the insurance companies. At the same time, Medicare and insurance reimbursements were often made at a rate below cost especially when it came to reimbursement for the expensive chemotherapy drugs that Wallace was treating patients with.

"We didn't research this very well before we came here. We hadn't even thought about it. The hospital could get the drugs cheaper but they couldn't sell them to us because then they might be perceived as competing with the drug stores," recalls Dottie.

Much of it was trial and error. The first patient took two days to get started on treatment because of the paperwork and protocol required by the National Cancer Institute. But that woman, a breast cancer patient who took part in a clinical study of adjuvant, is fine today, 14 years later. Adjuvant is now a standard treatment for breast cancer.

"It's always nice to have your first case a success," he jokes.

Says Dottie: "He had thought private practice would be relatively easy in comparison to what he had been doing. We were both pretty surprised with how much we were needed."

"So I didn't get to play golf; I didn't go to the race track. And I don't have weekends off," says Wallace. "But I don't mind. I once tried to be an antique dealer. But things got busier and busier and the antique business got left behind."

Before coming to Rutland, Wallace had a goal of establishing a statewide clinical oncology program that would organize all the oncologists in the state not affiliated with the University of Vermont. Then, there were four oncologists in Vermont who weren't UVM faculty. Now, there are seven and three more oncologists are joining Vermont hospitals over the next few months.

Called the Green Mountain Oncology Group, the network links cancer specialists working in Bennington, Montpelier, Rutland and Burlington. They can compare cases, share data and the results of various clinical tests and work cooperatively in treating complex cases.

Once the Rutland cancer center was up and running, Wallace began looking for another oncologist to share duties with, someone he might trust to take over the center eventually. It took two years of reviewing resumes and interviewing candidates before Wallace and other members of the hospital's selection team chose Dr. Allan D. Eisemann, a graduate of Stanford and Kansas University, to join the oncology staff.

Eisemann says it was Wallace who drew him to Vermont.

"Because of him, there had been a strong foundation established here, the integration of all the non-university oncologists in Vermont in an effort to continue clinical research," notes Eisemann who was attracted to the research components of Rutland's cancer center.

At the same time, he says, there was community here, something often lacking in large medical centers in big communities.

Eisemann is interested in continuing to emphasize these two aspects of the cancer center. He says that because of Wallace's work, the Ruthland hospital has a proven track record of showing it can conform to the government regulations regarding research protocol.

"It makes it easier to stay in the research programs," he says.

According to Priscilla Constantino, director of oncology services at the Rutland hospital, the center was recently selected to conduct breast and prostate cancer prevention control studies.

Constantino says Wallace will be a tough act to follow.

"Most rural areas don't even have their own oncologists. By bringing the Community Cancer Center together with the hospital, radiation therapy and chemotherapy all located in the same area, we have rapid referral and treatment back and forth," she says.

"By bringing in the research part of it in, Dr. Wallace made it possible for people in this area to have the most up-to-date treatments. At the same time, there's a collaborative relationship with Hospice and the

Rutland Area Visiting Nurses. I had never seen anyone collaborate all those services all together under one roof," says Constantino who came here from a hospital in the Washington, D.C. area.

Before Eisemann was hired the game plan had been for Wallace and a second oncologist to staff the center and for a third oncologist to be hired as Wallace phased out his hours at the hospital.

"It took two years to find the right medical oncologist. We wanted someone with a high quality of knowledge, an interest in research, a desire to work with other oncologists along with a warm, caring personality," says Constantino.

"When we found Dr. Eisemann, what we liked about him was that he was a younger version of Dr. Wallace in many respects," she says.

Eisemann is expanding on Wallace's dreams, bringing his own interest into outreach and consumer education to the community. Now, for example, Rutland hospital is the only hospital in Vermont to offer free breast-cancer screening clinics.

Wallace's career had also been interwoven with that of Rutland Hospice, the group that offers a variety of services to friends and families caring for terminally ill loved ones at home. Wallace was a founding member of Hospice and remains its medical director.

A year ago last September, Wallace saw a notice in a newsletter that Dr. Ross McIntyre was looking for an executive officer to organize the Cancer and Leukemia Group B research program at Dartmouth. Wallace knew McIntyre from Roswell Park.

"It hit me. I was beginning to wonder what I was going to do next. Dr. Eisemann was coming. He is an excellent oncologist and I felt comfortable with him. I was 63 and I knew I wanted to make a change by age 65. I thought, 'I could do Dartmouth'."

Wallace thinks of this new move as another full circle in his career. Again, he is back in the clinical laboratory. This time, however, he spends most of his day with his computer communicating with scientists all across the nation.

As he sits in his comfortable living room, the laptop computer that links him to the Rutland hospital and the Dartmouth laboratory at rest on a table in another room, Wallace talks with emotion about the future.

"It's a whole new age of science," he says, talking of the anticipation with which scientists are now competing to be the first to detect the gene that causes breast cancer.

"With that, we'll be able to identify the five percent of women with the genetic change in the gene that puts them at risk. Another five percent of them will have other changes placing them at risk as well. If we can change certain factors, certain environmental factors, and take other preventive measures while at the same time providing counseling and support services for those at risk, we can save lives," he says.

"We've made great strides in curing cancer, but we need to do more to prevent cancer. That's the area I'm working in now," says Wallace. "That's the future."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

1993 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the 1993 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1994.*

ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT FOR CALENDAR YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1992.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin and other publicly available sources. This annual report serves little useful purpose and diverts Agency resources from more productive activities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1994.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Special report entitled "Report on Legislative Activities of the Committee on Labor and Human Resources, United States Senate, During the One Hundred Second Congress, 1991-92" (Report No. 103-227.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of January 5, 1994, the Secretary of the Senate, on February 11, 1994, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee of conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

The message further announced that the Speaker had signed the following enrolled bill:

H.R. 3759. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

Under the authority of the order of January 5, 1994, the enrolled bill was signed on February 11, 1994, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CONRAD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2161. A communication from the Assistant to the Secretary of Defense (Atomic Energy), transmitting, pursuant to law, a report relative to chemical/biological defense research, development, test and evaluation activities for fiscal year 1993; to the Committee on Armed Services.

EC-2162. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on analysis and description of services for fiscal year 1993; to the Committee on Armed Services.

EC-2163. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, a report entitled "The Performance of Department of Defense Commercial Activities"; to the Committee on Armed Services.

EC-2164. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of a Presidential Determination relative to the START treaties; to the Committee on Armed Services.

EC-2165. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the National Transportation Safety Board's Recommendations for calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC–2166. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Improvements to Hazardous Materials Identification Systems"; to the Committee on Commerce, Science, and Transportation.

EC–2167. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Automotive Fuel Economy Program"; to the Committee on Commerce, Science, and Transportation.

EC–2168. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Railroad Financial Assistance"; to the Committee on Commerce, Science, and Transportation.

EC–2169. A communication from the Assistant Vice President (Government and Public Affairs), National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–2170. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

EC–2171. A communication from the Secretary of the Navy, transmitting, pursuant to law, notice relative to the submarine *Blueback*; to the Committee on Armed Services.

EC–2172. A communication from the Assistant Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the promotion of officers; to the Committee on Armed Services.

EC–2173. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the report on health and safety activities for calendar year 1993; to the Committee on Armed Services.

EC–2174. A communication from the Acting Assistant General Counsel, Department of Energy, transmitting, pursuant to law, notice of meetings relating to the International Energy Program; to the Committee on Energy and Natural Resources.

EC–2175. A communication from the Energy Information Administrator, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook 1994"; to the Committee on Energy and Natural Resources.

EC–2176. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "1992 Annual Report on Low-Level Radioactive Waste Management Progress"; to the Committee on Energy and Natural Resources.

EC–2177. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the clean up of hazardous waste sites for fiscal year 1991; to the Committee on Environment and Public Works.

EC–2178. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to reviews of constructed civil works projects; to the Committee on Environment and Public Works.

EC–2179. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Overweight Vehicles—Penalties and Permits" for fiscal year 1992; to the Committee on Environment and Public Works.

EC–2180. A communication from the Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1992; to the Committee on Environment and Public Works.

EC–2181. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, Reports of Building Project Surveys for Ames, IA; Lower Manhattan, NY; Upper Manhattan, NY; and Amarillo, TX; to the Committee on Environment and Public Works

EC–2182. A communication from the Secretary of Energy, transmitting, pursuant to law, a study entitled "Safety of Shipments of Plutonium by Sea;" to the Committee on Environment and Public Works.

EC–2183. A communication from the President of the United States, transmitting, pursuant to law, notice of expansion of the U.S. support of the United Nations and North Atlantic Treaty Organization efforts in Bosnia-Herzegovina; to the Committee on Foreign Relations.

EC–2184. A communication from the Chair of the Advisory Council on Unemployment Compensation, transmitting, pursuant to law, the first interim report and recommendations; to the Committee on Finance.

EC–2185. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin; to the Committee on Finance.

EC–2186. A communication from the Executive Director of the Board for International Broadcasting, transmitting, pursuant to law, the report on Radio Free Europe/Radio Liberty, Inc. for fiscal year 1993; to the Committee on Foreign Relations.

EC–2187. A communication from the Solicitor of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2188. A communication from the Chairperson of the National Endowment for the Arts, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2189. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2190. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Head Start Act Amendments of 1994"; to the Committee on Labor and Human Resources.

EC–2191. A communication from the Executive Director of the Martin Luther King, Jr. Federal Holiday Commission, transmitting, pursuant to law, a report relative to the Commission's complicity with sections 2 and 4 of the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–2192. A communication from the Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's annual report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–2193. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the annual report of the Inspector General for calendar year 1993; to the Committee on Governmental Affairs.

EC–2194. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a fiscal year 1993 report relative to the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC–2195. A communication from the Director of the Office of Personnel Management, Executive Office of the President, transmitting, pursuant to law, the fiscal year 1993 annual report on the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

EC–2196. A communication from the Acting Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a report relative to the General Service Administration's audit coverage of the Conference under the requirements of the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC–2197. A communication from the Director of the Office of Personnel Management, Executive Office of the President, transmitting, a report relative to an examination of internal rulemaking process; to the Committee on Governmental Affairs.

EC–2198. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institution Examination Council, transmitting, pursuant to law, a report relative to compliance with the Inspector General Act for fiscal year 1992; to the Committee on Governmental Affairs.

EC–2199. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, a report relative to compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC–2200. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the assignment or detail of General Accounting Office employees to congressional committees; to the Committee on Governmental Affairs.

EC–2201. A communication from the Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the Company's balance sheet as of December 31, 1993; to the Committee on Governmental Affairs.

EC–2202. A communication from the Vice Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report relative to the Commission's compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC–2203. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, a report relative to the Foundation's compliance with the Federal Managers' Integrity Act; to the Committee on Governmental Affairs.

EC–2204. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, a report relative to compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC–2205. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Contracts Between the Agency for HIV/AIDS and the Whitman Walker Clinic;" to the Committee on Governmental Affairs.

EC–2206. A communication from the Director of the Office of Personnel Management, Executive Office of the President, transmitting, pursuant to law, a report relative to the operation of the Senior Executive Service; to the Committee on Governmental Affairs.

EC-2207. A communication from the Comptroller General of the United States, transmitting, pursuant to law, General Accounting Office reports from the month of January 1994; to the Committee on Governmental Affairs.

EC-2208. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, an order adopting a final rule relative to rate filings; to the Committee on Governmental Affairs.

EC-2209. A communication from the Chief Executive Officer of the Corporation for National and Community Service, transmitting, pursuant to law, a report relative to the Corporation's compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC-2210. A communication from the Chairman of the United States Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, a report relative to the Commission's compliance with the Inspector General Act; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL (by request):

S. 1856. A bill entitled the "Peace, Prosperity, and Democracy Act of 1994"; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 1857. A bill to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal year 1995 through fiscal year 2000, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. DANFORTH):

S. 1858. A bill to amend the Trade Act of 1974 to make "super 301" permanent; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. GREGG, and Mr. BUMPERS):

S. 1859. A bill to terminate the Department of Energy's program to promote the use of liquid metal reactors for the disposal of high-level radioactive waste; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (by request):

S. 1856. A bill entitled the "Peace, Prosperity, and Democracy Act of 1994"; to the Committee on Foreign Relations.

PEACE, PROSPERITY AND DEMOCRACY ACT OF 1994

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill entitled the "Peace, Prosperity, and Democracy Act of 1994."

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the sectional analysis and the letter from the Secretary of State, which has received on February 2, 1994.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace, Prosperity, and Democracy Act of 1994."

SEC. 2. TABLE OF CONTENTS.

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CHAPTER 1—PEACEKEEPING AND RELATED PROGRAMS

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SEC. 3. STATEMENT OF POLICY.

Statement of Policy.—

(1) The people of the United States are embarking on a new era of domestic renewal that will draw strength through expanding cooperation abroad to advance United States economic and political interests and to meet the challenges of a new century.

(2) The interests of the United States are best served by a community of nations that respects individual human rights and democracy, resolves conflicts peacefully, engages in free and open trade, uses the world's limited natural resources in a sustainable manner, and in which fundamental human needs are met.

(3) Sustainable development is in the long-term interest of the United States because without such development, economic, political and security problems will multiply and generate future costs and burdens; and because overpopulation and environmental destruction threaten to undercut the best efforts of nations to build peace and prosperity.

(4) Strengthening democracy and human rights advances United States interests: democracies are conducive to free markets; they are more reliable partners, more receptive to cooperation in environmental protection and other global problems, and less prone to wage war on each other or sponsor terrorism. Strengthening democracy is especially critical to achieving what must remain an overriding goal of the United States: helping to create a world in which respect for human rights and fundamental freedoms can flourish.

(5) In this new era of more diffuse challenges to the security of the United States, the United States recognizes the need to maintain and restore peace through arms control, nonproliferation, regional peace processes, and collective defense, efforts, and for continued vigilance against a wide-range of increasingly transnational security challenges, including international narcotics trafficking, terrorism and other international crime that affect the personal safety of the people of the United States.

(6) United States Government support for efforts to alleviate suffering and help people help themselves reflects the ideals of the people of the United States who have a long and unequaled record of responding quickly and substantially to humanitarian crises caused by natural and manmade disasters.

(7) An open and growing world trading system will benefit United States workers through expanding global markets and cre-

ate a more prosperous and secure world. Promotion of broad-based economic growing in developing countries is an important means for expanding the fastest growing markets for United States exports.

(8) Diplomacy effectively advances United States security and prosperity, meets long-term global challenges, and builds cooperative arrangements with allies and multilateral organizations.

(9) Foreign assistance programs are in the national interest of the United States, and to meet the diverse challenges of a new century, the United States must command a full range of creative foreign policy tools to shape a comprehensive, long-term approach to promoting the United States national interests reflected in the objectives of this Act: Promoting Sustainable Development, Building Democracy, Promoting Peace, Providing Humanitarian Assistance, Promoting Growth Through Trade and Investment, and Advancing Diplomacy.

TITLE I—SUSTAINABLE DEVELOPMENT

CHAPTER 1—SUSTAINABLE DEVELOPMENT AUTHORITIES

SEC. 1101. STATEMENT OF POLICY.

Statement of Policy.—

(1) United States prosperity and security in the Twenty-first Century will depend on the successful pursuit of global sustainable development based on an abiding commitment to democratic, free-market principles.

(2) The transnational threats of persistent poverty, global environmental degradation and rapid population growth threaten to undercut the best efforts of the world community to ensure a more prosperous and peaceful future. Addressing these threats will require, among other things, an appropriate mix of people-to-people, bilateral and multilateral assistance to complement local action.

(3) The people of the United States have long demonstrated a moral commitment to help those in need and to provide assistance that reflects the traditional humanitarian ideals of the people of the United States.

(4) The promotion of long-term, equitable, and environmentally sustainable development can help to prevent humanitarian crises and to reduce the vulnerability of people, particularly children, to natural and man-made disasters, which are costly in terms of both human life and financial resources.

(5) United States support for people-to-people, bilateral and multilateral sustainable development programs must, therefore, be targeted on broad-based, economic growth that reduces hunger and poverty, protects the environment, enhances human capabilities, upholds democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations through, among other things, helping the poor majority of women, men, and children in developing countries participate in the development process.

(6) Sustainable development efforts will be significantly enhanced through the broad participation and active engagement of the United States-based private sector, including universities, labor unions, and private voluntary organizations, and the people of each nation as producers, workers, and citizens of their communities, in shaping development policies and in defining, implementing, and evaluating programs and projects.

(7) The ultimate measure of success of programs under this title is to reach a point where improvements in the quality of life and the environment are such that assistance is no longer necessary and can be replaced by new forms of diplomacy, cooperation and commerce.

SEC. 1102. POLICIES CONCERNING SUSTAINABLE DEVELOPMENT PROGRAMS.

(a) PURPOSES OF SUSTAINABLE DEVELOPMENT PROGRAMS.—The promotion of sustainable development is in the long-term interests of the United States. Sustainable development signifies broad-based, economic growth which protects the environment, enhances human capabilities, upholds democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations. The objectives of sustainable development are pursued by supporting the self-help efforts of people in developing countries to implement sound policies that increase self-reliance, equity, and productive capacity, to invest in their people, and build effective and accountable indigenous political, economic and social institutions.

(b) SUSTAINABLE DEVELOPMENT OBJECTIVES.—The purposes described in subsection (a) can best be achieved through a balanced, participatory and comprehensive cooperation program targeted on the following four inter-dependent objectives—

(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

(A) RATIONALE.—Broad-based economic growth signifies equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broadly-based economic progress also improves the prospects for the spread of democracy and political pluralism. Economic stagnation or narrowly based-economic growth may fuel political instability and threaten international security and cooperation.

(B) OBJECTIVE.—Broadly-based, sustainable growth requires, in addition to sound economic policies:

(i) investments in people, particularly poor people, in the form of health, nutrition, education, shelter and other critical social services;

(ii) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, increase self-reliance in meeting basic needs, and raise real incomes for poor people;

(iii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

(iv) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in agriculture and post-harvest food preservation;

(v) sound debt management, including responsible relief as appropriate;

(vi) investments in people's productive capabilities, including measures to upgrade people's technical and managerial knowledge and skills; and

(vii) measures to ensure that the poor have access to productive resources, including affordable and resource-conserving technologies, technical as well as market-related information, and credit, especially for small farms, small and micro-enterprises, and the poorest self-employed sector, and otherwise, fully participate in the benefits of growth in employment and income.

(2) PROTECTING THE GLOBAL ENVIRONMENT.—

(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of our citizens, depend critically on the global environment and physical resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and use of natural resources directly affect the sustainability of long-term development and growth, and of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable in the long run. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. Developing countries not only suffer from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environmental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

(B) OBJECTIVE.—Sustainable development programs authorized by this chapter should address the root causes of environmental harm, promote environmentally-sound patterns of growth and support improved management of natural resources and protection of the environment. These activities shall include efforts to address urgent global environmental challenges, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices which simultaneously enhance long-term economic growth.

(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

(A) RATIONALE.—It is in the national interest of the United States and in keeping with our democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The establishment of local governance, civil society and democratic institutions, including business associations and labor unions, is an essential element of the ability of nations to sustain development efforts.

(B) OBJECTIVE.—Sustainable development programs must help to build and strengthen organizations and institutions that foster participation in economic and political decision-making at the local and national levels. Such programs shall help promote: respect for human rights and the rule of law; an expanding role for nongovernmental and citizens organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; means to enhance citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; efforts which advance legal, social, and economic equality for women, workers, and minorities; respect for the rights of women, workers, and minorities; and principles of tolerance among and within religious and ethnic groups.

(4) STABILIZING WORLD POPULATION GROWTH.—

(A) RATIONALE.—Excessive population growth rates, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the form of basic health, child survival, and education services. Continued excessive growth in world population rates will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with excessive population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Excessive population growth impedes development and retards progress on global issues of direct concern to the United States.

(B) OBJECTIVE.—The primary objectives are: to reduce population growth to rates that are consistent with sustainable, broadly-based development, to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and quality of voluntary family planning services and reproductive health care. This also calls for strong and sustained programs in child survival and the prevention of HIV/AIDS. Improvement of female education and raising the economic and social status of women, carried out within the context of encouraging broad-based economic growth, are particularly important complementary activities that contribute to these objectives.

(C) PRINCIPLES.—To achieve the objectives of this section, sustainable development programs authorized by this chapter shall be carried out in accordance with the following principles—

(1) POPULAR PARTICIPATION.—

(A) IN GENERAL.—Sustainable development depends for its success on the empowerment of people to make political and economic decisions. Participation, in the form of active involvement of program participants in the identification, design, implementation, and evaluation of development programs is critical to the success of those programs. Therefore, assistance under this chapter should incorporate the local-level perspectives of all participants, especially the rural and urban poor and women, in the identification, design, implementation, and evaluation of projects, programs, and development policies, as well as in the design of country assistance strategies and overall strategic objectives.

(B) ROLE OF WOMEN IN THE DEVELOPMENT PROCESS.—The expansion of women's opportunities is essential to reduce poverty, lower population growth and bring about effective and sustainable development. The active involvement of women in economic, political, and social activities is necessary to promote democracy and to assure sustainable development. Women, including local and indigenous women's groups, must be involved as agents as well as beneficiaries of change in all aspects of the development process. Women, therefore, should be integrally involved in policies, programs, and projects undertaken to achieve the objectives and purposes of this section.

(C) NONGOVERNMENTAL ORGANIZATIONS.—For development to be broad-based and sustainable, it is imperative to consult with, and fully engage in the policy and program planning process, nongovernmental organizations representative of, and knowledgeable about, local people and their interests. Nongovernmental organizations, including private voluntary organizations, cooperatives and credit unions, labor unions, women's groups, and indigenous local organizations, should be fully utilized in meeting the objectives and purposes of this section through, among other things, regular involvement in the formulation of development strategies for countries and sectors.

(D) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—Programs undertaken to achieve the sustainable development objectives of this chapter should recognize and take advantage of—

(i) United States capabilities in science and technology;

(ii) access to education and training in United States colleges, universities, and technical training facilities; and

(iii) United States public sector expertise.

This may be encouraged through, among other things, long-term collaboration between public and private institutions of science, technology, and education in the United States and developing countries.

(2) MANAGING FOR RESULTS.—

(A) IN GENERAL.—Assistance cannot substitute for a developing country's own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encourage a stable and prosperous global order, and contribute to the interests of the people of the United States.

(B) COUNTRY REQUIREMENTS.—Sustainable development programs under this chapter shall be concentrated in countries that have a demonstrated need for such programs, that will make effective use of such programs, and that have a commitment to achieving clear development objectives. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economics and sound policies are conducive to accomplishing the sustainable development objectives contained in subsection (b) of this section, government decision-making is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, nongovernmental organizations and the media operate without undue constraints.

(C) MEASURING RESULTS.—The United States assistance program under this chapter will assess the commitment and progress of countries in moving toward the sustainable development objectives contained in subsection (b) of this section and the contributions made to this progress by assistance provided under this chapter. The United States will establish open and transparent systems to monitor these results, and will be prepared to shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.

(3) INTERNATIONAL COORDINATION.—The United States shall seek wherever possible to coordinate its sustainable development program with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development.

SEC. 1103. VOLUNTARY COOPERATION IN DEVELOPMENT.

(a) STATEMENT OF POLICY.—

(1) The sustained participation of United States private voluntary organizations, labor unions, cooperatives, and credit unions that are engaged in activities that are relevant to the development needs of developing countries serves as an important means of improving the lives of the poor in those countries and enhances the likelihood that the goals of this title will be attained.

(2) The sustained participation of United States and overseas cooperatives and credit unions provides an opportunity for people in developing countries to participate directly in democratic decisionmaking for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and saving. These organizations should be utilized in fostering democracy, free markets, and self-help, community-based development.

(3) Similarly, sustained participation of United States colleges and universities in the economic development programs of the developing countries and the building of indigenous university systems that support the educational, research, and service needs of their societies is vital to their achieving sustainable economic growth and open democratic political systems and, at the same time, supports the internationalization of United States educational institutions by strengthening their faculty and the programs available to their students.

(4) Such sustained participation would be enhanced through provisions within the United States Agency for International Development to provide such organizations and institutions with the opportunity to participate in the planning, development and implementation and evaluation of programs that involve those organizations and institutions.

(b) PARTNERSHIP RELATIONSHIP.—The President is encouraged to establish a formal, effective, and continuing partnership relationship with private voluntary organizations, cooperatives, and credit unions which have experience in working in developing countries, and with United States colleges and universities, with the objective of enhancing attainment of the goals set forth in this title. Individuals who are from such organizations and institutions and who have expertise and administrative experience in programs relevant to the development needs of developing countries should be consulted on a regular basis so as to bring their expertise to bear on those objectives.

(c) AMERICAN SCHOOLS AND HOSPITALS.—The President is authorized to use funds made available to carry out the provisions of this Act for support of—

(1) schools and libraries, outside the United States, that are sponsored by United States citizens and serve as study and demonstration centers for ideas and practices of the United States, and

(2) hospital centers for medical education and research, outside the United States, that are sponsored by United States citizens,

where such support is in furtherance of the objectives of this title.

SEC. 1104. MICROENTERPRISE AND OTHER CREDIT PROGRAMS.

Credit resources can be a cost effective tool in fostering sustainable development where borrowers and projects are credit worth and where the costs of such credit assistance are capable of being reasonably estimated. Subject to section 8202(i), the President is authorized to provide assistance for credit programs in furtherance of the sustainable objectives, as follows:

(1) MICRO- AND SMALL ENTERPRISE DEVELOPMENT.—To promote the full participation in a country's economy by all members of society through increased access to formal financial markets.

(2) SHELTER, URBAN DEVELOPMENT, AND ENVIRONMENTAL INFRASTRUCTURE.—To address needs and shelter, urban services and facilities, and urban environmental management systems, including water treatment and waste disposal systems.

(3) OTHER PROJECTS AND PROGRAMS.—To carry out other purposes of this chapter that can be met with credit resources.

SEC. 1105. AVAILABILITY OF FUNDS.

The President is authorized to carry out programs in support of the sustainable development objectives of this chapter. Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

CHAPTER 2—DEVELOPMENT FUND FOR AFRICA

SEC. 1201. SUSTAINABLE DEVELOPMENT PROGRAMS AND SUB-SAHARAN AFRICA.

(a) STATEMENT OF POLICY.—

(1) Sub-Saharan Africa faces serious obstacles to sustainable development, including high levels of poverty, high levels of disease burden especially tropical diseases and HIV/AIDS, environmental degradation, high population growth rates and, in some countries, civil conflicts that threaten the welfare of millions of people.

(2) Sub-Saharan Africa is also undergoing significant but fragile economic, social, and political change, including economic reforms and transition to democracies, which hold promise of progress in sustainable development.

(3) Sub-Saharan Africa possesses numerous species, as well as major forest reserves, which will become increasingly threatened in the absence of sustainable development.

(4) The challenges facing sub-Saharan Africa require a steady, long-term approach to development, and therefore the purpose of the Development Fund for Africa shall continue to be to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is equitable, participatory, environmentally sustainable and self-reliant.

(5) Experience has shown that in order to be effective and sustainable, assisted development projects and programs must be based on local consultation and involvement.

(6) By addressing the broad sustainable development objectives of encouraging broad-based economic growth, reducing excessive population growth rates, preserving the environment, and strengthening democratic governance and expanding popular participation, programs for sub-Saharan Africa can directly improve the lives of the poor majority of Africans.

(b) LOCAL PERSPECTIVES.—In carrying out sustainable development programs for sub-Saharan Africa, the local-level perspectives of the rural and urban poor, including women, in sub-Saharan Africa shall be taken into account during the planning process for project and program assistance.

(c) AVAILABILITY OF FUNDS.—Funds appropriated to carry out the provisions of chapter 1 for sustainable development programs may be made available, in accordance with the provisions of that chapter, to carry out such programs for sub-Saharan Africa.

(d) RELATIONSHIP TO CERTAIN PROVISIONS OF LAW.—Assistance may be furnished for activities under this chapter notwithstanding sections 7201(a)(7) and 8402 of this Act, and any similar provisions of law.

CHAPTER 3—ROLE OF RELATED PROGRAMS

SEC. 1301. STATEMENT OF POLICY REGARDING ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(1) By fostering sound macroeconomic policies, the international financial institutions—

(A) further the interest of the United States in a free, open, and stable international economic and financial system; and

(B) encourage developing countries to participate more fully in the world economy, thus expanding the opportunities for United States exports and investment.

(2) At the same time, structural and sectoral level reforms supported by the international financial institutions, and programs aimed at addressing such problems as basic education, environmental protection, health, and population, should reinforce the goals of United States sustainable development programs.

(3) The increasing coordination of the activities of the international financial institutions with those of bilateral assistance programs provides an opportunity for those institutions to be informed of local perspectives, priorities, and capabilities best gained through decentralized, consultative processes.

(4) The United States should give priority to developing an international consensus on good governance, accountability and transparency, the rule of law, and public participation as central to the development process.

(5) The ability of international financial institutions to serve these ends depends on maintenance of strong United States influence in them and fulfillment of United States financial commitments.

SEC. 1302. STATEMENT OF POLICY REGARDING ROLE OF PEACE CORPS.

(1) The purposes of the Peace Corps, as set forth in the Peace Corps Act, are consistent with a fundamental objective of this Act—to broaden the participation of people in developing countries in the economic and social life of their countries.

(2) The benefits provided by both the sustainable development programs authorized by this Act and programs authorized by the Peace Corps Act will be enhanced by collaboration that, while not infringing on the traditional autonomy of the Peace Corps, recognizes that the ability of the Peace Corps to address issues of concern to the people of developing countries at the grassroots level complements the programs authorized by this Act.

SEC. 1303. STATEMENT OF POLICY REGARDING ROLE OF AFRICAN DEVELOPMENT AND INTER-AMERICAN FOUNDATIONS.

(1) The purposes of the Inter-American Foundation and the African Development Foundation as set forth in section 401(b) and 504 of their respective Acts are consistent with fundamental premises of sustainable development programs, such as the need to expand the participation of individuals in social and economic institutions so that they have a stake in the resolution of social and economic issues.

(2) Both Foundations have demonstrated that sustainable development may be fostered at the local level by responding to the expressed needs of the people who live and work in the local community, and providing them with the means to carry out their own development initiatives.

(3) By working at the grassroots level to enhance incomes, expand social benefits, and encourage increased participation, the programs of the African Development Foundation and the Inter-American Foundation, while independent, are part of an overall framework of support for developing countries which aims to see sustainable development occur at the local and the national levels.

SEC. 1304. STATEMENT OF POLICY REGARDING ROLE OF P.L. 480 NON-EMERGENCY TITLE II AND TITLE III PROGRAMS.

STATEMENT OF POLICY.—

(1) The use of United States agricultural commodities through the P.L. 480 non-emergency Title II program, serves the dual purposes of supporting the efforts of poor countries to meet their need for additional food resources while at the same time promoting the long-term sustainable development efforts of those countries.

(2) By giving priority through the P.L. 480 Title III program to those least developed, food deficit countries with high levels of malnutrition that have long-term plans for broad-based equitable and sustainable development and a demonstrated commitment and capacity to use food assistance effectively, these programs show a consistency of purpose with the sustainable development programs authorized by this Act.

TITLE II—BUILDING DEMOCRACY

SEC. 2001. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—

(1) There is a growing worldwide movement toward more open, just and democratic societies. This trend is essential to achieving the United States ultimate objective of worldwide respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion. At the same time, this trend holds great promise for promoting the peace of the world and the foreign policy, security, and general welfare of the United States.

(2) Expansion of democratic values and systems must be promoted through bilateral, multilateral, and people-to-people programs with the sustained assistance and moral support of the international community, and of the established democracies in particular.

(3) Democratic development takes time to take root in society and in the political system. There is a need for the international community to assist in the consolidation of democratic values, practices and institutions to prevent the reversal of democratic trends.

(4) Frequently, newly democratizing countries are beset by ethnic conflicts, resurgent nationalism and anti-democratic movements, and political reaction to economic reform. A growing number of countries seek to end years of protracted internal conflict through the implementation of internationally-sanctioned political settlements, designed to create a democratic form of governance, a durable peace, and the institutional requisites for long-term development.

(5) Furthermore, democratic institutions in countries where democracy has taken root can be similarly threatened by regional and civil unrest, and other threats to international peace and security.

(6) Narcotics trafficking, terrorism and other forms of international crime—and the corruption that they engender of political, administrative and other democratic institutions—pose similar threats to such countries, and efforts to combat these scourges need to be integrated into and coordinated with broader efforts to develop and consolidate democratic institutions.

(7) To advance, countries in such circumstances may require international assistance not normally included in humanitarian relief programs, peacekeeping operations, or long-term development programs, and the international community needs to be able to respond swiftly to meet such needs.

(8) Failure by the United States to respond effectively to threats to democracy and human rights abroad could risk important

United States interests, jeopardize substantial savings in United States defense that a more democratic and predictable world will bring, imperil United States investments and economic reforms that will result in trade and economic benefits to the United States, and heighten the risk that many transitions might ultimately fail and generate costly humanitarian emergencies.

(9) Accordingly, the United States must have the capacity to respond rapidly, effectively, and in an integrated fashion to the new opportunities and challenges associated with democratic development.

(b) STATEMENT OF POLICY.—

(1) In addition to promoting strong democratic societies as an integral part of the sustainable development programs authorized under title I of this Act, it should be the policy of the United States to assist countries making the transition to democracy, and countries where democratic gains are threatened, by providing timely assistance in building effective democratic institutions and free market economies.

(2) At the same time, the promotion of democracy is the responsibility of the global community. The United States should give priority to working bilaterally and multilaterally to ensure commitment of substantial resources toward the promotion of democracy in transitional countries, and to coordinating policies and programs among institutions and donors.

CHAPTER 1—PROMOTING DEMOCRACY

SUBCHAPTER A—COUNTRIES IN TRANSITION

SEC. 2101. AUTHORITY.

The President may provide assistance under this subchapter for countries—

(1) that have recently emerged or are in the process of emerging as democratic societies; or

(2) that have recently emerged or are emerging from civil strife and either have a democratically-elected government or are making progress toward developing a democratic form of government; or

(3) where democratic progress or institutions are threatened.

SEC. 2102. OBJECTIVES AND TYPES OF ASSISTANCE.

(a) OBJECTIVES.—Programs under this subchapter should be designed to facilitate the worldwide trend toward more open, just and democratic societies, and may include programs to—

(1) promote the development of functioning democratic institutions and political pluralism, including programs to facilitate—

(A) establishment of fully democratic and representative political systems based on free and fair elections that permit multiparty participation;

(B) protection of basic human rights and fundamental liberties and individual freedoms including freedom of speech, religion and association, access to information and public participation in decisionmaking;

(C) development of legal, legislative, constitutional, electoral, journalistic, educational, and other institutions, both governmental and nongovernmental which are essential elements of civil society in free pluralistic societies;

(D) establishment and professional development of non-partisan military, security and police forces, accountable to civil authorities;

(E) development of intercommunal conflict resolution mechanisms; and

(F) strengthening of policy making skills and accountability of democratic governments.

(2) address political, economic and humanitarian needs that arise in connection with transitions, or that if unmet undermine or threaten democratic institutions; and

(3) help meet security challenges on a transitional basis that threaten to impede or reverse democratic reforms or institutions.

(b) Assistance may only be provided to military or law enforcement forces under this subchapter—

(1) to orient militaries or law enforcement agencies to their respective roles in a democratic order, including through training, contacts with counterparts in established democracies, and other programs designed to enhance respect for human rights and understanding of principles of civilian control in a democratic society;

(2) to enhance the practical accountability of law enforcement agencies to civil justice institutions;

(3) to promote demilitarization of society, through programs aimed at demobilization, down-sizing, and rationalization and professionalization of military structures; or

(4) to the extend otherwise permitted under section 7104 of this Act; or

(5) to meet the challenges described in subsection (a)(3).

In providing assistance under this subsection the President shall consider the extent to which the recipients demonstrate a commitment to respect human rights and fundamental freedoms.

SEC. 2103. AVAILABILITY OF FUNDS; AUTHORITIES.

(a) AVAILABILITY OF FUNDS.—Funds shall be available to carry out the provisions of this subchapter as authorized and appropriated to the President each fiscal year. The amount of funds that are authorized and appropriated to carry out the provisions of this subchapter that may be made available for assistance administered through the Department of Defense shall be authorized and appropriated separately.

(b) AUTHORITY.—Assistance may be provided under this subchapter notwithstanding any other provision of law.

SUBCHAPTER B—INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 2201. STATEMENT OF POLICY.

(1) The international community has an unparalleled stake in the success of the democratic and economic transformation taking place in the independent states of the former Soviet Union, and the integration of those states into the community of peaceful and democratic nations.

(2) United States programs that facilitate this process constitute and should be seen as critical investments in America's future. The people of the United States and the independent states share an interest in ensuring that assistance is focused on programs that will have lasting effect, that support an ongoing process which can survive the buffeting of political and economic setbacks, and that lay a broad foundation for reform that is not dependent on the success or failure of particular initiatives.

(3) United States leadership in supporting reform in the independent states will remain critical. At the same time, the United States must work closely with allies and international institutions to ensure that international support for reform in these states is coordinated, and that the costs of programs to support the ongoing transformation is allocated fairly among those with a shared stake in its success.

(4) The establishment and development of democratic institutions and market economies in the independent states of the former Soviet Union present among the most important foreign policy challenges of out times. Failure to meet these challenges could threaten United States national security interests and jeopardize substantial savings in United States defense. Success will generate trade and investment opportunities for American businesses from which the United States stands to reap enduring employment and other economic benefits, and the prospects of a more peaceful and stable world having lasting benefits for all.

SEC. 2202. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this subchapter as authorized and appropriated to the President each fiscal year. Such funds may be made available on the same basis as funds authorized to be appropriated for fiscal year 1993 under chapter 11 of part I of the Foreign Assistance Act of 1961. Such funds shall be considered to be assistance under this Act for purposes of making available the administrative authorities contained in this Act.

SUBCHAPTER C—CENTRAL AND EASTERN EUROPE

SEC. 2301. STATEMENT OF POLICY.

It should be the policy of the United States to continue to facilitate the reintegration of Central and East European countries into the community of democratic nations based on free enterprise, market economies. United States assistance programs can continue to make a substantial contribution to these objectives by building on earlier initiatives, including important ongoing initiatives that were established under the Support for East European Democracy (SEED) Act of 1989. In furtherance of these objectives, the United States should support economic and political reform in Central and East European countries by making available assistance for SEED Actions as authorized by the SEED Act and for Assistance provided under the authorities of this Act to such countries that are taking steps toward—

(1) constitutional democracy and political pluralism, based on progress toward free and fair elections, and a multi-party political system;

(2) economic reform, based on progress toward a market-oriented economy;

(3) respect for internationally recognized human rights, and the protection of fundamental civil liberties based on progress toward democratic and independent judicial institutions; and

(4) a willingness to build, or continue, a constructive and lasting relationship with the United States based on shared values and principles.

SEC 2302. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this subchapter as authorized and appropriated to the President each fiscal year. Such funds shall be considered to be assistance under this Act for purposes of making available the administrative authorities contained in the Act.

CHAPTER 2—INFORMATION AND EXCHANGE

SEC. 2401. POLICY.

(a) IN GENERAL.—The fostering of democratic societies, values, and institutions abroad is crucial to the future security and prosperity of the United States. Information and exchange programs carried out by the United States are central to fostering such democratic values and encouraging the development of democratic institutions and processes around the world.

(b) ROLE OF PROGRAMS CONDUCTED BY USIA.—Programs administered by the United States Information Agency should support democratization abroad through the communication of knowledge and the exchange of people, ideas and values, and should promote, through in-country personal contacts, exchanges, training programs, and informational activities, a better understanding of the nature of democracy in such areas as—

(1) the role of the citizen and government in democracy and civil society;

(2) the principles of a free market economy;

(3) respect for the rule of law;

(4) the free flow of information;

(5) free and fair elections;

(6) responsible and representive local government; and

(7) democratic reform of education.

TITLE III—PROMOTING PEACE

SEC. 3001. STATEMENT OF POLICY.

(1) For over forty years the specter of international communism weighed heavily on United States economic and military assistance priorities. The collapse of communism and the end of the Cold War have opened up new possibilities for international cooperation to contain and, more importantly, to prevent conflict, thereby creating the opportunity for realizing international peace and security.

(2) Political destabilization, prompted in part by the demise of communism, has also unleashed long suppressed internal and regional conflict in Eastern Europe, the former Soviet Union, and elsewhere. At the same time, the proliferation of weapons of mass destruction and technologies pose unrelenting challenges for peace and security that the international community cannot afford to ignore.

(3) In addition, the transnational scourges of narcotics trafficking, terrorism and other international criminal activity threaten at the most fundamental level the ability of Americans and others to live their lives in safety.

(4) To address such problems during this historic transition in post-Cold War world affairs, United States bilateral and multilateral assistance under this title will be a necessary complement to effective diplomacy and international efforts to secure lasting peace. Failure to invest at this time in programs designed to prevent conflict, and to promote international peace and security, threatens the prospects for substantial savings in United States defense and other expenditures in the future.

CHAPTER 1—PEACEKEEPING AND RELATED PROGRAMS

SEC. 3101. STATEMENT OF POLICY.

(1) In the wake of the Cold War, serious threats persist to the security and interests of the United States, and a range of conflicts within and among states and other humanitarian disasters continue to threaten international peace and security, undermine the stability of regions in the world, generate disruptive flows of refugees, and cause human suffering on a large scale. When the interests of the United States are at stake, including its treaty obligations and humanitarian concerns, it will rely on a variety of unilateral, bilateral, and multilateral means to respond to such conflicts and crises.

(2) Diplomacy by our Nation and others can prevent or ameliorate foreign conflicts, crises, and breaches of the peace that could impose higher costs and burdens on the United States if left unaddressed. It is therefore the intention of the Congress through United States leadership to promote the security, welfare, and other foreign policy goals of the United States by supporting timely, preventive diplomatic efforts, unilaterally and in conjunction with other nations.

(3) The United States reaffirms its support for appropriate peace operations when they advance United States interests, including the fulfillment of United States treaty obligations, or foreign policy goals, such as encouraging the spread of democratic and market institutions, and addressing grave humanitarian crises. A decision to support or participate in such operations should always be based on an assessment by the United States Government as to whether United States interests are best served by doing so.

SEC. 3102. GENERAL AUTHORITY.

(a) IN GENERAL.—The President is authorized—

(1) to pay assessed and other contributions and expenses of international peacekeeping activities and other international activities directed to the maintenance or restoration of international peace and security, including the provision of related humanitarian relief; and

(2) to furnish assistance to foreign countries, and international and regional organizations and arrangements for peacekeeping, international activities directed to the restoration or maintenance of international peace and security and other programs carried out in furtherance of the national interest of the United States.

(b) AVAILABILITY OF FUNDS.—

(1) Funds shall be available to carry out the provisions of subsection (a)(1) as authorized and appropriated to the President each fiscal year.

(2) Funds shall be available to carry out the provisions of subsection (a)(2) as authorized and appropriated to the President each fiscal year.

(3) If the President determines and reports to Congress that doing so would promote the purposes of this chapter, funds made available under either paragraph (1) or (2) may be transferred to, and consolidated with, funds available for the other such paragraph, and may be used for any of the purposes for which funds under that paragraph may be used.

(c) AUTHORITY.—Funds made available to carry out this chapter may be made available notwithstanding any provisions of law that restrict assistance to foreign countries.

SEC. 3103. DRAWDOWN AUTHORITIES.

(a) UNFORESEEN EMERGENCIES.—If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this chapter in amounts in excess of funds otherwise available for such purposes is important to the national interests of the United States, the President may direct the drawdown of articles and services, of an aggregate value not to exceed $100,000,000 in any fiscal year, from the inventory and resources of any agency of the United States Government.

(b) REIMBURSEMENT.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for articles and services provided under this section.

CHAPTER 2—NONPROLIFERATION AND DISARMAMENT FUND

SEC. 3201. STATEMENT OF POLICY.

One of the principal threats to the security of the United States in the Post-Cold War era is the risk of proliferation of deadly weapons—nuclear, chemical, biological, and advanced conventional weapons—as well as their delivery systems. The United States should give high priority to pursuing arms control agreements and preventing proliferation by supporting and enhancing bilateral and multilateral efforts to—

(1) establish effective controls on destabilizing weapon systems and materials;

(2) dismantle existing systems;

(3) create verifiable safeguards and regimes and effective export controls on related technologies and materials; and

(4) increase the effectiveness and help ensure the implementation of existing nonproliferation and arms control and agreements, particularly in the states of the former Soviet Union and in Central and Eastern Europe.

SEC. 3202. PROVISION OF ASSISTANCE.

Assistance may be provided under this chapter to facilitate—

(1) supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

(2) supporting bilateral and multilateral efforts to halt the proliferation on nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons;

(3) establishing programs for safeguarding against the proliferation of nuclear, biological, chemical and other weapons;

(4) establishing programs for preventing diversion of weapons-related scientific and technical expertise to terrorist groups or to third countries;

(5) increasing effectiveness of existing nonproliferation and arms control agreements and promotion of arms control and security in regions of tension;

(6) assisting international agencies in the application of nonproliferation treaty safeguards, in the verification of international nonproliferation regimes, and in the promotion of peaceful uses of technologies and materials related to such weapons; and

(7) establishing programs for facilitating the conversion of military technologies and capabilities and defense industries into civilian activities.

SEC. 3203. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

SEC. 3204. DRAWDOWN AUTHORITIES.

(a) UNFORESEEN EMERGENCIES.—If the President determines that it is in the national interest of the United States to provide assistance under this chapter in amounts in excess of funds otherwise available under this chapter for such purposes, the President may direct the articles and services, of an aggregate value not to exceed $100,000,000 in any fiscal year, from the inventory and resources of any agency of the United States Government.

(b) REIMBURSEMENT.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for articles and services provided under this section.

CHAPTER 3—REGIONAL PEACE, SECURITY AND DEFENSE COOPERATION

SEC. 3301. STATEMENT OF POLICY.

(1) During the Cold War, regional conflicts were often inspired by hegemonist aspirations of aggressive communism. In the post-Cold War era, regional and internal conflicts, fueled by more discrete problems such as ethnic discord, competing territorial claims and other sources of tension, persist and are among the greatest threats and barriers to

the achievement of international peace and stability, and a safe and lawful world order.

(2) Prudent investment of United States resources to assist, through bilateral and collective efforts, in preventing or containing armed conflict, in restoring peace and stability, and in addressing the sources of conflict, is essential for achieving a peaceful world.

(3) Recent successes in the Near East exemplify the value of United States dedication to resolving conflict in an area whose security and stability is of vital interest to the United States:

(A) To permit continued progress in reaching a full settlement and a comprehensive, just and lasting peace between Israel and its Arab neighbors, the United States must assist Israel in maintaining adequate defense capabilities to ensure its territorial integrity and continued survival.

(B) Recognizing that the success of the agreement between Israel and the Palestine Liberation Organization will depend in large measure on promoting economic development and improving the well-being of people of the West Bank and Gaza, the United States should lead in building peace and prosperity in the Near East through bilateral assistance and by encouraging multilateral and other donors to contribute the necessary resources to promote sustainable economic development throughout that region.

(4) The United States must also build security partnerships with other allies and friendly nations to assist in their maintaining adequate capabilities to preserve internal security, as well as to engage in collective defense efforts against states that seek territorial expansion or regional hegemony.

(5) Furthermore, to contribute to an international response capability, the United States recognizes the need to provide urgent and immediate assistance, bilaterally and multilaterally, to contain and resolve conflicts. To respond to such urgent challenges and to promote international vigilance in order to stem incipient regional conflicts worldwide, the United States sees great value in maintaining alliances, coalitions and other cooperative defense relationships that permit more effective collective defense efforts.

(6) As more conflicts are resolved, and as peacetime conditions permit, continued United States assistance under this chapter should focus increasingly on conflict prevention and the promotion of regional arms control, with an emphasis on nonproliferation and defense education and training appropriate for a revised military role in a more peaceful and stable world.

SEC. 3302. AUTHORITY AND PURPOSES.

Assistance under this chapter may be provided for the following purposes—

(1) to support and promote the process of resolving conflict and establishing a just and lasting peace, to contribute to the development of institutions of democratic government, and to meet economic, political and security needs, in the Near East;

(2) to meet immediate threats to international peace and security posed by regional and internal conflicts through bilateral or multilateral collective defense efforts, and to meet other political, economic and humanitarian threats to security; and

(3) to enhance the ability of countries worldwide willing to share the burden of contributing to regional alliances, coalition operations, and other collective security efforts to counter threats to and maintain international peace and security.

SEC. 3303. CONSIDERATIONS IN PROVIDING DEFENSE COOPERATION ASSISTANCE.

In providing assistance under this chapter, the President should take into account the desirability of shifting resources away from the provision of defense articles to economic development purposes as rapidly as is warranted by the easing of threats to regional peace and security, and the need to maintain ongoing defense relations.

SEC. 3304. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year. The amount of funds that are authorized and appropriated to carry out the provisions of this chapter that may be made available for assistance administered through the Department of Defense shall be authorized and appropriated separately.

CHAPTER 4—INTERNATIONAL NARCOTICS TRAFFICKING, TERRORISM AND CRIME PREVENTION

SEC. 3401. STATEMENT OF POLICY.

(1) International criminal activities, particularly international narcotics trafficking and international terrorism, pose insidious, unparalleled transnational threats in the post-Cold War period, and endanger stability and democratic development.

(2) The political and economic upheavals triggered worldwide by international narcotics and crime-related violence and corruption have had a devastating effect in the United States and elsewhere, and make the prevention and suppression of such international criminal activities among the most important foreign policy objectives of the United States.

(3) Failure to address the problems of narcotics trafficking and related illicit activities will lead inevitably to further intensified crime, violence, corruption, disease and poverty.

(4) The threats posed by terrorism to international peace and security and a stable, safe world order are equally profound, and must be combatted through effective international cooperation, including the provision of training and equipment.

(5) The war against narcotics trafficking, international terrorism and other forms of international criminal activity requires the provision of bilateral and multilateral assistance by the United States, including as appropriate through defense establishments, and can be waged most successfully by enlisting broad-based international cooperation that facilitates flexible responses to stem all such activity.

(6) In order to combat such activities, it is imperative that international cooperation be improved, and efforts in this regard should include assistance to promote enhanced police investigative techniques, prosecutorial and defense skills, and judicial training and administration.

SEC. 3402. AUTHORITIES.

Assistance under this chapter may be provided for the following purposes—

(1) to control narcotics and psychotropic drugs and other controlled substances including through programs to promote alternative development, and including through enforcement, demand reduction and treatment programs;

(2) to enhance the rule of law and the ability of law enforcement and, as appropriate, defense personnel of foreign countries to combat international criminal activity including corruption, money laundering, economic crimes, illegal trade, narcotics manufacturing and trafficking and terrorism;

(3) to enhance anti-terrorism skills of foreign law enforcement and, as appropriate, defense personnel to deter terrorists and terrorist groups from engaging in international terrorist acts such as bombing, kidnapping, assassination, hostage-taking and hijacking; and

(4) to provide concrete anti-crime, anti-terrorism and antinarcotics assistance to friendly countries to strengthen bilateral ties and to increase respect for human rights by sharing with foreign civil authorities modern, humane and effective anti-crime and anti-terrorism techniques; and

(5) to combat through effective cooperation international criminal activity, including organized crime and its role in attempting to influence the process of government, and to increase international awareness of the need for concerted efforts through bilateral and multilateral means, such as the United Nations Commission on Crime Prevention and Criminal Justice; and

(6) to promote international criminal justice, including through assistance to promote enhanced police investigative techniques, prosecutional and defense skills, and judicial training and administration.

SEC. 3403. PROVISIONS RELATED TO ANTI-NARCOTICS PROGRAMS.

(a) FURNISHING ASSISTANCE.—The President is authorized to furnish assistance under this chapter for the purposes of controlling narcotics and psychotropic drugs and other controlled substances notwithstanding any other provision of law, and is authorized to furnish narcotics-related assistance under other provisions of this title notwithstanding any other provision of law that restricts assistance to foreign countries (except section 7201(a)(6)).

(b) AGREEMENTS WITH OTHER COUNTRIES.—In order to promote cooperation for the purposes of this chapter, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate control of the production, processing, transportation, and distribution of narcotics analgesics, including opium and its derivatives, other narcotic and psychotropic drugs, and other controlled substances.

(c) CONTRIBUTION BY RECIPIENT COUNTRY TO COUNTER-NARCOTICS EFFORTS.—To ensure local commitment to the anti-narcotics activities assisted under this chapter, the government of a country receiving such assistance under this chapter should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The government of a country may bear such costs on an "in kind" basis.

(d) USE OF HERBICIDES FOR AERIAL ERADICATION OF NARCOTICS.—The President, with the assistance of appropriate Federal agencies, shall monitor the use of any herbicides provided under this chapter for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

(e) LIMITATIONS ON USES OF AIRCRAFT AND OTHER EQUIPMENT.—The President shall take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries for purposes described in section 3402(1) are used only in ways that are consistent with the purposes for which such equipment was made available. In the reports submitted pursuant to section 7303, the President shall discuss any evidence indicating misuse by a foreign country of aircraft or other equipment made available for purposes described in section 3402(1), and the actions taken by the United States Government in accordance with this Act to prevent future misuse of such equipment by that foreign country.

(f) PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.—The President shall take all reasonable steps to ensure that assistance under this Act is not provided to or through any individual or entity that has been convicted of, or against whom a government has formal criminal charges pending regarding, a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country, relating to narcotic or psychotropic drugs or other controlled substances. This subsection shall not be construed to restrict assistance that is provided under this Act to facilitate alternative development programs.

(g) COORDINATION OF ALL UNITED STATES ANTI-NARCOTICS ASSISTANCE.—Consistent with subtitle A of title I of the Anti-Drug Abuse Act of 1988, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking. Nothing contained in this subsection shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

SEC. 3404. PROVISIONS RELATED TO LAW ENFORCEMENT TRAINING.

(a) TRAINING BY STATE DEPARTMENT PERSONNEL.—Employees of the Department of State shall not engage in the training of law enforcement personnel for anti-terrorism programs under this chapter, with the exception of training (including short term refresher training) or services provided to law enforcement personnel by employees of the Bureau of Diplomatic Security with regard to crisis management, facility security, or VIP protection.

(b) ASSISTANCE RELATING TO INTELLIGENCE ACTIVITIES—Anti-terrorism assistance under this chapter shall not include activities involved in the collection of intelligence as defined in Executive Order 12333, other than limited training in the organization of intelligence for antiterrorism purposes under the provisions of this chapter.

(c) TYPES OF ASSISTANCE.—Anti-crime and anti-terrorism assistance under this chapter should emphasize the provision of training rather than the provision of articles. Such training should be provided with due regard for a country's commitment to democracy and respect for human rights, and where appropriate should incorporate a component to promote respect for human rights. To the extent equipment or other articles are provided under assistance programs pursuant to this chapter, items that support more effective administrative efforts should receive the highest consideration.

SEC. 3405. WAIVER OF CERTAIN RESTRICTIONS ON ASSISTANCE.

Section 7201(a)(7) of this Act and any similar provisions of law shall not apply to the provision of assistance under this chapter.

SEC. 3406. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year. The amount of funds that are authorized and appropriated to carry out the provisions of this chapter that may be made available for assistance administered through the Department of Defense shall be authorized and appropriated separately.

TITLE IV—PROVIDING HUMANITARIAN ASSISTANCE

SEC. 4001. STATEMENT OF POLICY.

(1) The post-Cold War era has been marked by a sudden proliferation of crises and transitions that have led to a massive civilian death toll, widespread human suffering, and an unprecedented number of people becoming refugees and displaced persons.

(2) Civil war, international conflict, and natural disasters have all contributed to these humanitarian crises which have jeopardized the stability of nascent democracies and strained the ability of fragile economies to meet these unexpected requirements.

(3) In significant measure, the effects of manmade and natural disasters, at times amplified by prolonged environmental degradation, threaten continued sustained development and are at the same time magnified by the lack of that development.

(4) Bilateral and multilateral programs that provide support to countries faced with large numbers of refugees, rapidly respond to natural and manmade disasters, and otherwise meet humanitarian and crisis needs are essential for the continued democratization and economic growth of countries that, by themselves, do not have the resources to cope with crises of such magnitude.

CHAPTER 1—REFUGEE ASSISTANCE

SEC. 4101. STATEMENT OF POLICY AND PURPOSES.

(a) STATEMENT OF POLICY.—

(1) United States leadership in international refugee and migration affairs reflects our humanitarian values and traditions.

(2) United States refugee assistance upholds humanitarian principles that the United States shares with others in the international community.

(3) Too often, situations involving serious violations of human rights, conflict, or disaster create or threaten to create large-scale refugee and migration programs in which the victims are forced to flee their homes for safety and survival.

(4) United States advances the ability of the international community to address humanitarian crises involving the forced migration of peoples through support for, participation in and assistance to, the international and other institutions involved in the protection of and assistance to victims of persecution, conflict and other forms of human rights violations and forced displacements.

(5) United States efforts to improve international cooperation and burdensharing in carrying out these programs underscore that these issues are the subject of international concern and shared responsibility.

(6) Prompt and effective responses can avert further crises and instability and can alleviate the suffering of the victims of displacement.

(7) It is imperative that the United States have the resources and the flexibility to be able to provide effective and immediate assistance in this regard.

(b) PURPOSES OF ASSISTANCE.—Assistance under this chapter may be made available to—

(1) provide assistance to or on behalf of refugees, conflict victims, displaced persons, and other victims of forced migration, who are outside the United States, including assistance on behalf of those persons who will be considered for admission to the United States and for the initial reintegration of persons who have been repatriated to their countries of origin;

(2) contribute to the activities of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and other relevant organizations and institutions; and

(3) provide such other assistance as may be necessary to promote the prevention and solution of refugee and other migration problems, in countries of origin as well as in countries of asylum, and including for resettlement and demining efforts.

(c) EMERGENCY REFUGEE AND MIGRATION ASSISTANCE.—

(1) Whenever the President determines it to be important to the national interest he is authorized to furnish assistance for the purposes of section 4102 when such needs are unexpected and urgent.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this subsection. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this subsection. The President shall promptly notify the Congress concerning the use of funds under this subsection.

(d) WAIVER OF RESTRICTIONS ON ASSISTANCE.—The President may carry out activities under this chapter notwithstanding any other provision of law.

SEC. 4102. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

CHAPTER 2—DISASTER ASSISTANCE

SEC. 4201. POLICY

(a) HUMANITARIAN CONCERNS AND TRADITIONS OF THE AMERICAN PEOPLE.—Prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is a longstanding tradition and an important expression of the humanitarian interest of the people of the United States. The willingness of the United States to provide assistance through bilateral, multilateral, and people-to-people means for the relief and rehabilitation of people and countries affected by such disasters is hereby reaffirmed.

(b) REACHING THOSE MOST IN NEED.—In carrying out this chapter, the President shall insure that, to the greatest extent possible, the assistance provided by the United States reaches those most in need of relief and rehabilitation as a result of natural and manmade disasters.

SEC. 4202. AUTHORITY TO PROVIDE ASSISTANCE.

(a) IN GENERAL.—The President is authorized to furnish assistance for international disaster relief and rehabilitation. Such assistance may include assistance relating to disaster preparedness, prevention, and mitigation, and to the prediction of, and contingency planning for, natural and manmade disasters abroad.

(b) NONAPPLICABILITY OF OTHER PROVISIONS.—Assistance may be furnished under this chapter notwithstanding any other provision of this or any other Act.

(c) BORROWING AUTHORITY.—

(1) AUTHORITY.—In addition to amounts otherwise available to carry out this chapter, up to $50,000,000 in any fiscal year may be obligated against appropriations available to carry out other titles of this Act for use in providing assistance in accordance with the authorities and general policies of this chapter.

(2) REIMBURSEMENT.—Amounts subsequently appropriated to carry out this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster.

(d) RECONSTRUCTION.—A portion of the funds made available to carry out this section may be used, in addition to amounts otherwise available for such purposes, to respond rapidly to reconstruction and institution-building needs arising from natural or manmade disasters.

SEC. 4203. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

CHAPTER 3—EMERGENCY FOOD ASSISTANCE

SEC. 4301. STATEMENT OF POLICY REGARDING EMERGENCY FOOD ASSISTANCE UNDER PUBLIC LAW 480, TITLE II.

(1) The United States continues to provide leadership in addressing famine and other urgent or extraordinary worldwide relief needs.

(2) In particular, the use of United States agricultural commodities through bilateral and multilateral channels to meet emergency food needs has saved lives, ameliorated suffering, and has been a tangible expression of the best in the humanitarian spirit of the American people.

(3) This assistance is often provided in conjunction with assistance furnished under the other chapters of this title to provide a comprehensive program of relief for those less fortunate that we who are refugees or other victims of forced migration, or are suffering the consequences of natural or manmade disasters.

TITLE V—PROMOTING GROWTH THROUGH TRADE AND INVESTMENT

SEC. 5001. STATEMENT OF POLICY.

(1) In an increasingly interdependent world, the security and well-being of the United States will be shaped by the ability of the United States to compete and prosper in a global economy.

(2) The United States remains committed to the principles of free trade among nations as the most effective means to promote expanding international markets and global economic prosperity.

(3) Economic growth and creation of employment opportunities in the United States are directly and materially enhanced by international economic growth and trade liberalization.

(4) United States trade and investment represent a powerful means of promoting economic growth and development and emerging economies and economies in transition. Expanding United States trade and investment opportunities in the markets of the future is best sustained by free-market orientation and sustained developmemt in those countries.

(5) The twin tracks of commercial engagement and longer-term sustainable development represent complementary means of advancing United States interests by creating a more prosperous, therefore more secure, world.

(6) The provision of a comprehensive and coordinated program of export financing, investment insurance, guaranties and feasibility studies significantly enhances the ability of the private sector to pursue trade and investment opportunities in developing countries.

CHAPTER 1—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 5101. PURPOSE AND POLICY.

(a) PURPOSE.—The Overseas Private Investment Corporation shall be an agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Corporation is to mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed friendly countries and areas, and countries in transition from nonmarket to market economies, thereby complementing the development assistance objectives of the United States, facilitating the competitiveness of the United States private sector, and promoting United States economic growth.

(b) DEVELOPMENT, EXPORT, AND PER CAPITA INCOME CRITERIA.—The Corporation, in determining whether to provide insurance, reinsurance, or financing for a project, shall especially—

(1) be guided by the economic and social development impact and benefits of such a project and the ways in which such a project complements, or is compatible with, other development assistance programs or projects of the United States or other donors;

(2) give preference to projects which promote United States exports and increase United States economic growth; and

(3) give preferential consideration to investment projects in countries that have per capita incomes of $1,230 or less in 1992 United States dollars; and restrict its activities in countries with per capita incomes of $5,335 or more in 1992 United States dollars (other than countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702)).

(c) GUIDELINES FOR ACTIVITIES OF OPIC.—In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

(1) to conduct insurance, reinsurance, and financing operations on a self-sustaining basis, taking into account in its financing operations the economic and financial soundness of projects;

(2) to utilize private credit and investment institutions and the Corporation's financing authority as the principal means of mobilizing capital investment funds;

(3) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

(4) to conduct its insurance operations with due regard to principles to risk management, including efforts to share its insurance risks and reinsurance risks;

(5) to consider in the conduct of its operations the extent to which the governments of less developed countries are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

(6) to foster private initiative and competition and discourage monopolistic practices;

(7) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and economic and employment objectives of the United States;

(8) to conduct its activities in consonance with the international trade, investment, and financial policies of the United States Government, and to seek to support those developmental projects having positive trade benefits for the United States; and

(9) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

SEC. 5102. INVESTMENT INSURANCE, FINANCING, AND OTHER PROGRAMS.

(a) INVESTMENT INSURANCE.—

(1) RISKS FOR WHICH INSURANCE ISSUED.—The Corporation is authorized to issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved:

(A) Inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment in the project, in whole or in part, or as compensation for the sale or disposition of all or any part of the investment.

(B) Loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action or a foreign government.

(C) Loss due to war, revolution, insurrection, or civil strife.

(D) Loss due to business interruption caused by any of the risks set forth in subparagraphs (A), (B), and (C).

(2) RISK SHARING ARRANGEMENTS WITH FOREIGN GOVERNMENTS AND MULTILATERAL ORGANIZATIONS.—Recognizing that major private investments in emerging democracies, economies in transformation and less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, and political subdivisions thereof) and with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may, in connection with such arrangements, issue insurance to investors not otherwise eligible for insurance under this chapter, except that—

(A) liabilities assumed by the Corporation under the authority of this paragraph shall be consistent with the purposes of this chapter, and

(B) the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the project.

(3) MAXIMUM CONTINGENT LIABILITY WITH RESPECT TO SINGLE INVESTOR.—Not more than 10 percent of the maximum contingent liability for investment insurance which the Corporation is permitted to have outstanding under section 5104(a)(1) shall be issued to a single investor.

(4) OTHER INSURANCE FUNCTIONS.—

(A) IN GENERAL.—The Corporation is authorized to—

(i) make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and

(ii) employ such insurance companies, financial institutions, other persons, or groups, where appropriate, as its agent, or to act as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business, except that such agreements and contracts shall be consistent with the purposes of the Corporation set forth in section 5101 and shall be on equitable terms.

(B) RISK-SHARING AGREEMENTS.—The Corporation is authorized to enter into pooling or other risk-sharing agreements with multilateral insurance or financing agencies or groups of such agencies.

(C) Ownership interest in risk-sharing entities.—The Corporation is authorized to hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

(b) Investment Financing.—

(1) Direct lending.

(A) In general.—The Corporation is authorized to make loans in United States dollars, repayable in dollars, and to make loans in foreign currencies, to firms privately owned or of mixed private and public ownership, upon such terms and conditions as the Corporation may determine.

(B) Use of loan for new technologies, products, or services.—The Corporation may designate up to 25 percent of any loan under this subsection of use in the development or adaptation in the United States of new technologies or new products or services that are to be used in the project for which the loan is made and are likely to contribute to the economic or social development of less developed countries.

(2) Equity investment.

(A) In general.—The Corporation is authorized to purchase, invest in, or otherwise acquire equity securities or securities with equity characteristics of any firm or entity, upon such terms and conditions as the Corporation may determine, to be funded in the same manner as direct loans under the Federal Credit Reform Act of 1990 for the purpose of providing capital for any project which is consistent with the provisions of this chapter, except that—

(i) the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment; and

(ii) the Corporation's equity investment under this paragraph with respect to any project, when added to any other investments made or guaranteed by the Corporation under this paragraph with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation. Such determination under this clause shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

(B) Additional criteria.—In making investment decisions under this paragraph, the Corporation shall give consideration to the extent to which the Corporation's equity investment will assist in obtaining the financing required for such projects.

(C) Disposition of equity interest.—Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in emerging democracies, economies in transformation and less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire under this subsection within a period of 10 years from the date of acquisition of such interest.

(3) Investment guarantee.

(A) Authority.—The Corporation is authorized to issue to eligible investors guarantees of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine, subject to subparagraphs (B), (C), and (D).

(B) Guarantees on other than loan investments.—A guarantee issued under subparagraph (A) on other than a loan investment may not exceed 75 percent of such investment.

(C) Limit on amount of investment guaranteed.—Except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) for which guarantees are issued under subparagraph (A) with respect to any project shall not exceed, at the time of issuance of any such guarantee, 75 percent of the total investment committed to any such project as determined by the Corporation. Such determination by the Corporation shall be conclusive for purposes of the Corporation's authority to issue any such guarantee.

(D) Maximum contingent liability with respect to single investor.—Not more than 15 percent of the maximum contingent liability for investment guarantees which the Corporation is permitted to have outstanding under section 5104(a)(2) may be issued to a single investor.

(c) Investment Encouragement.—The Corporation is authorized to initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying, and promotion of private investment opportunities, using wherever feasible and effective the facilities of private investors, except that the Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of oil or gas resources.

(d) Special Activities.—The Corporation is authorized to administer and manage special projects and programs, including programs of financial and advisory support, which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings, intermediate financial and investment institutions, and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 8201 of this Act or from other sources, public or private.

SEC. 5103. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, and to the extent consistent with this chapter, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may engage in the following activities:

(1) Utilizing its statutory authorities, encourage the development of associations, pools, or consortia of United States private political risk insurers.

(2) Share insurance risks (through coinsurance, contingent insurance, or other means) in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States.

(3) Notwithstanding section 8544(e), upon the expiration of insurance provided by the Corporation for an investment, enter into risk-sharing agreements with United States private political risk insurers to insure any such investment; except that, in cooperating in the offering of insurance under this paragraph, the Corporation shall not assume responsibility for more than 50 percent of the insurance being offered in each separate transaction.

SEC. 5104. ISSUING AUTHORITY AND RESERVES.

(a) Issuing Authority.—

(1) Insurance.—The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 5102(a) shall not exceed in the aggregate $15,000,000,000.

(2) Financing.—The Corporation is authorized to commit investment financing under section 5102(b) of up to $5,000,000,000 for the period of fiscal years beginning October 1, 1994, terminating on the date specified in paragraph (3).

(3) Termination of authority.—The authority of subsection (a) and (b) of section 5102 shall continue until September 30, 1999.

(b) Insurance Reserve.—

(1) Maintenance and purposes.—The Corporation shall maintain an insurance reserve. Such reserve shall be available for the discharge of liabilities, as provided in subsection (d), until such time as all such liabilities have been discharged or have expired or until such reserve has been expended in accordance with the provisions of this section.

(2) Funding.—The insurance reserve shall consist of—

(A) any funds in the insurance reserve of the Corporation on September 30, 1993,

(B) amounts transferred to the reserve pursuant to this Act, and

(C) such sums as are appropriated pursuant to subsection (d) of this section for such purposes.

(c) Order of Payments To Discharge Liabilities.—Any payment made to discharge liabilities under investment insurance or reinsurance issued under section 5102, under similar predecessor guarantee authority, or under 5103, shall be paid first out of the insurance reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (d) of this section. Any payments made to discharge liabilities under guarantees issued under section 5102(b) shall be paid in accordance with the Federal Credit Reform Act of 1990.

(d) Availability of Funds.—

(1) Availability.—Subject to paragraph (2), funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President to replenish or increase the insurance reserve, to discharge the liabilities under insurance or reinsurance issued by the Corporation, or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to subsection (e).

(2) Limitation on appropriations.—No appropriation shall be made under paragraph (1) to augment the insurance reserve until the amount of funds in the insurance reserve is less than $25,000,000. Any appropriations to augment the insurance reserve shall then only be made to satisfy the full faith and credit provision of section 8545(c).

(e) Issuance of Obligations.—In order to discharge liabilities under investment insurance or reinsurance, the Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; except that the aggregate amount of such obligations outstanding at any one time may not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within one year after the date of issue of such obligation. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase the Secretary may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code. The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any such purchase.

SEC. 5105. GUIDELINES AND REQUIREMENTS FOR OPTIC SUPPORT.

(a) Development Impact Profile.—In order to carry out the policy set forth in section 5101(b)(1), the Corporation shall prepare and maintain for each investment project it insures, reinsures, or finances a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development.

(b) Small Business Development.—

(1) Broadened participation by small businesses.—The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas.

(2) Preferential consideration.—The Corporation shall undertake to the maximum degree possible consistent with its purposes—

(A) to give preferential consideration in its investment insurance, reinsurance, financing, and investment encouragement activities to investment projects sponsored by or involving United States small business or cooperatives;

(B) to maintain the proportion of projects sponsored by or significantly involving United States small business to at least 30 percent of all projects insured, reinsured, financed or encouraged by the Corporation.

(c) Environmental Considerations.—

(1) Environmental, health, or safety hazard.—The Corporation shall refuse to insure, reinsure, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.

(2) Resource sustainable development.—The Corporation, in determining whether to provide insurance, reinsurance, or financing for a project, shall ensure that the project is consistent with the goals set forth in section 7210 of this Act.

(3) Environmental impact statements and assessments.—The requirements of section 7210(b) relating to environmental impact statements and environmental assessments shall apply to any investment which the Corporation insures, reinsures, guarantees, or finances under this chapter in connection with a project in a country.

(4) Notification of foreign governments.—Before finally providing insurance, reinsurance, guarantees, or financing under this chapter for any environmentally sensitive investment in connection with a project in a country, the Corporation shall notify appropriate government officials of that country of—

(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health or safety or the environment which are applicable to the project; and

(B) to the maximum extent practicable, any restriction under any law of the United States relating to public health or safety or the environment that would apply to the project if the project were undertaken in the United States.

The notification under the preceding sentence shall include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B).

(5) Consideration of comments received.—Before finally providing insurance, reinsurance, or financing for any investment subject to paragraph (4), the Corporation shall take into account any comments it receives on the project involved.

(d) Human Rights.—The Corporation shall take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country.

(e) Worker Rights.—

(1) Limitation on opic activities.—The Corporation may insure, reinsure, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974 (19 U.S.C. 2462(a)(4)), to workers in that country (including any designated zone in that country). The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide financial support under this chapter:

"The investor agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The investor further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to use forced labor. The investor is not responsible under this paragraph for the actions of a foreign government.".

(2) Use of annual reports on worker rights.—The Corporation shall, in making its determinations under paragraph (1), use the reports submitted to the Congress pursuant to section 505(c) of the Trade Act of 1974 (19 U.S.C. 2465(c)).

(3) Waiver.—Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, or financing with respect to a country if the President determines that such activities by the Corporation would be in the national economic interests of the United States. Any such determination shall be reported in writing to the Congress, together with the reasons for the determination.

(f) Harm to Employment in the United States.—

(1) Replacement of united states production.—(A) The Corporation shall refuse to insure, reinsure, or finance an investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of the investor's or sponsor's employees in the United States because the investor or sponsor is replacing his or her United States production with production from such investment, and the production from such investment involves substantially the same product for substantially the same market as the investor's or sponsor's United States production.

(B) If the Corporation determines that an investment is not likely to have the effects described in subparagraph (A), the Corporation shall monitor conformance with the representations made by the investor on which the Corporation relied in making that determination.

(2) Reduction of employees in the united states.—The Corporation shall refuse to insure, reinsure, or finance an investment if the Corporation determines that such investment is likely to cause a significant reduction in the number of employees in the United States.

(3) Export processing zones.—Notwithstanding any other provision of law, the Corporation shall refuse to insure, reinsure, or finance an investment for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless such assistance is not likely to cause a loss of jobs within the United States as determined in consideration of the restrictions contained in paragraphs (1) and (2).

(g) Performance Requirements.—The Corporation shall refuse to insure, reinsure, or finance an investment which is subject to performance requirements which would reduce substantially the positive trade benefits likely to accrue to the United States from the investment.

(h) Prohibited Trade Practices.—

(1) Payments to violators barred.—No payment may be made under any insurance or reinsurance which is issued under this chapter on or after April 24, 1978, for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking payment under this chapter, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation of section 30A of the Securities Exchange Act of 1934 or section 104 of the Foreign Corrupt Practices Act of 1977.

(2) Regulations.—The Corporation shall have in effect regulations setting forth appropriate conditions under which any person who has been finally determined by a court of the United States to have violated section 30A of the Securities Exchange Act of 1934 or section 104 of the Foreign Corrupt Practices Act of 1977 shall be suspended, for a period of not more than 5 years, from eligibility to receive any insurance, reinsurance, guarantee, financing, or other financial support authorized by this chapter, if that violation related to a project insured, reinsured, guaranteed, financed, or otherwise supported by the Corporation under this chapter.

(i) Fraud or Misrepresentation.—No payment may be made under any guarantee, insurance, or reinsurance issued under this chapter for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(j) PUBLIC HEARING.—The Board shall hold at least one public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with this chapter 1 and this section or whether any investment in a particular country shall have been or shall be extended insurance, reinsurance, or financing under this chapter.

(k) RESTRICTIONS.—Restrictions in this or any other Act to the government of a country do not apply with respect to this title.

CHAPTER 2—TRADE AND DEVELOPMENT AGENCY

SEC. 5201. PURPOSES.

The Trade and Development Agency shall be an agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Trade and Development Agency is to promote United States private sector participation in developing and middle-income countries.

SEC. 5202. AUTHORITY TO PROVIDE ASSISTANCE.

(a) AUTHORITY.—The Director of the Trade and Development Agency is authorized to work with foreign countries to carry out the purposes of this chapter by providing funds for feasibility studies, architectural and engineering design, and other activities related to development projects which provide opportunities for the use of United States exports.

(b) USE OF FUNDS.—Funds under this chapter may be used to provide support for feasibility studies for planning, development, and management of, and procurement for, bilateral and multilateral development projects, including training activities undertaken in connection with a project, for the purpose of promoting the use of United States goods and services in such projects. Funds under this chapter may also be used for architectural and engineering design, including—

(1) concept design, which establishes the basic technical and operational criteria for a project, such as architectural drawings for a proposed facility, evaluation of site constraints, procurement requirements, and equipment specifications; and

(2) detail design, which sets forth specific dimensions and criteria for structural, mechanical, electrical, and architectural operations, and identifies other resources required for project operations.

(c) INFORMATION DISSEMINATION.—

(1) The Trade and Development Agency shall disseminate information about its project activities to the private sector.

(2) Other agencies of the United States Government shall cooperate with the Trade And Development Agency in order for the Agency to provide more effectively informational services to persons in the private sector concerning trade and development and export promotion related to development projects.

(d) NONAPPLICABILITY OF OTHER PROVISIONS.—Funds made available to carry out this chapter may be made available notwithstanding any other provision of law.

SEC. 5203. AVAILABILITY OF FUNDS.

Funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

CHAPTER 3—ROLE OF RELATED PROGRAMS

SEC. 5301. STATEMENT OF POLICY REGARDING ROLE OF P.L. 480 TITLE I PROGRAMS.

(1) P.L. 480 Title I programs provide an important resource in the efforts of the United States to support continued growth in the world economy.

(2) By using the abundant agricultural productivity of the United States to enhance the food security of developing countries, these programs complement other international programs of the United States to—

(A) help to combat world hunger and malnutrition and their causes,

(B) promote broad-based, equitable, and sustainable development,

(C) expand international trade, and

(D) develop and expand export markets for United States agricultural commodities.

(3) By fostering the demand for United States agricultural commodities and helping to meet the food needs of developing countries that have difficulty meeting those needs through commercial channels, P.L. 480 Title I programs are an integral part of United States efforts to encourage expansion of the world economy and the participation of the United States private sector in that expansion.

SEC. 5302. STATEMENT OF POLICY REGARDING ROLE OF EXPORT-IMPORT BANK.

(1) While the Export-Import Bank of the United States does not provide foreign assistance, its programs can complement sustainable development programs in helping to expand United States exports.

(2) The purpose of the Export-Import Bank of the United States is to provide financing support for United States exports, thereby creating and maintaining jobs in the United States.

(3) The role of the Export-Import Bank of the United States is an important factor in bolstering global free trade and fair trade, and its programs help to level the global playing field in export financing.

(4) The Export-Import Bank of the United States is an important supplement to the private sector's export financing capacities for creating and maintaining jobs.

(5) With one out of every six manufacturing jobs in the United States dependent on exports, it is necessary to promote trade with both existing and developing markets.

(6) The programs of the Export-Import Bank of the United States serve to provide inroads for United States exporters into developing country markets.

(7) The role of the Export-Import Bank of the United States in providing trade and project finance supports United States domestic employment and global economic growth and development.

TITLE VI—ADVANCING DIPLOMACY

SEC. 6001. STATEMENT OF POLICY.

(1) Success in achieving the goals of this Act depends above all on the skills of those who serve America in the Department of State and other United States government departments and agencies engaged in international programs.

(2) Diplomacy is the most cost-effective foreign policy instrument for promoting American prosperity and safeguarding United States security by managing crises and preventing future conflict.

(3) United States leadership in addressing emerging global challenges will depend increasingly on skillful diplomacy to build cooperative arrangements with major allies and multilateral organizations that leverage our political influence, and our economic, technical, military and humanitarian assistance.

(4) Diplomacy is essential to the realization of each of the five other Titles of this Act—

(A) Promoting Sustainable Development requires integrated and coordinated efforts between diplomats and aid specialists to deal with immediate environmental, economic, and cultural challenges and opportunities abroad while building the foundation for long-term bilateral, regional and global cooperation.

(B) Promoting Democracy requires foreign affairs professionals in the Department of State and other United States government departments and agencies engaged in international programs to reach out beyond traditional bilateral and multilateral relations to inform foreign publics about the virtues and challenges of democracy and market economics and to promote human rights, democratic institution building, and development of open, civil societies.

(C) Promoting Peace requires creative and sustained diplomacy—backed by economic, technical, humanitarian and military resources—to avert conflict, facilitate negotiated resolution of disputes, and render peace processes irreversible; and to build regimes to restrain proliferation, narcotics trafficking, terrorism and other forms of criminal activity.

(D) Humanitarian Assistance requires diplomats and other involved United States government personnel to respond promptly to facilitate bilateral relief, engage relevant multilateral organizations, and ensure that relief programs do not become objects of political manipulation locally or among donor agencies; at the same time, effective preventive diplomacy can forestall costly political and military disasters.

(E) Promoting Growth Through Trade and Investment requires diplomats with advanced technical knowledge, legal skills, and shrewd political judgment to assist economic reform, develop commercial opportunities, and structure regional and global agreements to achieve more open markets and greater economic integration.

(5) Advancing diplomacy in all of the above areas will require—

(A) Funds that can be used flexibly by the President to respond decisively to unforeseen opportunities and dangers and for structuring new multilateral arrangements that can become the basis for sustainable cooperation to prevent future crises and solve long-term problems.

(B) Foreign assistance, public diplomacy abroad, and a national consensus at home in support of the goals of American foreign policy.

(C) Modern technology and infrastructure to support foreign and civil service professionals who must deal with international transactions that are rising exponentially in volume, speed and complexity.

(D) Greater harmonization of our foreign affairs institutions and instruments, with a view to avoiding duplicative administrative structures, staffs and programs.

TITLE VII—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS

CHAPTER 1—SPECIAL AUTHORITIES

SEC. 7101. AUTHORITY TO TRANSFER BETWEEN ACCOUNTS.

(a) GENERAL TRANSFER AUTHORITY.—Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 percent of the funds made available to carry out any provision of this Act—

(1) may be transferred to, and consolidated with, the funds in any other account or fund available to carry out any provision of this Act; and

(2) may be used for any of the purposes for which funds in that account or fund may be used.

(b) LIMITATION ON AMOUNT OF INCREASE IN AN ACCOUNT.—The total amount in the account or fund for the benefit of which a transfer is made under subsection (a) during any fiscal year may not be increased by more than 20 percent of the amount of funds otherwise made available for such account or fund.

(c) EXCEPTIONS.—

(1) The percentage limitations contained in subsections (a) and (b) shall not be applicable with regard to transfers of funds to carry out the provisions of subchapter A of chapter 1 of title II or of chapter 1 of title III.

(2) The authority of this section shall not be used to transfer funds from amounts made available to carry out the provisions of title I of this Act, except that the authority of this section may be used to transfer such funds for the purposes of section 8509 in an amount not to exceed 5 percent of the amount of the funds made available for section 8509(a).

(d) NOTIFICATION TO CONGRESS.—The authority of subsection (a) may be exercised only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified in advance of the exercise of that authority.

SEC. 7102. SPECIAL WAIVER AUTHORITY.

(a) AUTHORITY.—The President may authorize the taking of any action (or the refraining from the taking of any action) under this Act, any annual (or periodic) foreign assistance authorization or appropriations acts, or the Arms Export Control Act without regard to any of the provisions described in subsection (c) if he determines—

(1) in cases under the Arms Export Control Act, that to do so is essential to the national interests of the United States; and

(2) in any other cases under such Acts, that to do so is important to the national interests of the United States.

(b) OTHER ACTS.—The President may authorize the taking of any action (or the refraining from the taking of any action) under any other Act without regard to the provisions described in paragraphs (1) and (2) of subsection (c), or of any annual (or periodic) foreign assistance authorization or appropriations Acts, if the President determines that to do so is important to the national interest of the United States.

(c) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsection (a) and (b) are—

(1) the provisions of this Act,

(2) the provisions of the Arms Export Control Act,

(3) any other provisions of law that restrict the authority to provide assistance, make sales or leases, or take other actions (or refrain from taking actions) under the Acts in paragraphs (1) and (2), and

(4) any law relating to receipts and credits accruing to the United States, except for those provisions of law contained in section 8551(a)(7).

(d) CONSULTATION WITH CONGRESS.—Before exercising the authority granted in this section, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(e) NOTIFICATION TO CONGRESS.—A determination under subsection (a) or (b) shall be effective only if the President notifies the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, in writing, of that determination.

(f) ANNUAL CEILINGS.—

(1) IN GENERAL.—The authority of this section may not be used in any fiscal year to authorize—

(A) more than $1,000,000,000 in sales or leases to be made under the Arms Export Control Act;

(B) the use of more than $500,000,000 of funds made available for use under this Act; and

(C) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

(2) SALES UNDER THE ARMS EXPORT CONTROL ACT.—If the authority of this section is used both to authorize a sale or lease under the Arms Export Control Act and to authorize funds to be used under this Act with respect to the financing of that sale or lease, then the use of the funds shall be counted against the limitation in paragraph (1)(B) and the portion, if any, of the sale or lease which is not so financed shall be counted against the limitation in paragraph (1)(A).

(3) LEASES.—For purposes of paragraph (1)(A) the replacement cost, less any depreciation in the value, of the defense articles authorized to be leased shall be counted against the limitation in that paragraph.

(4) COUNTRY LIMITS.—(A) Not more than $100,000,000 of the $500,000,000 limitation provided in paragraph (1)(B) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression.

(B) Not more than $750,000,000 of the aggregate limitation of $1,500,000,000 provided in paragraphs (1)(A) and (1)(B) may be allocated to any one country in any fiscal year.

SEC. 7103. UNANTICIPATED CONTINGENCIES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to use funds made available to carry out any provision of this Act in order to furnish, for any unanticipated contingency, assistance or contributions authorized by any provision of this Act in accordance with the provisions applicable to the furnishing of such assistance or contributions.

(b) ANNUAL CEILING.—The authority of this section may not be used to authorize the use of more than $100,000,000 during any fiscal year.

(c) REPORT TO CONGRESS.—The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time the authority of this section is exercised.

(d) PROHIBITION ON GIFTS.—Funds used under the authority of this section may not be used to pay for any gifts to any official of any foreign government.

SEC. 7104. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

(a) STATEMENT OF POLICY.—

(1) In many countries, law enforcement agencies may lag behind other institutions in their development as democratic organizations and in their ability to contribute to civilian order and may lack autonomy from military authorities.

(2) Absent external assistance and encouragement, such agencies may, in fact, undermine civilian democratic rule.

(3) United States and international assistance to these agencies may therefore be critical for the support of fragile and emerging democracies.

(b) USES OF ASSISTANCE.—In addition to assistance provided in support of the functions of law enforcement agencies under chapter 4 of title III, assistance may be provided under other provisions of this Act in support of the functions of law enforcement agencies only:

(1) to reinforce the civilian democratic role of agencies through, to the extent practicable as part of a larger effort to support the development of the administration of justice in the country—

(A) programs to enhance professionalism (including programs to improve investigative and forensic capabilities, to enhance protection of participants in judicial cases, and to improve administrative and management functions);

(B) contacts with counterparts in established democracies; and

(C) programs designed to enhance respect for human rights and understanding of principles of civilian control in a democratic society;

(2) to enhance the practical accountability of law enforcement agencies to civil justice institutions;

(3) to improve penal institutions and the rehabilitation of offenders when doing so is considered part of a larger administration of justice program;

(4) to assist a country which has a democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights;

(5) for maritime law enforcement and other maritime skills, including training;

(6) to protect and maintain wildlife habitats and to develop sound wildlife management and plant conservation programs;

(7) to improve the functioning of customs agencies, exclusive of traditional law enforcement activities;

(8) for assistance to police forces in connection with their participation in the regional security system of the Eastern Caribbean; and

(9) to meet the challenges described in section 2102(a)(3).

(c) OTHER ASSISTANCE.—Funds made available to carry out the provisions of title I, and chapter 2 of title IV (insofar as such funds are used for reconstruction activities), may be used in support of law enforcement functions only pursuant to subsections (b) (1), (2), and (6) of this section.

SEC. 7105. TERMINATION EXPENSES.

(a) IN GENERAL.—Funds made available under this Act, the former authority of the Foreign Assistance Act of 1961, the former authority of section 23 of the Arms Export Control Act, or other predecessor legislation shall remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such Acts prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such Acts prior to the termination of assistance.

(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this or any other Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

(e) RELATION TO OTHER PROVISIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.

SEC. 7106. EXEMPTION OF ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS FROM RESTRICTIONS.

(a) RESTRICTIONS NOT APPLICABLE.—Subject to subsection (c), restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations or programs of international organizations or arrangements.

(b) NATIONAL INTEREST CRITERIA.—The President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this section, whether assistance for programs of nongovernmental organizations or programs of international organizations or arrangements is in the national interest of the United States.

(c) NOTICE TO CONGRESS.—Whenever the authority of this section is used to furnish assistance for a program of a nongovernmental organization or of an international organization or arrangement, the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Such notification shall describe the program assisted, the assistance provided, and the reasons for furnishing such assistance.

SEC. 7107. EXEMPTION OF TRAINING ACTIVITIES FROM PROHIBITIONS.

Provisions of this or any other Act shall not be construed to prohibit assistance for any training activity funded under this Act for a country as long as that country has a democratically elected government and the assistance is otherwise consistent with section 7201(a)(1), section 7201(a)(2) and section 7201(a)(5).

SEC. 7108. NONAPPLICABILITY TO DEFENSE ASSISTANCE OF CERTAIN NEUTRALITY ACT PROVISIONS.

The functions authorized under this Act may be performed without regard to such provisions as the President may specify of the Neutrality Act of 1939.

SEC. 7109. EXEMPTION FROM PROHIBITIONS FOR ASSISTANCE TO ADDRESS CERTAIN SPECIAL NEEDS.

(a) EXEMPTION.—Unless expressly provided to the contrary, provisions of this or any other Act, including provisions in previously enacted legislation, shall not be construed to prohibit the following activities:

(1) meeting the needs of individuals with disabilities;

(2) addressing the needs of displaced children;

(3) child survival activities;

(4) the prevention and control of acquired immune deficiency syndrome (AIDS);

(5) environmentally sound, sustainable resource management, and more efficient energy systems;

(6) reconstruction as a result of natural or manmade disasters; or

(7) helping to reduce excessive population growth rates.

(b) EXCEPTIONS.—Subsection (a) does not apply to governments of countries to which assistance is prohibited under paragraphs (2) and (5) of section 7201(a).

SEC. 7110. AUTHORITY TO CONDUCT REIMBURSABLE PROGRAMS.

(a) GENERAL AUTHORITY.—Whenever the President considers it consistent with and within the limitations of this Act, any agency of the United States Government is authorized to furnish services and articles on an advance-of-funds or reimbursement basis to friendly countries, international organizations and arrangements, and nongovernmental organizations and may contract in advance of appropriations or reimbursement of such purposes.

(b) PERSONAL SERVICE CONTRACTS.—When any agency of the United States Government provides services on an advance-of-funds or reimbursable basis under this section, such agency may contract with individuals for personal service abroad or in the United States to perform such services or to replace officers or employees of the United States Government in a manner otherwise permitted by law (or Office of Management and Budget Circular A-76 or any successor circular) who are assigned by the agency to provide such services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

(c) LIMITATIONS ON ASSISTANCE NOT APPLICABLE.—Limitations in this or any other Act on assistance do not apply with respect to this section.

(d) USE OF PAYMENTS.—Advances and reimbursements received under this section may either be credited to the currently applicable appropriation, account, or fund of the agency concerned or shall be available until expended.

SEC. 7111. DRAWDOWN AUTHORITY.

(a) UNFORESEEN EMERGENCIES.—If the President determines that—(1) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization, and

(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except this section,

the President may direct, for the purposes of this Act, the drawdown of articles and services, of an aggregate value not to exceed $100,000,000 in any fiscal year, from the inventory and resources of the Department of Defense.

(b) SPECIAL CIRCUMSTANCES.—If the President determines that it is in the national interest of the United States to do so, the President may direct the drawdown of articles and services, of an aggregate value not to exceed $150,000,000 in any fiscal year, from the inventory and resources of any agency of the United States Government for the purposes and under the authorities of—

(1) chapter 4 of title III of this Act;

(2) chapter 1 of title IV of this Act; or

(3) chapter 2 of title IV of this Act.

(c)(1) The authority of this section may be exercised only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified in advance of the exercise of that authority.

(2) CONTINUING INFORMATION.—The President shall keep the Congress fully and currently informed of all articles and services provided under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for articles and services provided under this section.

SEC. 7112. INTEREST ACCRUING TO NONGOVERNMENTAL ORGANIZATIONS.

Upon the approval of the President, a nongovernmental organization may place in an interest bearing account—

(1) funds made available on a grant basis under this Act (or predecessor legislation); and

(2) local currencies which accrue to that organization as a result of grant assistance provided under this Act (or predecessor legislation) or assistance under titles I through III of the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985.

Any interest so earned may be retained by the nongovernmental organization and used for the purpose for which the assistance was provided to that organization, which may include support for an endowment.

SEC. 7113. DEVELOPMENT EDUCATION.

The President may use funds made available for sustainable development assistance under this Act to support development education programs, with emphasis on those conducted by private voluntary organizations and cooperatives, in order to assist in the education of United States citizens about developing countries, the development process, the interdependence of developed and developing countries, and the importance to the United States of developing countries.

SEC. 7114. STRENGTHENING THE CAPACITY OF NONGOVERNMENTAL ORGANIZATIONS, INCLUDING RESEARCH AND EDUCATIONAL INSTITUTIONS.

The President may use funds made available for assistance under this Act to furnish assistance to nongovernmental organizations, including research and educational institutions, in the United States and abroad for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of developing countries.

SEC. 7115. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.

(a) AUTHORITY FOR USE OF FUNDS.—The President may use funds made available to carry out the purposes of chapters 1 and 4 of title III of this Act to support activities of international tribunals, commissions, or panels to investigate or prosecute persons responsible for genocide, crimes against humanity, and other violations of international humanitarian law.

(b) DRAWDOWN AUTHORITY.—If the President determines that doing so is important to support the activities described in subsection (a), the President may direct the drawdown of articles and services, of an aggregate value not to exceed $25,000,000 in any fiscal year, from the inventory and resources of any agency of the United States.

(c) REIMBURSEMENT.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for articles and services provided under this subsection (b).

SEC. 7116. LAWS RELATING TO CONTRACTS AND GOVERNMENT EXPENDITURES.

Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify, except for those provisions contained in section 8551(a)(7) of this Act.

SEC. 7117. TRANSPORTATION CHARGES INCURRED BY THE RED CROSS AND NONGOVERNMENTAL ORGANIZATIONS.

In order to further the efficient use of United States voluntary contributions for development and for relief and rehabilitation in furtherance of the purposes of this Act, the President may use funds made available for assistance under this Act, to pay transportation charges on shipments by the American National Red Cross and by United States nongovernmental organizations.

CHAPTER 2—RESTRICTIONS ON ASSISTANCE

SEC. 7201. INELIGIBLE COUNTRIES.

(a) RESTRICTIONS.—Except as provided in subsection (b), assistance under this Act may not be furnished to the government of a country that is:

(1) COMMUNIST COUNTRIES.—A communist country, as designated under subsection (d).

(2) HUMAN RIGHTS VIOLATORS.—A country described in subsection (e).

(3) EXPROPRIATION OF UNITED STATES PROPERTY.—A country whose government—

(A) has on or after January 1, 1962—

(i) expropriated the property of any United States person,

(ii) repudiated or nullified any contract with any United States person, or

(iii) taken any other action (such as discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(B) has not within a reasonable period of time provided adequate and effective compensation or is not engaged in good faith efforts to negotiate a settlement, if the United States person has exhausted host country legal and other formal remedies.

(4) MILITARY COUPS.—A country whose duly-elected Head of Government is deposed by military coup or decree unless subsequent to the military coup or decree a democratically-elected government has taken office.

(5) TERRORIST COUNTRIES.—A country whose government the President determines repeatedly provides support for acts of international terrorism.

(6) MAJOR ILLICIT DRUG PRODUCING OR MAJOR DRUG TRANSIT COUNTRIES.—A country described in section 7206.

(7) COUNTRIES IN ARREARS.—A country that is more than one year in arrears to the United States Government on any payment of interest or principal on any loan made or credit extended under this Act, the Arms Export Control Act, or the former authorities of the Foreign Assistance Act of 1961.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Funds may be obligated and expended for assistance restricted by subsection (a), or other provisions of law that restrict assistance to countries, under any of the following circumstances:

(A) NATIONAL INTEREST.—The President determines that the furnishing of such assistance is important to the national interests of the United States.

(B) ALLEVIATING SUFFERING RESULTING FROM A DISASTER.—The assistance is for the alleviation of suffering resulting from a natural or manmade disaster.

(C) DIRECTLY BENEFITTING THE NEEDY.—The assistance will directly benefit the needy people in the country.

(D) REFUGEES AND DISPLACED PERSONS.—The assistance is for the purposes described in section 4101(b).

(E) PROMOTING HUMAN RIGHTS AND DEMOCRACY.—The assistance will be furnished through nongovernmental organizations to directly promote increased respect for internationally recognized human rights and the development of democracy.

(2) With respect to the restrictions imposed by subsection (g) or any other provision of law to which this subsection applies, references in this subsection to furnishing assistance shall be deemed to include the taking of other action that, but for this subsection, would be restricted by such provision.

(c) REPORT TO CONGRESS.—Assistance restricted by subsection (a) may not be provided under subsection (b) until the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a report with respect to such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance meets the criteria specified in subsection (b).

(d) COMMUNIST COUNTRY LIST.—

(1) ESTABLISHMENT.—The President shall designate those countries that are Communist countries for purposes of subsection (a)(1).

(2) PUBLICATION OF LIST.—The initial list of countries designated pursuant to this subsection shall be published in the Federal Register and shall be provided to the Congress. Thereafter, any additions to or deletions from such list shall be similarly published and provided.

(3) REMOVAL OF COUNTRIES FROM THE LIST; EXEMPTIONS.—The President may remove a country from the Communist country list established pursuant to this section, or may exempt a listed country from the application of subsection (a)(1) or other provisions of law that reference subsection (a)(1), if the President promptly reports such removal or exemption to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate.

(e) HUMAN RIGHTS VIOLATORS.—

(1) INELIGIBILITY.—Subsection (a)(2) shall apply to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

(2) MATTERS TO BE CONSIDERED.—In implementing subsection (a)(2), consideration shall be given to the following:

(A) The relevant findings of appropriate international organizations and nongovernmental organizations.

(B) The extent of cooperation by the government in question in permitting an unimpeded investigation by indigenous nongovernmental organizations, other nongovernmental organizations, and international organizations (such as the International Committee of the Red Cross), of alleged violations of internationally recognized human rights.

(C) Specific actions that have been taken by the President or the Congress relating to the human rights practices of the government in question.

(D) The likely effect that a determination of ineligibility under this subsection is expected to have on the human rights process of the country concerned.

(f) TERRORIST COUNTRIES.—The President shall promptly report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate the rescission of a determination that the government of a country repeatedly provides support for acts of international terrorism.

(g) RELATED RESTRICTIONS ON ASSISTANCE.—

(1) HUMAN RIGHTS VIOLATORS.—Subsection (a)(2) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act—

(A) sales of defense articles, defense services, or design and construction services under the Arms Export Control Act;

(B) licenses under section 38 of the Arms Export Control Act with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country; and

(C) licenses required under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment.

(2) TERRORIST COUNTRIES.—Subsection (a)(5) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act, the furnishing of assistance under the Agricultural Trade Development and Assistance Act of 1954 and the Peace Corps Act, and the provision of loans, guaranties, and insurance under the Export-Import Bank Act of 1945.

(3) MAJOR ILLICIT DRUG PRODUCING AND MAJOR DRUG TRANSIT COUNTRIES.—

(A) Subsection (a)(6) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act, (i) sales under the Arms Export Control Act, (ii) the provision of agricultural commodities other than food under the Agricultural Trade Development and Assistance Act of 1954, and (iii) loans, guarantees and insurance under the Export-Import Bank Act of 1945.

(B) Notwithstanding subparagraph (A), subsection (a)(6) shall not be deemed to prohibit (i) disaster relief assistance, refugee assistance or assistance that involves the provision of food (including monetization of food) or medicine (including any such assistance provided under title IV), and (ii) assistance for narcotics education and awareness activities.

(C) With respect to any country for which assistance is prohibited under section (a)(6), the President should instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, during the period in which assistance is prohibited under subsection (a)(6), against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country, except as provided in subsection (b).

SEC. 7202. IMPACT OF FOREIGN ASSISTANCE PROGRAMS ON JOBS IN THE UNITED STATES.

Funds made available to carry out the provisions of this Act may not be made available to provide—

(1) any financial incentive to a business enterprise located in the United States for the purpose of inducing that enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of individuals employed in the United States by that enterprise because that enterprise would replace production in the United States with production outside the United States;

(2) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(3) assistance for any project or activity that contributes to the violation of internationally recognized workers rights (as defined in section 502(a)(4) of the Trade Act of 1974) of workers in the recipient country, including in any designated zone or area in that country.

In recognition that the application of paragraph (3) should be commensurate with the level of development of the recipient country and sector, that paragraph does not preclude assistance for the informal section in such country, for microenterprises and small-scale enterprises, or for small-holder agriculture.

SEC. 7203. FAMILY PLANNING ACTIVITIES.

Funds made available to carry out this Act may not be—

(1) used to coerce any person to practice abortions; or

(2) used to pay for the performance of involuntary sterilizations or to coerce or provide any financial incentive to any person to undergo sterilizations.

SEC. 7204. COMPETITION WITH UNITED STATES EXPORTS.

In determining whether to provide assistance under this Act, the President should take into consideration whether such assistance would be furnished for direct support for any project or activity that is specifically designed to increase exports of any agricultural, textile, or apparel commodity from a developing country where such exports—

(1) would be in direct competition with United States exports, and

(2) can reasonably be expected to cause substantial injury to United States exporters of the same or substantially similar commodity.

SEC. 7205. NUCLEAR NONPROLIFERATION.

(a) NUCLEAR ENRICHMENT TRANSFERS.—

(1) Except as provided in paragraph (2) of this subsection, no funds made available to carry out the provisions of this Act may be used for the purpose of providing assistance, to any country that, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear enrichment equipment, materials, or technology to a nonnuclear weapon state or, if a nonnuclear weapon state, receives such equipment, materials, or technology from any other country, unless before such delivery—

(A) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

(B) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

(2)(A) Notwithstanding paragraph (1) of the subsection, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(i) the termination of such assistance would have a serious adverse effect on vital United States interests; and

(ii) the President has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

A certification under subparagraph (A) of this paragraph shall set forth the reasons supporting such determination in each particular case.

(B) A certification under subparagraph (A) of this paragraph shall take effect on the date on which the certification is received by the Congress. However, if, within 30 calendar days after receiving this certification, the Congress adopts a joint resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the adoption of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

(C) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(D) For the purpose of expediting the consideration and adoption of joint resolutions under this paragraph, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(b) NUCLEAR REPROCESSING TRANSFERS, ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES.—

(1) Except as provided in paragraph (2) of this subsection, no funds made available to carry out the provisions of this Act may be used for the purpose of providing assistance to any country that—

(A) on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear reprocessing equipment, materials, or technology to a nonnuclear weapon state or, if a nonnuclear weapon state, receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, or technologies which are alternatives to pure plutonium reprocessing); or

(B) is a nonnuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally or attempts to export illegally from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device; for purposes of this subparagraph, an export or attempted export by a person who is an agent of, or is otherwise acting on behalf of or in the interest of, a country shall be considered to be an export or attempted export by that country.

(2) Notwithstanding paragraph (1) of this subsection, the President may furnish assistance which would otherwise be prohibited under that paragraph if the President determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

(3)(A) A certification under paragraph (2) of this subsection shall take effect on the day on which the certification is received by the Congress. However, if within 30 calendar days after receiving this certification, the Congress adopts a joint resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the adoption of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

(B) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) For the purpose of expediting the consideration and adoption of joint resolutions under this paragraph, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(c) TRANSFERS OF NUCLEAR EXPLOSIVE DEVICES AND NUCLEAR DETONATIONS.—

(1) Except as provided in paragraphs (2) and (3) of this subsection, no funds made available to carry out the provisions of this Act may be used for the purpose of providing assistance to any country that, on or after the date of enactment of the International Security Assistance Act of 1977—

(A) transfers a nuclear explosive device to a nonnuclear-weapon state, or

(B) is a nonnuclear-weapon state and either—

(i) receives a nuclear explosive device, or

(ii) detonates a nuclear explosive device.

(2)(A) Notwithstanding paragraph (1) of this subsection, the President may, for a period of not more than 30 days of continuous session, furnish assistance which would otherwise be prohibited under paragraph (1) of this subsection if, before furnishing such assistance, the President transmits to the Speaker of the House of Representatives, and to the Chairman of the Committee on Foreign Relations of the Senate, a certification that the President has determined that an immediate termination of assistance to that country would be detrimental to the national security of the United States. Not more than one such certification may be transmitted for a country with respect to the same detonation, transfer, or receipt of a nuclear explosive device.

(B) If the President transmits a certification to the Congress under subparagraph (A), a joint resolution which would permit the President to exercise the waiver authority of subparagraph (3) of this subsection shall, if introduced in either House within 30 days of continuous session after the Congress receives this certification, be considered in the Senate and House of Representatives in accordance with subparagraphs (C) and (D) of this paragraph.

(C) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control act of 1976.

(D) For the purpose of expediting the consideration and adoption of a joint resolution under this paragraph, a motion to proceed to the consideration of such a joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(E) For purposes of this paragraph, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress having received on a certification by the President under section 7205(c)(2) of the Peace, Prosperity, and Democracy Act of 1994 with respect to, the Congress hereby authorizes the President to exercise the waiver authority contained in section 7205(c)(3) of that Act.", with the date of receipt of the certification inserted in the first blank and the name of the country inserted in the second blank.

(3) Notwithstanding paragraph (1) of this subsection, if the Congress enacts a joint resolution under paragraph (2) of this subsection, the President may furnish assistance which would otherwise be prohibited under paragraph (1) if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

(4) For purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(d) As used in this section, the term "nonnuclear-weapon state" means any country which is not a nuclear-weapons state, as defined in article IX(3) on the Treaty on the Non-Proliferation of Nuclear Weapons.

(e) PAKISTAN.—No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

SEC. 7206. MAJOR ILLICIT DRUG PRODUCING AND DRUG TRANSIT COUNTRIES.

(a) APPLICATION OF RESTRICTION.—Section 7201(a)(6) shall apply to any major illicit drug producing country and any major drug-transit country if the President determines, at the time of the submission of the report required by section 7303, that during the previous fiscal year the country has not cooperated with the United States, and has otherwise not taken adequate steps to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs. The President may rescind such a determination, and section 7201(a)(6) shall cease to apply, if the President subsequently determines that the country has resumed cooperating with the United States, or otherwise has taken adequate steps to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

(b) WITHHOLDING.—For any country that was a major illicit drug producing or drug-transit country (as defined in sections 8551(a)(11) and (12)) during the previous fiscal year, the President may withhold from obligation or expenditure up to fifty percent of assistance which is allocated to such country each fiscal year in the report required by section 7304 until the determination provided for in section 7206 is made.

(c) In implementing subsection (a), the President should consider the extent to which the country has—

(1) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement;

(2) investigated and immobilized major organizations involved in the production, processing, or distribution of narcotics and dangerous drugs;

(3) achieved significant increases in seizures of the proceeds and instrumentalities of the illicit drug trade;

(4) achieved significant reductions, where applicable, in the net production of illicit narcotic crops through forced or voluntary eradication efforts;

(5) prevented and punished the laundering in that country of drug-related moneys;

(6) prevented and punished public corruption that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts;

(7) processed expeditiously United States and other extradition requests related to narcotics trafficking;

(8) increased public awareness of the heinous nature of drug abuse and reduced the demand and the consumption of narcotics and dangerous drugs;

(9) if it is a producer of licit opium, taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, to maintain production of stockpiles at levels no higher than those consistent with licit market demands, and to prevent illicit cultivation and production.

SEC. 7207. ASSISTANCE FOR ELECTIONS.

Funds made available for assistance under this Act that are used to enhance the independence and performance of electoral processes may not be used for the purpose of influencing the outcome of any election in any country.

SEC. 7208. ASSIGNMENT OF PERSONNEL.

(a) ASSIGNMENT OR DETAIL.—Members of the Armed Forces may be assigned or detailed to perform functions related to assistance under this Act administered through the Department of Defense, provided they not perform duties of a combatant nature, including any duty related to training and advising that may engage United States Armed Forces personnel in combat activities, outside the United States in connection with the performance of those defense services.

(b) EXCEPTION.—The limitation contained in subsection (a) shall not apply if the President determines, and reports to the Congress, that its application would not be in the national interest of the United States.

SEC. 7209. ASSISTANCE LIMITED TO ECONOMIC PROGRAMS.

(a) IN GENERAL.—Assistance provided under title I of this Act may not be used for military or paramilitary purposes.

(b) EXCEPTION FOR CERTAIN PROGRAMS.—The provisions of subsection (a) of this section shall not apply to economic assistance involving the participation of military personnel in training activities, conferences, and other sustainable development programs consistent with the purposes of section 1102.

SEC. 7210. IMPACT OF SUSTAINABLE DEVELOPMENT ASSISTANCE ON ENVIRONMENT AND NATURAL RESOURCES.

(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the economic and social well-being and the security of the United States and other countries are affected by how the world's environment and physical resource base are managed, and that consumption patterns, systems of industrial and agricultural production, and the manner of use of natural resources all have an impact on the opportunities for long-term development and growth and survival for all countries;

(2) environmentally responsible management of physical resources is necessary by both developed and developing countries to insure their availability for future generations and to assure that the burdens of improved resource management do not fall disproportionately on the poor;

(3) sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs; and

(4) sustainable development programs authorized by this Act should assist countries to adopt policies and to carry out programs that promote economic growth that is environmentally sound.

(b) IMPACT ASSESSMENT.—The President, in implementing sustainable development programs under this Act, should take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President should—

(1) prepare and take fully into account an initial environmental examination of every program or project to determine whether it significantly affects the environment;

(2) prepare and take fully into account an environmental impact statement for any program or project significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

(3) prepare and take fully into account an environmental assessment of any proposed program or project significantly affecting the environment of any foreign country.

Where appropriate, local technical resources should be used in preparing environmental impact statements and environmental assessments pursuant to this section.

(c) EXCEPTIONS.—The President should establish exceptions for emergency conditions and for cases in which implementation of procedures described in subsection (b) would be seriously detrimental to the foreign policy interests of the United States.

CHAPTER 3—REPORTS AND NOTIFICATIONS TO CONGRESS

SEC. 7301. CONGRESSIONAL PRESENTATION DOCUMENTS.

(a) REQUIREMENT FOR SUBMISSION.—The President shall prepare, and submit to the Congress in a timely manner, annual congressional documents for the programs authorized under titles I, II, and III of this Act.

(b) MATERIALS TO BE INCLUDED.—The documents submitted pursuant to subsection (a) shall include—

(1) the rationale for the allocation of assistance or contributions to each country, regional, or centrally funded program, or activities under section 3102;

(2) a description of how each program or activity under section 3102 supports the objectives of the title for which such program is being justified including, for programs administered by the United States Agency for International Development, to the extent determined at the time of submission of these documents, the strategic objectives for such programs; and

(3) a description of planned country, regional, or centrally funded programs or activities under section 3102 for the coming fiscal year.

SEC. 7302. HUMAN RIGHTS POLICY AND REPORTS.

(a) PROMOTION OF HUMAN RIGHTS.—It is the sense of the Congress that the United States should, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion.

(b) CONDUCT OF ASSISTANCE.—In furtherance of subsection (a), the President should formulate and conduct United States assistance in a manner which will—

(1) promote and advance human rights;

(2) strengthen a relationship between civilian and military sectors appropriate to a democratic system of government; and

(3) avoid identification of the United States, through these programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(c) MATTERS TO BE CONSIDERED.—In carrying out subsection (b) and in preparing the annual reports required by subsection (d), consideration should be given to the following:

(1) The relevant findings of appropriate international organizations and nongovernmental organizations.

(2) The extent of cooperation by the government in question in permitting an unimpeded investigation by indigenous nongovernmental organizations, other nongovernmental organizations, and international organizations (such as the International Committee of the Red Cross), of alleged violations of internationally recognized human rights.

(d) ANNUAL HUMAN RIGHTS REPORT.—In furtherance of subsections (a) and (b), the President shall transmit to the Congress, not later than January 31 each year, a full and complete report with respect to practices regarding the status of internationally recognized human rights, regarding whether the country engages in a consistent pattern of gross violations of internationally recognized human rights within the meaning of section 8551(a)(5). The report shall be submitted with respect to every foreign country that is a member of the United Nations. Wherever appropriate, such reports shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. The report shall also include the steps taken to alter United States programs under this Act in any country because of human rights considerations.

(e) INFORMATION TO BE PROVIDED.—Each annual report under subsection (d), shall include—

(1) information about observance of and respect for human rights and fundamental freedom in the country in question, and

(2) a detailed description of practices by the recipient government with respect to human rights and fundamental freedom, including where appropriate information provided by organizations, including nongovernmental organizations.

SEC. 7303. INTERNATIONAL NARCOTICS CONTROL REPORT.

Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a comprehensive report on the state of international narcotics production and trafficking, and on United States efforts to prevent the illicit cultivation and manufacture of and trafficking in narcotics and psychotropic drugs and other controlled substances.

SEC. 7304. ANNUAL ALLOCATION REPORT.

(a) REPORT ON ALLOCATIONS OF ASSISTANCE.—Not later than 30 days after the enactment of any law appropriating funds to carry out any provision of this Act, the President shall notify the Congress of—

(1) each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law; and

(2) the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each such country or organization.

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) funds appropriated under section 8509 or section 8510 (relating to operating expenses of the United States Agency for International Development and the Inspector General of that agency, respectively); or

(2) any law making continuing appropriations.

(c) USE OF SPECIAL AUTHORITY.—The authority of section 7201 of this Act may not be used to waive the provisions of this section.

SEC. 7305. NOTIFICATION OF PROGRAM CHANGES.

(a) NOTIFICATION OF PROGRAM CHANGES.—Unless the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least fifteen days in advance, funds appropriated for a fiscal year to carry out this Act may not be obligated for any assistance or contributions under any title of this Act—

(1) for programs administered by the United States Agency for International Development under title I—

(A) for a country, regional, or centrally funded program for which assistance under that title was not justified in congressional presentation documents for that fiscal year;

(B) for a country, regional, or centrally funded program in excess of the amount justified under that title in congressional presentation documents or allocated pursuant to section 7304 for that fiscal year;

(C) for a project or activity not previously justified to such Committees or, in the case of programs that are administered through strategic objectives, for a new strategic objective for a country, regional or centrally funded program; or

(D) for a nonproject assistance activity, including commodity import program assistance;

(2) for assistance administered through the Department of Defense under this Act—

(A) for a country, international organization or arrangement, for which assistance under that title was not justified in congressional presentation documents for that fiscal year;

(B) in excess of the amount allocated pursuant to section 7304 for that country, organization or arrangement, under that title for that fiscal year; or

(C) for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles not previously justified to Congress or twenty percent in excess of the quantities justified to Congress.

(3) for other programs under this Act—

(A) for a country, international organization or arrangement, or operation for which assistance or contribution under that title was not justified in congressional presentation documents for that fiscal year;

(B) in excess of the amount allocated pursuant to section 7304 for that country or organization or arrangement under that title for that fiscal year; or

(C) for a project, activity, or operation not previously justified, or in excess of the amount previously justified, to such Committees.

(b) APPROPRIATIONS SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to all funds appropriated for assistance and contributions under this Act other than—

(1) chapters 1 and 2 of title V (relating to the Overseas Private Investment Corporation and the Trade and Development Agency, respectively),

(2) section 1104 (relating to the micro and small enterprise development, housing and urban, and other guaranty programs),

(3) programs for refugee assistance and for disaster relief and rehabilitation, including assistance programs under title IV of this Act.

(c) EMERGENCY EXCEPTIONS.—

(1) WAIVER.—Subsection (a), or any similar requirement to provide advance notification to the Congress or Congressional committees, may be waived if the President determines that doing so is necessitated by emergency circumstances.

(2) EXERCISE OF AUTHORITY.—In the case of any waiver under paragraph (1) notification to the Congress or the appropriate Congressional committees shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable. Any notification under this paragraph shall contain an explanation of the circumstances necessitating the use of the authority of this subsection.

SEC. 7306. EVALUATION AND MONITORING OF PROGRAM PERFORMANCE.

(a) NEED FOR EVALUATION.—In order to effectively and responsibly manage the resources made available for sustainable development purposes, the President must have a capacity to evaluate objectively the extent of progress in achieving development results and to derive lessons from that development experience.

(b) Actions To Be Taken.—In furtherance of subsection (a), the President shall establish a program performance, monitoring, and evaluation capacity within the United States Agency for International Development that will do the following:

(1) Enhance, through training and other means, the use of program performance, monitoring, and evaluation as a management tool, by both the agency and its counterparts in countries receiving assistance, in the planning, designing, and implementation of foreign assistance projects and programs.

(2) Develop a program performance information system to afford agency managers at all levels, and counterparts in countries receiving assistance, a means for monitoring and assessing achievement of impact and interim performance of the agency's major programs in support of the strategic management of economic assistance.

(3) Prepare and disseminate objective and periodic reports on the progress of the agency in meeting development objectives and on lessons learned from its development programs and assure the widest possible distribution of findings, particularly to beneficiaries of projects and programs.

(4) Establish a system which ensures the incorporation of evaluation findings in decisions of the agency about program direction and resource allocation.

(c) The President Shall Prepare an Annual Report to the Congress To Include the Following:

(1) An assessment of progress toward the achievement of sustainable development objectives, based on the findings of program performance monitoring and evaluation studies conducted by the United States Agency for International Development and on such other empirical analyses as may be appropriate.

(2) An analysis, on a country-by-country basis, of the results of sustainable development in each country receiving assistance under title I from such Agency, including a discussion of the United States interests and objectives that were served by such assistance.

TITLE VIII—GENERAL PROVISIONS

Chapter 1—Exercise and Coordination of Functions

SEC. 8101. DELEGATIONS BY THE PRESIDENT.

(a) In General.—The President may exercise any functions conferred upon the President by this Act through such agency or officer of the United States Government as the President shall direct.

(b) Authority To Issue Regulations and Delegate.—The head of any agency or such officer exercising functions under this Act—

(1) may from time to time promulgate such rules and regulations as may be necessary to carry out such functions; and

(2) may delegate authority, including to any other agency upon obtaining the concurrence of the head of that agency, to perform any such functions, including, if he or she shall so specify, the authority successively to redelegate any such functions.

SEC. 8102. ROLE OF THE SECRETARY OF STATE.

(a) Continuous Supervision.—Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of assistance under this Act, including determining whether such assistance shall involve the provision of defense articles and defense services, to the end that all such assistance is effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(b) Powers and Functions.—Nothing in this Act shall be construed to infringe upon the powers and functions of the Secretary of State.

SEC. 8103. THE SECRETARY OF DEFENSE.

(a) With respect to assistance under this Act administered through the Department of Defense, the Secretary of Defense shall have primary responsibility for—

(1) the determination of military end-item requirements;

(2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the monitoring of end-item use by the recipient countries;

(4) the supervision of the training of foreign military and related civilian personnel;

(5) the movement and delivery of military end-items; and

(6) within the Department of Defense the performance of any other functions with respect to the furnishing of assistance administered through the Department of Defense under this Act.

(b) The establishment of priorities in the procurement, delivery, and the allocation of military equipment shall be determined by the Secretary of Defense.

SEC. 8104. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

The United States Agency for International Development shall be an agency of the United States under the foreign policy guidance and subject to the supervision and direction of the Secretary of State.

SEC. 8105. THE DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY.

Decisions to furnish assistance administered through the Department of Defense under subchapter A, chapter 1, title II, and chapter 3, title III shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

SEC. 8106. AUTHORITY TO ESTABLISH OFFICES ABROAD.

The President may maintain offices or staffs outside the United States in such countries and for such period of time as may be necessary to carry out this Act.

SEC. 8107. PRESIDENTIAL FINDINGS AND DETERMINATIONS.

(a) Findings and Determinations To Be Written and Signed.—In any case in which the President is required to make a report by any provision of this Act, the Arms Export Control Act, or any annual or periodic foreign assistance authorizing or appropriations legislation, to the Congress or to any committee or officer of either House of Congress concerning any finding or determination, that finding or determination shall be reduced to writing and signed by the President.

(b) Restriction.—No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination is reduced to writing and signed by the President.

(c) Publication in Federal Register.—Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

Chapter 2—Administrative Authorities

Subchapter A—General Authorities

SEC. 8201. ALLOCATION OF FUNDS AND REIMBURSEMENT AMONG AGENCIES.

(a) Allocations or Transfers to Agencies.—The President, or with respect to funds appropriated to any agency, the head of such agency, as the case may be, may allocate or transfer to any agency of the United States Government any funds available for providing assistance under this or any other Act, including any advance to the United States Government by any country or international organization for the procurement of articles or services. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with the authority pursuant to which they were made available or the authority governing the activities of the agency to which such funds are allocated or transferred.

(b) Procurement From Other Agencies.—

(1) Authority.—Any officer of the United States Government carrying out functions under this Act may utilize the services and the facilities of, or procure articles from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency.

(2) Separate account.—Funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) Reimbursement to Agencies.—

(1) General.—In the case of any article, service, or facility procured from any agency of the United States Government to carry out any provision of this Act (except with respect to assistance under sections 3103, 3204 and 7111, 7115(b)), reimbursement or payment shall be made to such agency from funds available to carry out that provision.

(2) Amount of reimbursement.—Such reimbursement or payment shall be at—

(A) replacement cost,

(B) if required by law, actual cost,

(C) in the case of defense articles procured from the Department of Defense, value as defined in section 8551(20), or, if required by law, actual costs,

(D) in the case of services procured from the Department of Defense, the amount of the additional costs incurred by the Department of Defense in providing such services, or, if required by law, actual costs, or

(E) at any other cost agreed to by the owning or disposing agency.

(3) Crediting of reimbursement.—The amount of any such reimbursement or payment shall either be credited to current applicable appropriations, funds, or accounts of such agency, to be available for the same purposes and for the same time period as the appropriation, fund or account to which transferred, or any such credited funds shall remain available for such purposes until expended.

(4) Limitation on department of defense drawdowns.—During any fiscal year, the aggregate value of articles and services of which the President may direct the drawdown from the inventory and resources of the Department of Defense may not exceed—

(A) $50,000,000 under section 3103,

(B) $15,000,000 under section 3204,

(C) $75,000,000 under section 7111(b), and

(D) $5,000,000 under section 7115(b).

(d) REIMBURSEMENT TO THE DEPARTMENT OF DEFENSE.—Reimbursement or payment to the Department of Defense under subsection (c) shall exclude salaries of members of the Armed Forces (other than the Coast Guard) and unfunded estimated costs of civilian retirement and other benefits, unless otherwise required by law.

(e) ESTABLISHMENT OF ACCOUNTS.—

(1) AUTHORITY TO ESTABLISH; USES.—In furnishing assistance under this or any other Act, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States—

(A) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the last sentence of section 3727(b) and section 3727(c) of title 31, United States Code, and the second and third paragraphs of section 3737 of the Revised Statutes of the United States (41 U.S.C. 15); and

(B) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation.

(2) ACCOUNTING FOR EXPENDITURES.—Expenditure of funds which have been made available through accounts established under paragraph (1) shall be accounted for on standard documentation required for expenditure of funds of the United States Government.

(f) CHARGING TO APPROPRIATIONS.—

(1) INITIAL CHARGING.—Any appropriation or account available to carry out provisions of this Act may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under that title.

(2) FINAL CHARGING.—As of the end of such fiscal year, such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes, except that such final charges shall not be required in the case of expenses (other than those provided under sections 8509 and 8510) incurred in furnishing assistance where it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

(3) APPLICATION TO PROGRAMS ADMINISTERED THROUGH DOD.—This subsection shall not apply to assistance administered through the Department of Defense under this Act.

(g) RESPONSIBILITY OF AGENCIES.—The agency receiving the funds pursuant to the authority of subsections (a) or (b) shall be the agency responsible for the management and use of such funds.

SEC. 8202. GENERAL AUTHORITIES.

(a) TERMS OF ASSISTANCE.—Except as otherwise specifically prohibited in this Act, assistance under this Act may be furnished on a grant, loan, or guaranty basis, or on such terms, including cash, credit, or other terms or repayment (including repayment in foreign currencies or by transfer to the United States Government of articles), or as a contribution to an international organization or arrangement, as may be determined to be best suited to the achievement of the purposes of this Act.

(b) TERMS AND CONDITIONS.—The President may furnish assistance under this Act on such terms and conditions (consistent with other provisions of law) as the President deems appropriate, and, consistent with the provisions of this Act, may charge such fees for guarantees and loans under this Act as the President deems appropriate. Credit assistance shall be consistent with the provisions of the Federal Credit Reform Act of 1990. In the case of contributions or other assistance provided for an international organization or arrangement under this or any other Act, such organization or arrangement may utilize its own procurement, administrative, accounting, and audit rules and procedures.

(c) ADVANCES CONTRACTS, ETC.—In furtherance of the purposes and subject to the limitations of this Act, the President in providing assistance under this or any other Act may make loans (in conformity with the provisions of the Federal Credit Reform Act of 1990), advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any person, corporation, or other body of persons, any government or government agency, and any international organization or arrangement.

(d) GIFTS.—The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(e) INSURANCE.—

(1) FOREIGN PARTICIPANTS.—Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2) FOREGIN EMPLOYEES.—Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their places of employment abroad for purposes of training or other official duties.

(f) ADMISSION TO UNITED STATES.—Alien participants in any program of furnishing assistance under this Act may be admitted to the United States if otherwise qualified as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(A)(15)), for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

(g) ASSISTANCE AUTHORITIES.—In furnishing and administering assistance under this Act, the President—

(1) may issue letters of credit and letters of commitment;

(2) may collect, compromise, reschedule or otherwise settle any obligations assigned to, or held by, and any legal or equitable rights accruing to, the President and may (as the President deems appropriate) refer any such obligations or rights to the Attorney General for suit or collection;

(3) may—

(A) acquire and dispose of (upon such terms and conditions as the President deems appropriate) any property, including any instrument evidencing indebtedness or ownership, and

(B) guarantee payment against any such instrument;

(4) may establish the character of, and decide the necessity for, obligations and expenditures of funds used in furnishing and administering such assistance and the manner in which such obligations and expenditures shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government;

(5) shall cause to be maintained an integral set of accounts which shall be audited by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions as provided by chapter 91 of title 31, United States Code;

(6) may transfer such of the funds appropriated or otherwise made available under titles II and III of this Act as the President may determine for assistance to a recipient country to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act. Sales which are wholly paid from funds made available on a nonrepayable basis and transferred under his paragraph, from funds made available under the former authority of section 503(a)(3) of the Foreign Assistance Act of 1961, or from funds made available on a non-repayable basis under the former authority of section 23 of the Arms Export Control Act shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States (other than the Coast Guard).

(h) GUARANTEES.—Guarantees issued to carry out the purposes of this Act shall be subject to the following:

(1) FULL FAITH AND CREDIT.—The full faith and credit of the United States may be pledged for the full payment and performance of guarantees issued under this Act or predecessor legislation.

(2) CHARGES.—The President may charge appropriate fees and/or interest in connection with the activities carried out under such authority.

(3) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—Guarantees may be provided under this Act without regard to section 8402 of this Act.

(4) DENOMINATION OF LIABILITY.—The losses guaranteed may be in dollars or in other currencies. In the case of losses guaranteed in currencies other than dollars, the guarantees issued shall be subject to an overall payment limitation expressed in dollars.

(i) SUBSIDY COST OF GUARANTEES AND LOANS.—The President may use funds made available under this Act to pay the cost (as defined in section 13201 of the Budget Enforcement Act of 1990) of direct loans and loan guarantees made or entered into (and associated administrative costs) in furtherance of the purposes of this Act. Funds appropriated to pay the cost (as defined in section 13201 of the Budget Enforcement Act of 1990) of direct loans and loan guarantees made or entered into to carry out the provisions of this Act shall be provided in conformity with section 504(b)(1) of the Federal Credit Reform Act of 1990.

(j) CLAIMS RELATING TO GUARANTEES.—Claims arising as a result of any guarantee program authorized by this Act may be settled, and disputes arising as the result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(k) FINANCIAL TRANSACTIONS WITH FOREIGN GOVERNMENTS IN DEFAULT OF OBLIGATIONS TO THE UNITED STATES.—Section 955 of title 18, United States Code, shall not apply to any person—

(1) who acts for or participates in any operation or transaction arising under this Act, or

(2) who acquires any obligation issued in connection with any operation or transaction arising under this Act.

(l) EDUCATIONAL INSTITUTIONS.—Any cost-type contract or agreement (including grants) entered into with an institution of higher education for the purpose of carrying out programs authorized by this Act may provide for the payment of the reimbursable indirect costs of that institution on the basis of predetermined fixed-percentage rates applied to the total or an element thereof, of the reimbursable direct costs incurred.

(m) TRAINING WORKING CAPITAL FUND.—The head of any agency administering assistance under this Act is authorized to establish, with funds made available for assistance under this Act (or predecessor legislation) administered by such agency, a working capital fund, which shall be available without fiscal year limitation, for expenses and equipment necessary to the maintenance and operation of a program of providing short-term and long-term training and training-related services of foreign nationals in the United States or third countries, including such expenses as (1) tuition and fees, (2) room, board, and maintenance allowances, and (3) contracts and the cost of administering contracts entered into in furtherance of the program.

(n) MULTIYEAR COMMITMENTS.—A contract or agreement which entails commitments for the expenditure of funds under this Act may, subject to any future action of the Congress, extend at any time for not more than 5 years.

SEC. 8203. AUTHORIZED ADMINISTRATIVE USES OF FUNDS.

(a) PERSONNEL, PRINTING, PROCUREMENT OF SUPPLIES, AND OTHER ADMINISTRATIVE EXPENSES.—Funds made available to carry out this Act may be used for the following:

(1) Compensation, allowances, and travel of personnel, including Foreign Service personnel, whose services are utilized primarily for the purposes of this Act and for other administrative and operating expense purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of funds of the United States Government as may be necessary to accomplish the purposes of this Act.

(2) Printing and binding without regard to the provisions of any other law.

(3) Expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to the Claims Act, 31 U.S.C. 3721 and such laws and regulations governing the obligation and expenditure of funds of the United States Government (other than sections 1341, 1342, and 1517 of title 31, United States Code) as may be necessary to accomplish the purposes of this Act.

(b) USES OF ASSISTANCE FUNDS.—

(1) AUTHORIZED USES.—Funds described in paragraph (2) shall be available for the following:

(A) Expenses of attendance at meetings concerned with the purposes of this Act, including (notwithstanding section 1346(a) and 1346(c) of title 31, United States Code), expenses in connection with meetings of persons whose employment is authorized by section 8503.

(B) Contracting with individuals for personal services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management, except that the head of the contracting agency may determine the applicability to such individuals of any other law administered by such agency concerning the employment of such individuals.

(C) Purchase, maintenance, operation, and hire of aircraft, except that aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act.

(D)(i) Purchase and hire of passenger motor vehicles, subject to clause (ii).

(ii) Passenger motor vehicles other than one for the official use of the Administrator of the United States Agency for International Development may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act.

(E) Entertainment and representation.

(F) Awards.

(G) Exchange of funds without regard to loss by exchange.

(H) Expenditures (not to exceed $50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment. A certificate of the amount of such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the President, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

(I) Insurance of official motor vehicles or aircraft acquired for use in foreign countries.

(J) Expenses of—

(i) preparing and transporting to their former homes (or with respect to foreign participants engaged in any program under this Act to their former homes or places of burial), and

(ii) caring for and disposing of the remains of an individual, or the remains of a member of an individual's family, who may die while such individual is away from home participating in activities carried out with funds described in paragraph (2).

(K) Purchase of uniforms.

(L) Payment of per diem in lieu of subsistence to foreign participants engaged in any program under this Act while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the Standardized Government travel regulations, notwithstanding any other provision of law.

(M) Use in accordance with authorities of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) not otherwise provided for.

(N) Ice and drinking water for use outside the United States.

(O) Services of commissioned officers of the National Oceanic and Atmospheric Administration. For the purposes of providing such services the National Oceanic and Atmospheric Administration may appoint not to exceed 20 commissioned officers in addition to those otherwise authorized.

(P) Expenses in connection with—

(i) travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and the transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year; and

(ii) the costs of transporting automobiles to and from a place of storage, and the costs of storing automobiles of such personnel, when it is in the public interest or more economical to authorize storage.

(Q) Assistance for the implementation of programs under the Agricultural Trade Development and Assistance Act of 1954, the Agricultural Act of 1949, and the Food for Progress Act of 1985.

(R) Other expenses determined by the President to be necessary to carry out the purposes of this Act.

(2) FUNDS WHICH MAY BE USED.—Paragraph (1) applies

(A) appropriations to carry out this Act,

(B) allocations or transfers to or from agency of the United States Government, from other appropriations, for functions directly related to the purposes of this Act, and

(C) funds made available for other purposes to the United States Agency for International Development.

(c) FACILITIES.—

(1) LIVING QUARTERS, OFFICES, SCHOOLS, AND HOSPITALS.—Notwithstanding any other provision of law, funds available for assistance under this Act may be used in any fiscal year (in addition to funds available for such use under other authorities in this Act)—

(A) to rent, lease, construct or otherwise acquire essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act, including to maintain, furnish, improve, and make necessary repairs to such property, which may also include the cost of fuel, water, and utilities for such properties;

(B) to construct or otherwise acquire outside the United States schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this Act, United States Government personnel, and their dependents; and

(C) to staff, operate, and maintain such schools and hospitals.

(2) DISPOSAL.—Property acquired under this subsection (or predecessor provisions of this Act) may be disposed of, and the proceeds of such disposal shall remain available until expended for use for the purposes specified in paragraph (1).

(d) EDUCATION OF DEPENDENTS.—Funds available for assistance under this Act may be used in any fiscal year to provide assistance to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this Act and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

(e) TRAINING OF PERSONNEL.—

(1) PAYMENT OF COSTS.—Funds available under this Act may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 8502(d), through interchange or otherwise, at

any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm.

(2) LIMITATION ON DUAL EMPLOYMENT.—Such training shall not be considered employment or holding of office under section 5533 of title 5, United States Code.

(3) ACCEPTANCE OF CERTAIN PAYMENTS.—Any payments or contributions in connection with such training may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency. Any such payments or contributions to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

Subchapter B—Department of Defense Administrative Authorities

SEC. 8211. ADMINISTRATIVE EXPENSES.

Funds allocated to the Department of Defense for the purpose of providing assistance under this Act shall be available for the following:

(1) Administrative, extraordinary (not to exceed $300,000 in any fiscal year), and operating expenses incurred in furnishing assistance under this Act administered through the Department of Defense, including the purchase of passenger motor vehicles for replacement only for use outside of the United States.

(2) Reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel, in accordance with the provisions of section 5702 of title 5, United States Code, applicable to civilian officers and employees.

(3) Maintenance, repair, alteration, and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel without regard to the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12) or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

SEC. 8212. END USE AND RETRANSFER ASSURANCES.

(a) CONDITIONS.—Defense articles or defense services may not be made available under this Act to a foreign country, unless that country has agreed to the following (in addition to such other provisions as the President may require):

(1) The country will not, without the consent of the President—

(A) transfer title to, or possession of, any defense articles or defense services so furnished to it to anyone not an officer, employee, or agent of that country,

(B) use or permit the use of such articles or services for purposes other than those for which furnished.

(2) The country will maintain the security of such articles or services, and will provide substantially the same degree of security protection afforded to such articles or services by the United States Government.

(b) INELIGIBILITY.—

(1) TERMINATION OF ASSISTANCE FOR SUBSTANTIAL VIOLATIONS.—Assistance administered by the Department of Defense under this Act to any country and deliveries of defense articles and defense services provided with such assistance shall be terminated, and new commitments to provide such assistance to that country shall not be made, as hereinafter provided if such country uses defense articles or defense services described in paragraph (2) in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement pursuant to which those defense articles or defense services were furnished—

(A) by using such articles or services for a purpose not provided for in this Act or, if such agreement provides that such articles or services may only be used for purposes more limited, for a purpose not authorized under such agreement;

(B) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country; or

(C) by failing to maintain the security of such articles or services.

(2) DEFENSE ARTICLES AND DEFENSE SERVICES SUBJECT TO REQUIREMENTS.—Paragraph (1) applies with respect to any defense articles or defense services furnished (through financing or otherwise) under this Act, or furnished under any predecessor foreign assistance legislation.

(c) EXCEPTION.—No prior consent shall be required under this subchapter and section 3 of the Arms Export Control Act for transfer by a foreign country of defense articles sold by the United States under that Act under the following circumstances:

(1) such articles constitute components incorporated into a foreign defense article;

(2) the recipient is the government of a NATO country, or the government of Australia or Japan;

(3) the United States-origin components were not significant military equipment, were not military defense equipment for which notification to Congress was required by section 36(b) of the Arms export Control Act, and are not identified by regulation as Missile Technology Control Regime items; and

(4) the foreign country or persons transferring the items provide notification to the United States Government within thirty days following such transfer.

SEC. 8213. APPROVAL OF THIRD COUNTRY TRANSFERS.

(a) IN GENERAL.—In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military vessel, or other implement of war to another country, the President shall not give his consent under section 8212 to the transfer unless the United States itself would transfer the defense article under consideration to that country.

(b) SIGNIFICANT MILITARY EQUIPMENT.—In addition, the President shall not give consent under this subchapter to the transfer of any significant military equipment on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such equipment prior to transfer, or the proposed recipient provides a commitment in writing to the United States Government that it will not transfer such equipment if not demilitarized to any other foreign country or person without first obtaining the consent of the President.

SEC. 8214. EXCHANGE TRAINING.

The President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out titles II and III notwithstanding section 8201, if such attendance is pursuant to an agreement providing for the exchange of students on a generally reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.

CHAPTER 3—SPECIAL REQUIREMENTS AND AUTHORITIES RELATING TO APPROPRIATIONS AND LOCAL CURRENCIES

Subchapter A—Provisions Relating to Appropriations

SEC. 8301. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) REQUIREMENT FOR AUTHORIZATION.—Funds appropriated for foreign assistance under this Act shall not be available for obligation or expenditure—

(1) unless the appropriation thereof has been specifically authorized by law; or

(2) in excess of an amount prescribed by law.

(b) SUBSEQUENT AUTHORIZATIONS.—To the extent that legislation enacted after the making of an appropriation for foreign assistance under this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall not apply.

(c) RELATION TO OTHER PROVISIONS.—The provisions of this section shall not be superseded except by a provision of law that specifically repeals or modifies the provisions of this section.

SEC. 8302. AUTHORITY FOR EXTENDED PERIOD OF AVAILABILITY OF APPROPRIATIONS.

Amounts appropriated to carry out this Act are authorized—

(1) to be made available, in appropriations Acts, until expended; and

(2) in addition to amounts otherwise available for such purposes.

SEC. 8303. REDUCTION IN EARMARKS.

(a) PROPORTIONAL REDUCTIONS.—If—

(1) the amount appropriated for a fiscal period to carry out any provision of this Act is less than the amount authorized to be appropriated to carry out such provision, and

(2) the provision or provisions authorizing such appropriations provides that a specified amount of the amount authorized to be appropriated to carry out that provision for that fiscal period shall be available only for a particular country, organization, or purpose.

then the amount so specified shall be deemed to be reduced to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the amount authorized to be appropriated.

(b)(1) Funds may be made available notwithstanding any provision of law described in paragraph (2) if—

(A) compliance with such provision is made impossible by operation of law, or

(B) the President determines that the country or organization for whom such funds would have been made available has significantly reduced its military, political, or economic cooperation with the United States during the preceding 12-month period.

(2) The provisions of law to which this subsection applies are any provisions requiring that a specified amount of funds appropriated to carry out any provision of this Act shall be available only for a particular country, organization, or purpose.

SEC. 8304. OBLIGATION UPON APPORTIONMENT.

Funds appropriated to carry out this Act may be obligated upon apportionment in accordance with title 31, section 1501(a)(5)(C), United States Code.

Subchapter B—Local Currencies

SEC. 8311. USE OF CERTAIN FOREIGN CURRENCIES.

(a) AUTHORITY TO USE FOREIGN CURRENCIES FOR ASSISTANCE PROGRAMS.—Except as otherwise provided in this Act or other provisions of law, foreign currencies described in subsection (b) are authorized to be appropriated for use in providing assistance under this Act.

(b) Foreign Currencies Which May Be Used for Assistance.—The foreign currencies which may be used under subsection (a) are any foreign currencies received as a result of the furnishing of assistance under this Act (or any predecessor legislation authorizing nonmilitary assistance) other than assistance administered through the Department of Defense which are in excess of—

(1) the amounts reserved under authority of section 105(d) of the Mutual Educational and Cultural Exchange Act of 1961 or any other Act relating to educational and cultural exchanges; and

(2) the amounts required for payment by the agencies of the United States Government of their obligations outside the United States, as such requirements may be established from time to time by the President.

(c) Payment of Obligations of Government Agencies.—Foreign currencies described in subsection (b) which are in excess of the amounts described in paragraph (1) of that subsection may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States.

(d) Use of Foreign Currencies Not Owned by the United States Government.—With the concurrence of the relevant inspector general, the use of foreign currencies that accrue or are otherwise available as a result of assistance provided under this Act (including predecessor legislation) that are not owned by the United States Government, shall be the responsibility of the government owning such currencies to audit.

SEC. 8312. INTEREST ON U.S. OWNED FOREIGN CURRENCY PROCEEDS.

(a) Requirement for Payment of Interest.—In cases where assistance is to be furnished to any recipient country under this Act on a basis which will result in the accrual of foreign currency proceeds to the United States, agreements with respect to such assistance should include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositories.

(b) Waiver of Requirement.—The President may waive any requirement for receipt of such income if the President decides it would not be in the national interest to conclude arrangements for the receipt of interest income pursuant to subsection (a).

Chapter 4—Procurement and Disposition of Articles

SEC. 8401. USE OF PRIVATE ENTERPRISE.

(a) In General.—In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this Act, the President shall—

(1) to the maximum extent practicable carry out programs of assistance through private channels and, to the extent practicable, in conjunction with local private or governmental participation;

(2) utilize wherever practicable the products and services of United States private enterprise to provide the necessary equipment, supplies, and skills to develop and operate a specific project or program of assistance in a developing country or area in any case in which direct private investment is not readily encouraged, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

(b) Technical Assistance.—In providing technical assistance under this Act, the President shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, engineering, surveying, mapping, construction or agriculture, the facilities and resources of Federal agencies, which do not administer programs under this Act, may be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

(c) Assistance Provided Through the Department of Defense.—The President shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases of defense articles and defense services made by the Department of Defense pursuant to this Act. Such information shall be furnished as far in advance as possible.

SEC. 8402. PROCUREMENT STANDARDS AND PROCEDURES.

(a)(1) Limitations on Procurement Outside the United States.—Funds made available for programs under this Act may be used by the President for procurement—

(A) only in the United States, the recipient country, or developing countries; or

(B) in any other country but only if)

(i) such program requires articles or services of a type that are not produced in and available for purchase in any country specified in subparagraph (A); or

(ii) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

(I) to meet unforeseen circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in subparagraph (A); or

(II) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

(2) For purposes of this subsection, the term "developing countries" shall not include advanced developing countries.

(b) Bulk Commodities.—No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) Procurement Method for Institutions of Higher Education.—The President may establish separate procurement standards and procedures for projects under this Act to limit competition to a selection among institutions of higher education when the projects would benefit substantially from the resources and special capabilities of such institutions.

SEC. 8403. SHIPPING ON UNITED STATES VESSELS.

(a) Certain Laws Not Applicable.—The ocean transportation between foreign countries of articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), or any predecessor Acts, and transfers a fresh fruit and fresh fruit products under this Act, shall not be governed by section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b)), or any other law relating to the ocean transportation of commodities on United States flag vessels.

(b) Shipping Differential.—For purposes of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b)), funds made available for commodities and services under this Act may be used to make grants to recipients or otherwise pay all or any portion of such differential as is determined by the Secretary of Transportation to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

SEC. 8404. EXCESS AND OTHER AVAILABLE PROPERTY.

(a) Policy Regarding Use of Excess and Other Available Property.—In furnishing assistance under this Act—

(1) excess personal property, or

(2) if a substantial savings would occur, other property already owned by an agency of the United States Government,

may be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs.

(b) Authority To Use Certain Property for Assistance Purposes.—The President is authorized to use funds made available under this Act to acquire—

(1) property classified as domestic or foreign excess pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following);

(2) any property available from an agency of the United States Government; or

(3) other property,

for use of such property as assistance in furtherance of the purposes of this Act. Property acquired pursuant to this section may be furnished pursuant to any provision of this Act for which funds are authorized for the furnishing of assistance.

(c)(1) The President is also authorized for purposes described in subsection (b) to maintain in a separate account funds made available under this Act, free from fiscal year limitations (notwithstanding section 1535(d) of title 31, United States Code) to pay costs (including personnel costs) of acquisition and storage (including in advance of known requirements), renovation and rehabilitation, packing, crating, handling, transportation, and related costs of handling and providing such property as assistance.

(2) The separate account established pursuant to this section may be repaid—

(A) from funds made available pursuant to any provision of this Act for which funds are authorized for the furnishing of assistance for all costs incurred; or

(B) pursuant to section 7110 for all costs incurred.

(d) Conditions on Use of Excess Property.—

(1) Limitation.—Government-owned excess property may not be made available for use under this Act unless approval is given and a determination is made in accordance with paragraph (2)—

(A) before the shipment of such property for use in a specified country, or

(B) if the property is already in such country, before the transfer of the property.

(2) Determination.—A shipment or transfer subject to paragraph (1) may take place only after the President approves the shipment or transfer and makes a written determination—

(A) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(B) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(C) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(e) This section shall not apply—

(1) in the case of excess property of the Department of Defense that is furnished as assistance under section 8405 of this Act; and

(2) in the case of funds made available for assistance under this Act that is administered through the Department of Defense.

SEC. 8405. GRANT TRANSFERS OF EXCESS DEFENSE ARTICLES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the President may transfer excess defense articles to countries for which receipt of such articles was separately justified in the fiscal year in which the transfer is authorized, such excess defense articles as may be necessary to carry out the purposes of titles II or III of this Act.

(b) GENERALLY APPLICABLE PROVISIONS.—

(1) DEFINITION.—For purposes of this section, excess property of the Coast Guard may be transferred on the same basis as excess defense articles otherwise authorized to be transferred by this section.

(2) TERMS OF TRANSFERS.—Excess defense articles may be transferred under section without cost to the recipient country or international organization.

(3) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

(A) they are drawn from existing stocks of the Department of Defense (or the Coast Guard);

(B) funds available to the Department of Defense (or the Coast Guard) for the procurement of defense equipment are not expended in connection with the transfer;

(C) the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States; and

(D) transferring the articles under the authority of those sections is preferable to selling them, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of either a transfer or sale.

(4) ADVANCE NOTIFICATION TO CONGRESS.—The President may not transfer excess defense articles that are significant military equipment or an article valued (in terms of its original acquisition cost) at $7,000,000 or more under this section until 15 days after the President has provided notice of the proposed transfer to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(5) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DEPARTMENT OF DEFENSE EXPENSES.—Section 8201 shall not apply with respect to transfers of excess defense articles under this section.

(6) TRANSPORTATION AND RELATED COSTS.—Funds available to the Department of Defense (or the Coast Guard) shall not be expended for crating, packing, handling and transportation of excess defense articles transferred under the authority of this section, except under the following conditions:

(A) where it is determined that it is in the United States national interest to do so,

(B) the recipient is an international organization or is a developing country receiving less than $10,000,000 of assistance described in subparagraphs (A) and (B) of section 8551(21) of this Act in the fiscal year in which the transportation is provided,

(C) the total weight of the transfer does not exceed 25,000 pounds,

(D) such overseas transportation is accomplished on a space available basis, and

(E) the recipient agrees to pay packing, crating, and other handling costs incurred as a result of the transfer.

SEC. 8406. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) REMOVAL FROM STOCKPILING.—Defense articles in the inventory of the Department of Defense which are set aside, reserved, or in any way earmarked or intended for future use by any foreign country may not be made available to or for use by any foreign country unless—

(1) such transfer is authorized under this Act or the Arms Export Control Act; and

(2) the value of such transfer is charged against funds authorized to carry out the provisions of this Act or against any limitations specified in such legislation, as appropriate, for the fiscal period in which the defense articles are transferred.

(b) VALUE.—

(1) DEFINITION.—For purposes of subsection (a), 'value' means acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

(2) LIMITATION.—A defense article transferred from any stockpile which is made available to or for use by any foreign country may not be considered an excess defense article for the purpose of determining the value of that defense article.

SEC. 8407. LOCATION OF STOCKPILES.

Except for stockpiles located in the Republic of Korea, Thailand, a country which is a member of the North Atlantic Treaty Organization, a country which is a major non-NATO ally, or such other countries as the President may designate, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

SEC. 8408. ADDITIONS TO WAR RESERVE STOCKS.

(a) LIMITATION.—The value of defense articles to be added to those set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization) in stockpiles located in foreign countries may not exceed in any fiscal year an amount specified in legislation authorizing military assistance programs for that fiscal year.

(b) AUTHORIZATION OF ADDITIONS.—The value of such additions to stockpiles in foreign countries shall not exceed such sums as may be authorized for a fiscal year.

SEC. 8409. RETENTION AND USE OF CERTAIN ITEMS AND FUNDS.

(a) RETENTION AND USE OF CERTAIN ARTICLES.—

(1) AUTHORITY TO RETAIN, TRANSFER, AND USE.—Any articles procured to carry out this Act shall be retained by, or (upon reimbursement) transferred to and for the use of, such agency of the United States Government as the President deems appropriate in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby.

(2) LAWS GOVERNING DISPOSAL OF GOVERNMENT PROPERTY.—Any articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such articles or to conserve their usefulness.

(3) PROCEEDS CREDITED TO APPROPRIATIONS.—Funds realized from any disposal or transfer shall revert to the respective appropriation, fund, or account used to procure such articles or to the appropriation, fund, or account currently available for the same general purpose.

(b) ARTICLES RECEIVED AS PAYMENT.—Whenever articles are transferred to the United States Government as repayment of assistance under this Act or the former authority of the Foreign Assistance Act, such articles may be used in furtherance of the purposes and within the limitations of this Act.

(c) FAILED TRANSACTIONS.—Funds realized as a result of any failure of a transaction financed under this Act to conform to the requirements of this Act, to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under this Act, shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriation, fund, or account currently available for the same general purpose.

(d) DISPOSAL OF DEFENSE ARTICLES.—Funds realized by the United States Government from the sale, transfer, or disposal of defense articles furnished under the former authority of chapter 2 of part II of the Foreign Assistance Act of 1961, and no longer needed for the purposes for which furnished, shall be credited to the respective appropriation, fund, or account currently available for the same general purpose.

CHAPTER 5—PERSONNEL AND ADMINISTRATIVE EXPENSES

Subchapter A—General

SEC. 8501. STATUTORY OFFICERS IN THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) APPOINTMENT.—The President may appoint, by and with the advice and consent of the Senate, 12 officers in the United States Agency for International Development.

(b) TITLE.—The President may designate the title of any officer appointed under subsection (a).

(c) ORDER OF SUCCESSION.—The President may also fix the order of succession among the officers appointed under subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of those officers.

SEC. 8502. EMPLOYMENT OF PERSONNEL.

(a) AUTHORITY.—Any agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) ASSISTANCE FUNCTIONS IN THE UNITED STATES.—

(1) APPOINTMENTS WITHOUT REGARD TO CERTAIN CIVIL SERVICE LAWS.—Of the personnel employed in the United States by the United States Agency for International Development, 110 may be appointed or removed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title, subject to paragraph (2) of this subsection.

(2) COMPENSATION.—Of the personnel appointed under paragraph (1), 51 may be compensated at rates higher than those payable for GS-15 of the General Schedule under section 5332 of title 5, United States Code, but not in excess of the highest rate payable under section 5376 of such title.

(3) REINSTATEMENT RIGHTS.—Under such regulations as the President may prescribe, any individual employed under paragraph (1) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position or comparable grade and pay.

(c) DEPARTMENT OF DEFENSE FUNCTIONS IN THE UNITED STATES.—Of the personnel employed in the United States by the Department of Defense to carry out this Act or the Arms Export Control Act not to exceed 8 may be compensated at rates higher than those payable for GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, but not in excess of the highest rate payable under section 5376 of such title. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5, United States Code.

(d) PERFORMANCE OF FUNCTIONS OUTSIDE THE UNITED STATES.—

(1) AUTHORITY TO EMPLOY OR ASSIGN.—For the purpose of performing functions under this Act outside the United States, the President may—

(A) employ or assign individuals, or

(B) authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system.

(2) COMPENSATION.—Individuals employed or assigned under paragraph (1) shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980, or under chapter 53 of title 5, United States Code, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980.

(3) REEMPLOYMENT RIGHTS.—Individuals so employed or assigned shall be entitled to the same benefits as are provided by section 310 of that Act for individuals appointed to the Foreign Service, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds 30 months.

(e) CERTAIN FUNDS DEEMED OBLIGATED FOR CERTAIN SERVICES.—Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services for personnel employed by agencies of the United States Government (other than the United States Agency for International Development or the Department of Defense) as well as personnel not employed by the United States Government.

SEC. 8503. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.

(a) AUTHORITY TO EMPLOY.—Experts and consultants or organizations thereof may, in accordance with section 3109 of title 5 of the United States Code, be employed for the performance of functions under this Act.

(b) MANDATORY RETIREMENT AGE NOT APPLICABLE.—Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5 of the United States Code.

(c) EMPLOYMENT OF CERTAIN PERSONS WITHOUT COMPENSATION.—Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this Act in accordance with the provisions of section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)), and regulations issued thereunder.

SEC. 8504. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) DETAILS TO FOREIGN GOVERNMENTS.—When consistent with and in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail any officer or employee of that agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath or allegiance to another government or acceptance of compensation or other benefits from any foreign country by such officer or employee.

(b) DETAILS TO INTERNATIONAL ORGANIZATIONS.—When consistent with and in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail to any international organization or arrangement, any officer or employee of that agency to service with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

(c) STATUS OF PERSONNEL DETAILED.—

(1) RETENTION OF BENEFITS.—Any officer or employee, while detailed under this section—

(A) shall be considered an officer or employee of the United States Government and of the agency of the United States Government from which detailed for the purpose of preserving his or her allowances, privileges, rights, seniority, and other benefits as such; and

(B) shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this Act, or may be detailed on a leave without pay status.

(2) ALLOWANCE.—Any officer or employee assigned, detailed, or appointed under this section, section 8503, section 8505, or section 8506 may receive (under such regulations as the President may prescribe) representation allowances similar to those allowed under section 905 of the Foreign Service Act of 1980. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefore shall be considered as meeting all the requirements of section 5536 of title 5, United States Code.

(d) TERMS OF DETAIL.—Details may be made under this section or section 408 of the Mutual Security Act of 1954 in accordance with any of the following paragraphs:

(1) Without reimbursement to the United States Government by the foreign government or international organization;

(2) Upon agreement by the foreign government or international organization to reimburse the United States Government for compensation, travel expenses, benefits, and allowances, or any part thereof, payable to the officer or employee concerned during the period of detail. Such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits, or allowances, or to the appropriation, fund, or account currently available for such purposes;

(3) Upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act. Funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization; or

(4) Subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed, such credit to be based upon the compensation, travel expenses, benefits and allowances, or any part thereof, payable to such officer or employee during the period of detail in accordance with subsection (c).

SEC. 8505. HEAD OF OFFICES ABROAD.

(a) APPOINTMENT.—The President may appoint a head and deputy head of each office or staff maintained under section 8106.

(b) COMPENSATION AND ALLOWANCES.—Such head shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President deems appropriate.

SEC. 8506. CHAIRMAN OF OECD DEVELOPMENT ASSISTANCE COMMITTEE.

(a) APPOINTMENT.—The President may—

(1) appoint any United States citizen who is not an employee of the United States Government, or

(2) assign any United States citizens who is an employee of the United States Government, to serve as Chairman of the Development Assistance Committee (or any successor committee) of the Organization for Economic Cooperation and Development, upon election thereto by members of that Committee.

(b) COMPENSATION AND ALLOWANCES.—An individual appointed or assigned under subsection (a) may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President deems appropriate. Such individual, if appointed under subsection (a)(1), shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 84, 87, and 89 of title 5, United States Code. Such individual may also, in the President's discretion, receive any other benefits and perquisites available under this Act to heads of offices or staffs maintained under section 8106.

SEC. 8507. ASSIGNMENT OF DOD PERSONNEL TO CIVIL OFFICES.

Nothwithstanding section 973(b) of title 10 United States Code, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this Act.

SEC. 8508. DISCRIMINATION AGAINST UNITED STATES PERSONNEL PROVIDING ASSISTANCE.

It is the Sense of the Congress that—

(1) the assignment of officers and employees of the United States to carry out any as-

sistance program funded under this Act in any foreign country, should not take into account the race, religion, national origin, or sex of any such officer or employee, and such assignments should be made solely on the basis of ability and relevant experience.

(2) assistance under this Act should not be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) from participating in the furnishing of assistance under this Act on the basis of race, religion, national origin, or sex.

SEC. 8509. AVAILABILITY OF FUNDS FOR OPERATING EXPENSES GENERALLY.

(a) IN GENERAL.—Funds shall be available to carry out the provisions of this section as authorized and appropriated to the President each fiscal year.

(b) ADDITIONAL AMOUNTS.—There are authorized to be appropriated to the President such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

SEC. 8510. AVAILABILITY OF FUNDS FOR OPERATING EXPENSES OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Funds shall be available to carry out the provisions of this section as authorized and appropriated to the President each fiscal year.

(b) ADDITIONAL AMOUNTS.—There are authorized to be appropriated to the President such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

SEC. 8511. AVAILABILITY OF FUNDS.

Notwithstanding any other provision of law, the United States Agency for International Development may obligate and expend funds in advance of appropriations in an amount sufficient to maintain operations at posts abroad for up to three days.

Subchapter B—Overseas Management of Assistance and Sales Programs Administered Through the Department of Defense

SEC. 8521. AUTHORIZED FUNCTIONS.

(a) IN GENERAL.—In order to carry out responsibilities for the management of assistance and sales programs administered through the Department of Defense under this Act and under the Arms Export Control Act, the President may assign members of the Armed Forces to a foreign country to perform one or more of the following functions:

(1) Equipment and services case management.

(2) Training management.

(3) Program monitoring.

(4) Evaluation and planning of the host government's military capabilities and requirements.

(5) Administrative support.

(6) Promoting rationalization, standardization, interoperability, and other defense cooperation measures.

(7) Liaison functions exclusive of advisory and training assistance.

(b) ADVISORY AND TRAINING ASSISTANCE.—Advisory and training assistance conducted by members of the Armed Forces assigned for purposes of providing defense articles or defense services shall be kept to an absolute minimum. Advising and training assistance in countries to which members of the Armed Forces are assigned for such purposes should be provided primarily by other personnel who are not assigned for such purposes and who are detailed for limited periods to perform specific tasks.

SEC. 8522. COSTS.

The entire costs (excluding salaries of members of the Armed Forces other than the Coast Guard) of overseas management of programs for providing defense articles and defense services under this Act shall be charged to or reimbursed from funds allocated to the Department of Defense, pursuant to the authorities of this Act, other than any such costs which are either—

(1) paid directly for such defense services under section 21(a) of the Arms Export Control Act, or

(2) reimbursed from charges for services collected from foreign governments pursuant to section 21(e) and section 43(b) of that Act.

SEC. 8523. ROLE OF CHIEF OF MISSION.

Members of the Armed Forces assigned to a foreign country under section 8521 of this Act shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

SUBCHAPTER C—ADMINISTRATIVE PROVISIONS FOR THE TRADE AND DEVELOPMENT AGENCY

SEC. 8531. DIRECTOR AND PERSONNEL.

(a) DIRECTOR.—There shall be at the head of the Trade and Development Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) OFFICERS AND EMPLOYEES.—

(1) The Director may appoint such officers and employees of the Trade and Development Agency as the Director considers appropriate.

(2) The officers and employees appointed under this paragraph shall have such functions as the Director my determine.

(3) Of the officers and employees appointed under this paragraph, 2 may be appointed without regard to the provisions of title 5, United States Code, governing in the competitive service, and may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title.

(4) Under such regulations as the President may prescribe, any individual appointed under subparagraph (C) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

SEC. 8532. AUDITS.

(a) IN GENERAL.—The Trade and Development Agency shall be subject to the provisions of chapter 35 of title 31, United States Code, except as otherwise provided in this section.

(b) INDEPENDENT AUDIT.—An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Trade and Development Agency each year, in accordance with generally accepted Government auditing standards for a financial and compliance audit, taking into consideration any standards recommended by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Director of the Trade and Development Agency. The financial statements of the Trade and Development Agency shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 3512 of title 31, United States Code, and which the Trade and Development Agency shall submit to the Congress not later than 6-1/2 months after the end of the last fiscal year covered by the audit. The Comptroller General may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the Comptroller General considers necessary.

(c) AUDIT BY COMPTROLLER GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General shall, if the Comptroller General considers it necessary or upon the request of the Congress, audit the financial statements of the Trade and Development Agency in the manner provided in paragraph (2).

(d) AVAILABILITY OF INFORMATION.—All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Trade and Development Agency and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

SEC. 8533. ANNUAL REPORT.

The President shall, not later than December 31 of each year, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the Trade and Development Agency in the preceding fiscal year.

SUBCHAPTER D—ADMINISTRATIVE PROVISIONS FOR THE OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 8541. STOCK OF THE CORPORATION.

The Secretary of the Treasury shall hold the capital stock of the Corporation.

SEC. 8542. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors (hereafter in this subchapter referred to as 'the Board') which shall consist of 15 Directors (including the Chair and Vice Chair), with 8 Directors constituting a quorum for the transaction of business.

(2) COMPOSITION OF THE BOARD.—

(A) CHAIR.—The Chair of the Board shall be the Administrator of the United States Agency for International Development, ex officio.

(B) VICE CHAIR.—The Vice Chair of the Board shall be the United States Trade Representative, ex officio, except that the United States Trade Representative may designate the Deputy United States Trade Representative to serve as Vice Chairman in place of the United States Trade Representative.

(C) PRESIDENT OF OPIC.—The President of the Corporation shall serve as a Director, ex officio.

(D) PUBLIC SECTOR DIRECTORS.—(i) In addition to the directors provided for in subparagraphs (A) through (C), five Directors who are officers or employees of the Government of the United States shall be designated by the President of the United States, including an officer or employee of the Department of Labor.

(ii) The Directors designated under this subparagraph shall receive no additional compensation by virtue of their service as such a Director.

(E) PRIVATE SECTOR DIRECTORS.—Eight Directors who are not otherwise officers or employees of the Government of the United States shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Of these, at least—

(i) two shall be experienced in small business,

(ii) one shall be experienced in organized labor, and

(iii) one shall be experienced in cooperatives.

(F) EACH DIRECTOR APPOINTED UNDER SUBPARAGRAPH (E).—

(i) shall be appointed for a term of not more than 3 years; the terms of not more than three such Directors shall expire in any 1 year;

(ii) shall serve until their successors are appointed and qualified and may be reappointed to subsequent terms; and

(iii) shall be compensated at the daily equivalent of the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such Director is actually engaged in the business of the Corporation, and may be paid travel or transportation expenses to the extent authorized for employees serving intermittently in the Government service under section 5703 of title 5, United States Code.

(c) APPOINTMENT OF THE PRESIDENT.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate. In making such appointment, the President shall take into account the private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and shall be responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

(d) OFFICERS AND STAFF.—

(1) EXECUTIVE VICE PRESIDENT.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

(2) OTHER OFFICERS AND STAFF.—(A) The Corporation may appoint such other officers and such employees (including attorneys) and agents as the Corporation considers appropriate.

(B) The officers, employees, and agents appointed under this subsection shall have such functions as the Corporation may determine.

(C) Of the officers, employees, and agents appointed under this paragraph, 20 may be appointed, compensated or removed without regard to civil service laws and regulations.

(D) Under such regulations as the President of the United States may prescribe, any individual appointed under subparagraph (C) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

SEC. 8543. INCOME AND REVENUES.

In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, except for payments to the financing account, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

(1) payment of all expenses of the Corporation, including investment promotion expenses;

(2) transfers and additions to the insurance reserve, financing accounts and such other funds, accounts or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

(3) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under paragraphs (1) and (2).

SEC. 8544. GENERAL PROVISIONS RELATING TO INSURANCE AND FINANCING PROGRAM.

(a) AGREEMENTS WITH COUNTRIES.—Insurance, reinsurance, and guarantees issued under chapter 1 of title V shall not cover investment made in connection with projects in any country or area unless the President of the United States has agreed with the government of such country or area to institute a program for such insurance, reinsurance, or guarantees.

(b) PROTECTION OF INTERESTS OF THE CORPORATION.—The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, reinsurance, or guarantee issued under chapter 1 of title V, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guarantee, or reinsurance is to be made, and any right, title, claim, or cause of action existing in connection therewith.

(c) FULL FAITH AND CREDIT PLEDGED.—All guarantees issued pursuant to predecessor guarantee authority, and all insurance, reinsurance, and guarantees issued pursuant to chapter 1 of title V shall constitute obligations, in accordance with the terms of such insurance, reinsurance, or guarantees, of the United States of America, and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(d) FEES.—Fees may be charged for providing insurance, reinsurance, financing, and other services under chapter 1 of title V in amounts to be determined by the Corporation. Fees paid for project-specific transaction costs and other transaction costs, including but not limited to project-related travel and expenses for legal representation, associated with services provided to specific investors or potential investors pursuant to section 5102, including financing, insurance, reinsurance, missions, seminars, conferences, and other pre-investment services, shall be available for obligation for the purposes for which they were collected notwithstanding any other provision of law. Transaction costs relating to investment financing commitments entered into pursuant to section 5102(b) shall be considered cash flows from the Government resulting from financing commitments and shall be paid out of the appropriate financing account established pursuant to section 505(b) of the Federal Credit Reform Act of 1990.

(e) INSURANCE, REINSURANCE, AND FINANCING LIMITED TO 20 YEARS.—No insurance, reinsurance, or financing of any equity investment under chapter 1 of title V shall extend beyond 20 years from the date on which such insurance, reinsurance, or financing is issued.

(f) AMOUNT OF COMPENSATION PAID ON CLAIMS.—Compensation for any insurance, reinsurance, or financing issued under chapter 1 of title V shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guarantee, except that the Corporation may provide that—

(1) appropriate adjustments in the insured dollar value may be made to reflect the replacement cost of project assets;

(2) compensation for a claim of loss under insurance of an equity may be computed on the basis of the net book value attributable to such equity investment on the date of loss; and

(3) compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost.

Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued under section 5102 or 5103 so that risk of loss as to at least 10 percent of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates, except that this limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties.

(g) LIMITATION WITH RESPECT TO FOREIGN CREDIT INSTITUTIONS.—Insurance, guarantees, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

(h) SETTLEMENT AND ARBITRATION OF CLAIMS.—Claims arising as a result of insurance, reinsurance, or guarantee operations under chapter 1 of title V or under predecessor guarantee authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(i) CONTRACTS PRESUMED TO COMPLY WITH ACT.—Each insurance, reinsurance, or guarantee contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

(j) PENALTIES FOR FRAUD.—Whoever knowingly makes any false statement or report, or willfully overvalues any land, property, or security, for the purpose of influencing in any way the action of the Corporation with respect to any insurance, reinsurance, guarantee, loan, equity investment, or other activity of the Corporation under section 5102 or any change or extension of any such insurance, reinsurance, guarantee, loan, equity investment, or activity, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

(k) USE OF LOCAL CURRENCIES.—Direct loans or investments made in order to preserve the value of funds received in inconvertible foreign currency by the Corporation as a result of activities conducted pursuant to section 5102(a) shall not be considered in determining whether the Corporation has made or has outstanding loans, guaranties, or investments to the extent of any limitation on obligations, commitments, and equity investment imposed by or pursuant to chapter 1 of title V. The provision of section 504(b) of the Federal Credit Reform Act of 1990 shall not apply to direct loan obligations made with funds described in this subsection.

(l) TERMINATION.—Provisions of this or any other Act requiring the termination of assistance under this or any other Act shall not be construed to require the termination of contracts or commitments that were entered or were being processed under chapter 1 of title V prior to the effective date of the termination of assistance.

SEC. 8545. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Corporation shall have its principal office in the Distict of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) AUDITS.—

(1) IN GENERAL.—The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, United States Code, except as otherwise provided in this Act.

(2) INDEPENDENT AUDIT.—An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation each year, in accordance with generally accepted Government auditing standards for a financial and compliance audit. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code, and which the Corporation shall submit to the Congress not later than 6-½ months after the end of the last fiscal year covered by the audit. The Comptroller General may review the audit conducted by the accountant and report to the Congress in the manner and at such times as the Comptroller General considers necessary.

(3) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall, if the Comptroller General considers it necessary or upon the request of the Congress, audit the financial statements of the Corporation in the manner provided in paragraph (2).

(4) AVAILABILITY OF INFORMATION.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Corporation and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

(c) POWERS.—To carry out the purposes of chapter 1 of title V, the Corporation is authorized—

(1) to adopt and use a corporate seal, which shall be judicially noticed;

(2) to sue and be sued in its corporate name;

(3) to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;

(4) to acquire, hold, or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein;

(5) to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it considers appropriate;

(6) to indemnify directors, officers, employees, and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities;

(7) to require bonds of offices, employees, and agents and to pay the premiums therefor;

(8) notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings;

(9) to enter into limited-term contracts with nationals of the United States for personal services to carry out activities in the United States and abroad under section 5102;

(10) to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guarantee, and guarantee notes, participation certificates, and other evidence of indebtedness (except that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 5101(c)(3), participation certificates in connection with transactions authorized by 5102(b), or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 8544(h));

(11) to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business;

(12) to exercise any priority of the government of the United States in collecting debts from the estates of bankrupt, insolvent, or decedent parties;

(13) to determine the character of an the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

(14) to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation; and

(15) to take such actions as may be necessary or appropriate to carry out the powers of the Corporation.

(d) INSPECTOR GENERAL.—

(1) AUTHORITY.—The Inspector General of the United States Agency for International Development may conduct audits, investigations, and inspections of all phases of the Corporation's operations and activities.

(2) RELATION TO PRESIDENT OF CORPORATION.—The Inspector General shall report to and be under the general supervision of the President of the Corporation with respect to activities undertaken pursuant to this subsection, except that the President of the Corporation shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any such activity in accordance with the duties, authorities, and responsibilities contained in the Inspector General Act or 1978 and any other applicable law or regulation.

(3) EXPENSES.—The Inspector General shall be reimbursed by the Corporation for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(4) INSPECTOR GENERAL ACT.—For purposes of the Inspector General Act of 1978, the Corporation shall continue to be considered a Federal entity and the President of the Corporation shall be considered the head of the Federal entity.

(5) SEMIANNUAL REPORT.—The semiannual report required under section 5 of the Inspector General Act of 1978 shall include information relating to activities of the Inspector General undertaken pursuant to this subsection.

(e) EXEMPTION FROM STATE AND LOCAL TAXATION.—The Corporation (including its franchise, capital, reserves, surplus, advances, intangible property, and income) shall be exempt from all taxation at any time imposed by any State, the District of Columbia, or any county, municipality, or local taxing authority.

SEC. 8546. ANNUAL REPORT; MAINTENANCE OF INFORMATION.

(a) ANNUAL REPORT.—After the end of each fiscal year, the President shall submit to the Congress a complete and detailed report of the Corporation's operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 5105(a), of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation refused to provide any insurance, reinsurance, financing, or other financial support, on account of violations of human rights referred to in section 8543(d)

(b) PROJECTIONS OF EFFECTS ON EMPLOYMENT.—

(1) IN GENERAL.—Each annual report required by subsection (a) shall contain projections of the effects on employment in the United States of all projects for which, during the fiscal year covered by the report, the Corporation initially issued any insurance, reinsurance, or guarantee or provided financing. Each such report shall include projections of—

(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

(B) the final destination of the products to be produced as a result of those projects; and

(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

(2) INFORMATION IN AGGREGATE FORM.—The projections required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). Such projections may, however, present information and analysis in aggregate form, but only if—

(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade.

(c) MAINTENANCE OF INFORMATION.—The Corporation shall maintain as part of its records—

(1) all information collected in preparing the report required by section 240A(c) of the Foreign Assistance Act of 1961 (as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988), whether the information was collected by the Corporation itself or by a contractor; and

(2) a copy of the analysis of each project analyzed in preparing the projections required by subsection (b) of this section or the report required by section 240A(c) of the Foreign Assistance Act of 1961 (as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988).

(d) PROTECTION OF CERTAIN INFORMATION.—Subsection (b) does not require the inclusion in any information submitted pursuant to that subsection of any information which would not be required to be made available to the public pursuant to section 552 of title 5, United States Code (relating to freedom of information).

SEC. 8547. DEFINITIONS.

As used in chapter 1 of title V and this subchapter, the following terms have the following meanings:

(1) BOARD.—The term "Board" means the Board of Directors of the Overseas Private Investment Corporation.

(2) CORPORATION.—The term "Corporation" means the Overseas Private Investment Corporation.

(3) ELIGIBLE INVESTOR.—(A) The term "eligible investor" means—

(i) a United States citizen;

(ii) a corporation, partnership, or other association, including a nonprofit association, which is created under the laws of the United States, any State, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which is substantially beneficially owned by United States citizens; and

(iii) a foreign corporation, partnership, or other association which is wholly owned by one or more United States citizens or corporations, partnerships, or other associations described in clause (ii), except that the eligibility of any such foreign corporation shall be determined without regard to any shares held by other than United States citizens or corporations, partnerships, or other associations described in clause (ii) if, in the aggregate, such shares equal less than 5 percent of the total issued and subscribed share capital of such foreign corporation.

(B) For purposes of subparagraph (A)—

(i) in the case of insurance or a guarantee for any loan investment, a final determination of whether a person is an eligible investor may be made at the time the insurance or guarantee is issued; and

(ii) in the case of insurance or a guarantee for any other investment, an investor must be an eligible investor at the time a claim arises as well as the time the insurance or guarantee is issued.

(4) EXPROPRIATION.—The term "expropriation" includes any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project.

(5) INVESTMENT.—The term "investment" includes any contribution or commitment or funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans to an approved project,

(B) the purchase of a share of ownership in any such project,

(C) participation in royalties, earning, or profits of any such project, and

(D) the furnishing of commodities or services pursuant to a lease or other contract.

(6) PREDECESSOR GUARANTEE AUTHORITY.—The term "predecessor guarantee authority" means prior guarantee authorities (other than housing guarantee authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, and section 111(b)(3) of the Economic Cooperation Act of 1948 (exclusive of authority relating to informational media guarantees).

SUBCHAPTER E—DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 8551. DEFINITIONS.

(a) For purposes of this Act, the following terms have the following meanings:

(1) AGENCY OF THE UNITED STATES GOVERNMENT.—The term "agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(2) COUNTRY—The term "country" includes area.

(3) DEVELOPING COUNTRY.—The term "developing country" includes advanced developing country.

(4) FUNCTION.—The term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(5) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.

(6) INCLUDES.—The term "includes" means includes but is not limited to.

(7) NOTWITHSTANDING.—The terms "notwithstanding any other provision of law" and "notwithstanding any provision of this or any other Act" shall not apply to title 31, United States Code, the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

(8) OFFICER OR EMPLOYEE.—The term "officer or employee" means civilian personnel of the United States Government and members of the Armed Forces.

(9) NONNUCLEAR-WEAPON STATE.—The term "nonnuclear-weapon state" means any country which is not a nuclear-weapon state, as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

(10) UNITED STATES.—The term "United States", when used in the geographic sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, and any other territory or possession of the United States.

(11) MAJOR ILLICIT DRUG PRODUCING COUNTRY.—The term "major illicit drug producing country" means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year.

(12) MAJOR DRUG TRANSIT COUNTRY.—The term "major drug transit country" means a country—

(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

(B) through which are transported such drugs or substances; or

(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government.

(13) NARCOTIC AND PSYCHOTROPIC DRUGS AND OTHER CONTROLLED SUBSTANCES.—The term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned.

(14) AGRICULTURE.—The term "agriculture" includes aquaculture and fisheries.

(15) FARMERS.—The term "farmers" includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

(16) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning that term is given by section 1201(a) of the Higher Education Act of 1965.

(17) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States.

(18) DEFENSE ARTICLE AND RELATED TERMS.—The terms "defense article", "significant military equipment", and "major defense equipment" shall have the same meaning as in the Arms Export Control Act. The term "defense service" includes any service (including education and training), test, inspection, repair, publication, or technical or other assistance or defense information used for the purpose of furnishing assistance administered through the Department of Defense under this Act.

(19) EXCESS DEFENSE ARTICLES.—The term "excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured in anticipation of defense assistance or sales requirements, or pursuant to a defense assistance or sales order, which is in excess of the Approved Acquisition Objective of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

(20) VALUE.—The term "value" means—

(A) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 8201(c) such actual value shall not be taken into account;

(B) with respect to a nonexcess defense article delivered from inventory to a foreign country or international organization under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

(C) with respect to a nonexcess defense article delivered from new procurement to a foreign country or international organization under this Act, the contract or production costs of such article.

(21) ASSISTANCE ADMINISTERED THROUGH THE DEPARTMENT OF DEFENSE.—The term "assistance administered through the Department of Defense" means—

(A) the financing (including the guarantee of financing) of sales of defense articles (including excess defense articles) and defense services (including education and training) made or licensed pursuant to sections 21, 22, 29, and 38 of the Arms Export Control Act and the lease of defense articles made pursuant to chapter 6 of that Act;

(B) the provision of education or training through the Department of Defense under this Act;

(C) the provision of excess defense articles through the Department of Defense under section 8405 of this Act; or

(D) the provision of assistance through the Department of Defense under sections 3103, 3204, 7111 and 7115(b) of this Act.

SEC. 8552. ACTIVITIES UNDER OTHER LAWS NOT AFFECTED.

Unless expressly provided to the contrary, provisions of this Act and other provisions of law applicable to foreign assistance shall not be construed to prohibit (or, with respect to the Export-Import Bank of the United States, apply to) activities authorized by or conducted under the Peace Corps Act, the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, the Export-Import Bank Act of 1945, the Agricultural Act of 1949, the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, the Inter-American Foundation Act, the African Development Foundation Act, commercial export promotion activities of the Department of Agriculture (including the Commodity Credit Corporation), or to programs for which funds are made available outside Budget Function 150.

TITLE IX—TECHNICAL AND CONFORMING PROVISIONS

SEC. 9101. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act shall take effect on October 1, 1994.

SEC. 9102. SAVING PROVISIONS.

(a) IN GENERAL.—(1) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this Act shall continue in full force and effect until modified by appropriate authority.

(2) Wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds made available to carry out the provisions of, this Act, compliance with, or satisfaction of, substantially similar conditions under provisions repealed by this Act shall be deemed to constitute compliance with the conditions established by this Act.

(3) Funds made available pursuant to provisions of law repealed by this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(4) References in law to provisions repealed by this Act may hereafter be deemed to be references to corresponding provisions of this Act, on a case-by-case basis as may be appropriate.

(b) CERTAIN PRESIDENTIAL APPOINTEES.—The repeal by this Act of any provision of the Foreign Assistance Act of 1961 providing for the appointment of an individual to a position by the President, by and with the advice and consent of the Senate, and the reenactment by this Act of that provision in substantively identical form does not require the reappointment of the individual holding that position on the effective date specified in section 9101.

(c) SECTION 124(c) AUTHORITY.—Section 124(c) of the Foreign Assistance Act of 1961, as in effect before the effective date specified in section 9101 of this Act, shall be deemed to remain in effect on and after that date. For purposes of this section, references in section 124(c) to sections 101 and 102 of the Foreign Assistance Act of 1961 shall be deemed to be references to sections 1101 and 1102 of this Act, respectively.

(d) GUARANTEES AND LOANS UNDER FORMER AUTHORITY.—Guarantees committed or outstanding under the former authorities of sections 108, 222, and 222A of the Foreign Assistance Act of 1961, as in effect before the effective date specified in section 9101 of this Act, loans obligated under section 108 on or before such date, the fees and interest collected in connection with such guarantees and loans, and income on claims receivable with respect to such guarantees and loans, shall continue to be subject to provisions of such Act originally applicable to those guarantees and loans and the Federal Credit Reform Act of 1990.

SEC. 9103. MISCELLANEOUS PROVISIONS.

(a) FEDERAL ACT OF STATE DOCTRINE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property is asserted by any party, including a foreign state (or a party claiming through such state), based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in section 620(e)(1) of the Foreign Assistance Act of 1961 as in effect before the effective date of this section.

(2) EXCEPTIONS.—This subsection shall not be applicable—

(A) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking; or

(B) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(b) ACCOUNTING AND VALUATION OF FOREIGN CURRENCIES.—

(1) Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility, the Secretary shall issue regulations binding upon all agencies of the United States Government.

(2) The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.

(c) VALUATION OF EXPROPRIATED PROPERTY.—

(1) VALUATION.—If the President requests such an evaluation, the Foreign Claims Settlement Commission is authorized to evaluate the value of the property which is the subject of an action described in section 7201(a) (3) of this Act and render an advisory report with respect to the value of such property to the President.

(2) DEFINITION OF UNITED STATES PERSON.—For purposes of section (a)(3), the term 'United States person' means a United States citizen or a corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

(d) PARTICIPATION IN FOREIGN POLICE ACTIONS.—

(1) PROHIBITION ON EFFECTING AN ARREST.—No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

(2) EXCEPTIONS.—Paragraph (1) does not prohibit an officer or employee of the United States—

(A) with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

(B) from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

(3) MARITIME LAW ENFORCEMENT.—With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea of that country.

(4) INTERROGATIONS.—No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

(5) EXCEPTION FOR STATUS OF FORCES ARRANGEMENTS.—This section does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

(6) DEFINITION.—For purposes of this subsection, the term 'legal and law enforcement measures' means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control.

SEC. 9104. CONFORMING AND OTHER AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking out "Director, Institute for Scientific and Technological Cooperation.";

(2) in section 5315, by striking out "Deputy Director, Institute for Scientific and Technological Cooperation."; and

(3) in section 5316, by striking out "Additional officers, Institute for Scientific and Technological Cooperation (2).".

(b) TITLE 15, UNITED STATES CODE.—Section 638(e)(1) of title 15, United States Code is amended by striking out "for the Agency" through "countries" and inserting in lieu thereof "the provisions of this section shall not be applicable to the programs administered by the United States Agency for International Development".

(c) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended as follows:

(1) Section 2(b) is amended by striking out—

(A) "or financing for" in paragraph (1);

(B) "financing," both other places it appears.

(2) Section 3(c) is amended—

(A) in paragraph (1), by striking out "(1)(A) No" and all that follows through "(B) No cash" and inserting in lieu thereof "(1) No";

(B) in paragraph (1), as amended by subparagraph (A), by striking out "under this Act, or any predecessor Act," and inserting in lieu thereof ", through sale, financing or otherwise, under this Act or the Peace, Prosperity, and Democracy Act of 1994 (or under any predecessor military sales or foreign assistance legislation)";

(C) in paragraph (3)(A), by striking out "subparagraph (A)" and all that follows through "such paragraphs," and inserting in lieu thereof "paragraph (1)"; and

(D) in paragraph (3)(B), by striking out "subparagraph (B) of".

(3) Section 3 is amended—

(A) in subsection (d), by striking out "section 505(a)(1) or 505(a)(4) of the Foreign Assistance Act of 1961" and inserting in lieu thereof "section 8212(a)(1) of the Peace, Prosperity, and Democracy Act of 1994"; and

(B) in subsection (e), by striking out "section 505 of the Foreign Assistance Act of 1961" and inserting in lieu thereof "section 8212(a)(1) of the Peace, Prosperity, and Democracy Act of 1994".

(4) Section 4 is amended by inserting after "such friendly countries" "or, if financed with assistance furnished under the Peace, Prosperity, and Democracy Act of 1994, for such other purposes as are provided for under that Act".

(5) Section 5(a) is amended by striking out ", and no credits (including participations in credits) or guaranties extended to or for" and inserting in lieu thereof "to".

(6) Section 6 is amended—

(A) by striking out ", no credits or guarantees may be extended,"; and

(B) by inserting "and no assistance administered through the Department of Defense may be furnished under the Peace, Prosperity, and Democracy Act of 1994" after "this Act".

(7) Section 21 is amended—

(A) by amending (a)(1)(c) to read as follows, "in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service, except that in the case of training sold to a purchaser that is concurrently receiving assistance under the Peace, Prosperity, and Democracy Act of 1994 or is separately justified for the fiscal year in which the associated letter of offer is issued, only those additional costs that are incurred by the United States in furnishing such training";

(B) by amending subsection (c)(1) to read as follows:

"(A) Members of the Armed Forces assigned or detailed to provide defense services under this Act may not perform duties of a combatant nature, including any duty related to training and advising that may engage United States Armed Forces personnel in combat activities, outside the United States in connection with the performance of those defense services.

"(B) Subparagraph (A) shall not apply if the President determines, and reports to the Congress, that its application would not be in the national interest of the United States."; and

(C) in subsection (e)—

(i) by deleting subparagraph (1)(B);

(ii) by deleting "(C)" in subparagraph (1)(c) and inserting in lieu there "(D)";

(iii) by deleting paragraph (2); and

(iv) by deleting "(3)" and inserting in lieu thereof "(2)".

(8) Section 23 is repealed.

(9) Section 24 is amended—

(A) by amending this section caption to read "Provisions Relating to Former Credit and Guaranty Authorities";

(B) in subsection (a), by striking out "The" in the first sentence and inserting in lieu thereof "To the extent necessary to carry out the provisions under the heading "Foreign Military Sales Debt Reform" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), the";

(C) in subsection (b) by inserting "before the effective date of the Peace, Prosperity, and Democracy Act of 1994" after "section 23"; and

(D) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The single reserve established under this section for the payment of claims under guarantees issued under the authority of this section may be referred to as the 'Foreign Military Loan Liquidating Account'.

"(d) Any guarantees issued under the authority of this section are backed by the full faith and credit of the United States.".

(10) Section 25(a) is amended—

(A) in paragraph (5)(A) by striking out "military education" and all that follows through "guarantees," and inserting in lieu thereof "and assistance administered through the Department of Defense under the Peace, Prosperity, and Democracy Act of 1994,";

(B) in paragraph (5)(B) by striking out "credits or guaranties under this Act" and inserting in lieu thereof "assistance administered through the Department of Defense under the Peace, Prosperity, and Democracy Act of 1994"; and

(C) in paragraph (11) by inserting before the semicolon at the end of the paragraph the following:

", and the status of each provision of assistance administered through the Department of Defense for the procurement of defense articles or defense services under the Peace, Prosperity, and Democracy Act of 1994 with respect to which there remains outstanding any unpaid obligation or potential liability".

(11) Section 25(d), as added by 112(b) of the International Security and Development Cooperation Act of 1985, is amended by striking out "under this Act or under section 503(a)(3) of the Foreign Assistance Act of 1961" and inserting in lieu thereof "with assistance administered through the Department of Defense under the Peace, Prosperity, and Democracy Act of 1994".

(12) Section 31 is amended—

(A) by striking out "Authorization and Aggregate Ceiling on Foreign Military Sales Credits." and all that follows through "(d)" and inserting in lieu thereof "Aggregate Costs"; and

(B) by striking out "of chapter 2 of part II of the Foreign Assistance Act of 1961" and inserting in lieu thereof "the Peace, Prosperity, and Democracy Act of 1994".

(13) Section 36(a) is amended—

(A) in paragraph (7), by striking out "under chapters 2, 5, 6 or 8 of part II of the Foreign Assistance Act of 1961" and inserting in lieu thereof "assistance administered through the Department of Defense under the Peace, Prosperity, and Democracy Act of 1994"; and

(B) in paragraph (10), by striking out "section 505(a)(1)(B) of the Foreign Assistance Act of 1961" and inserting in lieu thereof "sections 8212 and 8213 of the Peace, Prosperity, and Democracy Act of 1994".

(14) Section 37 is amended—

(A) in the section caption by striking out "Relating to Foreign Military Sales Credits";

(B) in subsection (a), by striking out "section 23" and inserting in lieu thereof "the former authority of section 23 or under the authority of the Peace, Prosperity, and Democracy Act of 1994"; and

(C) in subsection (b), by inserting "the former authority of" after "extended pursuant to".

(15) Section 42 is amended—

(A) in subsection (a) by striking out ", but subject to subsection (b) of this section," in the first sentence and inserting in lieu thereof ";";

(B) in subsection (b), by striking out "No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24" and inserting in lieu thereof "No assistance shall be furnished under the Peace, Prosperity, and Democracy Act of 1994 to be administered through the Department of Defense for the financing of sales of defense articles or services"; and

(C) in subsection (d)(1), by striking out "and guaranties under sections 21, 22, 23, 24," and inserting in lieu thereof "under sections 21, 22,".

(16) Section 47(1) is amended by deleting "section 644(g) of the Foreign Assistance Act of 1991" and inserting in lieu thereof, "section 8551(19) of the Peace, Prosperity, and Democracy Act of 1994".

(d) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—References in any Act to the "Agency for International Development" shall be deemed to be a reference to the United States Agency for International Development.

SEC. 9105. TRANSITION RULES AND MILITARY ASSISTANCE.

(a) DESPOSITION OF CERTAIN PREVIOUSLY PROVIDED MILITARY EQUIPMENT.—The President may waive requirements imposed pursuant to sections 505(a)(4) and (f) of the Foreign Assistance Act of 1961, as in effect before the effective date of this title, with respect to defense articles or related training or other defense services furnished before that date.

(b) COMMITMENT OF PRIOR YEAR MILITARY ASSISTANCE.—If the President at any time notifies Congress that no further sales will be made pursuant to the Arms Export Control Act after the date of such notification to a specified country under circumstances then prevailing, any uncommitted funds allocated for such country that were transferred under the authority of section 8202(g)(6) of this Act, the former authority of section 23 of the Arms Export Control Act, and the former authority of section 503(a)(3) of the Foreign Assistance Act of 1961 for the purpose of financing such sales may be committed to finance such sales to other eligible countries subject to advance notification to the Committees on Appropriations and Foreign Relations of the Senate and the Committee on Appropriations and Foreign Affairs of the House of Representatives.

(c) SALES.—Sales under the Arms Export Control Act which are wholly paid from funds that, prior to the effective date of this Act, were transferred under the former authority of section 503(a)(3) of the Foreign Assistance Act of 1961 or were made available on a nonrepayable or grant basis under section 23 of the Arms Export Control Act, shall be priced on the same basis as described in section 8201(d).

SEC. 9106. REPEAL OF OBSOLETE PROVISIONS.

(a) 1992 Jobs Through Export Act.—Title III of the Jobs Through Exports Act of 1992 is repealed.

(b) 1988 OPIC Act.—The Overseas Private Investment Corporation Amendments Act of 1988 (as enacted by reference by section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989) is repealed.

(c) 1988 Internatinal Narcotics Control Act.—The International Narcotics Control Act of 1988 is repealed.

(d) 1988 Foreign Operations Appropriations Act.—Section 537(h)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in P.L. 100-202, is repealed.

(e) Narcotics Control Trade Act.—Section 802(e) and 804 of the Narcotics Control Trade Act (which is title VIII of the Trade Act of 1974) are repealed.

(f) 1987 Foreign Assistance Appropriations Act.—Section 539(g)(2) of the Foreign Assistance and Related Programs Appropriations Act, 1987, as included in P.L. 99-591, is repealed.

(g) 1986 Drug Act.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) is repealed.

(h) 1986 Assistance Act.—The Special Foreign Assistance Act of 1986 is repealed except for section 1 and section 204.

(i) 1986 Anglo-Irish Agreement Support Act.—Section 6 of the Anglo-Irish Agreement Support Act of 1986 is repealed.

(j) 1985 Assistance Act.—The International Security and Development Cooperation Act of 1985 is repealed except for section 1, section 131, section 132, section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(k) 1985 Jordan Supplemental Act.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is repealed.

(l) 1985 African Famine Act.—The African Famine Relief and Recovery Act of 1985 is repealed.

(m) 1983 Assistance Act.—The International Security and Development Assistance Authorization Act of 1983 is repealed.

(n) 1983 Lebanon Assistance Act.—The Lebanon Emergency Assistance Act of 1983 is repealed.

(o) 1981 Assistance Act.—The International Security and Development Cooperation Act of 1981 is repealed except for section 1, section 709, and section 714.

(p) 1981 OPIC Amendments Act.—The OPIC Amendments Act of 1981 is repealed.

(q) 1980 Assistance Act.—The International Security and Development Cooperation Act of 1980 is repealed except for section 1, section 110, section 315, and title V.

(r) 1979 Development Assistance Act.—The International Development Cooperation Act of 1979 is repealed.

(s) 1979 Security Assistance Act.—The International Security Assistance Act of 1979 is repealed.

(t) 1979 Special Security Assistance Act.—The Special International Security Assistance Act of 1979 is repealed.

(u) 1978 Development Assistance Act.—The International Development and Food Assistance Act of 1978 is repealed, except for section 1, title IV, and section 603(a)(2).

(v) 1978 Security Assistance Act.—The International Security Assistance Act of 1978 is repealed.

(w) 1977 Development Assistance Act.—The International Development and Food Assistance Act of 1977 is repealed except for section 1, section 132(b), and section 133.

(x) 1977 Security Assistance Act.—The International Security Assistance Act of 1977 is repealed.

(y) 1976 Security Assistance Act.—The International Security Assistance and Arms Export Control Act is repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(z) 1975 Development Assistance Act.—The International Development and Food Assistance Act of 1975 is repealed.

(aa) 1975 BIB Act.—Public Law 94-104 is repealed.

(bb) 1974 Assistance Act.—The Foreign Assistance Act of 1974 is repealed.

(cc) 1973 Emergency Assistance Act.—The Emergency Security Assistance Act of 1973 is repealed.

(dd) 1973 Assistance Act.—The Foreign Assistance Act of 1973 is repealed.

(ee) 1973 Department of State Appropriations Authorization Act.—Section 13 of the Department of State Appropriations Authorization Act of 1973 is repealed.

(ff) 1971 Assistance Act.—The Foreign Assistance Act of 1971 is repealed.

(gg) 1971 Special Assistance Act.—The Special Foreign Assistance Act of 1971 is repealed.

(hh) 1971 FMS Act.—The Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Public Law 91-672), is repealed.

(ii) 1969 Assistance Act.—The Foreign Assistance Act of 1969 is repealed except for the first section and part IV.

(jj) 1968 Assistance Act.—The Foreign Assistance Act of 1968 is repealed.

(kk) 1964 Assistance Act.—The Foreign Assistance Act of 1964 is repealed.

(ll) Foreign Assistance Act of 1961.—The Foreign Assistance Act of 1961, as amended, is repealed except for the first section, section 226, chapter 11 of part I, and part IV.

(mm) Latin American Development Act.—The Latin American Development Act is repealed.

(nn) 1959 Mutual Security Act.—The Mutual Security Act of 1959 is repealed.

(oo) 1954 Mutual Security Act.—Section 402 and section 417 of the Mutual Security Act of 1954 are repealed.

(pp) 1979 Reorganization Plan.—Reorganization Plan No. 2 of 1979 is repealed.

(qq) Freedom Support Act.—Section 907 of the FREEDOM Support Act is repealed.

(rr) Migration and Refugee Assistance Act.—The Migration and Refugee Assistance Act of 1962 is repealed.

(ss) 1982-3 State Authorization Act.—Section 109 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, is repealed.

(tt) 1984-5 Department of State Authorization Act.—Sections 1004 and 1005(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, are repealed.

(uu) Savings Provision.—Except as otherwise provided in this Act, the repeal by this Act of any provision of law that amended or repealed another provision of law does not affect in any way that amendment or repeal.

SECTIONAL ANALYSIS OF THE PEACE, PROSPERITY, AND DEMOCRACY ACT OF 1994

The Peace, Prosperity, and Democracy Act of 1994 repeals the Foreign Assistance Act of 1961 and provides a policy framework and authorities for programs to promote the prosperity and security of the United States by supporting bilateral, multilateral, and people-to-people partnerships for the advancement of market economies and democracy.

Short Title

Section 1—Short Title.

This section states that the short title of this bill is "The Peace, Prosperity, and Democracy Act of 1994".

Table of Contents

Section 2—Table of Contents.

This section contains the table of contents for the bill.

Statement of Policy

Section 3—Statement of Policy.

This section states the policy framework for the bill. This framework emphasizes the importance and interrelationship of the programs authorized, or otherwise included in the Act, for advancing United States economic and political interests both at home and abroad. The financial, material, and human resources included in the bill correspond to six mutually reinforcing objectives:

(1) Promoting sustainable development.—Programs that encourage broad-based economic growth, protect the environment, stabilize world population, and promote democratic participation in development.

(2) Promoting democracy.—Global engagement in support of human rights, democratic institution building, good governance, and open, civil societies, especially in countries making the transition from communism to democracy.

(3) Promoting peace.—Preventive diplomacy, maintaining and restoring peace, regional peace processes, and cooperation against the proliferation of weapons of mass destruction, terrorism, narcotics trafficking, and international crime.

(4) Providing humanitarian and crisis assistance.—Quick, flexible assistance, including and assistance to facilitate the provision of emergency food aid and private contributions, and multilateral efforts to victims of natural and man-made disasters.

(5) Promoting growth through trade and investment.—Enhanced employment at home and abroad through programs to expand trade and investment and foster market reform in partnership with American business, universities, state and local governments, and international financial institutions.

(6) Advancing diplomacy.—Diplomatic persuasion and preventive diplomacy to advance United States security and prosperity, to meet long-term global challenges, and to build cooperative arrangements with allies and multilateral organizations.

Title I—Sustainable Development

CHAPTER 1—SUSTAINABLE DEVELOPMENT AUTHORITIES

Section 1101—Statement of Policy.

This section sets forth the basic policy rationale for sustainable development programs stating, in part, that United States support for people-to-people, bilateral, and multilateral sustainable development programs must be targeted on broad-based economic growth that reduces hunger and poverty, protects the environment, enhances human capabilities, upholds democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

Section 1102—Policies Concerning Sustainable Development Programs.

This section describes the basic purposes of sustainable development programs and states that these purposes can best be achieved through a balanced, participatory and comprehensive cooperation program targeted on four inter-dependent objectives: (1) encouraging broad-based economic growth, (2) protecting the global environment, (3) supporting democratic participation, and (4) stabilizing world population growth.

The section further defines several underlying principles that apply in carrying out sustainable development programs: (1) popular participation, stating that sustainable development depends for its success on the empowerment of people to make political and economic decisions, the expansion of women's opportunities is essential to sustainable development, the necessity to consult with, and fully engage, nongovernmental organizations, and to involve U.S. institutions (particularly educational institutions) to achieve broad-based sustainable development; (2) managing for results, stating that United States sustainable development programs cannot substitute for a developing country's own efforts to improve the lives of its people, that such programs are to be concentrated in countries that have a demonstrated need for, and will make effective use of, those programs; and (3) coordination of sustainable development programs with other bilateral and multilateral donors.

Section 1103—Voluntary Cooperation in Development.

This section expresses the sense of Congress concerning the importance of the participation of United States private voluntary organizations, labor unions, cooperatives, credit unions, and colleges and universities in the development process. The section also authorizes the use of funds made available under the bill for support of American schools and hospitals abroad. Such support must satisfy sustainable development criteria but may be located in any country eligible to receive assistance under the bill. As under the current Foreign Assistance Act, programs for American schools and hospitals abroad are not subject to the statutory limitations on assistance to countries that are otherwise applicable to sustainable development programs.

Section 1104—Microenterprise and Other Credit Programs.

This section recognizes the importance of and authorizes assistance for microenterprise and other credit programs in furtherance of the achievement of sustainable development objectives.

Section 1105—Availability of Funds.

This section authorizes the President to carry out sustainable development programs and states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

CHAPTER 2—DEVELOPMENT FUND FOR AFRICA

Section 1201—Sustainable Development Programs for Sub-Saharan Africa.

This section contains a statement of policy regarding sub-Saharan Africa and the need for a steady, long-term approach to the development problems in the region. Funds appropriated for sustainable development programs may be made available for sustainable development programs for sub-Saharan Africa. Such programs may be provided notwithstanding sections 7201(a)(7) and 8402 of this bill, and any similar provision of law.

CHAPTER 3—ROLE OF RELATED PROGRAMS

Section 1301—Statement of Policy Regarding the Role of International Financial Institutions.

This section contains a statement of policy regarding the role of the international financial institutions in the achievement of sustainable development objectives.

Section 1302—Statement of Policy Regarding the Role of the Peace Corps.

This section contains a statement of policy regarding Peace Corps' activities and their complementarity with sustainable development programs authorized by this title.

Section 1303—Statement of Policy Regarding the Rule of African Development and Inter-American Foundations.

This section contains a statement of policy regarding African Development and Inter-American Foundation activities and their complementarity with sustainable development programs authorized this title.

Section 1304—Statement of Policy Regarding Role of P.L. 480 Non-Emergency Title II and Title III Programs.

This section contains a statement of policy regarding the role of non-emergency P.L. 480 title II and title III programs in fostering sustainable development. By giving priority to those countries that have demonstrated a commitment to, among other things, promoting food security (met through both domestic production and use of foreign exchange earnings to import food), these programs show a consistency of purpose with the sustainable development programs authorized by this bill.

TITLE II—BUILDING DEMOCRACY

Section 2001—Findings and Statement of Policy.

This section sets forth the findings and statement of policy relevant to providing assistance to assist in building democracy worldwide. Subsection (a) sets forth findings regarding the worldwide movement toward democracy (which is essential to achieving respect for individual human rights and fundamental freedoms), the threats posed to democratizing countries and democratic institutions and the need for the international community and the United States to respond rapidly to the new challenges associated with democratic development.

Subsection (b) states a United States policy of assisting countries in transition to democracy and where democratic gains are threatened, and notes at the same time that promoting democracy is the global community's responsibility.

CHAPTER 1—PROMOTING DEMOCRACY

Subchapter A—General

Section 2101—Authority.

This section authorizes the President to provide assistance for countries in transition to democracy or where democratic progress or institutions are threatened.

Section 2102—Objectives and Types of Assistance.

This section states that programs should be designed to facilitate the worldwide trend toward more open, just and democratic societies and lists examples of such programs. Subsection (b) lists the objectives for which assistance may be provided to military or law enforcement forces under this authority, and notes human rights as a relevant consideration in providing assistance under this subsection.

Section 2103—Availability of Funds; Authorities.

This section states that funds shall be available to carry out this subchapter in amounts as authorized and appropriated. This section further states that amounts made available under this subchapter for assistance administered through the Department of Defense are to be separately authorized and appropriated. Assistance provided under this chapter may be made available notwithstanding any other provision of law.

Subchapter B—Independent States of the Former Soviet Union .

Section 2201—Statement of Policy.

This section contains a statement of policy emphasizing the importance of the success of democratic and economic transformation in the independent states of the former Soviet Union and the role of the United States leadership and the international community in supporting such reforms.

Section 2202—Provision of Assistance.

This section states that funds shall be available to carry out this subchapter in amounts as authorized and appropriate. It also provides that such funds may be made available under chapter 11 of part I of the Foreign Assistance Act of 1961, and shall be considered assistance under this bill for purposes of the bill's administrative authorities. The responsibilities of the Coordinator designated under section 102 of the FREEDOM Support Act would apply to any assistance made available under this chapter.

Subchapter C—Central and Eastern Europe

Section 2301—Statement of Policy.

This section contains statements of policy which stress the importance of supporting economic and political reform, and respect for human rights in Central and East European countries.

Section 2302—Availability of Funds.

This section states that funds shall be available to carry out this subchapter in amounts as authorized and appropriated to take actions under the Support for East European Democracy (SEED) Act of 1989, notwithstanding any other provision of law, and makes the bill's administrative authorities applicable to such funds. The responsibilities of the Coordinator designated under section 601 of the SEED Act of 1989 would apply to any assistance made available under this chapter.

CHAPTER 2—INFORMATION AND EXCHANGE

Section 2401—Policy.

This section contains statements of policy concerning the importance of USIA's information and exchange programs to fostering democracy around the world.

TITLE III—PROMOTING PEACE

Section 3001—Statement of Policy.

This section contains a statement of policy relating to promoting peace, which refers to the need for assistance to address threats to peace during the Post-Cold War transition.

CHAPTER 1—PEACEKEEPING AND RELATED PROGRAMS

Section 3101—Statement of Policy.

This section contains statements of policy concerning peacekeeping and related programs which enumerate types of post-Cold War global crises and threats to peace and refer to Congressional support for appropriate bilateral and multilateral peace operations in creating an environment of security and stability.

Section 3102—General Authority.

This section provides the authority for the United States and assessed and voluntary contributions for international peacekeeping and other international activities directed to the maintenance or restoration of international peace and security. Subsection (b) states that funds will be made available for each of these accounts in authorizing and appropriations legislation, and also provides authority to transfer funds between these accounts. Subsection (c) authorizes such funds to be made available notwithstanding any other provision of law. The Administration intends to supplement these accounts in the future with a DOD account to pay U.S. assessed contributions for UN peace operations involving activities under Chapter VII of the UN Charter, thereby effecting a "shared responsibility" approach to U.S. participation in international peace operations. As under current law, assessed contributions for peacekeeping are not considered assistance for purposes of applying limitations or restrictions on assistance under this bill or any other act.

Section 3103—Drawdown Authorities.

This section authorizes the President to drawdown up to $100,000,000 per fiscal year from the inventory and resources of any United States Government agency for peacekeeping and related programs.

CHAPTER 2—NONPROLIFERATION AND DISARMAMENT FUND

Section 3201—Statement of Policy.

This section contains statements of policy concerning the risk posed by the proliferation of deadly weapons and the importance of arms control and bilateral and multilateral efforts to prevent proliferation.

Section 3202—Provision of Assistance.

This section authorizes the provision of assistance to facilitate six nonproliferation and disarmament related purposes.

Section 3203—Availability of Funds.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

Section 3204—Drawdown Authorities.

This section authorizes the President to drawdown up to $100,000,000 per fiscal year from the inventory and resources of any United States Government agency for nonproliferation and disarmament.

CHAPTER 3—REGIONAL PEACE, SECURITY AND DEFENSE COOPERATION

Section 3301—Statement of Policy.

This section contains statement of policy regarding regional peace (including Near East Peace), stability and defense cooperation.

Section 3302—Authority and Purposes.

This section authorizes the provision of assistance for three listed purposes relating to supporting Near East peace, meeting threats to international peace, and enabling countries to share the burden in collective security efforts.

Section 3303—Considerations in Providing Defense Cooperation Assistance.

This section states considerations relevant in providing assistance under this chapter concerning the shifting of resources away from the provision of defense articles to economic development purposes.

Section 3304—Availability of Funds.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated. This section further states that amounts made available under this chapter for assistance administered through the Department of Defense are to be separately authorized and appropriated.

CHAPTER 4—INTERNATIONAL NARCOTICS TRAFFICKING, TERRORISM AND CRIME PREVENTION

Section 3401—Statement of Policy.

This section contains a statement of policy which cites the threats posed by narcotics trafficking, international terrorism and other forms of international criminal activity and the need for United States bilateral and multilateral assistance and international cooperation to stem all such activity.

Section 3403—Authorities.

This section sets forth the purposes for which anti-narcotics, anti-terrorism and anti-crime assistance may be provided which includes enhancing anti-narcotics, anti-terrorism, and anti-crime skills of foreign law enforcement forces.

Section 3402—Provisions related to Anti-narcotics Programs.

This section sets forth several additional authorities and limitations relating to anti-narcotics programs concerning authority to provide anti-narcotics and anti-narcotics related assistance notwithstanding certain provisions of law, agreements with other countries, contributions by recipient countries to counter-narcotics efforts, monitoring the use of herbicides for aerial eradication of narcotics, limitations on uses of aircraft and other equipment, prohibition on assistance to drug traffickers, and coordination authority of the Secretary of State for all United States assistance to combat illicit narcotics production or trafficking.

Section 3404—Provisions Related to Law Enforcement Training.

This section contains additional provisions concerning law enforcement training provided for anti-terrorism and anti-crime programs.

Section 3405—Waiver of Certain Restrictions on Assistance.

This section provides that the prohibition on assistance for countries in arrears on debts owed to the United States contained in section 7201(a)(7) of the bill and any other similar provisions of law shall not apply to assistance under this chapter.

Section 3406—Availability of Funds.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated. This section further states that amounts made available under this chapter for assistance administered through the Department of Defense are to be separately authorized and appropriated.

TITLE IV—PROVIDING HUMANITARIAN ASSISTANCE

Section 4001—Statement of Policy.

This section contains a statement of policy regarding the importance of providing humanitarian and crisis assistance in a post Cold War era where the need for such assistance seems to be increasing at a significant pace.

CHAPTER 1—REFUGEE ASSISTANCE

Section 4101—Statement of Policy and Purposes.

This section authorizes the President to provide refugee and migration assistance, and emergency refugee and migration assistance, to promote the prevention and solution of refugee and other migration problems. The authorities of this section may be exercised notwithstanding any other provision of law.

Section 4102—Availability of Funds.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

CHAPTER 2—DISASTER ASSISTANCE

Section 4201—Policy.

This section contains a statement of policy regarding the provision of assistance under this chapter.

Section 4202—Authority to Provide Assistance.

This section authorizes the President to provide assistance for international relief and rehabilitation assistance relating to natural and manmade disasters, and also authorizes the use of a portion of the funds made available under this chapter for rapid response reconstruction and institution building activities following natural or manmade disasters. Assistance under this chapter may be furnished notwithstanding any other provision of law. This section also allows the President to obligate up to $50,000,000 in any fiscal year of funds appropriated for any other title of this bill to be used for the purposes and under the authorities of this chapter.

Section 4203—Availability of Funds.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

CHAPTER 3—EMERGENCY FOOD ASSISTANCE

Section 4301—Statement of Policy Regarding Emergency Food Assistance Under Public Law 480, Title II.

This section contains of statement of policy regarding emergency food assistance under Public Law 480, title II.

TITLE V—PROMOTING GROWTH THROUGH TRADE AND INVESTMENT

Section 5001—Statement of Policy.

This section contains a statement of policy concerning relationship between programs that promote United States trade and investment in developing countries and the economic growth and development of those countries.

CHAPTER 1—OVERSEAS PRIVATE INVESTMENT CORPORATION

Section 5101—Purpose and Policy.

This section establishes the Overseas Private Investment Corporation (OPIC) and outlines general administrative guidelines for OPIC operations. The section is similar to section 231 of current law with the addition to the purpose section of facilitating competitiveness of the U.S. private sector and promoting U.S. economic growth. The guidelines continue to require that OPIC consider the development impact of each project, and give preferential treatment to investments in the least developed countries. A new guideline is added giving preference to projects involving U.S. exports.

Section 5102—Investment Insurance, Financing, and other Programs.

This section authorizes OPIC insurance, financing, investment encouragement and special activities. Subsection (a) authorizes OPIC to issue investment insurance against inconvertibility, expropriation, civil strife, and business interruption; authorizes OPIC to share liabilities with foreign governments and multilateral organizations, and prohibits OPIC from issuing insurance to a single investor for more than 10% of its maximum contingent liability. This section is virtually identical to section 234(a) of current law, except a requirement for OPIC to submit a report to Congress each time it proposes to expand the type of risk insured under "civil strife" or "business interruption" coverage has been removed. Provisions previously found in section 234(f) authorizing the Corporation to contract with insurance companies or financial institutions, to enter into risk-sharing agreements, and to issue reinsurance have been included in this subsection, in order to bring all insurance authorities into a single subsection. These provisions are virtually identical to section 234(f) of current law.

This section also authorizes in a single subsection (b) all OPIC investment financing programs thereby bringing together several existing programs. Subsection (b)(1) authorizes a direct lending program previously found in section 234(c) of current law. The direct lending program is improved to make all investment projects eligible for a direct loan. The direct loan is a streamlined financing method which minimizes costly administrative and legal requirements often associated with the guarantee program. (Under the credit reform concept, budgetary differences between direct loans and loan guarantees were eliminated.) In addition, certain restrictions on using direct loans to finance operations for the extraction of oil and gas and other minerals have been removed. Subsection (b)(2) authorizes an equity finance program. This section is similar to section 234(g) of current law, except geographic limitations and consulting requirements have been removed, and the program is made an on-going finance program. Subsection (b)(3) authorizing OPIC to issue investment guarantees is virtually identical to section 234(b) of current law.

Subsection (c) authorizes OPIC to engage in various investment encouragement activities, virtually identical to section 234(d) of current law, except that certain restrictions on the financing of studies to determine the feasibility of extraction of oil and gas and other minerals have been removed. Subsection (d) authorizes OPIC to administer special assistance programs. This is virtually identical to section 234(e) of current law.

Section 5103—Enhancing Private Political Risk Reinsurance Industry.

This section authorizes OPIC to enter into cooperative programs with the private political risk industry and is virtually identical to section 234A(a) of current law, except the requirement for a statutory advisory group is eliminated as part of a government-wide initiative to reduce such activities.

Section 5104—Issuing Authority and Reserves.

This section provides for issuing authority and establishment of reserves. Subsection (a) raises the maximum contingent liability for insurance from $9 billion in current law to $15 billion, and authorizes an OPIC finance program level of $5 billion through the period October 1, 1994 to September 30, 1999. This section also extends OPIC's operating authority for five years to September 30, 1999 from September 30, 1994.

Subsection (b) directs OPIC to maintain appropriate reserves against insurance liabilities similar to section 235(c) of current law. Subsection (c) outlines the payments of funds to discharge liabilities and is similar to section 235(d) of current law. Subsection (d) states that funds will be made available in authorizing and appropriations legislation to replenish the insurance reserve and is similar to section 235(f) of current law. Subsection (e) authorizes OPIC to issue obligations for purchase by the Secretary of the Treasury to discharge its liabilities when necessary and is virtually identical to section 235(f) of current law.

Section 5105—Guidelines and Requirements for OPIC Support.

This section provides general guidelines and requirements for OPIC project support. Subsection (a) directs the Corporation to prepare a development impact profile for each project it insures, reinsures, or finances. This is virtually identical to section 239(h) of current law. Subsection (b) provides that OPIC give preferential treatment to projects involving U.S. small business. This is virtually identical to section 240 and section 231(e) of current law, except that the requirement that up to 50 percent of annual net income be set aside for small business activity has been deleted as adding little to the existing requirements for preferential treatment for small businesses and cooperatives.

Subsection (c) prohibits the Corporation from insuring, reinsuring or financing any project deemed to pose an environmental, health or safety hazard, or to threaten a national park or projected area. It also provides that OPIC's projects shall be consistent with the objective of resource sustainable development outlined in section 7210 of this bill, that OPIC prepare an environmental impact statement or assessment for each project, and that OPIC notify foreign government officials of applicable World Bank and U.S. standards and guidelines relating to any project. This section is virtually identical to subsections 231(n), 237(m), and 239(g) of current law.

Subsection (d) provides that the Corporation shall take country human rights into account in operation of its program. This section is similar to section 239(i) of current law.

Subsection (e) restricts OPIC activity to countries taking steps to adopt laws protecting the rights of workers, and requiring specific worker rights contract language. This is virtually identical to section 231A of current law.

Subsection (f) prohibits OPIC from insuring, reinsuring, or financing an investment that would cause an investor to reduce his workforce in the United States or that would cause a reduction in overall U.S. employment. This section is similar to subsection 231(k) and (l) of current law. This provision adds a new provision which restricts OPIC's activities as it relates to export processing zones.

Subsection (g), prohibits OPIC from involvement in any investment subject to performance requirements. This is identical to section (m) of current law.

Subsection (h) prohibits the payment of any claims to, and bars from OPIC eligibility for 5 years, any investor found guilty under the Securities Exchange Act or the Foreign Corrupt Practices Act in connection with an OPIC-supported investment. This language is virtually identical to section 237(l) of current law.

Subsection (i) prohibits OPIC from making any payment for losses incurred due to fraud or misrepresentation. This is identical to section 237(g) of current law.

Subsection (j) mandates that OPIC hold an annual public hearing. This is identical to section 312(A)(b) of current law.

Subsection (k) clarifies that restrictions in this or any other Act do not include assistance to the United States private sector provided under this title.

CHAPTER 2—TRADE AND DEVELOPMENT AGENCY

Section 5201—Purposes.

This section establishes the Trade and Development Agency as an agency of the United States, under the foreign policy guidance of the Secretary of State, to promote United States private sector participation in developing and middle-income countries.

Section 5202—Authority to Provide Assistance.

This section authorizes the Trade and Development Agency to carry out the programs specified in this section. Funds used for the purposes of this section may be made available notwithstanding any other provision of law.

Section 5203—Availability of Funds.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

CHAPTER 3—ROLE OF RELATED PROGRAMS

Section 5301—Statement of Policy Regarding Role of P.L. 480 Title I Programs.

This section contains a statement of policy regarding the role of P.L. 480 title I programs.

Section 5302—Statement of Policy Regarding the Role of Export-Import Bank.

This section contains a statement of policy regarding the role of the Export-Import Bank of the United States

Title VI—Advancing Diplomacy

Section 6001—Statement of Policy.

This section contains a statement of policy stressing that diplomacy is a cost-effective instrument of foreign policy and is essential to the realization of each of the five titles of this bill, and that advancing diplomacy in these five areas will require funds that can be used flexibly, national consensus in support of American foreign policy goals, modern technology and infrastructure to support foreign and civil service professionals and greater harmonization of our foreign affairs institutions and instruments.

TITLE VII—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS

CHAPTER 1—SPECIAL AUTHORITIES

Section 7101—Authority to Transfer between Accounts.

This section, based on current section 610 of the Foreign Assistance Act, provides authority to transfer funds between accounts, subject to notification in advance of the Committees on Foreign Affairs and Appropriations of the House of Representatives, and the Committees on Foreign Relations and Appropriations of the Senate. As under the current section 610, there would be a cap of twenty percent on the amount that could be transferred into any account under the authority of this section and no account could be decreased by more than 10 percent; the existing limitations on transferring funds from development assistance are retained. A departure from current law is that the percentage limitations do not apply to transfers for peacekeeping purposes or for building democracy programs under title II of the bill.

Section 7102—Special Waiver Authority.

This section, based on current section 614 of the Foreign Assistance Act, provides authority to take certain actions without regard to certain provisions of law upon an appropriate determination by the President. The exercise of this authority is subject to a requirement that the President consult with, and provide a written policy justification to, the Committees on Foreign Affairs and Appropriations of the House of Representatives, and the Committees on Foreign Relations and Appropriations of the Senate.

Section 7103—Unanticipated Contingencies.

This section, based on current section 451 of the Foreign Assistance Act, provides authority to use funds under the bill in order to furnish, for any unanticipated contingency, assistance authorized by any provision of the bill, in accordance with the provisions applicable to furnishing such assistance. Such assistance may be furnished notwithstanding any other provision of law. This provision would increase the annual cap on the use of this authority from $50 million under current section 451 to $100 million.

Section 7104—Assistance for Law Enforcement Agencies.

This section contains the circumstances under which assistance in support of law enforcement functions may be provided.

Section 7105—Termination Expenses.

This section, based on current section 617 of the Foreign Assistance Act, provides authority to conduct an orderly wind-up of programs following the termination of assistance to a country. The section clarifies existing wind-up authorities as they pertain to the expenditure of previously appropriated funds, and with respect to guarantees.

Section 7106—Exemption of Assistance through Nongovernmental Organizations.

This section provides that restrictions on assistance to countries shall not be construed to restrict assistance under the bill in support of programs of nongovernmental organizations.

Section 7107—Exemption of Training Activities from Prohibitions.

This section provides that restrictions on assistance shall not be construed to prohibit assistance for training activities under the bill for certain countries described therein.

Section 7108—Nonapplicability to Defense Assistance of Certain Neutrality Act Provisions.

This section provides that functions authorized under the Foreign Assistance Act may be performed without regard to such provisions as the President may specify of the Neutrality Act of 1939.

Section 7109—Exemption From Prohibitions for Assistance to Address Certain Special Needs.

This section exempts certain programs (e.g., child survival activities, population, AIDS) from prohibitions on the provision of assistance unless the prohibition is made specifically applicable to such programs.

Section 7110—Authority to Conduct Reimbursable Programs.

This section, very similar to section 607 of the current Foreign Assistance Act, authorizes any agency of the United States to provide services, and articles on a reimbursable basis to friendly countries, international organizations and arrangements, and nongovernmental organizations.

Section 7111—Drawdown Authority.

This section, similar to section 506 of current law, authorizes the President to draw down articles and services from the Department of Defense in the case of unforeseen emergencies, or for disaster or refugee purposes, or for programs under chapter 4 of title III of the bill.

Section 7112—Interest Accruing to Nongovernmental Organizations.

This section authorizes nongovernmental organizations to deposit grant funds, or local currencies which may accrue to the organization under various programs, to retain interest earned on those funds and currencies for use for the purposes for which assistance to that organization was provided, including for the establishment and support of an endowment.

Section 7113—Development Education.

This section authorizes the President to support development education programs, and is similar to the provisions of section 316 of the International Security and Development Cooperation Act of 1980.

Section 7114—Strengthening the Capacity of Nongovernmental Organizations, Including Research and Educational Institutions.

This section authorizes the President to support programs of strengthening the capacity of nongovernmental organizations, including research and educational institutions. This section is similar to section 122(d) of the current Foreign Assistance Act.

Section 7115—Violations of International Humanitarian Law.

This section authorizes the President to use certain funds made available under title III of the bill, as well as the drawdown authority contained in that title, to support the activities of international tribunals to investigate or prosecute persons responsible for violations of international humanitarian law.

Section 7116—Laws Relating to Contracts and Government Expenditures.

This section provides the President with the authority to waive certain provisions of law governing the making, performance, amendment, or modification of contracts and the expenditure of funds, except for provisions contained in section 8551(a)(7). This provision is essentially the same as section 633(a) of the Foreign Assistance Act.

Section 7117—Transportation Charges Incurred by the Red Cross and Nongovernmental Organizations.

This section provides the authority to use funds to pay the transportation costs, incurred by the Red Cross and other nongovernmental organizations, of voluntary contributions made to those organizations. The authority is similar to section 123(b) of the Foreign Assistance Act.

CHAPTER 2—RESTRICTIONS ON ASSISTANCE

Section 7201—Ineligible Countries.

This section provides that assistance may generally not be furnished to the government of a country that is a communist country, a country the government of which engages in a consistent pattern of gross violations of human rights, a country that has taken certain actions with regard to the expropriation of the property of United States persons, a country whose duly-elected head of government is deposed by military coup or decree, a country whose government the President determines repeatedly provides support for acts of international terrorism, certain major drug-producing or major drug-transit countries, and a country in arrears on certain debt owed to the United States. There are exceptions to these restrictions for cases in which the President determines that the furnishing of assistance is important to the national interests of the United States, to alleviate suffering resulting from a disaster, to directly benefit the needy, for assistance for refugees and displaced persons, and to promote human rights and democracy.

Section 7202—Impact of Foreign Assistance Programs on Jobs in the United States.

This section is a restatement of current law regarding the impact of foreign assistance programs on jobs in the United States. While this section states that the paragraph on workers rights does not preclude assistance for the informal sector, micro- and small-enterprise, and small-holder agriculture, there is no intent to condone such practices even at those levels of economic activity. Rather, it is a recognition that the nature of those small-scale activities, and the administrative cost of ensuring compliance with such a standard, may make implementation of any of these activities impossible. If it becomes known, however, that a project is supporting significant violations of workers rights, assistance to that project would be terminated.

Section 7203—Family Planning Activities.

This section sets forth restrictions on the use of funds made available to carry out this bill for certain family planning activities.

Section 7204—Competition with United States Exports.

This section describes considerations that the President should take into account in providing assistance under the bill with respect to certain export-related activities.

Section 7205—Nuclear Nonproliferation.

This section is essentially a restatement of the current law restrictions involving nuclear nonproliferation. This section also includes the existing prohibition on assistance and military sales and transfers made by the United States Government to Pakistan.

Section 7206—Major Illicit Drug Producing and Drug Transit Countries.

This section sets forth criteria applicable in determining whether a country is covered by the prohibition on assistance under section 7201(a)(6), relating to major illicit drug producing and drug transit countries. The section further authorizes the President to withhold fifty percent of assistance to any such country until a determination is made under this section.

Section 7207—Assistance for Elections.

This section provides that economic assistance used to enhance the independence and performance of electoral processes may not be used for the purpose of influencing the outcome of any election in any country. This provision is similar to the requirement contained in current section 116(e) of the Foreign Assistance Act.

Section 7208—Assignment of Personnel.

This section, which is based on current section 503(a)(2) of the Foreign Assistance Act and section 21(c)(1) of the Arms Export Control Act, restricts the performance of duties of a combatant nature. The provisions of current law have been interpreted as not prohibiting the performance of such duties by U.S. personnel during periods in which the United States is itself involved in combat, but there are additional situations in which the application of this restriction would be in the national interest of the United States, and an appropriate waiver provision has therefore been added.

Section 7209—Assistance Limited to Economic Programs.

This section states that title I funds may not be used for military or paramilitary purposes. This section clarifies current limitations by specifically excluding sustainable development training, as well as other sustainable development activities, under title I that may involve military personnel, from the prohibition in this section.

Section 7210—Impact of Sustainable Development Assistance on Environment and Natural Resources.

This section, based on the current section 117 of the Foreign Assistance Act, requires certain environmental reviews of sustainable development programs.

CHAPTER 3—REPORTS AND NOTIFICATIONS TO CONGRESS

Section 7301—Congressional Presentation Documents.

This section contains requirements for submission of congressional presentation documents for most programs contained in the bill.

Section 7302—Human Rights Policy and Report.

This section sets forth the sense of the Congress regarding respect for human rights and fundamental freedoms throughout the world, and reflects the importance human rights and related concerns should play in formulating and conducting United States assistance and military sales programs. Subsection (d) requires the submission of annual human rights report not later than February 28 each year.

Section 7303—International Narcotics Control Report.

This section on annual narcotics control report to be submitted to the Congress by March 1.

Section 7304—Annual Allocation Report.

This section, based on current section 653(a) of the Foreign Assistance Act, requires an annual report not later than 30 days after the enactment of any law appropriating funds to carry out any provision of this bill.

Section 7305—Notification of Program Changes.

This section contains notification of program change requirements for most programs in the bill. The section modifies current law only with respect to sustainable development programs.

Section 7306—Evaluation and Monitoring of Program Performance.

This section directs that a program performance, monitoring, and evaluation capacity be established within the Agency for International Development.

TITLE VIII—GENERAL PROVISIONS

CHAPTER 1—EXERCISE AND COORDINATION OF FUNCTIONS

Section 8101—Delegations by the President.

This section generally retains the language in section 621(a) of current law. It authorizes the President to carry out provisions of this bill through any U.S. Government agency or officer.

Section 8102—Role of the Secretary of State.

This section generally retains the language in section 622(c) of current law concerning the role of the Secretary of State in supervising and directing assistance under this bill.

Section 8103—The Secretary of Defense.

This section generally retains the language in section 623 of current law concerning the responsibility of the Secretary of Defense with respect to assistance under the bill administered by the Department of Defense.

Section 8104—United States Agency for International Development.

This section establishes the United States Agency for International Development as an agency of the United States under the foreign policy guidance and subject to the supervision and direction of the Secretary of State.

Section 8105—The Director of the Arms Control and Disarmament Agency.

This section retains language in section 511 of current law concerning the role of the Director of the Arms Control and Disarmament Agency in decisions to provide assistance under this bill administered through the Department of Defense.

Section 8106—Authority to Establish Offices Abroad.

This section essentially retains provisions of sections 631(a) of current law. It authorizes the President to establish offices and staffs abroad to carry out the purposes of this bill.

Section 8107—Presidential Findings and Determinations.

This section is based on current law (sections 654 (a) and (b)) and procedures concerning findings and determinations required in foreign assistance legislation which must be reported to Congress. This provision does not affect on presidential findings concerning covert operations which remain subject to the reporting requirements of section 501 of the National Security Act of 1947.

CHAPTER 2—ADMINISTRATIVE AUTHORITIES

Subchapter A—General Authorities

Section 8201—Allocation of Funds and Reimbursement Among Agencies.

This section expands slightly the provisions of section 632 of current law. The President, or, with respect to funds appropriated to any agency, the head of such agency (as the case may be), is allowed to allocate or transfer to the U.S. Government agency any of the funds made available to carry out this or any other bill to procure commodities, services, defense articles, or defense services. This section lays out technical provisions concerning procurement from other agencies, reimbursement to agencies, establishment of accounts, and charges to appropriations.

Section 8202—General Authorities.

This section provides general authorities for carrying out this bill. These authorities follow the lines of section 635 of current law. They include authority to furnish assistance on a grant, loan, or guaranty basis, or as a contribution to an international organization or arrangement. They also include provisions relating to: the terms and conditions of assistance; contracting; receipt of gifts; health and accident insurance for foreign employees and participants; U.S. admission of alien participants; credit authorities; authority to transfer or merge funds made available under this bill with former FMF accounts; guarantees; claims related to guarantees; indirect costs of educational institution; and multi-year commitments. Subsection (i) authorizes the use of funds made available under this bill for the subsidy cost of credit activities to carry out the bill's purposes (including a loan program to finance the purchase of defense articles and services) subject to the provisions of the Federal Credit Reform Act of 1990. This section deletes the provision contained in current law which prohibited the use of funds to take equity positions in organizations.

Section 8203—Authorized Administrative Uses of Funds.

This section generally follows section 636 of current law. Authorities retained, and in some instances clarified, include those relating to: compensation of personnel and for support costs; procurement of administrative supplies and services; travel; housing; purchase and maintenance of motor vehicles; construction of facilities; education of dependents; training of personnel; and other operating authorities. Authority relating to compensation of personnel and for support costs is likely to be used for programs under chapters 2 and, with regard to international narcotics programs, 4 of title III and chapter 1 of title IV of the bill. Dollar limitations with respect to the construction of support facilities and schools for dependents are not retained.

Subchapter B—Department of Defense Administrative Authorities

Section 8211—Administrative Expenses.

This section authorizes as in current law the use of funds allocated to the Department of Defense for the purpose of providing assistance under this bill for administrative, extraordinary and operating expenses incurred in furnishing assistance administered through the Department of Defense, expense reimbursement of certain military officers, and maintenance and furnishing of U.S.-owned facilities for training foreign military and related civilian personnel.

Section 8212—End Use and Retransfer Assurances.

This section contains conditions in current law (section 505) under which defense articles or defense services may be made available under this bill requiring U.S. consent to retransfer the articles or services or use them for purposes other than for which furnished, and maintain the security of such articles or services. Section (b) sets forth the requirement that assistance be terminated to a country for unauthorized transfer or use of such articles or services, or for failing to maintain the security of such articles or services. Subsection (c) sets forth an exception to the requirement for U.S. consent in certain cases.

Section 8213—Approval of Third Country Transfers.

This section sets forth the current law standards (section 505) to be applied in approving a transfer of implements of war and significant military equipment to another country.

Section 8214—Exchange Training.

This section continues current law authority (section 544) for the attendance of foreign military personnel at professional military education institutions in the U.S. under certain terms and conditions regarding reciprocity.

CHAPTER 3—SPECIAL REQUIREMENTS AND AUTHORITIES RELATING TO APPROPRIATIONS AND LOCAL CURRENCIES

Subchapter A—Provisions Relating to Appropriations

Section 8301—Requirement for Authorization of Appropriations.

This section sets forth the current law requirement for the specific authorization of funds for foreign assistance, and provides circumstances under which this limitation shall not apply.

Section 8302—Authority for Extended Period of Availability of Appropriations.

This section authorizes amounts appropriated to carry out this bill to remain available until expended.

Section 8303—Reduction in Earmarks.

This section contains two authorities regarding earmarks of funds. Subsection (a) authorizes the proportion reduction of earmarks in the event that the amount appropriated for the account being earmarked is less than the amount authorized for that account. Subsection (b) states that earmarked funds may be made available notwithstanding the earmark if compliance with the earmark is made impossible by operation of law or the President determines that the country or organization for which the funds are earmarked has significantly reduced its military, political, or economic cooperation with the United States.

Section 8304—Obligation Upon Apportionment.

This section provides discretionary authority for funds appropriated to carry out this bill to be obligated upon their apportionment.

Subchapter B—Local Currencies

Section 8311—Use of Certain Foreign Currencies.

This section amends and updates section 612 of current law. It authorizes the use of United States owned excess foreign currencies to provide economic assistance.

Section 8312—Interest on U.S. Owned Foreign Currency Proceeds.

This section retains a similar provision in section 612 of current law. It states that agreement switch respect to assistance that will result in the accrual of foreign currency proceeds should include provisions for the receipt of such interest income on such proceeds.

CHAPTER 4—PROCUREMENT AND DISPOSITION OF ARTICLES

Section 8401—Use of Private Enterprise.

This section amends provisions in current law, in sections 601(b)(5) and (8), 602(c), and 621(a) of current law. It directs the President to encourage and facilitate participation by private enterprise in achieving the purposes of the bill. It encourages the use of contracts, including cost-plus incentive fee contracts, to provide the technical skills, goods and professional services needed in such fields as education, health, housing, and agriculture. It also requests that the President ensure that U.S. suppliers, especially small independent enterprises, are kept informed as to expected purchases of defense articles and services by the Department of Defense pursuant to this bill.

Section 8402—Procurement Standards and Procedures.

This section largely restates section 604 of current law, regarding the requirement to procure commodities from the United States. With regard to OPIC activities, the requirements of this section insofar as they might affect downstream procurement by OPIC borrowers are superseded by section 3106 of this bill.

Section 8403—Shipping on United States Vessels.

This section exempts certain goods acquired with foreign currencies from U.S. flag vessel cargo preference requirements and is identical to section 603 of current law. Also, this section allows the use of foreign assistance funds to pay ocean freight differentials that may exist between United States and foreign flag carriers on shipments that are subject to cargo preference requirements, similar to the authority contained in section 640C of current law.

Section 8404—Excess and Other Available Property.

This section sets forth policy with respect to the use of excess and other available property (other than excess property of the Department of Defense). It provides authority for the acquisition of government-owned excess property and use as assistance in the furtherance of the purposes of this bill. Sections 607(c) and 608 of current law are rewritten and expanded by this provision.

Section 8405—Grant Transfers of Excess Defense Articles.

This section modifies current authorities to transfer excess defense articles (contained in sections 516, 517, 518 and 519) to countries for which receipt of such articles was separately justified in the fiscal year in which the transfer is authorized as may be necessary to carry out the purposes of titles II or III of this bill. It provides new authority for the Department of Defense to provide transportation under limited circumstances.

Section 8406—Stockpiling of Defense Articles for Foreign Countries.

This section contains restrictions on the transfer of defense articles contained in dual-use stockpiles.

Section 8407—Location of Stockpiles.

This section contains provisions that govern the location of stockpiles.

Section 8408—Additions to War Reserve Stocks.

This section contains provisions regarding the ceilings on the value of defense articles that can be added to dual-use stockpiles

Section 8409—Retention and Use of Certain Items and Funds.

This section authorizes the retention, transfer, use, or disposal of any commodities or defense articles procured for a foreign country or international organization when changing circumstances make it inadvisable to furnish such commodities or defense articles. This section generally follows the provisions of section 605 of current law.

CHAPTER 5—PERSONNEL AND ADMINISTRATIVE EXPENSES

Subchapter A—General

Section 8501—Statutory Officers in the Agency for International Development.

This section generally follows section 624 (a) and (b) of current law. It permits the President to appoint 12 statutory officers in the Agency for International Development, with the advice and consent of the Senate. The President may designate titles and fix the order of succession among the officers appointed.

Section 8502—Employment of Personnel.

This section rewrites and generally retains many of the provisions of section 625 of current law. It authorizes the hiring of personnel to carry out certain functions under the bill. It sets forth compensation assistance functions, performance functions outside the United States, and reemployment rights.

Section 8503—Experts, Consultants, and Retired Officers.

This section authorizes the employment of individual experts and consultants and organizations thereof. It covers reimbursement for expenses and employment of certain persons without compensation.

Section 8504—Detail of Personnel to Foreign Governments and International Organizations.

This section authorizes the detail of personnel to foreign governments and international organizations to assist in carrying out the purposes of this bill. This section consolidates provisions of sections 627, 628, 629, and 630 of current law, including the status of personnel detailed, retention of benefits, allowances, and terms of detail. The current prohibition on acceptance of compensation or other benefits from foreign governments, retained in the bill, does not include payment of travel expenses for detailees.

Section 8505—Head of Offices Abroad.

This section retains section 631(b) of current law authorizing the President to appoint heads of offices abroad, including provision for compensation and allowances.

Section 8506—Chairman of OECD Development Assistance Committee.

This section retains section 631(c) of current law authorizing the President to appoint the Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development and provides for the compensation and allowances the person so appointed is to receive.

Section 8507—Assignment of DOD Personnel to Civil Offices.

This section retains section 633(c) of current law authorizing the President to detail Department of Defense personnel to civil offices to carry out the purposes of this bill.

Section 8508—Discrimination Against United States Personnel Providing Assistance.

This section is based on sections 666 and 505(g) of current law. It states that the President should not take into account race, religion, national origin, or sex in assigning officers or employees to carry out any assistance programs funded by this bill in any foreign country, and that such assignments should be made solely on the basis of ability and relevant experience. This section affirms U.S. policy that assistance should not be provided to any country which prevents any U.S. person from participating in the furnishing of assistance on the basis of race, religion, national origin, or sex.

Section 8509—Availability of Funds for Operating Expenses Generally.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

Section 8510—Availability of Funds for Operating Expenses of the Inspector General.

This section states that funds shall be available to carry out this chapter in amounts as authorized and appropriated.

Section 8511—Availability of Funds.

This section provides authority for the Agency for International Development to obligate and expend funds in advance of appropriations to maintain operations abroad for up to three days.

Subchapter B—Overseas Management of Assistance and Sales Programs Administered Through the Department of Defense

Section 8521—Authorized Functions.

This section authorizes the President to assign members of the Armed Forces to a foreign country to perform certain functions. It also provides that advisory and training assistance conducted by members of the Armed Forces under this chapter shall be kept to an absolute minimum.

Section 8522—Costs.

This section governs costs of overseas management and sales programs under this chapter.

Section 8523—Role of Chief of Mission.

This section provides that members of the Armed Forces assigned to a foreign country under this chapter shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

Subchapter C—Administrative Provisions for the Trade and Development Agency

Section 8531—Director and Personnel.

This section states that the head of the Trade and Development Agency is a Director to be appointed by the President, by and with the advice and consent of the Senate. The section contains further personnel authorities.

Section 8532—Audits.

This section provides for an independent annual financial and compliance audit of the financial statements the Trade and Development Agency.

Section 8533—Annual Report.

This section contains a requirement for an annual report to be prepared by TDA.

Subchapter D—Administrative Provisions for the Overseas Private Investment Corporation

Section 8541—Stock of the Corporation.

This section states that the Secretary of the Treasury shall hold OPIC's capital stock. The language updates section 232 of current law by striking the reference to OPIC's start-up capital and initial issuance of stock.

Section 8542—Organization and Management.

This section establishes a Board of Directors and outlines the appointment of the President and Executive Vice President and the hiring of staff. The provisions are similar to section 233 of current law.

Section 8543—Income and Revenues.

This section outlines the uses of OPIC's income and revenues and is similar to section 236 of current law. To fulfill its self-sustaining mandate, the Corporation shall pay administrative expenses from Corporation revenue and income.

Section 8544—General Provisions Relating to Insurance and Financing Program.

This section provides general provisions on program operations. Subsection (a) prohibits OPIC from supporting projects in any country unless OPIC has signed a bilateral agreement with respect to OPIC activity. It is virtually identical to section 237(a) of current law.

Subsection (b) directs OPIC to ensure that the interests of the Corporation are adequately protected. This is virtually identical to section 237(b) of current law.

Subsection (c) pledges the full faith and credit of the United States for OPIC insurance and guarantees. This is virtually identical to section 237(c) of current law.

Subsection (d) permits the charging of fees for OPIC services. This is similar to section 237(d) of current law.

Subsection (e) limits OPIC insurance, reinsurance and financing to 20 years and is similar to section 237(e) of current law.

Subsection (f) outlines the amount of compensation OPIC may pay on its insurance, reinsurance or guarantees. This section is similar to section 237(f) of current law.

Subsection (g) limits the extent of OPIC insurance, reinsurance or guarantees of investments in foreign banks or financial institutions. This is virtually identical to section 237(h) of current law.

Subsection (h) authorizes the Corporation to arbitrate claims arising from its programs and is virtually identical to section 237(i) of current law.

Subsection (i) states that each OPIC contract shall be presumed to be in compliance with statue. This is virtually identical to section 237(j) of current law.

Subsection (j) provides penalties for fraud. This is identical to section 237(n) of current law.

Subsection (k) clarifies use of OPIC's authority to protect the value of local currency received as salvage on insurance claims in making direct loans or investments of local currency in the local economy. This is similar to section 237(o) of current law.

Subsection (l) clarifies termination of contracts or commitments where assistance is terminated.

Section 8545—General Provisions and Powers.

This section provides general Corporation operating provisions and powers. Subsection (a) establishes the Corporation in the District of Columbia. This is virtually identical to section 239(a) of current law.

Subsection (b) provides for an annual independent audit of OPIC and for audits by the Comptroller General when necessary or by Congressional request. This section is similar to section 239(c) of current law, except that it requires annual audits instead of once every three years.

Subsection (c) delineates OPIC's corporate powers and is similar to section 239(d) of current law.

Subsection (d) authorizes investigations by the Inspector General and is similar to section 239(e) of current law.

Subsection (e) provides an exemption from state and local taxation. It is virtually identical to section 239(j) of current law.

Section 8546—Annual Report; Maintenance of Information.

This section requires submission of a report to Congress and maintenance of certain information. Subsection (a) directs the President to submit an annual report to Congress and subsection (b) mandates that each annual report contain a projection of the aggregate U.S. employment effects of all OPIC projects. These sections are similar to sections 240A(a) and (b) of current law except certain reporting requirements are modified to report in the aggregate rather than per project.

Subsection (c) requires OPIC to maintain information on its projects and their employment and development effects. This section is virtually identical to section 240A(d) of current law.

Subsection (d), protects certain information from public disclosure. This is virtually identical to section 240A(f) of current law.

Section 8547—Definitions.

This section defines certain terms used in this title and is similar to section 238 of current law.

Subchapter E—Definitions and Miscellaneous Provisions

Section 8551—Definitions.

This section provides definitions of terms used in this bill.

Section 8552—Activities Under Certain Other Laws not affected.

This section provides that unless expressly provided to the contrary, provisions of this bill and other provisions applicable to foreign assistance shall not be construed to prohibit activities authorized by or conduced under the Acts and programs specified in this section. Under this section, legislation that prohibits assistance under "this or any other Act" (or comparable formulation) would apply to activities authorized by or conducted under the statutes and programs specified in section 8552 only if the legislation also specifically identified each statute or program as subject to the prohibition.

TITLE IX—TECHNICAL AND CONFORMING PROVISIONS

Section 9101—Effective Date.

This section establishes the effective date of the bill as October 1, 1994.

Section 9102—Savings Provisions.

This section contains savings provisions to allow continuity of operations once the new legislation is enacted into law.

Section 9103—Miscellaneous Provisions.

This section contains various miscellaneous provisions related to other provisions in the bill.

Section 9104—Conforming and Other Amendments.

This section makes conforming and other amendments to other provisions of law.

Section 9105—Transition Rules for Military Assistance.

This section contains special transition rules applicable to military assistance programs.

Section 9106—Repeal of Obsolete Provisions.

This section repeals various obsolete provisions of law. Except where inconsistent with the provisions of this title, the repeal by this section of any provision of law that amended or repealed another provision of law does not affect in any way that amendment or repeal.

THE SECRETARY OF STATE,
Washington, DC, February 2, 1994.

Hon. AL GORE,
President of the Senate.

DEAR MR. PRESIDENT: On behalf of the President, I hereby transmit the proposed Peace, Prosperity and Democracy Act of 1994, which represents new permanent charter legislation for international cooperation and assistance programs and activities. The bill would replace the Foreign Assistance Act of 1961, as amended, and would also amend or repeal other relevant statutory provisions affecting international assistance programs. Specific authorizations for funding levels would be provided in separate annual or biennial authorization acts.

The proposed legislation responds to the historic changes in the world over the past several years, and the opportunities and challenges those changes present for the United States. The bill is premised on the view that our overseas programs should serve both our vital domestic interests and our commitment to a more democratic, prosperous and secure international community. The end of the Cold War enables us to focus on these ends, and the bill will give us the means to work in partnership with nations that truly care about democratic and economic development and the peace and security of their societies, as well as the world, in a manner consistent with the most fundamental interests of the United States.

To this end, the bill sets forth a comprehensive legislative framework that substantially reduces the number of accounts, restructures them according to six major thematic objectives, and strengthens authorities for United States international cooperation and assistance programs. The programs will therefore be more accountable for achieving measurable results, and will reflect better to the Congress and the American people how these objectives are served by United States international cooperation.

The first five titles of the bill contain authorities to achieve the following objectives: Title I, Sustainable Development; Title II, Building Democracy; Title III, Promoting Peace; Title IV, Providing Humanitarian Assistance; and Title V, Promoting Growth through Trade and Investment. Title VI (Advancing Diplomacy) addresses the crucial relationship between diplomacy and the achievement of the goals contained in titles I–V.

Title VII contains special authorities, restrictions and reporting requirements concerning the provision of assistance. Title VIII contains necessary administrative authorities and Title IX sets forth savings provisions, repeals of previously enacted laws, and amendments to conform existing law to the provisions of this bill.

This bill is the result of a thorough assessment of the statutory authorities and flexibility needed to implement a new, effective post-Cold War foreign policy. It also reflects views expressed in bipartisan consultations with the Congress, and the contributions of many concerned outside groups and non-governmental organizations. I urge prompt enactment of this bill.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation to Congress and that its enactment would be in accord with the program of the President.

Sincerely,

WARREN CHRISTOPHER.

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 1857. A bill to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal year 1995 through fiscal year 2000, and for other purposes; to the Committee on Environment and Public Works.

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 1994

Mr. MITCHELL. Mr. President, today I join my colleague from the Environment and Public Works Committee, Senator CHAFEE, in introducing legislation to extend and improve the North American Wetlands Conservation Act before its spending authorization expires at the end of 1994.

I introduced the North American Wetlands Conservation Act in 1989 to protect, enhance, and restore North American wetland ecosystems and the migratory birds and other fish and wildlife that depend on these habitats. More than one-third of all rare and endangered species of plants and animals are dependent on wetland ecosystems.

The destruction of wetlands in the United States, where many migratory bird species breed, spells disaster for these species just as surely as the destruction of forests in Central and tropical South America, where they winter. From the mid-1950's to the mid-1970's, 9 million acres of wetlands were drained, filled, and cleared in the lower 48 States. Less than half of the original 200 million acres remain, and the destruction continues today at a rate of nearly 300,000 acres per year.

The North American Wetlands Conservation Act began a long-term commitment between the United States, Canada, and Mexico to implement the North American Waterfowl Management Plan to halt the decline of many species of ducks, geese, and other migratory birds. The act provides a mechanism for transfer of United States funds to Canada and Mexico, so that critical habitat throughout North America can be protected.

A key component of the act is to encourage public/private partnerships for wetlands conservation projects in the United States, Canada, and Mexico. We cannot effectively conserve any of our natural resources without the participation of not only the national Government, but also with the involvement of State, provincial, territorial and local governments, and private individuals, conservation organizations, and businesses.

These partnerships, with groups such as The Nature Conservancy and Ducks Unlimited, have proved very fruitful in wetlands conservation. From 1991 through the present, the North American Wetlands Conservation Act has stimulated over 300 partnerships and more than $160 million from non-Federal entities to protect and promote the conservation of almost 7 million acres of wetlands. In Maine's Cobscook Bay, a Federal contribution of $550,000 attracted over $1.3 million from the Maine chapter of the Nature Conservancy and other non-Federal partners for nearly 2,000 acres of wetland protection.

Nevertheless, North American duck populations are still below the 40-year average. Much work remains to be done to reach our goal of restoring waterfowl numbers to the levels that existed two decades ago. As more and more people move to coastal areas like Maine, coastal wetlands will be increasingly threatened. We are always learning about other values of wetlands aside from habitat for waterfowl. Wetlands are valuable because of the roles they play in flood control and water recharge as well.

For that reason, today Senator CHAFEE and I are introducing legislation which would keep the key elements of the North American Wetlands Conservation Act, but increase the authorization for the act from $15 to $20 million for 1995 and 1996, and up to $40 million in the year 2000. I urge all of my colleagues to join me in supporting this most effective and efficient program. Mr. President, I ask unanimous consent that my statement, Senator CHAFEE's statement, and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed $15,000,000 for each of fiscal years 1991, 1992, 1993, and 1994" and inserting in lieu thereof "not to exceed $20,000,000 for fiscal years 1995 and 1996, $30,000,000 for fiscal years 1997 and 1998, and $40,000,000 for fiscal years 1999 and 2000."

Mr. CHAFEE. Mr. President, today, I am pleased to introduce, along with my distinguished colleague Senator MITCHELL, a bill to reauthorize the North American Wetlands Conservation Act—a true wetlands success story. This is a voluntary, nonregulatory wetlands protection program that has the support of private landowners, hunter, bird watchers, and resource agencies all across North America.

Under this act, public and private partners in the United States, Canada, and Mexico have protected, restored, or enhanced hundreds of thousands of wetlands that are home to migratory waterfowl, songbirds, endangered species, and other fish and wildlife species. The success of this effort to bring State and Federal Government agencies together with a wide array of private conservation groups demonstrates what can be achieved with cooperative, creative approaches to conservation.

The North American Wetlands Conservation Act, signed by President Bush in 1989, was a response to two facts. First, waterfowl and other migratory bird resources do not recognize political boundaries. Second, populations of these birds have drastically declined in this century as a result of extensive wetlands losses in many parts of North America. The North American Act provides Federal grants to encourage partnerships to protect and restore wetlands and to accomplish the goals of the North American Waterfowl Management Plan—developed to reverse the decline of waterfowl populations.

Any grant made under the North American Act must be matched at least one-to-one by non-Federal moneys. Since the act was first funded in 1990, over 260 proposals have been approved and received about $91 million in Federal dollars. These moneys have been matched by more than $187 million in partner funds—a two-to-one match. These projects have managed to improve about 5 million acres of wetlands in the United States, Canada, and Mexico—an astounding accomplishment over only 3 years.

None of this would be possible without the dedication and work of a large number of private conservation groups across the United States, Canada, and Mexico. Ducks Unlimited and the Nature Conservancy have been particularly active, as well as many other local and national conservation groups too numerous to mention. In addition, many of the projects have received valuable cooperation from and the participation of North American farmers.

The wetlands conservation projects funded by the act are diverse, creative, and tailored to meet local circumstances. A $1.8 million grant to restore wetlands and control erosion in the floodplain of the Minnesota River—in combination with $5 million in State funds and private donations—is financing one of the largest wetlands restoration and wildlife conservation projects ever undertaken in Minnesota. It will protect and restore 8,400 acres of wetlands. In California, rice farmers are encouraged to keep rice fields flooded for migratory waterfowl during the winter—providing thousands of acres of overwintering habitat. A recently approved technical assistance project will assist the Government of Mexico in developing Wetlands Resources Geographic Information System, to inventory and provide information about Mexico's relatively unknown wetlands.

The bill Senator MITCHELL and I are introducing today would increase the authorization for the North American Act for $15 million to $20 million for 1995 and 1996, and up to $40 million in the year 2000. In my view, this is one of the most cost efficient investments in fish and wildlife conservation we can make. Under this act, private and public partners are practicing the cooperative ecosystem conservation others are only talking about. We should continue this partnership for wetlands and wildlife by reauthorizing the North American Wetlands Conservation Act.

In recognition of the great success of the North American Act, the bill does not make any changes beyond reauthorizing the act at this point. There will be an opportunity to explore possible improvements to the act when the bill is considered by the Committee on Environment and Public Works. I urge all of my colleagues to support this program and to cosponsor this bill.

By Mr. BAUCUS (for himself and Mr. DANFORTH):

S. 1858. A bill to amend the Trade Act of 1974 to make "Super 301" permanent; to the Committee on Finance.

SUPER 301 LEGISLATION

Mr. BAUCUS. Mr. President, a week-and-a-half ago, I was very proud to see President Bill Clinton stand next to Japanese Prime Minister Hosokawa and declare trade negotiations between United States and Japan a failure.

Now, it might seem odd I would be proud that happened, but I say so because it was an honest statement. That is, neither side was papering over real differences in trade matters that have occurred and are now occurring between our two countries.

By doing so, President Clinton ended more than 20 years of hypocrisy with Japan that emphasized diplomacy rather than results. The President, rather, demanded real, concrete progress on trade issues, not just more rhetoric. Again, I commend him for that.

He showed the courage that is necessary to break a pattern that five American Presidents before him have tolerated.

THE CLINTON POLICY

But ultimately the United States-Japan trade policy will be judged by action. The Clinton administration has taken some initial steps towards resolving the long simmering telecommunications trade dispute with Japan. That is good. However, it has yet to act on the broader issue of United States-Japan trade.

It is time for the United States to demonstrate the courage to back its convictions with action.

SUPER 301

To that end, I am today introducing legislation to establish a strengthened version of Super 301.

Super 301 is a provision of the 1988 Trade Act. It is aimed at identifying and focusing our trade negotiating resources on the most protectionist foreign markets. Under Super 301, the administration must annually identify the most closed foreign markets and initiate unfair trade actions under section 301 to open those markets.

During 1989 and 1990, Super 301 was tremendously successful in prying open foreign markets for American products. In Japan, it was successful in opening markets for supercomputers, processed forest products, and satellites. It also convinced Brazil to end its system of import licenses.

In addition, a number of nations, including Korea and Taiwan, dropped trade barriers to American products merely to avoid being named under Super 301.

Super 301 was the most successful market opening tool the United States ever had for opening closed foreign markets—particularly Japan. Unfortunately, Super 301 was only authorized for 2 years—1989 and 1990.

THE NEW SUPER 301

The legislation I am introducing today revives Super 301 and strengthens it in two important ways.

First, it makes Super 301 a permanent feature of U.S. trade law. Super 301 has a close relative known as Special 301. Special 301 is quite similar to Super 301 except that it is focused on protection of intellectual property rather than general trade barriers.

But Special 301 is different in one other important way; it is an annual process without an expiration date. Because it is permanent, Special 301 has been able to exert continuing influence on other nations to end piracy of U.S. intellectual property.

Our experience with Special 301 demonstrates that market opening trade statutes work best if they are a regular annual part of U.S. trade policy. We should make Super 301 permanent.

Second, this legislation increases the time period between the release of the National Trade Estimate and the announcement of Super 301 priorities. This makes the statute more flexible by allowing more time to negotiate with countries that might be willing to open their markets to avoid being named under Super 301.

In 1989, former U.S. Trade Representative Carla Hills characterized the period just prior to Super 301 announcements as one of the most productive in trade negotiating history. Extending this period should allow our trade negotiators to maximize the gains from Super 301.

SUPER 301 AND JAPAN

Super 301 has always been aimed largely at Japan. It establishes a meaningful framework under which the most important trade barriers in Japan can be identified and enforceable negotiations can begin. And if Japan fails to agree to eliminate its trade barriers, the United States can retaliate against Japan exports to the United States.

Super 301 is such an invaluable tool in dealing with Japan that some had anticipated that the administration would revive it by Executive order. But the Clinton administration has not yet taken action.

Regardless of the administrations' decision on an Executive order, Super 301 must be established by legislation to demonstrate that it is a permanent element of U.S. trade policy.

On a related note, Senator DANFORTH and others have expressed concerns that the Uruguay round GATT agreement may compromise United States trade laws. Those concerns must be carefully examined. U.S. trade laws, including Super 301, section 301, countervailing duty law, and antidumping law, are critical.

Before we proceed to approve any international trade agreement, we should ensure that our full arsenal of trade laws—including Super 301—are safely in place.

Super 301 is the core of a strategy for opening closed foreign markets. The President endorsed this strategy during the campaign. It is time for the administration to implement Super 301 by Executive order. Separately, Congress should act to revive it for use against Japan and other closed markets regardless of the administrations actions.

By Mr. KERRY (for himself, Mr. GREGG and Mr. BUMPERS):

S. 1859. A bill to terminate the Department of Energy's program to promote the use of liquid metal reactors for the disposal of high-level radioactive waste; to the Committee on Energy and Natural Resources.

BREEDER REACTOR TERMINATION ACT OF 1994

Mr. KERRY. Mr. President, 2 weeks ago, the administration announced that it plans to terminate the advanced liquid metal reactor. Secretary of Energy Hazel O'Leary explained the decision to a Washington Post reporter by saying "It is an investment in technology for which there is no marketplace." and "These projects * * * are totally counter to where we want to go in our nonproliferation" efforts.

Mr. President, I want to applaud the administration's decision in the strongest terms. The advanced liquid metal reactor [ALMR] is an expensive pork-barrel project that poses serious environmental and proliferation risks.

It was almost terminated several times last year. The House of Representatives voted overwhelmingly to terminate the breeder program in June of last year in a bipartisan 272–146 vote on an amendment to the energy appropriations bill. However, parochial politics rallied and the Kerry-Gregg-Bumpers amendment to terminate the project was narrowly defeated when the Senate considered the bill. In the House-Senate conference, the House language was dropped from the bill. The House voted to terminate the program again on H.R. 3400, the rescission bill. But the provision to terminate the ALMR was not included in the rescission bill in the Senate.

My fear, Mr. President, is that parochial interests will bring the ALMR to life once again.

Despite assurances from Secretary O'Leary that every attempt will be made to find alternate employment for those who are employed on the ALMR project, pressure to continue funding for the project is building. And even if the administration resists the pressure to fund the ALMR, the project may be revived during the appropriations process.

This is why Senators GREGG and BUMPERS and I are introducing today the Breeder Reactor Termination Act of 1994 which would terminate the ALMR once and for all.

The ALMR is a successor to the Clinch River Breeder Reactor, which Congress terminated in 1983 because of cost, environmental, and nuclear proliferation concerns. While advances in technology have been made during that decade, the disadvantages of the breeder remain essentially unchanged. Breeders convert uranium into plutonium, the material used to make nuclear weapons. By promoting a fuel cycle based on plutonium, the ALMR inevitably increases the risks of nuclear proliferation.

Now, some have claimed that this technology is not a breeder. But, Mr. President, the Argonne National Laboratories annual report for last year says—and I quote—"Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes." In addition, the facility at Argonne West is called the EBR2—standing for experimental breeder reactor.

The ALMR does exactly what the President has said we should not do—reprocess plutonium. For this reason, the New York Times last September called for an end to funding for the ALMR which—and I quote—"produces electricity by converting uranium that can't be used in warheads into plutonium, which can."

ALMR's are not necessary to preserve the nuclear option, as proponents of the ALMR argue. To the contrary, the nuclear power industry has indicated that its future depends upon the success of a new generation of advanced light water reactors. All of the nuclear reactors licensed in the United States today are light water reactors which run on uranium—as opposed to plutonium—which are slow reactors—so they cannot breed—and which do not reprocess. The DOE currently has a program to develop advanced light water reactors and this program is funded jointly with industry. In addition, a National Academy of Science report gave light water reactors the highest ranking for overall performance in its evaluation.

The capital costs of producing plutonium fuel are necessarily higher than those of uranium fuel because of the extra costs of reprocessing. As a result, the price of uranium ore would have to increase fifteenfold before the ALMR would be competitive with light water reactors. The only way in which this could happen is if light water reactors first became so widely used that they depleted the supply of uranium. The NAS estimates that even if this happened, the ALMR would not be cost competitive with light water reactors until 2025 at the earliest, and possibly not until the year 2075.

Even given that scenario, it is highly questionable that ALMR technology will ever be competitive from an economic standpoint as a source of electricity. Even if uranium prices did dramatically increase to make breeders competitive with advance light water reactors, that wouldn't guarantee that breeders would be cost competitive with other sources of electricity—such as energy efficiency improvements, natural gas, wind, or, someday, solar.

Recognizing the lack of economic justification and the absence of significant commercial interest in this technology for power generation, proponents of the ALMR now promote a waste management mission for the technology called actinide recycling—fissioning of radioactive wastes. Now, this is the technology that many of my colleagues find so compelling. It sounds very attractive to develop a technology that would make something useful out of something we now think of as waste. However, there are already attractive technologies to dispose of radioactive wastes. These include vitrification and storage or running the waste through a light water reactor. A number of studies have found that fissioning of radioactive wastes is neither a safe nor a feasible means of waste disposition from an environmental perspective. The Department of Energy published a report in July which stated "The spent fuel alternative, using light water reactors, was the most practical and economical alternative. evaluated." Even the American Nuclear Energy Council has stated in congressional testimony that "we see no benefit in considering transuranic burning as a waste solution for current fuel." Actinide recycling itself generates highly radioactive fission products along with heavy toxic metals, in effect substituting one daunting toxic waste disposal problem for another. It is the only technology that reprocesses the plutonium—the other methods burn but cannot breed.

Further, Mr. President, the economics of the program remain highly questionable despite the proclaimed shift in emphasis. The National Academy of Sciences and independent scientists at Lawrence Livermore National Laboratory and elsewhere have questioned the economic viability of using this technology for waste management purposes. The NAS said last year that the "potential to alleviate some of the waste disposal problem for LWR fuel through actinide recycling * * * is not considered justification for advancing the advanced LMR." Scientists at Lawrence Livermore, in fact, have estimated that using the ALMR for waste management could quadruple the cost of high-level waste disposal.

Another claim that proponents of the ALMR have made is that the ALMR is necessary for the disposal of military plutonium. However, many other safer and more cost-effective alternatives for plutonium disposal exist including running waste through a light water reactor and then disposing of it and mixing the plutonium with spent fuel wastes, followed by vitrification and then disposal.

The prepublication copy of a 1994 NAS study asserts that military plutonium disposition should not be a justification for the ALMR. An Office of Technology Assessment study released in September found that "* * * the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original LMR that was intended to produce plutonium. It could also be expensive: the required reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs."

ALMR's will not be able to dispose of military plutonium in a timely fashion. It would take another 20 years for ALMR's to be commercially available. Then, they would have to recycle military plutonium through their reactor cores for 100 years to transmute the plutonium into fission products. Meanwhile, the plutonium would have to be carefully stored and safeguarded.

Mr. President, as a result of the proliferation and environmental concerns the ALMR raises, I have had to conclude that continuing research into its viability is far too expensive an indulgence for a nation groaning under the burden of $4 trillion of debt.

I realize that cutting this program will entail the loss of jobs. And that troubles me deeply. And I certainly understand why it troubles the Senators from Illinois and Idaho. But Mr. President, according to the DOE's own numbers, our proposal will only speed up job loss since all other proposals would also terminate the project over the next 5 years.

Although I would rather not speed up the rate of job loss, I am convinced that we do not have any time to waste in terminating the ALMR before its costs escalate as the costs of big science projects so often do. Originally, the Clinch River breeder was supposed to cost $700 million but by the time the project was terminated, cost estimates had risen to $8 billion.

Based on the concerns associated with the ALMR, numerous taxpayer, environmental, and nonproliferation groups, including the National Taxpayers Union, Citizens Against Government Waste, the Safe Energy Communication Council, the National Resources Defense Council, the Nuclear Control Institute, U.S. Public Interest Research Group, Public Citizen, and the Sierra Club oppose the program in its current form.

Taking into account technological, economic, and environmental factors as well as potential energy contribution, the Department of Energy's own Office of Policy, Planning, and Evaluation during the Bush administration ranked the ALMR 21st on a list of 23 electricity initiatives.

Mr. President, last fall I joined Senator BRYAN in offering an amendment to terminate the wool and mohair subsidy, which passed. The wool and mohair subsidy was simply a waste of money. The ALMR is a waste of money and dangerous. It is nuclear mohair. I urge my colleagues to follow the House's good example and vote to terminate the program as well.

Mr. President, I ask unanimous consent that the full text of the bill and an article from the Washington Post appear in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breeder Reactor Termination Act of 1994".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the advanced reactor program of the Department of Energy promotes the use of liquid metal reactors for the disposal of high-level radioactive waste through a process referred to as "actinide recycle" and for other purposes;

(2) independent scientific experts believe that liquid metal reactors would greatly increase the cost of radioactive waste disposal and would not provide significant environmental benefits;

(3) liquid metal reactors are not necessary to preserve the nuclear power option, which will instead depend upon the success of advanced light water reactors;

(4) arms control experts believe that liquid metal reactors raise grave nuclear proliferation concerns because of the potential for production of plutonium through breeding and reprocessing; and

(5) the need to reduce the Federal budget deficit demands that budget priorities be established carefully in order to eliminate unnecessary spending.

SEC. 3. TERMINATION OF ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) Termination.—

(1) In General.—Notwithstanding the provisions of sections 2121 through 2126 of the Energy Policy Act of 1992 (106 Stat. 3081; 42 U.S.C. 13491 et seq.), the Secretary of Energy shall take such actions as are necessary to terminate, as soon as possible, the advanced liquid metal reactor program of the Department of Energy, including the program's promotion of the use of liquid metal reactors for the disposal of high-level radioactive waste.

(2) Regulatory Support.—Termination under paragraph (1) shall include termination of Department of Energy support for regulatory applications to the Nuclear Regulatory Commission for design certification for advanced liquid metal reactors or related licensed facilities.

(b) Reassignment of Personnel.—In carrying out subsection (a), the Secretary of Energy shall, to the extent practicable, reassign the personnel of the Department who would be displaced by termination of the advanced liquid metal reactor program to other activities of the Department, such as nuclear nonproliferation and environmental cleanup at facilities of the Department of Energy.

(c) Use of Savings To Reduce Deficit.—It is the policy of the Congress that the savings realized from the termination of the advanced liquid metal reactor program should be used to reduce the Federal budget deficit.

[From the Washington Post, Feb. 12, 1994]

Energy Department To Scrap Research on Plutonium

(By R. Jeffrey Smith)

The Energy Department, in a setback to the Japanese government and the U.S. nuclear industry, this week announced the cancellation of $112 million worth of research on the use of plutonium in nuclear reactors.

Secretary Hazel R. O'Leary said her decision to kill a "breeder reactor" program and a plutonium-recycling study was an effort to discourage plutonium use by the world's nuclear industry and limit opportunities for illicit diversion of the material for production of nuclear arms.

The Bush administration had supported the work as a hedge against a shortage of uranium for nuclear fuel and as a favor to the Japanese government. Last year, the Clinton administration continued support for the research to help find a way to dispose of plutonium and nuclear waste.

Japan had pledged to contribute $30 million to the U.S. research in an effort to help develop a simpler way to extract and recycle plutonium from spent reactor fuel. Japan is building a chain of breeder reactors, which produce plutonium at the same time they generate nuclear power. It also is nearing completion of a reprocessing plant for plutonium-laden fuel.

The U.S. government dropped plans to build a breeder reactor in the late 1970s out of concern that the extra plutonium, a key ingredient of nuclear arms, might somehow fall into the wrong hands. But research continued, totaling $8.74 billion to date.

O'Leary said in an interview that the number of nuclear reactors around the globe will expand only slightly during the next 20 years, leaving an ample supply of natural uranium for conventional reactors. Additional uranium will become available from thousands of retired nuclear warheads.

"It is an investment in technology for which there is no marketplace," O'Leary said. She said she was also influenced by a National Research Council report on plutonium disposal last month that concluded advanced reactors "are not competitive for this [disposal] mission because of the cost and delay of their development, licensing, and construction."

O'Leary said, "These projects * * * are totally counter to where we want to go in our nonproliferation" efforts.

But she said she "labored over this for a very long time," partly because of protests from lawmakers in Illinois and Idaho, where the bulk of the research funds are spent at Argonne National Laboratory and the Idaho National Engineering Laboratory.

Overall, spending on nuclear energy research and development would decline by $95 million, or 25 percent, in fiscal 1995 under the Energy Department's budget proposal.

Some of the plutonium research funds would be reallocated for work by scientists in Illinois and Idaho on reactor safety and nonproliferation.

Under O'Leary's proposed budget, the department would substantially boost its spending for research on renewable energy resources, natural gas production and increased energy efficiency by $340 million, or 33 percent.

O'Leary's cancellation of the plutonium programs was praised by a coalition of environmental groups known as the Safe Energy Communication Council.

But her decision was criticized by Carl Goldstein of the U.S. Council for Energy Awareness, a nuclear industry trade group.

New reactors fueled by plutonium "are scientifically valid and eventually they may be commercially valid," he said, adding that "there is a lot of support for these programs" on Capitol Hill.

ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 565

At the request of Mr. WARNER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 565, a bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations.

S. 815

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 815, a bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1206

At the request of Mr. KERRY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1206, a bill to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA, as the "Frederick C. Murphy Federal Center."

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Maine [Mr. COHEN] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1447

At the request of Mr. BRYAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1447, a bill to modify the disclosures required in radio advertisements for consumer leases, loans and savings accounts.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1586

At the request of Mr. JOHNSTON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1586, a bill to establish the New Orleans Jazz National Historical Park in the State of Louisiana; and for other purposes.

S. 1678

At the request of Mr. FAIRCLOTH, the names of the Senator from Montana [Mr. BURNS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1678, a bill to amend the Immigration and Nationality Act to provide that public ceremonies for the admission of new citizens shall be conducted solely in English.

S. 1805

At the request of Mr. WARNER, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. STEVENS], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1819

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Montana [Mr. BURNS], the Senator from New Hampshire [Mr. SMITH], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New Hampshire [Mr. GREGG], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1819, a bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units.

S. 1825

At the request of Mr. BUMPERS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1825, a bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property.

S. 1837

At the request of Mr. RIEGLE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1837, a bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. BROWN], the Senator from Maine [Mr. COHEN], the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. LOTT], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. AKAKA], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. SIMON], the Senator from North Carolina [Mr. HELMS], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

SENATE JOINT RESOLUTION 150

At the request of Mr. SARBANES, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. DODD], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from New Hampshire [Mr. SMITH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 151

At the request of Mr. LIEBERMAN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. CRAIG], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 151, a joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. RIEGLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Washington [Mrs. MURRAY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nevada [Mr. REID], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. THURMOND], the Senator from Idaho [Mr. CRAIG], the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. BROWN], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the month of April 1994 as "National Sudden Infant Death Syndrome Awareness Month," and for other purposes.

SENATE JOINT RESOLUTION 161

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. LEVIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate April 1994 as "Civil War History Month."

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's Office of Civilian Radioactive Waste Management.

The hearing will take place on Tuesday, March 1, 1994, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Sam Fowler.

For further information, please contact Sam Fowler of the committee staff at 202/224–7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy fiscal year 1995 budget on renewable energy programs.

The hearing will take place on Tuesday, March 8, 1994, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Black Cordes.

For further information, please contact Leslie Black Cordes of the committee staff at 202/224-9607.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 1614, "Better Nutrition and Health for Children." The hearing will be held on Tuesday, March 1, 1994 at 9:30 a.m. in SH-216.

For further information, please contact Doug O'Brien or Amy Brown at 224-2035.

NOTICE OF CHANGE IN HEARING SCHEDULE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce two changes for the hearing previously scheduled for Thursday, March 3, 1994, before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources. The hearing was originally scheduled to begin at 2 p.m., but will now begin at 10 a.m.

The subcommittee had been scheduled to receive testimony on S. 274, a bill to establish the Casas Malpais National Historical Park in Springerville, AZ, and for other purposes. In lieu of receiving testimony on that bill, the subcommittee will consider S. 218, a bill to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes.

The hearing will take place in room 366 of the Dirksen Senate Office Building in Washington, DC. For further information, please contact Kira Finkler of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 22, 1994, to receive testimony from Gordon Eaton, nominee to be Director, U.S. Geological Survey for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, February 22, 1994, at 3 p.m. to hold nomination hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Health Security Act: Needs of Americans with Disabilities Act, to be cochaired by Senators KENNEDY and HARKIN, during the session of the Senate on February 22, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SIMON. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, February 22, 1994, at 2:15 p.m. The committee will hold a full committee hearing on the President's proposed budget for the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 22, 1994 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environments of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, February 22, 1994, at 10 a.m. to hold a hearing on foreign aid reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO LEAGUE OF LATIN AMERICAN CITIZENS

• Mr. DECONCINI. Mr. President, I rise today to share with the Senate the efforts of one organization to prevent the youth of our Nation from becoming school dropouts. The League of United Latin American Citizens [LULAC] will be holding its Fifth Annual Youth Leadership Conference on March 17 on the campus of Pima Community College in Arizona. Approximately 1,500 at-risk 7th through 12th graders from around the State will be participating in this day of education and motivation. They will be directed by business, government and community leaders through 40 workshop sessions designed to teach goal-setting and instill the value that staying in school is a necessity in facilitating their success in life. Comedian and actor George Lopez will be this year's keynote speaker. I am confident this program will leave its young participants with a sense of hope for the future and the realization that their education is the cornerstone in their preparation to become tomorrow's leaders.

LULAC, the conference organizer, was founded in 1929 and is the Nation's oldest Hispanic-American civic organization. Its purpose is to assist underprivileged Hispanics through a variety of programs which promote economic development, cultural heritage, and political involvement. For the past 6 years, the league has targeted the prevention of dropouts as a high priority for all volunteer efforts in Arizona. This year it will team up with the Metro Educational Commission, Pima Community College, the University of Arizona, the Tucson Police Department, and the Pima County Sheriff's Department in promoting education as the road to persistence and success in the Hispanic community.

In closing, Mr. President, I would like to commend and extend my gratitude to all involved in LULAC for their untiring efforts to preserve the promise of tomorrow by working to keep America's young people in school. I have no doubt that the leadership conference will be a resounding success and a model for other events around the country.•

CONGRATULATIONS TO THE UKRAINIAN NATIONAL ASSOCIATION

• Mr. McCONNELL. Mr. President, I rise to congratulate and pay tribute to the Ukrainian National Association, which today celebrates its 100th anniversary. Speaking from experience, no organization does a better job of keeping American policy makers informed on events taking place in Ukraine. With a talented Washington staff led by Eugene Inwanciw, they keep us informed of key bilateral issues as they develop.

UNA was established in 1884 as a fraternal insurance organization. It still successfully provides this service, but in addition, it provides its members a wide range of educational, cultural, social, and charitable benefits. It has been a major contributor to the preservation of the national traditions of Ukrainians in the United States and in Canada.

UNA has developed a leadership role within the Ukrainian-American community, providing over $120,000 in scholarships annually to its members. It operates a retirement home for senior citizens, provides mortgages to its members, and is a patron of the Ukrainian community's cultural and religious activities.

The Ukrainian National Association also produces a variety of publications, including "Svobodia," the oldest Ukrainian newspaper printed in the United States, as well as "The Ukrainian Weekly." This newspaper has a nationwide audience which I discovered when they ran an article on some legislation I drafted. I heard from people in dozens of towns from Alabama to Alaska. People are reading "The Ukrainian Weekly."

While UNA was established to assist Ukrainians living in the United States and Canada, it has not lost sight of the needs and aspirations of the citizens of Ukraine. With the renewed independence of Ukraine, UNA has stepped in to help fill many humanitarian and educational needs—providing teachers and financial assistance. It recently opened a new office in Kiev to better assist Ukraine in the establishment of democratic and free market institutions. The Ukrainian National Foundation, established by UNA in 1992, helps coordinate humanitarian and development programs in Ukraine that promote these goals.

Clearly, the Ukrainian National Association has established itself as the most effective advocate of Ukrainian issues and the greatest champion of Ukrainian culture in the United States. I heartily congratulate UNA on this exceptional occasion, and I look forward to working with the association in the future.•

REV. EDWIN R. "DOC" EDMONDS TO RETIRE

• Mr. LIEBERMAN. Mr. President, today I pay tribute to one of my most distinguished constituents. On February 13, after 35 years of service, Rev. Edwin R. "Doc" Edmonds announced his retirement. Reverend Edmonds served as pastor at the Dixwell Avenue United Church of Christ in New Haven, in the heart of the African-American community, and has been a champion in the fight for racial equality.

While serving his congregation, Reverend Edmonds has also been an associate professor of sociology at Southern Connecticut State University, where he draws from a storied past when teaching civil rights history to his students. Having worked alongside Dr. Martin Luther King in the 1960's, Reverend Edmonds experienced the pain of racial discrimination first hand. He is known to his community as a freedom fighter and one who has fought for the rights of New Haven African-Americans since his arrival there over 37 years ago.

Reverend Edmonds is to be commended for his lifelong dedication to equality. Whether it be in the pulpit, the lectern, or on the streets of New Haven, "Doc Edmonds" has taught to all who have listened the true meaning of freedom and equality.•

THE ELIMINATION OF THE RAILROAD RETIREMENT BOARD

• Mr. GORTON. Mr. President, today I rise to voice the concerns of the thousands of residents in my home State who were shocked to hear about Vice President GORE's proposal to eliminate the Railroad Retirement Board and transfer its functions to other Government agencies. I, too, was surprised to hear about this proposal when it came out in the National Performance Review and consequently, asked Washington residents for their opinion on this issue.

The response I received was incredible. I have heard from thousands of Washington State residents who vehemently oppose the elimination of the Railroad Retirement Board. The almost unanimous message which came through loud and clear is that railroad workers have spent a lifetime paying into their retirement system and do not deserve to have their benefits jeopardized by transferring them to a new bureaucratic system which will not improve on their present system.

To further illustrate the flawed nature of this proposal, let me first provide a little background history about the Railroad Retirement Board. The Railroad Retirement Board administers retirement, disability, unemployment, and sickness benefits for railroad workers. While these benefits are comparable to those administered by Federal and State agencies, there are many striking differences which make railroad benefits unique to the railroad industry. These are differences which cannot be easily merged into other Federal agencies without incurring substantial costs.

It is also very important to note that while the railroad benefit system is federally administered by the Railroad Retirement Board, it is financed through payroll taxes on the railroad industry. In other words, this system pays for itself. Last year the Railroad Retirement Board paid out $7.9 billion in retirement and survivor benefits to 900,000 beneficiaries. It accomplished this with an administrative cost of only 1 percent of its annual budget. This system deserves to be commended, not dismantled.

That is why I was deeply concerned when I heard about Vice President GORE's National Performance Review proposal to eliminate the Railroad Retirement Board. After studying this issue carefully and listening to thousands of Washington residents, I understand why railroad retirees are so angry to see their system being attacked and am ready to oppose these efforts to dismantle the Railroad Retirement Board.

Fortunately, Vice President GORE has dropped this proposal from his agenda for now. This news comes as a great comfort to the 935,000 beneficiaries of railroad retirement and unemployment benefits who reside throughout our Nation. While I fully support the Vice President's call to cut government waste, I believe this specific proposal was fatally flawed. The Railroad Retirement Board administers a system which does not need to be fixed. Its elimination will not save taxpayer money, nor will it result in greater efficiency. Furthermore, this proposal angers the people of Washington State and as such, I will continue to fight any future proposals to eliminate the Railroad Retirement Board.•

TUCSON METROPOLITAN CHAMBER OF COMMERCE AWARD RECIPIENTS

• Mr. DECONCINI. Mr. President, I rise today to share with the Senate the achievements of four individuals who have made great contributions to the community of Tucson, AZ. These four will be recognized for their efforts at a luncheon held this month by the Tucson Metropolitan Chamber of Commerce.

Henry "Hank" Oyama, a Tucson native who currently serves as vice president emeritus at Pima Community College, is being recognized as 1993 Man of the Year. Of Japanese ancestry, Hank was raised in the Hispanic community of Tucson, and was held in confinement as a result of the World War II internment program. His unique childhood background has made Hank a vigorous proponent of cultural dignity and civil rights. In the late 1950's, Hank fought the antimiscegenation laws that prevented him from marrying as he chose. As a National pioneer in bilingual education, Hank developed Pima's bilingual instruction program, one of the most extensive in the Nation. In addition, Hank has been instrumental in the passage of Federal bilingual education laws. Today, Hank remains active in Hispanic cultural and charitable organizations, and also volunteers his time as a special adviser to

Congressman KOLBE on Hispanic affairs and United States-Mexico trade matters.

Named as 1993 Woman of the Year is Linda Yocum. Linda works as purchasing manager for Hughes Missile Systems, and is responsible for the procurement requirements of four key missile production programs that have helped to keep the economy of Tucson strong. Prior to her service at Hughes, Linda worked as special projects' coordinator for the Tucson city manager's office. In that capacity she oversaw the establishment of the Downtown Redevelopment Corp. and the Industrial Development Authority. Linda has the distinction of being one of the few people to have chaired both the local government and State government committees of the chamber of commerce. Outside the business sector, Linda devotes her time as president of the board of Arizona Children's Home Association of which she is president.

Receiving 1993 Founders Awards are two distinguished gentlemen. Robert S. Sundt formerly served as chairman of the Tucson Chamber of Commerce's Board of Directors. After 44 years of involvement with Sundt Corp., a worldwide construction firm based in Tucson, Robert retired last year. Robert remains active in this field, serving as a well-respected arbitrator in construction industry disputes. Being involved in the construction industry, Robert is keenly sensitive to the value of adequate housing. Home-based community service is an active part of his life; Robert serves on the board of directors of Shalom House, a 90-day transitional housing program for economically homeless women and children.

Also receiving a Founders Award is David M. "Mac" Lovitt. Mac has founded a number of financial services companies in Tucson. In addition to devoting his energies to these endeavors, Mac has demonstrated a lifelong commitment to volunteer service. Among the Tucson organizations that have benefited from Mac's selfless commitment are St. Mary's Hospital and the Tucson Botanical Gardens. As chairman of the University of Arizona's Century II campaign, Mac helped raise nearly $200 million for university programs.

Mr. President, here we have four examples of individuals who have skillfully combined professional careers with generous service to the Tucson community. I would like to ask that the Senate add its voice to the many in Tucson thanking these individuals for their unselfish commitment to their fellow citizens, and congratulating them on their receipt of these distinguished awards.•

CONGRATULATIONS TO UKRAINIAN NATIONAL ASSOCIATION, INC., ON ITS 100TH ANNIVERSARY

• Mr. D'AMATO. Mr. President, I would like to congratulate the Ukrainian National Association on their 100 years of service to the Ukrainian community.

UNA is a full-service organization. Through its various publications, members are provided with news effecting the Ukrainian community. Members also receive invaluable services and benefits and are provided with the opportunity to celebrate their culture and heritage.

With the creation of an independent Ukraine, the UNA has expanded their role beyond the North American borders. In an attempt to respond to the needs in Ukraine, UNA has established a foundation designed to coordinate substantial humanitarian efforts. The aid provides services to Ukrainian refugees and the victims of natural disasters. Additional support is rendered for the development of a free market democracy in Ukraine. Recently, the UNA has focused its attention on the educational needs of Ukrainian students. Programs to teach English and economics to students are currently in operation.

UNA also provides valuable technical assistance to government officials. As a result of UNA's experience in dealing with matters involving Ukraine, Ukrainian-Americans and the United States Government, UNA was selected to assist the newly appointed diplomatic staff at the new Ukrainian Embassy in Washington.

Not only does the UNA maintain 370 membership branches in the United States and Canada, they also opened two fully functioning offices. One office operates from Kiev, the capital of Ukraine, where the correspondent reports on events in Ukraine and promotes development assistance. The second office, in Washington, DC, was established to link Ukrainian-Americans with their elected officials and to keep elected representatives apprised of issues effecting the Ukrainian people worldwide.

When UNA finds a need in the global Ukrainian community, they seek to fulfill that need immediately. Their efforts are deeply appreciated by their constituency, the American people, and government officials. Without UNA, the Ukrainian people and Ukrainian-Americans would be without a unified voice in the national and international arena, a benefit of which the value is immeasurable. I want to offer my sincere congratulations to the Ukrainian National Association on the occasion of its 100th anniversary. I wish the UNA success and good luck for the next 100 years. Thank you, Mr. President.•

MULTIPLE SCLEROSIS ASSOCIATION OF AMERICA

• Mr. WOFFORD. Mr. President, I would like to recognize and commend the Multiple Sclerosis Association of America, 601 Horse Pike, Oaklyn, NJ 08107, for being acknowledged by the National Aeronautics Space Administration [NASA] for implementing—to the benefit of MS sufferers—a space-derived personal cooling system.

The cool suit lowers body temperature and alleviates MS problems with breathing, talking, and fatigue to provide a better quality of life.

The Multiple Sclerosis Association of America has placed cool suits in more the 50 MS care centers in the United States.

Additionally, the Multiple Sclerosis Association of America has sponsored a 12-week, detailed study of the effectiveness of the microclimate system.

The system, which consists of a head cap and a torso vest—the cool suit—is a spinoff from space technology.

It regulates body temperature, with a cooling unit and pump. It can lower a patient's core temperature 1 degree Fahrenheit in 30 to 40 minutes, according to an NASA report.

Multiple Sclerosis Association of America founder, John Hodson, Sr., estimates that more than 100,000 MS patients will be able to get microclimate treatment.

BENEFITS

Multiple Sclerosis Association of America members and their families enjoy the following services free of charge:

Toll-free 24-hour hotline, patient education information and referral, and therapeutic equipment;

Peer counseling, barrier-free housing facilities, and bimonthly newsletter; health resource panel, social and group activities, and public advocacy and support; and volunteer assistance and support groups.

HISTORY

Since 1970, Multiple Sclerosis Association of America's main thrust lies in the belief of people with MS helping people with MS.

Cofounder Ruth Hodson, a MS patient, created this unique self-help organization with the goal of offering practical and knowledgeable advice and support to fellow MS'ers.

Most of Multiple Sclerosis Association of America's board of directors are MS patients. Yet, they have battled this disease to develop a successful, national health care association dedicated to meeting the needs of others.

Multiple Sclerosis Association of America generated 513 million audience public information impressions in 1993 on television and radio nationally.

Through these audience impressions, Multiple Sclerosis Association of America received over 10,000 calls on its 1–800 nationwide hotline number.

By the year 2000, Multiple Sclerosis Association of America plans to construct 15 to 20 barrier-free apartment complexes across the country.

The Multiple Sclerosis Association of America has brought great credit upon itself as an organization, its founder, John Hodson, Sr., its staff, and the thousands of volunteers Multiple Sclerosis Association of America motivates and coordinates.

Mr. President, this U.S. Senate recognition of Multiple Sclerosis Association of America serves as a citation of excellence of the organization's aid to MS sufferers and the organization's high reputation.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce that during the past 2 weeks, 37 people were killed by gunshot in New York City, bringing the 1994 total to 153.

Recently I received a letter from Frances E. Davis of Brooklyn, NY. Ms. Davis lost all three of her children to handgun violence. She asked that I continue to press for restrictions on handgun ammunition.

In her letter, she wrote:

> We can no longer tolerate this destruction of human lives. I have lost all of my children (3 sons) to handguns. I commend you on your suggestion to impose a high tax on bullets. You said that "guns do not kill people bullets do." You are absolutely correct. A gun is useless without bullets.
>
> We have to start putting human life before profits. Once a bullet kills someone no amount of money will ever bring them back. The NRA argues that the answer to crime and violence is not gun control, but getting tougher on criminals. Build more prisons. Lock up three-time felons for life. I argue that if we focus more on getting the illegal guns off the streets, and putting a high tax on ammunition for guns, the crime rate would drop. There is no other weapon that can cause the damage to human life, the way a gun can. Most crimes are committed with a handgun. They maim and kill countless innocent victims each year.

Mr. President, we will probably approve some version of the Senate-passed crime bill this spring. And we should. But this legislation will not end our crime problems. It may not even make an appreciable difference.

Would the death penalty, mandatory minimum sentences, or "three strikes and you're out" have saved Ms. Davis' children? I do not know. But if the most insidious varieties of handgun ammunition had been more difficult to obtain, it might have made a difference for Ms. Davis' children—and for the thousands of others who died from gunshots in the United States in 1993.

I do hope that my colleagues will read the letter Ms. Davis sent to me and the Daily News article describing her tragic story.

Mr. President, I ask that the letter from Ms. Davis and the July 7, 1993, Daily News article about her be printed in the RECORD.

The material follows:

DECEMBER 15, 1993.

Hon. DANIEL P. MOYNIHAN,
New York, NY.

DEAR SENATOR MOYNIHAN: Thank you for your support of the Brady bill. There are about 200 million guns in America, about 67 million of them handguns. There are an estimated 1.5 million guns in the hands of criminals in New York alone. According to Handgun Control Inc. every year at least 24,000 Americans are killed with handguns.

We can no longer tolerate this destruction of human lives. I have lost all of my children (3 sons) to handguns. I commend you on your suggestion to impose a high tax on bullets. You said that "guns do not kill people bullets do." A gun is useless without bullets.

We have to start putting human life before profits. Once a bullet kills someone no amount of money will ever bring them back. The NRA argues that the answer to crime and violence is not gun control, but getting tougher on criminals. Build more prisons. Lock up three-time felons for life. I argue that if we focus more on getting the illegal guns off the streets, and putting a high tax on ammunition for guns, the crime rate will drop. There is no other weapon that can cause the damage to human life, the way a gun can. Most crimes are committed with a handgun. They maim and kill countless innocent victims each year.

Mr. Moynihan what can I do as a mother who has lost 3 children to gun violence to help in the cause for stricter gun control?

Sincerely,

FRANCES E. DAVIS.

[From the Daily News, July 7, 1993]

BULLETS BURY HER THREE SONS—ONE BY ONE, VIOLENCE CLAIMED THEM ALL

(By Schridan)

A Brooklyn teenager who lost two brothers to gunfire himself died in a hail of bullets outside his grandmother's Bedford-Stuyvesant home yesterday.

A 10-year-old girl who lived in the same building also was injured when two gunmen fired about 10 shots into a crowd enjoying the lunchtime sunshine on the sidewalk outside the Tompkins Houses on Throup Ave.

Police said Frank Davis, 18, of Sterling Place, Crown Heights, was shot in the chest about 12:20 p.m. He was pronounced dead at Woodhull Hospital.

The injured girl, Yolanda McDowell, was in guarded condition at the same hospital with a bullet wound to her left cheek.

Neighbors said Davis may have been the target of the shooting but police could not immediately confirm that.

John Roldan, 27, said that on Monday night a youth with the street name Black was slashed in the face—apparently by Davis.

"It's just retribution," he said, "And it ain't over yet, either."

"This is really unbelievable," said the victim's mother, Frances Davis. "I cannot believe that this can happen three times to the same family in the same housing complex. My son was 18. He never got into trouble. He never bothered anyone. He was my last child." She said her two other sons, 20 and 22, were both shot within blocks of the latest incident, one in 1987 and the other in 1991.

Diana Coachman, a parttime minister at St. Paul's Church of Christ, said she has lived in the Davis family's Sterling Place building for the last 32 years, and that Frank Davis had frequently stayed at his grandmother's Throop Ave., apartment.

Scott Darden, 21 a resident of the Tompkins Houses, said he was standing out front with a group of about a dozen neighbors when two men sped up to the building in a blue Nissan Stanza and braked to a hard stop.

The two jumped out and opened fire, apparently with 9-mm. handguns, Darden said.

"When I saw the guns, I ran back into the building," Darden said.

The two gunmen jumped back into their vehicle and sped away, witnesses said.

Police said they were hunting two men. No weapons were recovered, they said.

McDowell's father, Gary Gates, 31, said he was lying on the couch in the family's third-floor apartment at the rear of the building when he heard the gunshots.

"It sounded like it was coming from the rear," Gates said. "right away, I thought of my son who was at some PAL thing over there."

But then, Gates said that his 11-year-old son, Gary Jr., raced into the apartment to say that Yolanda had been shot.

Gates said he found the girl "standing in shock up against the wall.

"She couldn't talk," her father said. "Her tongue was swollen and she looked like she was having trouble breathing."

He said he picked up the girl and started running toward the hospital.

[From the Daily News, July 7, 1993]

ELDEST MIDDLE—NOW "BABY"

(By Alice McQuillan)

Three coffins fit in the grave site Frances Davis bought in Cypress Hills Cemetery when her eldest son was murdered six years ago.

She never dreamed the plot would be needed again in November 1991, and now this week for the same terrible purpose: to bury another son shot to death in the same Brooklyn neighborhood.

"I bought it after Raleak got killed," said Davis, 43, "It was cheaper to get it for three than it was to get it for one. I never expected to use them again anytime soon. And I definitely didn't expect to use them again for my other sons. I thought if anything, it would be me."

Some kind of awful order prevailed as Davis' three sons were all cut down, starting with the eldest boy, then the middle one and finally the youngest.

ROBBER SLEW FIRST

A robber got Raleak Saunders, 20, a sheet-metal worker who was engaged to be married and had earned 36 credits at Adelphi University. Shot once in the stomach, he died June 7, 1987. The alleged killer was arrested and in a later plea bargain served three and half years, Davis said.

Andrew Saunders, 22, the middle son, was drifting in life and supposed to enter a computer training program. He allegedly got into an argument on Nov. 2, 1991, that cost him his life. Two gunmen shot him four times. He died 12 days later in Kings County Hospital. No one was arrested.

Finally, Frank Davis, 18, his mother's "baby," fell to a hail of automatic gunfire outside his grandmother's apartment building yesterday. His mother said he was depressed over losing his brothers. He dropped out of Eastern District High School and mostly stayed at home watching videos.

TRIP TO FLORIDA PLANNED

Frances Davis had planned to take him and other relatives on a trip to Florida this weekend. Frank had enrolled in a General Equivalency Diploma program and was preparing to go into counseling, like his mother.

Now, Davis said, she dreads returning to the same hospital where Andrew had lingered to identify the body of his brother.

"I'm angry. I'm angry with everybody right now," she said. "The system, God, everybody. God says that he doesn't put on anybody more than they can bear. But he took every single child that I had."

With a lost look on her face, Davis sat yesterday in her mother's apartment in the Tompkins Houses in Bedford-Stuyvesant. Five stories below, bullet holes pockmarked the steel front door where Frank fell.

She pointed out the window to another brick building across the courtyard, where Andrew had been shot. Looking across Throop Ave., she pointed out the nearby Sumner Houses, where Raleak had been slain.

"Just feet from each other," she said.

"They didn't do drugs, they didn't drink," she said. "There was no reason for them to hide anything from me. They didn't smoke cigarettes."

Now losing the youngest, the one who still lived at home, has left Davis numb beyond comfort.

"I don't know what I'm going to do," she said. "I feel very depressed. I've nothing to live for."•

UKRAINIAN NATIONAL ASSOCIATION

• Ms. MIKULSKI. Mr. President, it gives me great pleasure to rise today and express my deepest admiration for the Ukrainian National Association [UNA]. This exceptional fraternal organization, which is celebrating its 100th anniversary, embodies the very best of the Ukrainian-American community. Since 1884, it has worked to preserve and promote the culture, traditions, heritage, and pride of the Ukrainian-American community. From its humble beginnings in 1894 with 13 branches, it has expanded to a total of 370 branches in the United States and Canada. It has over $100 million in assets and over 66,000 members.

The Ukrainian National Association sponsors a wide range of financial, educational, cultural, social, and charitable activities for its members. When Ukrainian immigrants had a hard time getting financial assistance in the United States, the Ukrainian National Association rose to fill the gap and provide low-cost insurance and other financial necessities to the growing Ukrainian immigrant community.

Today the UNA sponsors a number of important programs such as a retirement home for senior citizens, a children's camp, and a sports camp. They provide over $120,000 in scholarships annually to its members. They publish the largest Ukrainian-language daily newspaper in the world and numerous books on Ukrainian culture.

While this organization was founded to help Ukrainians living in the United Stats and Canada, it has never forgotten the needs of Ukrainians living in Ukraine. They have assisted Ukrainian refugees during World War II and provided assistance to the victims of natural disasters in Yugoslavia and Armenia.

In 1992 the UNA founded the Ukrainian National Foundation to facilitate humanitarian and development programs aimed at promoting democracy and free market institutions in Ukraine. Additionally, they supply text books and have sent teachers into Ukraine to teach English.

I am proud of what the UNA has accomplished for Ukrainian-Americans during the last 100 years. The UNA extends itself into all parts of the Ukrainian community and reaches out to all age levels. It stands by its families with great compassion in times of need, and shares their joys in times of triumph. It instills pride in the generations of today and preserves the Ukrainian-American heritage for the generations to come.

Mr. President, on this occasion I offer my heart-felt congratulations and best wishes to the membership of the Ukrainian National Association. I have no doubt that their exemplary work will continue to help Ukrainian-Americans and our Nation long into the future.•

100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

• Mr. RIEGLE. Mr. President, I rise to offer my congratualtions to the Ukrainian National Association, which celebrates its 100th anniversary today. The UNA is the oldest and largest Ukrainian-American organization in the United States and has helped to preserve the cultural heritage of the Ukrainian-American community by providing financial support, and promoting educational and cultural programs and publications. The UNA's efforts have become even more important as Ukraine faces the economic and political challenges of reestablishing itself as an independent nation. I wish to commend the UNA on its efforts over the past century, and I am certain that its work will continue to benefit Ukrainians well into the future.

One of the Ukrainian National Association's greatest contributions has been the financial support that it has provided to its 66,000 members nationwide. The UNA has provided life insurance and mortgage for its members and retirement homes for senior citizens. It has also granted scholarships for Ukrainian-American students to continue their education. Finally, the UNA has contributed greatly to the preservation of Ukrainian heritage in the United States through its charitable contributions and assistance in the construction of Ukrainian churches and cultural centers. Such financial support has been invaluable in supporting needy individuals as well as in preserving the community as a whole.

The UNA has provided further support to the community through its publications and efforts to promote cultural exchange. The UNA currently publishes Ukrainian and English language newspapers, as well as numerous books on Ukrainian culture and history. Much of this work has benefitted the people of Ukraine as well—the UNA has published works on various subjects to be used in Ukrainian schools. In addition, the UNA has acted as a bridge between the Ukrainian-American community and the people of Ukraine by promoting various cultural and educational exchange programs.

The UNA's support for the people of Ukraine will continue to increase in importance as Ukraine works to build a democratic government and a strong free-market economy. Since 1990, the UNA has maintained a fund for humanitarian and technical assistance to Ukraine. It is also working in conjunction with other organizations to promote democracy there and has been a strong proponent of greater western support for the newly independent Ukraine.

The support of the UNA and other organizations is critical as Ukraine struggles to overcome the economic, political, and social difficulties that have arisen since its independence from the Soviet Union. Energy shortages have caused a serious decline in industrial output and inflation has reached 60 percent per month. Further economic decline could jeopardize Ukraine's ability to maintain a viable political and economic structure. Relations with Russia have also been strained over such issues as control of nuclear weapons and treatment of the 12 million ethnic Russians who live in Ukraine. Moreover, Ukraine faces the threat of social turmoil that could result from the emerging secessionist movements within its borders.

The problems that Ukraine and other fledgling democracies are facing can only be overcome if the international community continues to lend its support. The Ukrainian National Association has played a pivotal role in building this support through its efforts in the United States and Canada. I commend the UNA for the hard work it has done to accomplish its goals. Because of its efforts, United States-Ukrainian ties will grow even stronger and Ukrainians will receive the attention and support they need in order to build a more prosperous and democratic future.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar 622, Jesse L. White, Jr., to be Federal Cochairman of the Appalachian Regional Commission; and Calendar 697, Raymond J. Vogel, to be Under Secretary for Benefits of the Department of Veterans Affairs.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

APPALACHIAN REGIONAL COMMISSION

Jesse L. White, Jr., of North Carolina, to be Federal Cochairman of the Appalachian Regional Commission.

DEPARTMENT OF VETERANS AFFAIRS

Raymond John Vogel, of West Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs, for a term of four years.

STATEMENT ON NOMINATION

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to recommend to the Senate the confirmation of R. John Vogel of West Virginia to be the Under Secretary for Benefits at the Department of Veterans Affairs.

The Committee held a hearing on January 26, 1994, at which Mr. Vogel presented testimony to committee members. He also has responded to prehearing and posthearing questions, and completed the committee's questionnaire for Presidential nominees. After having reviewed all these materials, as well as the FBI report, I am satisfied that Mr. Vogel is suited to serve in the position for which he has been nominated. On February 10, 1994, our committee met to consider Mr. Vogel's nomination and voted unanimously to recommend his confirmation to the full Senate.

Mr. President, I would like to speak briefly about this nominee.

As Under Secretary for Benefits, Mr. Vogel is afforded a tremendous opportunity to share his experience in veterans programs, acquired through his many years of service to our Nation's veterans.

After having graduating from Wheeling College, Mr. Vogel served as a battery clerk and an artilleryman in the U.S. Army. Shortly after leaving the Army, he began his career with the Veterans' Administration.

In over 25 years of VA service, Mr. Vogel has been a veterans claims examiner, a legal consultant, and an education specialist here in Washington, DC, and an adjudication officer in the regional offices in Portland, OR, and Washington, DC. In 1979, he became Director of the Portland VA Regional Office, and has also served as Director of the VA Regional Office in Philadelphia, as a Special Field Operations Representative in Baltimore, and most recently, as Director of the VA Medical Center in Bay Pines, FL.

Mr. Vogel is in a unique position as a nominee for Under Secretary for Benefits, having held the equivalent position of Chief Benefits Directors in the Veterans' Administration from 1985 to 1990.

By nominating Mr. Vogel to this position, President Clinton has shown great confidence in his work and appreciation for his commitment to veterans.

Mr. Vogel clearly understands the special obligation we have to those who have served our Nation in the armed services. As a veteran of the Vietnam era and as a distinguished, long-term career employee of VA, Mr. Vogel has served this Nation and this country's veterans with honor and dignity. Among the many awards he has received throughout his career has been the Secretary of Veterans Affairs' Distinguished Service Award in 1990.

In closing, I note that Mr. Vogel is being considered for the position of Under Secretary for Benefits at a time when the Veterans' Benefits Administration is truly at a crossroad. This job brings with it significant challenges. Mr. Vogel is presented with an enormous opportunity to bring to bear a career's worth of experience in veterans programs in order to meet those challenges.

I look forward to working with Mr. Vogel as he seeks to meet the challenges faced by the Veterans' Benefits Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MEASURE READ FOR SECOND TIME—S. 1807

The PRESIDING OFFICER. The clerk will read S. 1807 for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1807) to guarantee individuals and families continued choice and control over their doctors, hospitals and health care services, to secure access to quality health care for all, to ensure that health coverage is portable and renewable, to control medical cost inflation through market incentives and tax reform, to reform medical malpractice litigation, and for other purposes.

Mr. SIMON. Mr. President, I object to further consideration of that bill.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

MEASURE READ FOR SECOND TIME—S. 1833

The PRESIDING OFFICER. The clerk will read S. 1833 for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1833) to amend the Public Health Service Act to provide for the establishment of a voluntary long-term care insurance program, and for other purposes.

Mr. SIMON. Mr. President, I object to the consideration of that bill at this point.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, FEBRUARY 23, 1994

Mr. SIMON. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, February 23; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: With the first 45 minutes of morning business under the control of Senator WALLOP, or his designee; Senator DODD for up to 5 minutes; Senator FEINGOLD for up to 10 minutes; and Senator HARKIN for up to 8 minutes; that at 10:15 a.m., the Senate resume consideration of Senate Joint Resolution 41, the balanced budget constitutional amendment, with debate controlled as provided for under a previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, FEBRUARY 23, 1994, AT 9 A.M.

Mr. SIMON. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:21 p.m., recessed until Wednesday, February 23, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1994:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1997. (REAPPOINTMENT.)

DEPARTMENT OF DEFENSE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF DEFENSE, VICE WILLIAM J. PERRY.

IN THE COAST GUARD

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE VICE COMMANDANT, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. ARTHUR E. HENN.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE COMMANDER, ATLANTIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. JAMES M. LOY.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE COMMANDER, PACIFIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. RICHARD D. HERR.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE CHIEF OF STAFF, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. KENT H. WILLIAMS.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD TO BE A PERMANENT COMMISSIONED OFFICER IN THE GRADE OF LIEUTENANT COMMANDER IN THE REGULAR COAST GUARD:

JOANNE MCCAFFREY.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAIN IN THE CHAPLAIN CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. ANDERSON BYRON HOLDERBY, JR., [redacted] U.S. NAVY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT PROMOTION TO THE GRADE OF LIEUTENANT COLONEL UNDER SECTIONS 624 AND 628 OF TITLE 10, UNITED STATES CODE:

MAJ. ARTHUR V. GORMAN, JR., [redacted]
MAJ. WILLIAM R. MURRAY [redacted]
MAJ. DANIEL W. SHUPE, JR., [redacted]

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT PROMOTION TO THE GRADE OF MAJOR UNDER SECTIONS 624 AND 628 OF TITLE 10, UNITED STATES CODE.

CAPT. STEPHEN J. GORZYNSKI [redacted]
CAPT. MARK E. JAFFRY [redacted]

IN THE AIR FORCE

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593 WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067 TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

PHILIP M. ELLIS [redacted]
WILLIAM D. PAULSON [redacted]
FRANK J. FOREMAN [redacted]

BIOMEDICAL SCIENCE CORPS

To be lieutenant colonel

ROBERT E. MCQUIRE [redacted]

THE FOLLOWING REGULAR OFFICE FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593.

LINE

To be lieutenant colonel

DAVID J. SATIN [redacted]

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593.

RETIRED RESERVE

To be lieutenant colonel

ALVIN J. BURGE [redacted]
KIRBY H. CANNON [redacted]
WILLIAM H. CUNNINGHAM [redacted]
DAVID S. DENNIS [redacted]
WALLACE R. FISHER, JR. [redacted]
WOODROW S. GILLILAND, JR. [redacted]
PHILIP GRITTEN [redacted]
RICHARD K. HERSOM [redacted]
HOWARD A. LEDERER [redacted]
HOWARD H. LEE [redacted]
EDWARD D. MENDENHALL [redacted]
WILLIAM A. MILLIGAN [redacted]
CARL W. T. PERKINS, JR. [redacted]
JAMES R. PFEIFER [redacted]
FRANK V. PLIML, JR. [redacted]
ALAN W. PRICE [redacted]
JOHN M. ROSEN [redacted]
BARBARA SOLTESZ [redacted]
RICHARD D. TUNTLAND [redacted]
PHILLIP D. YODER [redacted]

THE FOLLOWING OFFICER IS RECOMMENDED FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8366, MAJOR TO LIEUTENANT COLONEL (NON–EAD), AND SECTION 1552, CORRECTION OF MILITARY RECORDS.

RESERVE (NON–EAD) PROMOTION

To be lieutenant colonel

GROVER N. STEIN [redacted]

IN THE NAVY

THE FOLLOWING-NAMED NURSE CORPS OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

AMY J. ANDERSON

THE FOLLOWING-NAMED SUPPLY CORPS OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(A):

To be lieutenant

WILLIAM R. FENICK

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

MICHAEL ROBERT ALESSI
CHARLES LEE ALEY III
JOSE PHILLIP ARAGON
MARK ALLEN ARMSTRONG
STEVEN JOHN ASHWORTH
BRADLEY JON BAAS
ROBERT E. BAKER
SHERWOOD RAY BELANGIA
DONALD CARL BENSON
DAVID TEMPLE BEVERLY IV
BRUCE MCCALL BICKNELL
TIMOTHY JOHN BILLER
TIMOTHY BROOKE BITZER
BRIAN ROBERT BLACK
PHILLIP ANTHONY BLACK
KURT FRANK BOHLMANN
BRETT FRANCIS BONIFAY
MICHAEL EDWARD BOYLE
GLENN RICHARD BRANDENBURG
KEVIN SEAN BRENNAN
SEAN PATRICK BRENNAN
DAVID ROBERT BROWN
THOMAS DAVID BRUMFIELD
MICHAEL BUCHANAN
CHRISTOPHER TODD BURKETT
JOHN THOMAS BURNS
PATRICK JEROME BURNS
JON CHRISTIAN CANNON
MICHAEL LEE CARRE
DOUGLAS DALE CARSTEN
CHRISTIAN ERIC CHRISTENSON
SCOTT PARRISH COOLEDGE
MICHAEL SELBY CRUDEN
GLENN ALEXANDER CUNNINGHAM
JAMES FRANCIS CUSICK, JR.
WILLIAM JOHN DALY
JEFFREY ALAN DAVIS
JEFFREY ALAN DAVIS
MARK JERALD DAVIS
MICHEL DAVID VUILLERM DECOU
BRUCE ALAN DEFIBAUGH
MICHAEL ALBERTO DELAGARZA
LOREN REA DESHON
GERALD ANTHONY DILEONARDO
WILLIAM ERIC DINE
ROBERT EDWARD DREHER III
JEFFREY ROBERT DUNLAP
STEVEN YOUNG FAGGERT
TIMOTHY CRAIG FALLER
JOSE LUIS FONTAN
PATRICK CHARLES FULGHAM
CARLOS EDUARDO GALVEZ, JR.
EUGENE LEO GARBACCIO III
RICHARD E. GARDNER, JR.
ROBERT NEIL GEIS
KIMBERLY NMN GEORGE
PETER CHARLES GILLIS
HERMANN FRANCISCO GONZALEZ
JOHN SCOTT GORMAN
DOUGLAS WILLIAM GRANT
MICHAEL SPITZER GREENE
MICHAEL WAYNE HAIJSMAN
SCOTT JOSEPH HALEY
PAUL EARL HALL
SCOTT SPEED HANDLER
THOMAS ROGER HARRINGTON, JR.
WILLIAM FREDERICK HARTMAN
HOWARD JEROME HIGGINS
GRANT RANDAL HIGHLAND
EDWARD HILTON HILL
DAN HUBERT HINZ, JR.
DARREN ARTHUR HOBBS
SCOTT MICHAEL HOGAN
FRANK CORNELIUS HOLLAND III
DAVID MICHAEL HONE
PHILLIP GERARD HULLINGER
GEOFFREY THOMAS HUTTON
PETER ROSS JANNOTTA
LEE MITCHELL JOHNSON
LOWELL MORGAN JOHNSON
WILLIAM EDWIN JONES, JR.
FRANCISCO MIGUEL JUANCHE
MICHAEL NMN KALACHMAN
GREGORY ALFRED KALL
JAMES ANDREW KASTLE
BERNARD WILLIAM KASUPSKI
SUSANNE GABRIELE KECK
GEORGE CHRISTOPHER KIYAK
JAMES FREDERICK KOELTZOW
JOHN HAROLD LAMB
KENT SARGENT LEONARD
JEFFREY MARC LEWIS
JOSEPH W. LISENBY, JR.
HANS PHILLIP LISKE
PETER TERRENCE LISTON
THOMAS MARTIN LUCAS
KAREN ANN LYNCH
JOHN ALEXANDER MACDONALD
JOHN DAVID MALLEY
WILLIAM ELWOOD MARPLE
SCOTT MICHAEL MARQUARDT
DANIEL THOMAS MASTERSON
JOHN DOUGLAS MCGARRY
JAMES VICTOR MCSWEENEY
PHILIP WILLIAM MAEDE
JOHN LOUIS MIHELICH III
THOMAS ARTHUR MILLS
FRANCIS MURPHY MOLINARI
GARNER DOUGLAS MORGAN, JR.
MICHAEL LEE MURPHY
STEVEN J. MYERS
PETER ROLAND NETTE
FRANCIS HARRY J. NIEDZWIECKI
FREDRICK JENS NIELSEN
HOWARD JOSEPH NUDI
DAVID LEE NYGAARD
THOMAS PATRICK ODOWD
MELTON DOUGLAS PARHAM
MICHAEL DALE PARKER
STEPHEN EWELL PAYNE
DANIEL JAMES PERKINS
EVAN BRIX PIRITZ
BRYAN LANCE PITAWANAKWAT
CHRISTOPHER WALLACE PLUMMER
VIVAN L. RAGUSA II
RONALD REIS
FRANK THOMAS ROCHEFORT
MICHAEL PATRICK ROGERS
JOHN ALLEN ROMERO
MATTHEW PAUL ROONEY
DANIEL LAWRENCE RUBIS
KAREN MARIE RUPPE
DANELLE T. SADOSKI
DAVID LAWRENCE SALIGA
JAMES JOSEPH SIERENS
DAVID J. SILKEY
KEVIN BARRY SIMPSON
ISAAC N. SKELTON
CLAY JAMES SNAZA
JAMES VICTOR STAUFFER
JOHN GEORGE STEINER
RICHARD EUGENE STOCKING
CHARLES WILLIAM STOUDENMIRE
LUIS CARLOS SUBIRATS
JAMES LAMAR TAYLOR, JR.
TODD CURTIS TEMPLETON
THOMAS EDWARDD TEXLEY
JAMES W. TODD
MICHAEL CHARLES TROICI
JEFFREY WILSON TROXEL
LUTHER SOHMERFIELD TURNER
LESLIE BRUCE VAN DAM
IAN VALENTINE VATET
PAUL LOUIS VILLAGOMEZ
TRICIA ANN VISLAY
CHARLES L. WALKER
ROBERT J. WALKER
KEITH ROBERT WARGEL
WILLIAM MICHAEL WEHRMEYER
DAVID FREDERICK WEIR
KELLY RENAE WILSON
JAMES ALFRED WINSHIP
CHARLES THOMAS WOLF
HOWARD EDWARD WOODS
DAVID ARTHUR YOUNGBERG
CARL L. ZEAK
JOHN FRANCIS ZOLLO

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

PETER DOMINIC BERARDI
DAVID LEATON BISHOP
RICK LYN BLACK
IAN HENRY BOHNE
ARTHUR DAVID BUSSINERE
SEAN ARTHUR BUTCHER
GAIL CALANDRINO
WENDY PAIGE CALLAHAN
GORDON LEE CHRISTIAN
CYNTHIA LOUGH CHURBUCK
SUSAN ELIZABETH COBB
CHARLES ROBERT CORDON
GUY RAYMOND CORR
JOSEPH GLENN DACQUISTO
MARION WILSON DANIEL
ROBERT JAMES DENTON
WESLEY ALAN EANS
CHARLES SCOTT ENGLE
LOUIS JEROME FABBRI, JR.
DAVID CHRISTOPHER FADLER
KELLY SHARP FINCO
THOMAS ELLIOTT FRIEND
CORNELIUS MARTIN GUINAN
CHARLES CROMPTON HEATON I
JUAN JOSE HOGAN
GRAHAM KENNETH JACKSON
ERIK ONEILL JOHNSON
LINCOLN JOSEPH IV
STANLEY OLLIE KEEVE, JR.
DANIEL SEAN LANN
DAVID WILLIAM LATHROP III
LYNN THERESE MACKOVICK
MORALES FERNAND MALDONALDO
DAVID HUSTON MCALLISTER
ROBERT ALLEN MCCORD
JACK LEON MONDAY
FRANK WESLEY NAYLOR III
WILLIAM ANTHONY OEFELEIN
EDWARD AARON OKELLY
WALTER JAMES ONESCHUK
DWIGHT OWENS
MELODIE STARR PALMER
EUGENE F. PALUSO II
BRADFORD T. PARKER
CHERYL LEE PATLA
TIMOTHY HOWA PFANNENSTEIN
MICHAEL JAMES PREWITT
MICHAEL SCOTT QUINLAN
JOSEPH ROY ROBERT
DONALD ALLEN RUDAT
JEFFREY SCOTT SCHMIDT
JANET SILVAND SHIRLEY
KENNETH SCOTT SINDELAR
MICHAEL WILLIAM STUDEMAN
RONALD WADE THORNHILL
ANDREW J. TUNNARD
SEAN E. VARLEY
TODD DENNIS WHITE
DAVID JOSEPH WOFFARD

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign

EMILIO AGUSTIN
SCOTT F. AKINS
JULIO C. ARRIOLA
CHARLES R. BAIER
JEFFRY M. BAKER
STEVEN P. BALTHAZOR
MICHAEL J. BARETELA
GREGORY D. BEASLEY
STEWART W. BEITZ
CORY S. BIRKEMEYER
MICHAEL K. BLECH
DOUGLAS E. BLUE
LANCE L. BOOTH
WADE M. BRANDT
JAMES L. BROOME
CHRISTOPHER J. BUBASH
KEITH A. BURKHARDT
DARIN A. CHAMBERS
JEFFREY L. CIMA
JOSEPH T. CLEMENTS II
CHRISTOPHER J. CLEMMENSEN
RICHARD F. CONDON
BRETT T. COOKE
CHRISTIAN J. COOKE
WILSON V. CURLEE, JR.
MICHAEL B. DESMOND
JOSE E. DIAZ
DAVID D. DICKSON
BRIAN R. DONOHUE
BRIAN L. EDEN
BRENT A. EDINGTON
RALPH J. EPPLER
RUSSELL J. FALLON
MICHAEL G. FRYER
KENNETH T. GILBERT
HUGH A. GILLIAM
THOMAS R. GIRON
ROLANDO R. GOMEZ
GLENN M. GRABOWSKI
JAMES B. HANDLAN
JOEL P. HARBOUR
SCOTT A. HARRIS
GARY R. HEWES
TODD J. HOFACRE
SCOTT D. HOGAN
CORDELL D. HONRADO
ROBERT D. JANEZIC
AARON T. JOHNSON
MICHAEL B. KALINA
DAVID A. KELLER
BRADLEY T. KIMBROUGH
MARK D. KNUCHEL
ERIC M. KOENIG
TIMOTHY P. KOLLMER
TIMOTHY J. LE DUC
QUOC LE KHANH
JAMES C. MACMURRAY

MICHAEL K. MANNING
JOSEPH A. MASAR
JEFFREY A. MCBRAYER
CAREY B. MEADORS
TROY A. METCALF
FRANCIS J. MILLS
CHRISTOPHER A. NEWTON
LARRY J. NORTH
PAUL E. PIPER
JOHN A. PRICE
ERIC G. PUTMAN
BRIAN M. REED
DANIEL P. RODGERS
BRIAN D. ROSCHEN
LOWELL S. RUST
WILLIAM C. SANGER
MARK W. SCHMALL
WILLIAM H. SCHOTANUS
SCOTT B. SEAL
CHARLES W. SEBRELL
CHRISTOPHER H. SHEA
TIMOTHY J. SHELL
JOHN R. SIEKIERSKI
JEFFREY A. SMITH
DOUGLAS D. SOULTZ
WILLIAM C. STARK
JEFFREY S. STEGER
ROBERT E. STRAIGHT II
WILLIAM A. STRENGER
ERIC D. STURGILL
DAVID G. THOMAS
MICHAEL R. TOEPPER
RANDOLPH J. TUPAS
SCOTT A. TUPPER
MICHAEL M. VAILLANCOURT
MICHAEL L. VANDERBIEZEN
DEAN A. VANDERLEY
THOMAS D. VANDERMOLEN
SCOTT R. VENTON
ELISEO A. VILLAFUERTE
SHAWN A. WADHAMS
DENNIS L. WHITE
ANTHONY B. WILHAM
DAVID BOHUI YI
PETER D. ZOHLEN

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be commander

CHARLES OLIVER BARKER
STEPHEN FREDERI HANSEN
FREDERICK EDWA MILLARD
VINCENT S. SHEN
RONALD EARL SMITH

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant commander

MARK D. ANDERSON
CHARLES FRANK J. BAXTER
DAVID TANKSLEY BUTLER
DAVID O. CHILDERS, JR.
JAMES J. CHUN
PAUL R. COLAVINCENZO
JAMES CSYBASTIAN DUNN
JOHN ROBERT FEENEY
RICHARD ERIC HAWKINS
TIMOTHY S. HINMAN
DAVID F. KLINK
EVELYN LYNNETTE LEWIS
GREGORY JOHN MARTIN
WAYNE ZIMMER MCBRIDE
DARRYL MONCEAUX
DONALD L. NICHOLS
FARRELL D. PIERSON
MICHAEL C. VANTUYL
JOSE JUAN VINCENS
ROBERT MARCUS WAH
GLENN ZAUSMER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant

ROBERT A. ALONSO
ALEXANDER C. CHAVEZ
EDWARD B. JORGENSEN
STEPHEN C. MARTIN
MICHAEL D. MCBETH
THOMAS K. MOORE
PHILIP SCHOENFELD
CLIFTON WOODFORD

THE FOLLOWING-NAMED LINE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be lieutenant

LISA SUSANNE DOWNING

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant

DANIEL LOUIS ALLEN
JAMES JEROME ANDERSON
DAVID CRAIG BEAGAN
KENNETH JEFFREY BROOMER
HAYLEY ANNE BUETTNER
STANLEY RAY BUSH
STEPHEN CABIROY
EDWARD ALAN DEMPSTER
JOSEPH FRANCIS DUNN
WENDY COPE FEWSTER
EDWARD PATRICK HALEY
ROBERT DAVID HECK
JOHN EDWARD HICKS
ALEXANDER CLIFFORD LEVY
ROGER DEAN LORD
MARSHALL LEE MASON III
KENNETH TAYLOR NATIONS
GERALD WAYNE NORBUT
BRUCE AARON ROLL
EDWARD KEAR SHUMAN
DOUGLAS MICHAEL THOMPSON
DAVID JAY TRETTEL
SCOTT RAYMOND VANDERMAR
DENNIS GERARD VANVEEN
MICHAEL JOHN WILSON
JAMES PAUL WINCELOWICZ

THE FOLLOWING-NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be lieutenant (junior grade)

WILBURN CLARKE

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant (junior grade)

CHRIS ATKINS
MICHELLE ANN CLARITY
DAWN DENISE RICHARDSON
RACHEL M. SILVER
KEITH E. SYKES

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant

MATTHEW LANCE EARLY
WILLIAM ERNEST HOWE III
JOSEPH JERALD MCCONNELL III
MICHAEL DAVID WILLIAMSON

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant

GEOFFREY EDMOND BURLEY
DAVID RICHARD BUSTAMANTE
DARRYL KENT CREASY
GORDON BLAINE FOX
ROBERT JOSEPH GALLEN
JOSEPH BERNARD MATIS
ROLAND ANTHONY MINA
VAN THIHONG NGUYEN
ELVIN RONALD NUNES III
MATTHEW ALBERT RINDFLEISCH

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

SHAWN THOMAS CULLEN
PETER E. HANLON
TIMOTHY R. MARKLE
BARRY A. MAXON
MARKO MEDVED

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

DONNA JANE FORBES
GEORGE ALAN FRANTZ
GREGORY JAMES GORMAN
MICHAEL ANDREW MINER
PAUL JOSEPH VANDENBERG

THE FOLLOWING-NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be ensign

DAVID E. GUSTAFSON

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant

KEITH LOUIS BRAU
PAMELA ELLEN CHARTIER
DIANE LYNNE HENNIG
CHRISTOPHER DAVID JUNG
ROBERT CHRISTOPH KLANT
DEAN WALKER LEECH
LINDA JOYCE LOFTON
PATRICK MICHA MCCARTHY
THOMAS EDGAR MIRO
MICHAEL TIMOTHY PALMER
NEIL ADAM SHEEHAN
LINDA ELIZABETH YOUNG

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be commander

GLENN BARTON POLLOCK

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant commander

TIMOTHY GAYLO BATTRELL
DAVID WILLIAM GLYNN
CRAIG HUGH MULLETT
LEE EDWARD NIEMEYER
BENJAMIN TY PO, JR.

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant

BRUCE A. BEGOTKA
WENDY MAY BORUSZEWSKI
BARBARA HICKS BROWN
ROBERTO JOAQUI CABASSA
BRENT JOSEPH CALLEGARI
TED JAMIR CAMAISA
RICHARD PAUL CAMPBELL
KEITH MONTGOMERY COE
JEFFREY DONALD DAY
JANET ANN DELOREYLYTLE
SUSAN KAY DEPAS
CHARLES ROBERT FAHNCKE
CLAYTON ANTHONY FINLEY
KEVIN FRANCIS FLYNN
ELIZABETH BOWLE GASKIN
CHESTER B. GAUSS III
JAMES DOUGLAS HOAG
KEVIN THEODORE KALANTA
ROBERT LOUIS KAUFMAN
JOHN FRANCIS LEUNG
JENNIFER MARIA MADDEN
JOHN FRANKLIN MILLER
ROBERT HUGH MITTON
MONA MARIE MOOREMEAUX
SCOTT ALBERT OLSON
CARL ERIK OPSAHL
DOUBLAS GEORG PETERSEN
RONALD ALLEN SABINS
CARLOS JAVIER SANTIAGO
PAUL EDWARD SCHLEIER
KAREN FERN SHELBURNE
RANDOLPH RICHA STANTON
WILLIAM CHRIS VOCKROTH
BRIAN DOUD WATKINS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be commander

ELIZABETH K. HOLMES

THE FOLLOWING-NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

CHRISTOPHER ALAN BLOW

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

DALE PAUL BARRETTE
KENNETH ALAN COLE
THOMAS BRUCE CULLEN
MICHELLE M. CWIKLINSKI
DAIDRIAN CELESTE DAVIS
DANIEL JOS DELAURENTIS
STEVEN LEON GEARY
PERRY ROBERT GEHRMANN
JERRY CURTIS GILLAND
RACHEL DOROTHY HALTNER
BEVERLY JILL HAYSLETT
JAMES DOUGLAS HELLAUER
MICHAEL NELSON HENDEE
STEVEN LEE KEENER
JUNIUS MCCOY LEWIS
JAMES B. LINDSEY
JULIE ANN LONG
PATRICK SHWAN MALONE
AMY RUTH MAUPIN
MICHAEL JOHN MEDINA
ELIZA MONTCALMMAZZILLI
LESLIE ALEENE MOORE
STEVEN MACK PRESLEY
CARON LEE SHAKE
CAROL JAN SOLOMON
DAVID RUSSELL J. STREET
VERONICA MARI SULLIVAN
STEPHEN ALLEN THORNTON
SHERYL LYNN WASHINGTON

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

PAUL JOSEPH BROCHU
ALBERG YOUNG WONG

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

PIA SERMONIA BOSTON
KARI ANN BUCHANAN
ALFRED JOSEPH CIUZIO
JOHN LEROY CRAPO
LINDA MARIE DOWDY
DARWIN GENE GOODSPEED
EDWARD THO MOLDENHAUER
STUART LESLIE MURDOCK
JO ANN REED
CORAZON DINGLAS ROGERS
JAMES EDWARD ROMINE
LAURA LEE RUBISON
MARK JOSEPH STEVENSON
GINA FAY TROTTER

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT ENSIGN IN THE

MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be ensign

DONOVAN ROY LAWRENCE

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant

CHRISTIE MC APPLEQUIST
MARY LOU BAKER
ALLISON RENE BEATTY
TERRY VINCENT BOLA
ANN M. CAMPBELL
DEBRA POOLE CARTER
DAWN MARIE CAVALLARIO
JACQUELINE DAWN COLE
DEBORAH ANN CURREN
ELIZABETH ANN DANIS
BRENDA DAVIS
CONSTANCE JEAN EVANS
DEANNA L. FALLS
DEBORAH DENISE GREGORY
PAULA MARIA JONAK
MARY DEBRA KEENAN
TRISHA CORRINE MARTIN
GERARD HUGH MOHAN
LAURA ELLEN PISTEY
MICHAEL GEORGE PRINGLE
VANESSA MARIE SCOTT
THEODORA LORENE SHORT
LISA KARINE STENSRUD
KIMBERLY ANN SZYMANSKI
LYNN JOAN VOGELGESANG
KIMBERLY JE WHISENHUNT

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant (junior grade)

ANIBAL LUIS ACEVEDO
DANIEL CHARLES CELESKI
KRAIG ALAN MITCHELL
ALAN S. WHEELER
HEIDI CARRBRECHTER
JOSEPH DIVINO
KARIN ELISABETH WARNER
HILARY VALENTINE WONG

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

RUDY C. ABEYTA [redacted]
WARREN O. ABRAHAM [redacted]
MARC E. ABSHIRE [redacted]
EDWARD ACEVEDO [redacted]
PAUL C. ACKERMAN [redacted]
ALAN W. ACKLEY [redacted]
DARRELL E. ADAMS [redacted]
GLENN E. ADAMS [redacted]
JERRY L. ADAMS [redacted]
JOHN P. ADAMS [redacted]
NORMAN B. ADAMS, [redacted]
RORY D. ADAMS [redacted]
DONALD J. ADAMSON [redacted]
CARL W. AGAR, [redacted]
DELANE A. ABANG AGUILAR [redacted]
WILLIAM M. AHNEN [redacted]
JOHN J. AIKEN [redacted]
SEAN P. ALAND [redacted]
ANDREW B. ALDERSON [redacted]
MARK R. ALDRICH [redacted]
BRUCE C. ALEXANDER [redacted]
RENITA D. ALEXANDER [redacted]
JEFFERY C. ALFIER [redacted]
LEROY ALFORD [redacted]
DONALD L. ALLEN [redacted]
LARRY D. ALLEN [redacted]
STEVEN R. ALLEN [redacted]
KEITH R. ALFORD [redacted]
JOHN V. ALLISON, JR. [redacted]
DONATO J. ALTOBELLI, JR. [redacted]
GARY T. AMBARIAN [redacted]
JOHN M. AMRINE [redacted]
RICHARD E. ANAYA [redacted]
LEE C. ANDERSEN [redacted]
ARTHUR H. ANDERSON JR. [redacted]
CRAIGEN B. ANDERSON [redacted]
CYNTHIA G. ANDERSON [redacted]
DAVID L. ANDERSON [redacted]
MICHAEL P. ANDERSON [redacted]
NICHOLAS W. ANDERSON [redacted]
ROGER N. ANDERSON, JR. [redacted]
WARREN M. ANDERSON [redacted]
JOHN M. ANDERANO [redacted]
STEVEN R. ANDREWS [redacted]
ROBERT K. ANGWIN [redacted]
MARY L. ANTALEK [redacted]
JEFFERY S. ANTES [redacted]
EDWARD L. ANTOINE, JR. [redacted]
EDWARD R. APPLER [redacted]
MICHAEL G. ARCHULETA [redacted]
MATTHEW H. ARENS [redacted]
RAYMOND F. ARIAS [redacted]
JEFFERY M. ARKELL [redacted]
DIANNE ARMON, [redacted]
WALTER S. ARMSTRONG [redacted]
MICHAEL W. ARNOLD, [redacted]
FREDERIC M. ARRENDALE [redacted]
STEVE ASHER [redacted]
JEFFERY H. ASHWORTH [redacted]
STEVEN M. ATKINS [redacted]
TIMOTHY J. AUER [redacted]
AMIN C. AUR, [redacted]
OMER F. AUSTIN [redacted]
DEREK W. AVANCE [redacted]
RANDEL L. AVERETT [redacted]
BRADLEY J. AYRES [redacted]
JOHN W. AYRES JR. [redacted]
MICHAEL R. BABCOCK, [redacted]
TERESA R. BABERS [redacted]
MARK N. BACKMAN, [redacted]
DIONISIO M. R. BADANA JR. [redacted]
RAYMOND M. BADUA, [redacted]
MARK A. BAGGETT [redacted]
CHRISTOPHER J. BAGNATI [redacted]
RICHARD J. BAGNELL [redacted]
DAVID M. BAILEY [redacted]
MATTHEW K. BAILEY [redacted]
PENNY H. BAILEY [redacted]
RICHARD M. BAILEY [redacted]
DANIEL E. BAILIE [redacted]
ERIC L. BAINTER [redacted]
DAREN A. BAKER [redacted]
JEFFREY A. BAKER [redacted]
MARK A. BAKER [redacted]
RAYMOND N. BAKER, [redacted]
ROBERT R. BAKER, JR. [redacted]
SUSAN J. BAKER [redacted]
JAMES J. BALDRIGHI [redacted]
JOHN W. BALLENTINE, JR. [redacted]
LANTZ R. BALTHAZAR III [redacted]
THOMAS J. BALTUSKONIS II [redacted]
TODD C. BANGERTER [redacted]
STEPHEN P. BANGHART [redacted]
SID P. BANKS [redacted]
DAVID W. BANTON, [redacted]
CESIDIO V. BARBERIS, JR. [redacted]
GREGORY S. BARCLAY [redacted]
CHARLES T. BARCO [redacted]
GARY D. BARMORE [redacted]
DRUIE D. BARNARD III [redacted]
DONALD R. BARNES [redacted]
JAMES B. BARNES [redacted]
MICHAEL J. BARNES [redacted]
RUSSELL C. BARNES [redacted]
MICHAEL B. BARNSTABLE [redacted]
KEITH R. BARON [redacted]
THOMAS J. BARRALE [redacted]
GARY M. BARRETTE [redacted]
LARRY P. BARROWS [redacted]
BRYAN D. BARTELS [redacted]
CRAIG M. BARTLETT, [redacted]
DANIEL W. BARTLETT, JR. [redacted]
KEITH B. BARTSCH [redacted]
PHILIP D. BASS [redacted]
JEFFREY J. BASSALINE [redacted]
WILLIAM L. BASSETT [redacted]
HOSEA BATTLES, JR. [redacted]
DANIEL D. BAUMANN [redacted]
ROBERT A. BEARDSLEE [redacted]
JOSEPH D. BECKER [redacted]
JOHN R. BECKHAM, JR. [redacted]
ERNEST F. BECKLEY [redacted]
BARTON L. BECKNEL [redacted]
BERNICE B. BECKWITH [redacted]
CHARLES R. BECKWITH [redacted]
MICHAEL G. BEDARD [redacted]
THERESA A. BEDNAREK [redacted]
STEPHEN P. BEECHER [redacted]
JOHN M. BELL [redacted]
LARRY D. BELL [redacted]
DAVID M. BELLAMY [redacted]
CLYDE T. BELLINGER [redacted]
DAVID C. BENDALL [redacted]
ALLEN J. BENEFIELD [redacted]
DENNIS K. BENHOFF [redacted]
MELANIE G. BENHOFF [redacted]
VANESSA G. BENN [redacted]
JAMES G. BENNETT [redacted]
RODGER R. BENNETT [redacted]
BRYAN J. BENSON [redacted]
GREGORY J. BENTLEY [redacted]
BRUCE A. BENYSHEK [redacted]
JOSEPH E. BERGIN [redacted]
WARREN H. BERNARD [redacted]
RAMOS SERGIO J. BERNIER [redacted]
LAURA A. BERRY [redacted]
MICHAEL R. BERRY [redacted]
RICHARD B. BERRY [redacted]
MARK A. BERTHOLF [redacted]
ROBERT J. BERTINO [redacted]
ERIC H. BEST [redacted]
ROGER H. BEUSCH [redacted]
WILLIAM R. BIAGI [redacted]
CARLO A. BIAGINI [redacted]
FRED T. BIDDIX [redacted]
ADAM R. BIGELOW, [redacted]
JIM C. BIGHAM, JR. [redacted]
SANDRA R. BIGNELL [redacted]
GERARD A. BIGOS [redacted]
SHAWN D. BIRLINGMAIR [redacted]
GUILLERMO A. BIRMINGHAM [redacted]
ROBERT S. BIRNEY [redacted]
CARLEE A. BISHOP [redacted]
REMMINGTON G. BISHOP, JR. [redacted]
STEPHEN M. BISHOP [redacted]
DOUGLAS N. BISSELL [redacted]
ERIC B. BJORN [redacted]
DOUGLAS S. BLACK [redacted]
DAVID H. BLACKBURN, [redacted]
KENNETH N. BLACKBURN [redacted]
MARK S. BLACKBURN [redacted]
FRANCINE BLACKMON [redacted]
KEITH G. BLACKWELL [redacted]
CINDY L. BLAIR, [redacted]
ARTHUR L. BLAKE [redacted]
HOWARD R. BLAKESLEE [redacted]
DARRYL W. BLAN, [redacted]
ANDREW P. BLOOM, [redacted]
DIANA MARIE BOCK, [redacted]
BRYAN J. BODNER, [redacted]
ANDREW P. BOERLAGE [redacted]
CHRISTOPHER B. BOHNE [redacted]
J. ROBERT BOIS [redacted]
TODD A. BOLGER, [redacted]
PATRICK J. BOLIBRZUCH [redacted]
DONALD T. BOLLING [redacted]
JEFFREY J. BONAVITA [redacted]
CHRISTINE K. BONNIKSEN [redacted]
GLENN D. BONTLY, [redacted]
DAVID L. BOON, [redacted]
DOUGLAS J. BOONE [redacted]
TERRY N. BOONE [redacted]
TIMOTHY L. BOONE [redacted]
KENNETH E. BOORD, [redacted]
DAMON K. BOOTH, [redacted]
MARK E. BOOTH, [redacted]
CHARLES E. BOOTON, [redacted]
SCOTT J. BORG [redacted]
ANN L. BORGMANN, [redacted]
JOHN K. BORLAND, [redacted]
PHILIP A. BOSSERT, JR. [redacted]
DELBERT D. BOTTING [redacted]
ARMAND D. BOUDREAU, JR. [redacted]
FRANK S. BOURDA, [redacted]
JAMES K. BOURESSA [redacted]
ERIC A. BOWEN [redacted]
CHARLES T. BOWMAN, [redacted]
WALKER H. BOWMAN IV [redacted]
JEFFREY P. BOWSER [redacted]
STEVEN H. BOYD [redacted]
DAVID L. BOYER, [redacted]
GREGORY T. BOYETTE [redacted]
JOHN E. BOYLE [redacted]
ROBERT K. BOYLES [redacted]
PHILIP G. BRADLEY [redacted]
WILLIAM S. BRADSHAW [redacted]
STEVEN W. BRAGADO [redacted]
JEFFREY C. BRALEY [redacted]
MARK S. BRANDT, [redacted]
JOHN S. BRANIN [redacted]
BARRY D. BRANNON, [redacted]
ROBERT K. BRANNUM [redacted]
DENNIS A. BRATENG [redacted]
CRISMON A. BRAYMAN, [redacted]
EDWARD A. BREDBENNER [redacted]
ANNE E. BRELAND, [redacted]
TIMOTHY K. BRELAND [redacted]
DANIEL J. BRETT [redacted]
PAUL N. BRICKER, JR. [redacted]
TONJA M. BRICKHOUSE [redacted]
JOHN W. BRIDGE, [redacted]
AARON C. BRIDGEWATER [redacted]
HARRY BRIESMASTER III [redacted]
KEVIN W. BRIGGS, [redacted]
MATTHEW R. BRIGHT [redacted]
CHARLES F. BRINK [redacted]
LINDA L. BRITT [redacted]
ROBERT ESLEY BRODERICK [redacted]
CHRISTOPHER D. BRODKIN [redacted]
FREDERICK A. BROMLEY III [redacted]
DANIEL F. BRONSON [redacted]
LYNN D. BROOME, [redacted]
PAUL B. BROTEN [redacted]
ARTHUR J. BROWN III [redacted]
BETTY J. BROWN, [redacted]
DANIEL P. BROWN, [redacted]
JAMES H. BROWN III [redacted]
JAMES R. BROWN [redacted]
LAWRENCE R. BROWN [redacted]
SHIRLEY H. BROWN [redacted]
TERRY L. BROWN [redacted]
WILLIAM R. BROWN, II [redacted]
JOHN G. BROWINING, II [redacted]
ROBERT M. BRUDER [redacted]
SCOTT A. BRUMBAUGH [redacted]
NANCY G. BRUNSKOLE [redacted]
JAMES L. BRYAN [redacted]
LESLIE M. BRYANT [redacted]
JAMES K. BRYDON [redacted]
CHARLES E. BUCHANAN [redacted]
ROBERT S. BUCKLAND [redacted]
SHARON A.W. BUCKLEY [redacted]
TIMOTHY R. BUCKNER [redacted]
MARVIN G. BUEL JR. [redacted]
ROBERT S. BUERKLE [redacted]
JAMES F. BUGLEWICZ, [redacted]
MARK A. BUKER, [redacted]
DAVID W. BULLOCK, [redacted]
ROBERT W. BULLOCK [redacted]
RICHARD J. BURGESS [redacted]
TIMOTHY S. BURKE, [redacted]
LEE C. BURKETT [redacted]
RANDY P. BURKETT [redacted]
GREGORY J. BURNS [redacted]
DAVID A. BURROWS, [redacted]
DAVID R. BUSH, [redacted]

GREGORY A. BUTTERFIELD, [redacted]
CALVIN C. BUTTS, [redacted]
KYLE F. BYARD, [redacted]
ROBERT M. BYRNE, [redacted]
JAMES K. BYROM, [redacted]
NELSON CABOT, JR., [redacted]
EDWARD A. CABRERA, [redacted]
KIRK L. CAKERICE, [redacted]
JAMES D. CALDWELL, [redacted]
STEVEN C. CALL, [redacted]
DANIEL J. CALLAN, [redacted]
DAVID M. CALLIS, [redacted]
WILLIAM E. CAMERON, [redacted]
NORMAN G. CAMP, [redacted]
OTIS J. CAMPBELL, [redacted]
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WALTER CAMPBELL, [redacted]
MARIANO C. CAMPOS, JR., [redacted]
PATRICK E. CANNON, [redacted]
DAVID E. CANTOR, [redacted]
PETER C. CANTWELL, [redacted]
RICHARD G. CAPLETT, [redacted]
TIMOTHY J. CARETTI, [redacted]
MICHAEL J. CAREY, [redacted]
PATRICK T. CAREY, [redacted]
FRANCIS X. CARILLO, JR., [redacted]
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MICHAEL K. CARNEY, [redacted]
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RALPH D. CARTWRIGHT, [redacted]
VICTOR F. CASALAINA, [redacted]
CHARLES E. CASIAS, [redacted]
DAVID L. CASON, [redacted]
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SEAN P. CASSIDY, [redacted]
WILLIAM J. CASTLE, [redacted]
JACK S. CASZATT, [redacted]
RICHARD A. CATANO, [redacted]
TROY N. CAUDLE, [redacted]
VINCENT CENTONZE, [redacted]
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JEFFREY J. CHENEY, [redacted]
PETER A. CHERBERG, [redacted]
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NOLEN R. CHEW, JR., [redacted]
SHEILA G. CHEWNING, [redacted]
JAMES M. CHILD [redacted]
ANDREAS B. CHILDES, [redacted]
DONALD E. CHILDRE, JR., [redacted]
LARRY J. CHODZKO, [redacted]
DAVID L. CHRISTENSEN, [redacted]
JERALD R. CHRISTENSEN, [redacted]
NATHANIEL D. CHRISTIAN, [redacted]
SHELLEY DIANE CHRISTIAN, [redacted]
DON J. CHRISTIANSEN, [redacted]
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JEFFERY R. CHRISTOFF [redacted]
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GILBERT O. CLASSEN, JR., [redacted]
MARGARET A. CLAYTOR, [redacted]
BRAD D. CLEETON, [redacted]
DAVID S. CLEMENT, [redacted]
HARRY L. CLEMONS, JR., [redacted]
BENJAMIN N. CLEVELAND, [redacted]
ROBERT E. CLIFT III, [redacted]
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KRISTINE M. CLIFTON, [redacted]
ANDREW CLOWER, [redacted]
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LANDON V. COCHRAN, [redacted]
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HARRY W. CONLEY, [redacted]
LEE D. CONN, [redacted]
JAMES P. CONRAD, [redacted]
JOSEPH CONRAD, III, [redacted]
WILLIAM T. CONSHUE, [redacted]
THOMAS N. CONTOS, [redacted]
MARK J. CONVERSINO, [redacted]
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SUZZANE E. COOK, [redacted]
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MATTHEW B. COPP, [redacted]
KIMBERLY J. CORCORAN, [redacted]
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NORMAN M. CORTESE, [redacted]
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JOHN R. CRIDER, [redacted]
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MARY G. CRISSEY, [redacted]
THOMAS A. CRISTLER, [redacted]
MARK T. CRONIN, [redacted]
JULIE A. CROSSLAND, [redacted]
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HECTOR L. CRUZ, [redacted]
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CHARLES B. CURRERI, [redacted]
WILLIAM E. CUZICK, [redacted]
MICHAEL V. CZARNIAK, [redacted]
ARDEN B. DAHL, [redacted]
JAMES W. DAHLMANN, [redacted]
ALLAN D. DAHNCKE, [redacted]
AUDREY M. DALE, [redacted]
DAVID W. DALE, [redacted]
BRYAN A. DALY, [redacted]
ROBERT J. DAMICO, [redacted]
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JOHN E. DARGENIO, [redacted]
MARCUS J. DARLING, [redacted]
GEORGE M. DARRELL, [redacted]
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MERID D. DATES, [redacted]
JOHN M. DAVIDSON, [redacted]
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LYNN M. DAWSON, [redacted]
RANDALL T. C. DAY, [redacted]
ALICE M. DEAN, [redacted]
PHILIP D. DEAN, [redacted]
THOMAS S. DEAN, [redacted]
JOHN W. DEBERRY, [redacted]
WILLIAM C. DEBOE, JR., [redacted]
DANIEL J. ANTHONY DECAMP, [redacted]
SHARON L. DECKER, [redacted]
JOHN R. DECKNICK, [redacted]
MARK A. DEDOMINICK, [redacted]
RANDALL R. DEGERING, [redacted]
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PATRICIA E. DELANEYRIOS, [redacted]
PHILIP DELILLO, [redacted]
SCOTT A. DELOACH, [redacted]
GODFRED N. DEMANDATE, [redacted]
NANCY M. DEMING, [redacted]
ANN D. DEMINT, [redacted]
CORRINNE A. DEMOSS, [redacted]
JAMES C. DENDIS, [redacted]
RAY A. DENNIE, [redacted]
ROY C. DENNIS, [redacted]
JEFFREY L. DERRICK, [redacted]
LLOYD D. DESERISY, [redacted]
MABRY J. DESORMEAUX, JR., [redacted]
NICHOLAS L. DESPORT, [redacted]
THOMAS E. DESSERT, [redacted]
JAMES E. DETEMPLE, [redacted]
BILLY R. DETRICK, [redacted]
ROBERT E. DEVANEY, [redacted]
ANDREW J. DEVIVO, [redacted]
WALTER I. DIAZ, [redacted]
MICHAEL S. A. DIBB, [redacted]
MARK W. DIBRELL, [redacted]
JAMES A. DICE, [redacted]
TRACY S. DICKINSON, [redacted]
MARK E. DIFFORD, [redacted]
TIMOTHY L. DIGNAN, [redacted]
FREDERICK D. DILLARD III, [redacted]
JAMES D. DINEEN, [redacted]
ROBERT N. DIONNE, [redacted]
MARK A. DIPADUA, [redacted]
MARC K. DIPPOLD, [redacted]
STEVEN W. DITMER, [redacted]
DAVID M. DITO, [redacted]
DAVID S. DOBY, [redacted]
BRADLEY E. DODD, [redacted]
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JAMES D. DODSON, [redacted]
GARY L. DOMBROSKIE, [redacted]
ANTHONY R. DOMINICE, [redacted]
TERY L. DONELSON, [redacted]
MICHAEL W. DONNELLY, [redacted]
MAUNDY P. DONOFRIO, [redacted]
MATTHEW P. DONOVAN, [redacted]
RICHARD J. DOPIERALA, [redacted]
RONALD E. DORN, [redacted]
KENNETH R. DORNER, [redacted]
MATTHEW J. DORSCHEL, [redacted]
LEO M. DORSEY, [redacted]
DANIEL C. DOTY, [redacted]
JOHN H. DOTY, [redacted]
EUGENE V. DOUGHERTY, [redacted]
EDDIE G. DOUGLAS, [redacted]
RANDALL L. DOUGLASS, [redacted]
TERRANCE S. DOVE, [redacted]
DAVID A. DOWNER, [redacted]
ROBERT K. DOWNEY, [redacted]
NORMAN L. DRABEK, [redacted]
DOUGLAS G. DRAKE, [redacted]
WILLIAM E. DRAKE, [redacted]
THOMAS L. DRIEHORST, [redacted]
ROSS E. DUEBER, [redacted]
M. COLLEEN DUGANBEATOVICH, [redacted]
KENT DUKES, [redacted]
GREGORY S. DULLUM, [redacted]
ROBERT E. DULONG, [redacted]
MICHAEL J. DUMONT, [redacted]
MARC B. DUNCAN, [redacted]
DOYLE L. DUNN, [redacted]
THOMAS D. DUNN, [redacted]
KEVEN G. DUNSHEE, [redacted]
MARK C. DURHAM, [redacted]
SUSAN E. DURHAM, [redacted]
ELIZABETH M. DURHAMRUIZ, [redacted]
ERIC R. DURON, [redacted]
MICHAEL M. DURON, [redacted]
JOHN W. DYKES, [redacted]
WALTER B. EADY, [redacted]
DOMENICK M. EANNIELLO, [redacted]
MARK J. EDMUNDS, [redacted]
ANTHONY L. EDWARDS, [redacted]
DON M. EDWARDS, [redacted]
GREGORY B. EDWARDS, [redacted]
GEORGE V. EICHELBERGER, [redacted]
KENT A. EINMO, [redacted]
BERNARD L. ELA, [redacted]
ASHLEY S. ELDER, [redacted]
HAROLD A ELKINS, [redacted]
RONALD K. ELLIOTT, [redacted]
JEFFREY S. ELLIS, [redacted]
RICHARD K. ELSISHANS, [redacted]
WILLIAM E. EMERSON III, [redacted]
MARVIN D. ENGELS, [redacted]
LELAND G. ENGLAND, [redacted]
ALAN S. ENGLER, [redacted]
MATTHEW N. ERICHSEN, [redacted]
DANIEL P. ERICKSON, [redacted]
WILLIAM L. ERIKSON, [redacted]
PATRICK R. ERNST, [redacted]
JAMES A. ESCH, [redacted]
MICHAEL B. ETZLER, [redacted]
LOIS L. EVANS, [redacted]
ROBERT J. EVANS, JR., [redacted]
CARLTON D. EVERHART II, [redacted]
ROBERTA M. EWART, [redacted]
STEVEN M. FACE, [redacted]
SCOTT L. FAHSHOLTZ, [redacted]
DANIEL C. FAIR, [redacted]
DAVID A. FAIRCHILDS, [redacted]
LYMAN A. FAITH, [redacted]
MARTI E. FALLON, [redacted]
TIMOTHY J. FALLON, [redacted]
ROBERT L. FANT, [redacted]
PAUL R. FAZENBAKER, [redacted]
KURT C. FECHT, [redacted]
TERRENCE A. FEEHAN, [redacted]
ROBERT L. FEILER, [redacted]
WAYNE A. FELTMAN, [redacted]
RICHARD O. FENTON, [redacted]
WILLIAM M. FERGUSON, [redacted]
MICHAEL A. FERNANDEZ, [redacted]
BERNARD P. FERRIS, JR., [redacted]
EBBY FERRY, [redacted]

WILLIAM J. FETCH [redacted]
BRIAN S. FINN [redacted]
HENRY V. FINN [redacted]
WILLIAM B. FINTER [redacted]
MICHAEL R. FISCHER [redacted]
WILLIAM K. FISHER [redacted]
MARK E. FLAK [redacted]
DEAN W. FLANDERS [redacted]
PAULA BOHN FLAVELL [redacted]
JOHN H. FLEMING [redacted]
STEPHEN D. FLEMING [redacted]
STEPHEN M. FLIPPO [redacted]
MICHAEL K. FLOOD [redacted]
JESUS FLORES [redacted]
CHARLES C. FLOYD [redacted]
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JOSEPH T. FLYNN [redacted]
MICHAEL D. FLYNN [redacted]
GIRARD J. FOGLE [redacted]
JOHN M. FOLEY II [redacted]
KEVIN A. FORD [redacted]
TERRENCE BYRON FORNOF [redacted]
KRISTINA M. FORTMANN [redacted]
BRYAN H. FORTSON [redacted]
ANTHONY A. FOTI [redacted]
EDWARD M. FOX [redacted]
KURT R. FOX [redacted]
MICHAEL E. BARTEAU FRANCE [redacted]
MICHEL L. FRANKLIN [redacted]
RICHARD P. FRAY [redacted]
ANDREW C. FRECHTLING [redacted]
ROBERT S. FREDELL [redacted]
PHILLIP R. FREDERICK [redacted]
GARY R. FREELAND [redacted]
ERIC A. FREEMAN [redacted]
WILLIAM J. FREEMAN III [redacted]
ERIC S. FREIMARK [redacted]
LEIGH H. FRENCH IV [redacted]
JACK J. FRIEDMAN [redacted]
KENT M. FRIEDRICHSEN [redacted]
MICHAEL J. FRITZ [redacted]
LINDA K. FRONCZAK [redacted]
MICHAEL S. FRY [redacted]
RICHARD L. FULLERTON [redacted]
DAVID W. FUNDERBURG [redacted]
CARL S. FUNK [redacted]
EDWARD J. GAFFNEY [redacted]
NAPOLEON C. GAITHER, JR. [redacted]
CARLA H. GAMMON [redacted]
DANIEL C. GAMMON [redacted]
CHARLES R. GANTERT [redacted]
DIANA E. GARCIA [redacted]
SUSAN J. GARCIA [redacted]
JEFFERY D. GARDNER [redacted]
JOHN S. GARDNER [redacted]
ANDREA M. GARDNERINCE [redacted]
THOMAS A. GARIN [redacted]
LESLIE A. GARLAND [redacted]
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KENNETH A. GARRISON [redacted]
ANTOINE M. GARTON [redacted]
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KEITH W. GAY [redacted]
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BRADFORD D. GENTRY [redacted]
JOSEPH E. GEORGE [redacted]
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GARY C. GERARD [redacted]
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RONALD J. GEVRY [redacted]
BARNARD T. GHIM [redacted]
THOMAS B. GIATTINO [redacted]
PHILLIP G. GIBBONS [redacted]
DEBORAH A. GIBBS [redacted]
TED S. GIBBS [redacted]
MICHAEL K. GIBSON [redacted]
ROBERT D. GIBSON [redacted]
SCOTT K. GIBSON III [redacted]
JAMES A. GIGLIOTTI [redacted]
MARY M. GILLAM [redacted]
MARK A. GILLETT [redacted]
ROBERT A. GILLIAM [redacted]
JOAN N. GILLILAND [redacted]
DENNIS P. GILLON [redacted]
DAVID C. GILSON [redacted]
BILLY J. GILSTRAP, JR. [redacted]
EDWARD L. GINTER, JR. [redacted]
MICHAEL A. GIULIANO [redacted]
DONNA M. GLANCEY [redacted]
DONALD L. GLEASON [redacted]
RICHARD L. GLOVER [redacted]
BRYAN P. GLYNN [redacted]
ALAN L. GOARD [redacted]
WILLIAM J. GODING [redacted]
DAVID L. GOLDFEIN [redacted]
JOHN J. GOMEZ [redacted]
JIMMY GONZALEZ [redacted]
THOMAS A. GOODE [redacted]
LARRY T. GOODWIN [redacted]
ROBERT B. GOSS [redacted]
GROVER M. GOSSETT [redacted]
DAVID T. GOULD [redacted]
RALPH GRACIA [redacted]
JUDY M. GRAFFIS [redacted]
BILLY T. GRAHAM, JR., [redacted]
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GERALD N. GRANT [redacted]
MORTON R. GRAVES [redacted]
LINWOOD N. GRAY [redacted]
SAMUEL A. R. GREAVES [redacted]
RUSSELL W. GREEK [redacted]
JOHN A. GREEN [redacted]
ROLANDO A. GREENFIELDCASAS [redacted]
DAVID T. GREEN, JR. [redacted]
JUDITH A. GREISING [redacted]
DANIEL P. GRENIER [redacted]
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SAMUEL R. GRIFFIN [redacted]
STEPHEN J. GRIFFIN [redacted]
STEVEN C. GRIFFITH [redacted]
GARY C. GRIGORIAN [redacted]
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ROBERT J. GRIMM [redacted]
STEVEN R. GRIZZLE [redacted]
DAVID L. GROOMS [redacted]
JOHN W. GROSVENOR [redacted]
YOLANDA L. GROVE [redacted]
FRANK J. GRZYCH, II [redacted]
FREDERICK I. GUENDEL, JR. [redacted]
JOHNNY R. GUEST [redacted]
DAWN A. GUIDO [redacted]
DANNY J. GUILLAUME [redacted]
JOSE O. GUILLEN [redacted]
WILLIAM L. GUTHRIE, III [redacted]
GARY M. GUTOWSKY [redacted]
ERIC S. GUTZAIT [redacted]
WILLIAM R. HAAS [redacted]
MORRIS E. HAASE [redacted]
STEVEN L. HACK [redacted]
RONALD D. HACCKETT, [redacted]
DAVID A. HAGGINBOTHOM [redacted]
WAYNE R. HAGGSTROM [redacted]
MICHAEL O. HAIRR [redacted]
MARTIN B. HALEY [redacted]
DEBORAH L. HALL [redacted]
DENISE C. HALL [redacted]
JOHN B. HALL, JR. [redacted]
TED H. HALLEY [redacted]
DONALD E. HALLFORD [redacted]
PHILLIP A. HAMANN [redacted]
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ROBERT G. HAMPTON [redacted]
JAMES M. HAMRICK [redacted]
CLIFFORD W. HANADA [redacted]
DONA J. HANLEY [redacted]
RONALD F. HANNENBERG [redacted]
JOSEPH R. HAPY [redacted]
ANTHONY L. HARDIN [redacted]
BRUCE B. HARDING [redacted]
PHILLIP CLAIR HARDING, III [redacted]
WILLIAM J. HARDING [redacted]
DANIEL G. HARGROVE [redacted]
JEFFREY D. HARKER [redacted]
JAMES J. HARKINS, JR. [redacted]
JOSEPH F. HARMON, JR. [redacted]
DANIEL M. HARRIER [redacted]
DWIGHT LEE HARRIS [redacted]
MICHAEL J. HARRIS [redacted]
RAYMOND D. HARRIS, JR. [redacted]
ROBERT HARRIS [redacted]
TERESA M. HARRISON [redacted]
WILLIAM F. HARRISON, JR. [redacted]
GARY L. HART [redacted]
DANA R. HARTLE [redacted]
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MILTON S. JORDAN, JR. [redacted]
RICHARD J. JOSTEN [redacted]
JOHN F. JOZWICKI [redacted]
STEPHEN M. JUDGE [redacted]
JOEL B. JUREN [redacted]
BRUCE M. JUSELIS [redacted]
RICHARD D. JUSTICE, JR. [redacted]
ERIC HAROLD KAMIEN [redacted]
JAMES D. KANABAY, JR. [redacted]
CHRISTOPHER E. KANE [redacted]
TERRY P. KANE [redacted]
PETER G. KANIKULA [redacted]
MARK A. KANKO [redacted]
CHRISTOPHER A. KAPELLAS [redacted]
THOMAS KARIKA [redacted]
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ROBERT J. KAUFMAN III [redacted]
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DARRELL P. KEATING [redacted]
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AL G. KEELER [redacted]
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DAVID E. KENNEALLY [redacted]
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CHARLES L. KENNY, JR. [redacted]
KENNETH KESKEL [redacted]
DONALD J. KESSLER [redacted]
LADD E. KETTREN [redacted]
WILLIAM E. KIEDA, JR. [redacted]
JOHN D. KILCHRIST [redacted]
TIMOTHY B. KILLAM [redacted]
MICHAEL D. KIM [redacted]
KEVIN W. KIMBLE [redacted]
JON A. KIMMINAU [redacted]
LANCE KING [redacted]
SHELIA M. KINGCOLEMAN [redacted]
MICHAEL J. KINGSLEY [redacted]
JOHN L. KIRK [redacted]
DAVID M. KIRKHAM [redacted]
DEBORAH A. KIRKHUFF [redacted]
MILES L. KIRKHUFF, III [redacted]
MONTE E. KIRKPATRICK [redacted]
MAX E. KIRSCHBAUM [redacted]
WILLIAM A. KITCH [redacted]
TERRENCE J. KLEFISCH [redacted]
PAULETTE M. KLEIN [redacted]
BENJAMIN J. KLEPEK [redacted]
ANDREW A. KLEYA [redacted]
JERRY D. KLINE [redacted]
TONY V. KLUCKING [redacted]
DAVID KNAPP, I [redacted]
JAMES R. KNIGHT [redacted]
STEPHEN A. KNOBLOCK [redacted]
DAVID C. KNOPF [redacted]
DENISE A. KNOX [redacted]
ROBERT T. KOBAYASHI [redacted]
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BRUCE E. KOSTAL [redacted]
RAYMOND B. KOSTECKI, [redacted]
REY B. KOURY [redacted]
GAIL K. KRAMER [redacted]
MARK L. KRAMER [redacted]
TIMOTHY J. KRAMER [redacted]
GEORGE D. KRAMLINGER [redacted]
MARK E. KRAUS [redacted]
JOHN T. KREGER IV [redacted]
JAY M. KREIGHBAUM [redacted]
KEVIN W. KREPS [redacted]
WOLFGANG K. KRESSIN [redacted]
LEE S. KRIEBEL [redacted]
KEVIN C. KRINER [redacted]
KEVIN C. KRISINGER [redacted]
TOM M. KRUZICK [redacted]*
JOHN T. KUKOWSKI, JR. [redacted]
STEPHEN KULIFAY [redacted]
GARY A. KURDYS [redacted]
PETER C. KURUCZ [redacted]
JOHN J. KUSNIEREK [redacted]
SAM M. KYLE, JR. [redacted]
DONALD J. LACEY, JR. [redacted]
DONALD A. LAFAW [redacted]
KURT R. LAFRANCE [redacted]
JEFFREY J. LAKE [redacted]
ANDREW H. LAMAR [redacted]
MICHAEL W. LAMB, SR., [redacted]
RICHARD E. LAMB [redacted]
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JOSEPH E. LAND [redacted]
MARK A. LANDERS [redacted]
ROBIN MIYOSHI LANDRY [redacted]
TRUDY E. LANDRY [redacted]
MICHAEL K. LANE, JR. [redacted]
RANDEL A. LANE [redacted]
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DAVID H. LANGAN [redacted]
JON L. LANGE [redacted]
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SCOTT G. LARDNER [redacted]
RICHARD M. LARIVIERE [redacted]
DENNIS LARM [redacted]
ANDY A. LASHER [redacted]
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GARY M. LASSITER [redacted]
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PHILIPPE A. LEBRUN [redacted]
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GORDON K. LEE [redacted]
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WILLIAM T. LEMENAGER [redacted]
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JON N. LINK [redacted]
ROBERT J. LINZMEIER [redacted]
ROBERT J. LIPSETT, JR [redacted]
RAUL A. LIRA, JR. [redacted]
THOMAS W. LITCHFIELD [redacted]
DUANE K. LITTLE [redacted]
JEFFERY K. LITTLE [redacted]
CARL D. LIVERMORE [redacted]
JOHN M. LIVINGOOD [redacted]
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WA LOCKE, III, [redacted]
VICTOR E. LOFTON [redacted]
MARITZA LOGRASSO [redacted]
SCOT H. LOIZEAUX [redacted]
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JOHN W. MABES, JR. [redacted]
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MICHAEL P. MACIVER [redacted]
LIN A. MACK [redacted]
S. THOMPSON MACKENZIE [redacted]
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MYRON V. MAJORS [redacted]
ROBERT F. MALACRIDA [redacted]
WILLIAM A. MALEC [redacted]
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JOEL E. MALONE [redacted]
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EDWARD J. MCALLISTER III [redacted]
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KENNETH J. MCARTHUR [redacted]
JOHN M. MCBRIEN [redacted]
MARK H. MCCALL [redacted]
MELVIN C. MCCALLUM [redacted]
JOHN J. MCCANN III [redacted]
ERIN M. MCCARTER [redacted]
JAMES P. MCCAW, JR. [redacted]
WARREN J. MCCHESNEY, JR. [redacted]
STANLEY J. MCCLOSKEY [redacted]
JAMES M. MCCORMACK [redacted]
VINCENT G. MCCRAVE III [redacted]
KAREN M. MCCREA [redacted]

PATRICK V. MCCREDIE [redacted]
DAVID M. MCCULLERS [redacted]
KIMBERLY MCCULLOUGH [redacted]
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JOHNNY MCQUEEN [redacted]
LARRY A. MCWHORTER [redacted]
RALPH T. MEAD, JR. [redacted]
EUSTOLIO E. MEDINA [redacted]
JOHN M. MEEK, [redacted]
RONALD MEES [redacted]
DWIGHT M. MEFFORD [redacted]
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LISTON B. MOBLEY, JR. [redacted]
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KEITH W. MONCRIEF [redacted]
DAVID L. MONROE, [redacted]*
JOHN R. MONTEMAYOR [redacted]
JAY A. MOODY, [redacted]
FREDERICK W. MOONEY [redacted]
DOUGLAS S. MOORE [redacted]
NICHOLAS J. MOORE [redacted]
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VINCENT D. MOORE [redacted]
EUGENE V. MORABITO [redacted]
JEFFREY A. MORAGNE [redacted]
LUIS F. MORALES [redacted]
ROGELIO MORALES, JR. [redacted]
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ARVILLE MORRIS [redacted]
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JOHN R. MORRIS [redacted]
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NICKY R. MORROW [redacted]
ROBERT M. MORROW, JR. [redacted]
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WILLIAM S. MOSLEY [redacted]
CHARLES E. MOSS [redacted]
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TONY R. MULLIS [redacted]
CURTIS K. MUNECHIKA [redacted]
MILES H. MURAMOTO [redacted]
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RONALD U. MUSE [redacted]
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MICHAEL K. MYERS [redacted]
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JEFFREY A. NASH [redacted]
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RICHARD M. NEHLS [redacted]
AINSLEY T. NEISS, JR. [redacted]
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JERRY L. NEUZIL [redacted]
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GARY M. NOGRADY [redacted]
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ROBERT C. NOLAN II [redacted]
MIGUEL R. NOLLA [redacted]
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ALAN B. NORMAN [redacted]
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ERIK L. NUTLEY [redacted]
ANDREW C. OBERMEYER [redacted]
MICHAEL E. OBOYLE [redacted]
SHAWN R. T. OBRIEN [redacted]
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RANDY A. OCONNOR, [redacted]
MARK A. OETINGER [redacted]
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RONN G. OHL [redacted]
MARC S. OKYEN [redacted]
JOHNNY STEVEN OLAVARRIA [redacted]
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KEVIN L. OLMSCHEID [redacted]
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PAUL B. OMAN [redacted]
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WILLIAM J. ONEILL II [redacted]
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ROBERT D. OROZCO [redacted]
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RENE OYOLA [redacted]
GARY A. PACKARD, JR. [redacted]
OSCAR J. PADEWAY [redacted]
DAVID O. PAINE [redacted]
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MARK PARISH [redacted]
HYON W. PARK [redacted]
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RANDY L. PARTON [redacted]
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STEPHEN L. PATCH [redacted]
MICHAEL P. PATENAUDE [redacted]
DAVID R. PATTERSON [redacted]
CHARLES C. PATTILLO, JR. [redacted]
JOSE M. PAUDA [redacted]
THOMAS C. PAUGSTAT [redacted]
JOE H. PAULETTE, JR. [redacted]
DEANNA A. PAULK [redacted]
JEFFREY A. PAULK [redacted]
THOMAS L. PAULY [redacted]
BRIAN J. PAWLOWSKI [redacted]
EUGENE PAWLOWSKI [redacted]
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JOHN H. PEARCY [redacted]
STEVEN L. PEARSON [redacted]
JOHN B. PECHINEY [redacted]*
DAVID L. PECK [redacted]
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JOSEPH P. PFLIEGER [redacted]
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BRETT E. PHILLIPS [redacted]
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EDWARD PIEKARCZYK [redacted]
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JAMES R. PLOTT [redacted]
GERALD P. PLOURDE [redacted]
GARY L. PLUMB [redacted]
LANCELOT E.P. PLUMMER, JR. [redacted]
STEPHEN C. PLUNTZE [redacted]
COURTNEY A. POHL [redacted]
KENNETH W. POLASEK [redacted]
ROBERT E. POLIQUIN, JR. [redacted]
GLENN M. POLLICK [redacted]
MICHAEL E. PONTONI [redacted]
PATRICK A. POPE [redacted]
MARK A. PORTER [redacted]
MARTIN A. POTTER [redacted]
SHAWN H. POTTER [redacted]
LYLE D. POWELL [redacted]
RICHARD E. PRATER [redacted]
BRAD A. PRESCOTT [redacted]
KIRK H. PRIDELL [redacted]
ANDRE M. PROVONCHA [redacted]
JAMES E. PROVOST [redacted]
RALPH D. PUCKETT [redacted]
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JAMES T. QUINLAN [redacted]
WILLIAM P. QUINONES [redacted]
ROBERT J. RACICOT [redacted]
ROBIN L. RADA [redacted]
STEPHEN J. RADA [redacted]
DOUGLAS J. RAILEY, JR. [redacted]
MATTHEW S. RALPH [redacted]
JOSE L. RAMIREZ [redacted]
DAVID M. RAMPLEY [redacted]
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JAMES M. RATTI [redacted]
MICHIAL A. RAU [redacted]
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PHILLIP A. RAY [redacted]
WESLEY H. RAYMOND [redacted]*
GUY S. RAZER [redacted]
FRANCIS J. RECHNER [redacted]
JOHN S. RECKER, JR. [redacted]
PHILLIP L. REDDING [redacted]
VERDIS P. REDMON [redacted]
DEAN REED [redacted]
JERRY P. REED [redacted]
KEVIN M. REED [redacted]
ROBERT D. REEHOORN [redacted]
CARL D. REHBERG [redacted]
PETER J. REHO [redacted]
THOMAS F. REID [redacted]
THOMAS P. REILLY [redacted]
ROCKFORD J. REINERS [redacted]
ALBERT E. REINHARDT, JR. [redacted]
RENE GARZA RENDON [redacted]
ROBERT T. RENFREW III [redacted]
MICHAEL L. RESSLER [redacted]
MICHAEL D. RETALLICK [redacted]
ANDRE L. REVELL [redacted]

JAY H. REYNOLDS [redacted]
JOSEPH H. REYNOLDS [redacted]
WILLIAM F. REYNOLDS [redacted]
PATRICK L. RHODE [redacted]
JAMES M.H. RHODES [redacted] *
RONALD R. RICCHI, JR. [redacted]
HAROLD H. RICE [redacted]
THOMAS L. RICHARDS [redacted]
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MARY F. RIDDELL [redacted]
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MARIE Y. RIGOTTI [redacted]
MICHAEL D. RIHA [redacted]
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BYRON H. RISNER [redacted]
FERNANDO L. RIVERA [redacted]
MICHAEL D. RIZZO [redacted]
JOHN M. ROBBINS [redacted]
DAVID B. ROBERTS [redacted]
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JOHN R. ROBERTS [redacted]
MURRAY C. ROBERTS [redacted]
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JOHN D. ROBINSON, JR. [redacted]
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VICKY L. ROBINSON [redacted]
JEFFREY B. ROBLES [redacted]
JOSEPH E. ROCK [redacted]
STUART M. RODGERS [redacted]
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ROBERT J. ROHRS [redacted]
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DANIEL L. ROONEY [redacted]
MICHAEL G. ROSAS [redacted]
JOHN H. ROSE [redacted]
ROBERT L. ROSENBERG [redacted]
JAN L. ROSKO [redacted]
THOMAS J. ROSS [redacted]
BRUCE A. ROTHWELL [redacted]
CLIFFORD M. ROTTI [redacted]
RAYMOND J. ROTTMAN [redacted]
ROBERT C. ROUKEMA [redacted]
JOHN R. ROWLANDS [redacted]
FREDERICK E. ROYS [redacted]
RONALD G. ROZZO [redacted]
MARY M. RUEHL [redacted]
MICHAEL C. RUFF [redacted]
RUIZ MARLON [redacted]
RICHARD H. RUIZ [redacted]
WALTER A. RUIZSULSONA [redacted]
SCOTT L. RUMPH [redacted]
RICHARD C. RUNCHEY [redacted]
PATRICK E. RUPEL [redacted]
JOHN H. RUSH [redacted]
DAVID M. RUSSELL [redacted]
JAMES D. RUSSELL, JR., [redacted]
KAY M. RUSSELL [redacted]
CHRISTOPHER P. RUSSICK [redacted]
ANTHONY J. RUSSO, [redacted]
JEFFREY J. RUST [redacted]
COLLEEN M. RYAN [redacted]
MICHAEL C. RYAN [redacted]
MICHAEL R. RYCKELEY [redacted]
EDMOND M. SAAD III [redacted]
WILSON E. SAGENDORPH, JR. [redacted]
TIMOTHY J. SAKULICH [redacted]
MARK W. SALAS [redacted]
ROBERT SALAS [redacted]
ALFRED C. SALAZAR JR. [redacted]
MAURICE E. SALCEDO [redacted]
MARIE A. SALDIVAR [redacted]
SEAN O. SALTZMAN [redacted]
DIRK H. SALVERIA [redacted]
JOHN L. SALYARDS [redacted]
GLENN C. SAMUELSON [redacted]
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WILBUR L. SANDERS [redacted]
DANIEL J. SANDKAMP [redacted]
NICHOLAS R. SANDWICK [redacted]
ROBERT R. SANFORD [redacted]
FRANK SANTIAGO, JR. [redacted]
JO SATO [redacted]
DONALD W. SAUNDERS [redacted]
PAUL G. SAUNDERS [redacted]
JAMES P. SAVOY [redacted]
DONALD P. SAX [redacted]
ANTHONY L. SCAFIDI [redacted]
DAVID L. SCAGLIOLA [redacted]
WALTER E. SCALES, JR. [redacted]
EILEEN SCEARSE, M.D. [redacted]
DMYTRO SCHABLA [redacted]
PAUL SCHAEFER, JR. [redacted]
STEVEN J. SCHAEFER [redacted]
DAVID B. SCHAPIRO [redacted]
BRETT T. SCHARRINGHAUSEN [redacted]
WILLIAM J. SCHEPPERS, JR [redacted]
RICHARD A. SCHIANO [redacted]
DONALD J. SCHILPP [redacted]
SCOTT R. SCHLAPKOHL [redacted]
THOMAS J. SCHLUCKEBIER [redacted]
BRUCE E. SCHMIDT [redacted]
TRULA M. SCHMIDT [redacted]
JOEL D. SCHMIEDEKE [redacted]
DEAN L. SCHNEIDER [redacted]
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ROGER T. SCHOFIELD [redacted]
STEPHEN L. SCHRADER [redacted]
HERBERT G. SCHREIBER, III [redacted]
MARK S. SCHROER, [redacted]
KRISTIN R. SCIPIONE [redacted]
RAYTHEON K. SCOTT [redacted]
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ROBERT W. SEARS [redacted]
TOBY J. SEIBERLICH [redacted]
BRADLEY A. SEIPEL [redacted]
JOHNNY M. SELLERS [redacted]
DENNIS E. SHANAHAN, III [redacted]
JAMES S. SHANE [redacted]
ROBIN D. SHANKS, SR. [redacted] *
STEVI A. SHAPIRO [redacted]
JAMES C. SHARP [redacted]
TRACY A. SHARP [redacted]
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ERIC L. SHEESLEY [redacted]
STUART N. SHELDON [redacted]
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PERRY J. SHEPLER [redacted]
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JOSEPH M. SKAJA, JR [redacted]
LINDA K. SMARIGA [redacted]
PATRICK D. SMELLIE [redacted]
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ARCHIE M. SMITH II [redacted]
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STAR V. SMITH II [redacted]
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JIMMY D. SMITHERS [redacted]
ROBERT L. SNEATH, JR. [redacted]
MITCHELL D. SNECK [redacted]
WILLIAM K. SNEDDON [redacted]
JOE C. SNELL [redacted]
KEITH E. SNELL [redacted]
PETER M. SNOWBALL [redacted]
GERALD E. SOHAN [redacted]
KENNETH B. SOILEAU [redacted]
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WILLIAM H. SONGER [redacted]
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PETER SPACIL [redacted]
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TERENCE J. SPANN [redacted]
TERENCE W. SPARKS [redacted]
JAMES H. SPEAR [redacted]
ANTHONY C. SPIRIDIGLIOZZI [redacted]
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JOANNE E. STANTON [redacted]
JON K. STATON [redacted]
ERNEST A. STAUBS [redacted]
JOHN D. STAUFFER [redacted]
ANTHONY L. STEADMAN [redacted]
TODD D. STEINER [redacted]
MARGARET M. STEVENSON [redacted]
MARTHA Y. STEVENSONJONES [redacted]
DAVID G. STEWART [redacted]
DURWOOD D. STEWART [redacted]
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WAYNE E. STILES [redacted]
WILLIAM H. STIMPSON [redacted]
BRADLEY J. STINE [redacted]
ROBERT L. STINE, JR. [redacted]
WILLIAM K. STOCKMAN [redacted]
STAN A. STOCKTON [redacted]
LEROY E. STOKES, JR. [redacted]
PAUL D. STOKES [redacted]
JAMES N. STONE [redacted]
JOSEPH L. STONE, IV [redacted]
ROBERT E. STONE [redacted]
STEVEN W. STONE [redacted]
ELAINE K. STONEARTHUR [redacted]
WILLIAM K. STOVER [redacted]
STEVEN P. STRABEL [redacted]
JAY M. STRACK [redacted]
JAMES W. STRADER [redacted]
RICHARD M. STRAYER [redacted]
PAUL C. STRICKLAND [redacted]
JAMES H. STRICKLER, JR. [redacted]
DANIEL L. STRICKLIN [redacted]
ELISABETH J. STRINES [redacted]
JERIDAN STRONG, JR. [redacted]
RALPH M. STROTHER [redacted]
MICHAEL J. STUART [redacted]
MARIO L. SUAREZ [redacted]
SCOBEY G. SUDDRETH [redacted]
WILLIAM J. SULLIVAN IV [redacted]
BRUCE J. SUTHERLAND [redacted]
JON C. SUTTER [redacted]
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ROCKY A SWEARENGIN [redacted]
EDWIN C. SWEDBERG [redacted]
TOMMY GLENN SWEIGART [redacted]
DENISE K. SWITTS [redacted]
DARWIN M. SWONSEN [redacted]
EDWARD L. SYMONDS [redacted]
CHARLES SZATKOWSKI [redacted]
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JOHN D. TALTY [redacted]
DOUGLAS G. TARBETT [redacted]
MICHAEL J. TASCHNER [redacted]
GREGORY L. TATE [redacted]
LELETTA V. TATUM [redacted]
FELECIA D. TAVARES [redacted]
ARLENE, TAYLOR [redacted]
JOHN R. TAYLOR [redacted]
STEVEN H. TAYLOR [redacted]
JAMES E. TEAL, JR [redacted]
GABRIEL H. TELLES [redacted]
EDWARD L.S. TERRY, JR. [redacted]
JAMES S. TEVIS [redacted]
ALFRED E. THAL, JR. [redacted]
CHRISTOPHER J. THELEN [redacted]
JASON N. THEODORE [redacted]
BOB J. THOMAS [redacted]
JAY B. THOMAS [redacted]
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PAUL R. THOMSON [redacted]
RICHARD S. THOMSON [redacted]
LEWIS R. THRASHER, JR. [redacted]
MICHAEL J. TIERNAN [redacted]
MICHAEL A. TIGHE [redacted]
ROBERT A. TILSON, JR. [redacted]
THOMAS E. TIMMONS [redacted]
THERESA M. TITTLE [redacted]
STEPHEN M. TOLDY [redacted]
STEPHEN K. TOLLE [redacted]
RICHARD C. TOLLINI [redacted]
KEITH C. TOPHAM [redacted]

LINDA E. TORRENS [redacted]
TIMOTHY W. TOWNE [redacted]
DALE E. TOWNSEND [redacted]
TIMOTHY W. TRACHSEL [redacted]
TOM TRACHT [redacted]
DOUGLAS S. TRACY [redacted]
THOMAS J. TRASK [redacted]
OZIAS TRAVIS, JR. [redacted]
RICHARD G. TREMBLEY [redacted]
RICHARD P. TRENTMAN [redacted]
BRIAN D. TRI [redacted]
KIM C. TRIESLER [redacted]
WENDELL A. TRIVETTE [redacted]
SHEILA A. TRONSDAL [redacted]
BRIAN D. TROUT [redacted]
NEIL J. TRUSCELLO [redacted]
BRIAN J. TUCKER [redacted]
GREGORY A. TUITE [redacted]
JOHN M. TURACK [redacted]
JEFFREY S. TURCOTTE [redacted]
RAYMOND E. TUREK, JR. [redacted]
JOSEPH N. TURNER [redacted]
KEITH R. TURNER [redacted]
RICHARD D. TURNER [redacted]
SHIRLEY D. TURNER [redacted]
TERJE R. TURNER [redacted]
WILLIAM A. TURNER [redacted]
LARRY D. TUTOR [redacted]
TRACY E. TYNAN [redacted]
DUSTIN A. TYSON [redacted]
CRAIG W. UNDERHILL [redacted]
MICHAEL K. UPDIKE [redacted]
WILKINS F. URQUHART, II [redacted]
LINDA R. URRUTIAVARHALL [redacted]
DONALD M. UTCHEL [redacted]
DAKE S. VAHOVIC [redacted]
MITCHELL D. VALDER [redacted]
RICKY T. VALENTINE [redacted]
PATRICIA L. VAN DER WISSEL [redacted]
JEFFREY A. VAN ETTEN [redacted]
STEVEN P. VAN SCIVER [redacted]
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JEFFREY J. VANCE [redacted]
DONALD R. VANDINE [redacted]
GREGORY J. VANSUCH [redacted]
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KERRY K. VARGA [redacted]
PAUL M. VAVRA [redacted]
MARK J. VEHR [redacted]
MARY A. VEHR [redacted]
GEORGE R. VELASCO [redacted]
KENNETH VERDERAME [redacted]
THOMAS E. VEREB [redacted]
JOHN T. VIGLIONE [redacted]
CYNTHIA L. VISEL [redacted]
MARK C. VLAHOS [redacted]
DEBORAH B. VOBORIL [redacted]
DAVID A. VOGEL [redacted]
PHILIP J. VOGEL [redacted]
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KENNETH V. VOLMERT [redacted]
MICHAEL P. VRIESENGA [redacted]
KATHRYN M. VUILLEMOT [redacted]
STEPHEN M. WACKOWSKI [redacted]
IRA J. WADE, [redacted]
STEPHEN M. WADE [redacted]
VICTOR E. WAGER, III [redacted]
WILLIAM M. WAID [redacted]*
DAVID H. WAKEFIELD [redacted]
RICHARD J. WALBERG [redacted]*
RANDALL G. WALDEN [redacted]
RUSSEL K. WALDEN [redacted]
JAMES E. WALKER [redacted]
ROY E. WALKER, JR. [redacted]
SCOTT G. WALKER [redacted]
THOMAS C. WALKER [redacted]
TIMOTHY D. WALKER [redacted]
WILLIAM P. WALKER, [redacted]
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WILLIAM F. WALSH [redacted]
DERRECK D. WALTERS [redacted]
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ELEONORE H. WANNER [redacted]
JUAN F. WANSLEY [redacted]
ERNEST S. WARD [redacted]
JOSEPH M. WARD, JR. [redacted]
KENNETH R. WARD [redacted]
PETER W. WARD [redacted]
STEPHEN R. WARD [redacted]
STEVEN A. WARD [redacted]
MARK E. WARE [redacted]
MARK J. WARNER [redacted]
RONALD L. WARNER, JR. [redacted]
GARY A. WARREN [redacted]
ROBERT L. WARREN [redacted]
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STEPHEN L. WATERS [redacted]
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CHRISTOPHER P. WATKINS, JR. [redacted]
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ROBERT F. WATKINS [redacted]
WILLIAM C. WATKINS [redacted]
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FURMAN D. WATSON [redacted]
MARYANN P. WATSON [redacted]
SALLY D. WATSON [redacted]
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TIMOTHY E. WATTS [redacted]
WADE B. WATTS [redacted]
PAUL C. WAUGH [redacted]
JANET L. WEBB [redacted]
ANTHONY M. WEIGAND [redacted]
MARK K. WEISER [redacted]
STEPHEN R. WEISHUHN [redacted]
EDWARD J. WEISS [redacted]
MATHEW S. WENGLER [redacted]
MICHAEL J. WENKEL [redacted]
RODNEY A. WERNER [redacted]
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STEVEN D. WERT [redacted]
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LARRY L. WEST [redacted]
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ROBERT K. WEST [redacted]
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STEVEN A. WEST [redacted]
TERESA J. WHEELER [redacted]
MARTIN WHELAN [redacted]
CARL D. WHITE [redacted]
DOUGLAS T. WHITE [redacted]
GREGORY V. WHITE [redacted]
PAUL A. WHITE [redacted]
RICHARD E. WHITE II [redacted]
VALERIE S. WHITE [redacted]
VICKI Y. WHITE [redacted]
WILLIAM R. WHITE, JR. [redacted]
JOHN T. WHITMAN [redacted]
LYNNETTE T. WHITSEL [redacted]
CONRAD A. WIDMAN [redacted]
CHRISTOPHER C. WIDSETH [redacted]
JOHN W. WIEBENER [redacted]
DAVID J. WILCOX [redacted]
PAUL R. WILCOX [redacted]
WILLIAM P. WILHELM [redacted]
KEVIN R. WILKERSON [redacted]
PATRICIA S. WILKERSON [redacted]
TERRY A. WILKINS [redacted]
TIMOTHY J. WILL [redacted]
GARY W. WILLETS [redacted]
LARRY L. WILLETTS [redacted]
AULICK B. WILLIAMS, JR. [redacted]
CALVIN WILLIAMS [redacted]
EDDIE WILLIAMS [redacted]
IRA D. WILLIAMS, JR. [redacted]
KENNETH J. WILLIAMS [redacted]
MARTIN K. WILLIAMS, JR. [redacted]
ROLAND G. WILLIAMS, JR. [redacted]
CHARLES R. WILLIAMSON [redacted]
STEVEN W. WILLS [redacted]
ALONZO D. WILSON [redacted]
BONNIE M. WILSON [redacted]
JOSEPH E. WILSON, JR. [redacted]
KEVIN K. WILSON [redacted]
MICHAEL C. WILSON [redacted]
POWELL W. WILSON [redacted]
STEVEN L. WILSON [redacted]
RICHARD P. WINDER II [redacted]
STEPHEN M. WINDOM [redacted]
CRAIG S. WINDORF [redacted]
MICHAEL A. WINGFIELD [redacted]
MARK S. WINTERSOLE [redacted]
GERALD W. WIRSIG [redacted]
JEFFREY D. WISEMAN [redacted]
JEFFREY R. WISH [redacted]
JOHN B. WISSLER [redacted]
BRIAN G. WOIKA, [redacted]
MARTIN J. WOJTYSIAK IV [redacted]
VIVIAN K. WOLF [redacted]
DAVID L. WOLFE [redacted]
ADRIAN Y. J. WON [redacted]
JULIA E. WOOD [redacted]*
MARK K. WOOD [redacted]
CAROLYN L. WOODARDSTAMPS [redacted]
JOHN W. WOODEN, [redacted]
WARREN A. WOODROW, JR. [redacted]
DUDLEY L. S. WOODS III [redacted]
MARGARET H. WOODWARD [redacted]
THOMAS G. WOZNIAK [redacted]
JOHN C. WRIGHT [redacted]
JOHN L. WRIGHT [redacted]
JONATHAN C. WRIGHT [redacted]
JAMES D. WUENSCH [redacted]
RONALD M. YAKKEL [redacted]
KEITH F. YAKTUS [redacted]
PAUL E. YANDIK [redacted]
ROBERT M. YARBROUGH [redacted]
WILLIAM M. YATES [redacted]
NEAL S. YEIP [redacted]
DAVID G. YOUNG [redacted]
JAMES R. YOUNG [redacted]
KENNETH K. YOUNG [redacted]
KEVIN G. YOUNG [redacted]
MARIANNE C. YOUNG [redacted]
RICHARD G. YOUNG [redacted]
WILLIAM A. YOUNG [redacted]
MARK F. YOVISH [redacted]
BRYAN K. ZACHMEIER [redacted]
JON E. ZAMPEDRO [redacted]
RODERICK C. ZASTROW [redacted]
MARK A. ZAVALA [redacted]
JOHN D. ZAZWORSKY, JR. [redacted]
WILLIAM J. ZEHNER [redacted]
DAVID T. ZEHR [redacted]
JOEL M. ZEJDLIK [redacted]
ALBERT P. ZELENAK, JR. [redacted]
THEODOSIA B. ZELEZNIK [redacted]
WILLIAM W. ZEMANEK [redacted]
GARY B. ZETTL [redacted]
GREGORY G. ZIESENHENE [redacted]
CARL E. ZIMMERMAN, JR. [redacted]
CHRISTOPHER M. ZIMMERMAN [redacted]
DANIEL R. ZINK [redacted]
KEITH W. ZUEGEL [redacted]
MICHAEL L. ZYWIEN [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

JUDGE ADVOCATE

to be major

MARK L. ALLRED [redacted]
GARY D. ANDERSON [redacted]
GILBERT J. ANDIA, JR. [redacted]
KEVIN D. BARON [redacted]
RICK A. BECKER [redacted]
DIANE F. BEHLER [redacted]*
MARTHA J. BUXTON [redacted]
LESA L. CARTER [redacted]
CHARLES R. CENTER [redacted]
BRETT L. COAKLEY [redacted]
LORI T. COLEMAN [redacted]
DAVID H. CONROY [redacted]
THOMAS G. CROSSAN, JR. [redacted]
LARRY M. DASH [redacted]
KENNETH J. DAVID [redacted]*
JAMES C. DOCKERY [redacted]
WILLIAM A. DRUSCHEL [redacted]
ALLEN G. ERICKSON [redacted]
SUSAN M. FALL [redacted]
JOHN D. FEEHAN [redacted]
KIRKLAND D. FOSTER [redacted]*
PATRICIA ANN FREEMANFORD [redacted]
RICHARD W. GATES [redacted]
JAMES D. GODWIN [redacted]
AMY M. GRIESE [redacted]
TIMOTHY A. GUIDEN [redacted]
DEAH T. HAGMAIER [redacted]
LAUREN K. HEMPERLEY [redacted]
DOUGLAS C. HUFF [redacted]*
MARK G. JACKSON [redacted]
DAVID D. JIVIDEN [redacted]
RICHARD K. JOHNSON [redacted]*
LAUREN N. JOHNSONNAUMANN [redacted]
KAREN J. KINLIN [redacted]
DAVID W. KLAUDT [redacted]
DIANE L. KOVACH [redacted]
BRIAN G. KOZA [redacted]
JERRY M. LANG [redacted]
WAYNE D. LOOSBROCK [redacted]*
JOHN L. MADSEN [redacted]*
CARLOS L. MCDADE [redacted]
MAURA T. MCGOWAN, [redacted]
ANN D. MCLEAN [redacted]
URSULA P. MOUL [redacted]
TIMOTHY W. MURPHY, [redacted]
RICHARD G. MYERS [redacted]*
VIRGINIA A. ORR [redacted]
JACQUELINE B. POSNER [redacted]
RICHARD A. REED [redacted]
JEFFREY A. ROCKWELL [redacted]*
FLOYD RUSSELL III [redacted]
HOWEARD R. RUSSELL [redacted]
JAMES C. SINWELL [redacted]
NANCY S. STALLARD [redacted]
MARK F. STONE [redacted]*
CINDY L. TORRANCE [redacted]
DANIEL M. VADNAIS [redacted]
JEFFREY K. WALKER [redacted]
JOSEPH C. WENDLBERGER [redacted]
DAVID C. WESLEY [redacted]
WENDY L. WIEDENFELD [redacted]
BARR D. YOUNKER, JR. [redacted]

NURSE CORPS

to be major

MARLENE E. ABBOTT [redacted]
DANNY L. ADDISON [redacted]
MICHAEL B. ANGELORO [redacted]
LAURA B. APPLEGATE [redacted]
DIANA ATWELL [redacted]
MARCELINA L. BAILES [redacted]
KAREN K. BAKKE [redacted]
RENEE A. BARALL [redacted]
ROBERTA J. BARNES [redacted]
RICHARD L. BERNAL [redacted]
CARL K. BISHOP [redacted]
LAURA C. BLOEMER [redacted]
LYNN E. BRICCA [redacted]*
TIMOTHY F. BRUCE [redacted]
DEBRA K. BUEGE [redacted]
ELIZABETH A. CAMPBELL [redacted]

APRIL CARTERDUNN [redacted]
LORETTA J. CEPIS [redacted]
NANCY B. CHILES [redacted]
TERRY S. CHURCH [redacted]
NORA CLEMENTS [redacted]
THERESA L. COLLINS [redacted]
JULIE A. CONSTABLE [redacted]
ELIZABETH A. COWLES [redacted]
CAROLYN A. CRAMER [redacted]
CYNTHIA M. CRAMER [redacted]
ELIZABETH A. DAVIS [redacted]
JOYCE A. DAVIS [redacted]
KIMBERLY A. DAVIS [redacted]
GARTH D. DELK [redacted]
BETSY L. DEMAY [redacted]
KATHLEEN M. DUNNCANE [redacted]
ELIZABETH M. EASTMAN, MASON [redacted]
CONNIE B. EDGIL [redacted]
SUSAN M. EGLERCRUICE [redacted]
JOYCELYN ELAIHO [redacted]
DONNA S. FIELD [redacted]
AMANDA J. FLAGG [redacted]
DONALD J. FLANAGAN [redacted]
DIANE L. FLETCHER [redacted]
IONA L. FOX [redacted]
LISANDRA GALARZA [redacted]
GARY D. GENTRY [redacted]*
SUSAN M. GILZEAN [redacted]*
GEORGE W. GODFREY, JR. [redacted]
DONNA G. S. GONZALES [redacted]
MELISSA K. GONZALEZ [redacted]
LINDA D. GOUTHRO [redacted]
TAMI K. GRAHAM [redacted]
COLLEEN R. GRINTER [redacted]
CATHERINE A. GUSEY [redacted]*
VENNESSA J. HAGAN [redacted]
JACQUELINE S. HAMLIN [redacted]
NANCY D. HARTL [redacted]
SUSAN L. HAYES [redacted]*
TERRI J. HECKMAN [redacted]
STEPHANIE I. HENRY [redacted]
PATRICIA L. HINTON [redacted]*
KATHLEEN T. HOLTON [redacted]*
ANDREW J. HOMA [redacted]
GARY L. HUNSINGER [redacted]*
CHERYL A. JACK [redacted]
CYNTHIA F. JEFFREY [redacted]
BARBARA JEFTS [redacted]*
CHRISTY L. JOHNSON [redacted]
LINDA D. JOHNSON [redacted]
DEBORAH R. JONES [redacted]
KAREN A. JONES [redacted]
KAREN L. JONES [redacted]
SUSAN E. JONES [redacted]
PORFIRIO R. JUAREZ [redacted]
VERONICA R. KANE [redacted]
LAURA N. KELLY [redacted]
SUSAN M. KIDDER [redacted]
EILEEN M. KNAPP [redacted]
DAVID L. KUTZLER [redacted]
STEPHANIE D. LEACH [redacted]
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ELISABETH A. LINCOLN [redacted]
KATHARINE D. LINN [redacted]
BARBARA J. LUNDE [redacted]
VICTOR J. LUNSFORD [redacted]
LAURA J. LYNCH [redacted]
COLLEEN D. LYONS [redacted]
SHEILA M. MCALLISTER [redacted]
CAROL L. MCANULTY [redacted]
JESSIE G. MCDUFFY [redacted]
GLINDA L. MCKOY [redacted]
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JOHN S. MURRAY [redacted]
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DENNIS L. OAKES [redacted]
ABIGAIL M. PALMER [redacted]
GLENAE E. PALMER [redacted]
ANN L. PARKER [redacted]
BECKY L. PARRISH [redacted]
JOANN M. PAWLETKO [redacted]
JANICE E. PEEBLY [redacted]
LAURIE L. POPE [redacted]
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MARJORIE J. RANDALL [redacted]
JO ANN REGNERY [redacted]
JEANNE C. ROGERS [redacted]
AMY L. RUFF [redacted]
ROGER J. RUGLETIC [redacted]
SANDRA F. RYAN [redacted]
CASSANDRA R. SALVATORE [redacted]
DEBRA J. SANDERCOCK [redacted]
KENDALL SCHWAM [redacted]*
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DEBORAH J. SHANER [redacted]
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WILBUR K. SMITH [redacted]*
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DONALD J. TRICARICO JR. [redacted]
KIMBERLY A. TURNEY [redacted]
DONNA M. VIEIRA [redacted]
STEVEN L. VIEIRA [redacted]
PARTICIA M. VORWALD [redacted]
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MARY C. WARD, [redacted]
MARGUERITE D. WAYLAND [redacted]
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DIANE CREE WILLIAMS [redacted]
SYLVIA J. WILLIAMS [redacted]
BRENDA D. WILSON [redacted]
WALLACE K. WINTER [redacted]
JEFFREY B. WORRELL [redacted]
JANET M. YOUNG [redacted]
JEFFREY W. YOUNGER [redacted]
CHRISTINE L. ZAYAS [redacted]

MEDICAL SERVICE CORPS

To be major

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GARNEL E. ALFORD [redacted]
TONI L. BEUMER [redacted]
DONALD W. BUTTERWORTH [redacted]
CHARLES M. CAMPBELL [redacted]
BRISCOE P. COOK [redacted]*
MELVA R. COOK, [redacted]
PERRY R. COOPER [redacted]
DOUGLAS E. CORBIN [redacted]
THOMAS S. DELANEY [redacted]
RONALD S. DORNIN [redacted]
CATHERINE M. ERICKSON [redacted]
JOHN F. FELINS [redacted]
GORDON FLINT [redacted]
STEVEN H. FLOWERS [redacted]
ANGELA D. FOWLER [redacted]
DENNIS E. FRANKS [redacted]
DANIEL E. GEARY [redacted]
BRIAN W. GRASSI [redacted]
DONALD B. HENKE [redacted]
KENNETH R. IVERY [redacted]
LEONARD W. JACKSON [redacted]
EDWARD M. JENKINS [redacted]
GEORGE R. JENKINS [redacted]*
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KELLY J. KASH [redacted]
JOHN M. KORLASKE [redacted]
GRANT D. KOTOVSKY [redacted]
MARK L. KRAUSS [redacted]
KIM A. KUBELICK [redacted]
DAVID J. LANNEN [redacted]
DENISE K. LEW [redacted]
JERRY L. MARTIN [redacted]
DANITA C. MCALLISTER [redacted]
LAMAR ODOM, [redacted]
RONALD E. PALMER [redacted]
MONTGOMERY C. PATE [redacted]*
MICHAEL J. POULSEN [redacted]
MIGUEL REECE [redacted]
RICHARD D. ROEKLE [redacted]
DAVID G. SADNAVITCH [redacted]
DENNIS R. SANDERS [redacted]*
DANIEL W. SAWYER, [redacted]
ANITA M. SHOROSKY [redacted]
WILLIAM J. SLAUSON [redacted]
DIANE Y. TOUZIN [redacted]
ELIZABETH P. WHITNEYTEEPLE [redacted]
FRANK W. WILLIAMS [redacted]
JOHN G. WISEMAN [redacted]
DANIEL F. ZIMMERMAN [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

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THOMAS C. BERG [redacted]
MICHAEL N. BOUCHER [redacted]
KAREN D. BROOKS [redacted]
JOHN G. BULICK, JR. [redacted]
RICKY L. CAMPISE [redacted]
MATTHEW R. CHINI [redacted]
JUDY A. CHRZAN [redacted]
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JAMES C. COFFIDIS [redacted]
ROBERT S. COOK, [redacted]
JAMES B. COWAN [redacted]*
CLARK E. DAVENPORT [redacted]
JOHN R. DERUSSY [redacted]
ELAINE R. DOHERTY [redacted]
TIMOTHY J. DOTY [redacted]
CONNIE D. DUNN, [redacted]
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ANTHONY J. DYDA, JR. [redacted]
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BRYAN V. ESPINOSA [redacted]
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PAUL H. FEESER [redacted]
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JOE F. GROSS, JR. [redacted]
LARRY D. HAGAMAN [redacted]*
KIRBY R. HOLMES [redacted]
LOREN G. ISAACSON [redacted]
JULIE I. R. KELLER [redacted]
FRED C. KELSEY [redacted]
JOHN A. KILDEW [redacted]
LYNN J. KINDLEY [redacted]
SHEILA M. KINTY [redacted]
EDWARD J. KLINENBERG [redacted]
HENRY R. LEMKE [redacted]
EDWARD W. LEMLEY [redacted]
ALAN K. LEWIS [redacted]
MICHAEL J. MADER [redacted]
JANE M. MALLERY [redacted]*
MICHAEL K. MARTIN [redacted]
EVERETT B. MCALLISTER [redacted]
MONTE C. MCMEANS [redacted]
THOMAS R. METCALF [redacted]
PATRICIA G. MOSELEY [redacted]
PATRICK H. MURRAY [redacted]
PHILLIP W. PETTERBORG [redacted]
KAREN L. POLINSKY [redacted]
DAVID M. POLLOCK [redacted]
ROBERT A. PURKHISER [redacted]
BRYAN E. RAMSTACK [redacted]
TERRENCE J. RAVINE [redacted]
PAUL A. REHME [redacted]
HOWARD A. REID [redacted]
MICHAEL S. REITH [redacted]
CHRISTOPHER J. REVIS [redacted]
REVONDA G. REYES [redacted]*
BRUCE A. RUSCIO [redacted]
ELAINE RUSH [redacted]
STEVEN M. SCRUGGS [redacted]
JEFFREY W. SHRIFTER [redacted]
MARK D. SMITH [redacted]
PAUL H. SMITHWICK [redacted]*
JAMES N. SOTACK JR. [redacted]
BRIAN S. SQUYRES [redacted]
GOODWIN LINDA STEEL [redacted]*
JOHN T. SWINSON [redacted]
DEAN W. THORSON [redacted]
PETER J. TRAMBLEY [redacted]
JAMES P. VAKOS [redacted]
JAMES W. WEISSMANN [redacted]
TIMOTHY S. WELLS [redacted]
TIMOTHY G. WILEY [redacted]*
RICHARD J. WILLIAMS [redacted]
ANGELA S. WILLIAMSON [redacted]
BRUCE A. WRIGHT [redacted]
MARIE P. ZEITLER [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate February 22, 1994:

DEPARTMENT OF STATE

STROBE TALBOTT, OF OHIO, TO BE DEPUTY SECRETARY OF STATE.

DEPARTMENT OF VETERANS AFFAIRS

RAYMOND JOHN VOGEL, OF WEST VIRGINIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, FOR A TERM OF FOUR YEARS.

APPALACHIAN REGIONAL COMMISSION

JESSE L. WHITE, JR., OF NORTH CAROLINA, TO BE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO BALBINA A. YOUNG

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished individual from Rhode Island who has through her dedication, hard work, and professionalism served the people of Rhode Island proudly.

Balbina A. Young was elected councilwoman of the 11th ward of Providence in November, 1988. She is the first African-American woman to serve on the Providence City Council and is also the first to serve on any town or city council in the State of Rhode Island. Balbina serves on the Urban Redevelopment Renewal and Planning Committee, the Housing Authority Board of Commissioners as well as numerous other committees.

Legislative priorities for Balbina have been the Fairness in Purchasing Ordinance along with the creation of home ownership opportunities for lower-income families in South Providence.

Born and raised in the city of Providence along with her eight sisters and four brothers, Balbina has always shown a strong interest in her community. After graduating from Community College of Rhode Island in 1978, Balbina worked at the Urban League of Rhode Island as a coordinator for Teenage Pregnancy Prevention Program, and as the supervisor of Case Management Services. She also is involved with the Dexter Donation Commission, Wiggins Village, the International Institute of Rhode Island, Roger Williams Day Care facility, and the Governor's Committee on the Greater Providence Career and Technical High School.

Mr. Speaker, the lives of many people in the city of Providence and the State of Rhode Island have been greatly enhanced by Balbina's efforts in her community, and I would urge my colleagues to join me in saluting this outstanding public servant.

TRIBUTE TO THE LATE JOHAN JOERGEN HOLST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to the passing on January 13, 1994, of Norwegian Foreign Minister Johan Joergen Holst who died prematurely at the age of 56.

Holst earned the respect and affection of the international community for the critical role he played in the dramatic breakthrough in the Middle East peace talks last year and the signing in September 1993 of the Declaration of Principles between Israel and the PLO. He was widely admired for his deep understanding of international affairs and strategic issues, and his lasting commitment to public service.

In the aftermath of the September agreement, Israeli and Palestinian leaders both praised Holst's efforts, saying they could not have bridged the gaps between them without his careful, patient guidance. He spent the next 3 months helping the Palestinians and Israelis pursue the implementation of their Declaration of Principles, all the while maintaining his usual duties as Norway's Foreign Minister. Once again, he played a crucial role in bringing the two sides together, but tragically, he was never able to help complete the work. On December 16 he suffered a stroke, and he passed away in his sleep following a second one a month later.

The people of Norway can be rightfully proud of the manner in which they were served by Holst. He represented his country and its interests with dignity, modesty, and honor. But he was one of those rare leaders the impact of whose work will be felt far beyond the borders of his own country and for many generations after his own. The people of the Middle East—Israelis, Palestinians, and others—are fortunate to have been the object of his interest, and will benefit for decades from his attention. The peace just now beginning to blossom between Palestinians and Israelis, will be Holst's lasting legacy. Although he did not live to see the ultimate fulfillment of that peace, his essential efforts to bring it about will touch the lives of Israelis and Palestinians for generations to come. The American people, too, will remember Johan Joergen Holst with fondness, admiration, and gratitude.

TRIBUTE TO BOSWELL ENGINEERING

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Boswell Engineering of South Hackensack, NJ, as it celebrates its 70th anniversary in the engineering business.

In 1924, the late David C. Boswell recognized the need for engineering expertise in a world that was expanding and developing at a lightning-fast pace. It was then, in Ridgefield Park, NJ, that he founded Boswell Engineering, a family-operated company. His leadership provided the solid foundation upon which the company was built.

The tradition continued as both sons—the late Howard L. Boswell, Sr. and David J. Boswell—joined the firm, each making his unique contribution toward establishing Boswell as a full-service engineering company. During the early 1980's, upon his father's death, the late Howard Boswell, Jr., representing company management, embarked upon a new and exciting period in the history and growth of Boswell Engineering. Today, Howard Boswell, Jr.'s four brothers, Stephen, Bruce, Kevin, and John, provide leadership for continuation and expansion of the superb quality of service and high standards of excellence Boswell is known for in the engineering community.

Through the company's fine history of engineering accomplishments—from a two-man field office, concentrating on surveying and civil engineering to a full-fledged, comprehensive engineering firm designing interstate highways, toll roads and bridges, and extensive wastewater treatment, sanitary and storm sewerage projects—Boswell has laid the groundwork to play a major role in the structuring of the future for State, county, and local governmental agencies.

Boswell Engineering, now in its seventh decade, has demonstrated a commitment to maintain a reputation for excellence and high standards on all projects, whether large or small, and takes pride in helping to enhance the quality of life for the cities, towns, and counties by providing superb engineering services to all levels of government.

Boswell Engineering, a progressive, full-service firm living up to the grand design envisioned by its founder back in 1924, is now one of the largest and most diverse New Jersey-based engineering firms. The company, one of ENR's top 500 engineering firms, presently employs over 200 civil, structural, and environmental engineers, planners, scientists, surveyors, technicians, draftsmen, construction managers, and support personnel.

Mr. Speaker. I am proud to join in paying tribute to Boswell Engineering as it celebrates its 70th anniversary. I extend my best wishes to the ownership and staff at Boswell Engineering on the occasion of their anniversary.

RECOGNIZING WOMEN IN HISTORY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. GALLO. Mr. Speaker, as March approaches we look forward to celebrating Women's History Month. Many of our constituents capture American women in history through various channels of literature.

Women have not always been recognized to potential in the public eye. As the 21st century approaches and the dawn of a new generation of women heroes is born we must recognize those who have made it happen and those who have provided us with their story.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In an effort of recognition for women in the expanding realm of past and future let us remember and support the individuals that made it happen. Women in aviation have long been an important part of this frontier.

A constituent of mine, Henry Holden, of Randolph, has published and authored books on women in aviation. This is an area that is long overdue for recognition. The voice he provides for American women in flight, educates and entertains us with the experiences and achievements of those not readily noticed.

The expansion of female roles in flight range from test pilots to engineers, airline professionals, teachers, authors, and most recently the part women played in piloting aircraft in Desert Storm. This expansion is an inspiration for all young women and men.

Henry Holden, publisher, author, and historian on aviation, provides the public with a reference of women in the United States. These women have been the pathfinders for equal status, treatment, and place in the history of humankind.

Mr. Speaker, the commemoration of Women's History Month, must be a recognition for all women past, present, and future, and I ask my colleagues to join me in recognizing individuals who record the many good works of our heroes as role models for today's young people.

TRIBUTE TO WARNER L. JONES, JR.

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. MAZZOLI. Mr. Speaker, Warner L. Jones, Jr., passed away recently, and with that passing, Kentucky truly lost one of its finest sons. He was internationally known for his accomplishments as a breeder and racer of thoroughbred horses. Yet, despite his celebrity status and acclaim, he was a down-to-earth person.

Warner Jones was the only person to breed a winner of the Kentucky Derby, the Kentucky Oaks, and a Breeders' Cup race. He deeply loved Churchill Downs in Louisville, where, for him, racing was at its finest. Mr. Jones served as a director of Churchill Downs for 51 years, and he also helped create the American Horse Council which looks after the horseracing industry's interests.

No matter what Warner Jones achieved, nor how many successes he attained, he remained himself and remained close to his Kentucky roots. He was never happier than meandering around his beloved Hermitage Farm in Goshen, looking over his grounds, his horses, and his legacy.

He specially enjoyed showing off Hermitage Farm to children. Furthermore, Warner Jones assisted youth groups, such as the Oldham County Football League, so they could have playing fields, facilities, and equipment. It was often said he had a soft spot for children, and no greater tribute can be paid a person than to say that he, or she, took care of the little ones.

Warner Jones' contributions went far beyond those to the thoroughbred racing industry and his assistance to children's organizations. He was a prime example of a consummate businessman as well as a humanitarian. He dedicated himself to his family and his career and shortchanged neither.

I join many thousands of his fellow Kentuckians and Americans all around the Nation in extending condolences to Mrs. Harriet Jones, his two daughters, and to the entire Jones family.

TIMOTHY J. FORSBERG HONORED

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Timothy J. Forsberg of Troop 20 in Johnston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scout earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Timothy landscaped the playground area at St. Aloysius Home in North Providence, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Timothy J. Forsberg. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service to many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Timothy J. Forsberg will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

STATEMENT OF CONGRATULATIONS: UKRAINIAN NATIONAL ASSOCIATION CELEBRATES 100TH ANNIVERSARY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. HAMILTON. Mr. Speaker, the Ukrainian National Association, the oldest and largest Ukrainian-American organization in the United States, celebrates its 100-year anniversary on February 22. I congratulate them.

During its long history, the association has pursued the commendable goals of serving the Ukrainian-American community and supporting Ukraine in building a democratic and free-market society. The association's services to the Ukrainian-American community have ranged from loans and scholarships, to helping to preserve Ukrainian culture and history.

The association has also supported the ideal of a free Ukraine. Now that this goal has been achieved, the Ukrainian National Association is seeking to enrich the political debate in Ukraine with the democratic values that are part of the American culture. The upcoming parliamentary elections in Ukraine offer the association and all of us who are concerned with democratic progress in Ukraine the chance to contribute to the process.

The association can also work on other equally important and related issues. It can work to foster tolerance of the many sizable ethnic and religious minorities in Ukraine, and generally encourage respect for and protection of international standards of human rights.

The association has also served as a bridge between Ukraine and the United States as the two nations expand their political and economic relationship. I look forward to President Kravchuk's visit to the United States in March as another step in building this friendship.

Again, I congratulate the Ukrainian National Association for its work during the past 100 years and look forward to working with the association and with the Ukrainian-American community on our shared priority of promoting a democratic and free-market Ukraine that is a friend to the United States.

THE TRUTH ABOUT THE GERMAN HEALTH CARE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. STARK. Mr. Speaker, recently, the Wall Street Journal editorial page ran an extraordinarily fictional account of the German health care system. The article, by a Mr. Wilfried Prewo entitled "Germany is not a Model," is part of the Journal's ongoing effort to confuse the American people about foreign health care systems that really do work and which offer important lessons as we reform our own system.

Princeton's Woodrow Wilson School Professor Uwe Reinhardt, who was born in Germany and is a leading expert on the German system, demolishes Mr. Prewo's case in the following letter:

WOODROW WILSON SCHOOL OF PUBLIC AND INTERNATIONAL AFFAIRS,
ROBERTSON HALL,
Princeton, NJ, February 5, 1994.

Letters to the EDITOR,
The Wall Street Journal, New York, NY.

DEAR MADAM OR SIR: Mr. Wilfried Prewo's op-ed piece "Germany is not a Model" confronts astute American readers with three intriguing riddles.

First, can millions of German really be as stupid as Mr. Prewo implies? He asserts that premiums (payroll taxes) for statutory health insurance in Germany are 25 percent higher that are premiums for private insurance which, according to him, is both more efficient and offers better benefits. But Mr. Prewo also allows that over 10 million Germans (14% of the population) with incomes high enough to escape compulsory statutory insurance nevertheless opt voluntarily to remain within that statutory system. Why do these Germans not recognize the good deal Mr. Prewo evidently sees in private insurance?

For those who wish to solve the riddle, here's a hint. Private insurance in Germany is priced actuarially. Private premiums reflect the insured's age, health status as well as the number of his or her dependents. By contrast, premiums for statutory health insurance are based strictly on the insured's income, and not on health status, age or family size. For a single, high-income German Yuppie private insurance may well be the cheapest option. For a family it may not be, especially if the family is large and some family members are not perfectly healthy. For these reasons some 14% of the German population voluntarily opts for statutory coverage, while less than 10 percent opt for private coverage.

Further on in the piece, Mr. Prewo offers the second riddle: How can President Clinton propose to finance health spending at 14% to 17% of the GDP with a payroll tax below 10% (actually a maximum of 7.9%) when Germany requires a payroll tax of 13.4% to finance health spending of only 10.6% of the GDP? The answer: the 7.9% payroll tax pays for only a part of American health care. It would not cover any of the over 30 million elderly, who would remain in their separate Medicare system. It would not cover some 30 million low-income Medicaid recipients, whose care would continue to be financed largely out of general revenue. Finally, it would not reflect the high American deductibles, co-pays and exclusions (such as prescription drugs). By contrast, the 13.4% in Germany covers virtually all health care for insured members. The latter include the poor the unemployed and the elderly, whose own pension funds contribute premiums that cover less than half of the true actuarial cost of treating the elderly. The other half is covered with the premiums paid by working Germans. Apparently, Mr. Prewo is unaware of these details, which leads him to compare apples with oranges.

Finally, Mr. Prewo alleges that German's graze themselves to obesity" on [free] medical services. Here is the third riddle in Mr. Prewo's piece: How is it that, with all that grazing to medical obesity, Germany spends a much smaller percentage of the GDP on health care (10.6%) than does the United States (14%), where cost sharing by patients is so much higher, even among the elderly, and where over 30 million are uninsured? If insured Germans are medically obese, what adjective is one to use for insured Americans?

Sincerely yours,
UWE E. REINHARDT,
James Madison Professor of Political Economy.

HONORING UKRAINIAN NATIONAL ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today in recognition of the Ukrainian National Association [UNA], the oldest and largest Ukrainian-American organization in the United States. Today the UNA, a fraternal insurance organization, is celebrating its 100th year anniversary.

The UNA, from its humble beginning, has expanded to 66,000 members and over $100 million in assets. The UNA currently has branches in 27 States in the United States and 7 Provinces of Canada. In addition to providing for the life insurance needs of the Ukrainian-American community by offering low-cost life insurance protection, the UNA provides its members with a wide range of educational, cultural, social, and charitable benefits. Through its many, diverse programs, the UNA has helped preserve the national traditions and customs of Ukrainians in the United States and Canada, thereby contributing to the richness of American culture.

As part of its fraternal benefit work, the UNA provides over $120,000 in scholarships annually to its members. It operates a retirement home for its senior citizens, provides mortgages to its members, and is a patron of the Ukrainian community's cultural and religious activities. Over the years, the UNA has provided low-interest mortgage loans for the construction of many Ukrainian churches and community centers in the United States and Canada thereby strengthening the religious and cultural bonds of the community.

Although the UNA mainly assists Ukrainians living in the United States, it has never lost sight of the needs of Ukrainians in Ukraine. Throughout its history the UNA has assisted the struggle for a free and independent Ukraine by keeping American policy makers current on events taking place in Ukraine. The UNA assisted the many Ukrainian refugees created by World War II and provided assistance to the victims of natural disasters such as the earthquakes in Yugoslavia in the 1970's and in Armenia in the 1980's.

The Ukrainian National Association has been assisting the Ukrainian-American community and the people of Ukraine for a century. I hereby recognize the accomplishments of the UNA, not only for the Ukrainian-American community, but for the American community. I wish the UNA continued success in all its future endeavors.

PARADISE CHAPTER 14 OF B'NAI B'RITH CELEBRATES 75TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. BROWN of California. Mr. Speaker, I rise to commemorate the 75th anniversary of the Paradise Chapter 14 of B'nai B'rith Women. Today, members of this chapter are gathering at Temple Emanu El in San Bernardino, CA to celebrate this momentous occasion. Founded in 1919, the Paradise Chapter 14 is the second oldest among over 1,600 B'nai B'rith chapters both in the United States and overseas. I am extremely proud to have in my district such an outstanding and established organization.

The motto of the B'nai B'rith Women is "Pledged to Serve." They have proven true to this motto for 75 years and, I am certain, will continue to carry on this pledge in the future. B'nai B'rith Women, in conjunction with the Anti Defamation League of B'nai B'rith, works to promote harmonious relationships in the community by sponsoring interfaith seminars and through it's Dolls for Democracy program. This program brings the stories of the great humanitarians, of different creeds and religions, to thousands of children in hundreds of public and parochial schools.

The B'nai B'rith Women bring needed services to all members of our communities—from prenatal care to help for older adults. One of its most admirable services is a project called Operation Stork which is designed to reduce birth defects and infant mortality. B'nai B'rith carries out this essential project in partnership with the National Foundation of the March of Dimes.

The women of the B'nai B'rith Paradise Chapter 14 have also served in the local hospitals, including Norco Naval Hospital, Banning Hospital, and San Bernardino County Hospital. They have received special recognition for their part in Operation Sendoff at Norton Air Force Base during the Vietnam war—as well as services to March Air Force Base Regional Hospital and Loma Linda Veteran's Hospital, which are both ongoing projects.

Mr. Speaker, I ask my colleagues to join me today in congratulating B'nai B'rith Paradise Chapter 14 for 75 years of outstanding service to the community and to our country.

THE PRIVATE SCHOOL AND HOME SCHOOL FREEDOM AMENDMENT INTRODUCED

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. ARMEY. Mr. Speaker, on behalf of a large number of my colleagues, I am proud to introduce an amendment to H.R. 6, which we call the private school and home school freedom amendment. This amendment would accomplish two things. First, it would clarify that H.R. 6 would not require nonpublic schoolteachers to be State-certified. Second, it would make clear what we all agree is the policy of H.R. 6, namely, that it is not intended to establish any new Federal control over any nonpublic school that does not take funds under the act.

As you know, public concern about the so-called Miller amendment has made this a politically sensitive issue. The Miller amendment requires all teachers in schools under the jurisdiction of a local school district to be State-certified. In many States, private schools and home-schooling parents are legally considered to be under the jurisdiction of the local school district. The Miller language would overturn the laws and jurisprudence of 50 States. To put this in perspective, right now all 50 States already require public school teachers to be State-certified, only 12 States require private school teachers to be certified, and no States require home-schooling parents to be certified. Since Mr. MILLER has said he had no intention of applying a new Federal requirement to nonpublic schools, it is necessary to amend his provision to make that intention absolutely clear.

Amending the Miller language, however, is not enough to guarantee the independence of nonpublic schools. Because the definition of the word "school" has been changed in the definitions section of H.R. 6, other provisions of the act could, and likely would, fall over nonpublic schools that do not take funds under the act. Under current law, a school is defined as a day or residential school that provides education as determined under State law. This definition has enough slack in it to leave some ambiguity as to whether nonpublic schools are covered. H.R. 6 eliminates this ambiguity. The authors of H.R. 6 have inserted the word "nonprofit" into the definition, dispelling any question as to whether this law is intended to apply to nonpublic schools. To resolve this problem, my amendment would add a new sentence after the definition of "school" to clarify that this definition shall not apply to any nonpublic school that does not receive funds under the act. That is a policy I think we can all agree on. If you don't take Uncle Sam's penny, you don't fall under Uncle Sam's rules.

Finally, my amendment adds a new general provision applying this principle to the entire act. This is necessary to ensure that any other potential time bombs in the bill are defused preemptively, rather than being discovered at some later date to our mutual regret.

A vote for the private school and home school freedom amendment will be a vote for the continued integrity and independence of America's thriving private education system.

SETTLEMENT OF VIETNAM CLAIMS OF UNITED STATES NATIONALS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. TORRICELLI. Mr. Speaker, 2 weeks ago President Clinton made the decision to lift the trade embargo against the Government of Vietnam. In no way can we allow this decision to weaken our commitment for full settlement of all outstanding cases of missing U.S. personnel. It is now even more imperative that we step up our efforts to aggressively pursue all possible means to pressure Hanoi to resolve questions regarding each and every one of those servicemen. No issue is more important with regards to our relations with Vietnam.

While this issue has justifiably received broad attention, there is another important issue that looms over the horizon that must be addressed before normalization can proceed, and that is the question of compensation of American corporations and individuals who left Vietnam in 1975 when the government of Saigon fell, and whose property was expropriated, lost, or confiscated by the North Vietnamese in clear violation of international law.

Many of the claimants—individuals, Government contractors, corporations, and United States servicemen—remained in Vietnam at the specific request of the United States Government. Not only did the United States Government originally encourage investment into South Vietnam, it also urged these investors to stay on longer than many would have liked or sound business judgment would have suggested. They did so out of a sense of obligation to the foreign policy and military objectives of the United States. The United States Government owes them the same commitment and dedication.

The Foreign Claims Settlement Commission, which was established within the Department of Justice to adjudicate the claims of United States nationals against foreign countries, has examined the question of Vietnam claims. Starting in 1980, the Commission took 6 years to painstakingly receive testimony and conduct hearings to determine the validity of these claims. After hearing 534 claims, only 192 were found to meet the extensive evidence requirements of the Commission. These awards had an aggregate total principal value of almost $100 million. The Commission allows for 6 percent simple interest bringing the modern day total to over $200 million. These claims are legally valid and recognized by the U.S. Government.

Fortunately, the United States controls the means to achieve an equitable settlement to these claims. In 1975, the Office of Foreign Assets Control issued regulations, pursuant to the Trading With the Enemy Act, that froze all assets of the South Vietnam Government in United States financial institutions. According to a 1983 OFAC survey, the total value of these blocked assets at the time exceeded $150 million. It is reasonable to assume that the aggregate amount of blocked assets is now at least $200 million. Whatever the exact amount of the claims and blocked assets, it is clear that there are more than enough funds to cover the full amount of the claims. I believe this is the first time in history where this is the case.

At the same time, I am urging the administration to take prompt action on these claims, I would also urge it to refrain from negotiating these claims in conjunction with the United States Government's own set of claims against the Vietnamese Government. The dollar amount of Government claims is unknown and to jointly pursue the claims would greatly jeopardize the satisfactory resolution of individual claims and would be contrary to State Department precedent.

The historical practice has been to negotiate the public and private claims separately. In fact, a 1980 GAO report that urged Vietnam claims to be jointly pursued was strongly opposed by the State Department. In fact the State Department reported that "Adoption of the GAO recommendation would make it extraordinarily difficult in many cases to conclude settlements of private claims on terms acceptable to the claimants and the Congress".

I would also urge the administration to seek the full value of the claims of private citizens. Historically, the Department has weighed several factors, including the strategic importance of reaching an agreement with the country, the morality of obtaining justice for U.S. citizens, and the availability of funds to satisfy the claims to determine the percentage of claims settlement. In the present case with Vietnam there would appear to be no legitimate reason why the Department would accept a figure that is less than the total principal and interest of the awards. There exist sufficient funds to satisfy the claims, the claims of the U.S. citizens have been adjudicated, and there is no strategic importance to justify accepting a lower settlement.

The U.S. Government is the sole representative of our citizens' claims and has an obligation to them to reach the fairest possible settlement. These citizens have no legal recourse outside of the Government's action. I urge the Clinton administration to be as responsive to these citizens as they were to the Government 20 years ago. We must forcefully assert the right of American claimants to full compensation.

In the very near future, the administration will be sending a delegation to Hanoi to negotiate a settlement of these claims. I urge the administration to seek full settlement of all adjudicated claims. The characteristics of the Vietnam claims dictate that there is no plausible reason for accepting anything less than full settlement.

The Clinton administration has argued that the Vietnamese have been sufficiently forthcoming with information about our missing servicemen to justify a lifting of the trade embargo. We must demand that they also be cooperative with respect to compensating the Americans whose assets they seized. Until they are so forthcoming, we cannot consider a full normalization of relations.

JASON PARKER EARNS RANK OF EAGLE SCOUT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Jason A. Parker of Troop 20 in Johnston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout

Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Jason coordinated the annual house cleaning for the elderly residents of the North Providence Senior Citizen Center.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Jason A. Parker. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozens of whom now serve in the House.

It is my sincere belief that Jason A. Parker will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

THE NEED FOR PRESCRIPTION DRUG ACCOUNTABILTY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. STARK. Mr. Speaker, as part of national health care reform, we need to stop the abusive overprescribing of dangerous and addictive drugs. In the 102d Congress, I introduced H.R. 5051, the Prescription Accountability Act. This bill required the use of electronic data to detect patients, doctors, and pharmacists who were abusing and overutilizing controlled substances.

I hope the basics features of this legislation will be included in this year's reform legislation.

Last November, the Chicago Tribune released a nine-part series on Medicaid in Illinois titled, "Medicaid: System in Chaos." Parts of those articles focused on the abuse of prescriptions and make an outstanding case for the passage of H.R. 5051-type safeguards.

Here are some of the examples pulled from the series:

> In 1991 almost $53 million was spent on prescription drugs—prescriptions that cannot be linked to a doctor without months of searching. The prescribing doctor's name and Drug Enforcement Agency registration number is not required. In fact, $5.3 million was spent on prescriptions that listed the doctor's number as BB1111111, a number invented just to keep the bill from being rejected by the computer.
>
> About $2 million went to just three medical clinics, where the doctors shared a number of the same patients—some of whom visited all three doctors in one day to pick up prescriptions.
>
> Doctors who prescribe drugs without examining patients or questioning requests for drugs. A 24-year-old alcoholic complaining of seizures asks for refills of Phenobarbital and Dilantin. She walks out with that and more, without ever being examined.
>
> "I have no record of it," says Dr. Pirruccello, looking over the file. But that's nothing unusual. He admits he doesn't like to write in the charts. Rarely does he venture beyond scratching the names of the drugs he prescribes. Sometimes he writes nothing at all. Eventually, he decides to take her word for it. "Anything else you need?" he asks.
>
> Eventually she walks out with prescriptions for: Phenobaritol, Dilantin, two Ventolin inhalers, Zantac, Ampicillan, birth control pills, a bottle of rubbing alcohol, diuretics, and two bottles of Maalox.[1] The bill? $145.63.
>
> "Shopping" for drugs is a common occurrence. Patients line up in the waiting rooms discussing what to get and how to get it.
>
> "Every now and then, the multisyllabled names of prescription medications travel back and forth in hushed conversations. As do locations of friendly pharmacies. Names of other doctors. Dosages to ask for, symptoms to describe. Patients work out lists on tiny pieces of paper of all the medications they will ask the doctor to prescribe."

Here are some examples of what patients have been able to accumulate.

> A diabetic patient collected, in visits to 46 doctors in 1 year, 7,800 hypodermic syringes—enough to use two a day for more than 10 years.
>
> One women saw 52 doctors in 9 months, collecting 2,000 Prozac antidepressant capsules.
>
> A 34-year-old patient collected 3,540 condoms, 234 asthma inhalers, and enough antibiotics, sedatives, and painkillers to swallow 46 pills a day. His total bill for 1 year: $20,664.
>
> A patient obtained 11,000 codeine-based pills, while being treated for pancreatitus.

A SALUTE TO KENTUCKY'S VOCATIONAL INDUSTRIAL CLUB OF AMERICA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. MAZZOLI. Mr. Speaker, since its inception the Kentucky Vocational Industrial Club of America [VICA] has provided rich opportunities to young Kentuckians whose talents and interests are especially suited to careers in business and vocational pursuits. Kentucky VICA has hosted its Canadian counterpart, Skills Canada, at VICA's national conventions for the past 3 years.

Kentucky VICA has assisted Skills Canada with the planning of the national Canadian competitions, and last year Kentucky VICA participated in Canada's 1993 competition called the Skills Olympics.

Again this year, Kentucky VICA has been invited to send its Kentucky State gold medalists to compete in the 1994 Canadian competition. As the official representatives of the United States, Kentucky VICA members will have the opportunity to compete in 20 secondary school level events; including 17 technical and 3 leadership development events, and in 17 post-secondary school level technical events.

Not only is this invitation a great honor to Kentucky VICA and all its members, but it provides a distinct opportunity for the students to develop the skills, the poise, and confidence which will be called upon daily as Kentucky VICA students move into their career paths.

Under the able leadership of Charles A. Pierce, members of the Kentucky VICA team to the Skills Canada even brought home 15 medals in 1993. It has been called a rewarding "northern exposure" experience, and I wish for the Kentucky competitors the same success in going for the gold in 1994.

TRANSFER OF TITLE TO COUNTERNARCOTICS AIRCRAFT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. HAMILTON. Mr. Speaker, the Committee on Foreign Affairs has long been monitoring the operation of the Department of State's Bureau of International Narcotics Matters airwing. Due to concerns about the misuse of aircraft provided for counternarcotics purposes, the Congress, in 1986, required the Department of State to retain title to all such aircraft provided to foreign countries. This provision of law had the unintended consequence of creating an expensive airwing within the Department of State.

In the International Narcotics Control Act of 1992, Public Law 102-583, the Congress allowed the President to transfer title to narcotics control aircraft to foreign countries if to do so was in the national interest of the United States. The legislative history to accompany this act required the Department of State to report to the Congress on its plans to transfer title to such aircraft.

The committee has received a response from the Department on its preliminary assessments regarding the transfer of aircraft title. I would commend this to my colleagues attention and note that the committee will make available for Members review the more detailed Western Hemisphere counternarcotics strategy when it is submitted by the executive branch.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 14, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of November 30 to Assistant Secretary Robert Gelbard asking for information on the possible transfer of U.S. Government-owned counternarcotics aircraft to foreign countries. I regret that the Department has taken so long to answer your inquiry, but this is an issue which Ambassador Gelbard wanted reviewed carefully after he was confirmed as the Assistant Secretary of the Bureau of International Narcotics Matters (INM).

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[1] In order for Medicaid to pay for over-the-counter medications, a prescription is required.

I can assure you that the Department is fully aware of the Committee's concerns about the size and expense of the INM Air Wing. We will continue to look for ways to reduce its costs while retaining key aviation support for existing counternarcotics programs and the ability to respond quickly to future challenges and opportunities. INM has closed its small operation in Belize, has retired the four medium lift transport aircraft that were used to support the expensive air bridge in Peru, has decommissioned two older UH-1H helicopters and has placed an additional eight aircraft in non-flying storage. As a result, the INM-owned air fleet has dropped to 36 in-service aircraft, though INM also supports 10 helicopters provided to Bolivia through a lease administered by the Defense Security Assistance Agency (DSAA) and two helicopters loaned by DOD to the Air Wing.

As you know, the transfer of aircraft for use in counternarcotics operations to other countries is a complex issue that goes beyond the INM budget. It is necessary to take into account the support required by anti-drug forces and the ability of foreign governments to utilize aircraft safely and effectively. We share Congressional concerns regarding the transfer of these aircraft to foreign countries in view of the risks that they may be used for purposes other than narcotics control.

U.S. and host nation anti-drug units in Latin America must have effective aviation support if they are to reach drug cultivation and production centers, which are almost always located in remote, undeveloped regions with poor road systems. Our objective is to help host governments develop the institutional capability to maintain and support aviation units. Progress in Mexico, Colombia, Bolivia, and, more recently, Peru over the past few years led to our request last year that the Congress provide a national interest waiver to the requirement that we maintain title to counternarcotics aircraft.

As we proceed in this direction, we must do so in a way that prevents serious reductions in operational effectiveness, unacceptable degradations in safety, and the possible diversion of the aircraft to non-counternarcotics use. Aircraft transfer decisions must be made very carefully, and transfers should only take place after recipient countries have demonstrated the ability to maintain and operate them effectively and commit to dedicating them to counternarcotics purposes.

In response to the amendment providing a national interest exception to the requirement to retain title to aircraft and to INM's reduced FY 1994 budget, INM raised the issue of transferring title of U.S.-owned counternarcotics aircraft with our Embassies in Bogota, Lima, and La Paz and requested their views as to the ability of the host governments to support the aircraft effectively. The Embassy in Bogota replied affirmatively, but noted that until the Colombian National Police (CNP) resolved the logistical and maintenance challenges posed by their receipt of U.S.-provided aircraft in 1991 and 1992, the CNP would be able to absorb only a small number of additional aircraft. Embassies Lima and La Paz replied that the Peruvian Police and Bolivian Air Force lacked the financial resources and technical capabilities to assume ownership of any INM Air Wing aircraft at this time. It should be noted that although Bolivia has already taken title to a C-130 aircraft from DOD, this aircraft is supported technically and financially through the FMF program. With the cuts in FMF funds, a similar support situation for INM aircraft would not be available to the Bolivian government.

While the Department is hopeful the CNP will be able to absorb additional aircraft within the next one to three years, we believe it will be three to five years or longer before other countries in the region can assume primary responsibility for their counternarcotics aviation units. Although host nation personnel in Bolivia and Peru now fly all missions and take an active part in operation planning, their logistical and maintenance capabilities are much less developed. These deficiencies are being addressed by INM-supported training and other assistance to host country aviation units, but a more serious problem is that neither government has been able to provide the funds needed to sustain air operations. The Department will continue to urge these countries to increase funding for these purposes. However, until they do so, if we do not support these units, their ability to transport host national police and DEA agents safely would be badly eroded if not lost altogether.

With the approval of Presidential Decision Directive 14 on U.S. Counternarcotics Policy in the Western Hemisphere, Assistant Secretary Gelbard has directed his staff to prepare a plan outlining how our interregional aviation program could be better structured to support PDD-14's operational and institution building objectives in Latin America. This plan will address, inter alia, coordination of funding and support for operations of aircraft transferred to other countries as well as the management and utilization of the aircraft remaining in INM's inventory and should be completed by early spring. The Director of INM's Office of Transnational Issues, David Lyon, has already discussed this plan informally with members of the committee staff and will be in further contact with them this month. Mr. Gelbard would, of course, be pleased to meet with you should you wish to discuss this matter with him directly, either now or after the plan is provided to your Committee.

I hope this information is responsive to your request. If we can be of any further assistance to you on this or any other matter, please do not hesitate to let us know.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

TIME MAGAZINE QUALITY DEALER AWARD RECIPIENTS IN PENNSYLVANIA

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, today I pay tribute to two men who have made important contributions to the business world and economy of Pennsylvania. Mr. W. James Wynn is the president of Volkswagen, Inc., in Norristown, PA. Mr. Wynn began his career in 1954, as a technician with Wynn's Motors. Ten years later, Mr. Wynn acquired a Volvo franchise, and in 1979, he purchased a second dealership. Mr. Wynn has been the recipient of several honorary awards during his career, including the Volvo Dealer of Excellence and Volkswagen Vanguard Society Awards. In 1985, he was named the Employer of the Year by the Norristown Business and Professional Women's Organization.

I would also like to honor Mark A. Frankel, the President of Frankel Chevrolet-Buick, Inc., in Ardmore, PA. I am proud to announce that both Mark Frankel and James Wynn are recipients of the 1994 TIME Magazine Quality Dealer Award [TMQDA].

They are two of only 65 dealers to be nominated for the magazine's national award during this award's silver anniversary year. The TMQDA recognizes outstanding new car dealers for exceptional performance in their dealerships and distinguished community service.

MICHAEL DENNEHY EARNS RANK

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Michael P. Dennehy of Troop 20 in Johnston, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Michael constructed and installed bluebird houses at the Smithfield, RI Audubon Society Wildlife Refuge.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Michael P. Dennehy. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Michael P. Dennehy will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

WHO'S WORSE: 60 MINUTES OR REPRESENTATIVE GUTIERREZ

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. OXLEY. Mr. Speaker, I recommend to the attention of Members the following article by a well-respected, long-time Congress watcher, Norm Ornstein, concerning the lamentable episode of "60 Minutes" which recently aired regarding the U.S. Congress.

Mr. Ornstein correctly points out that the public's misunderstanding of Congress and the legislative process was manipulated by CBS News to reflect poorly on the institution. In addition, the freshman Representative interviewed for the story made several factual errors, including the statement that members received a pay increase for 1994. If Members will refer to their paychecks this month, they will see that this was a total misrepresentation on the part of "60 Minutes" and the gentleman from Illinois.

The gentleman from Illinois also expressed the opinion that we ought to get rid of all of the limousines on Capitol Hill. In fact, it is only a handful of Members of the congressional leadership who have at their disposal some town cars, and these are provided chiefly for reasons of security.

Again, I recommend the following column to the attention of my colleagues:

[From the Roll Call, Feb. 14, 1994]

WHO'S WORSE: 60 MINUTES OR REPRESENTATIVE GUTIERREZ?

(By Norman J. Ornstein)

A New York-based writer who covers the media was stunned recently at a Congressional retreat to see the deep hostility lawmakers felt toward the press. How could these Members of Congress, veterans in the public eye and accustomed to the rough-and-tumble of politics, not be inured to the press criticism that comes with the territory?

To be sure, some Members may be as thin-skinned as Bobby Ray Inman, but that does not explain the rancor they feel, the deep sense of unfairness at the treatment of Congress and Congresspeople by the national press.

Most lawmakers feel the way they do because the phenomenon is real; when it comes to reporting about Congress, all the normal rules of fairness and scrupulousness go out the window; cheap shots are common and increasingly so for network news shows and newsmagazines as for sleazy tabloids on TV or at the supermarkets.

Attack almost any institution in America, including Big Business or Wall Street, or any individual from Michael Milken to Amy Fisher, Lorena Bobbitt, Lyle Menendez, Michael Jackson, Woody Allen, or Tonya Harding, and you will find substantial numbers of credible people who will come to their defense. Burned by the instances of outrageous manipulation in "investigative" journalism, like the alleged expose of GM trucks by "Dateline: NBC," networks and other major journalistic outlets try to present at least the pretense of fairness, showing the other side, or giving an "on the other hand."

But Congress is different. Playing to the public hostility towards Congress, Washington, and politicians in general is a no-lose situation for the press; it's like throwing red meat to hungry dogs, and getting full credit for it.

The irresistible impulse is triggered by the fact that it is so easy, and with no price whatsoever to pay—no lawsuits, no embarrassing retractions, no need to think about fairness or balance. After all, no matter how cheap the shot, there are few if any defenders of Congress outside the institution itself—and those inside the institution can always be dismissed as self-serving. What's more, a reporter or producer can always find one or more self-serving Members eager and willing to join in the bashing.

There's no lack of examples. But the most recent illustration of this dynamic, and the most vivid in months or years, came a week ago on "60 Minutes," long the flagship of CBS News, resident for years at the top of the Nielson ratings. And of all correspondents, Morley Safer, the urbane and sophisticated veteran reporter, was the prime offender. If "60 Minutes" ever stood above the fray as the epitome of tough-minded fairness—unlike its competitors or imitators—it can't claim that lofty perch any more.

The "60 Minutes" idea was typical, if trite: do a modern-day version of Mr. Smith Goes to Washington, showing a freshman who came to Congress with a romantic and utopian vision of public service but who was quickly jolted by the reality of awful politics, smarmy politicians, and lobbyists who work to bring him to his knees. While his colleagues are too weak to stand firm, he suffers all the slings and arrows, emerging stronger, sadder, and wiser.

The self-serving freshman in this case was Democratic Rep. Luis Gutierrez of the South Side of Chicago. Gutierrez, with prompting and help from a smirking Safer, portraying himself as a cross between Mr. Smith and Mother Teresa who tried to reform Congress and was slapped down by its leaders and stabbed in the back by his fellow freshmen; who tried to stick with his principles by voting against NFTA despite threats and intimidation by President Clinton and business lobbyists who made it clear that the campaign spigot would be shut off if he didn't toe the line. The result, he suggested, was retaliation by the leaders through poor committee assignments consigning him to obscurity.

Mr. Gutierrez's imitation of Mr. Smith was bought hook, line, and sinker by Morley Safer. But to anyone knowledgeable about the contemporary Congress, he was more like Eddie Haskell, the friend of Walley Cleaver known for his transparent insincerity in "Leave it to Beaver."

Reform, to be sure, is a major theme of the freshman class, but the heavy lifting on reform issues, and not without controversy, was led by Members like Karen Shepherd (D-Utah), Eric Fingerhut (D-Ohio), and Jennifer Dunn (R-Wash).

"Who is this Guy Gutierrez?" was the comment of an active Republican member of the Joint Committee on the Organization of Congress. "He never asked to testify before our committee, and I've never seen him when we put together reform proposals."

* * * * *

REMARKS OF HON. DEBORAH K. CHASANOW

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. HOYER. Mr. Speaker, I rise to include in the RECORD some remarks made by the Honorable Deborah K. Chasanow who, on December 13, 1993, was sworn in as a member of the United States District Court for the District of Maryland. She became only the second woman to be appointed to that bench and the first person from Prince Georges County, MD.

In her remarks, she comments on the creation of the Southern Division of the District Court of Maryland. As the sponsor of the legislation which accomplished that end and one who worked on that objective for over a quarter of a century, I have a particular pride in the fact that its first two judges will be Judge Chasanow and Judge Peter Messitte, who formally served on the circuit court bench in Montgomery County. Both Judges Chasanow and Messitte are individuals who display all of the characteristics that our fellow citizens would want in persons given the awesome responsibilities to judge and dispose. They are possessed of keen intellect, high moral values, and unquestioned integrity.

Mr. Speaker, I believe that Judge Chasanow's remarks reflect her humanity and her insightfulness. It is our expectation that the new Federal courthouse in Greenbelt, MD, which will house the southern division of the district court, will open for business and be dedicated later this year. Judges Chasanow and Messitte will be two of the three judges who will preside at that site. I believe it will be an addition to our judicial system which will provide more accessible justice to our citizens and will meet a need for such a judicial facility long unmet.

I wish for Judges Chasanow and Messitte that God will grant them the wisdom, compassion, and courage to judge fairly and decisively as they inaugurate a new era in the Federal judicial history of Maryland.

Now, Mr. Speaker, I include the remarks of Judge Chasanow reflecting her personal feelings and her observations on the meaning of her appointment and her family and for all of us:

Judge Murnaghan, Judge Niemeyer, Chief Judge Black, Federal Judges, Senator Sarbanes, Senator Mikulski, Congressman Hoyer, Chief Judge Murphy, State judges, public officials, honored guests, family and friends. I am honored by your presence here today. We've already heard from many excellent speakers and I'm afraid if I say very much you'll realize that the nice things they said about me can't be true. Those who know me well appreciate how uncomfortable I am being on center stage and realize that I want the ordeal to end as quickly as possible. But I really must take this opportunity to share some of my thoughts about the Federal court in Maryland.

Before I do, I want to recognize a few of the people who have been very important in my life. My parents, Helen and Howard Koss; my sister, Tamar Bernbaum; my sisters-in-law, Phyllis Richman, Myrna Chasanow, and Ruth Heitin, and their families. My great aunt Edith Levine, my aunt Lenore Weseley, and long time friends Horty and Bernard Meyer. And the two who have shared this year's journey with me most closely and without whom I would not have survived it: my husband Howard, and my stepdaughter Andrea. It has been an intense year for us and I want to express my gratitude and love to them for their steadfast encouragement and support. There are some people who are not here in person, but who are very much here in spirit. My grandfather continues to be an inspiration, even as the years dim some of the memories. And Howard's parents, Helen and Abe Chasanow. The last time I took an oath in this room, they provided the new robe I donned. I thank Mr. Lewis for bringing their memory more alive today. Of course, there are many, many friends and colleagues here today as well. It is gratifying to see people from so many different stages of my life. Neighbors from Wheaton where I grew up and from College Park where we now live, law school classmates from Stanford, colleagues from the attorney general's office, and of course, those with whom I've worked here in Federal court, particularly the magistrate judges and their staffs, my fantastic secretary Marie Mooney Plapas and all of my wonderful law clerks.

Over the past year, many people have asked why do I want to be a district judge? That was a very difficult question, particularly because I had to resign from what the insiders know is the best job in the legal community. My reasons for seeking this position include being a part of the inauguration of the southern division and my hope that with Baltimore Federal Court experience, Prince George's County residence, and Montgomery County background I could offer a unique perspective of experience and geography that might prove helpful as we work to get the new courthouse off on the right foot. The real drawback is that now if I want to ask my husband a question, instead of just nudging him, I must put it in writing and certify it to the Court of Appeals, Maryland.

Recently I was asked by a reporter what I thought about being only the second woman to be appointed to the position of U.S. District Judge in Maryland. I am sorry that the first, Judge Shirley Jones, could not be here today. I know she would agree with me that my new colleagues don't need any sensitivity training, but, on the theory that you can never have too much sensitivity, I have obtained for them a copy of Deborah Tannen's best seller "You Just Don't Understand, Women and Men in Conversation."

I am still amazed that I was appointed to this high position, but I am not at all surprised that a woman was appointed given where we are in 1993. It would only be surprising if, among three new appointees to this court, there had been no woman. The first judicial nomination made by President Clinton was a woman, Justice Ginsberg. Of the next 30 or so nominations, well over a third were women. I have met some of the other women and I am very flattered to be part of that group.

There is no question that the look of the Federal judiciary is changing. In the not too distant future, the makeup of the Federal bench will much more closely mirror the diversity that is America. I think it is particularly important for public confidence in the judicial system that the bench not be perceived as an exclusive club, reluctant to admit women and minorities. Equality must be the hallmark of the justice we dispense and of the process by which judges are selected. Let me echo the wish of Justice Ginsberg, all women yearn for the day when we can stop counting.

I also think the significance of my appointment lies as much in geography as in gender. I am deeply honored to be the first Prince George's County resident to be appointed district court judge. While not a native of Prince George's County, I have lived there for more than a decade. Some people might find it unusual for someone to move from Montgomery County to Prince George's County, but let me assure you I had an excellent reason, a wonderful husband firmly rooted to Prince George's County. No, I didn't also have a premonition or any inside information that the new southern division courthouse would be built two miles from our home. That was just luck.

The southern division has generated controversy over the last few years and was created only after heated debates among the bench and the bar. I hope that the time for conflict is over, and that the time for harmony is here. There is a lot of hard work ahead and cooperative attitude will be essential if we are to make the southern division succeed.

Let me give you insight into my early geography lessons. I grew up in Montgomery County. My parents still live in the same place they moved to when I was 3 years old. My early view of Baltimore was as a city we traveled through on our way to visit grandparents in New York. Our metropolitan focus in those early years was either Rockville or Washington. Baltimore was far away, literally and figuratively. When I took the bar exam Baltimore seemed so far away that I arranged to stay at a hotel during the exam. Associating Baltimore with taking the bar exam did not help my early feelings about the city.

Just after the bar exam, I became Judge Cahoon's law clerk and was able to walk to my office in the courthouse in Rockville. Despite my first exposure to Baltimore during the bar exam, I applied here to the offices of the attorney general and the general council to the Human Relations Commission for jobs after my 1 year clerkship. The trips to Baltimore for those interviews were scary adventures for me. I felt about Baltimore as some Baltimore attorneys might initially feel about southern Maryland. Both the attorney general's office and the Human Relations Commission ultimately offered me jobs. It was a difficult choice, but as you all know, I decided to join the attorney general's office. My first day of work was December 22, 1975, and that day began what has now become an 18-year commute from the heart of the southern division to Charm City.

I soon came to love the city. When Harborplace opened I must have gone there for lunch every day for months. I still try to walk around the harbor on nice days as often as I can. And I am envious of those who live closer and can take advantage more easily than I of Baltimore's cultural and culinary delights.

It isn't just people like me from the Washington suburbs who have a skewed view of Maryland geography. My first supervisor in the attorney general's office thought everything outside of Baltimore and Annapolis was on Debby's way to work. So I was asked to represent the State in circuit courts all over Maryland on the theory that any courthouse outside of Baltimore City was not out of my way. Throughout it all I commuted each and every day, although I stayed with friends here in Baltimore if the weather got bad or I had to work very late. Sally and Kathleen kept trying to convince me to move to the city, but I resisted. By the way, yesterday while Kathleen and Sally were conspiring about their remarks for today at an undisclosed location in Baltimore, Kathleen's car was stolen. I certainly wouldn't want to be the next accused joyrider to appear in Judge Sweeny's courtroom.

The criminal division of the attorney general's office offered a wonderful vantage point from which to learn all about this great State. I worked with the State's attorneys from all 23 counties and the city of Baltimore. There were trips to various parts of the State, including a sad journey to Oakland to prepare for arguing the first death penalty case. I walked the last route taken by Deputy Sheriff Livengood during his unfortunate encounter with Richard Danny Tichnell. I also made shorter trips to Towson and Upper Marlboro to help with training sessions and enjoyed pleasant early summer visits to Ocean City to join the State's attorneys at their annual convention. I came away with an appreciation for Maryland geography and the varying backgrounds prosecutors brought to their jobs. I also learned, however, that people with divergent views and experiences can work together to achieve a common goal.

Then, a little more than 6½ years ago, I had the great fortune to be appointed as a U.S. magistrate judge. Although there was no southern division at the time, I suspect that my southern division residence was an attribute that contributed to my appointment. My geography lessons continued. While Baltimore was my duty station, I eventually saw not only this courthouse, but also sat in courtrooms in Hyattsville, Ft. Meade, Rockville, and Ft. Detrick. During those years, I came into contact with litigants, lawyers, and jurors from all over the State.

Maryland is unique in that it is large enough to boast both mountains and seashores, yet small enough that we can travel to each in less than a day. One can canoe the Potomac, sail on the Chesapeake, or surf in the Atlantic. We can enjoy the history of colonial capitals and the vision of planned towns like Greenbelt and Columbia. We can feast on delicacies like the Chesapeake blue crab and St. Marys' stuffed ham almost anywhere. We should also be proud of our regional diversity, but we must strive to work together.

Now that some of you will be traveling to the southern division area, I hope you will take the opportunity to enjoy the nice things we have to offer and will learn to know and love the southern division as I came to know and love Baltimore. I am sure that those who take the time to explore will come to appreciate the bounty of the southern division counties.

Aside from a healthy appreciation for the beauty of the entire State, I bring to my new role a grave concern that all people who find themselves in Federal court in Maryland deserve the most efficient, courteous, and competent service we can provide. To succeed, it will take the full effort of all of us to administer justice. The southern division has been created, not to make it more convenient for lawyers and judges, but because having a courthouse in that part of the State will help all of us to serve the litigants better. It is my hope that we can put aside the lingering doubts about whether there should be a southern division. It's here and here to stay. There is plenty of work to do and we cannot afford to be distracted by any regionalism.

There is no north versus south. There is a common goal to administer justice in the best possible manner. Two divisions will further that goal because of our cooperative effort. I look forward to working closer to home, but just as closely with my Baltimore colleagues. Although I will be a part of bringing Federal justice to the southern part of the State, I will be a judge not for the southern division but for all of Maryland. My pledge to those here in Baltimore, as to those all over the State, is that I will continue to do my best to advance the high ideals of those who served before me and with whom I now serve. I will strive to justify the confidence expressed by Senator Sarbanes' recommendation and President Clinton's appointment. Thank you.

CELEBRATE THE CENTENNIAL ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. BONIOR. Mr. Speaker, February 22 marks the centennial anniversary of the Ukrainian National Association, the oldest Ukrainian-American organization in the United States. Founded in Shamokin, PA, the Ukrainian National Association has grown from the original 13 branches to 370 branches in 27 States and 7 provinces in Canada.

Throughout its first century, the association has provided leadership in the Ukrainian-American community, and has contributed to the richness of American culture. From scholarships to the construction of churches and community centers, the Ukrainian National Association has served to meet the needs of the community.

In addition the Ukrainian National Association publishes Svoboda, the oldest Ukrainian-language newspaper in the world, the Ukrainian Weekly in English and a children's magazine Veselka. The association has also financed the publication of many books including "Harvest of Sorrow," a painful history of the famine in Ukraine during the 1930s.

Through these publications, the association has highlighted the hardship and suffering of the Ukrainian people under Soviet rule. And through the years the Association has fought for freedom and democracy in Ukraine.

In its second century, the Ukrainian National Association has embarked on a mission to strengthen democratic and free market institutions in Ukraine. I look forward to working with the association in this endeavor.

As an Ukrainian-American, I am proud to join in celebrating the centennial anniversary of the Ukrainian National Association.

IN RECOGNITION OF THE CALIFORNIA CENTRAL VALLEY SPELLING BEE PARTICIPANTS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. FAZIO. Mr. Speaker, I rise today in recognition of the middle school students chosen to participate in the 12th annual California Central Valley Spelling Bee. These top spellers were selected from over 160,000 students from throughout Sacramento, Placer, Yolo, El Dorado, Nevada, Sutter, Solano, Colusa, and Yuba Counties to compete in this regional competition.

I want to commend each one of them for the time and commitment that they have invested learning many difficult words. I praise their hard work and dedication in preparing for this event and wish them all the best of luck. With these principles, these students of Central Valley are taking the first steps toward building a strong foundation for their education. This spelling competition installs in these young adults the love of learning that will take them through high school, college, and beyond.

I cannot conclude without applauding the parents and teachers, and the coordinator of this event, Ms. Molly Evangelisti, for their support of these youngsters' endeavors. Their backing will encourage these bright students to strive for the academic excellence and the bright future that lies just ahead of them.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring the accomplishments that the California Central Valley Spelling Bee represents, past and present, and I personally extend my congratulations on the winning efforts of all the participants.

TRIBUTE TO RAY FOREMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. BERMAN. Mr. Speaker, I am honored today to pay tribute to my friend, Ray Foreman, one of the leaders in the labor movement in southern California during the past 30 years and a very close friend. Ray and I were allies in many political battles during the past two decades. I can say with absolute certainty that Ray played a pivotal role in securing both modest and significant political victories for labor.

While still in his twenties Ray first exhibited the ambition and sense of justice that have characterized his career. A plumber by trade, his fellow union members elected him delegate to the State Pipe Trades Convention for several years in the 1960's. From there, Ray rose swiftly in the ranks of the Pipe Trades leadership. In 1974–75, he served as vice president of the State Pipe Trades; a year later, he became president of State Pipe Trades Council.

His star shone brighter in the 1980's, a decade in which labor was under assault by conservative politicians spoiling for a fight. Through it all Ray maintained his unshakable conviction in the cause of working men and women. In 1982, he was elected head of the Southern California Pipe Trades District Council, the parent organization of 14 local pipe trades unions. He continues to serve as business manager of the council today.

Ray assumed additional responsibilities in 1985, when the United Association appointed him to the UA/Carpenters Committee, and 2 years later, when he was named adviser to the Laborers Committee. Around the same time, Ray was elected as a permanent executive board member of the California State Pipe Trades Council—the first in the history of the organization.

I have found myself closely aligned with Ray during several of my most cherished political battles in public office. Our effort to promote solar energy and union labor culminated in a collective bargaining agreement between the Southern California Pipe Trades District Council No. 16 and the Luz Corp. In addition, Ray's message about the damage that misinterpretation of ERISA was doing to California led to House passage of H.R. 1036.

Ray has earned a long and enjoyable retirement. I know he looks forward to spending more time with his wife, Susan, four children and eight grandchildren. He plans to live part time in Santa Barbara and part time on property he purchased on a lake in the Ozark Mountains of Missouri. Either way he can't go wrong.

I ask my colleagues to join me in saluting Ray Foreman, a man of integrity and an outstanding labor leader who put the needs and interests of working people above all else.

100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION, INC.

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to the Ukrainian National Association, Inc. [UNA], as it celebrates on this day an impressive 100th anniversary.

There is no doubt that the UNA deserves great credit for work done to better the interests of the Ukrainian-American community since its establishment in 1894 in Shamokin, PA, a city in my congressional district. Like many struggling immigrant communities at the turn of the century, Ukrainian-Americans desperately needed assistance and a sense of community in adjusting to life in a new land. The UNA was there to provide moderate financial support and help maintain the rich heritage and tradition of the Ukrainian culture through its fraternal organization.

After many years of excellence and success in reaching out to Ukrainian-Americans, the organization has grown exponentially. From a mere 13 branches in 1894, the UNA now has 370 branches in 27 States and 7 Canadian provinces. UNA's 66,000 members and $100 million in assets make it the largest Ukrainian-American fraternal insurance organization. Its original newspaper, Svoboda, is the oldest Ukrainian newspaper in the world.

The important work of today's UNA is not unlike that of the Shamokin original. The original. The organization provides over $120,000 in scholarships annually to its members. It operates a senior citizen retirement home for members, provides mortgages, and has helped subsidize the construction of Ukrainian churches and community centers across North

America. UNA is also a patron of Ukrainian cultural and religious activities. In New York, the UNA operates a full-service resort of Soyuzivka which provides a full range of Ukrainian cultural enrichment activities.

Recent independence of the Ukraine from the former Soviet Union was certainly causes for tremendous celebration among Ukrainian-Americans. The UNA had exceptional foresight to plan for this inevitable event. As early as 1990, the UNA was funding substantial humanitarian, educational and technical assistance to Ukraine. In 1992, it established a foundation which will help this new country further promote democratic and free-market reforms essential to a prosperous future.

With its work both here, in North America, as well as the Ukraine, the UNA is providing praiseworthy services to the Ukrainian nation across the globe. Impressively, today in Shamokin the UNA continues to serve the Transfiguration Catholic Church, once established by 100 Ukrainian-Americans over 85-years ago.

May I add my sincerest congratulations on this 100th anniversary celebration.

TRIBUTE TO AFRICAN-AMERICAN FAMILY HERITAGE WEEK

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. CLYBURN. Mr. Speaker, I would like to share with my colleagues a legislative resolution by the South Carolina House of Representatives in celebration of African-American Family Heritage Week.

The resolution follows:

LEGISLATIVE RESOLUTION FOR AFRICAN-AMERICAN FAMILY HERITAGE WEEK

Whereas South Carolina is comprised of many people of diverse beliefs, cultures, heritages, and races;

Whereas the people of South Carolina deeply appreciate and strongly value the diverse cultural contributions that all people make to our overall society and recognize that our diversity is our strength, when all people are provided an opportunity to make their unique positive contributions to the betterment of our society as a whole;

Whereas the people of South Carolina recognize that the family is the most important unit that serves to create, preserve, and promote a cohesive community that values diversity, maintains a strong commitment to top quality education, strives for high achievement, and respects the rights and property of all people;

Whereas the values of belief in God, appreciation for diversity, commitment to excellence in education, high achievement, and respect for the rights and property of all people, which are shared by the African-American extended family, are consistent with the values that are shared by all people of South Carolina;

Whereas the African Methodist Episcopal Church is a major religious institution in the South Carolina community that has contributed civic, educational, moral, and religious leadership for all people for well over two centuries;

Whereas the Mt. Olive African Methodist Episcopal Church of Green Pond, South Carolina, has contributed leadership and has served the community for over one hundred and eleven years, and, under the leadership of its pastor, the Reverend William Doyle, has initiated an annual week-long observances of African-American family heritage and has initiated this annual Black Family Heritage Dinner to raise funds for scholarships and ongoing community programs that will be for the benefit of all people in our society; and

Whereas Mt. Olive A.M.E. Church of Green Pond, South Carolina, is to be commended for its past achievements and supported in all of its future efforts to serve the people of South Carolina;

We, the legislature of the State of South Carolina, with the approval of our Governor, The Honorable Carroll Campbell, on this 26th day of February, in the year of our Lord, 1994, do hereby proclaim the last week of February (the 22nd through 28th) to be African-American Family Heritage Week in the State of South Carolina, in observance of the importance of the family unit to our community, the contributions of the African-American extended family, the value of and appreciation for the cultural diversity of our society, and the legacy of high achievement and commitment to educational excellence. We, the legislature of the State of South Carolina, with the approval of the Governor, do hereby proclaim that African-American Family Heritage Week is to be observed each year henceforth, under the authority of the legislature and the Office of the Governor of South Carolina. May God continue to bless the United States of America, and may God continue to bless all the people of the State of South Carolina.

UKRAINIAN NATIONAL ASSOCIATION CENTENNIAL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. HOYER. Mr. Speaker, today marks an important milestone in the life of the Ukrainian-American community, as the Ukrainian National Association [UNA], the oldest and largest secular Ukrainian-American organization celebrates its 100th-year anniversary.

The role of the Ukrainian National Association in the life of the Ukrainian-American community over the last century has been invaluable. As a fraternal insurance organization, it provided the life insurance needs for generations of Ukrainian-Americans, but it also has done much more than that. It provides its membership, and by extension, the entire Ukrainian-American community with a wide range of services and benefits—cultural, educational, social, and charitable. Its publications include the oldest Ukrainian-language daily newspaper in the world, Svoboda and the respected English-language, The Ukrainian Weekly. The UNA provides scholarships and low-interest mortgages for the construction of Ukrainian churches and community centers. The UNA has been instrumental in the development of the well-organized and tightly knit Ukrainian-American community—it has been a critical link in maintaining this community's structure and cohesiveness. In so doing, it has added significantly to the rich fabric of this country's heritage.

But there is another critical dimension to this organization's work that cannot be overlooked. Throughout the last century, the UNA has been in the forefront of pressing for the age-old dream of an independent, democratic Ukrainian state. Through its numerous practical actions as well as its publications, the Ukrainian National Association never ceased its efforts to achieve that dream, irrespective of the skepticism that existed.

As we all know, Mr. Speaker, that dream has turned into a reality, and the Ukrainian National Association can stand proud knowing it played an important role in the achievement of Ukraine's independence. Of course, numerous challenges remain in rooting and developing the young Ukrainian state. The UNA, mindful of this, is engaged in assisting in the development of democracy and free-market institutions in Ukraine and, no doubt, given its viability and strength, will continue to contribute.

The Ukrainian National Association has been a valuable resource to me in my capacity as Helsinki Commission cochairman, and I look forward to continuing to work closely. I heartily congratulate the UNA on its centennial and express my hopes for its continued success.

IRRATIONAL FEARS PUT TECHNOLOGY TO REST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Mr. BEREUTER. Mr. Speaker, I commend to my colleagues an editorial which appeared in the Lincoln Star on February 7, 1994. This editorial echoes the sentiments of this Member that, far too frequently, sound science is being ignored and taken hostage by special interest groups who specialize in exaggerating risks and exploiting people's fears. Unfortunately, the threat to sound public policy decisions on issues like safe drinking water, pesticide use, and the use of new technologies is real and can only be effectively fought by fully educating the public about the costs and benefits of each and every issue.

IRRATIONAL FEARS PUT TECHNOLOGY TO TEST

The Unknown, the uncontrollable, the unimaginable.

Those are the definitions of things that strike fear into the heart of the average American. Psychologists say people are less accepting of risks from these types of sources than from others in life, which could be defined as one (generally acceptable) risk after another.

They also note that the real risk to health and safety from a given source may have little or no relation to the public's perception of that risk.

This has long been a source of frustration for scientists, public health officials and others who must set public policy.

Probably no sphere of public regulation has been so ruled by public fears than risks associated with the environment and food safety.

Former head of the Environmental Protection Agency, William K. Reilly, now a senior fellow at the World Wildlife Fund, aptly calls it "agenda-setting by episodic panic," and rightly notes the "need to develop a new system for taking action on the environment that isn't based on responding to the nightly news."

But just as legislators, scientists and other officials are recognizing a new scientific imperative, a whole industry of professional fear-mongers has sprung up to challenge every scientific break-through, to poke at people's fears and exploit them for their own agendas.

They are the Chicken Littles of our time. The sky is falling with every new chemical uncovered. They are having a heyday with biotechnology and the rapid-fire advances announced nearly daily.

The fact that these public interest groups might be occasionally or partially right, or at least operate from a genuine standard of concern makes it tougher for people to sift through the conflicting opinions.

The latest example is BST. The Food and Drug Administration just approved the use of BST, a naturally occurring hormone, that injected into milking cows, increases their milk production.

BST, a product of genetic engineering, over which the general public has no control, fits the definition of risk for which people are likely to overreact. Indeed, to read the press releases from the Pure Food Coalition, which is calling for a milk boycott, this genetically engineered hormone will end civilization as we know it.

We suspect the outrage over pasteurization earlier in this century caused a similar panic.

New technologies will demand we be more sophisticated.

Seeing monsters in the dark is natural, but now that we have electricity, perhaps we should use it more often.

It's folly—expensive folly—for public policy to be led by popular panic rather than sound science.

INTRODUCTION OF THE URBAN WATERSHED RESTORATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1994

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the Urban Watershed Restoration Act. This urgently needed legislation will provide local governments and citizens groups with the resources and a methodology to revitalize and restore the waters in urban areas.

Last year, American Rivers named the Anacostia River the most endangered urban and the fourth dirtiest river in the United States. The Anacostia River is emblematic of dozens of other waterways around the country. Because of neglect and outright abuse, urban lakes, rivers, streams, and other waterways—particularly those in low-income and minority communities—are trashed-out, channelized and enclosed as sewers, and fouled with raw sewage and stormwater runoff. The Urban Watershed bill is designed to equip governments and citizens groups with the resources to restore urban waterways.

I appreciate that some provisions of the Clean Water Act address some of the current threats to urban rivers. Yet the unadorned facts support the proposition that the severity of the problems warrants a specific program. The Urban Watershed bill would require the Administrator of the Environmental Protection Agency to establish a National Urban Watershed Restoration grants program within section 319 of the Clean Water Act, the non-point source program. Under the bill, at least 25 percent of annually appropriated section 319 funds would be dedicated to urban river restoration projects. A 1992 study by the Environmental Protection Agency found that while urban areas comprise only about 2.5 percent of the total land surface of the country, pollution from these areas accounts for 18 percent of impaired river miles, and these areas receive only 13 percent of the available funding.

The Administrator would use the program to encourage communities to use physical restoration projects to meet stormwater and combined sewer overflow permit requirements and other water quality objectives under the Clean Water Act. States with demonstrated successful river restoration programs would administer the program themselves; otherwise, the Environmental Protection Agency would administer the program directly.

The Administrator would issue grants using an established set of criteria, including standards related to ecological objectives. Priority for projects would be given to those rivers and streams in the watersheds of identified national estuaries, provided that they assist in implementing completed National Estuary Program plans.

Citizen involvement is a central innovation in the Urban Watershed Restoration Act. Thus, under the bill, projects would be funded only if they have both a local government and a local citizens group sponsor. The numerous environmental restoration efforts already under way attest to the dedication of urban residents to revitalizing the waterways in their communities. The Urban Watershed Restoration Act will provide them with the means to restore urban lakes, rivers, streams and other waterways that have been among the most neglected. I urge my colleagues to support this important and badly needed legislation.

SENATE—*Wednesday, February 23, 1994*

(Legislative day of Tuesday, February 22, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

Rabbi Paul D. Kerbel, Congregation Nevey Shalom, Bowie, MD, offered the following prayer:

Let us pray:

Our God and God of our ancestors: We ask Your blessings for our country, for its Government, for its leaders and advisers, and for all who exercise just and rightful authority. Teach them insights of Your Torah, that they may administer all affairs of State fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, bless all the inhabitants of our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

May this land under Your Providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: "Nation shall not lift up sword against nation, neither shall they experience war any more."

And let us say: Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 23, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RABBI PAUL KERBEL

Ms. MIKULSKI. Mr. President, this morning's guest chaplain is Rabbi Paul Kerbel, a leader of the Jewish community in Prince Georges County, MD. I know the Senate joins me in thanking Rabbi Kerbel for delivering this morning's prayer.

Rabbi Kerbel is Rabbi of Congregation Nevey Shalom in Bowie, MD. He is vice president of the Washington Board of Rabbis, a member of the board of the United Jewish Appeal—Federation of Greater Washington, and a member of the National Rabbinic Cabinet of the United Jewish Appeal.

I certainly appreciated Rabbi Kerbel's words of inspiration this morning. I am confident that they will enlighten our efforts to engage in reasoned, respectful debate today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 10:15 a.m., with Senators permitted to speak therein for up to 5 minutes each. The first 45 minutes of morning business is under the control of the Senator from Wyoming [Mr. WALLOP] or his designee.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. I thank the Chair. I will shortly yield to the Senator from Montana.

THE EFFECTS OF BUDGET DEFICITS

Mr. WALLOP. Mr. President, one of the things about budget deficits that ought to concern Americans is that it is the tool by which Government can excessively control the lives of Americans. With Congress inattentive and uncaring about the size of the budget deficit, we find that we end up funding an increasingly arrogant bureaucracy which stretches its influence over the daily lives of Americans in untold, unnumbered, and unimaginable ways. The loss of freedoms that Americans sense can be directly attributed to the size of the Federal budget deficit.

If Congress ever got to the point where we actually accounted for everything we spent, we would then have to prioritize. And once we started to prioritize, those agencies of Government that are the most offensive, the most invasive of American privacy, would clearly come under our purview.

We discuss the deficit in such abstract terms that it is almost impossible to understand fully what impact the deficit has on the lives of Americans. As I travel this country, and as I travel my home State of Wyoming, I find an increasing number of Americans terrified of their Government, actively trying to serve it instead of expecting it to serve them, and actively trying to stay out of sight lest it should take notice.

For example, among the other things Congress does is to increase continuously the funding of an agency, like the Internal Revenue Service, which, when it challenges an American on his or her taxes, can rely on a bottomless well of money to audit, investigate, and litigate. Oftentimes, a taxpayer is placed in the position of literally having to admit guilt rather than contest the IRS's judgment because it will cost more to defend than to admit guilt.

The EPA acts in much the same way. If you attempt to challenge the EPA, they will very likely declare you a willful violator and assess a fine, which will run throughout the litigation, for your alleged violation. Who dares expose themselves to that kind of judgment?

This invidious power is the result, as much as anything, of agencies having too much money. Of agencies that themselves do not have to decide among the priorities under their purview. And so as we casually go along adding to the budget deficit, we are also adding to the arrogance of American bureaucratic power.

We have allowed the budget system to get so complex that even its most admirable practitioners do not understand it all. That is why the debate on the balanced budget resolution is so critical a one to Americans.

It is interesting to listen to those who oppose the amendment; they say it would raise taxes on Americans. The assumption behind such a statement is that those of us in Congress are such fools that we are unable to make a judgment about priorities. Instead of raising taxes on Americans, we might select among some of the current wealth transfer programs, or maybe we would make a judgment on whether some of the agencies of Government were actually serving the needs of the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

people as contemplated by the Constitution.

We do not have to raise taxes to balance the budget. We have to make decisions. The assumption that our choice lies among adding to the deficit, continuing the deficit interminably, or simply increasing the abuse of Government on Americans is a telling statement about the mindset that has settled upon Congress. Why is it that we can borrow from our grandchildren's future or punish Americans with taxes, but we are unable to make a judgment to spend less or spend more wisely?

Mr. President, I will have more to say on the budget as the morning goes on, but for the moment I yield 5 minutes to the Senator from Montana [Mr. BURNS].

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized for 5 minutes.

Mr. BURNS. I thank my friend. I wish to ask a question to my friend from Wyoming, who will be leaving this body at the end of this Congress, and he will be missed for the depth that he goes into subjects such as this.

For those who would oppose the balanced budget amendment, is that an indication we have given up, that we cannot prioritize or quit funding programs that will not work?

Mr. WALLOP. Mr. President, I say to the Senator from Montana, that is the only conclusion you can draw from the arguments raised against it. The whole argument that we are taking from Congress the power of the purse is nonsense. We will still have the power of the purse. It will just be a more responsibly defined power, which is not the type of power we possess at this moment.

Mr. BURNS. I thank my friend. I am not schooled in the school of economics. I was raised in an area where economics or your economic well-being was judged by your accounts receivable which was in your left front pocket and your accounts payable were in your right front pocket. And nothing happens in the right front until something happens in the left front.

That is the way we should operate this Government, because I come out of local government where we were not only the people who set the budget, we were also the same three people who were on the appropriations. We appropriated the money and spent it.

Let us take a look at this budget this morning. Yes, there are some things that we like about the budget and some things we want to work with the Budget Committee on. But there are some that I think we have forgotten as we are making our assumptions on how we do our business. No. 1, it is my opinion that we have to get away or depart from baseline budgeting. If we are to get some kind of control on the spending side of the ledger, we have to do something other than baseline budgeting.

We do not assume that we start 6 percent higher this next year based on last year's budget. It was my intention back in 1990 on the 4 percent solution that would say we can allow the Federal budget to grow 4 percent based on previous year's expenditures, and still maintain proper reserves in the event that we had a catastrophe or national emergency that we will take care of. We have had to take care of some of those, of course the latest being the earthquake in California. So deficit reduction is one thing. Debt reduction is quite another.

I have talked about what is really fueling the economy at this time which, of course, is small business. Big business is laying off people. There is no expansion, no job opportunity right now like there is in small business. Yet, that engine that is powering this new rebirth of the American economy is under a great deal of pressure right now.

The small businesses that I am talking about are on Main Street Montana which were telling me this: That they are hiring part-time workers—no full-time workers—because of the reluctance to accept the fact that this is a solid rebuilding, that the future is pretty well intact. But they also see more rules and regulations coming down the pike that is going to affect the way they do business. And they are worried about that. They are also worried, and legitimately so, about health care and which direction it is going to go while we reform that industry. I think we should probably tackle welfare reform before we do anything about health care reform.

I am not particularly enamored with the President's health plan. But I am also not enamored with the status quo. There are some reforms that have to be made. I think we can do that. Let us take a look at welfare reform.

I cannot blame these small-business men as they try to make some kind of commitment to the future not only for their employees but for themselves and for the enterprise that they are they are in.

Let us take one example in the budget. There is a 1,000 percent increase in fees to be a dealer in firearms; 1,000 percent. That affects almost 3,000 individual people in my State of Montana who probably, more than anything else, maintain a license for a hobby.

I would say that the engine that is fueling the economy—small business in this country—right now has more fears and reservations about the activities of this Government and what is coming down not only in taxes, not only in the taxes that were retroactively passed a year ago, but now are doing business with their CPA's and finding out that their future may be on the line and they might make it on that dreaded endangered species list.

I thank my friend from Wyoming.

I yield the floor.

Mr. WALLOP. Mr. President, I yield 7 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 7 minutes.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Wyoming.

I wish to compliment Senator WALLOP for his statement and also Senator BURNS for his statement. I cannot help but think, when I listen to the Senator from Montana and he talks about changing the baseline, that he is really saying the Federal Government has a baseline that has built-in escalating spending. That does not happen in the businesses in Montana nor in Oklahoma nor in 99 percent of all the businesses in America or in families. When they use budgets, they say what are we spending this year? What are the actual dollars this year? And they use that as a baseline, not what is anticipated growth, expected growth. That is not the case with the Federal Government. That is very unfortunate.

So I compliment my friend from Montana for saying that we should have some common sense budget reform, and we have not seen that yet.

Mr. President, I want to address a couple of things concerning the President's budget. One is a lot of the rhetoric that we have heard from various administration officials.

I serve on the Budget Committee, and I have heard people taking great claim for the deficit that is coming down. They are saying this administration is responsible for it largely as a result of the deficit reduction package that passed last year. They incorrectly state it is the largest deficit reduction package in history. CBO says that is not the case. CBO says 433, not 3,500.

I think it is important we talk about facts. CBO says in the deficit reduction package that there are over $2 in taxes for every $1 of spending cuts. I continually hear people in the administration say it had more in spending cuts than it had in tax increases. That is not the case.

Mr. President, there is CBO's estimates that the deficit for 1995 will be $113 billion less than what they said it would be a year ago. I think it is important that we know why that is. That is $113 billion less in debt increase. All of us applaud that. Where did it come from? Did it come from the deficit package last year? Part of it. Did it come from spending cuts? None of it.

I think that is important to know. We have $113 billion. CBO now says that we are going to have a smaller debt increase than anticipated 1 year ago. That is a significant reduction. Where did that come from?

Mr. President, I will insert this in the RECORD for my colleagues because we have done this not only for 1995, but for 1996, 1997, and for 1998.

CBO says $5 billion will come from spending cuts. I said none of it from spending cuts. But CBO did not know we were going to pass so-called urgent disaster relief. All of that was off budget. All of that was added to debt. That more than compensates for the $5 billion in spending cuts that CBO was saying was in this package. Forty-six billion dollars of it was taxes increases.

I do not make any bones about that. We did pass that. I give President Clinton credit for it. Forty-six billion dollars of the $113 billion was tax increases. The balance of it, $2 billion for debt service, $15 billion for economic changes, and $45 billion for technical and others. That means we are spending less on S&L bailouts and other assumptions.

The economy is doing better than anticipated, but not through changes made by this administration or by this Congress. This Congress either raises taxes or spends money. That total amount of effort through those two things, all of it was done on the tax increase side of it. None of it was done on the spending cuts.

As a matter of fact, if you look at this administration and compare CBO's number for 1993, how much did we have in spending cuts for deficit reduction in 1993? Zero. Actually, we had a $4 billion increase in spending over the baseline. How much in 1994? How many billions of dollars in spending cuts did we have in 1994? None. Actually, we had another $4 billion over baseline. We did have $28 billion in taxes increases.

So if you look at this administration for the first 2 or 3 years, in 1993 there were no spending cuts. In 1994 there were no spending cuts. We did have some tax increases, and in 1995, again, no spending cuts. All on the tax increase side. And the majority of the so-called deficit reduction was not through either spending changes or tax increases. The majority of it was reestimations done by CBO.

I just want to make these facts known. These are not DON NICKLES' facts, these are not DON NICKLES' assumptions, this is the information that came from the Congressional Budget Office.

So my colleagues can look and see. Well, if the deficit is coming down, and certainly it is significantly less this year, projected for 1995—I say this year, but we are talking 1995 budget—at $171 billion. That is a significant reduction. I want my colleagues to know that all of that deficit reduction is in the form of tax increases or reestimates by CBO. Not one dime comes from a spending cut.

I know my colleagues have heard the President and others taking great claim that, well, they are proposing over 150 different spending cuts or terminations. President Bush proposed over 220. What is not often said in the same statement is that the President is proposing something like $126.5 billion in spending increases over the baseline for the years 1995 through 1999—a $126 billion increase over and above inflation. These are new spending programs.

I am going to insert this into the RECORD which details this. Whether you are talking about the crime bill, Head Start, housing vouchers—I do not know if my colleagues are aware of another $10 billion in housing vouchers—NIH, another $7.6 billion in authority, $10.5 billion in outlays; title I education, $5.17 billion in authority; National Service, $5 billion; dislocated workers, $4.2 billion in budget authority, $5.5 billion in outlays; Goals 2000, another $4.2 billion in budget authority and $3.6 billion in outlays.

I could go on and on. It totals $126 billion of new spending over and above the baseline, which already has inflation built into it.

The Senator from Montana said we should not have an inflated baseline. If you do that for 4 or 5 years, you have an escalated spending curve. He said we should use last year's real numbers. He is exactly right. This $126 billion in new spending is over and above the baseline.

My point is, Mr. President, that the so-called deficit reduction we have heard so many great things about is a result of President Clinton's largest tax increase in history and is a result of reestimations by the Congressional Budget Office.

I ask unanimous consent to have the two tables printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOURCE OF DEFICIT CHANGE SINCE PRESIDENT CLINTON TOOK OFFICE

[In billions of dollars]

	Fiscal year 1993		Fiscal year 1994		Fiscal year 1995		Fiscal year 1996		Fiscal year 1997		Fiscal year 1998		Total 1993–98	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
CBO deficit baseline (January 1993)	310		291		284		287		319		357		1,848	
CBO deficit baseline (January 1994)	255		223		171		166		182		180		1,177	
Deficit change	(55)		(68)		(113)		(121)		(137)		(177)		(671)	
Sources of deficit change:														
Spending cuts [1]	4	−7	4	−6	(5)	4	(20)	17	(39)	28	(56)	32	(112)	17
Tax increases [2]	0	0	(28)	41	(46)	41	(56)	46	(66)	48	(67)	38	(263)	39
Debt service	0	0	(1)	1	(2)	2	(7)	6	(13)	9	(20)	11	(43)	6
Economic changes	0	0	(13)	19	(15)	13	(12)	10	(14)	10	(25)	14	(79)	12
Technical and other [3]	(59)	107	(31)	46	(45)	40	(27)	22	(5)	4	(9)	5	(176)	26
Total	(55)	100	(68)	100	(113)	100	(121)	100	(137)	100	(177)	100	(671)	100

[1] OBRA 1993 discretionary and mandatory spending cuts minus higher outlays for emergency unemployment compensation and supplemental appropriations for flood relief.

[2] OBRA 1993 tax increases.

[3] Technical reestimates (deposit insurance, revenues, and medicare/medicaid) and OBRA 1993 debt service savings.

Note.—Details may not add due to rounding.

Sources: CBO January 1993 Report, CBO September 1993 Report, CBO January 1994 Report.

NEW SPENDING IN THE CLINTON BUDGET PLAN, INCREASES ABOVE 1994 LEVELS

[In billions of dollars]

	1995	1996	1997	1998	1999	Total
Crime bill initiatives:						
Budget authority	2.466	4.333	5.049	5.553	6.581	23.982
Outlays	0.736	2.324	3.925	4.982	6.449	18.416
Head Start:						
Budget authority	0.700	1.400	2.100	2.800	3.500	10.500
Outlays	0.463	1.204	1.872	2.567	3.266	9.372
Housing vouchers:						
Budget authority	1.339	1.408	1.478	2.658	3.138	10.021
Outlays	0.456	1.003	1.633	2.301	3.064	8.457
NIH:						
Budget authority	0.517	0.999	1.501	2.024	2.569	7.610
Outlays	0.758	1.429	2.118	2.820	3.343	10.468
Title 1 education:						
Budget authority	0.667	0.909	1.152	1.397	1.642	5.767

NEW SPENDING IN THE CLINTON BUDGET PLAN, INCREASES ABOVE 1994 LEVELS—Continued

[In billions of dollars]

	1995	1996	1997	1998	1999	Total
Outlays	0.029	0.583	0.899	1.151	1.395	4.057
National service:						
Budget authority	0.275	0.784	1.012	1.285	1.610	4.966
Outlays	0.165	0.504	0.908	1.189	1.468	4.234
Dislocated workers:						
Budget authority	0.347	0.746	1.047	1.047	1.095	4.282
Outlays	0.415	0.797	1.184	1.497	1.594	5.487
WIC:						
Budget authority	0.354	0.704	0.956	1.035	1.184	4.233
Outlays	0.316	0.674	0.925	1.017	1.161	4.093
Goals 2000:						
Budget authority	0.595	0.895	0.895	0.895	0.895	4.175
Outlays	0.141	0.605	0.916	0.981	0.987	3.630
NIST growth:						
Budget authority	0.415	0.569	0.859	0.887	0.902	3.632
Outlays	0.157	0.411	0.687	0.887	0.986	3.128
IRS tax modification:						
Budget authority	0.295	0.803	0.841	0.787	0.610	3.336
Outlays	0.244	0.671	0.829	0.849	0.718	3.311
SSI processing:						
Budget authority	0.327	0.156	0.668	0.743	0.862	2.756
Outlays	0.371	0.516	0.700	1.046	1.145	3.778
Highways:						
Budget authority	0.323	0.323	0.168	0.168	0.168	1.150
Outlays	0.621	1.475	1.767	1.767	1.846	7.476
Homeless programs:						
Budget authority	0.427	0.177	0.177	0.177	0.177	1.135
Outlays	0.286	0.408	0.676	0.933	1.072	3.375
All other increases:						
Budget authority	5.809	7.087	8.034	8.609	9.438	38.977
Outlays	3.019	6.435	8.372	9.871	10.870	38.567
Total:						
Budget authority	14.856	21.293	25.937	30.065	34.371	126.522
Outlays	8.177	19.039	27.411	33.858	39.364	127.849

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. WALLOP. I would like to direct a few questions through the Chair to the Senator from Oklahoma.

One, is it not the case that President Clinton said we were going to have honest figures for a change and we were going to use CBO figures?

Mr. NICKLES. The Senator from Wyoming is exactly correct. That is one of the reasons I felt it was important to show that CBO says here is where the deficit reduction figures are coming from, and that there are no spending cuts in the first 3 years of this administration.

Mr. WALLOP. So this is what we are hearing from downtown, despite the credibility given by the President to CBO in its first State of the Union?

Mr. NICKLES. The Senator is exactly correct.

Mr. WALLOP. Is it not also true that, whether we use OMB or CBO's figures, the deficit begins to rise dramatically after 1996?

Mr. NICKLES. The Senator is exactly right. Not only that, most people are not aware of this, but in that time period, the next 5 years, we are adding $1.3 trillion to the national debt. Even though the deficit declined, according to CBO, for a year or two, it continues to escalate. Every year, we are adding hundreds of billions of dollars to the national debt.

Mr. WALLOP. Is it not also the case that at no time within this Presidency is the debt decreasing; that it continues to increase over the 5-year budget period? We often get confused with the concepts of deficit and debt. When we discuss declining deficits, aren't we only discussing the decrease in the size of the increase in the debt, but not the size of the debt itself?

Mr. NICKLES. The Senator is exactly right. The national debt stands at $4.1 trillion, and it will climb to almost $6 trillion in the next few years. That is without calculating many of the new, expensive entitlements this administration has proposed, such as subsidizing—the Federal Government picking up 80 percent of the health retirement costs for people retiring between ages 55 and 65—and massive new subsidies for businesses, and so on, in their health care proposal. Those will explode in the future years.

THE BUDGET

Mr. WALLOP. Mr. President, in his budget message to Congress and in his State of the Union Address, Clinton has painted a very rosy picture of the U.S. economy. He has said that investment is up; real investment in equipment grew 7 times as fast in 1993 as over the preceding 4 years; mortgage rates are at their lowest levels in decades; nearly 2 million more people are working than were working a year ago; and the deficit is expected to decline.

Clinton was lucky. He was the chief beneficiary of low interest rates, corporate restructuring, and a recovery that began long before he took office.

In fact, GAO just this Friday found that the lower than estimated budget deficit for fiscal year 1993 was due to lower than expected outlays for deposit insurance programs.

If Clinton wants to claim credit for this rosy economic picture, that's certainly his prerogative. Presidents take credit for the good news and are held responsible for the bad.

But what needs to be made clear is that this economic story is far from complete. Job numbers are nowhere as strong as they should be. And consumer confidence is weak.

Just this Sunday, buried in the business section of the Washington Post, was a report of a poll conducted by Money magazine which found that many households remain concerned about their finances and future job prospects. The survey, conducted in October and November, found that few Americans were optimistic about the economy, despite signs of its improvement; 42 percent of the 2,154 people polled thought the economy would worsen in 1994, while only 27 percent thought it would improve. Is this the growing economic confidence the President is so quick to tout?

The job numbers show that job creation is underperforming the growth of the economy. This means that although output [GDP] is growing, employers are not adding new employees to the extent suggested by the increased growth rates. Instead employers have increased workweeks and hired temporary help where necessary.

In 1993, part-time and temporary employment increased by 6 percent while full-time employment only increased by 1 to 1.5 percent.

Average weekly hours for full-time workers are at very high levels—over 41 hours per week with overtime. However, real average hourly earnings have not changed. Average incomes remain stagnant.

For all of the administration's criticism of the Reagan years, job growth during those years was significantly higher than job growth currently.

Let us compare job creation during comparable business cycles—which in this case is the second calendar year of economic expansion. In 1993, 2 million jobs were created. In 1984, 4 million jobs were created.

In 1984, an average of 300,000 jobs per month were created. In January, 1994 only 62,000 jobs were created.

But what about economic growth? The current robust economy is far from surprising given the timing of Clinton's tax increases, the passage of NAFTA, and the success of recent monetary policy, according to investment consultant Art Laffer.

However, Laffer has found that historically, in periods where there are expectations of rising tax rates, rising interest rates—the Fed just indicated it would be raising short-term rates again—and rising oil prices, taxpayers will advance their income—thus creating a false prosperity. "Once the tax rate increases and other anticipated events finally take effect, however, the economy will stop dead in its tracks, leaving growth well below the historical post-war average," said Laffer.

Even CBO, in its economic and budget outlook 1995–99, recognized that Clinton's tax increases would depress economic activity and slow economic growth. That is why they only predict a rate of growth of between 2.6 and 2.9 percent. And these rates do not even take into consideration the adverse effects that health care reform could have on economic growth.

Let us not forget that the impact of Clinton's tax increases have yet to be felt. Businesses won't pay estimated tax payments until mid-March, and individual taxes don't come due until mid-April. I urge my colleagues to read an article in the Washington Post by James Glassman, dated January 28, which is entitled "If the Rich Do Not Get Richer, Can the Economy Thrive?" In that article Glassman nominates taxes for the sleeper issue of 1994. He is quick to point out that we haven't really heard from the tax side yet.

And what about the world economy? Even CBO is concerned if the Japanese or Germany economies fail to recover—because our export market will be further weakened and could restrict economic growth.

Why should the American people be willing to accept mediocre growth rates—a growth rate that averages on or below the average of the post-World War II economy? What about the 4-plus percent growth rates of the 1980's? The rate of growth of GDP in the second calendar year of economic expansion in 1984 was 6.2 percent—or more than twice the current expected growth rate for 1994.

Why must the American people settle for so much less? Should we not be promoting pro-growth initiatives? Clinton himself said during the State of the Union that:

> Many Americans still haven't felt the impact of what we've done. The recovery still has not touched every community or created enough jobs. Incomes are still stagnant. * * * Let us resolve to continue the journey of renewal, to create more and better jobs.

Well, that is what we should be doing. We need to be finding ways to promote economic growth, not stifle it. To create high paying and stable jobs, not temporary and part-time work.

Instead of pouring money into new spending programs that are supposed to retrain and better educate workers, we should be making sure that there will be jobs available for these people to have.

Higher taxes, more regulations, and health care are all combining to drain the resources of small businesses—the very engine of sustained economic growth. Instead of placing more burdens on employers, we should be looking for ways to lift these burdens to create more jobs.

As rosy as the economy may seem today, we should not forget that it can and will get worse again some day. We should take action now, when the economy seems strong, then when it is too late to react.

I ask unanimous consent that two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post; Jan. 28, 1994]

If the Rich Don't Get Richer, Can the Economy Thrive?

(By James K. Glassman)

Practically everyone is now predicting that the U.S. economy will hum along nicely in 1994, with 3 percent or 4 percent growth. That's got me worried. Just when the experts are convinced that things are going well, a sleeper wakes up and wrecks the party.

My candidate for Sleeper of 1994 is taxes. Specifically, the big increase in income taxes on the rich that was approved last year.

While the tax hike was retroactive to Jan. 1, 1993, it started to take cash out of the pockets of rich folks only this month—through higher withholding.

Then, on April 15, the big bill will come due, both for estimated taxes for the first quarter of 1994 and for total taxes for the full year of 1993.

The question is: Will the diversion of these tens of billions of dollars—which used to go to private investment and consumption and which will now go to the federal government—slow down the recovery?

This week, I asked a lot of the usual Republican suspects this question. To my surprise, they weren't particularly interested. Certainly, they weren't squawking about the tax hikes as they were during the debate last summer over President Clinton's budget.

Apparently, conservatives have bigger things on their minds, issues such as family values.

This is a bad sign. When it comes to the economy, it's what you aren't worried about that bites you.

Even Jude Wanniski, who in 1978 wrote a book called "The Way the World Works," arguing that taxes make or break economies, says he's much more concerned about the health care plan and monetary policy.

"A stable dollar is so much more important that a small increase in taxes," he said.

Small increase?

The Congressional Budget Office estimates that families with taxable incomes of more than $200,000 will pay 17 percent more in taxes this April.

And, using the new tax tables I calculate that typical withholding taxes for a corporate executive making $360,000 a year will go up 14 percent for 1994.

The top tax rate on married couples filing jointly with taxable income of more than $140,000 (and individuals making more than $115,000) goes from 31 percent to 36 percent. The rate on couples with taxable income over $250,000 goes from 31 percent to 39.6 percent.

. . . In other words, for every additional $1,000 they earn those in the very top bracket will pay Uncle Sam $396 instead of $310—an increase of 28 percent.

And that doesn't even count the increase in the Medicare tax, which takes another $2,400 a year out of the pocket of a lawyer making $300,000.

Or the phase out of deductions, which effectively boost the 36 percent bracket to 41 percent. Or the increase in the alternative minimum tax.

Please understand. I'm not shedding tears over the plight of these rich people. They'll manage. The issue is whether higher taxes on the rich will affect the economy as a whole. And the answer is that no one knows.

But you don't have to be a supply-side ideologue to recognize that people can't spend money they don't have.

For example, an article earlier this month in the Wall Street Journal cited copious cases of rich people who are cutting back on consuming and investing because of the tax hike.

Alan Graham, head of vascular surgery at New Jersey medical school, was quoted as saying his taxes will rise by $23,000. As a result, "We will put off the $30,000 addition to the house we had planned to begin this spring, and I will cut back by $6,000 or $7,000 the money I put into my retirement plan."

But can taxes on the few affect the many? President Clinton emphasized in his State of the Union speech Tuesday that "Only the top 1—yes, listen—only the top 1.2 percent of Americans, as I said all along, will face higher income tax rates."

Correct. But in an economy like ours, where wealth is distributed in such a lopsided fashion, the top 1 percent of Americans have an enormous effect on investment and consumption.

This year, the CBO projects, a family of four in the top 1 percent will make a minimum of $333,000.

That's more than eight times what the average American family of four will make.

Currently, the top 1 percent of American earners pay an astounding 25 percent of all individual income taxes; the top 5 percent pay 44 percent.

After they pay for necessities and indulgences, rich families have money left over for significant investment. Average families don't.

And our low rate of capital formation (less then half that of Japan) is probably this country's most difficult economic problem. Higher taxes make saving less attractive—for two reasons. First, the money's not there to save. Second, the return on investment drops—in this case by 28 percent for the very rich.

Ultimately, that chain of events can mean fewer jobs for the not-so-rich.

"They're wounding the geese that lay the golden eggs," says Lawrence Kudlow, chief economist of Bear Stearns & Co., Inc., and a former OMB official in the Reagan administration.

Kudlow is one of the few economists of any political bent who seems genuinely worried about the higher tax rates.

He predicts that investment will suffer, especially in the second half of the year. One result may be inflation, since firms will lack the capital to expand.

The Clinton administration sees the picture differently: Taxes on the rich will bring in $100 billion or so over the next five years, thereby trimming the deficit. The prospect of deficit reduction cheers the market, thereby pushing down interest rates.

The beneficial effect of lower interest rates on investment is more than enough to counteract any "fiscal drag" caused by higher taxes.

That's the way it was explained to me the day after the election by Roger Altman, now deputy secretary of the Treasury.

And that's the way it has worked out. So far, at least. But we haven't really heard from the tax side yet.

[From the Washington Post, Feb. 20, 1994]

POLL FINDS WORRIES ABOUT FINANCES, JOBS

NEW YORK.—Few Americans are optimistic about the economy this year, despite its signs of improvement, and most believe the country is in a state of decline, Money magazine said in a survey released last week.

The magazine's ninth annual "Americans & Their Money" poll revealed many households are concerned about their finances, along with future job prospects, even though the economy appears on the mend.

Based on recent signs of recovery, government and private forecasters predict the economy, as measured by the gross domestic product, will grow by 3.1 percent this year and 2.8 percent in 1995.

Yet 42 percent of the 2,154 poll respondents, who were surveyed by Money in October and November, thought the economy would worsen in 1994. Only 27 percent believed it would improve.

That's a marked turnaround from the 1992 survey in which 14 percent predicted the economy would worsen and 56 percent said it would improve.

More respondents also felt the economy still was in a recession rather than a recovery—45 percent vs. 40 percent—while 15 percent said the economy was at the beginning of a depression. The 1992 poll had similar results.

Perhaps because of their economic gloom, three out of four respondents reported trimming their expenses in the past year. They also said they intended to save or invest a larger portion of pretax income in 1994—7.6 percent vs. 5.9 percent in 1993.

Mr. WALLOP. Mr. President, I yield 7 minutes to the Senator from New Hampshire.

THE PRESIDENT'S BUDGET

Mr. GREGG. I thank the Senator. I want to commend the Senator from Oklahoma on his evaluation of the numbers as this budget goes forward, with the increased spending which is in this budget, and for his very fine assessment of those numbers. And I would like to join in expressing the concern that I think is generally held on our side of the aisle that this budget has some very significant shortcomings in it, not only in the projection of what it is going to spend and the deficits which it creates, but in what it does not talk about and what it does not include.

If you look at this budget, it is really like a large piece of swiss cheese, relative to the number of major spending items which are not accounted for yet, which we know are coming. Thus, when this budget talks in terms of its bottom line, it is a bottom line, basically, without a hard number to it. Even the proposals which we have heard here and the discussions we have heard here about the rather gigantic amount of money which is going to be added to the Federal debt over the next 5 years is a significant understatement, if you look at the items which are clearly not included within this budget, which we know are going to have to be paid for. Let us talk about a few of those. These are the President's ideas.

The items left out are items being put forth by the President, which he already said he is going to pursue, but which have not been specifically included in the budget. You can begin with a fairly technical item, but it is going to be a big-cost item to us as a country, and that is the implementation of GATT. We have signed the agreement. We know it is going to go forward and cost us $11 billion. There is no accounting for that in this budget.

We can go to the President's proposals on welfare reform. His own estimates from his own people in the HHS are that the welfare reform package he will bring forth will cost us somewhere in the vicinity of $7 billion; again, it is not reflected in this budget. Go to his Defense Department numbers. His former Secretary of Defense, Mr. Aspin, through the Bottom-Up Review process, has said that the budget in the Defense Department is $20 billion short. It is not accounted for anywhere in this budget.

You can go to his proposals in Superfund: $2.5 billion to $3 billion is going to have to be added in order to address the Superfund accounts. It is not accounted for anywhere in this budget. And then, one of the more significant items—although the last few that I have outlined are fairly significant when you add them all up—is the issue of the cost of his health care proposal.

The CBO, which the President said was going to be the independent scorer for the purposes of developing a budget in the congressional process, and to which he was going to look as the fair arbiter of numbers, has said that his health care package will not save the $53 or $56 billion that is presently estimated and accounted for in the budget, but will actually cost an additional $78 billion. That is a shift of $131 billion, or $130 billion, approximately, which is again not accounted for in the President's budget.

If you take all those numbers together, you are up to $200 billion, which the President's people are saying they are going to spend, which is going to occur as a result of action that the President is proposing, yet which the budget the President sent up here does not account for. It is not a very accurate document, therefore, and one which is suspect not only for that reason but for a number of other reasons.

Probably the most significant reason beyond the $200 billion which I have just outlined is, again, the issue of health care. The CBO has stated that—and, again, they have been chosen as the fair arbiter here by the President—in order to accurately reflect what the health care package has in it, the budget and its impact on the budget must reflect the mandated premium which is in the President's health care package.

Now that mandated premium is a huge number, and on the CBO's assessment it should be accounted for as a receipt of the Federal Government on the budget. The cost of paying for the premiums through the health care alliances should be accounted for on the President's budget as an expenditure of the Federal Government. And yet they are not there.

That number may be as high as $500 billion and yet it is not accounted for in the budget. Just a great big non-number as if it does not exist. And yet we have this budget sent up by the President and praised by the national media as a responsible document that has effectively addressed funding mechanisms and the accounting for the Federal Government. It does not.

There are $200 billion in specific lapses in Federal programs which have been proposed by the President. It has hundreds of billions of dollars of lapses in failing to mention the issue of the mandated premium.

In addition, there are, as was alluded to by the Senator from Oklahoma, six major new entitlements proposed by this administration—six. That makes them the entitlement king of all times. That puts them in a class which even Franklin Roosevelt and Lyndon Johnson could not have obtained, sort of the Babe Ruth of entitlement creation—six major new entitlements proposed by this administration.

There is the long-term care entitlement, there is the drug entitlement, there is the early retirement entitlement, there is the small business entitlement, there is the uninsured entitlement, and there is now something called the job training entitlement.

If you take all six of these entitlements and try to get a handle on how much they cost, you end up with some astronomical numbers in the outyears. Of course, the President's budget only runs for 5 years. That is reasonable. That is the way we have done it around here. But when you start talking about when these new entitlements which this administration is proposing kick in and start to fully aggravate the deficit——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GREGG. Thank you, Mr. President.

I ask for another 30 seconds.

Mr. LOTT. I yield the Senator another 1 minute.

The ACTING PRESIDENT pro tempore. The Senator is recognized for an additional minute.

Mr. GREGG. I thank the Senator from Mississippi.

If you look at what the practical effects of these six major new entitlements are in the Federal budget in the outyears, they are catastrophic, so catastrophic, that the President's own budget, when he sent it up this year, tells us—and this is the President's budget—that children born in 1994 will pay 82 percent of their earnings over their life to the Government—82 percent. And that is the President's estimate on what the cost is of Government as a result of the outyear effect of what we are doing today in the area of spending and creating new entitlements.

So, Mr. President, we have serious problems here, and the President's budget does not address them. And the problem is that we are not controlling spending, but that in fact under the President's budget we are adding a lot of new spending and we are not accounting for it.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LOTT. Mr. President, under the time under the special order reserved for Senator WALLOP, I yield 3 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for 3 minutes.

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. CRAIG. Mr. President, let me say that the Senator from New Hampshire has spoken very clearly about the frustrations many of us have or are now beginning to have when we look at the President's budget and try to figure out what it means.

Let me express another frustration that certainly will be part of the debate that will occur here on the floor of this Senate over the next week as we debate a constitutional amendment to balance the budget, and that is where does that all fit with this President and this administration and their budget and how can we possibly make that work?

It is my understanding that there was an interesting internal debate down at the White House. The President's personal adviser said, "Mr. President, you ought to be for a balanced budget," and yet OMB weighed in and said, "You cannot be for a balanced budget."

Finally, Laura Tyson, the chairwoman of the President's Economic Advisers came up and said "We are not for a balanced budget." So when all of these administration types paraded out in the last week to say we are against a balanced budget, what they were doing was saying, "My salary depends on a balanced budget. If my boss had been for it, I would be for it."

What kind of fiscal commitment is that to the long-term economic stability of this country? It is not what I believe, it is who I do my bidding for.

That is why the debate and the vote that will occur on a constitutional amendment for a balanced budget becomes critical in the coming days. Who do we do our bidding for?

Well, I hope that this Senate starts doing its bidding for the taxpayers of this country, because what the battle will be here on the floor in the coming days will be who holds the power? Because we know that money is power, whether it is the personal money in your pocketbook, your checking account, or whether it is the ability of the politician to render to his or her constituency the largess of the Public Treasury, that is power.

I am one who believes that power in this representative republic must rest with the people. That is why Thomas Jefferson believed in it and said we ought to have a balanced budget requirement or, in his words, "disallow the ability to borrow."

And then we heard the Senator from New Hampshire say that the President's own budget people, when crunching those numbers, willingly admit that a child born in 1994 will pay 82 percent of his or her personal income to Government. Where does that put that young person 20 years from today in the prime of their productive years? It makes them the status of a Third World working person.

How can this country, how could its leaders responsibly argue the budget process today and the one that the President has handed us and say that is the direction this country ought to head in? That is the future we offer the young people of America.

Let us debate the balanced budget amendment. Let us look at the context of the President's budget. I hope that the two-thirds, the 67 Senators that are required to send the balanced budget resolution to the citizens of this country, get enough political backbone to vote yes so that we can begin, over the course of a 6-year timeframe, to ensure that the young people of today will have a productive future equal to or greater than the one we have had the opportunity to experience.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Mississippi.

Mr. LOTT. I yield myself 5 minutes under the special order.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

THE PRESIDENT'S BUDGET

Mr. LOTT. Mr. President, about 3 weeks ago, with a lot of press fanfare, we received the President's budget. As a member of the Senate Budget Committee I was very interested in getting the details of this budget that was going to reduce the deficit and change priorities.

Well, I have been startled by many of the things that I found. In fact, I found that it is pretty much the same thing that we have seen year after year in this administration and previous administrations. What that is is an increasing deficit that adds to the debt every year.

There is no balanced budget in sight any year as far as the eye can see or any economist could possibly dream.

Let me give you some startling statistics. The Federal debt at the end of fiscal year 1993 was $4.35 trillion. The projected Federal debt at the end of 1997 will be $5.65 trillion. The projected rate of growth in the national debt for the next 6 years—fiscal year 1994 to 1999—will be $1.9 trillion. The deficit may not go up as much this year as it did last year, but the deficit continues to go up every year. The debt continues to grow every year. So over these next 5 years, we will see an increase of about $1.9 trillion on the debt.

Obviously, enough has not been done. The net interest payments will be $343 billion by the year 2004. So, Mr. President, we have a lot of work to do.

We have heard a lot about what is in the President's budget. We have heard talk about changing priorities. Let me give you just one example of the type of change in priorities we are talking about.

It is getting to be more and more common knowledge that our national parks are deteriorating all over this country. I saw a program on television about the tomb of former President Grant is literally corroding and falling down. It is not being kept up. I know that is true in parks in my district.

Yet in the President's budget, 404 personnel were cut in the National Park Service, reducing the number that looks after our parks across this country, but 359 new lawyers were added to the Secretary of the Interior's office.

Now that is all we need—more lawyers at the Interior Department and fewer people to look after the national parks, those great treasures we have in this country.

But what really concerns me, and what I want to talk about this morning, is what is not in this budget. We have heard promised over the past few weeks a number of things: health care reform, welfare reform, a GATT agreement—all of these are well and good—funding for the Bottom-Up Review of the Department of Defense, a new entitlement program to assist dislocated workers, and more policemen on the streets, more prisons, tougher sentences, and deficit reduction.

I believe we would all support a number of these items, if not all of them, in some form or another. But the problem is that the President has said one thing and done another. The budget he sent to the Congress that we are reviewing in the Senate Budget Committee does not include complete funding for any of these programs which I just mentioned—either none at all or incomplete funding. Despite the fact the budget is 4 volumes, 2,013 pages, and weighs 6 pounds, it is a porous document. If all of these new programs are enacted with no new offsets, the budget will have significantly greater deficits—probably wiping out what is now being claimed as a great reduction in the deficit for this next year. We see the deficit projections coming down because many of the bigger programs we are going to be dealing with this year are not included.

There has been much talk about hard choices in the budget, about how we are cutting spending. What people do not understand is that the spending cut in Washington is not a spending cut that most people would think about. Each year we start from last year's actual spending plus an additional inflation factor. This, then, becomes the so-called baseline. In other words, we allow for an increase before we ever start figuring what the spending is going to be that year. Any reduction in the inflated baseline is considered a cut. In reality, the budget proposed by the President proposes higher spending in each of the next 5 years.

The budget calls for increased spending on various programs by $127.8 billion over 5 years, and Federal outlays will increase by 17.1 percent from fiscal year 1994 to 1998. So you see we are getting a lot of double talk here in Washington, talking about the deficit reduction every year. That is one of the major reasons why I am for the constitutional amendment for a balanced budget proposed by Senator CRAIG of Idaho and Senator SIMON of Illinois, that we are debating at this very time, because we have gotten to be very expert at using the numbers to make them say what we want them to say. Yet the thing that is driving the deficit and the debt is that we never control spending. That is the problem; not insufficient taxes, not insufficient revenue. We even have economic growth. What we should be doing is cutting spending, controlling spending—not just in the discretionary programs that the appropriators deal with but in the entitlements. We should do a few things to encourage more growth and to allow the people to keep some of their money with their families in this country.

I do think we need the mechanism of the constitutional amendment for a balanced budget. It has been argued by some of the opponents, "well, it is just a gimmick." And then they say, "Oh, but it will cut so many programs so drastically." You cannot have it both ways. Is it a gimmick or will it really drastically cut spending?

I think we need to look further at this budget before we vote on it. I yield the remainder of my time we have on this special order to the Senator from Iowa, Senator GRASSLEY.

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 3 minutes and 30 seconds.

THE BUDGET

Mr. GRASSLEY. Mr. President, the administration has recently released its fiscal year 1995 budget which shows a very rosy scenario regarding the deficit.

Unfortunately, just like a rose, the bloom has faded quickly and the petals are falling on the administration's projections regarding deficit reduction.

In the past few days since the release of the budget, several events have taken place that will substantially increase the deficit beyond the administration's projections.

These include:

CBO has estimated that the administration's health proposal will cost $73 billion over the next 5 years, not save $50 billion as the administration suggested. So that is a $123 billion increase in the deficit;

There is a gap of over $20 billion between the administration's defense budget and the Pentagon's plans;

GATT is projected to cost $11 billion over 5 years in lost tariff revenue;

The emergency supplemental added nearly $8 billion to the deficit;

Superfund restructuring is estimated to cost $3 billion.

Interest rates on Treasury bills have increased markedly from the administration's estimates. The administration estimated 10-year T-bills to be at 5.8 percent for the next 5 years. The 10-year T-bill is already over 6 percent and climbing. On top of this we still have not gotten the bill for the Department of Labor's Workforce Security Act or welfare reform.

It seems that the administration that told us to "don't stop thinking about tomorrow" abandons tomorrow when it comes to a debt that will be $6 trillion within 10 years. It is clear that we need to make greater efforts now to reduce the deficit.

I would like to take a moment and particularly focus on the gap between the administration's defense budget and what the Pentagon plans to spend.

This problem of overprogramming at the Defense Department is where spending under the 5-year defense plan [FYDP] exceeds the administration's own guidance for defense. This was a problem that I along with Senator SASSER raised often during the Reagan and Bush administration.

Now we see the Clinton administration facing the same issue. Assistant Secretary of Defense, Mr. Warner, testified before the House Armed Services Committee a couple of weeks ago that DOD's future years defense plan will not be consistent with the President's top line guidance for defense through 1999.

The DOD official stated that the defense program currently exceeds the administration's estimates by $20 billion.

During hearings of the Budget Committee, the administration has tried to portray the problem as one due to estimating inflation. I do not understand why the administration can estimate inflation for every other program in the budget, but not defense.

These defense budget blanks mask the true picture of defense spending, and the future of our Armed Forces.

I am concerned that inflation is not the only answer to this $20 billion gap. Questions have been raised whether the administration has underestimated the growth in weapon systems costs and overestimated the savings from procurement reform.

To help provide Congress the answer to these questions, I have asked Mr. Panetta to provide Congress by February 28, 1994 the estimates for the major defense appropriation accounts for the next 5 years as well as the top line of the FYDP so we will know the real answers.

The problems of reality and plans mismatch for the defense budget are just part of a deficit problem that has increased by nearly $200 billion since the administration released its budget just a few days ago.

With children born today facing an 81-percent lifetime tax rate, we must take steps now to address the deficit. Today we decide tomorrow for our children and grandchildren. We must reduce the deficit.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Washington [Mr. GORTON] is recognized.

WALTER JUDD

Mr. GORTON. Mr. President, Walter Henry Judd was born in a small town in Nebraska late in the year 1898 and died last week in a suburb of Washington, DC, at the age of 95. Born to a loving and religious family, Walter Judd was educated both as a physician and as a missionary in the Congregational Church. That church sent him as a medical missionary to China in 1925, where he served in a hospital far from the coast for some 5 years, finally driven home to the United States by the 46th attack of malaria which he caught on that mission.

Even so, after only 2 years at home, he returned to China with a new wife and served as the superintendent of a hospital for another 5 years, succoring tens of thousands of Chinese refugees from the Japanese invasion.

Driven out of China for the last time by the Japanese, he returned to the United States in the years immediately preceding World War II and devoted his entire fortune to a speaking tour through 46 States of the United States, speaking 1,400 times about the threat of isolationism and the aggression of the Japanese against the people of the Republic of China.

He was elected to the House of Representatives from Minnesota in 1942 and served in that body for some 20 years as perhaps its most eloquent warrior against both Nazi and Communist tyranny, and for freedom and liberty not only in his beloved China but in Europe as well. Helping to found the World Health Organization and organizations dealing with the welfare of children, he always, as a Member of Congress, I understand, was devoted particularly to the poor and the elderly and those without an organized voice in Congress.

Even after his defeat for an 11th term in Congress, he continued to speak out passionately for liberty all around the world and continued to speak at religious retreats, including one remembered vividly by the distinguished senior Senator from Iowa, who has just spoken. He was awarded the Presidential Medal of Freedom in 1981 by President Reagan who called him "an articulate spokesman for all those who cherish liberty."

He continued to speak, I understand, until just 5 years ago when he finally retired at the age of 90.

Mr. President, I never spoke one on one with Walter Henry Judd, but I am here not only to memorialize those elements of his life which I have briefly outlined, but to say that I was one of the hundreds of thousands of people who heard Walter Judd speak during that 2-year tour encompassing 46 States and some 1,400 audiences.

During my freshman year in high school in Evanston, IL, Walter Judd spoke to a huge student body of some 3,200 and all of the faculty in the gymnasium of that high school. While I cannot repeat to you any single line presented to us on that morning by Walter Judd, I remember to this day his speech at the outset of World War II as the most inspirational single presentation I have ever heard in my life. I believe that it, more than any other single event, inspired this Senator to a life of public service and, most particularly, to the service of liberty and the strength and pride in his own country.

I did have the ability shortly after I became a Senator to exchange letters with Walter Judd in retirement a decade or so ago and to report to him his impact on my life. I have no doubt, Mr. President, that he had a similar impact on the lives of literally thousands of people whom he never met in person. Truly an inspiration to thousands, truly a patriot, truly a servant to the cause of freedom and liberty in every corner of the world, Walter Henry Judd was a great American.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

(The remarks of Mr. DODD pertaining to the introduction of S. 1860 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO MARY WOODARD LASKER

Mr. HARKIN. Mr. President, I rise today to pay tribute to a national treasure who passed away on Monday night, Mrs. Mary Woodard Lasker. All of us who knew and loved Mary Lasker for many years were greatly saddened by the news yesterday of her death on Monday night.

History tells us that on the day that John F. Kennedy died, a tailor in New York City put a sign on the door that read "Closed due to a death in the family."

Mr. President, that is how every American who cares about saving lives through medical research feels today. We have had a death in the family. And that is what makes it so difficult.

Although most people do not know Mary Lasker, her tireless and talented promotion of medical research has saved and improved the lives of many children, husbands, wives, and parents of so many millions who never met Mary and who now, of course, will never have that great opportunity.

Right up to her death in Greenwich, CT, at the age of 93, Mary Lasker was a leading national force in the medical research community. Along with her husband, the late Dr. Albert Lasker, she created the Mary Lasker Foundation in 1942, a potent and active promoter of private-sector research. Every year, the Albert Lasker Medical Research Awards have recognized the world's most outstanding and groundbreaking medical researchers. No less than 51 of these scientists have subsequently gone on to receive the Nobel Prize.

In the 1940's, Mrs. Lasker initiated the research program of the American Cancer Society.

Thanks to Mary Lasker, we have the National Institutes of Health, the world's preeminent health research institute. She is truly the mother of the National Institutes of Health.

In 1969, President Lyndon Johnson presented her with the Medal of Freedom, the Nation's highest medal of honor for a private citizen. In 1987, the Senate and the House of Representatives authorized President Bush to strike a special gold medal in her honor in recognition of her humanitarian contributions in the area of medical research and education, urban beautification, and the fine arts.

Dr. Jonas Salk, the man who saved millions of lives with the discovery of the polio vaccine, once said, "When I think of Mary Lasker, I think of a matchmaker between science and society."

Business Week magazine called her "the Fairy Godmother of medical research."

In 1984, a center at the NIH was named in her honor, the Mary Woodard Lasker Center for Health Research and Education.

Mr. President, Mary Lasker's half century of crusading, which started with the Presidency of Franklin Roosevelt, the President who brought us Social Security and who signed into law the bill that created the National Institutes of Health, culminated with her last public appearance under the Presidency of Bill Clinton, who is going to help bring health security to all Americans. Her last public appearance was in October in New York City at the 1993 Albert Lasker Awards luncheon. The keynote address at that luncheon was given by First Lady Hillary Clinton. I suppose you could say that Mary Lasker was the last great lobbyist for medical research.

As we all know, the word "lobbyist" is sometimes considered a dirty word. It wasn't a dirty word to Mary Lasker. She once called herself a "self-employed health lobbyist."

Here is a glimpse into why she chose that profession—and a glimpse into why she made a difference.

Upon dedicating the Mary Woodard Lasker Center for Medical Research and Health Education at the NIH in 1984, Mrs. Lasker said:

> The reason I am so dedicated to medical research and have lobbied so many Congressmen and Senators is that when I was very young, I was sick a great deal and had severe infections of the ears, causing the most agonizing pain.
>
> In those days polio was still rampant and there were no antibiotics and no polio vaccines. These discoveries obviated the terrible pain and saved tens of thousands of lives. When I was about 10 years old I resolved that I would try to do something when I grew up for medical research, and this center named for me symbolizes this early resolve.

Mr. President, perhaps we can now appreciate the full extent of that resolve. Ninety-three years worth of resolve, to be exact. And although those years may be easy enough for Mary Lasker's friends to count, we will never be able to count the number of strangers' lives that were saved by her rock-solid resolve, and her unwavering courage, and her unflagging commitment to the lives and health of others.

Finally, Mr. President, no one has to guess how Mary Lasker would like us to honor her legacy. To quote just once more from her dedication of the NIH center that bears her name:

> It is the duty of everyone who receives funding from the NIH to work for and fulfill the goal of medical treatment, cure and prevention and to give this country and the world the benefit of every penny spent. Now, we must all go and continue our work.

We can honor her wishes, Mr. President, by continuing to build on the foundation for health research that she laid down. To provide a solid cornerstone for that foundation, Senator MARK HATFIELD and I are proposing a bipartisan plan for ensuring that Mary Lasker's legacy can continue.

We will be proposing a fund for health research, which I believe must be a part of whatever health care reform bill that passes this body.

We can talk all we want about how we will change the health payment structure, how these plans will be set up, and what the role of the private sector will be. But there is one element that must be included, and that is a fund for health research so we can build on what we have done in the past and move forward toward finding more cures and treatments for the ills that beset mankind.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Chair will indicate to the Senator from Wisconsin that morning business is about to conclude and that he should ask unanimous consent to extend it.

EXTENSION OF MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair. I thank the senior Senator from Illinois who obviously has a long day ahead of him on the floor.

TRIBUTE TO THE LATE DR. HOWARD TEMIN

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the life and work of an outstanding human being—Dr. Howard Temin of the University of Wisconsin, who passed away at his home on the evening of February 9, after a long struggle with lung cancer. Dr. Temin was one of the world's foremost cancer and virology experts, winning a Nobel Prize in 1975 for his work in those areas.

Dr. Temin was the quintessential scientist. He was also a man with an enormous breadth and depth of knowledge who wore well the mantle of the Renaissance tradition. As a world traveler, he studied the history and customs of the many lands and people he visited. He was also an avid gardener and amateur botanist. He constantly surprised learned colleagues in all fields with his sophisticated knowledge of their disciplines. He was a marvelous conversationalist, but also an avid listener. And on most Saturday mornings, he could be found in his synagogue, where he delighted in learning and discussing the Torah—or Old Testament.

Howard Martin Temin was born in Philadelphia in 1934. His father was a lawyer and his mother was active in educational affairs. He became interested in biology and research at an early age by attending a summer program for high school students at the Jackson Lab in Bar Harbor, ME, and spending a summer at Philadelphia's Institute for Cancer Research. Amazingly, he published his first scientific paper at age 18.

He attended Swarthmore College, just outside Philadelphia and in a remarkable feat of prognostication, the yearbook from his senior year described him as, "one of the future giants in experimental biology."

Dr. Temin went on to earn his Ph.D. at the California Institute of Technology where he began a longtime collaboration with Prof. Renato Dulbecco. In 1960, he joined the faculty of the University of Wisconsin as a professor of biology. He began his career there as many junior professors do, in a small office in the basement under the steam pipes.

From these humble beginnings he began a lifelong exploration into the relationships between viruses and cancer. His research into viruses started with chickens. He discovered, that in fact there were only tenuous links between viruses and cancer and it was during this process that he stood one of the essential dogmas of biological science on its head.

It has always been thought that DNA, the coded molecule that carries genetic information, could produce RNA, a simpler genetic molecule, but that RNA could not produce DNA. Through his research, Dr. Temin discovered that in fact RNA could make DNA. This discovery and the discovery of reverse transcriptase, the enzyme that makes it possible for RNA to make DNA, got him on the cover of Newsweek in 1971, earned him the Nobel Prize in 1975 and sent the world of genetics spinning in an entirely new direction.

The enzyme Dr. Temin discovered is one of the most important elements of modern genetic research. It was critical to the discovery of the HIV virus and is at the core of much of the expanding biotechnology industry. Reverse transcriptase is used today in some of the most important research being done on cancer and AIDS.

It is one of the most important tools geneticists have to alter DNA and discover more about the mysteries of life and death. The enzyme has been used to create human insulin and drugs that can stop heart attacks. Reverse transcriptase has led to the saving of countless lives. Its use is a fitting and eternal legacy for Dr. Temin.

In addition to winning the Nobel Prize in 1975, with Professor Dulbecco and David Baltimore of MIT, Dr. Temin was a winner of the Albert Lasker Award, a member of the National Academy of Sciences, served on the editorial boards of several scientific journals, was a key advisor to many groups concerned with AIDS research and the development of an AIDS vaccine, and was awarded the National Medal of Science in 1992 by President George Bush.

But even with all of this fame and recognition he never lost sight of who, what or where he was. He commuted to his office by bicycle and attended community events with his friends and family. Even with all the accolades, he did his research in an unpretentious lab on the fifth floor of the McArdle Laboratory for Cancer Research on the UW campus.

He kept his Nobel Prize diploma in a desk drawer, telling a reporter in 1990, that he hoped it "would not disrupt my work." He was a tireless instructor who demanded excellence and perfection from his students and his colleagues.

One of his earliest theories that was later proved and proved again was that there was a link between cigarette smoking and certain kinds of cancer. He was an ardent antismoker and in 1975 after being presented with his Nobel Prize by Sweden's King Carl Gustav XVI, after he bowed to the king he turned to members of the audience and admonished them for smoking during the ceremony.

In 1980, he was excused from jury duty in an important trial after discovering that jurors would be allowed to smoke in the jury room during deliberations. He objected to being confined in such a small space with smokers for so long.

In 1992, Dr. Temin contracted adenocarcinoma, a form of lung cancer not related to cigarette smoking. He fought the disease valiantly for the next 2 years, while continuing his research, his teaching and his efforts to curb smoking. He died of the disease at his home in Madison on February 9. He was 59.

Dr. Temin is survived by his wife Rayla Greenberg Temin, a geneticist at the University of Wisconsin, and two daughters, Mariam Temin of San Francisco and Sarah Temin of Berkeley.

Another of the many things for which the people of Wisconsin owe Dr. Temin thanks, was that he chose to stay at the University of Wisconsin even though an entire world of opportunities lay open before him. In an age when internationally known academics and researchers are often lured away like free agent baseball players, Dr. Temin remained committed to the excellence and traditions of the University of Wisconsin. His long tenure at the university encouraged other scientists to come to Wisconsin and to stay. Our university is recognized as one of the top public institutions of higher learning in the world and the commitment of people like Dr. Temin is a big part of the reason why.

The death of Dr. Temin is a tremendous loss not only to his family and the University of Wisconsin, but to all of us. Now more than ever we could have benefited from his intellect and wise counsel as we grapple with the twin plagues of cancer and AIDS. His groundbreaking work has provided some of the most important tools for fighting these diseases and the thousands of people he instructed are now using those tools to continue his work. And yet, that work would proceed faster and all of us would feel better if we knew that Howard Temin was still riding his bicycle, thinking of new solutions to old problems and on his way back to the lab. He will be missed.

I yield the floor.

RUSSIAN SPY SCANDAL AND RUSSIAN BOSNIA SUMMIT PROPOSAL

Mr. DOLE. Mr. President, it now is clear that the Russian spy scandal is as damaging as any in United States intelligence history—it may be months, if ever, before we know how much damage was done to United States security and how many lives were lost due to the Ames' treachery. It is also clear that the United States has moved too far, too fast in assuming that changes in Russia have permanently altered the international landscape. The administration has allowed Russia to veto NATO expansion. The administration has turned a blind eye to Russian military and intelligence activity in the former Republics of the Soviet Union. Last week, the administration welcomed a Russian military role in the Balkans. Now, we learn that Russia has continued and maintained a Soviet intelligence asset in the very core of the Central Intelligence Agency—a situation known to some administration officials well before the Moscow summit.

I just guess or surmise that had we known this when we talked about foreign aid to Russia, it would not have passed. There is no doubt about it. There probably would not have been a vote for it on either side of the aisle.

Russia has tried to minimize the importance of this affair—and that is a grave mistake. Russia cannot have it both ways. If they want to pursue cold war business as usual, the American Congress and American taxpayers will not keep sending billions for aid. Russia can and should take immediate steps to correct their policies. If the security services are under the government's control, these steps could be taken immediately. In my view, such steps are a bare minimum for a recipient of massive tax dollars from the United States.

First, Russia must cease and condemn efforts to penetrate American intelligence. A clear and public assurance from President Yeltsin announcing such a policy must be made.

Second, Russia must cooperate fully with the United States in assessing the damage from this episode, including revealing what was learned from the Ames' and any other moles. Virtually all U.S. intelligence sources and methods since 1985 could have been compromised due to the sensitive position held by Mr. Ames. The least Russia can do is work with our Government to evaluate the extent of what was compromised.

Third, President Yeltsin should remove all Russian personnel from the United States involved in espionage activities, including those responsible for handling Mr. and Mrs. Ames. President Yeltsin should also publicly announce who was responsible for the Russian Republic's decision to keep the Ames file active, and dismiss all those responsible. If we are truly in a new era of cooperation with the Russian Republic, President Yeltsin should cooperate in a new way.

Many of us in Congress extended the hand of friendship to President Yeltsin's Russia—approving billions in aid and repealing outdated statutes. We did so with the expectation that cooperation would be a two-way street. It is now time for President Yeltsin to act.

The administration must give this priority attention. President Clinton should immediately dispatch the newly confirmed Deputy Secretary of State, Strobe Talbott, to Moscow to press United States concerns with President Yeltsin. Deputy Secretary Talbott, because of his long association with Russia and Russians, would make an ideal envoy. Deputy Talbott should make clear that the United States is not simply lodging a protest, but that this affair threatens the foundation of our relationship with Russia. Until a satisfactory Russian response has been achieved, President Clinton should use his executive authority to temporarily freeze United States assistance to the Russian Government. And he should announce that if any further Russian espionage activities against the United States are uncovered, an aid freeze will become permanent. In fact, I think Congress would see to that, too. Congressional and public support for aid to Russia will not endure in this environment.

Russia cannot divert attention from this travesty. Today, President Yeltsin called for a 1-day summit with the United States, Germany, France, and Great Britain on the former Yugoslavia. President Yeltsin indicated that some document could be signed that could, and I quote, "put a final end to the bloodshed."

I hope that President Clinton rejects this idea. Russia's objective seems clear: Blunt the actions of NATO and protect the gains of Serbian aggression. Russian officials have not only criticized the NATO ultimatum—which was long overdue—but, are increasingly critical of NATO. President Yeltsin has cited Russian domestic opinion in opposition to NATO's recent decision to relieve the siege of Sarajevo.

In response, the administration should communicate clearly to President Yeltsin that United States policy and NATO policy on Bosnia will not be driven by the Russian public's sympathy for the Serbs; nor will we respond to Communist-style attacks on NATO. It is ironic that Russia recently indicated its wish to join the NATO partnership for peace, and now is criticizing the very institution with which it wishes to have a closer relationship.

Mr. President, it seems to me that the last thing we need is to cut a deal with Russia and a few of our allies and impose it on Bosnia. The last thing we ought to do is impose any settlement on Bosnia. Bosnia is not a colony under the control of so-called great powers. It is a member of the United States and the victim of aggression. We should be empowering the Bosnian Government, not dismembering it and disarming its forces. We should allow the Bosnians to exercise their right to self-defense under the U.N. Charter. Moreover, I would hope that, if a settlement is reached, it will provide for a viable Bosnian state capable of defending its own borders and interests.

Some have said that reform in Russia—especially in the security policy area—is moving too slowly. The latest developments make me wonder if it was ever moving at all.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,540,131,894,166.17 as of the close of business yesterday, Monday, February 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,414.42.

TRIBUTE TO MARY LASKER—A GREAT AND BELOVED LEADER IN MEDICAL RESEARCH

Mr. KENNEDY. Mr. President, the death of Mary Lasker last Monday is a great loss to the Nation. She dedicated her life and career to fighting disease and promoting medical research and better health care for the American people, and what an extraordinary job she did.

Through her remarkable commitment, she became one of the most important, influential, and beloved private citizens in medical research in the Nation's history. Millions of persons in this country and around the world have benefited from her crusade to conquer disease and enhance the quality of health care for all people in all nations.

When I first came to the Senate, I remember very clearly the advice that President Kennedy gave me. "Have lunch with medical school professors, have dinner with Nobel Prize winners, but if you really want to know about what needs to be done in medical research in America, have a talk with Mary Lasker."

Her accomplishments in advancing medical research are legendary. For half a century, the Albert and Mary Lasker Foundation has honored and funded many of the world's greatest medical researcher scientists. The Albert Lasker Medical Research Awards are known throughout the world, and rank very close to the Nobel Prize in international prestige.

In return for her tireless dedication, Mary Lasker received numerous well-deserved awards and honors herself, including the Presidential Medal of Freedom, the Nation's highest honor for a private citizen.

In 1984, she was honored by the establishment of the Mary Woodward Lasker Center for Health Education and Research at the National Institutes of Health. Indeed, the NIH would not be the world-renowned research institute it is today without the brilliant leadership of Mary Lasker.

She never lost sight of her goals or the true importance of her work. As she said at the time of the dedication of the center, in justifying the cost of medical research, "If you think research is expensive, try disease." And then she said, at the end of her address, "Thank you all for coming to this dedication—now, we must all go and continue our work."

The advances and discoveries generated by Mary Lasker's genius and dedication will continue to improve the lives of generations to come. She was an inspiration to all of us who knew her and who had the privilege of working with her. She was a symbol of hope to people everywhere, and we are saddened by her loss.

Mr. President, I ask unanimous consent that the obituary from this morning's Boston Globe and a series of other articles on Mary Lasker may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 23, 1994]

MARY W. LASKER, 93; COFOUNDED LASKER MEDICAL RESEARCH AWARD

(By Tom Long)

Mary (Woodard) Lasker, a philanthropist once described by polio researcher Jonas Salk as "a match maker between science and society," died of heart failure Monday in her home in Greenwich, Conn. She was 93.

Mrs. Lasker, along with her husband, the late Albert D. Lasker, founded the Albert and Mary Lasker Foundation and established the Albert Lasker Medical Research Awards.

The Lasker Awards are given to honor medical, biological or clinical work that leads to significant lessening of a major cause of disability or death. Since the Lasker Awards were established in 1944, they have become one of the most prestigious in the medical profession and more than 40 Lasker winners have gone on to win the Nobel Prize.

The daughter of a well-to-do banker, Mrs. Lasker was born in Watertown, Wis. She attended the University of Wisconsin and graduated from Radcliffe College where she majored in art history.

Upon graduation, she moved to New York City, where she sold paintings for gallery owner Paul Reinhardt, whom she married in 1926. The couple divorced in 1934.

In 1940, she married millionaire Chicago advertising man Albert D. Lasker.

In a 1965 interview in Time Magazine, Mrs. Lasker recalled that, early in their courtship, when Mr. Lasker asked her what she most wanted to do in life, she responded, "I want to push the idea of health insurance. Most people can't afford adequate medical care. And I want to help promote research in cancer, tuberculosis and other major diseases.

Mrs. Lasker persuaded her husband to devote his promotional skill and some of his fortune to public health.

In the late 1940s, the couple initiated the research program at the American Cancer Society and later turned their attention to increasing financial support of the National Institutes of Health.

Mr. Lasker died of cancer in 1952 and willed half his estate, estimated in excess of $11 million, to the foundation that bears his name.

After his death, Mrs. Lasker continued her fight against what she called, "the major cripplers and killers: heart disease, cancer and stroke."

She was a driving force behind the creation of the National Cancer Institute and several other health organizations.

In a 1974 interview with the New York Times, the soft-spoken philanthropist said her campaign for public health was fueled by frustration. "I'm very good on what we don't know in medicine," she said. "It's not the will of God, it's the dumbness of man, and the lack of enterprise and money that's the problem.

In 1984, the National Institutes of Health named the Mary Woodard Lasker Center for Health Research and Education in her honor.

Mrs. Lasker also had a passion for flowers. As early as 1943 she began brightening up New York City parks and streets with flowers. In 1956, she instituted the seasonal planting of tulips and daffodils along Park Avenue.

She was also active in Lady Bird Johnson's efforts to beautify America. In 1965, Mrs. Lasker donated 10,300 azalea bushes and 150 dogwood trees to help brighten Washington, D.C. She also donated 40,000 daffodill plants and several hundred cherry trees to beautify the United Nations in New York City.

In the interview with Time Magazine, she said. "I am mainly interested in medical research. The flowers are just a little thing to keep me from being depressed until a cure is found for diseases like cancer and arteriosclerosis."

Mrs. Lasker was the recipient of more than 60 awards and medals. In 1969, President Lyndon B. Johnson presented her with the Medal of Freedom, the nation's highest honor for a private citizen. In 1987, Congress authorized the striking of a special gold medal in her honor "in recognition of her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts." In 1992, she was awarded the Albert Schweitzer Gold Medal for Humanitarianism in Philantrophy from Johns Hopkins University.

Mrs. Lasker remained vigorous throughout her life. Her last public appearance was in October at the 1993 Albert Lasker Awards luncheon in New York City keynoted by First Lady Hillary Rodham Clinton.

She leaves two stepsons Francis Brody and Edward Lasker, both of Los Angeles.

Funeral arrangements are private. A memorial service will be held in the spring.

[From the Albert and Mary Lasker Foundation]

MARY WOODARD LASKER, HEALTH CRUSADER AND PHILANTHROPIST, IS DEAD AT AGE 93

New York, NY, February 22, 1994.—Mary Woodard Lasker, the indomitable philanthropist who for more than fifty years was a leading national force in promoting biomedical research and better health for Americans died yesterday, February 21, at her home in Greenwich, Connecticut. She was 93.

Mrs. Lasker died of heart failure, her nephew, James Woodard Fordyce, said.

Mrs. Lasker created with her husband, the late Albert D. Lasker, the Albert and Mary Lasker Foundation and established the Albert Lasker Medical Research Awards as one of science's most prestigious awards. These awards, given for significant achievement in basic and clinical medical research, have long been considered second only in prestige to the Nobel Prizes.

Mary Lasker believed that "money could buy ideas" and that leadership was needed to encourage those who have the stuff of genius to focus their energies on medical research. She sought to encourage and honor discoverers who might otherwise have gone all but unrecognized, and to bring dignity to their work.

Mrs. Lasker remained vigorous and active throughout her life. Her last public appearance was at the 1993 Albert Lasker Awards luncheon, keynoted by First Lady Hillary Clinton, last October in New York City.

The Lasker Foundation and its awards program was founded in 1944 by the Laskers to draw attention to the major advances in both medical and clinical medical research and to stimulate Federal support for the medical sciences.

Mrs. Lasker was one of the country's most remarkable women and outstanding citizens. She was a key architect in this nation's cancer initiatives. With a talent for persuasion, she was enormously effective in changing the course of modern science through her catalytic role in obtaining public financial support for medical research.

Together with her husband in the late 1940s, she initiated the research program of the American Cancer Society and later turned her attention to increasing financial support for the National Institutes of Health, whose budget today exceeds $10 billion.

Dr. Jonas Salk said, "When I think of Mary Lasker, I think of a matchmaker between science and society." Business Week called her the "fairy Godmother of medical research". She waged an effective behind the scenes attack on what she called the "major cripplers and killers"—heart disease, cancer, and stroke in the United States. She was widely regarded as a driving force behind the creation of the National Cancer Institute and of several other of the National Institutes of Health. Her work urging legislation to expand federal cancer research culminated in a 1971 bill that made the conquest of cancer a national goal.

In 1984, Mrs. Lasker was honored by the naming of a Center at the National Institutes of Health, the Mary Woodard Lasker Center for Health Research and Education. Her life was a demonstration of how one unelected, unappointed, but highly intelligent and deeply committed private citizen could work with government officials for the benefit of all Americans.

Medicine was not the only area in which Mary Lasker worked to transform life around her. She had a passion for environmental beautification. As early as 1943 she began brightening New York City's bleak parks and streets with flowers. in 1956 she initiated the seasonal plantings down the center of Park Avenue in New York City and funded the planting of 20 blocks of tulips and daffodils. With her good friend, Lady Bird Johnson, she worked to stimulate interest in the beautification of cities and parks around the country. She generously gave azalea bushes, daffodil bulbs, dogwood trees, and cherry trees both in New York City and in Washington, D.C. to brighten those cityscapes. But she said, "I am mainly interested in medical research."

In 1969, President Lyndon B. Johnson presented her with the Medal of Freedom, the nation's highest honor for a private citizen. In 1987, the U.S. Senate and the House of Representatives authorized President Bush to strike a special Gold Medal in her honor "in recognition of her humanitarian contributions in the areas of medical research and education, urban beautification, and the fine arts." She used this occasion to urge President Bush to throw his support behind augmenting the national research effort.

She was the recipient of numerous honors and recognition including the Radcliffe Achievement Award, that college's highest honor. In 1987 she received a Doctor of Humanities Degree from Harvard University and in 1989 the Harvard School of Public Health established the Mary Woodard Lasker Professorship of Health Sciences to perpetuate her life crusade for the discovery of knowledge to promote human health.

She was the recipient of more than 60 awards and medals, most recently the Albert Schweitzer Gold Medal for Humanitarianism in Philanthropy from The Johns Hopkins University in 1992. She also served in numerous board and trustee positions for health, cultural and educational organizations.

Mrs. Lasker, who was born in Watertown, Wisconsin, was the daughter of Frank Elwin and Sara Johnson Woodard. She attended the University of Wisconsin and Radcliffe College where she studied art history and graduated with honors. She also studied at Wadham College, Oxford.

Her first marriage in 1926 to art gallery owner Paul Reinhardt ended in divorce. In 1940, she married Albert Davis Lasker, the creative and legendary genius of modern advertising. When he retired from his business, Lord & Thomas, the predecessor firm to Foote, Cone, & Belding, Mrs. Lasker persuaded him to divert his promotional genius and some of his fortune to public health and she carried on this passionate work until her death.

In their life together Mrs. Lasker and her husband amassed an important collection of art which included Renoirs and the works of Matisse, Picasso, Dufy, Chagall and others. Many of these were sold in later years with the proceeds contributed to Mrs. Lasker's philanthropic projects.

Mrs. Lasker had no children. She is survived by her nephew, James W. Fordyce of Greenwich, and by her step children Francis Brody and Edward Lasker, both of Los Angeles, five step grandchildren, two step great-grandchildren and three great-nephews.

Funeral rites and burial will be private. A memorial service will be held in the spring. In lieu of flowers, contributions can be sent to the Albert Lasker Medical Research Awards.

[From Architectural Digest, Oct. 1985]

PROFILES: MARY LASKER

(By Valentine Lawford)

Though human beings who fight for causes may eventually achieve heroic stature in the eyes of posterity, they tend by and large to make their contemporaries feel uncomfortable. Mary Lasker of New York is a shining exception to the rule.

Part of the reason lies in the nature of the causes she champions. Today, medical research and urban beautification are recognizable as two facets of the same unmistakably good cause: the enhancement of human life. But another reason is Mrs. Lasker herself—her combination of forcefulness and warmth of heart, efficiency and charm, public spirit and personal devotion to friends, and her ability to persuade while giving credit where it is due. She is a philanthropist in the most complete sense of the word. Unlike many would-be reformers who start with an impersonal blueprint and end by trying to impose it dogmatically on others, she reasons from the personal to the universal. In short, she is someone with whom it is impossible not to identify and empathize.

Of her passionate interest in medical research, Mary Lasker says simply: "I cannot bear to see people suffering from uninvestigated disease. When I was a very young child in Wisconsin, I suffered from all the childhood illnesses. One day I overheard a friend of the family say to my mother, 'Sara, I don't think you will ever raise her,' and that made me mad! My grandfather was crippled by arthritis, and both of my parents, who suffered from high blood pressure, eventually died of heart disease. I decided that such things just should not be, and that I would do something myself about it and get others to do something, too."

After her marriage in 1940 to advertising pioneer Albert D. Lasker, she began to put her ideas into practice—winning the sympathy and support of influential members of Congress, enlisting the aid of eminent doctors and surgeons and generous private citizens, and stimulating public interest in the fight against disease. In 1942, she and her husband established the Albert and Mary Lasker Foundation—backed solely by their own funds—for the promotion of medical research, public health and education, and human welfare. For nearly a half-century, the Lasker Foundation has achieved national and international renown. It has given annual awards since 1944 for outstanding work in medical research and public health administration, and for superior reporting on these subjects. Of the recipients of Lasker Awards in the course of four decades, no less than forty have subsequently received Nobel Prizes.

In May 1984, Congress passed legislation honoring Mrs. Lasker by naming a new research center at the National Institutes of Health in Bethesda, Maryland after her. Speaking at the dedication ceremony, she said: "Medical research saves lives and eliminates suffering; it also saves over $13 million in our economy for every dollar invested. If you think research is expensive, try disease."

Like her battle against disease, Mrs. Lasker's fight against urban ugliness was inspired by childhood experience. Her mother was instrumental in the establishment of two public parks in Watertown, Wisconsin, where the family lived. It was in memory of her mother that Mary Lasker made her first contribution, in 1942, to the beautification of New York City—a gift of millions of hardy chrysanthemum seeds for massive plantings in five park areas. After Albert Lasker's death in 1952, his widow and her stepchildren gave 300 Japanese cherry trees and 40,000 white daffodils in his memory to the gardens of the United Nations. Four years later, Mrs. Lasker donated thousands of daffodils and tulips to be planted along twenty blocks of Park Avenue—partly to demonstrate that they could thrive there, in spite of air pollution. And she has personally contributed 10,000 azalea bushes, 900 cherry trees, 2,500 dogwoods and over a million daffodils to the beautification of Washington, D.C.

Since 1981, Mary Lasker's horticultural benefactions to New York City have centered on the Park Avenue Malls Planting Project, a community effort to enhance nearly fifty blocks of the avenue with tulip bulbs, annuals and shrubs, Christmas trees, fields of wildflowers, and annually seeded and fertilized lawns. The project's yearly order of 82,000 tulip bulbs from Holland is one of the largest private orders from Dutch bulb growers, second only to the queen of England's. Each spring the tulips burst into bright yellow bloom, and are followed in summer by carpets of begonias—a gardening miracle, given the smoke and heat from the train that runs directly beneath the avenue and the meager two feet of soil in which they are planted.

It is scarcely surprising that Mary Lasker should have received so many awards and honors, including ten academic degrees, the Presidential Medal of Freedom, and the cross of Officier de la Légion d'Honneur from the president of the French Republic. She is also a board member of the John F. Kennedy Center for the Performing Arts in Washington, D.C., of the Norton Simon Museum in Los Angeles and of the Leeds Castle Foundation in Great Britain.

Despite a hectic schedule—she continues as president of the Lasker Foundation and serves as a trustee of several other public-spirited organizations as well—Mary Lasker remains genial and easily approachable. She enjoys parties and has given many notable ones herself. Important French Impressionist works of art were a feature of her former house on Beekman Place, and today she displays a collection of contemporary American paintings in her United Nations Plaza apartment and office. Weekends are spent at her country house in Greenwich, Connecticut, where she can indulge her passion for roses. She delights in the company of her family, especially of her three great-nephews, the grandsons of her sister and close collaborator, Alice Fordyce. She has taped a series of messages to them, for delivery when they reach a suitable age. An excerpt: "Go to good colleges and universities. Spend a year or two abroad, at Oxford or in Paris, for example. Become really proficient in at least one foreign language. And to cope with the politics of the twenty-first century, it may be useful to have some familiarity with psychiatry and psychoanalysis."

Mrs. Lasker's emphasis on education extends naturally to research, her most effective tool and weapon. Discussing the areas of research she's especially interested in now, she says: "We need to find a vaccine against cancer, and we have to discover more cancer viruses in order to produce a good vaccine. We must promote more research into diseases of the heart and all neurological diseases in order to prolong human life. We can do almost anything today, work untold wonders as far as mechanical things are concerned, but we do little or nothing to improve human beings. We are just not using our brains!"

Mary Lasker drives a hard bargain, and the Lasker legend of accomplishment, in all its facets, is widespread. Not long ago, a New York cab driver, taking a European visitor downtown to catch a train, proudly gestured toward the flowers, shrubs and trees along Park Avenue. "You know who's responsible for all this?" he asked his fare. "A lady called Mrs. Mary Lasker. We could do with a lot more of her kind."

[From the Journal of the American Medical Association, Oct. 2, 1991]

THE LASKER AWARDS—HONORING THE SPIRIT OF MEDICAL SCIENCE

(By Dennis L. Breo)

Beauty is truth,
Truth beauty.
That is all ye know on earth,
And all ye need to know.

—John Keats

Keats died in 1821 at the age of 25, a victim of "consumption" in the years before medicine fully understood "contagion" and knew how to cure tuberculosis. This has next to nothing to do with the subject of this article, the Albert Lasker Medical Research Awards, which were presented in New York on September 27 and which are the focus of two papers in this issue of *JAMA*.

Nothing except to note that Mary Lasker, who created the awards and named them in honor of her late husband, has a rare passion for beauty and a rare rage against disease. A mover of mountains to motivate medical research in America, Lasker forced upon others the saving truth that the beauty of science can often cure the ugliness of disease. A woman of both poetry and power, she sold the dream.

When the history of 20th-century science is written, it may well show that two of the very most important players are a pair of remarkable sisters from tiny Watertown, Wis.—Mary Woodard Lasker, now 90, and her indispensable ally and sibling, Alice Woodard Fordyce, 84. Neither has ever looked into a microscope nor would they recognize what they saw, but their persuasiveness, persistence, and perspicacity have helped cause billions of dollars to be allocated for thousands of researchers to benefit millions of patients.

Sam Broder, MD, the director of the National Cancer Institute, says, "The story of Mary Lasker is well known, she has been recognized by essentially everybody, and she has meant essentially everything not only to the National Cancer Institute but to the entire National Institutes of Health. She is a genius who forced the realization that the federal government must commit itself to medical research to benefit all Americans."

Broder's predecessor, Vincent T. DeVita, presented Lasker with the NCI's "Year 2000 Award" in 1987 and noted, "Mary Lasker is unique. She is this country's First Lady of science and medicine. In truth, without her efforts, there would be no National Cancer Act, no capacity to approach the cancer problem in any organized way, no capacity to set our goals for the year 2000 . . . no mandate to think of a world without cancer. Like those few people with vision, Mary's eyes have always been able to look farther than they can see."

A SELLER OF DREAMS

Mary Woodard was a successful businesswoman in New York in 1940 when she met and married Albert Lasker, the father of modern advertising. Himself a genius and the owner of a great fortune, Lasker, like his wife, believed that education and knowledge could change the world. Within 2 years of their marriage, he divested his agency, Lord & Thomas, and joined his wife in a crusade to breathe life—and dollars—into the moribund American Society for the Control of Cancer, as the MD-dominated agency was known in those days, and the National Institutes of Health. Their remarkable success is a tribute to the can do American spirit.

From the beginning, the awards program, which is administered by the Lasker Foundation, was meant to motivate basic and clinical research against this nation's major cripplers and killers—heart disease, cancer, mental illnesses, respiratory diseases, arthritis, and neurological diseases. Ironically, Lasker himself died of colon cancer in 1952.

The first Albert Lasker Medical Research Award was presented in 1944 to Col. William C. Menninger for his "outstanding contribution to the advancement of mental health in the field of war psychiatry." Subsequent winners have been honored for breakthroughs in everything from making penicillin available to understanding retroviruses.

Since these awards were established, 49 Lasker Award winners have later won Nobel Prizes. Lewis Thomas, MD, observed in remarks upon the 40th anniversary of the program, "the average lag [between a researcher winning a Lasker and then a Nobel], if it can respectfully be called that, has been 5 years. The Lasker juries have been prescient."

The lion's share of the credit for the awards and what they have meant quite properly goes to Mary Lasker, but Alice Fordyce, the lady who has directed the program and who has handed out the inscribed "Winged Victory of Samothrace" statuettes (symbolizing victory against premature death and disability), has also been a driving force, though she insists upon staying in the background.

Indeed, the two sisters deserve their own Nobel Prize and, perhaps, even a Lasker Award. In 1942, the United States was spending virtually nothing on cancer research—certainly far less than was being spent by Albert Lasker's clients to launch advertising campaigns for toothpaste! Today, the NCI has an annual budget exceeding $1 billion.

Fordyce agreed to an interview with this reporter to discuss the accomplishments of her sister, but clearly, she too is deserving. Dr. Thomas, himself a Lasker winner as "the poet laureate of 20th-century medical science," once observed of Fordyce: "Both myself and many other scientists, more stubborn, busier, and with all their own prior engagements, have found it impossible to escape being organized by this lady . . . she is an absolutely irresistible force."

Fordyce lives and works in an airy, strikingly appointed and designed apartment in Manhattan's United Nations Plaza. The apartment, which was designed by her late architect husband Allmon Fordyce, commands a panoramic view of the East River and is only a few floors below the dramatic town apartment kept by Mary Lasker, who on this day, does not feel up to an interview.

The Woodard sisters have come a long way from Watertown, but Fordyce summarizes: "In those days, a young woman went East to college and then got a job in Manhattan. Things just naturally happened." Pointing out the window, Fordyce observes, "Mary planted those chrysanthemums and flowering cherry trees you see below in honor of our mother, who was a great lover of flowers and beauty."

The Lasker success story is simple, though profound. The mother imbued her two daughters with a passion for beauty. Mary Lasker, who often says, "I am opposed to heart attacks and cancer and strokes the way I am opposed to sin," has always believed that "the ugliness of disease is not the will of God." (Lasker herself had a major stroke in 1981 but has made a remarkable recovery.) She resolved to persuade others to find the causes of disease, not just treat the symptoms.

Sara Johnson Woodard, the mother of Mary Lasker and Alice Fordyce, grew up amid the pastoral beauty of Northern Ireland as the 11th of 17 children. She came to the United States in 1880 and was appalled by the grime and grit of Chicago.

Alice Fordyce says, "Mother rode into Chicago one day on the Rock Island Railroad and burst into tears, exclaiming, 'It's just so ugly.'" Later, after she had married prominent banker Frank Woodard and moved to Watertown, Wis., to raise her two daughters, Sara Woodard saw to it that two parks and a public library were established and that many flowers were planted. "She taught us a love of beauty," Fordyce recalls, "and she also taught us to cause other people to bloom."

This would become the great gift of Mary Lasker—to recognize and encourage possibilities in others, especially medical policymakers and researchers. Famed as the "Great Persuader," she became a national resource, like iron and timber. Gifted with a smile that could warm a room and a computer-like ability to track multiple projects, she once moved a scientist to remark that her presence "caused us all to perk up, as if the sun had just come out."

She often said, "It's a personal world and ideas come from minds in collision. Continents have been discovered, laws passed, buildings built, books written because the right two people met at a party or on a ship." The meeting of Mary and Albert Lasker was one such collision, and its shock waves affected Congressmen, Presidents, and the American people. Medical research was the idea she chose to promote. Her determination was deeply rooted in personal experiences.

Frail and often ill as a child, Mary Lasker suffered from recurrent ear infections and was furious that doctors could not help her. At age 4, she and her mother visited their cleaning woman, who had just had both breasts removed because of cancer. The memory is unforgettable—"that poor woman lying in bed, suffering so terribly, and nothing could be done."

Both her parents suffered from hypertension, and the only advice given to them was "to avoid excitement and stress." Later, as an exceedingly popular coed at the University of Wisconsin in Madison, the pretty and talented Mary Woodard and many of her classmates were stricken by the flu epidemic of 1918, an epidemic for which medicine had little to offer. Halfway through her sophomore year, Mary was taken out of school by her mother, who stayed with her in a Midwestern spa until she had regained her health. Once recovered, she switched to Radcliffe, where she graduated cum laude with a degree in art appreciation and history.

Many years later, in 1943, the Laskers' cook was stricken with cancer and consigned to a "home for incurables," where she eventually died. The doctor would not tell Mary what the problem was, since in those days demons like "cancer" and "mental illness" were spoken of in whispers. She was told that nothing could be done. Mary Lasker thought to herself, "Well, that's a fine kettle of fish . . . all we can do is treat the symptoms and send her away. We need to find the cause and to cure it."

TAKING CANCER OUT OF THE CLOSET

The rest, of course, is richly known history. Dr. Howard Rusk, the former director of the New York University Medical Center's rehabilitation clinic, once said, "Mary Lasker has done more to promote medical research than any other living person."

Mary and Albert Lasker are the ones who, in the 1940s, convinced David Sarnoff, then the powerful head of the Radio Corporation of America, that it was OK to mention the word "cancer" on the airwaves. Later, she persuaded the Reader's Digest to run a series of articles on cancers and to include at the end a chance for readers to contribute money for research. This helped launch the fund-raising efforts of the American Cancer Society, and she insisted that 25% of all funds be earmarked for research. Disgruntled doctors at first threatened to resign at this sign of lay influence and at her insistence that the society's board include nonphysicians, but the resistance soon capitulated in the wake of her successful fund-raising. In 1949, she created the Albert Lasker Medical Journalism Awards and helped put medical stories on the front page of the nation's newspapers.

President John F. Kennedy reportedly once told his brother Edward, then newly elected to the US Senate: "Have lunch with medical school professors, have dinner with Nobel Prize winners, but if you really want to know about what needs to be done in medical research in America, have a talk with Mary Lasker."

Throughout it all, Mary Lasker has walked with Presidents, lived like royalty in elegant country and town homes that showcase art masterpieces and spectacular gardens, and acted as "Mary Appleseed," even persuading the politicians of New York to lay a carpet of daffodils and tulips down the mall in the middle of Park Avenue.

At 90, she remains excited about the possibility of a vaccine against cancer, a safeguard against the pernicious killer whose 200-plus different forms attack 35 major sites in the body. As usual, she is leaving nothing to chance. She told *Cancer News*, a publication of the American Cancer Society, "We're so smart about weapons. We spend billions and billions for weapons to kill people. Why not spend to keep people alive? That's what the American Cancer Society is all about."

Alice Fordyce says, "When I think of Mary, I think of her great charm and intelligence and perseverance and persistence and her great taste. She can thank our Irish mother for much of this. It's true that she was extraordinarily persuasive—a seller of dreams, really—but she also had very good ideas. And they were not selfish ideas. They were ideas to help others."

A grateful nation has heaped honors upon Mary Lasker. In 1984, Congress named a new center, the Mary Woodard Lasker Center for Health Research and Education at NIH, in her honor. Her countless awards include the Medal of Freedom in 1969 from President Lyndon Johnson, a personal friend, and a special Congressional Gold Medal in 1989. She used the latter occasion to prod President George Bush to spend more for health research.

"We're Democrats of course," Alice Fordyce says, "and in Democratic administrations, Mary often visited the White House. The Republicans, I sometimes think, are allergic to spending for medical research, and we're fast losing our international leadership in science. It's shocking, and it makes me very cross. The federal budget process is beyond me, but I know that we can do more."

Fordyce has served as the executive vice president of the Albert and Mary Lasker Foundation, the director of the Lasker Medical Journalism Awards (discontinued in 1970), and the director of the Lasker Medical Research Awards. Dr. Thomas calls her a "phenomenon . . . a skilled and artistic arranger of flowers and people." Indeed, she developed many of these skills during her early career as a public affairs executive for the Rockefeller Center. Among her many bright ideas, she counts suggestions to build the Rainbow Room at the top of the building and the skating pond at the bottom.

AWARDS STILL VALUABLE

Still, she frets that this article "must not put me front and center, because I'm not a front-and-center person. Make sure you mention Mike DeBakey, who's been chairman of our jury for 20 years or so and who does a marvelous job. The Lasker Awards are valuable because they're awarded by the researchers' peers. What has always dazzled me is that when the chips are down the jurors vote for scientific merit and not for their favorites."

Herself blessed with robust good health, Alice Fordyce still enjoys travel, especially to China, and has recently taken up a new interest—organizing outings to listen to barge chamber music. Hers, too, is a richly lived life.

She notes that the Lasker Awards were not presented in 1990, a development that caused great consternation in the scientific community. "Well," Fordyce says, "I'm a very unconsulted consultant and I don't know what was going through Mary's mind, but she simply decided that, maybe, we had done enough, that there was no longer a need for the awards."

Wrong. "The outcry from the scientific community was very gratifying," Fordyce says. "Spontaneously, without prompting, many leading scientists called to say, 'Mary, you can't do this . . . it's like closing down the Metropolitan Museum of Art' and other comments of this nature. Well, Mary was persuaded, and the awards were resumed."

She concludes, "We're not going to be around forever, of course. I would certainly hope that somebody will keep the awards going in Mary's memory."

ADDRESS OF MARY LASKER AT THE DEDICATION OF THE MARY WOODARD LASKER CENTER FOR MEDICAL RESEARCH AND HEALTH EDUCATION, NATIONAL INSTITUTES OF HEALTH, SEPTEMBER 19, 1984

I am deeply honored that this land for research and training is named in my honor, but the real honor goes to the scientists who are dedicating their lives for the benefit of mankind. We will see to it that there are many buildings on this site in the future.

The reason I am so dedicated to medical research and have lobbied so many Congressman and Senators in this room is that when I was very young, I was sick a great deal and had severe infections of the ears, causing the most agonizing pain. In those days polio was still rampant and there were no antibiotics and no polio vaccines. These discoveries obviated the terrible pain and saved tens of thousands of lives.

When I was about ten years old I resolved that I would try to do something when I grew up for medical research, and this center named for me symbolizes this early resolve.

I hope this property and facility and others like it will inspire young people and old to dedicate their lives to the furthering of medical knowledge that will alleviate suffering of people with cancer and other dread diseases.

Yet our mission and purpose in life unlike any other that I know of has remained nonpartisan, due to a large measure by the actions of those here today—and by many who preceeded them in the White House and Congress.

The press pays little heed to what goes on here, it is slow, grudging but vital work.

The fruits of all our labors throughout the years will:

Alleviate pain where there is suffering;

Provide the freedom to live in health so that we can fulfill our promise and quest in the pursuit of happiness; and

To provide hope where none existed before.

This is our mission—we have already begun.

It is a terrible thing to envision the lives lost, the crippling and the pain occurring while all of us are here.

Our duty is more urgent today than ever before.

Economically, our leaders must soon realize that funding for medical research saves lives, and eliminates suffering. It also saves over $13 in our economy for every $1 invested!

We must all come to the immediate conclusion that if you think research is expensive—try disease.

In his own wisdom, Senator Magnuson said "health is the first wealth of a nation". Without it we have nothing.

I would add that: with it we have hope and at least the ability to look forward and work toward a better life.

It is the duty of everyone who receives funding from the NIH to work for and fulfill the goal of medical treatment, cure and prevention and to give this country and the world the benefit of every penny spent.

It is the obligation of everyone to support this effort and our public leaders so that we can fulfill our mission.

Do you realize that at least 1,000 people a day die of cancer? With persistent research and substantial financial support, we should be able to further lower the death rate dramatically for all diseases!

Thank you for your own contributions to this coming victory and for coming to this dedication—now, we must all go and continue our work.

TRIBUTE TO JOHN HAL "RED" DOVE

Mr. HEFLIN. Mr. President, a longtime leader in the Alabama trucking business, John Hal "Red" Dove, passed away after a long illness on February 7 in Dothan. A fine gentleman with an abiding love in faith and family, Red made a great contribution to the State's trucking industry.

The founder of AAA Cooper Transportation, Red was best known as a person who never forgot his roots. He had a warm sense of humor and was always at home with all types of people. He was someone who related well to other people and who others truly enjoyed being around.

Red Dove was born on October 7, 1909, in Shubuta, MI, where he lived during his early childhood. He married Sybil Bently in 1931. He began his illustrious career in the trucking business soon after moving to Alabama by hauling pulpwood and timber for local sawmills. In 1935, he became a regulated carrier, operating under the name "Dove Truck Line." He later formed his second company hauling specified commodities between Pensacola, FL, and Dothan, later merging this operation in a partnership that served Atlanta, Dothan, Andalusia, and Mobile. Selling this firm in 1950, he purchased another operation the next year, changing its name to AAA Motor Lines and again in 1970 to the present AAA Cooper Transportation, greatly expanding its operation.

He served as board chairman for AAA Cooper as well as on various committees of the Alabama Trucking Association, where he was division vice president, vice president, president, and board chairman. Over the years, he was active in various civic organizations including the local Chamber of Commerce as well as those in the communities in which he operated. He was a member of the Salvation Army's board of directors and a member of First Baptist Church.

Red Dove's lasting legacy is two-fold: his family and his strong business. He was always committed to both, and was a loyal friend to those who were fortunate enough to have known him. I extend my sincerest condolences to his wife, Sybil, and their entire family in the wake of their tremendous loss.

THE DEATH OF MARY WOODARD LASKER

Ms. MIKULSKI. Mr. President, I rise today to express my sadness at the passing of a great American woman—Mary Woodard Lasker. I want to extend my condolences to her family and loved ones.

Mary Lasker was a kind and generous woman who devoted herself to public health issues. She sought to garner funds for the research and development of cures for various diseases. She spent 30 years energetically lobbying Congress promoting medical research. Through her persuasion, she convinced the Radio Corporation of America that the word cancer could be said on the air. Reader's Digest published a series of articles about cancer which concluded with a plea for donations. Mrs. Lasker's persistence and dedication had convinced them of the urgency and importance of educating the American people about the deadly disease.

Because of the loss of her parents at an early age to fatal illnesses, Mrs. Lasker was determined to see medical research become a priority in this country. Although private funds were the real sources of medical research at the time, Mrs. Lasker was able to convince the Federal Government that its resources were the only ones large enough to adequately conduct the kind of large scale research that could be effective.

And her influence was great. It was through the tireless efforts of Mrs. Lasker, with the support of her husband Albert, that the National Institutes of Health transformed from a simple set of medical laboratories to the advanced innovative medical research community that stands today. Mrs. Lasker's work led to an increase in funding for NIH from $2.4 million in 1945 to $5.5 billion in 1986.

As the visionary that she was, Mary Lasker was even questioned by renown scientists when she proposed an independent national cancer authority. And again, we owe our thanks to Mary Lasker that President Nixon signed the National Cancer Act in 1971. In addition, Mrs. Lasker and her husband were avid fundraisers for cancer research and their efforts led to the creation of today's American Cancer Society.

Mary Lasker was an inspiration to us all. Although her name will be carried on by the prestigious Lasker Medical Research Awards, Mary Lasker's true legacy remains in the commitment that we now have in this country to funding medical research, to expanding NIH and our medical technology, and to the education and awareness that Americans now have about public health.

RUTH VAN CLEVE RETIRES FROM DEPARTMENT OF THE INTERIOR

Mr. JOHNSTON. Mr. President, today I ask my colleagues to join me in congratulating Mrs. Ruth Van Cleve on her retirement as special assistant in the Office of the Solicitor at the Department of the Interior.

Mr. President, Mrs. Van Cleve is truly a remarkable and talented person. She will be missed not only by her friends and colleagues at the Department of the Interior but also by innumerable staff, Senators, and Congressmen throughout Capitol Hill and staff with the executive branch.

Mrs. Van Cleve's departure from Interior after almost 43 years of distinguished Federal service marks an unusual degree of commitment and dedication to the issues of the U.S. territories.

She began her career with the Department of the Interior as an attorney in the Office of Territories in 1950. In 1964, Secretary Udall appointed her Director of the Office of Territories, making her the highest ranking woman in the Department. She was awarded the Distinguished Service Award, the Department's highest honor, in 1968.

Mrs. Van Cleve went on to serve in the Office of General Counsel for the Federal Power Commission where she became the FPC's first woman assistant general counsel as well as receiving two awards. In 1977, Mrs. Van Cleve returned to the Department of the Interior as Director of Territorial Affairs. During this time period, it was a pleasure to have Mrs. Van Cleve testify before the Subcommittee on Territories, which was my first subcommittee chairmanship. She always was an exemplary witness, handling sometimes difficult situations with ease and grace. When the Assistant Secretary position was created in 1980, she became Deputy Assistant Secretary. Soon after, she moved to the Office of the Solicitor and began preparing a three-volume treatise on the applicability of the Federal laws to the territories and other insular areas. The treatise was published in early January of this year. Other highlights of Mrs. Van Cleve's long and distinguished career include assisting in achieving statehood for Alaska and Hawaii, and securing elected Governors in the Virgin Islands and Guam.

Mrs. Van Cleve came to work on territorial issues soon after the trusteeship was established in 1948, and now leaves as the trusteeship can be fully terminated. It was a Herculean task, but Mrs. Van Cleve was up to it!

I ask my colleagues to join me in commending Ruth Van Cleve on her retirement and in thanking her for 43 years of dedicated service to the Nation and its territories.

RETIREMENT OF JAMES M. "MIKE" LAMBE

Mr. BUMPERS. Mr. President, on March 2, James M. "Mike" Lambe, Chief of the National Park Service's Office of Legislation, will retire after nearly 40 years of Federal service. Since 1961, Mike has been with the Park Service where he has served with distinction and excellence.

During many of those years in the Park Service, Mike has been associated with legislation or legislative affairs, which is why our paths have crossed on numerous occasions. As chairman or ranking minority of the National Parks Subcommittee in the Senate since 1979, I have benefited from Mike's professionalism and vast institutional knowledge. Whether it was preparing legislation as a drafting service for me or other members of the subcommittee, or responding almost instantly to questions about even the most obscure Park Service related law or regulation, I and my staff could always count on Mike Lambe. He has made positive and lasting contributions to almost every major park-related measure enacted into law over the past several decades. The Redwoods National Park and Redwoods Park Expansion Acts; the National Parks and Recreation Act of 1978; the Omnibus Park and Recreation Act of 1979; the Alaska National Interest Conservation Lands Act [ANILCA]; and countless additions to the National Wilderness, Wild and Scenic Rivers and Trails Systems are just a few of the laws that bear the imprint of Mike Lambe's work.

Mr. President, I wish Mike all the best in his retirement. And on behalf of all of us who have benefited from his many talents over the years, I want to say thank you for a job well done.

TRIBUTE TO MARY WOODARD LASKER

Mr. HATFIELD. Mr. President, I come to the floor today to pay tribute to a woman who, through her advocacy, changed the face of medical research in this country—Mary Woodard Lasker.

Mary died Monday night—the close of a rich and full life that touched thousands. Once deemed the First Lady of Science and Medicine, she was known throughout the medical community for her devotion to the cause of medical research. Clearly, without her unwavering efforts, the consequences for the health of this country would have been devastating.

Mary resolved at a young age to work for the cause of medical research in adulthood. When she began her crusade in the 1940's, the United States spent only meager sums on cancer research. Today, due in large part to Mary's efforts, the budget of the National Cancer Institute is well over $2 billion. "If you think research is expensive," she argued, "try disease." Through the persistent work of Mary, her husband Albert, and sister Alice Fordyce, medical research has been recognized as a crucial component of improving human health.

I have been extremely fortunate to have the benefit of Mary's friendship through our work together during the years. Her warmth and compassion were evident from the moment one encountered her. With a background in art history and a keen business sense, Mary could have directed her energies any number of ways. "I am really interested in saving lives," she once said, simply. And so many have benefited from her choice.

The selfless spirit of Mary Lasker continues today through the Albert Lasker Medical Research Awards, created with her husband and given for achievement in basic and clinical medical research. "Mary's eyes have always been able to look farther than they can see," commented one former Director of the National Cancer Institute. Her vision helped to guide a country which has often been slow to follow. We can only extend to her our heartfelt gratitude and thanks.

As many of my colleagues know, I have a longstanding interest in medical research because it provides the hope to perpetuate a high quality of human life. Next week I will join my colleague, Senator HARKIN, in introducing legislation to establish a national fund for health research. I believe health research should be a key component of any health care reform plan and I am hopeful that with the groundwork already laid by Mary Lasker and others, this result can be achieved. If it does, I will be first in line to pay tribute to Mary Lasker by urging that the fund be named the Mary Lasker Fund for Health Research.

JAMES M. "MIKE" LAMBE RETIRES FROM DEPARTMENT OF THE INTERIOR

Mr. WALLOP. Mr. President, today I ask my colleagues to join me in congratulating Mr. James M. Lambe on his retirement as Deputy Assistant Director of Legislative and Congressional Affairs for the National Park Service.

Mr. President, Mike has been the backbone of the NPS legislative program. There is not a National Park Service area that has not benefited by his work and attention to detail. He will be missed not only by his friends but also by innumerable staff, Senators, and Congressmen throughout Capitol Hill, and staff with the executive branch.

Mike's departure from Interior after almost 36 years of distinguished Federal service marks a high degree of commitment and dedication to the issues of the National Park Service.

Mike began his career with the Department of Agriculture as a forestry aide on the Kaniksu National Forest in Idaho and then moved to the U.S. Geological Survey until he assumed a position with the National Park Service in 1961. Since that time he has been actively involved on the legislative agenda of the Service which has produced numerous new and expanded park areas. His assistance to the Congress has been invaluable. His departure and the knowledge and history that he will take with him, will leave a void that will be most difficult to fill.

I ask my colleagues to join me in commending James M. "Mike" Lambe on his retirement and in thanking him for 36 years of dedicated service to the Nation and its national parks.

BALANCED BUDGET AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 41) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Mr. SIMON. Mr. President, I will have some remarks shortly. I am waiting for some material from my staff.

I will, at this point, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, before my colleague from Idaho yields to Senator STROM THURMOND, I want to pay tribute to Senator THURMOND, who has been a pioneer in fighting for this. I believe Senator THURMOND told me he has been fighting for this for 35 years, but it has been a long time. I am proud to be associated with him in this battle.

When I came to the Senate, Mr. President, I confess that I thought, well, maybe I am going to be fighting with STROM THURMOND on all kinds of issues. We are on two committees together. We differ on some things, but it has been a good relationship, and I have great respect for my colleague from South Carolina.

Mr. CRAIG. Mr. President, let me join my colleague from Illinois in recognizing Senator STROM THURMOND and the tremendous leadership he has offered in building the base for this issue, as it has developed over the years, to stand on the floor on many occasions over the last decade and bring this issue to a vote—once a successful vote in the mid-1980's. I offer my congratulations to him for his leadership. I am at this time pleased to yield to him such time as he may consume.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I express my deep appreciation to the able Senator from Illinois and the able Senator from Idaho for their kind remarks. I am very interested in this problem and have been working on it for over 35 years.

Mr. President, I rise today to voice my strong support of a constitutional amendment to require the Federal Government to achieve and maintain a balanced budget.

In the last Congress, as in many Congresses before, I introduced a proposed balanced budget amendment and also joined as a cosponsor of a proposal which was agreed upon with proponents in the House of Representatives. That proposal was narrowly defeated in the House. The defeat was a direct result of the Speaker's successful lobby of several Representatives who were actually cosponsors of the bill but turned and voted against it when pressed by the Speaker. We have reintroduced this proposal as Senate Joint Resolution 41 which is the bill we are now considering. This current legislation is similar to a balanced budget amendment passed by the Senate in 1982 while I was chairman of the Judiciary Committee. Unfortunately, the Speaker of the House and the majority leader led the movement to kill it. Also, in March 1986, the balanced budget amendment received 66 of the 67 votes needed for Senate approval.

Simply stated, this legislation calls for a constitutional amendment requiring that outlays not exceed receipts during any fiscal year. The amendment does allow Congress to adopt a specific level of deficit spending if approved by three-fifths of the whole number of both Houses. There is also language to allow the Congress to waive the amendment during time of war or imminent military threat. Finally, the amendment requires that any bill to increase taxes be approved by a majority of the whole number of both Houses.

Mr. President, this legislation would strengthen our economy imposing the requirement to reduce and ultimately eliminate the Federal deficit. The American people have expressed their strong opinion on the need for a solution to the deficit problem. Making a balanced budget amendment part of the Constitution is the only—and I repeat, the only—effective means of permanently addressing our Nation's runaway fiscal policy.

While Congress could achieve a balanced budget by statute, past efforts to statutorily achieve this goal have failed. It is simply too easy for Congress to change its mind and rescind any statutory scheme which addresses Federal spending. The constitutional amendment is unyielding in its imposition of discipline on Congress to make the tough decisions necessary to balance the Federal budget.

I remember years ago Senator Harry Byrd, Jr., offered an amendment in the Senate to accomplish this very thing by statute. It was passed, but it did not amount to anything. The Congress went right ahead and appropriated as it had before that. The only way to stop this spending is by a constitutional amendment.

The Constitution has been amended only 27 times in our Nation's history. Amending the Constitution is a most serious matter and of such earnest concern that it has been reserved to protect the fundamental rights of our citizens or to ensure the survival of our democratic form of government.

Over the past half-century, Congress has demonstrated a total lack of fiscal discipline—I repeat, a total lack of fiscal discipline—evidenced by an irrational and irresponsible pattern of spending. This reckless approach has seriously jeopardized the Federal Government and threatens the very future of this Nation. As a result, I believe we must look to constitutional protection from a firmly entrenched fiscal policy which threatens the liberties and opportunities of our present and future citizens.

The national debt is now $4.2 trillion. Paying off this debt would cost every man, woman, and child in America over $16,000 each. The national debt continues to grow. For fiscal year 1993 alone, the Federal deficit was $255 billion.

Mr. President, in 1957, my third year in the Senate, the entire national debt was less than $275 billion and there was not a deficit, but rather a $3 billion surplus. The last time our Nation reported a surplus was 1969.

Today, the payment of interest on the national debt is over 14 percent of the entire Federal budget.

I want to repeat that statement. The payment of interest on the national debt is over 14 percent of the entire Federal budget. The tax dollars that go to pay interest on the debt are purely to service a voracious congressional appetite for spending. Payment of interest on the debt does not build roads, it does not fund medical research, it does not provide educational opportunities, it does not provide job opportunities, and it does not speak well for the Federal Government.

Mr. President, deficit spending and the alarming growth of the Federal debt have brought us to this moment. Congress has balanced the Federal budget only once in the last 31 years.

I want to repeat that sentence. Congress has balanced the Federal budget only once—once—in the last 31 years. During my service in the Senate of nearly four decades, I have been amazed and deeply concerned over the continued growth of Government spending. Federal spending continues to eclipse Federal receipts and this will only worsen the deficit problem. A balanced budget amendment as part of the Constitution will mandate the Congress to adhere to a responsible fiscal policy.

The American businessmen and businesswomen have become incredulous as they witness year in and year out the spending habits of the Congress. Any business person clearly understands that you cannot survive by continuing to spend more money than you take in. The Federal Government, like any other institution, should not spend beyond its means. It is time the Congress understands this simple yet compelling principle.

For many years, I have believed, as have many Members of Congress, that the way to reverse this misguided direction of the Federal Government's fiscal policy is by amending the Constitution to mandate—I repeat, to mandate—balanced Federal budgets. The balanced budget amendment is a much needed addition to the Constitution and it would establish balanced budgets as a fiscal norm, rather than a fiscal anomaly.

Mr. President, today's deficits will place staggering tax burdens on future generations of American workers. Who are the future generations of American workers? They are our children and our children's children. We are mortgaging the future of generations yet unborn. This is a terrible injustice we are imposing on America's future and it has been appropriately referred to as fiscal child abuse.

In 1798 Thomas Jefferson, one of the great leaders of our country, expressed his opinion of deficit spending, and I quote:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequences as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Those are the words of Thomas Jefferson, the third President of the United States, and one of our greatest Presidents of the past.

It is time we demonstrate the fiscal discipline which Mr. Jefferson called a fundamental principle of government. It is time we adopt a balanced budget amendment. For 31 years, the Congress has failed and refused to keep spending within income. It is apparent that if we are going to operate on a balanced budget then we must compel the Congress, mandate the Congress, make the Congress refrain from deficit spending year in and year out.

If the Congress adopts this proposal, I predict that three-fourths of the State legislatures will swiftly approve and the balanced budget mandate will then be a part of the Constitution as the 28th amendment. I urge my colleagues to adopt this measure and send it to the American people.

The American people deserve it, and we should not deny them that opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SIMON. Mr. President, let me respond to the remarks made last evening by the distinguished President pro tempore, one of the finest Members to have ever served in this body, Senator ROBERT BYRD. I have great respect for Senator BYRD and I ordinarily agree with Senator BYRD. But this time we are in sharp disagreement.

First of all, when I said that a constitutional amendment expresses philosophy and prevents Government abuse, he said that a constitutional amendment—if I am quoting him correctly—does not express philosophy. I differ. And what we are saying with this amendment is we have to have pay-as-you-go Government.

But I think there is a philosophy behind almost all amendments. The first amendment giving us freedom of speech—that expresses, really, a philosophy that if we have ideas out here freely flowing about, that in the process we are going to pick the best ideas. I think that is a philosophy.

The sixth amendment, calling for speedy trial for anyone charged with an offense, that expresses a philosophy that we have to have justice for people.

The 13th and 14th amendment, getting rid of slavery, clearly represents a change in philosophy for this country.

The 15th amendment, saying everyone can vote—everyone did not include women at that point—but that was a philosophical decision.

The 16th amendment on the income tax—I do not think it could carry today in the U.S. Senate, but it became an amendment and it expressed a philosophy in terms of how we get revenue from people, that it ought to be on the basis of people's income to a great extent.

The 19th amendment that gave women the right to vote, that clearly expressed a philosophy.

And one of the little known amendments, one of the most important amendments in the Bill of Rights that is frequently ignored, the ninth amendment.

James Madison put together a bill of rights. In fact he had 11 amendments he wanted for a bill of rights, rather than 10. And he wrote to Alexander Hamilton, and Alexander Hamilton wrote back and said if you spell out these rights there will be people who say these are the only rights people have. So the ninth amendment was added which says other rights not spelled out here are reserved to the people. Very fundamental—that expresses a philosophy about liberty in this country.

Clearly, there is a philosophy in back of this proposal that we move to pay-as-you-go Government, and I think there is a philosophy in back of other amendments.

Then, the second criticism is that financial matters should not be included in the Constitution. There are a great many matters that are financial matters that are included in the Constitution. We have a list here, I will not go through them all, but about 15 or so, here, are included. They include: Coining money—that is in the Constitution; to borrow money on credit; to regulate commerce with foreign nations; to fix standards on weights and measures—that certainly is a detail that is nowhere near as significant as what we are talking about here; to establish uniform laws for bankruptcy—that is part, clearly, of the financial side. And the example that I think is the most clear-cut example: The Constitution talks about patents. That is something that is clearly a financial matter with nowhere near the kind of overall impact of this.

Then I would add, and this gets back to the philosophical side of it, what was the one phrase that came out of the revolution, the American revolution, more than any other phrase? It was, "taxation without representation." You talk about taxation without representation—what we are doing to future generations with this burden that we are giving them, that really is taxation without representation.

The distinguished President pro tempore said majority rule is being taken away. Majority rule is not being taken away. What we are saying is we are going to put some barriers in there so the majority cannot abuse the public privilege and impose debts on future generations. So long as we have a balanced budget there is nothing here that prevents a majority in this Senate from doing anything we want on fiscal matters. But we have to recognize the majority in this Senate and in the House has abused the public privilege.

We have other areas where we indicate the majority cannot automatically prevail. There are several of them: One, two, three, four, five, six, seven—eight instances in the Constitution where it requires more than a regular majority to see that something takes place. And I do not object to that.

On the constitutional amendment, clearly a majority of the people in this country favor this amendment more than anything that we have ever done, in terms of a constitutional amendment. In this Senate we clearly have a majority. Whether we have two-thirds is less clear. But we clearly have a majority. But we say to protect the Constitution, one-third plus 1, in either body, can stop this. So we permit a minority to prevent abuses by the majority.

Senator BYRD also said this is an empty promise. You cannot have it both ways, incidentally. You cannot say this is an empty promise, it is not going to do any good, and then at the same time say there is no wiggle room here; that it is too confining.

Actually, I think neither extreme is accurate. The truth is we have fashioned something that does make sense. And when he says if we pass this then we are all going to go back home and say we have really done something, we are not going to do anything, there will be a let down in effort—I think I speak for my colleague, Senator HATCH, and Senator CRAIG, and my cosponsors on this side also: If this passes we know we are going to have to go to work. Senator MATHEWS, who is the Presiding Officer, is a cosponsor of this. I regret he is not going to be in Senate for a longer time. But I know Senator MATHEWS well enough to know that he is not going to just sit back and say, "Well, we have done this, let us forget about it." He will be willing to sit down and help fashion a package.

Then Thomas Jefferson came up. Why did he not promote this constitutional amendment as President? He did not promote it as President because there was a different atmosphere then: 7 of the 8 years he served as President he had a surplus. And yesterday, I thought it was really significant that my colleague, Senator CAROL MOSELEY-BRAUN, came in here on Washington's Birthday, with Washington's farewell address, and she read a portion of it. But let me reread it.

This is the mood of the time when the most revered person of that time, George Washington, said, in his Farewell Address to the Nation:

> As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

And he goes on for a few more sentences. That was the atmosphere. That was George Washington, the Father of our country, and what he had to say.

The Louisiana Purchase was mentioned. Very interesting. We say you have to have a 60-percent vote to have a deficit. The Louisiana Purchase was approved by this body by a vote of 24 to

7, way more than a 60-percent majority. The great complaint by the Secretary of Treasury Albert Gallatin at the time was Napoleon and the French worked out the Louisiana Purchase so that interest would be paid every year for 15 years but the principal could not be paid off until the 15th year. One of the great complaints of the Secretary of the Treasury and of our Government after the deal was consummated with Napoleon was we wanted to pay this off earlier. That is a very different spirit than we have today.

Senator BYRD says this amendment would impinge on the power of the President because we require the President to submit a balanced budget. I think that just makes no sense. I think if we require the President to submit a balanced budget, and if that President says this is the balanced budget I am required by the Constitution to submit to you but because of the emergency we face, because of economics, or something else, I recommend that we deviate from this in this way, there we are not taking any powers away from the President, but we are protecting the people and that is what a Constitution should do.

There is also the complaint that we require a constitutional majority for tax increases. Almost all tax increases have that. The big thing that we prevent, and I think a legitimate thing, we prevent a midnight voice vote tax increase by this; again, a protection for the people.

Then Senator BYRD complains that the language "Congress shall implement relying on estimates" opens the door wide, and if that were there in isolation, then we would have some problems, though I have to say we would still be better off than we are today. But when you say Congress shall implement and rely on estimates, what we also have is that three-fifths majority that you have to have to extend the Federal debt. So we cannot play games. I think that is very significant.

What I will recommend in terms of implementation is that we, first of all, generally aim for a 1- or 2-percent surplus so we can deal with recessions and, second, that we have a 2- or 3-percent leeway because you cannot tell to the exact dollar what is going to happen.

Then let us just say we are 2 percent under, though if we aim for a 1- or 2-percent surplus—that should be rare—but if we are 2 percent under, then that 2 percent goes into the next fiscal year. I think this is workable. I think the Supreme Court in years to come can read our debate and see what we had to say.

But when you compare that 2 percent—or whatever it is—with the last year that is now projected by CBO, the last year of their projection now is a deficit of $365 billion and going up from there. These are relatively minor problems compared to that.

The question is: Why do we need something to force us to do the right thing? We have shown for 25 years we need something to force us to do the right thing. As I mentioned yesterday, we are celebrating the 25th anniversary of spending more money than we take in. I have not noticed any big celebrations scheduled for that. I do not see anyone bragging about that. Why? Because we know it is hurting our country and our future.

In terms of recession, Fred Bergsten, former Assistant Secretary of the Treasury and, in my opinion, one of the finest economists in this Nation, said a balanced budget amendment will help us deal with recessions because we can build in a 1- or 2-percent surplus and then use that while we are so constrained by our present situation that we are not able to respond to recessions.

As my colleague from Utah will recall, we tried to get $11 billion for a jobs program in a $6 trillion economy and we could not get it; $11 billion would not do much but it would have been some help, but we were already so overloaded with debt that we could not get it. If we need a 60-percent vote for something that is needed, we can get that. We got that to extend unemployment compensation on an emergency basis in this body. We can get that.

One final point that he made, and that is the big States—California and over to Illinois—can control things over in the House because they will have 40 percent of the vote. I did some fast work last night. I could not find a single instance of any matter of controversy where the Illinois delegation in the House voted together, and I think you will find that for New York and California and the other delegations. There is no such unanimity on anything of controversy. That really is not a problem.

But the fundamental question that Senator BYRD did not answer is, What is the alternative? Where do we go if we do not adopt this? I suggest the lesson of history is something we cannot forget. I brought from my apartment a book that probably sold 200 copies. I do not know. "Mountains of Debt" by Michael Veseth. It is about ancient Florence and how ancient Florence started piling up debt and then debased their coins in order to take care of the debt. You do not need to go to ancient Florence. Go to Adam Smith in "The Wealth of Nations," and he talks about this is the tradition of nations that start getting into debt; they start printing money and ruining their economy. That is the road we are headed down. No question about it.

As you look at those projections and, again, the OMB projections—people say, "Well, GAO may not be accurate." Let us just take the projections of this administration, OMB.

Mr. President, on this graph is lifetime net tax rates under alternative policies, and I do not think my colleague from Utah was here when I mentioned this last night. In 1930—I was born in 1928—I will spend 30 percent of my lifetime income on taxes. My colleague from Idaho maybe 1940—1945. He is in the middle of this. He will spend around 32 or 33 percent of his lifetime income on taxes. But what do we do when we get down to future generations? Here is what OMB says—and this is put in here to show the great accomplishments that we have made, and we have made some accomplishments—to the credit of President Clinton.

Before reconciliation, future generations will spend 93 percent of their income on taxation. After reconciliation, it will be 82 percent. But assuming health care passes and it does everything the administration hopes that it will—and I am a cosponsor of it and I hope it does—assuming every optimistic economic forecast, and they forecast 10 years of solid growth and I hope it happens, but it is not typical of any decade, if those things happen, future generations will spend 66 to 75 percent of their net lifetime earnings on taxation.

Now, my friends, that is not going to happen. We will start printing money before it happens. We are headed toward what the economists call monetizing the debt. The most recent example that we have seen was right next door when Mexico got up to 12½ percent, the deficit was 12½ percent of their national income and they had inflation of 114 percent. That means cutting in half all family savings. That means cutting in half the Social Security trust fund.

What is the alternative? I think the evidence is just overwhelming that we are drifting toward monetizing the debt. We can take a gamble that we will be the first nation in history to reach debt of this character relative to income, we will be the first nation in history to do that without just printing funny money, but that is a huge gamble on the future of our country.

Mr. President, I hope this body will do the right thing. I hope the people out there in this country will contact their Senators and urge that we do the responsible thing and protect future generations and protect the future economy of this country.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. LEAHY). Who yields time?

The Senator from Utah.

Mr. HATCH. I really appreciate the very cogent remarks of my colleague from Illinois and the leadership he has provided on this particular issue. I believe it has really made a difference, and I hope people throughout this country will take heed to what he has said and get with their Senators and their Congress people and let them know it is time for this game called budgetary practice in Washington to get serious. The only way it is going to get serious, the only way we are going to solve these problems is with the type of fiscal discipline the balanced budget amendment would put into our system.

So I hope everybody out there watching this on C-Span and hearing about it otherwise will contact their Senators and their Congress people and tell them we have just got to get that 67-vote margin in the Senate so that we can pass this amendment.

Mr. President, I was on the "Today Show" yesterday with Leon Panetta, the Director of the Office of Management and Budget, a friend of both the distinguished Senator from Illinois and myself. We were being interviewed by Bryant Gumbel, and Leon Panetta said that this balanced budget amendment is just a gimmick. My favorite quote responding to that comes from the Congresswoman from Maine, OLYMPIA SNOWE, who said that if it were just a gimmick, if the balanced budget amendment were just a gimmick, the Congress would have passed it long ago.

I do not think anything could exceed that particular statement. If this were just a gimmick, you can bet your bottom dollar Congress would have passed it long ago and then ignored it.

It is not a gimmick. This is an amendment to the Constitution which will bring fiscal discipline to this country that is sadly lacking because the Congress is institutionally unable under current circumstances to quit spending and to quit spending beyond our means.

I will paraphrase the remark of Mr. Jim Davidson of the National Taxpayers Union. He said that the administration's so-called 5 year deficit reduction plan is like putting a 400-pound man on a diet, and calling it a success when he weighs in at 500 pounds because he thought he would be 600 pounds.

Basically, that sums it up. We are unwilling to do anything about the deficit because all of these Cabinet officials come up here in a hysterical fashion predicting the end of the world and suggesting that if we have to live with fiscal discipline, we will not have all the moneys to spend for the programs that are essential for this country. But we all know that if we keep going the way we are, as the distinguished Senator from Illinois has eloquently made the point, we are going to monetize the debt through printing money, bringing inflation, and the people who will be hurt the worst will be those who are poor, those who are on Social Security, those who are on fixed incomes.

We know we have to do something about this, and I think it is time we do it. That is why I join with the distinguished Senator from Illinois in leading this fight along with the distinguished Senators from South Carolina and Idaho and from Arizona, Senator DECONCINI, I join with these colleagues in helping to push this through if we can.

I rise today with a strong feeling that this is one of the most important debates to ever take place in the Senate. The subject matter goes back to the heart of our Founding Fathers' hope for a constitutional system, a system that would protect individual freedom and maintain the integrity of the Federal Government.

In the latter half of this century, however, the intention of our Founders has been betrayed by the inability of Congress to control its own spending habits.

What is the problem? Mr. President, our Nation is faced with the worsening problem of rising national debt and deficits and the increased Government use of capital that would otherwise be available to the private sector to create jobs and invest in our future. Increased amounts of capital are being wasted on merely financing the debt through spiraling interest costs. This problem presents risks to our entire long-term economic growth and endangers the well-being of our elderly, our working people, and especially our children and grandchildren. The debt burden is our mortgage on the future.

Mr. President, the time has come for a solution strong enough that it cannot be evaded for a short term gain. We need a constitutional amendment to balance our budget.

Mr. President, Senate Joint Resolution 41, the Simon-Hatch consensus balanced budget amendment, is that solution. It is reasonable, it is enforceable, and it is necessary to get our fiscal house in order.

James Madison, in explaining the theory undergirding the Government he helped create, had this to say about governments and human nature:

> Government is the greatest of all reflections on human nature. If men were angels, no Government would be necessary. If angels were to govern men, neither external or internal controls on Government would be necessary. In framing a Government that is to be administered by men over men, the great difficulty lies in this: You must first enable the Government to control the governed, and in the next place oblige it to control itself. A dependence on the people is no doubt the primary control on the Government; but experience has taught mankind the necessity of auxiliary precautions.

That is in Federalist Paper No. 51.

Mr. President, we are here to debate such an auxiliary precaution, Senate Joint Resolution 41, proposing an amendment to the Constitution of the United States to require a balanced budget, because our recent history has shown us that the primary control on Congress has stopped working.

The balanced budget amendment helps to restore two important elements in the constitutional structure: Limited Government and an accountable, deliberative legislative assembly, both of which are vital to a free and vital constitutional democracy. A deliberative assembly, the essence of whose authority is, in Alexander Hamilton's words, "to enact laws or, in other words, to prescribe rules for the regulation of society," for the common good, was considered by the Framers of the Constitution the most important branch of government because it reflected, or at least should reflect, the will of the people.

Yet, as the maker of laws, it was also considered the most powerful and the one that needed to be guarded against the most.

Recognizing that "[in] republican government the legislative authority, necessarily, predominates" and to prevent "elective despotism," James Madison, the Father of the Constitution, recommended that the Philadelphia Convention adopt devices in the Constitution that would safeguard liberty. These include: bicameralism, separation of powers and checks and balances, a qualified executive veto, limiting congressional authority through enumerating its powers, and, of course, the election of legislators to assure accountability to the people.

However, in the late 20th century, these constitutional processes, what Madison termed "auxiliary precautions," have failed to limit the voracious appetite of Congress to legislate into every area of private concern, to invade the traditional bailiwick of the States, and, consequently, to spend and spend to fund these measures until the Federal Government has become functionally insolvent and the economy placed in jeopardy.

Congress has been mutated from a legislative assembly deliberating the common interest into the playground of the special interest.

The balanced budget amendment, Mr. President, will go a long way toward ameliorating this problem. It will create an additional constitutional process—an auxiliary precaution—that will bring back legislative accountability to the constitutional system. The balanced budget amendment process accomplishes this by making Federal deficit spending significantly more difficult.

Mr. President, I would like to read two quotations: First, "the public debt is the greatest of dangers to be feared by a republican government."

Second, "once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find * * * additional means for the display of individual enterprise."

These quotations are not recent statements by current proponents of the proposed amendment. The first statement was made by Thomas Jefferson and the second by Andrew Jackson.

These two quotations illustrate an important truth: No concept is more a part of traditional American fiscal policy than that of the balanced budget. In fact, Jefferson himself wished the Constitution had included a prohibition on government borrowing—an early version of a balanced budget amendment, if you will—because he thought that one generation should not be able to obligate the next generation.

Throughout most of the Nation's history, the requirement of budget balancing under normal economic circumstances was considered part of what has been called our unwritten Constitution.

Influenced by individuals such as Adam Smith, David Hume, and David Ricardo, the drafters of the Constitution and their immediate successors at the helm of the new Government strongly feared the effects of public debt. The taxing and borrowing provisions of the new Constitution reflected a need of the new Republic to establish credit and governmental notes and negotiable instruments that would spur commerce.

Yet, the Founders and early American Presidents were in virtual unanimous agreement on the dangers of excessive public debt. Consequently, for approximately 150 years of our history—from 1789 to 1932—balanced budgets or surplus budgets were the norm.

While budget procedures had little of their present organization, the concept of a balanced budget was accepted widely as the hallmark of fiscal responsibility. Those deficits that did occur—during wartime or during the most severe recessions—normally were offset by subsequent surpluses.

Between 1932 and 1960, the rigid rule of annual balanced budgets gave way to a fiscal policy in which balanced budgets remained an overall objective, but in which deficit spending was also viewed as a tool occasionally useful to affect appropriate economic results. Nonemergency deficit spending was legitimized in 1936 with the publication of John Maynard Keynes' "General Theory." Great weight was placed upon the ability of the Federal Government to manage the economy through fiscal policy, that is, through spending and taxation.

However, a real turning point in the history of U.S. fiscal policies occurred during the 1960's. Even the Keynesian objective of balancing surplus years with deficit years succumbed to the idea of regular, annual uncompensated for deficits. In other words, our deficits, which were historically cyclical, reflecting boom and bust, war and peace, became structural and permanent.

During the 1960's, we were paying for Vietnam war at the same time as the war on poverty. The Great Society had noble goals and great intentions. But, the Great Society, on top of the war, was financed through debt and helped to develop our proclivity for deficit financing our national aspirations.

During the past three decades, the Federal Government has run deficits in all but a single year. The deficits have come during good times, and they have come during bad times. They have come from Presidents who have pledged themselves to balanced budgets, and they have come from Presidents whose fiscal priorities were elsewhere. They have come from Presidents of both parties.

Even more alarmingly, the magnitude of these deficits has increased enormously. During the 1960's, deficits averaged $6 billion per year. In the 1970's, deficits averaged $36 billion per year. In the 1980's, deficits averaged $156 billion per year. And, in the 1990's so far, deficits have averaged $259 billion per year.

The total national debt now stands at over $4.5 trillion. While it took us over 200 years to acquire our first trillion dollars of debt, we have recently been adding another trillion dollars to our debt about every 5 years, and will continue to do so under current projections at a slightly faster rate as we approach the end of the decade.

I would like to refer to a few charts. This first chart regards the Federal debt. It shows the gross debt between 1990 and 1999. The second one shows the debt as a percentage of the GDP, gross domestic product. This chart shows the projected growth of the Federal debt in 1990 through 1999 along with the growth of the Federal debt as a percentage of GDP over the same period. These figures are taken directly from the President's own budget, his fiscal year 1995 budget. And they are alarming to me. I think they would be alarming to anybody who looks at this chart.

In 1990, the gross Federal debt stood at over $3.2 trillion. By the end of this year, 1994, another $1.5 trillion will have been added, bringing the projected total to nearly $4.7 trillion in national debt.

By 1996, the amount of gross debt of the Federal Government will be over $5.2 trillion. That is even assuming the President's optimistic projections. These are his budgetary figures. And by 1999, more than $6.3 trillion.

These numbers are staggering; absolutely staggering. Just as staggering as the estimates of gross debt are the estimates of debt as a percentage of GDP. In 1990, $3.2 trillion in debt represented 58.5 percent of the country's GDP for that year. This year, in 1994, just look at it, the projected debt of $4.7 trillion will equal over 70 percent of our GDP. By 1999, the projected Federal debt of $6.3 trillion will represent 72 percent of a projected $8.7 trillion economy. And 72 percent of GDP means that in 1999 the Federal debt will equal 72 cents of every dollar earned by each person and 72 cents of every dollar sold by every business that year.

This mountain of debt must not be allowed to continue to grow. You can see why the distinguished Senator from Illinois is calling for people to contact their Senators and their Members of the House and tell them we have to have this balanced budget amendment.

We cannot live with this. Mr. President, these estimates are based on the President's own optimistic estimates of economic growth and deficit reduction over the next few years. He might be wrong. If things are not as optimistic as he has them, these percentages of GDP and gross debt could go even higher. Should these projections be wrong, the numbers for the gross debt, as a percentage of GDP, would surely go much higher. So I am very concerned about it.

Let me go to chart number two, because I think it is important to go into this. Chart number two shows the growth in the size of interest costs on the Federal debt from 1993 right on up through 1999. It is based on estimates made by the Congressional Budget Office. As the chart shows, in 1993, interest payments that we have to make against the debt—which is money down the drain—equal $293 billion. Next year, in 1995, interest payments will be $311 billion. That is assuming the optimistic assumptions of this administration. And I hope they are right.

In 1997, look how it is going up. In 1997, the Federal Government will pay $346 billion in interest on its debt, and in 1999, a staggering $382 billion. It does not take much to realize that we simply cannot live with this situation. That is assuming that the interest is not going up substantially more than it is now. It is assuming budget projections that may or may not come to pass. I hope with all my heart that we could even be more optimistic, but history indicates that we cannot.

This chart is alarming, and it means we are going to be throwing almost $400 billion down the drain by 1999 just in interest payments. As a percentage of the budget, it becomes bigger and bigger. Right now, it is at about 20 percent, but it will go much higher as we go through this decade.

Let me go to chart three now. I have been parochial on this chart, just talking in terms of each Utahn, but it could easily be each citizen's share of the Federal debt in the United States. This is the per capita share in our country of the Federal debt. It has increased sevenfold from 1975, when it was $2,500, and we thought that was horrendous then. I remember that. It is one of the reasons I decided I would run for the Senate, hoping to bring about some change, and it is one reason I have fought so hard for a balanced budget amendment every day since we have been here. We have not been successful. It rose from $2,500 that each person owed as their share of the national debt—per capita share—sevenfold to $18,000.

One other thing that is important is, last year, in 1993, this figure was $16,700. In 1 year, each individual's debt in our society has gone up $1,300. How many of us can afford another $1,300 in debt in this society? It is going up very fast, and sooner or later debts have to be paid. If we do not control these increases, we are going to pay the piper, because we are going to have a rough time getting by.

Let us go to chart number four. The core of this debate can be summed up by this particular chart, which shows the tax burden we are passing on to our great grandchildren and great grandchildren. Elaine and I have 14 grandchildren, and we are some time away from having great children, but probably not more than 7 or 8 years, to be honest with you. The fact is that we are very concerned about our grandchildren.

Again, the estimates on this chart are taken directly from the President's 1995 budget. So we are not trying to hurt the President here. We are taking his budget; we are taking his figures. I think they are optimistic under the circumstances. I hope he is right, and I certainly know that Leon Panetta intended to be right. I have a high regard for him. But taking his own figures, the figures of this administration, they show an alarming trend, these figures on what a generation's lifetime net tax burden is. A lifetime net tax burden is taxes paid minus the value of Government benefits received during a lifetime.

As the chart shows, the net tax rate has steadily increased during this century. A man or woman born in 1900 could expect a net tax burden of 23.6 percent. Right there, 23.6 percent. That was each individual citizen's tax burden at that particular time.

All they are going to pay in their lifetime is 23.6 percent if they were born in 1900. By 1940, the rate had grown to 31.9 percent. For children born in 1992, the lifetime rate they will have to pay is almost 37 percent—36.9 percent. As you can see, that has been gradual. You go from 23.6 to 36.9. In 1992, 36.3. That is the average net tax burden a person born in that year will have over his or her lifetime.

The massive Federal debt we keep accumulating is going to have to be paid back, and it is going to be paid back by those not yet born. Future generations can expect—using the President's figures—a lifetime net tax burden of 82 percent. That is virtually everything they have. The distinguished Senator from Illinois has made this point again and again. And we are bipartisan on this matter. We are concerned about that sudden jump. We are concerned about the legacy we are leaving to our future generations. We are destroying our children's future inheritance and burdening them with the expense of paying off our debts. That is because we are unwilling in Congress to do anything about it.

I have to laugh at these people who say, "Congress ought to have the guts to do what it ought to do." They have been saying that ever since I have been here, 18 years. These people who do not want a balanced budget amendment have been saying every year, "We ought to have the guts to stand up and do what is right." Yes, we ought to, but that is not the history of this institution. So we need some fiscal discipline that will enable us to have the guts to do what is right.

This is a bipartisan effort that we are taking on here, trying to get that discipline.

Let me go to the fifth chart here. This chart shows the results in 10 years from our present deficit spending policies, based on CBO estimates. In 1994, the deficit is $233 billion. In the year 2004, right over here, the deficit is projected to be $365 billion. At the end of this year, 1994, the gross Federal debt will be $4.69 trillion. By the year 2004, it will have ballooned to almost double that amount, and it will be about $8.95 trillion. The amount of that debt held by the public in 1994 is $3.46 trillion. By 2004, the public will hold $5.99 trillion in Federal debt.

This year, the gross interest paid on the Federal will be $298 billion. By the year 2004, the gross interest is going to be $503 billion.

Finally, this year, the net interest payment of the Federal Government is $201 billion—that is net interest—and by 2004 the net interest payment will be $334 billion.

So if you look at this chart, the deficit is going to go, even under this so-called deficit reduction approach of the current administration, from $223 billion in 1994 to $365 billion by the year 2004 unless there is some miracle that occurs.

The gross Federal debt, $4.69 trillion to $8.95 trillion in the 10-year period; the debt held by the public, $3.46 trillion to $5.99 trillion; gross interest, $298 billion to $503 billion; net interest payment, $201 billion in 1994, going to $334 billion by 2004. And many of us believe it will be much higher than that if we do not do something to get matters under control.

I do not know how much more we can show these things. They are the facts and people have ignored them. This country is awash in red ink. We have to do something about it.

And those of us who have gotten together for this amendment in a bipartisan way are trying to do our best to do something about it and we cannot see any other way to restore the discipline in the Constitution, which was always implied and implicit, but which has been ignored for the last 3 decades.

Let us go to chart 6. The President said we are getting our budget deficit under control. But this chart, based upon Congressional Budget Office data, shows this is not the case. The 1994 deficit right here is $223 billion. The deficit is then projected to decline for 2 years to a low in 1996 of $166 billion; that is, if everything goes according to plan. How many of you have seen everything go according to plan in this country? But even though it is a relative decrease, it is still $166 billion.

But then the red ink after 1996 starts to rise again—$182 billion in 1997; $204 billion in 1999, right here; $256 billion by the year 2001; $324 billion in the year 2003; and $365 billion in the year 2004.

Now that is the Congressional Budget Office deficit outlook over the next decade. These figures do not include projections for the President's health care proposal. But the CBO has already said that, should it be enacted, that plan would further widen the deficit.

My fellow citizens, we cannot keep going this way. Just common sense says we cannot keep going this way.

Keep in mind, these are not conservative estimates. These are estimates done by the current administration, CBO, and others who are supposed to be responsible in this society today.

In all honesty, Mr. President, these charts tell a pretty drastic tale. They are accurate to the extent that we can make them accurate. They are based upon the accuracy of the administration's budget, the accuracy of the Congressional Budget Office, to the best of their ability. And I happen to believe there is a lot of ability in both institutions.

If you take their best projections, this is the best we are going to do, our outlook is horrible. It is just plain horrible.

And then we have people coming on this floor saying we have to have the will and the spine to be able to change these things voluntarily. Well, we do not have the will and the spine to even live up to Gramm-Rudman-Hollings, which is a simple statute which can be amended by any other simple statute, or by a mere 51 percent vote of a quorum. We could not live up to that. And the reason we could not is because there is tremendous pressure on everybody in the Congress to spend because there is not the fiscal mechanism to cause them to say, "Hey, wait a minute. I want to do that, but here is why we can't." Or, "If we want to do it, we are going to have to either cut somewhere or raise the revenues to do it," a point which the distinguished Senator from Illinois often makes, which is very, very true.

Deficits and the national debt have grown, in large measure, because Government spending has grown. As total Government spending has increased, so has Government's relative share of the economy. In 1929, Federal expenditures of $3 billion represented just 3 percent of GNP. By 1950, the Federal share had risen to 16 percent of GDP or about $43 billion. For fiscal year 1993, Federal Government spending of over $1.4 trillion commanded nearly 23 percent of GDP.

To illustrate this growth in another way, the first $100 billion budget in the history of the Nation occurred as recently as fiscal year 1962, more than 179 years after the founding of the Republic. The first $200 billion budget, however, followed only 9 years later in fiscal year 1971. It took 179 years to get to the first $100 billion budget. The first $200 billion budget was reached just 9 years later in fiscal year 1971. The first $300 billion budget occurred 4 years later in fiscal year 1975; the first $400 billion budget 2 years later in fiscal year 1977; the first $500 billion budget in fiscal year 1979; the first $600 billion budget in fiscal year 1981; the first $700 billion budget in fiscal year 1982; the first $800 billion budget in fiscal year 1983; the first $900 billion budget in fiscal year 1985; and the first $1 trillion budget in fiscal year 1987. The budget for fiscal year 1993 was over $1.4 trillion.

Under current projections, Government spending will continue to rise, using capital that would be put to better use by the private sector to create jobs. To starve the primary engines of economic growth of needed capital is to risk our long-term economic security.

Mr. President, one of the most pernicious effects of the enormous deficit beast is the interest cost required to feed it. Interest on the Federal debt in 1993 amounted to nearly $293 billion. That is more than total Federal revenues in 1975. Interest alone is more than all revenues that came to the Government in 1975. Last year's interest costs took 26 percent of all Federal revenues and 57 percent of all individual income tax revenues. If we just take individual income tax revenues, this $293 billion takes 57 percent of all those individual tax revenues.

OMB projects that interest on the debt will rise substantially over the next 5 years—substantially. It will pass the $300 billion mark in 1995 and reach $373 billion in 1999. CBO's estimates are even higher, with $311 billion in interest in 1995 and $382 billion in 1999.

Opponents of the balanced budget amendment suggest that we cannot afford to cut the deficit more than the Clinton plan does because decreased social spending will have severe adverse effects. But, think of how much we could do in crime control, defense, disaster relief, health, science, and education if we had that $300 billion in interest available next year. Think of how much we could do if we had it every year thereafter.

I do not understand the logic of continuing to waste over 20 percent of our entire budget on interest on the rationale that we cannot afford to cut spending. What we cannot afford to do is to continue to throw away one-fifth of our budget on interest payments.

It is important for everyone to understand this point: 20 percent of our entire budget cannot be used to purchase a single textbook, innoculate a single child against disease, conduct a single scientific experiment, pave a single interstate highway, prosecute a single violator of Federal laws, or keep a single soldier in MRE's.

Twenty percent of our entire Federal budget is thrown right down the drain and is spent for absolutely nothing of value to the taxpayers. It is interest on our burgeoning debt.

Mr. President, let me just put one or two things more in and then I am going to stop and yield to my colleague. To help my colleagues put this in even better perspective, gross interest on the debt in 1993 amounted to more than the entire defense budget, which was $292.4 billion. It was 97 percent of Social Security payments. We spent $302 billion last year on Social Security. It was 55 percent of all discretionary outlays, which were $542.5 billion; and 44 percent of all mandatory programs, which cost us $666.9 billion.

The nearly $293 billion of gross interest costs in 1993 could have covered our entire health spending, including Medicare and Medicaid—they were $207.6 billion, all veterans benefits and services—$19.3 billion, unemployment compensation—$35.5 billion, our entire international discretionary budget, $21.6 billion—and could have also covered the cost of the earned income tax credit of $8.8 billion. All of that we could have paid for out of this $293 billion.

Without the gross interest on the debt we would not even have had a deficit last year. In fact, we would have run a budget surplus of $38 billion.

Interest on the debt is wasted money. Over the next 5 years of deficit reduction under President Clinton's plan, OMB's own calculation is that interest on the public debt will total roughly $1.7 trillion. Over the next 5 years, we will pay over $1.7 trillion in interest alone. This amount could fully fund the entire 1994 budget for us, with money left over for social programs, or defense, or whatever else we could decide to use it for.

Interest compounds and it gets larger by itself, even without new deficits. And if interest rates go back up, the problem is going to be increased exponentially. These figures could go up dramatically. And if anybody thinks we are going to have interest rates stay at the current low levels, they have to be crazy. In fact just yesterday Alan Greenspan said we are probably going to have short-term interest rates go up. Self-propelled interest costs are going to eat a larger share of our National Treasury, destroying our choices to fund new programs and eroding our ability to keep the commitments we have already made.

Mr. President, I have taken a lot of time on this, but these are really important things. It is important for us to realize this is not a game here. This is not a bunch of people coming up with a gimmick. As I say, if this was a gimmick, as OLYMPIA SNOWE said, it would have been passed already because they would have gotten it behind us just as they did with some other gimmicks that were supposed to be good solutions.

We are talking about amending the Constitution, putting a rule of budget discipline into our basic law, which all of us are sworn to uphold, and which I believe we will uphold since it will be in the Constitution. But to get there we have to have 67 votes in the U.S. Senate. We just simply have to have them to pass this amendment.

Frankly, I believe we can get them but it is not going to happen unless everybody out there gets on the phone, starts writing, calling, and doing all that they should to bring pressure on the White House, to bring pressure on my fellow Senators, to bring pressure on Members of the House, and of course to let people know in this country that, by gosh, it is time to put a stop to this kind of profligacy. If we do not do it we are going to reap the whirlwind. But more important, our kids are going to get stuck with debts that are going to make their lives miserable all the rest of their days.

It is time for us to be responsible. This is the best way to be responsible. It is the only way that those of us who support this amendment can see that will get us to be responsible, and will put fiscal discipline into all of our lives in a way that we will have to do what is right.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself 2 minutes here.

I thank my colleague from Utah for his remarks. Those graphs just spell out why we have to act.

I ask unanimous consent to have printed in the RECORD an editorial from the Chicago Tribune that appeared today. It was just handed to me. The Chicago Tribune in former years opposed the balanced budget amendment. But they are now for it and say, in the final paragraph:

> Changing the basic charter of the Nation is not something to be done lightly or frequently. But if safeguarding the fiscal integrity of the Nation is not a sufficient reason, what, pray tell, would be?

I also ask unanimous consent to have printed in the RECORD an editorial supporting the balanced budget amendment that appeared in the Atlanta Constitution.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 23, 1994]

AN AMENDMENT THE NATION NEEDS

The federal budget deficit next year is projected at roughly $170 billion. It is a measure of how distorted our expectations have become that we think of that as progress.

Only $170 billion is to be added next year to America's $4 trillion-plus mountain of national debt. Only $170 billion more is to be handed down as a legacy to our children and grandchildren.

Of course, when measured against the $250 billion to $300 billion deficits of just a couple years ago, $170 billion really is progress. And Congress and the president deserve a measure of credit for lowering the red ink to that level.

But they have not thereby demolished the case for the proposed balanced budget amendment, which the Senate began debating Tuesday and—if the proponents can sway a few more votes—may finally pass later in the week.

As cussed and discussed as any legislation in recent American history, the balanced budget amendment is a desperate but necessary device for restoring discipline to the management of the nation's treasury by Congress and the president.

Just how undisciplined that process has become is indicated by the size of the national debt and the rapidity of its growth over the past dozen or so years. In 1981, the debt was less than one-fourth its current size. In other words, in 13 years, the nation accumulated three times as much debt as it did during its first 200 years. That way lies fiscal ruin.

During the same time, Congress contrived every manner of statutory gadget to rein in its prodigality, but nothing could stand long against the impulse to spend. Even last year's Clinton deficit-reduction plan barely squeaked through—with no votes to spare.

Critics of the balanced budget amendment made a host of arguments, many specious but some quite serious. Among the latter are the possibility that the courts ultimately will come to control the federal budget, as litigants spar over the meaning of phrases like "outlays" and "receipts" and "revenue." But that speculative danger must be weighed against the demonstrated reality of a budget process that is out of control and requires discipline.

Critics also assert, correctly, that a balanced budget is not always desirable as a matter of economic policy. Nolo contendere. That's why the amendment allows for its suspension by Congress during wartime, or any time three-fifths of the members of each house can be persuaded to vote for a specific deficit.

Changing the basic charter of the Nation is not something to be done lightly or frequently. But if safeguarding the fiscal integrity of the nation is not a sufficient reason, what, pray tell, would be?

[From the Atlanta Journal and Constitution, Feb. 17, 1994]

AMENDMENT WOULD BRING DISCIPLINE, ACCOUNTABILITY

In the decade-long battle over a constitutional amendment to balance the federal budget, comes now the Washington Monument Syndrome. The Clinton administration, busy adding $1 trillion to the national debt over the next four years, is pulling out all stops to defeat the amendment in the U.S. Senate. In time-honored Washington fashion, the administration is warning of calamity—widows and orphans in the streets, veterans made destitute and perhaps even the Washington Monument closed.

But the administration is wrong. The federal government and Congress need the discipline of law to rein in the red ink of 25 years of deficits. This time around, supporters are led by Paul Simon (D-Ill.), whose liberal credentials are impeccable. A two-thirds vote is needed for passage in the Senate. If the House agrees, the amendment would go to the States.

What's most important in Simon's proposal is its requirement that any deficit spending be approved by three-fifths of the Senate and House. It is likely that the recorded accountability of voting for red ink would force representatives to have a good reason and to look as hard for spending cuts as they do for taxes.

It is understandable that the administration would oppose such discipline. Even in what the President calls a tough budget, federal spending is increasing by more than $300 billion, far above the rate of inflation. Discipline forces innovation. Congress has proof at hand. When the Gramm-Rudman-Hollings Act was in place, the deficit for the last year of the Reagan presidency dipped below $170 billion. Even the ill-starred and tax-ridden deficit reduction plan of the Bush administration has had an effect, helping Bill Clinton point to lowering deficit.

A balanced budget amendment would place meaning in budget debates. It would not be a straitjacket in times of national emergency, but a set of guard rails for a Congress speeding on the interstate of spending. With the conversion of liberals such as Simon to the cause, it has a chance in the Senate. Let the chance become reality.

Mr. SIMON. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time in the quorum be allocated evenly between the proponents and the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll. The time for the quorum will be evenly divided.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Idaho, one of the prime cosponsors of this amendment who has worked so hard, such time as he may need.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, as we debate this most important issue——

Mr. BYRD. Mr. President, will the Senator yield just for a suggestion?

Mr. CRAIG. I will be happy to.

Mr. BYRD. It is my suggestion that the side that puts in a quorum should charge that quorum to their side. I was not on the floor when the request was made that the time be equally charged. I prefer that we do it the other way, and I will object to requests that it be equally charged.

If I see that the floor is not being used by any Senator I will be here and I will use some of my time or I will charge it against my side. I do not think either side should take advantage of the other side's absence from the floor and get consent that the time be equally charged. That is all I have to say.

I thank the Senator.

Mr. CRAIG. I will be happy to yield to my colleague from Illinois.

Mr. SIMON. I certainly do not want to be taking advantage of the distinguished President pro tempore. In fact, I have not learned yet how to take advantage of the distinguished Senator from West Virginia. He seems to know these rules a little better than all the rest of us.

I just think it is important that we somehow balance the time so that we end up—real candidly, we do not want to use up our 5 hours and the Senator from West Virginia get the last 5 hours here.

Mr. BYRD. Will the Senator from Idaho yield for me to respond?

Mr. CRAIG. I am happy to yield.

Mr. BYRD. I agree to what the Senator has said with respect to the necessity of kind of keeping some balance of the time here. But if the Senator, when he feels disposed to do this again, namely, charging the quorum call to both sides—if he would kindly give me a ring at my office, I will try to get up here.

Mr. SIMON. I will be pleased to do that. I thank my colleague from Idaho for yielding.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, last evening, as we began this important debate in relation to a balanced budget amendment to our Constitution, there was some suggestion that economic policy ought not be a part of our Constitution; that it was bad to place in the context of the Constitution economic principles or economic courses and directions that, in the argument of the opposition, did not fit or were not proper in the constitutional setting.

For a few moments this morning, let me discuss that issue because I think it is very important that we understand that economic policy has always been a part of our Constitution and that, depending on your point of view and how you read the Constitution, our Founding Fathers were very, very specific in suggesting that economics was an important part of the consideration and, most importantly, rights and freedoms necessarily clarified in the Constitution.

Governance inescapably involves addressing the question of economics. Moreover, our Constitution is replete with economic policy. For example, it refers to private property rights. Of course, in the days of our Founding Fathers, private property was the essence of economics. It was the foundation of wealth. It remains so today. It was spoken to in the Constitution. It prescribes constitutional and executive roles in Federal fiscal activities, such as raising revenues, spending and borrowing, provides for uniform duties, imports, excises, discusses the regulation of international commerce, discusses coinage and the value of money, and deals with counterfeiting and patents and other economic issues.

Let me tell you, Mr. President, that is economics. It may not quite be economics in the sense that the Wharton School would discuss it today in some grand economic scheme or economic modeling that would come about through econometrics, but it was the economics of that day, it is without question the economics of today, and what we do as it relates to the Federal budget is economic policy. I would argue that the amendment as it has been crafted is clearly as important and can be a clear part of our Constitution.

The test is not whether or not an amendment is economic policy, but whether it encompasses a broad and fundamental principle that it is relevant, not transitory, and its importance is far-reaching in scope over time. Those are really the fundamental tests, Mr. President, as to whether an amendment, proposed either by this body or the other or by a constitutional convention, fits the constitutional prescription, the language necessary.

So while some would argue that this is not fitting, I would clearly argue that in today's context, as 200-plus years ago, it is clearly fitting. Our Founding Fathers spoke to economic policy and economic principle. It was embodied within the Constitution in all contexts that I have just spoken to, and our amendment today is relevant and fits, in my opinion.

Then should the Constitution dictate such details as a budgetary period, a fiscal year? It was argued last night that the devil was in the details and that the details would not work. Some such reasonable parameters, I believe, are necessary to provide for an enforceable amendment. Our Founding Fathers knew the particulars; they were clear in their language. We must be clear in our language if we are going to be constitutionally responsible in sending forth an amendment for the States' consideration.

Again, the authors are receptive—I am receptive—if somebody can come up with a better way of perfecting change that would clarify more current periods of fiscal responsibility, but we know, the world knows, what a fiscal year is. While we might by the law of the majority here decide to change what a fiscal year meant, we could not change what it would then provoke, and that would be a set time for budgeting purposes by which we would judge our performance and allocate resources for such performances. That is what a fiscal year meant, or we could call it a fiscal period.

While I would suggest Senate reports 99-162 and 99-163 suggest using a fiscal year—that does come from the Judiciary Committee—it is responsible statutory language; it is, without question, in my opinion and in the opinion of constitutional scholars who helped craft this document, responsible language to be used within the Constitution.

There is another question: A debt limitation. Why should Senate Joint Resolution 41 differ with previous balanced budget amendment revisions in that it requires a three-fifths vote to raise the limit of the Federal debt held by the public? There is the important and operative word. Last night, the chairman of the Appropriations Committee suggested that the three-fifths vote was not the responsible vote, and I would argue that if it is referring to debt held by the public and we are incurring debt on the head of the citizen, I would argue that the right of the citizen to be debt free of its Government and that economic freedom is a fundamental freedom and that public debt denies that economic freedom, then a three-fifths vote is very accurate.

It requires a supermajority vote to amend the Constitution. Therefore, by amending the Constitution to deny the right of free speech, to deny the right of all of the Bill of Rights or any of the principles embodied in the Constitution, our Founding Fathers were very clear that it would take a supermajority; that it would be extremely difficult for this Congress to propose to the citizens of our country any deviation away from the principles embodied within the Constitution.

What we are debating today is a new principle, a principle of economic freedom and, therefore, a procedure by which this Congress could not encumber public debt or force the public to hold greater debt unless it was of an extraordinary nature.

So I would argue that the language we have used is very clear. When the Social Security and other trust funds run surpluses, we have talked about how that debt will be handled. It does not register as public debt; it registers as gross Federal debt when it is borrowed from the trust funds and moved to the Treasury. That is how this would operate. We believe it is very clear in the amendment and, therefore, it strongly justifies the use of the language. We argue that it is constitutional.

Even Professor Laurence Tribe of Harvard, a leading opponent of the amendment, told the Senate Budget Committee in 1992 that the Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution.

Last night you heard that argued differently by Senator BYRD. There are others who are as strongly opposed to this amendment as he but would argue that the principle involved in the amendment that we discuss is clearly worthy of constitutional consideration.

We are debating an attitude. We are debating a philosophy. We are debating a fundamental change in the principles that our Government is guided by, and I believe that they are strongly worthy of the Constitution and constitutional language. I think it is appropriate that we debate it in those contexts, and I think it is most inappropriate, Mr. President, for anyone to come to the floor and argue that it cannot be or that it should not be a part of our constitutional considerations.

Over the decade and a half that it has taken to craft this amendment and to refine it to ensure it meets the test of our constitutional scholars in this country, we believe that test is met. We think it very, very important that this language meet those tests and that we have accomplished that, both in language and in principle. We talk about a freedom. We talk about the freedom from debt. We talk about the inability of our Government to continue to incur public debt and, therefore, we talk about the responsibility of the vote of the supermajority and the extraordinary environment that would require or call for that kind of debt creation. That is part and parcel of the total debate that we are involved in. Through the course of this debate over the coming days, I will continue to point out on a section-by-section analysis of this amendment that it fits both the charge that it must be constitutionally worthy and that it is responsible constitutional language to propose to the citizens of this Nation for their consideration.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I will be happy to yield such time as he may consume to Senator HEFLIN.

The PRESIDING OFFICER. The senior Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I appreciate Senator CRAIG yielding me this time. I appreciate the "senior Senator." Usually I am introduced as a senior citizen. But I am sure most Senators who enjoy that status have had the same thing happen to them.

I am coming to the floor, as I have on numerous occasions, as an original cosponsor of Senator SIMON's resolution calling for a balanced budget amendment to the Constitution.

The first bill that I introduced when I came to the Senate 15 years ago was a resolution calling for a constitutional amendment to balance the budget. With each Congress since that time, the first bill I introduced was a constitutional amendment resolution.

When we first started out on this path toward adopting such a resolution to bring about a constitutional amendment, there were a great number of people who were opposed to it, and there were different ideas about how to proceed. But I think Senator SIMON's support of the amendment has given it impetus which can mean success. He represents an element in the Senate that looks very carefully at what is in the best interest of the country. That is not to say that others do not, but he is of a philosophy that sometimes means conservatives do not usually agree with him. Therefore, I think his support has given it additional support and has picked up votes. That is one of the reasons we have urged him to assume the leadership role pertaining to this constitutional amendment requiring a balanced budget.

I am pleased with reports that have come forth in recent days that the anticipated deficit for 1995 will not be $300 billion, but only $170 billion. Part of the success for this anticipated reduction in the deficit is the omnibus deficit reduction plan that was passed by the Congress and signed by the President, under his leadership. Also, it is probably due in some degree to a turnaround in the economy and the increase in commercial business transactions.

But, the anticipated reduction is based on interest rates that are pretty well stable today. When we stop and think of the fact that $295 billion in interest is to be paid from our budget—$295 billion is what the report of the committee shows as the interest that is being paid on the national debt—we have to stop and look at what would happen if all of a sudden interest rates were substantially increased. The $170 billion anticipated deficit would soar.

Interestingly enough, I looked in yesterday's Wall Street Journal, and I read that 3-year Treasury bills which the Government buys are listed at 3.33 percent. A year ago, they were 2.92 percent; 6-month Treasury bills were 3.43 yesterday. A year ago, they were 3.01. Treasury bills under a 10-year period were 6.04 yesterday. A year ago they were 5.89. These are showing an increase. But it is not out of the realm of reality, possibility, or probability that interest rates within a period of time of 1 year, 2 years, or 3 years may double.

If they do double, what does that mean for the deficit? We could be paying, instead of $295 billion a year interest on national debt, $600 billion.

Interest rates at 6 percent were normal for many, many years. It may well be we will return to that stage of normal interest rates in the not-too-distant future. I point this out to show that that is a real danger here if we assume only the rosiest scenarios.

(Mr. AKAKA assumed the Chair.)

Mr. HEFLIN. Even if the economy continues to grow and the gross national product increases tremendously, an increase in interest rates would devour the anticipated savings that would result from the deficit reduction plan that was passed by Congress. An increase would eat up the anticipated reduction that we are anticipating regarding the deficit in the 1995 fiscal year. All of these are not only possible, but probable.

We are already hearing reports that interest rates are going to go up. Yesterday, Alan Greenspan testified to that effect. Hopefully, we are not going to get into an inflationary spiral. But when you stop and think that some 15 years ago, interest rates were at 20 percent, what would interest rates at a stage of 20 percent—or even 10 percent—do to the deficit that we would have to operate under?

Therefore, it comes down to the fact that the monster out there is interest, and we have to adopt this constitutional amendment requiring a balanced budget or else we are going to be faced with horrendous deficits in the future if interest rates go up, regardless of deficit reduction plans, and they probably will go up.

So I urge my colleagues to think about the future, to think about interest rates, to think about the amount of interest that will have to be paid on the national debt, and the percentage of the entire budget that will have to be allocated toward interest payments.

Last summer, when we passed the largest deficit reduction legislation in history, we were standing at a unique place in time and history with regard to addressing our most pressing structural economic problems. The American public, through countless opinion surveys, consistently ranks deficit reduction as one of its paramount concerns. What we did last summer was the right thing to do. And we are beginning already to see the benefits from this legislation. But as we all know too well, this is not nearly enough. The temptation to spend is still a mighty one to resist for Congress.

I believe in the inherent good sense of the American people. I believe that good sense has opened millions of eyes and even hearts to the fact that America has been victimized by more than a dozen years of borrow-and-spend Federal fiscal policies that have run up a horrendous $4 trillion national debt. The public is saying enough is enough. This irresponsibility must stop. There is a sense of urgency for protecting the future of our children and grandchildren. The question is whether we will act further with an even more bold step to not only reduce the deficit but to eventually wipe it out completely.

If we do not seize this opportunity, the best chance we have had to pass the balanced budget amendment, we might not get another opportunity anytime soon. Make no mistake. The clock is running on this amendment. Unfortunately, our viable alternatives are few. We must finally begin to service and reduce our debt or our Nation will face the miserable consequences of bankruptcy.

We are deeply and sincerely committed to doing something about deficit reduction. The American people by all accounts are prepared to do their part. This is one of the few times in my decade and a half in the Senate that I have seen such an array of forces converged in an attempt to address this pervasive problem.

Indeed, it is rare that we ever have a committed public and a majority of Congress aligned on any economic issue, much less one that strikes at the very soul of our free Republic. But we need more than just a simple majority. We must get 67 votes to send this resolution to the House of Representatives. The bottom line is this: For the second time since the debt began mounting, we have the momentum to take bold and decisive action to begin reducing it. It is an opportunity to build on what we started last summer. I am fearful that if we do not act this time and finally send this amendment to the States for ratification we will lose that momentum, perhaps never to regain it.

So we can continue to wring our hands and play the blame game, or we can act. There is plenty of blame to go around in both branches of Government, in both parties, about how we came to this point. But the time has come for the blame game to end and for us as a body to accept responsibility.

Winston Churchill once said "If we open a quarrel between the past and the present, we shall find that we have lost the future." We can argue forever about what might have been done in the past to avoid the debt we face. We do not have the luxury of replaying the past, but we do have the present. And the quarreling of the present will only impact our future security. Let us heed Churchill's warning and cast a vote for the future.

I implore all of my colleagues to stop the blame game and the wringing of hands, and to vote for a new beginning with this resolution calling for a balanced budget amendment to the Constitution.

Let us give it to the States, where it should be fully debated, analyzed, and voted on. This is as it should be, because amending the Constitution is gravely serious business. That is why the process is so difficult. But the States should have the opportunity to decide this issue. I urge you to support this historic effort at deficit reduction by stepping up to the plate and accepting responsibility.

It is what we have been elected to do. The economic future of our Nation depends on fulfilling that responsibility.

Most of the criticism that I have read recently centers on the concerns that such an amendment places fiscal policy in a straitjacket and upsets the balance within Congress, and between Congress and the executive and the judicial branches of Government. These two issues are legitimate points of discussion. But the real point to be remembered is that the Nation's budget deficits are simply out of control, and a drastic dose of constitutional medicine is required and must be taken in order to restore this Nation's health.

While we welcome the news a few weeks ago that our deficit is far below that which was originally predicted, this does not in any way negate the need for a balanced budget amendment. It just means that our deficits are growing at a slower rate, a testament to the effectiveness of the economic and deficit reduction plan passed and signed into law last August.

The resolution Senator PAUL SIMON has offered, and which I strongly support, would mandate that total Federal spending must not exceed total receipts. Our constitutional amendment would require a three-fifths vote of the entire membership of both the House and the Senate to override this requirement. Further, the President would be required to submit to Congress a balanced budget on each fiscal year, and a majority of the entire membership of both the House and the Senate will be required to raise taxes.

Finally, Congress would have the authority to waive the requirement that the budget be balanced in the event of a declared war or of eminent and serious threat to national security. The truth is that this great Nation can no longer tolerate running runaway deficits and the exorbitant annual interest payments which can reach as much as $315 billion in fiscal year 1993 on the $4 trillion national debt.

Our Nation must recognize that the adoption of such an amendment will require that tough decisions will have to be made by the President and the Congress in order to get its fiscal house under control. Spending will have to be cut, taxes may have to be raised, and certainly we will have to set national priorities more clearly and deliberately as we learn to live within our means.

I believe in the good faith and the good will of the American public. It is time to enact this proposal and send it to the State legislatures for debate, consideration, and ratification.

I want to mention one other thing. That is the matter pertaining to the language concerning waiver in the time of a war.

Section 5 stated:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

In 1982, when we voted and got 69 votes for this, that was the language. I offered an amendment that failed to carry by only one or two votes, maybe four—I am not exactly sure—which now has been adopted and put into this constitutional amendment.

I remember that my colleague at that time from Alabama, Senator Jeremiah Denton, was instrumental in writing that language. It has now come forward that the provision is in this proposal, which is as follows:

> The provisions for this article may be waived for any fiscal year in which the United States is engaged in military conflict, which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law.

This goes, really, to the problem dealing with national security in that we have fought very few declared wars. Most of the military conflicts that the United States has been involved in have been undeclared wars. Desert Storm was an undeclared war. The Vietnam war was an undeclared war, as was the Korean conflict. At the time in 1982, I attached to the debate and made a part of the RECORD a list of every conflict we had been involved in where force had been involved in which the U.S. Congress had not declared war. I do not remember the exact number, but it is in the neighborhood of 200 or more.

What this would do would be that you could waive it, but it means that the waiver would be tougher to obtain than when you waived it when there was a declaration of war. What it means is that, first, there has to be a joint resolution passed by the House and Senate and signed by the President which, in effect, states that the United States is involved in military conflict which causes an imminent and serious military threat to national security. That would become law. You could then have a vote to waive the requirement of a balanced budget with the requirement of a three-fifths vote in order to go into some sort of deficit spending.

But this is designed to endeavor to make it tough to waive, nevertheless to waive. To me, it is important that we have that provision, because we never know whether we will be faced with a situation like a Vietnam war or a Korean war or another type of military action similar to that. So I think that provision is now an improvement.

Another improvement that has occurred to me is a requirement that you have to have a rollcall vote and a two-thirds vote in order to increase the debt of the United States. When you increase the debt of the United States, the Government continues to operate. But if the debt limit is not increased, Government comes to a halt. That is, to me, the teeth in regard to this constitutional amendment requiring a three-fifths vote. We have always had difficulty getting a majority every time the limit is raised on the national debt. To me, this is the real guts of the constitutional amendment, requiring that the debt limit has to be raised by a three-fifths vote, and it has to be done on a rollcall vote, which is important.

Many times in the past, when people did not want to really face up to the issue of raising the national debt, it has been done by a voice vote. But the idea of having the national debt raised was to put teeth into the operation, to give you another instrument with which to try to control deficit spending. So that was the reason relative to that.

Mr. President, I urge that the constitutional amendment to balance the budget be adopted.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from New York such time as he may consume.

Mr. MOYNIHAN. I thank our revered President pro tempore.

Mr. President, I come to the floor directly from a hearing of the Committee on Finance at which the Director of the Office of Management and Budget, our former colleague from the House, the very able Leon Panetta, presented the President's budget in terms that were, for this Senator, striking and strikingly reassuring.

May I say, sir, that from the early 1980's, I found myself often on the floor of the Senate, sometimes in print, saying that in the White House and in the Office of Management and Budget a huge gamble was being made, that a crisis could be created by bringing about a deficit that would force the Congress to cut back certain domestic programs.

The question of how I knew need not be discussed here. But may I say that the person principally involved, Mr. David Stockman, subsequently wrote a memoir of his time in Washington called "The Triumph of Politics," in which he described in detail what happened and how it had gone wrong. When he began to realize that the cuts were not being made, that something awful was happening, he pleaded with the then President and his Cabinet colleagues to do something. Nothing was done.

Of this period, the able journalist and historian, Haynes Johnson, in his wonderful book, "Sleepwalking Through History: America Through the Reagan Years," which was published in 1991, said this. I will simply quote the footnote, and I offer this as credentials.

He says of this Senator:

> He first charged that the Reagan administration "consciously and deliberately brought about higher deficits to force congressional domestic cuts." Moynihan was denounced and then proven correct, except that the cuts to achieve balanced budgets were never made and the deficits ballooned ever higher.

I offer that as a journalist witness to the fact of what I was saying was happening—and it happened.

I began to grow hugely concerned. I began to share the views and the alarms of the President pro tempore, our revered Senator BYRD, chairman now of the Appropriations Committee.

I am not new to the issue of the budget. A decade ago, I was standing on this floor saying, "Do you not see what they have deliberately done, and it is not working?" That crisis was out of control. I found myself, if I may say, having very little influence. No one believed what I said. Well, Haynes Johnson said, "MOYNIHAN was denounced and then proven correct."

People say, "What do you mean create a crisis?" I was going around saying Lenin was not a problem solver; he believed in creating crises. But this crisis got out of hand. I thought it would lead to an ever-ascending deficit in actual amounts and as a proportion of gross domestic product; that this in turn would lead us to a trigger point where the growth in interest on the debt—now 14 percent, incidentally, of our budget—would be higher than the growth of the GDP, and you would be in an unstable situation. Interest would start eating up and you would be led inexorably to "solving your problem by inflation."

A Government such as ours, which has the reserve currency, can do that because everybody else's instruments are denominated essentially in dollars. The technical term, Mr. President, is to monetize the debt, just inflate it away. And we could do that. Oh, we could do that. Only we wake up and the Japanese yen would be the reserve currency and the American currency would be no more indeed.

But, I come here from the Committee on Finance, of which I am chairman, which heard Leon Panetta this morning, to give you the good news that we have it under control.

Senator DOLE was there, and very properly asked if the charts which I will show you in just 1 minute do not reflect the effect of the 1990 agreement which was reached at Andrews Air Force Base, and at which the President pro tempore was the leading Senate negotiator. Mr. Panetta, Senator BYRD and I would all say—the answer is "yes." A beginning, a process which began, and then last year in the budget reconciliation was finally, in effect, fixed. It fell to me as chairman of the Finance Committee to find the 50 votes, plus the Vice President to bring that about, but we did.

Now, here are the numbers. Remember, the point is, if the deficit as a proportion of gross domestic product—that is all our wealth produced in a given year—if it keeps growing, the time would come when the debt, interest on the debt, would start growing faster than the growth of GDP and then you are unstable. Then you are a Third World country—a Third World country, Mr. President.

Here we are. Watch this. In 1989 as a percentage of GDP, the deficit was a little below 3 percent. By 1990, it went to 4 percent, a 28 percent increase in 1 year. Bang, up like that.

Then in 1991, almost 5 percent. Now we are compounding here. We are growing. I hate to use the technique of talking about percentages of percentages, but this measure of the deficit was growing at about 25 percent a year.

Then came the impact of the 1990 agreement, painful and distasteful as it was. And suddenly, from 1991 to 1992, the growth was slight.

Then came 1993 and it began to come down. That is the year we adopted $500 billion in increased revenues or program cuts and put on a hard freeze—no adjustment for inflation, a hard freeze.

And here is the projection—down, down, down, down, down. By 1996, we will be back at 2.3, well below where we were in 1989. And OMB projects we are heading, by 1999, to 2.1 percent. I think we have it under control. And 2.1 percent is a deficit which you would not ordinarily notice in macroeconomic terms.

Let me show you the spending side, Federal spending itself as a proportion of GDP. In 1989, 22 percent. Then, bang, up to 23 percent.

But, look. The 1990 agreement held it where it was; stayed right there in 1992. Then down, down, down, down, down. By 1996, we are back to 21 percent, which we have not been since the early 1980's. We have the curve going the way it was. This is where it would have been.

If I could ask the Senator's patience for just another minute. Here is where we were going. Oh, my God, in 1993, we were headed from a deficit of $250 billion up to $400 billion, no trouble at all. And then that interest compounding problem begins. Now, we are going down, we are going down, we are going down, under $200 billion, under $200 billion this year.

Now it took a lot of pain. And before the President's budget is in place there will be more pain. But it is necessary.

We indulged ourselves in the early 1980's of a fantasy of young men who perhaps had too little experience in the real world and too much power, who thought they could play with fire, create a crisis. The fire spread. Well, we put it out. Grown-up time came.

And, having done that, I have to ask you, are we dealing with a problem of the American Constitution? Did the Constitution put those young men in the Reagan White House in 1981 playing games with supply side economics and then finding, "Oh, that would not work. But great, we will have a crisis"?

First they thought a few reductions in tax rates would pay for themselves. Then they realized it would not. They said, "Oh, a crisis is a good thing."

And then, of course, I can remember Mr. George Will once in about 1984 speaking to a group of businessmen and saying at breakfast: "I have a door prize of a toaster for anyone that will name one program that President Reagan said he would cut during the course of his 1990 Presidential election."

And everybody in the room started looking around to their neighbor, saying, "Why can't I remember one?" Finding their neighbor saying, "Why can't I remember one?"

Mr. Will said, "Don't feel bad about your memory. There was none."

They never intended it, but they created a crisis.

But I would like the President pro tempore to hear me one last moment. He has brought great philosophical and historical rigor and insight to this Chamber. But I would like to add one thing to him, a line from a French theologian named Georges Bernanos. He was Parisian, Jesuit trained, a militant Catholic, who at first was very much to the right, a royalist, but ended up, with the rise of fascism, appalled by Franco, appalled by Munich. Again a supporter of de Gaulle and the Free French.

He said, "The worst, the most corrupting lies are problems poorly stated."

We are taking a problem that arose from the indiscretion and inexperience and perhaps inflated self-importance of a group of young people in a new administration in 1981 and interpreting that problem as a problem of the American Constitution. The American Constitution did not do this. We did not get through two centuries without anything like this problem because of our Constitution. And it will not make any difference to our Constitution save this, and I would like to end on this note because I know that in a hearing before the Committee on Appropriations, James Schlesinger, the Honorable James Schlesinger, former Secretary of Defense, former head of the CIA and so forth, spoke of deficit financing in the past.

It happens—just autobiographical—but it happens. Next July 1 will mark the 50th year from the year in which I joined the U.S. Navy. World War II was raging and the prospects were not very good. Yet we won the war at sea in two incredible battles. Pearl Harbor was a blow to us but not nearly—it was a blow to our pride, perhaps. I am sorry about the men involved. But what they mostly sank—the *Arizona* was a battleship built in 1911 and was not going to do very much good to anybody. The carriers were out to sea, and they were there for Midway.

Do you know when those carriers were built, sir? Not during wartime when we could have exempted them. You cannot build something important in wartime and have it ready. The *Yorktown* was built—the keel was laid in 1937, or it may have been launched in 1937, either way—when Franklin D. Roosevelt, in the middle of the Depression, had deficits. The *Enterprise*, 1938; the *Hornet*, 1941. Absent those ships built in the depression, with a deficit, we would have lost; Hawaii would have been occupied; California might have been. And then came the Coral Sea. The issue was Australia. We prevailed in the Coral Sea with, again, the *Yorktown* and the fighting lady, the *Lexington*.

Boy, I am glad we had Carl Vinson and his like on this floor to say, "It may increase the deficit, but I want the *Yorktown* built, and I want the *Hornet*, and I want the *Enterprise*." That is what we are putting in jeopardy, the judgment of wise Senators about the state of the world.

With the greatest respect to my friend from Illinois, the Constitution is a precious document. That is where our rights are enshrined and our duties. The Constitution is not meant to establish budget procedures. We are perfectly capable of doing that. We have shown in these last few years since 1990 that, all right, a crisis got out of control, we finally realized what was going on, and we did something about it.

Here it is: Down, down, down. I will speak more on another occasion about the degree to which this amendment puts in jeopardy the Social Security benefits of all Americans. But for the moment I would like to say it is—I am happy to say, fresh from a hearing in the Finance Committee with the Director of OMB: The crisis has passed. It is required of us that we keep to the commitments we made, but we have made them and they are showing results.

Mr. President, I yield the floor. I see the distinguished Senator from Illinois is here.

Mr. SIMON. Yes. If my colleague would stay for just a few minutes?

Mr. MOYNIHAN. I am happy to do so.

Mr. SIMON. I wish I could be as sanguine and optimistic as my colleague is. This, those down years——

Mr. MOYNIHAN. Right, that is what we are talking about.

Mr. SIMON. That is a great tribute to Senator PATRICK MOYNIHAN in addition to being a great tribute to Bill Clinton. They made some tough decisions. I remember the Senator coming into the Democratic caucus and saying, "We did this because we had to." I even wrote down the words when he said that.

We need some similar compelling action.

If I can point out, the real key here is the percentage of deficit relative to GDP.

Mr. MOYNIHAN. Yes.

Mr. SIMON. But it is going back up, according to OMB. You have 1996. But if you take a look, it goes back up to 3.3 percent in the year 2004, and up from there, according to GAO.

The GAO account says, and I will be happy to give this to the Senator——

Mr. MOYNIHAN. This is OMB. You have CBO. This is OMB.

Mr. SIMON. All right. But then if you take GAO's report of June of 1992—and I recognize things have changed, changed somewhat. We have taken the first step and it was an important step. I was pleased to support it. But GAO predicted in June of 1992 that by the year 2020 we would have in excess of 20 percent deficit relative to GDP.

Mr. MOYNIHAN. In 1992. Before the 1993 legislation.

Mr. SIMON. That is correct. That is adjusted down somewhat. But GAO tells me the same basic trends are there. And no nation has come anywhere close to that without, as the Senator points out, monetizing the debt.

Mr. MOYNIHAN. The Senator is correct, it goes to 3.3. This is my colleague's document.

Mr. SIMON. Right; 3.3.

If the Senator can take a look, this is an OMB—part of this four volume thing we just got. Look at the top there. "Lifetime net tax rates under alternative policies," the graph at the top.

Mr. MOYNIHAN. Yes.

Mr. SIMON. Look down to 1930—I was born in 1928. You will see I will spend about an average of 30 percent. The Senator from New York, born roughly the same time, maybe a little before me, roughly the same.

Mr. MOYNIHAN. Yes. Yes.

Mr. SIMON. But down to the bottom. It says future generations—way down at the bottom there, next-to-the-last line. You go over with reconciliation and with health care reform and with all the optimistic assumptions, 10 years solid growth, no dip: Future generations, lifetime net tax rates of 66 to 75 percent.

The Senator from New York knows that just is not going to happen.

Mr. MOYNIHAN. That is not going to happen.

Mr. SIMON. What happens before that, according to history—and maybe we can be the first country since ancient Florence and all the others not to do this—what happens is then you start monetizing the debt. You start printing the money.

I think, as you look at these long-term trends, that is where we are headed. I wish I could be as optimistic as the Senator from New York, but I think the hard realities suggest something different.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. SIMON. Certainly.

Mr. MOYNIHAN. Simply to say I thank the Senator for the factual way in which he responded to our facts, the Office of Management and Budget. I congratulate the Senator, as I always do, on a civil discussion here. We have large issues to be decided.

I think in the future growing deficits can be prevented, with the likes of Senator SIMON on this Senate floor, the likes of Senator BYRD and Senator MURKOWSKI, for that matter, by our own choice as Senators, and we need not have an amendment to the Constitution. But that is the debate we are having.

I thank you for allowing me the time. The President pro tempore has been most generous of his time. I will return to the floor when you have time for me.

Mr. SIMON. Let me just add, in terms of amending the Constitution and on financial things, Thomas Jefferson, of course, favored an absolute prohibition against Federal borrowing, and Alexander Hamilton later—Thomas Jefferson and Alexander Hamilton did not agree on much but they agreed that it would have been wise to have done this.

Mr. MOYNIHAN. May I say, Alexander Hamilton was not present in Philadelphia when the Constitution was decided.

Mr. SIMON. Neither was Thomas Jefferson.

Mr. MOYNIHAN. I have to agree, and I regretfully agree, part of the agreement by which Alexander Hamilton arranged for the Federal Government to assume the Revolutionary War debt of the States, which he did—a magnificent enterprise—the only portrait that hangs in the back room of the Finance Committee today is Alexander Hamilton of New York. In order to do that, he made the supreme sacrifice of moving the Nation's Capitol from its natural site on the banks of the magnificent, lordly Hudson Valley to a swamp on the Potomac.

Mr. SIMON. And you have never forgiven him for that.

Mr. MOYNIHAN. I have never ceased to honor the patriotism with which he put forward fiscal solvency first. Thank you, Mr. President.

Mr. SIMON. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, if I may take a couple minutes before my friend from New York leaves the floor, I congratulate him, I salute him, I greatly admire him. I think he has contributed enormously to the debate, and I look forward to the hour and the day when he will return to the floor and discuss the matter of Social Security, about which he has had so much to do over the years and throughout several administrations.

May I ask the distinguished Senator from New York, with respect to monetizing the debt, at the end of World War II, was not the debt more than 100 percent——

Mr. MOYNIHAN. More than 100 percent of GDP.

Mr. BYRD. Did we monetize the debt then?

Mr. MOYNIHAN. No, we paid that.

Mr. BYRD. What is the proportion today of the debt to GDP?

Mr. MOYNIHAN. About 52 percent at this point and under the President's budget will begin to go down.

Mr. BYRD. Yes. So I think we need to consider history again, that has been referred to here and point out, as the distinguished Senator from New York [Mr. MOYNIHAN], has just done, in 1945, when I was a welder in the shipyard at——

Mr. SIMON. Baltimore.

Mr. BYRD. Tampa, FL. No, I went south at that point. I was a welder in the shipyards, in the McCloskey Shipyard in Tampa, FL. I was there the day the war ended, but we did not monetize the debt then. And at that time, as the Senator from New York has pointed out, the debt was 100 percent or more——

Mr. MOYNIHAN. Or more.

Mr. BYRD. Of the GDP.

Mr. MOYNIHAN. Yes, sir.

Mr. BYRD. Second, may I say to my friend from Illinois, he is looking at the budget outlook on page 29 of the book entitled "The Economic and Budget Outlook, Fiscal Years 1995 to 1999."

Mr. SIMON. That is correct.

Mr. BYRD. He pointed to the deficit in the year 2004 as being anticipated as $365 billion; right?

Mr. SIMON. That is correct.

Mr. BYRD. But the distinguished Senator did not cite the information on the preceding page, page 28. This is on my time, Mr. President.

> A year ago, CBO projected the deficit would top $650 billion in 2003; by last September, CBO had chopped its projection to $359 billion. The enormous improvement during that 6-month period was almost wholly attributable—

Listen to this—

> was almost wholly attributable to the enactment of an ambitious deficit reduction package. The newest projection for 2003, a deficit of $324 billion—

Coming down as the Senator from New York aptly, correctly said—

> is only a minor revision in comparison. Of the $35 billion revision, two-thirds stems from higher revenues as CBO has upped its estimate of potential growth, and one-third from lower interest costs as CBO has trimmed its estimate of Federal debt.
>
> Of course, these extrapolations are not as detailed as CBO's usual 5-year estimates. Rather than produce a meticulous 10-year projection for every program in the budget, CBO attempts simply to judge the likely trends in broad clusters of spending and revenues. And great uncertainties surround such long-range extrapolations. The economy's performance is a big question mark; these projections are predicated on continued growth in real GDP of 2.3 percent annually in the year 2000 through 2004, on inflation of 3.1 percent, and on short-term and long-term interest rates * * * of 4.7 percent and 6.2 percent, respectively. The economy is bound to deviate from these assumptions in ways that cannot be anticipated.

So the estimates cannot be accurate. They never have been.

Mr. MOYNIHAN. Do I not recall a word: Floccinaucinihilipilification?

Mr. BYRD. Yes, floccinaucinihilipilification, meaning valueless; without value; trivial.

I thank the distinguished Senator, and I thank the distinguished Senator from New York.

Mr. SIMON. Mr. President, I will just take 1 minute, I say to the Senator from Alaska, if I could simply point out to my friend and colleague from New York before he leaves, I have a letter from Charles Bowsher, the Comptroller General of the United States, dated February 18, in which, among other things, he says the deficit problem, of course, has not gone away, the forces for escalation of the deficit are here, and it remains a very serious problem.

Fred Bergsten, you will remember, former Assistant Secretary of the Treasury and one of the finest economists I know, testified last week in behalf of the balanced budget amendment and said:

> The so-called correction we are seeing is by no means an up. It will leave us with an abysmally low national savings rate. Productivity simply cannot pick up by the requisite amount. We will continue to have very slow economic growth, high unemployment, lagging standards of living in the future.

Obviously, there are differences of opinion.

Mr. MOYNIHAN. There are differences of opinion.

Mr. SIMON. I respect my colleague but, again, no matter if he votes wrong on this issue from my perspective, he has contributed immensely to this Nation by providing the leadership that got us to the reconciliation last August. That grandchild that he had about a year ago or so is going to have a better future because of what he did last August, and I am proud to be his colleague.

Mr. MOYNIHAN. The Senator is very gracious.

Mr. SIMON. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. From whom does the Senator from Alaska seek time?

Mr. MURKOWSKI. The Senator from Alaska seeks time on the side of the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield time?

Mr. SIMON. How much time?

Mr. MURKOWSKI. If the Senator from Alaska could have 15 minutes.

Mr. SIMON. I yield 15 minutes to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator has 15 minutes.

Mr. MURKOWSKI. Mr. President, I rise today as a cosponsor of the pending resolution and as a Senator who believes that amending the Constitution to require a balanced budget is simply the last remaining option that we have to contain and ultimately begin to reverse the spiral of red ink that has been hemorrhaging from Washington for more than 30 years now.

Mr. President, I think if we allow this opportunity to pass, if we are unable to garner the two-thirds majority necessary to adopt this resolution, we will have lost a singular opportunity to move this country in the direction of long-term fiscal responsibility.

Without this amendment, one thing is certain. The Federal deficit and the national debt will continue to erode our capacity to respond to the economic and social challenges of the 21st century.

Mr. President, as a former banker, it just astounds me to see this continued budget process where, after financing various Federal programs, year in and year out, we find ways to spend more and just add to the deficit and debt. Yet we mandate in our society that you balance your checkbook. If you do not have the money, you have to borrow it. That is what we have done, Mr. President. We have borrowed it, and we have done it over such an extended period of time that we have accumulated over $4 trillion in debt. And we are obviously going to have to pass that debt on to our children and grandchildren.

Now, Mr. President, there is nothing inherently wrong when the Federal Government must turn to the credit markets to borrow funds to cover a financial shortfall resulting from an unexpected or emergency circumstance. A review of our Nation's historical borrowing practices clearly indicates that for most of our history, Federal deficits have not been the rule but, indeed, have been the exception. A little historical background, perhaps.

In the first 120 years of our Nation's history, Federal outlays exceeded revenues by a mere $1 billion, and even after the turn of the century, outlays and revenues were generally in balance. It was only when we entered the First World War that the Federal Government was forced to turn to the credit markets in a major way. And that was in 1918 and 1919, when the Federal Government ran huge deficits to cover the cost of our participation in the war.

But after the war ended, Government revenues and outlays then returned to balance. In fact, we ran a surplus in every year during the decade of the 1920's. Federal deficits became a tool of countercyclical fiscal management as part of the Roosevelt administration's efforts to counteract the devastation wrought by the Great Depression, we all recall. And when the United States entered the Second World War, Federal borrowing exploded. It exploded to the point where the national debt actually exceeded our gross domestic product. But again as soon as the war ended, the Government began to return to fiscal balance with revenues exceeding outlays up until the beginning of the Korean war. And again, in the 1950's, the Government enjoyed a surplus in several years and endured deficits in recessionary years.

But starting in 1961 and continuing, Mr. President, for 33 out of the last 34 years, the Federal Government has been running an unbroken stream of deficits—every single year for the last 33 out of 34 years.

What are the future deficit trends? I think that is what we have to reflect on as we begin this debate. There is simply no end in sight. In fact, CBO projects that the deficit will more than double between 1997 and the year 2004 from more than $180 billion to $365 billion—a billion dollars for each day of the year. Moreover, contrary to what the administration has indicated, CBO projects that if the President's health care reform plan is adopted, it could add another $135 billion to the deficit over this period.

Mr. President, this unending stream of deficits has caused us to accumulate, as I indicated earlier, over $4 trillion worth of debt, approximately $4.5 trillion, as a matter of fact. That is likely to exceed $6.3 trillion before the end of the century, which is less than 6 years away. Left unchecked, the debt will double in 10 years to $9 trillion, with annual debt service costs consuming approximately $335 billion. That is what it will annually cost to service that debt. That is interest on the debt, Mr. President. That represents more than half of all the discretionary spending projected for the year 2004; more than half will be interest.

Mr. President, we can no longer labor under the assumption that business as usual in Washington assumes that every year we can run deficits of $150 billion, $250 billion, or $350 billion. The accumulation of this debt has today brought us to the point where for the first time in our history we are forced to borrow, forced to borrow from the credit markets for the sole purpose of paying interest on the debt. So we are borrowing now to pay interest on the debt, and not paying the principal.

Mr. President, the reality is we are broke when we have to borrow to pay interest on the debt. That may come as a shock to this body, but reality dictates that this Nation is broke from a cash point of view if called upon to meet our obligations. And the emphasis again, Mr. President, is we are now borrowing to pay interest on the debt.

It may surprise some people to know that over the next 5 years, we would be running a surplus in the Federal budget if we did not have to pay the $200-plus billion interest bill that has resulted from our inability to bring revenue and spending into balance. But we are not free of that interest burden. In fact, we will pay out more than $1.752 trillion in interest over the next 5 years, and by the end of the century, interest expense will exceed the cost we will pay for national defense. I repeat, Mr. President: By the end of the century, interest expense will exceed our costs for national defense.

Mr. SIMON. If my colleague will yield on that point.

Mr. MURKOWSKI. I will be happy to yield to my friend from Illinois.

Mr. SIMON. The figure that the Senator is using is a figure that Senator FRITZ HOLLINGS points out we should not use, and that is net interest. There is no area of Government where we subtract the earnings before we calculate the interest. So that the interest paid to the Social Security fund, for example, is not counted as interest on net interest. The gross interest, which really is the figure we ought to use, is already in excess of what we spend on defense.

So the figures that my colleague from Alaska is using are very conservative figures in terms of what the costs are. I have to believe if the American people understood that, they would say we have to do something to get ahold of this.

I thank the Senator for yielding.

Mr. MURKOWSKI. Mr. President, I appreciate the point of my friend from Illinois, and I commend him for his diligence in leading this effort, which is in the best interest of our Nation, not only for our own internal security but the health and vitality of America. I say to my friend from Illinois, as a banker by profession, I can tell you that interest is like owning a horse that eats while you sleep. It provides no jobs. It goes on day and night. Its productivity is very hard to identify. It is only identifiable for those who receive it, but for those who are paying it, it is a cost of doing business.

The theory of interest is that you can make money with some borrowed money by investing it and doing something like increasing inventory, increasing jobs. But what we are doing with interest as a Government is simply mortgaging the future because with the debt that we are continuing to pile up and the interest that we are having to pay, we are finding now that we are having to borrow to pay the interest.

There are those who say, well, this can go on. But reality dictates that it cannot. If there is anything we can learn from history, it is that what goes around comes around. And the day of reckoning will happen. I will explain very briefly how it is going to happen, Mr. President.

Because in the last year, the Federal Government has been able to take advantage of low short-term interest rates, it is my understanding that they have converted more than 20 percent of the debt into Treasury bills with a maturity of less than a year. That is a good thing to do because interest rates are low. Although this short-term money management strategy has reduced our annual interest bill, it opens the Federal Government to great financial risk should interest rates rise. And what goes up comes down.

Over the next 5 years, Mr. President, we are going to have to refinance the vast majority of our outstanding debt. We are going to have to refinance 82 percent of that debt over the next 5 years. The administration's budget, which projects that we will spend more than $1.172 trillion in interest expense, assumes that 10-year Treasury notes will carry interest rates at only 5.8 percent. That is the assumption. Testimony from Fed Chairman Alan Greenspan casts grave doubt on that projection, and it should be noted that as of today, 10-year notes are paying more than 6 percent. So we are already off on our projection.

Mr. President, I remind those who have short memories of December 1980. The prime rate in the United States was 20.5 percent—as few years ago as that was.

So to suggest that it cannot happen, Mr. President, is not reality. It can happen. As we look at rates today, with Treasury notes paying more than 6 percent on 10-year notes, and yet an assumption that the rates will be only 5.8 percent, I would again remind my colleagues that in December 1980 the prime rate was 20½ percent. Where would we be in this Nation today with those kinds of rates? We would be completely broke.

According to CBO, if interest rates rise only by 1 percent, the Government will have to pay an additional $150 billion in interest charges on top of the $1.1712 trillion projected. That would mean that by 1999 our annual interest rate would approach $300 billion, which is $30 billion more than the entire Federal budget was barely 20 years ago.

Mr. President, again I say we are broke. We are borrowing just to cover our interest costs. We are subject to shifting winds of international investment flows where a minor change of economic policy in Bonn, Tokyo, or London has a direct effect on the U.S. Government and our ability to service this unending sea of debt.

Again, can anyone imagine what would happen if the owners of our debt—and I might add that 18 percent of our debt today is held by foreign interests—called that debt? If they called in more than the $4.5 trillion of debt that is held out there both foreign and domestic? How would we pay the owners off? We could not unless we inflated our dollars to the point that what $1 buys today would actually be worth perhaps 10 cents. Let us remember, Mr. President, money goes to the highest return and the least risk. That is where investment goes.

In order to maintain the borrowings that we need, we simply have to pay the going rate. We have no other alternative.

So we are placing ourselves in a very dangerous position, beholden to those that can look at the United States and say the United States has to have this money at any price, and in competition with other areas, Bonn, Tokyo or any other country willing to offer high interest yields.

But we have no leverage. We are simply going to be dictated at some point in time by those capital markets that look at the United States as the highest return with the least risk but can move out tomorrow, and with our short-term borrowing position, that could happen in a relatively short term. That is where we are because again interest rates will rise.

Some have argued that we do not need to amend the Constitution to achieve a balanced budget. It is said that all we need to do is find a bipartisan solution that we can enact into law so that we can achieve the desired results. But history suggests that legislation will not resolve this issue. On three occasions, Mr. President, over the past 10 years, legislators on both sides of the aisle sat down with our President. They hammered out so-called solutions to solve the deficit, and on every occasion the promise of a zero deficit has evaporated because we in Congress have never had the political courage to do the one thing that would bring down the deficit—reducing spending. We have voted to raise taxes on more than one occasion, but we have never yet cut or frozen spending.

We have never faced up to the challenge of runaway entitlements which today account for 52 percent of Federal spending and will grow to 59 percent by the end of the century. Quite the contrary. We have generally placed entitlement spending off limits in all of the budget deals that have been negotiated over the past years.

I am going to go over three charts very briefly because we have a history of sounding tough about budget agreements that we give birth to in this body. The first chart shows the promise and reality of Gramm-Rudman one which we all remember which we adopted in 1985. As you can see, Gramm-Rudman was supposed to bring the deficit down from $171 billion to a zero over a 6-year period ending in 1991. The deficit was supposed to come down basically by $36 billion a year. But in reality, in 1991, instead of a zero deficit, we were at a record of $269 billion. So there went Gramm-Rudman, all the reality, all the dialog, all the promises.

Let us move to chart No. 2.

The second chart shows the revision we made to Gramm-Rudman in 1987. Most of you will recall that debate. This was going to fix everything. In that year, we revised the original targets. This time we promised a zero budget by 1993. Quite frankly, this agreement was an even more astounding failure than the original Gramm-Rudman. But it was not the fault of the authors, Senator GRAMM and Senator Rudman. It was the fault of Congress because Congress found enough ways around the law that when the deficits were supposed to be $100 billion in 1990, it turned out to be more than double. It was $221 billion, and in 1991 the deficit was supposed to be $64 billion. Instead, it was more than 400 percent higher, a record $269 billion.

In 1992, the deficit was supposed to be $28 billion. In reality, it was 1,000 percent higher, at $290 billion. Of course it was clear, Mr. President, that none of the targets were even remotely met.

So President Bush entered into the summit agreement that we all recall. He broke his no tax pledge which I think was a disaster, and the American public was again led to believe that we were finally going to get a handle on the deficit.

Here is chart No. 3.

This chart shows how the deficit was supposed to come down as a result of the 1990 agreement. Unlike the earlier budget agreements, this time the deficit targets were allowed to be adjusted, and the deficit targets did not include off-budget trust fund balances. What this chart shows is that by 1995, the on-budget deficit was expected to be only $83 billion. In fact, the chart shows the actual deficit is 270 percent higher, at $225 billion.

What these charts show is that there is no reason for the public to really put its trust in the Congress or the Congress' ability to come up with a budget plan that will eliminate the deficit.

History repeats itself. There are three of them. We all remember them. We were all a party to them. And the consequences are where we are—we have not addressed the deficit. Quite the contrary. In the 10 years since we enacted the first Gramm-Rudman law, spending has increased more than 53 percent, from $990 billion to more than $1.5 trillion. Interest payments increased 57 percent, from $136 to $213 billion; and the national debt more than doubled, from $2.1 trillion to more than $4.5 trillion. So there is the history of it, Mr. President.

What is the future? What is even more disconcerting is that the administration, which opposes this amendment, and which a year ago was able to get congressional Democrats to go along with a $500 billion tax increase, appears now to have abandoned the goal of bringing the deficit under control. Its latest budget shows an unending stream of rising deficits and debt, with no solutions recommended.

President Clinton told us his health care reform program would help bring down the deficit. But the reality is that his proposal for massive Government intervention in the health care market does not reduce Government spending; it adds $135 billion more Government spending, and larger Federal deficits are in the future.

Mr. President, our incapacity to seriously address the deficit ensures that we are going to pass on to future generations a Government strangled by debt and incapable of making the investments in education, public health, resource development, and scientific research that will enhance our future standard of living. The only way to guarantee that we break our addiction to debt is to try what is before us—and I commend the Senator from Illinois again—which is to amend the Constitution. The proof is in the pudding. Nothing else has worked.

Mr. President, some of my colleagues here, including the distinguished chairman of the Appropriations Committee, have raised serious questions about the propriety of including this amendment in our Constitution. One of the most important issues that has been raised is that the amendment could make it impossible for the Federal Government to respond to an emergency such as we recently saw in California; or that the Federal Government could exacerbate an economic recession by having to raise taxes or cut spending at precisely the most inappropriate moment.

Critics of the amendment fail to recognize that the amendment has a degree of built-in flexibility. We are not rigidly locked into achieving balance in every year. Under the amendment, Congress has the authority to waive, by a three-fifths vote, the requirement for a balanced budget in any year. There is a safety valve. None of us would deny victims of a flood or earthquake access to relief funds, nor to turn a mild slowdown into a recession.

Mr. President, I remind my colleagues that we have not been in a recession for 33 of the last 34 years; yet, we have been running deficits for all those years. A little food for thought. What this amendment aims to do is to make deficit spending the exception rather than the rule. When unforeseen circumstances that affect the national interest require us to run a deficit, I am quite confident Congress will respond appropriately.

Much has also been made of the fact that since the amendment relies on estimates of receipts and outlays, situations will surely develop when estimates turn out to be incorrect. I have no doubt that will occur since the art of economic estimating is far from an exact science. However, when Congress adopts statutory language to implement the amendment, we can surely write into law default mechanisms that would address the estimating problem. For example, if it turns out the actual outlays during the year exceed projections by more than 2 percent, we can require that such a shortfall be made up in the next fiscal year. That is just one example of how we can address the problems inherent in economic forecasting.

The limitations of economic forecasting should not be allowed to deter us from achieving our ultimate goal—to bring spending into balance with revenue.

Finally, there is no doubt that we are going to face some very, very hard choices if this amendment is adopted. But we have put off those tough choices for far too long. The price for our continued inaction will be paid by our children and grandchildren, and their grandchildren. We were not elected to make easy choices, Mr. President. Let us take the last remaining step we have to right the course of this Government and adopt the pending amendment.

I thank the Chair and yield the floor.

Mr. SIMON. Mr. President, I will just take 1 minute. I commend my colleague from Alaska—and particularly since he is a former banker—for his comments about interest. We are really at a fork in the road where we are going to determine whether we are going to have higher interest rates in the future or lower interest rates.

It was very interesting that the Wharton School, last Thursday, projected that if this passes, 30-year bonds would drop from 6.5 to 2.5 percent. That is a very, very significant thing that I am sure my friend from Alaska understands. I am not here guaranteeing that is going to happen, but I do not think every projection is that interest rates are going to go down if we pass this. I think it would be a great boon to our Nation. I thank my colleague.

Mr. DOLE. Mr. President, is leader time reserved?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DOLE. Mr. President, I congratulate my colleagues on the floor, the Senator from Illinois, Senator SIMON, Senator CRAIG, and my friend from Alaska, Senator MURKOWSKI, for making a case, which I will be making later, in support of the balanced budget amendment.

My view is that it is going to be very close. There are undecided Senators on both sides of the aisle out there. Hopefully, we will have an opportunity to listen to some of the statements being made. I know it may be a difficult choice for some. I think, as the Senator from Alaska just pointed out, it is the right choice. I hope we can prevail, not just because we want to prevail, but because we are concerned about the next 20, 30, 40 years in our country and about future generations.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, at this time I wish to address just a few of the problems that I have with the constitutional amendment that is proposed by Mr. SIMON and others, and a few of the points that have been raised during the discussion.

Mr. President, Mr. SIMON, the very able and distinguished Senator from Illinois, with reference to the provision that requires a three-fifths majority, section 1, where total outlays for any fiscal year may exceed total receipts for that fiscal year, then a three-fifths majority of the whole membership of each House can provide for a waiver.

As I indicated last evening, that three-fifths majority vote may be pretty difficult to get.

Section 2 again refers to a three-fifths supermajority.

> Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote.

Mr. President, with reference to section 2 in particular, we are talking about the debt limit, the fact that it may have to be increased.

What if it is not increased? What if it is not increased? We are talking about debt that we have already accumulated and we are about to have to raise the debt limit. We already owe the debt and it is necessary to raise that debt limit because it is necessary under certain circumstances to add to the debt. I have seen that situation arise here in the Senate a good many times. What if we do not raise it? Social Security checks will not go out. The Federal Government will shut down. Veterans compensation checks will not go out. Veterans pension checks will not go out. So what are we going to do? We have to raise that debt limit.

I can remember the games that were played here when we were in the minority. We Democrats would say, "Let us let them"—the Republicans who were then in the majority—"Let them produce the votes. We will help them, but let us make them walk the plank. So hold back your votes," we would say to our colleagues.

As majority leader, I would say to my colleagues, "Hold back your votes and let us make the other side walk that plank because they have made us walk the plank in the past when we were in the majority."

So those games are played. They are political games and they are partisan games. Perhaps they should not be played but, realistically, they are played and they will be played in the future.

The point I am making is, it is difficult to produce 51 votes to raise the debt limit. The debt limit is seen as a horse which is sure to get through to the President's desk. Many Senators on both sides of the aisle have played games with that horse and tried to add this rider or that rider, this amendment or that amendment, knowing that the amendment will reach the President's desk because that is a bill that has to go, or else Government will shut down. So, there are games played with that bill.

Now we have this amendment saying:

> The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

That means 60 Senators must provide by law for such an increase by rollcall vote once this amendment is welded into the Constitution. We cannot do it with 51 votes anymore, or with 49 votes in the event there are only 97 Senators voting. We have to have 60 votes of the whole number. If there is a snowstorm and only 60 Senators are able to get to the Capitol, we may be able to get a majority of the 60. We may be able to get 31 votes but that will not be good enough. If only 60 Senators can make it to the Capitol, in a snowstorm, we will still have to produce 60 votes in order to raise that debt limit. This is really playing with fire, playing with dynamite.

If 70 Senators are able to get to the Capitol we shall have to get 60 of that 70; not 35 plus the Vice President's vote to break the tie, 35–35; not 36 out of the 70. We will have to produce 60 votes out of 70 in the case of one of those January ice storms that we have seen during this winter.

Now, that is tough. Let me remind Senators of a very recent situation in which it was tough to get a majority and, as a matter of fact, we did not get a majority of Senators. That was last year when we passed the budget deficit reduction package that had been worked out between the President and Members of the House and Senate. We produced how many votes? We produced 50 votes in the Senate. We have 100 Senators; we produced 50 votes. We did not produce a majority. We produced 50 out of 100 votes, and the Vice President had to break that tie because not a single Member on the other side of the aisle—not one Republican in this body or the other body—voted for that deficit reduction package last year for various reasons. Some of them did not like the fact that it raised taxes on the wealthy.

The point I am making is that it is extremely difficult, if not impossible at times, to get 60 votes when partisan politics are involved.

So what did we do? We had the Vice President of the United States come up and sit in that chair and cast the vote breaking the tie. Vice President GORE used to be a Member of the Senate, but he was not a Member of the Senate last year when he cast that tie-breaking vote. He was the Vice President of the United States. He is not a Member of the Senate. So we had to depend on the Vice President of the United States, who is the Presiding Officer over this body under the Constitution, but not a Member of this body. We had to depend upon him to get us across the line, and he just barely got us across. In other words, we got 51 votes out of 101 votes by having the Vice President.

So do not let it be said that getting a three-fifths vote is always easy. It is not. It is not easy to get cloture always. My good friend from Illinois, Mr. SIMON, will remember the stimulus package of last year. He and I supported that stimulus package, but we were never able to get 60 votes to stop a filibuster on that stimulus package. Eight times I tried to get 60 votes when I was majority leader in the 100th Congress to invoke cloture on legislation dealing with campaign financing. I was not able to do it, eight times. Robert de Bruce, a king of Scotland in the 14th century, tried the 7th. He succeeded on the seventh time. ROBERT BYRD tried eight times and never succeeded. I knew that we would not produce that 60 votes. So it is not always easy to produce a supermajority vote.

As I said last evening, and I shall emphasize today, placing these new supermajority requirements into the Constitution is contrary to majority rule, and majority rule is a fundamental principle underlying our Constitution. It is a fundamental principle underlying a representative democracy. In a democracy, the majority rule. That is a basic undergirding principle in the Constitution of the United States. This amendment would violate that majoritarian principle.

We have five instances in the Constitution in which there is a supermajority vote required. Article V of the Constitution provides for the amending of that organic document by a supermajority. The Constitution also requires a supermajority requirement to override a Presidential veto. It requires a supermajority vote in the Senate to approve the ratification of treaties. It requires a supermajority in either House to expel a Member, and it requires a supermajority in the Senate to convict a President or any other Federal officer under an impeachment proceeding.

Well, why can't we add another supermajority? That is what the distinguished proponents of this amendment are saying: Why can't we add another one?

Mr. President, there is a great difference in the subject matter of the supermajorities that are required in the Constitution and the new supermajority that would be written into the Constitution as a requirement under this amendment. The supermajorities that are in the Constitution deal with matters concerning which, if the supermajority is not secured, then the status quo remains and the status quo is acceptable. If we do not get a supermajority in the Senate, two-thirds, to approve the ratification of a treaty, well, we just won't have that treaty. We will go on as we did before.

If we do not get a supermajority in the Senate to convict a person who is impeached, well, things will go on as they were. The status quo will govern.

If we do not get a supermajority to override a Presidential veto, the bill that he vetoed is back at the starting gate. We were unable to override his veto. We stick to the status quo. We start all over again. We try again the next year to pass the bill. We have done that before—pass bills in successive Congresses, bills which were vetoed but we came back and tried them again. So the status quo is acceptable.

In the case of the expulsion of a Member, if we do not get the two-thirds, he or she remains a Member.

The underlying status quo remains if we fail to get those supermajorities that are written into the Constitution. In the case of article V, that supermajority has its own rationale. If we cannot get two-thirds in both Houses to adopt a constitutional amendment, the rationale is self-explanatory. As to convicting an impeached officer, that two-thirds requirement is for the protection of the checks and balances principle. Who would say that we should convict the President of the United States, the Chief Executive, by a majority vote? The framers did not believe it ought to be that easy. They were thinking about checks and balances.

It would be easy to rupture the checks and balances between the executive and the legislative branches if the House could impeach a President and the Senate could convict him by a majority vote. Thus, there is a check-and-balance principle in that requirement for a supermajority to convict the Chief Executive or any other executive officer. The same exists with regard to impeaching Supreme Court members or other Federal courts. A two-thirds supermajority is required to convict. Again, that principle derives from the principle of checks and balances in our Constitution.

Now, we are talking about nailing into the Constitution a new supermajority requirement dealing with economic policy. Checks and balances are not involved.

(Mr. DORGAN assumed the chair.)

Mr. BYRD. In this case, we are talking about microeconomic policy when we talk about balancing the budget, whether we have to raise taxes, whether we have to cut spending or have both. And we are talking also about a circumstance that may be very desirable at one time but very undesirable at another, a balanced budget at one time or another is desirable. But there are times when it is not desirable, as in the case of a recession. In the Eisenhower administration, the Eisenhower administration went quickly from a $3 billion surplus to a $9 billion deficit. It did so within four quarters. And so there are times in a recession when a balanced budget is not needed or desired.

On another day, I expect to talk about the power of the purse. I may wish to talk a little about English history on that occasion.

Today, I wish to make reference to a very great fear that I have, the fear being that if this amendment is adopted and if it is ratified by the necessary three-fourths of the States, it will have the inevitable result of bringing the courts into the equation.

Oh, you say, they will not come into it. They do not get into a political thicket. Well, it is not just that it is a thicket. It is a political thicket. But the courts in recent years have been showing a proclivity to get into those political thickets.

We would have an amendment to the Constitution that says in section 1: "Total outlays for any fiscal year shall not"—no maybe, no perhaps—"exceed total receipts for that fiscal year."

No ifs, ands, or buts.

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

I will pause right there.

So the American people are going to be told we have balanced the budget now. We passed the balanced budget amendment. What a great day this is. We have at last now had the courage.

I hear it said that we need courage to vote for this amendment. You talk about where courage is needed. You vote against this amendment. That takes courage. Vote for it. That is easy, because it sounds good. It does not raise one dime, not one thin dime, not one dime that has worn so thin you can almost see through it. Not one thin dime in taxes does it raise, nor does it cut one copper penny out of any program. How easy!

Why had I not thought about it before? My, what a great idea this is. We just adopt this little piece of paper.

Where is that little piece of paper? Here it is. How easy that is. Adopt that little old piece of paper and you mean to tell me we are going to balance our Federal budget? Yes, sir, because this little piece of paper says so. Section 1:

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

Well, let us see what another section says.

Now, another section of this amendment says that Congress shall have the power—section 6 I believe it is—yes, section 6. All in this same little piece of paper. Section 6:

> The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

In the first section, we say:

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

Section 6 says, well, we do not exactly mean what we say in section 1. Congress is going to have to enforce this by legislation, and it says, in section 6, no, we will not balance the budget. What we will do is balance the estimates. We are going to balance the estimates. Section 1 says we are going to balance the budget. We are going to balance outlays and receipts to the penny. We go over to section 6. Well, we do not quite mean that. We need only to balance the estimates.

"Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates"—estimates, estimates—"of outlays and receipts."

The Constitution does not say that a particular bill requires a different procedure from any other bill, except it says that revenue bills shall start in the House. The House shall initiate revenue bills. That is the only instance, regarding bills, in which there is a difference in process required by the Constitution between the two bodies. Revenue bills shall be initiated in the other body, the House, but the Senate may amend such bills, as in the case of other bills.

We passed a crime bill in this body last year. It has not been enacted into law yet. But suppose in that crime bill there are certain receipts, or in the Interior appropriation bill there are certain fees collected from visiting parks or whatever. Wait a minute. When is a fee a fee, and a fee a tax?

I have been reading about some disagreement between the President of the United States and CBO with respect to health care legislation. CBO says that an employer mandate would be a tax. The President says, oh, no, that would not be a tax.

Now, as Alexander Pope said, "Who shall decide when doctors disagree?" Well, when we have a disagreement of that nature, and we have this amendment written into the Constitution, who is going to decide? The courts. The courts are going to decide. Why? Because the Constitution is law. It is positive law. It will trump any other law passed by the Congress, any law. The Constitution is the supreme law. And judges, Federal and State, take an oath to uphold that Constitution.

While they may sometimes find ways to avoid getting into thickets dealing with some political questions, one thing they will not avoid is the aggrandizement of power by one branch over another. They are sworn to uphold the law, the law being the Constitution. And it is the responsibility of the judges to interpret the law. With this amendment to the Constitution, the courts will become an active player. When the judicial branch gets involved in taxation and appropriations, then my friend, Mr. SIMON, who spoke about "taxation without representation," you will have it. When unelected judges, who are appointed for life, get into that matter, you will have taxation without representation. The people would say, who elected those judges to impose taxes on us?

So a citizen, or a group that has standing would go into the court and say, well, this park fee is a tax, or the money generated in this crime bill, that is a tax. And under this new amendment to the Constitution, bills raising revenues are required to have a majority of the whole membership of both bodies. That crime bill did not have such a majority. Moreover, they would allege, if it were the case, that the Crime bill—which raises revenues—did not start in the House where the constitution says revenue bills shall begin. It started in the Senate. Moreover, it did not have the Constitutional majority of 51 percent of the whole membership of both Houses. So, Mr. Judge, this bill that imposes this tax on me is not constitutional. Section 7 of article I of the Constitution says revenue bills are to be initiated in the House. Well, I think the judges would have to agree.

In some instances, the President's advisers would say, well, now, Mr. President, section 1 of this new amendment that has been riveted into the Constitution states that outlays shall not exceed receipts. Those men and women up on the Hill, they argued, they went around and around on the head of a pin, but they have not acted to bring outlays and receipts into balance. They have not lived up to the Constitution. Therefore, it is incumbent upon you because you have the sign on your desk, Mr. President, "The Buck Stops Here." You should impound moneys.

Oh, the President might say, "I cannot do that. Don't you remember the Budget Impoundment Act of 1974? That says I cannot impound money."

Oh, but, Mr. President, his advisors would respond, the Constitution is the supreme law. This new provision in the Constitution trumps the 1974 act. You have a responsibility to uphold this Constitution. So you should impound the funds.

Heretofore, the President's advisors have said that he had inherent powers as Commander in Chief to impound or to exercise a line-item veto or to rescind. They will no longer make that argument. They will say that the new constitutional amendment gives him that power.

So, the President may order the Social Security Commissioner not to send out the Social Security checks or to reduce the payments in order to bring outlays and receipts into balance.

He may also decide to include veterans' compensation checks, or to close down a number of veterans hospitals, or whatever. A recipient of Social Security payments will say, "By law, I am entitled to have the full payment I have been used to getting. And look at my new check here. It has been reduced 20 percent, or 10 percent, or whatever. I want what is due me."

Therefore, the courts may order Congress to raise taxes. Taxation without representation? Yes. We fought one war over the principle of "taxation without representation." We may have to fight another one.

The courts, the most ill-suited branch of the Government, get into the complex matter of balancing budgets—deciding what constitutes an "outlay" or a "receipt," what is "off budget," what is "on budget." The courts are most ill-suited for that. They are not equipped to do that. Those are questions meant to be left to the elected representatives of the people.

Judges do not stay in contact with the people, as do politicians in Congress. They are not like the itinerant justices in the time of Henry I, who reigned in England until 1135, or Henry II, who reigned from 1154 to 1189. Henry II increased the number of itinerant justices from the curia regis who went out into the shires in the country and held court. He also increased the number of writs, because that was additional money for the crown.

Members of the Federal and State courts, honorable though they be, are not equipped for that job. They are very ill-suited. But, this amendment places, ultimately, the most ill-equipped, ill-prepared branch of the Government in charge of balancing the Federal budget. I am very, very concerned about that.

We have been quoting Hamilton and Jefferson and Madison and George Washington. Well, Hamilton was conservative. He liked the idea of having a strong Executive. He was one of the 39 signatories of the Constitution. What did he say in the Federalist Papers, No. 78? Hamilton and Jay and Madison decided that in the State of New York they would need to write essays that appeared in various papers in New York State in support of the Constitution. The vote was going to be very close in New York on ratifying the Constitution. In Federalist 78, Hamilton said:

> The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse * * *
>
> The judiciary is, beyond comparison, the weakest of the three departments of power.

That is not ROBERT C. BYRD talking. That is not the owner of the little dog Billy Byrd talking. It is Alexander

Hamilton. What did he say? He said the judiciary is, beyond comparison, the weakest of the three departments of power.

What would this amendment to the Constitution do to Hamilton's prescribed role as set forth in Federalist No. 78? It would stand it on its head and it would place into the hands of that so-called weakest of the three departments of power the most complex matters involving fiscal and budgetary policy, which were intended to be left in the hands of the elected representatives of the people. It should give every Senator cause for concern. A case in West Virginia would be proceeding at a certain pace; there would be a case in Illinois proceeding at a different pace; there would be a case in North Dakota proceeding at a different pace. When one considers all of the things that happen in court cases—discovery, arguments, appeals, and on and on—one can understand that those cases, once they are finally decided, may be different in their rationale, different in their results, and it may take years to decide questions that were intended to be debated and acted upon in Congress within a few weeks or months.

Talk about a mare's nest of confusion; talk about opening a Pandora's box—you have it here.

Do we want, ultimately, nine black-robed judges ordering tax increases?

Oh, you think it will not be done? Well, just ask former Senator Thomas Eagleton of Missouri if it can be done. He will tell you to look up the case of Missouri versus Jenkins. It is possible under this amendment.

This amendment will damage the legislative branch, and I will have more to say about that at another time.

Mr. CONRAD. Will the Senator yield for a question on the point the Senator is making?

Mr. BYRD. Yes, just in one moment, then I will yield. Let me finish my sentence.

This will damage the courts. What will be the credibility of the courts? How much respect are the people going to have for black-robed justices who require the legislative branch to raise taxes; unelected justices? Their decisions would meet with cynicism if they began to order tax increases and funding cuts to enforce this amendment.

The judiciary is going to be irreparably harmed, the executive will be harmed, and the legislative branch will be harmed.

I hope that Senators will not look upon this vote as a throwaway vote or as a vote for which they can escape responsibility. They are going to be saddled with a heavy responsibility if this amendment is ever adopted.

Yes, I am glad to yield to the distinguished Senator.

Mr. CONRAD. I have been following this debate very carefully. I have found that one of the concerns I have about the amendment that is before us tracks very closely with the concern that has been outlined by the President pro tempore with respect to the question of the courts becoming involved.

One of the things I have thought about is, as you examine how the courts handle issues of this complexity, it is conceivable to me that under the provisions we have provided in this amendment we might wind up having a determination of the fiscal 1994 budget in 1995.

Mr. BYRD. Absolutely.

Mr. CONRAD. I think it would be most unwise to have a situation in which the courts would have the final power of the purse, perhaps not to decide by line item the budgets of the United States, but as the Senator from West Virginia points out, they might find themselves in a position of ordering across-the-board cuts, they might be in the position of ordering across-the-board tax increases. Is that not conceivable?

Mr. BYRD. Indubitably; absolutely.

May I say that as the chairman of the Appropriations Committee and as the chairman of the Appropriations Subcommittee on the Department of the Interior, I have found in my experience that in order to stay under the caps, in order to stay within the allocations of my subcommittee, the easiest way to do that and, as a matter of fact, the only practical way to do it is to have an across-the-board cut.

The courts may say, "Make it across the board." Then who says Social Security cuts will not result? Who says that veterans compensation payments will not be cut? They can all be cut under this amendment.

Finally, let me say—then I will yield again—no agency, no department, no program, no activity of the Federal Government will be immune from being cut—defense, domestic discretionary, entitlements; everything except interest on the debt.

I yield to the Senator.

Mr. CONRAD. Is it the case in the legal matter that involved the State of Missouri that the Federal courts ordered tax increases for the purposes of schools?

Mr. BYRD. Yes. It involved a civil rights matter in the educational field. The Supreme Court ruled that tax increases could be required of a school district. And the Court reserved to the Court itself the ground of levying that tax if necessary.

Mr. CONRAD. Of course, no one ever elected any judge or, for that matter, selected any judge for the purpose of making budget determinations in the Federal Government?

Mr. BYRD. Absolutely not.

And judicial nominees, when they come up before the Senate, do not want to answer a question on this or that. If you ask them how they feel about capital punishment, they do not want to answer the question because they may have to render a decision on it.

"Now, what is your position, Mr. Nominee, when it comes to imposing taxes in order to enforce section 1 of this new amendment?"

"Well, I might have a case come before me."

I daresay, if this amendment is agreed to, I would be very reluctant to support any judicial nominee who does not indicate to me, one way or another, before I vote, how he is going to stand on this matter.

Mr. CONRAD. If I could I inquire further, I must say I share the Senator's concern about involving the courts. I think that would be most unwise. It would dramatically change what our forefathers handed to us in terms of a constitutional document, the separation of powers which is fundamental to the success we have enjoyed for 200 years in this country.

Is it conceivable to the Senator that there is any perfecting amendment that could be offered to the legislation before us that would take the courts out as the final arbiter?

Mr. BYRD. Yes, it is conceivable. I think it would have to be offered to the amendment rather than at such time as the matter comes back to the Congress to be resolved by legislation. Because if it were put into legislation, then that would probably be unconstitutional in view of the fact that this constitutional amendment did not authorize it.

Yes, I think that would be conceivable.

Mr. CONRAD. Could I ask one other question, and that is on the previous chart with respect to section 6.

Mr. BYRD. Let me again respond to this question before we go to another.

Yes, in this constitutional amendment we could include a provision that would preclude the Federal and State courts from any such involvement here or we could lay down certain limitations.

But, Mr. President, as Chief Justice John Marshall said, "Let us not forget that we are expounding a Constitution."

Let us not forget, if I may paraphrase, that we are amending a Constitution.

Now, to have an amendment here limiting the courts and precluding the courts from becoming involved, would only deal with half of the problem. It does not keep the Executive from exercising the power of the purse. If the courts cannot intervene, it only increases the likelihood that the President himself will take the bull by the horns and say, "I will impound these funds. I will line item this out. I will rescind this and this and this and this," and, as a result, the President acquires a control over the purse that he does not have in the Constitution that has come down to us. Consequently, I would consider that as mortal a danger to the separation of powers and checks and balances as if the courts intervened.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Let me continue to yield to this Senator first.

Mr. CONRAD. If I might go to the second question, because section 6 also is a great concern to this Senator. It is a concern to me because the language says, "the Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." I would like to inquire of the Senator, does that not put us back much in the condition that we faced with respect to Gramm-Rudman that held out the promise of a process which would lead us to a balanced budget over a 5-year period? What we found was there was a gigantic loophole in that legislation. The loophole was you could base it on estimates or projections. And we got "Rosie Scenario."

Mr. BYRD. Yes.

Mr. CONRAD. Good old "Rosie Scenario," in which every year we were presented with estimates that simply overestimated revenue, underestimated expenditures. And for the purposes of meeting the requirements of the legislation, once we had passed through the budget cycle and met the projections, we had done the job. And of course the result was the deficit grew geometrically.

Does that not subject us to the same danger with section 6 of this amendment?

Mr. BYRD. It does. But in that instance we were finding a way around a statute. Here we are finding a way around the Constitution of the United States.

In section 1 we say outlays shall not exceed receipts. In section 6 it says, oh, well, we do not really mean that. "Congress shall enforce and implement this article by appropriate legislation * * *" which will balance—not the budget, not balance outlays and receipts, actual outlays and receipts because they can only be balanced after the close of the fiscal year, and I mean a few weeks after the close of the fiscal year, because it is only then that we really understand what the outlays and receipts are—but this will say we do not really have to balance the budget, we can just balance the estimates of outlays and receipts. And we have seen what happens when we deal with estimates.

Mr. CONRAD. And, perhaps, not delivering the promised result at all?

Mr. BYRD. Not delivering the promised result at all.

Let me cite to the Senator what the committee report says, the Judiciary Committee report. When it reported this amendment to the Senate it also submitted its report on the amendment. So here is a chart titled, "What Does Section 6 Mean?" That is the section we were just talking about, which allows the Congress to balance the estimates, which is not what the people are being told at all. Those estimates may be off by billions of dollars—tens of billions of dollars.

Mr. CONRAD. And have been in the past.

Mr. BYRD. And they have been in the past. We have never seen any estimate—and this is not the fault of the CBO or the OMB. It is just impossible. Only God—only God—and He is not being called upon in this debate, He is not going to be asked by the courts——

Mr. HATCH. Yes, he is.

Mr. BYRD. Only God can say, prior to the end of a fiscal year, what the outlays are finally going to be and what the receipts are going to be.

What does section 6 mean, then? The Judiciary Committee reported this constitutional amendment which says two things, balance the outlays and receipts in section 1; balance the estimates of outlays and receipts in section 6.

So there has to be some explanation. Well, what does section 6 mean? Reading from the report.

"This provision gives Congress an appropriate degree of flexibility * * *" Section 1 did not give——

Mr. CONRAD. Any flexibility.

Mr. BYRD. Any flexibility. But "This provision gives Congress an appropriate degree of flexibility * * *" What is an appropriate degree? "* * * in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable * * *" What does that mean? "* * * so long as the estimates were reasonable and made in good faith."

Again, let me refer to the all-knowing, omniscient, omnipresent, omnipotent God. Only God knows what we are saying—what is in good faith. I cannot tell whether the Senator is acting in good faith. He does not know whether I am acting or speak in good faith. But so long as they are reasonable and made in good faith, Congress, then, could say that the requirement is satisfied.

"In addition, Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article." So Congress can say that the article is not violated. Congress could say that it is all right to violate it.

"Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1." How much is small? In a budget this year of $1.474 trillion, how much is small? Fifty billion dollars? Five billion dollars? Ten billion dollars?

Fifty billion dollars would be small in a $1.474 trillion budget. That is small, is it not? Fifty billion dollars is small? It only constitutes 3.3 percent of total budget. That is small.

We have given you one way to get around this. We have given you two ways. We have given you three ways. Here is another way.

"If an excess of outlays over receipts were to occur, Congress can require that any shortfall must be made up during the following fiscal year." So you can just roll it over.

Suppose the following fiscal year there is a shortfall? Then we merely compound the problems in that subsequent year by rolling over the shortfall in the preceding year. So the committee report itself anticipates that the budget will not be balanced.

Mr. CONRAD. Might I just pursue this a bit further and ask the Senator if, in fact, this would not appear to be ripe for further court intervention? That is, what is reasonable? What is in good faith? What represents very small, or negligible deviations? Would any citizen have standing to go to the courts to question whether or not what was adopted by the Congress represented, in fact, a constitutionally acceptable definition of reasonable good faith?

Mr. BYRD. I do not think that the standing would necessarily be a major problem in a matter of this kind. Some citizens or groups or Members of Congress themselves might have standing.

The point is that somebody somewhere will find a reason to go into court, and the courts will take that case. They will take that case. As one who used to play a few tunes on the fiddle, there was a tune called the "Fiddler's Dream." This amendment is the lawyer's dream, the litigator's dream. You talk about improving the economy. This amendment will really improve the economy insofar as litigators and lawyers are concerned. A lawyer's dream. Yes.

Mr. CONRAD. In fact, we might have a whole budget section over at the Supreme Court. You might see an exodus of the budget experts on Capitol Hill. We would be in a contest with our courts now to have their own budget experts.

If I can make one further inquiry, and that is with respect to what States that have a balanced budget amendment do to avoid or evade the requirements of a balanced budget amendment.

I would be interested in the perspective of the chairman of the Appropriations Committee on what States do. I just had a conversation with a fellow Senator from another State who said in his State they have a balanced budget amendment but they get around it by having off-budget items in which they go to a taxing district, or some other district that is permitted to issue bonds, to take on debt and then they service that debt by having payments made to that other entity. It is not State government strictly speaking. By that artifice, they avoid the requirements of a State balanced budget amendment.

In fact, I just read last night a study that indicated the vast majority of States that had a balanced budget amendment in fiscal year 1991 actually spent more than they took in. In other words, the vast majority found ways around the balanced budget requirements they have in their own Constitutions by this method of taking things off budget, by shifting the timing of spending and by other artifices that they have creatively, I might say, conjured up. Is it the Senator's understanding that is the case with respect to States?

Mr. BYRD. Yes, that is my understanding. The States—most of them—operate on two budgets: An operating budget and a capital budget. The capital budgets do not have to be balanced and most of the time probably not balanced, and the operating budgets are not always balanced either. States do resort to various gimmicks.

In addition, the States are unlike the Federal Government. Just lay down the constitution of the State of West Virginia and compare that constitution with the Federal Constitution. In the first place, the constitution of West Virginia would be about seven or eight times longer than the Federal Constitution. It goes into all kinds of detail.

In the second place, the constitution of West Virginia does not have to deal with the common defense, the common welfare of this country, national economic policy, international relations, treaties with other countries, interstate and foreign commerce, the raising and supporting of armies, the providing and maintaining of navies. States do not have those things to worry about.

They do resort to all kinds of ways. They put items off budget or they will mandate the counties or the municipalities to carry out some function or program; thus, it does not show up as an outlay on their budget. The Federal Government will resort to the same thing if this is ever included in the Constitution; it will be. And then what happens? The lack of confidence that the American people have today, the cynicism that is prevalent throughout this country will be increased manyfold because they will see that those Senators did not really mean what they said when they adopted this constitutional amendment. They did not balance the budget.

What did they say? They said it is all right to balance the estimates. What did they say? Who will enforce it? This amendment says that the Congress shall enforce it. Well, that is where it is right now. My friend, Mr. SIMON, in essence says: "These Senators get around these statutes; they play games with the statutes; they will amend the statutes; they will say one thing on Gramm-Rudman and the next year they will change that statute and make it say something else. So we have to have something to force us," Senator SIMON says, and other Senators who are supporting this amendment say, "We have something to force us, we have to have this little piece of paper here to force us, to give us the courage, because otherwise we Senators play games. But if we get this constitutional amendment, we know we cannot play games."

What makes you think so? The amendment itself says that Congress shall enforce through appropriate legislation, through statutes which can be amended by us weaklings who need this piece of paper to be strong. Why take 7 years to say—the old tune: 7 years with the wrong woman. Here we are going to have 7 years sending this amendment out to the people to be ratified by their legislatures and after all that time, it comes right back here, where it is now; here among we Senators who cannot be trusted, who do not have the courage, who do not have the backbone, who do not have the spine; we will get around statutes, but the amendment says that is how it is going to be done, enforced by the Congress through appropriate legislation.

Mr. CONRAD. Can I ask, is there any way, in the Senator's judgment, that using estimates, which I think at least some of us see as the Achille's heel of what is before us because of our experience, bitter experience, with Gramm-Rudman which held out so much promise to the American people and failed so completely, is there any way in the Senator's judgment that that defect could be corrected and be workable?

Mr. BYRD. If this balance is done on the basis of estimates, there is no estimate that will ever be accurate.

Mr. CONRAD. In fact, this would encourage inaccurate estimates?

Mr. BYRD. It would encourage inaccurate estimates, and all of the estimates going over the past 10 or 12 years, as I showed on the chart earlier, are off. Some revenue estimates are overly optimistic, others are not. Some outlay estimates are overly optimistic, others are not. The point being that they are always off, one way or the other. To depend upon estimates is a very weak reed upon which to lean.

So the people are going to be chagrined and disappointed. We are being given wiggle room, may I point out to the Senator, when we can use estimates, when the Congress can use estimates under section 2. The President is not being given that wiggle room. There is a section in this amendment which says that the President shall send up a balanced budget. It does not say anything about using estimates.

So the President is being ordered to do something that is far different from what his responsibilities are under the Constitution. He is being ordered to say, whether you like it or not or whether you believe it or not, you have to send up a balanced budget.

Now, from time to time around here some of us have voted the President should send up a balanced budget. The truth of the matter is we played politics when we did that. We tried to point out no President has ever sent up a balanced budget in the last several years, so we played politics. Well, that was a statute. This is the Constitution. This amendment says the President cannot send up what he believes is an honest budget because if he exercises honesty and truth, he is going to have to point out the budget is not going to be balanced. But he is ordered here to send up a balanced budget, a budget in which the outlays will not exceed receipts.

Suppose the President believes that the economic situation is such that there needs to be an unbalanced budget; there is a recession coming on and it will get worse if he does not exercise the countercyclical fiscal tool that has been available to him.

So he may think he ought to send up an unbalanced budget, but he is going to be ordered by this amendment not to do that. Send up a balanced budget in which the outlays do not exceed receipts. That is going to damage the President. It is going to make him a weaker President, and it will do that harm to the checks and balances and separation of powers of the Constitution.

Mr. CONRAD. I thank the Senator for his answers.

Mr. BYRD. I thank the Senator.

Mr. SIMON. Will my colleague from West Virginia yield for 60 seconds, charge it to my time, to also respond to my friend from North Dakota?

Mr. BYRD. Yes. Yes, I will be happy to.

Mr. SIMON. And I will get into the court matter on my time. But the reality is you have to have some form of estimates. And the way that becomes tough—in fact, according to the Senator from West Virginia, too tough—is it takes a three-fifths majority to increase the debt limit. So we cannot play games on this matter of estimates. We are going to have to be realistic. And I think that balance is a good one in this amendment.

Mr. CONRAD. Might I inquire on the Senator's time?

Mr. SIMON. Mr. President, I did not mean to be taking the floor from Senator BYRD.

Mr. BYRD. That is quite all right.

Does the Senator have a question?

Mr. CONRAD. I do. I would not want it to come off the time of the Senator from West Virginia. I really have a question for the Senator from Illinois.

Mr. BYRD. I will yield my time for the Senator to ask the question. The Senator from Illinois may answer it on his own time or he can use my time, too.

Mr. SIMON. I will answer it on my own time, yes. I thank the Senator from West Virginia.

Mr. CONRAD. The great concern I have—and the Senator from Illinois has been a great ally on the Senate Budget Committee. We have been two who have tried to push for reduced deficits in the period that we have served on that committee together. I just say to him, one of the great concerns I have is what appears to be reasonable on its face, when turned into what we deal with in the budget process, becomes quite different, and that is when you rely on estimates there is so much room for monkey business. And we have experienced it.

With Gramm-Rudman, every year—every year—they would send us a budget that was a total fiction because we knew the estimates that were behind the numbers were false. We knew that they were "Rosie Scenario" with respect to interest rates, with respect to economic growth, with respect to unemployment. So what appeared to be something that was in compliance was, in fact, an absolute fiction and did nothing more than mislead the American people that somehow we were on a course that was going to deliver deficit reduction, and instead resulted in dramatic increases in the deficits.

I am very worried that we have the same prospect here.

We talk about the debt limit. Let me just say that with respect to the debt limit, when you get to the crunch, the question then becomes to every Member in this body, are you going to shut down the Federal Government? Over and over I have been in the position of wanting to stand up and say, "No, filibuster a debt limit, stop it dead in its tracks." And every time my staff comes in and says, "Senator, if we do that, you shut down the Federal Government. You keep the Social Security checks from going to your grandparents. You stop the person from getting Medicare that is in a life-threatening situation. You shut down the functioning of America."

So I really wonder at the end of the day if we have really accomplished what we think.

Mr. SIMON. If I may respond, first, this changes the dimensions of what you do in the Budget Committee. We are not dealing simply with a statute. The Senator and I took an oath when we stood up there to protect the Constitution. This is now part of the Constitution. And when we put that budget together, we know we are not dealing with a statutory thing. We are dealing with requirements that are tough. There is no question it is tough. The Senator from West Virginia said it is tough.

But that, I think, will force reality onto us. It does not mean we are always going to guess right. The Senator from West Virginia is absolutely correct. It is difficult. But I think there will be a different tone of reality in the Budget Committee with this kind of provision in the Constitution.

Mr. BYRD. Mr. President, may I say to my friend from North Dakota, the Senators who are elected today are supposed to understand reality and what it means. When we write this amendment into the Constitution, who is going to decide what reality is? Under section 6, the Congress, Senators, House Members, are going to legislate. They are going to implement this amendment by appropriate legislation.

Now, I hope to be around here, and I expect to be, if it is the good Lord's will—and I am running again this year so I expect and hope that it will be the people's will of West Virginia. What is there in this little piece of paper, this is a constitutional amendment we are debating, what is there in this piece of paper that will enable me to understand reality more than I understand it now? What is there in this piece of paper that will make me face up to reality more in the year 1999 or the year 2000, or the year 2001 than today?

This is the philosopher's stone, my friend would say. This is the magic potion. This is the silver bullet. Somehow or other we will understand reality more. Somehow or other we are going to have more courage in 1999. Somehow or other we are going to be forced to face up to reality.

It is somewhat ironic for me to think that that little bit of paper is going to make any difference, when it is the same people who are managing the budget and fiscal budget in this body today who are going to be managing it in 1999. Maybe not to the individual, but the same group of people.

So let me on this point read these excerpts from testimony before the Appropriations Committee, the hearings on the balanced budget amendment. Gimmicks will occur. Stanley Collander, director of Federal budget policy of Price Waterhouse testified as follows:

> The reason a constitutional amendment will fare no better than a deficit elimination state is that there are too many ways for the seemingly straightforward balanced budget requirement to be avoided, circumvented, and evaded.
>
> Of all the gimmicks that would be used to thwart the amendment's goal, Mr. Collander concentrated on 5. The first one he called "the return of the 'Rosie Scenario.'"

The Senator from North Dakota referred to "Rosie" a little earlier, so "Rosie Scenario." The first one Mr. Collander called the return of the "Rosie Scenario." That is the use of overly optimistic economic assumptions such as occurred during President Reagan's presidency under OMB Director Stockman.

Second, he, meaning Mr. Collander, cited the likely tactic of changes in accounting so that outlays would be pushed into future years. An example would be a return to more costly leases by the Federal Government of its buildings and equipment in order to avoid the larger outlays that would occur from purchasing these items.

Third, shifting of revenues and outlays from one year to the next in order to avoid a deficit, delayed obligations, a method already used in the budget, one which Senator BYRD fights against.

Fourth, Mr. Collander says one of the biggest gimmicks would be for the Federal Government to do things through regulations or mandates rather than through spending or taxing. A strong incentive would exist to mandate that State or local government or businesses do certain things rather than the Federal Government spending its dollars for foregoing revenues to accomplish the same ends.

Five, would be the gimmicks of selling Government assets. They, for example, would involve sale of our national parks to private developers and then leasing them back. This would allow revenues to go up and thereby help meet the balanced budget requirement.

Mr. Collander is pointing out the gimmicks that will occur. Yes, in answer to the question of the Senator from North Dakota, the Federal Government will resort to gimmicks. And it will mandate to the States—and the Governors of the States are already screaming about the Federal mandates. Well, just wait until this amendment becomes a piece of that great document, the Constitution of the United States, and see how the Federal Government mandates the States to fund this program or that program, Medicaid, whatever. The Federal Government will use the same gimmicks that the States use.

The distinguished Senator from Utah asked me to yield. I would be happy to yield for a question.

Mr. HATCH. If the Senator will yield, I was concerned.

Mr. BYRD. I will be glad to yield the floor.

Mr. HATCH. If the Senator would, I would like to speak for just a few minutes on the points the distinguished Senator made.

Mr. BYRD. I would be happy to yield the floor. I thank the Senators for their patience, and I thank the Senator from North Dakota for his questions.

Mr. HATCH. I thank my dear colleague from West Virginia and appreciate the comments that he has made.

I also appreciate my colleague from North Dakota and his concern about this amendment because we are all concerned. We want to do what is right here. We want to get our country back in order and get spending under control.

But on a couple of legal matters, I think it would be well if I addressed them for just a few minutes because he has raised some very interesting questions, and others have raised the concern that the balanced budget amendment will give the courts the power and authority to raise taxes.

The concern, I believe, lies in regard to a recent Supreme Court decision, Missouri versus Jenkins. In that case, in 1990, the Court in essence approved a lower court remedial remedy of ordering local, State, or county political subdivisions to raise taxes in order to support a court-ordered school desegregation order.

That is what happened in that case. Intentional segregation in violation of the 14th amendment's equal protection clause had been found in the lower court in a prior case against the school district. So there was, in effect, intentional segregation found by the lower court.

The question the distinguished Senator, it seems to me, has raised is would this balanced budget amendment allow a Federal court to order Congress to raise taxes to reduce the budget? I think the answer is clearly no. For instance, I would just say first, Jenkins is a 14th amendment case. Under 14th amendment jurisprudence, Federal courts may issue remedial relief against the States. However, the 14th amendment does not apply to the Federal Government.

So, literally, that is why they can do it in that case. I do not agree with what they did in that case. I think it is a horrendously bad decision. But that would not be a precedent pursuant to which courts would be able to force Federal taxation through the courts on the American people pursuant to this balanced budget amendment. That is No. 1.

Second, Congress cannot be a party defendant. In order for taxes to be raised, Congress would have to be a named defendant, and in this case, of course, it could not be. Presumably, suits to enforce the balanced budget amendment would arise when an official or agency of the executive branch seeks to enforce or administer a statute whose funding is in question in light of the balanced budget amendment.

I would point out the Riegle v. Federal Open Market Committee case, which said, "When a plaintiff alleges injury by unconstitutional action taken pursuant to a statute, his proper defendants are those acting under the law—and not the legislators which enacted the statute." And the court cited Marbury versus Madison as a precedent in making that decision.

The executive branch official, however, cannot be ordered to raise taxes, because he or she does not have the authority to do so. So there is no way that the Supreme Court is going to order the payment of taxes. And the Jenkins case is distinguished because of the 14th amendment.

Finally, under section 6 of the balanced budget amendment, which is the enforcement mechanism, Congress can limit the type of relief granted by Federal courts to declaratory judgments and thereby limit court intrusiveness into the budget process. This authority arises out of article III's delegation to Congress to power define and limit the jurisdiction of the lower Federal courts.

Having said all of that, let me just mention that there is much more that can be said on the role of the Federal courts that would make it very clear that there is just no way that they are going to be able to impose taxes based upon this particular amendment.

But I want to bring to the attention of my dear friend from North Dakota that we are working on an amendment right now, the distinguished Senator from Illinois, others, and myself, with Members of the House. The problem with the balanced budget amendment is getting a consensus, and a constitutional consensus at that. If any of us could write it just exactly the way we want to, it might be different in one or two respects. But we are talking about a consensus amendment that has to get a two-thirds vote, and it has to be bipartisan. We have to work together on it. In this case, we have to have Republicans in order to get this passed. And probably a majority of those who vote for it will be Republican because it has always been an effort on our side.

But to make a long story short, we Republicans cannot pass the amendment by ourselves, and neither can any Democrats do it by themselves. So what we are trying to do is accommodate our colleagues, like the distinguished Senator from North Dakota, by finding language that will resolve this problem in their minds even though all of the law on the books flies in the face of the Supreme Court exercising jurisdiction—unwise jurisdiction—in these matters.

In order for courts to exercise jurisdiction, they would have to meet three standards that they themselves have set up. They would have to find standing, and you cannot find any case that would show they would grant standing in this type of case. They would have to find justiciability. And they would have to avoid "political questions." They cannot get by all three of those. They know it, we know it, and anybody who studies constitutional law knows it.

There is room to raise a "what if." In the case of Bob Bork, in his letter expressing concern about the amendment, he basically raises a "what if." He says, "I don't think the courts are going to do this, but what if?" What if you get a bunch of judges who are irresponsible who really ignore constitutional law, prior precedents, the Constitution itself, and go ahead and do this? I guess you could have a "what if" in every situation under those circumstances.

But what we were going to try to do to resolve this—we have been working with a whole coalition of people, with one of the prime spokesmen, the distinguished Senator from Missouri [Mr. DANFORTH]. We are trying to get language that basically says this: The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to section 6.

If such language were adopted, any possible argument that could be made in this area is gone. I believe we can bring that about. Certainly the distinguished Senator from Illinois and the Senator from Idaho and myself are working very hard to bring that about.

I would not mind taking time and explaining—

Mr. CONRAD. Will the Senator yield on that point?

Mr. HATCH. Yes.

Mr. CONRAD. I had instructed my staff to work on an amendment along these same lines, because I must say I am very concerned about the concept and the possibility that the courts would wind up in a role of being the final arbiter here. And I understand what the intentions of those who are carrying this amendment are. I also, after having been a tax commissioner and having dealt with the courts for many years, know about the law of unintended consequences. I am very concerned that we would find ourselves in a situation, unintended as it might be, that the courts were the final arbiter.

I thank the Senator.

Mr. HATCH. I hope that helps. But before this debate is over, both the Senator from Illinois and I will put in the RECORD why this is not really an issue anyway. I think the law is very clear that we do not have to worry about that. But, we are probably going to put language into this amendment to resolve the problems of some of our colleagues, like yourself, who have sincere concerns in this area. We think that language would resolve those problems, and we hope it will satisfy the distinguished Senator.

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

First, in terms of the estimates aspect we were talking about before, there has to be some way for Congress to have a little flexibility on this. And the reason we then have the three-fifths majority is to make this tough.

The Senator from North Dakota has some concerns. I simply say to Senator CONRAD: Balance those concerns against the huge, huge threat we face longterm of monetizing the debt and all of where we are headed, which is really unknown territory for us. Unfortunately, it is not unknown territory for many other nations. If we do not pass this, we are taking a gamble that we can be the first Nation in history to have that kind of debt and not monetize the debt.

In terms of this whole thing just being gimmicks, I do not think my friend—and I respect him a great deal—Senator BYRD would be fighting this so hard if he felt it were just a gimmick, and I do not think others would. It has teeth and it should have teeth.

In terms of the court situation and the possible court involvement, first, in general, the States restrictions have—there are loopholes out there. But the leading scholar in this field, a faculty member at the Cardozo School of Law in New York testified before us last week, and he said that despite the loopholes, there is no question that this is a restraint on State government, a restraint that we do not have in the Federal Government. Have the State courts been involved to a great extent? You find occasional cases, but, generally, there has not been much State court involvement.

Just to make sure we do not have a problem, we have the language that "Congress shall implement." There was a letter sent to Senator BYRD by a group of law professors, and I asked the distinguished former Attorney General of the United States, Griffin Bell, who is both a former Federal judge and a real scholar, to give his evaluation. I would like to enter into the RECORD the letter sent to Senator BYRD, and Griffin Bell's response to me in response to that.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 1994.

DEAR SENATOR BYRD: The undersigned join in urging the Congress to reject the proposed Balanced Budget Amendment. Some of us support the present Administration, others do not. We disagree about the nature, causes and cures of our present budgetary situation. We share the conviction that the Balanced Budget Amendment now before the Congress is a serious mistake. We have different reasons for this conviction. They include:

The Amendment would deprive the Congress and the President of needed flexibility.

It would rigidly and permanently bias decisions against spending on social programs.

It would seriously distort the balance between federal, state, and private institutions by creating a permanent incentive to accomplish national objectives indirectly through the imposition of mandates and regulatory burdens on state and local governments and the private sector.

It would inappropriately involve the judiciary in intractable questions of fiscal and budgetary policy.

It would be unenforceable and thus use the Constitution as a billboard for failed slogans.

Sincerely,

Boris I. Bittker, Professor Emeritus, Yale Law School; Robert Bork, Esq., American Enterprise Institute, Washington, DC; Haywood Burns, Dean, CUNY Law School at Queens College; Archibald Cox, Professor Emeritus, Harvard Law School; William A. Fletcher, Professor, University of California at Berkeley Law School; Charles Fried, Professor, Harvard Law School; Lawrence M. Friedman, Professor, Stanford Law School; Walter Gellhorn, Professor Emeritus, Columbia Law School; Gerald Gunther, Professor, Stanford Law School; Louis Henkin, Professor Emeritus, Columbia Law School; Burke Marshall, Professor, Yale Law School; Norman Redlich, Dean Emeritus, New York University Law School; Peter M. Shane, Professor, University of Iowa College of Law; Geoffrey R. Stone, Dean, Chicago Law School; Kathleen Sullivan, Professor, Stanford Law School; Laurence Tribe, Professor, Harvard Law School; Harry Wellington, Dean, New York Law School

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KING & SPALDING,
Atlanta, GA, February 21, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: I write in response to the February 8, 1994 letter you received from a number of legal academicians in opposition to the Balanced Budget Amendment. I believe that the reasons given by these individuals for opposing the Amendment are misplaced.

First, the Amendment would not deprive Congress or the President of Flexibility in budgetary matters; rather the necessary flexibility would be preserved by allowing Congress, by a three-fifths majority in each House, to permit deficit spending. For example, just last week Congress overwhelmingly passed an emergency supplemental appropriations bill to provide much-needed assistance to the victims of the Los Angeles earthquake.

Second, the proposed Constitutional Amendment will not in any way bias decisions against social spending. In fact, it is the fiscal status quo that biases government decisions against social spending. Increasingly, Congress and the President are prevented from making real fiscal choices due to constraints imposed on them by rising interest payments on the national debt and the growth of entitlement programs. A Constitutional requirement to balance the budget will restore the viability of governmental decision-making on fiscal priorities by insuring that we stop paying $300 billion a year on interest payments that do not go to any social program.

The writers of the February 8 letter also argue that this Amendment would "distort the balance between federal, state and private institutions by . . . [imposing] mandates and regulatory burdens on state and local governments and the private sector."

Unfortunately, this describes not come fanciful future under a Balanced Budget Amendment, but the reality facing Congress today. States and the private sector are reeling from the impact of regulation and unfunded mandates. In a fiscal environment where interest on the debt and entitlements are crowding out all other spending, Congress is left with little choice.

A Balanced Budget Amendment would require the federal government to function on a pay as you go basis, and would gradually ease the burden on other spending by reducing interest payments on the debt. It is now, when the hands of Congress are tied by rising interest payments and skyrocketing entitlements, that the incentive to push costs on to the private sector and other units of government is greatest.

Congress could, if it wanted, decide tomorrow to stop this insidious practice, but the political cost is too great. A Balanced Budget Amendment would force Congress to make the tough choices that would eventually ease the burdens on states and the private sector.

Finally, I would like to address concerns that judicial review of the Amendment would either (1) embroil the judiciary in "intractable questions of fiscal and budgetary policy" or (2) prove unavailing. Leaving aside the fact that these conclusions are basically contradictory, they are in any event wrong.

With respect to the first of the above points, some have said that judicial enforcement of the Amendment would require courts to involve themselves in the minutiae of the budgetary process, such as by raising taxes or by decreeing specific spending limitations. Judicial review would not, however, lead to this result. To the extent that enforcement of the Amendment would involve the judiciary in deciding specific budgetary issues best left to the political branches, the courts would be free to—and would likely—find the enforcement action to present a non-justifiable political question and dismiss the suit. Indeed, as the Supreme Court noted in *United States Department of Commerce v. Montana*, 112 S.Ct. 1415 (1992), questions of enforceability, and the respect due coordinate branches of government by the courts, lie at the heart of the political question doctrine: "In invoking the political question doctrine, a court acknowledged the possibility that a constitutional provision may not be enforceable." Even more recently, Justice Souter's concurring opinion in United States v. Nixon, 113 S.Ct. 732, 747 (1993) noted that the political question doctrine reflects "prudential concerns about the respect [courts] owe the political departments." Therefore, consistent with current law, where judicial action to enforce the Amendment would require the courts to address policy questions best left to the departments, courts would refrain from doing so. E.g., Panama Canal Co. v. Grace Line, Inc., 356 U.S. 1, 15 (1972) (noting courts' inability to act "as virtually continuing monitors of the wisdom and soundness of" the actions of the political branches); Harrington v. Bush, 553 F.2d 190, 215 (D.C. Cir. 1977).

Critics are also mistaken when they offer the opposite claim—that the courts would have absolutely no role in enforcing the Amendment. Even without making specific taxing or spending decisions, a court could—within the limits of Article III of the Constitution—use its injunctive powers to strike down legislation that clearly violates the terms of the Amendment.

Moreover, Section 6 of the Amendment—which states that Congress shall "enforce and implement this article by appropriate legislation"—gives Congress the authority to limit the kind of plaintiffs who would be able to sue to enforce the provisions. See Bread Political Action Committee v. FEC, 455 U.S.

577 (1982) (noting Congress' right to limit standing to bring particular federal claims). Section 6 also empowers Congress to designate the forum in which such suits could be brought. See ASARCO, Inc. v. Kadish, 490 U.S. 605, 617 (1989), (holding that Congress may proscribe state jurisdiction to consider federal claims). Therefore, while enforceability of the Amendment would be preserved, enforcement would not come at the expense of judicial manageability.

Sincerely,

GRIFFIN B. BELL,
Former Attorney General of the United States.

Mr. SIMON. Judge Bell basically says he does not think this would be a great problem. We do have, very clearly, the ability to determine who has standing. We can say there has to be 30 Members of the Congress, or whatever, so there would not be a proliferation of suits.

I add that the court precedence on this—and Senator DANFORTH is very concerned because of the Jenkins case. But that does, as Senator HATCH mentioned, involve the 14th amendment. The courts have been very clear on what they call "political matters." A great illustration is when a former colleague of ours, Senator Barry Goldwater and about a dozen people tried to knock out what happened on China and Taiwan. Senator Goldwater and his colleagues said this violates a treaty that we have with Taiwan and, in my opinion, he was correct in saying that violated the treaty. But the Supreme Court said:

> This is a matter between the legislative and executive branch. This is a political matter, and we are not getting involved in that.

Just to make doubly sure that we are not going to have a problem, we have this amendment, and we would be happy to have the Senator look at the language. I think it locks it in—and we would be happy to have Senator CONRAD as one of the sponsors of that amendment—just to make sure we do not have a Federal judge coming along and saying you have to cut everything 10 percent, or you have to add this tax. We all agree that should not be part of the process. Any future court can read the record of our discussions here, and that should help on that.

Let me comment on a few other things, very briefly, that Senator BYRD said. When he said we will invite partisan games with this because of the three-fifths majority; First, there are —and I have to say that I give credit to my staff for this, I was not aware of this—he mentioned five cases in the Constitution that required super- majorities. Actually, there are three others, for a total of eight in the Constitution that require supermajorities; this would add a ninth one. The supermajorities are there, for example, on treaties. Why do we have two-thirds? Does this result in partisan games? With rare exceptions. I do not think it has resulted in partisan games. But we have that in there to protect the people. And we have illustrated for 25 years now, and you and I have been involved in this fight.

I commend the Senator from North Dakota for being a champion of fiscal common sense on the Budget Committee. But we have been involved in this fight to try and hold those deficits down, and we have seen what happened. The abuse has been massive. As you look long-term—and I keep pulling this chart out. We have been shown by the administration how it is coming down. This goes back up to $365 billion, according to CBO.

The big thing is when you take OMB figures—these are the administration figures—assuming health care saves all the money they are suggesting, assuming we have 10 years of progress with no dips in the economy, both of which are a long way from certain, but they say then that—well, say I was born in 1930; I would spend 30 percent of my lifetime earnings in taxes. My colleague, I believe, is about 15 years younger than I am, or so. Let us say you were born in 1950; you will spend about 34 percent in your lifetime earnings in taxes. Let us get down to future generations, and they say, assuming all these "Rosie Scenarios," 66 to 75 percent of lifetime earnings will go for taxation because of debt service.

We are not going to end up with 66 to 75 percent. We are going to start printing money before that happens. That is the real danger. That is why we need something here.

In terms of my distinguished colleague, Senator BYRD, saying we are getting into microeconomic policy, the Constitution talks about patents; the Constitution talks about weights and measures.

There are all kinds of financial things mentioned in the Constitution. And I would add, the lead witness—and I think you were there when he testified before the Budget Committee last year—against the constitutional amendment was Prof. Laurence Tribe from Harvard. I have great respect for him and he still opposes the amendment and I do not want to suggest anything to the contrary.

But he did have one shift. When he started out his testimony, he said this:

> Despite the misgivings I expressed on this score a decade ago, I no longer think that a balanced budget amendment is, at a conceptual level, an ill-suited kind of provision to include in the Constitution. The Jeffersonian notion that today's populists should not be able by profligate borrowing to burden future generations with excessive debt does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution. In a sense, it relates to a structural protection for the rights of our children and our grandchildren.

I think we have to keep in mind that we are talking about something very fundamental here.

I see my friend rising and he has a question or a comment.

Mr. CONRAD. I do. If the Senator would yield for a question or two, I would be grateful.

As you know, this issue concerns me perhaps more than any other. I am personally persuaded that one of the most important things we can do is reduce this budget deficit, reduce pressure on interest rates in order to support economic growth in this country to restore our position as international competitors.

Mr. SIMON. Absolutely.

Mr. CONRAD. I think last year's budget deal, in which we did make a significant reduction in the deficit, has proven the theory; that is, we have seen now the lowest interest rates in 20 years, we have seen the strongest economic growth in 6 years, we have seen reduction in unemployment, we have seen record housing starts, we have seen record automobile sales. We have seen this, in part, because of what we did in getting an economic recovery underway. So I am personally persuaded that reducing deficits is in the economic interest of the country.

I have concerns that I have outlined here today with respect to court involvement. I am very pleased to hear the Senator's reaction to that.

I am concerned about the use of estimates. I am very concerned about that, because I have seen through the Gramm-Rudman process how that can be used to subvert what is an honest intention.

There are two other areas that I would like to raise with the Senator from Illinois with respect to issues that concern me.

One of those two is the matter of Social Security being included. It strikes me that Social Security, which is a separate trust fund, should not be used to balance other parts of the Federal budget.

My colleague, Senator DORGAN of North Dakota, I understand, has an amendment he will offer to eliminate Social Security from the balanced budget requirement. As you know, the underlying rationale for that is Social Security is in substantial surplus, at least for the foreseeable future.

I am wondering whether the prime mover of this amendment will support that amendment or, if he is in opposition, what the rationale for that opposition would be.

Mr. SIMON. Yes, I will oppose the amendment. I have great respect for Senator DORGAN who, on a number of things, has shown real insight, including standing up on the issue of intangible assets, which is one of those issues someday somebody is going to hear about that will be important.

I might mention that the former actuary for 23 years for the Social Security Administration, the chief actuary, Bob Myers has sent a letter to me saying the only way to protect the Social Security fund is by passage of the balanced budget amendment.

Mr. CONRAD. I read, by the way, the letter you sent around from him. I thought it was an instructive letter.

But your intention is to oppose it?

Mr. SIMON. I oppose it.

Mr. CONRAD. What is the rationale?

Mr. SIMON. Let me tell you the rationale.

First, originally, when I drafted my first balanced budget amendment, I included that, interestingly.

The reality is that we do have a surplus at this point right now in Social Security. I would like to balance that budget without that surplus. It would make it much tougher, but it would be a great thing for our country if we were to do it.

I will join the two Senators from North Dakota in moving in that direction. But we also face in the outyears a point when there is not a surplus but a loss there. One way of protecting Social Security—not in my lifetime, but in the lifetime of my children—is to include Social Security in this.

So long term, I think it is a protection for Social Security not to have the exemption.

Mr. CONRAD. Let me, if I might, respond quickly to that question and then ask another question.

The thing that is disturbing to me, as I reflect on Rev. Jim Bakker, Rev. Jim and Tammy Bakker—and I think everyone remembers the PTL Club show that was on. I can remember saying in one of our Budget Committee meetings during our deliberations, "Does anybody remember why Jim Bakker is in a Federal prison?" Nobody could remember the exact details, but fundamentally he is there because he promised to raise money for one reason and then used it for another purpose.

That is precisely what we are doing to Social Security today—not in the future, today. We are telling people we put that payroll tax on in order to fund Social Security. And, indeed, we are funding part of Social Security that way. But we are also funding the operating expenditures of the rest of the Federal Government by running a Social Security surplus and taking the money and using it for another purpose.

By those tests that were applied to Rev. Jim Bakker, all of us would be in a Federal penitentiary.

I find it disturbing that for the foreseeable future Social Security is in surplus, and under the terms of the amendment we have before us, we would achieve a balance but only achieve a balance because we would be using the Social Security trust fund to make that balance.

Mr. SIMON. First of all, I agree with everything my colleague from North Dakota says in terms of Social Security. I think it was a mistake when we got a unified budget.

We talk about this being the 25th anniversary of balanced budgets. In fact, in 1969, you had a balanced budget because for the first time you included Social Security, and without that, there would not have been a surplus.

I have been critical, as my colleague may recall, of our budget for two reasons: First, is we include the Social Security surplus. I favor putting that as a separate item in the budget. I will join my two colleagues from North Dakota in statutorily trying to do that. It does complicate getting to a balanced budget very, very much. No question about it. I recognize that and I recognize we have to have a two-thirds vote. And this is a practical compromise.

The second point that I have fought on is when we list interest we should list gross interest instead of net interest. It is one of the little games we play around here. We would never think of saying to the Justice Department, "Well, you collected so many dollars in fines, therefore, your appropriation is that much less." It is one of the games that we play.

But I am eager to join my two colleagues from North Dakota in statutorily doing everything we can to protect Social Security.

Mr. CONRAD. May I raise one final point with the Senator from Illinois?

Mr. SIMON. Yes.

Mr. CONRAD. One other concern that I have is with respect to a question of when the country is in recession. In examining the economic history of the country, I am personally persuaded that there is a countercyclical role for Government to play. We have, under the terms of this agreement, the ability to deal with a wartime situation. And I am concerned what if this country were in recession or headed into recession, and we would be required to meet the terms of the balanced budget amendment through a tax increase or spending cuts that might accelerate the downturn rather than allowing the Federal Government to serve as a buffer and to provide some economic lift by way of a budget deficit? That is, I am personally persuaded we ought to run balanced budgets over time, but in any 1 year we might want to run a budget deficit.

I am interested in the view of the Senator from Illinois with respect to the possibility of having the Government play that kind of role. Is it the view of the Senator that the three-fifths test would be used and that when we are in recession it would be possible to get 60 votes in the U.S. Senate for the purposes of countering the effects of a recession?

Mr. SIMON. The answer is a little complicated. But, first of all I do believe that in a real recession we can get the 60 votes. We got 60 votes for unemployment compensation extension on an emergency basis because of the problems that we have had. But I think there are other answers that are even more significant than that and they tie in with what my colleague just said about Social Security. If we try to lean on Social Security less in terms of a surplus and aim for what Charlie Schultze, who formerly chaired the Council of Economic Advisers for President Carter, and Fred Bergsten, who was the Assistant Secretary of the Treasury—Fred Bergsten has said, and testified last week, that with a balanced budget amendment we will be much more able to respond to a recession than we are now, if we use common sense in building in a little surplus. Then you can respond quickly, and you do not have the problems that we have had.

We tried, and with my colleague's vote too, I am sure, we tried to get $11 billion for a jobs program. We could not do it here because we are so strapped by where we are. We could not come up with that kind of money. If we built in a surplus then it would be easier to respond quickly and much more significantly; $11 billion in a $6 trillion economy is nothing.

Then a second part of this that is really important. When you talk about countercyclical. One of the things we have done, as the Senator and I know very well, this last year we spent $293 billion on interest. Interest is not countercyclical. When you give money to people on Social Security that is countercyclical. They spend the money. You give money to people who are fortunate economically, if times go bad they save the money. It does not become countercyclical. So the interest in fact aggravates our recessions.

And this amendment will do one other thing. The Wharton School last Thursday announced—and both my friends from North Dakota, who have been very active in the financial field may have seen this, but it is significant—the Wharton School says if this passes, 30-year bonds will drop from 6.5 percent to 2.5 percent. That is going to make a huge difference in our economy. And it means we can use funds for countercyclical things rather than things that aggravate the countercyclical trend.

Mr. CONRAD. Let me say on this point, I read the WEFA study last night. In my interpretation of that—the Senator mentioned this point the other day in the caucus—my understanding of the WEFA report was they were talking about the Federal funds rate going down to 2.5 percent, rather than the 30-year bond. Perhaps I missed something in reading it. But my interpretation was the 2.5 percent they were talking about was the Federal funds rate rather than the 30-year bond.

Mr. SIMON. I have to say I got that from my staff. My impression is to the contrary. But the Senator may be correct.

Thirty-year Treasury bonds, it is 30-year bonds.

Mr. CONRAD. Goes to 2.5 percent?

Mr. SIMON. Yes, 2.5 percent from 6.5 percent.

Mr. CONRAD. That would be exceptionally good news for the economy, if we were having 30-year bonds at 2.5 percent.

Mr. SIMON. What a great lift this would be for housing, construction, industrial investment—everything.

Mr. CONRAD. The estimate given for last year by the Treasury Department, for every 1-percent drop in interest rates that provided a $118 billion lift to the economy by reductions in consumer debt, corporate debt, Government debt. And that in fact that is one of the reasons we are seeing an economic recovery of the dimensions that we see now. These lower interest rates are providing a lift to the economy.

Let me just conclude by saying I hope the Senator from Illinois and the other movers of this amendment have not made a determination, a final determination, to oppose all amendments. Frankly, my reading of the situation is that there are not the votes now to pass this amendment. That is my own view. I may be wrong. But I have talked to many of our colleagues and I think that is about where it is. As of today, you do not have the votes. Senator BYRD does not have the votes.

There are a group of us who have genuine concerns with respect to the issues I have raised here. The question of estimates, the question of court involvement, the question of dealing with a recession, and the question of Social Security.

I would say to my colleague, it may be possible to pass an amendment that would address another concern that many of us share which is the growth of debt. Because I feel deeply about it, very deeply. But I do not want to vote for a constitutional amendment that I believe has some flaws. Some of them I consider to be serious flaws.

This is a very, very serious business to amend the Constitution of the United States. At least for this Senator. I believe that is the case for the Senator from Illinois as well.

So I hope and I urge my colleagues who are the movers of this amendment—and I hope my voice is heard beyond this Chamber—not to make a final decision to oppose all amendments. Because I believe if that is the course that is taken this will fail. I believe that. I believe it will fail. I think there is a chance if we work together that we might get the votes to have something that seriously addresses this matter of the growth of the debt and at the same time is sensitive to these issues that I have raised this afternoon.

I thank very much the Senator from Illinois.

Mr. SIMON. I thank my colleague. Let me say because it is such a serious matter, amending the Constitution is not something where one of us can sit down and start scribbling down an amendment and saying let us do this. We have to approach this very, very carefully. For example, the judicial amendment that we have talked about, we have had scholars look at it. We have been looking at this very, very carefully because we want to do the right thing.

I am not saying we are automatically going to be opposed to any amendment, but when you talk about the Constitution of the United States we have to be extremely careful. I can say, on the matter of estimates, there is no way to my knowledge of dealing with this problem without giving Congress the ability to make some estimates. But you have to lock it in in some way so they do not play games, as we have played games here. That is why the three-fifths majority is there.

In other respects we will take a look at amendments. I have to say my predisposition is to reject amendments unless they are very, very carefully drawn because we are dealing with the Constitution.

Mr. CONRAD. Might I just ask the Senator from Illinois, does he believe he has the votes now to pass?

Mr. SIMON. The answer is on the basis of what I know I do not believe I have the votes to pass this. I do not believe Senator BYRD has the votes to stop it. I think Senators like my colleague from North Dakota hold the balance on this.

Mr. CONRAD. I just say to the Senator and the other people who have an interest in trying to get a result here that would accomplish a purpose that I think is the common goal of many, that we not get fixed in concrete with respect to amendments. Because I am personally convinced, absent amendments, this will not succeed. Unless in the days ahead there is a chance for us to address some of these concerns, which are sincere and genuine on the part of people who probably hold the balance with respect to this question, we will not have a successful conclusion.

Mr. SIMON. Let me just say again in response, we will take a look at whatever is suggested. We felt the judicial amendment was not necessary, but just to make sure, because there are genuine concerns, as you have expressed and others have, I think we are about to work out something that I think meets that objection.

So we will take a look at other amendments. But we also want to be very, very careful because of the nature of what we are doing. We are not just amending some statute that I dreamed up or you dreamed up or someone else did. We are talking about the Constitution. I know my friend from North Dakota has the same feeling of sacredness about the Constitution that we have to proceed with caution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me make a comment to the concerns of the Senator from North Dakota and other concerns that have been brought forth in the last hour on the floor that are significant. And they are important.

I do not think there is any question that we are very intent on doing the right thing. We also understand that the process has to have an element of flexibility and, in that element of flexibility, the Congress of the United States must work its will. Certainly that is an important part of any budget process. The Senator from North Dakota has been involved in making budgetary estimates, as have others, and has used the Gramm-Rudman example as a target by which to argue estimates. Let us cast estimates in an entirely different light from which they have ever been made before.

We all know that estimates before to project revenue for a Federal budget, although I am not arguing that they were not made with a sense of accuracy, did not necessarily have to be accurate because they always knew that there was an open end in that process. If you missed the estimate, you borrowed. If you missed the estimate, there was not a drop dead or a very severe process that would be difficult to get by in the end. So as best you could guess, you guessed your best.

We also know that State legislatures, even in States as large as California, which has an economy one-sixth of the Nation, because of the nature of their requirements, become very, very accurate in making estimates. How accurate? Within a couple of percentage points? Is that so dramatic as to say, if you cannot make that—well, we had one Senator on the floor a few moments ago saying, my goodness that is a huge amount. My guess is that is pretty accurate, and I do believe that we have enough smart people around here doing econometric modeling to figure out how to get about that close, considering all things. But, recognizing that, we also understand that you cannot be totally perfect, and the American people know that when you are guessing in terms of $1 trillion plus. We grant within this amendment the kind of flexibility to do so.

But the flexibility is tough. Why? We do not want the Senator who says 2 percent is difficult to come to the floor and say, aw, but look at the gaping loophole; such a gaping loophole Senators will jump through it and a balanced budget will never be achieved and, therefore, the Constitution is being used only as a political surrogate to a problem that just takes Senators voting tough votes.

We want to make sure that it is a real amendment, that it works in real ways, and that it does force a Senate and a House to respond in sincere and politically honest ways to produce a balanced budget.

For years, as I worked to craft this amendment and worked with my colleague from Illinois and other Senators and Members of the House, there was a very conservative side of me that said we had to put in this amendment an absolute formula to devise so that Congress could only raise revenue by a certain amount on an annual basis based on a percentage of the gross domestic product. We had to be tough because you could not trust the Congress; they would just go out and raise taxes. It would be easy for them to do and, therefore, we had to have some form of tax limitation language in there.

I finally, over the years, decided that the greatest tax-limiting factor in this country of ours was the electorate themselves. They would choose the Senators or the Congressmen who failed to respond to their call to be fiscally responsible if we could but give the citizenry the tools by which to measure, on an accurate basis, whether in fact that Senator was being fiscally responsible or not. And I chose to come with this amendment and to support it.

We heard the Senator from West Virginia just confirm, in my mind, the toughness of this issue when he, in fact, said this is a tough amendment. Now, he was talking about the three-fifths vote. In other words, he was talking about the ability to raise the debt ceiling. A tough vote. He spent over an hour explaining how difficult it is to get that vote. What he tells me and what I hope he is saying to all who are listening is that this is a tough amendment; that those of us who have worked over a decade to craft it, recognizing that we wanted to make these kinds of issues tough, may well have accomplished that. We may well have put together a process that is doable, that offers a little flexibility in extraordinary situations but at the same time truly recognizes that if you provide the loophole, there is probably 50 plus 1 percent in this body who might just avoid the tough vote and jump through the loophole. We did it in Gramm-Rudman because the loophole was that, in fact, it was a law and not a constitutional provision. When the tough times came, we buckled under. What we are providing here is a new environment in which budgeting will occur. That is why in section 6 we say that it is the responsibility of the Congress to come forth with that which will cause us to operate under this new environment.

I am not saying it is going to be easy. I am saying it will be tough. It should be tough because, if it is not tough, we will continue to do what we have done because we have never made the tough decisions around here. That is why the $4 trillion-plus debt. That is why a $200 billion-plus deficit. That is really what it is all about.

How about majority rule? We heard once again about that today. Let me tell you, it cannot be a simple majority. The founders of our Constitution said we will not allow a simple majority to tamper with the Constitution of this country. What we are saying today is that our amendment becomes constitutional law. It becomes one of those inherent rights of the people to be free of a profligate Government and to be free of the compounding of debt on the shoulders of future generations. Now that becomes a right, a new right in this country, one that Thomas Jefferson agreed with, one that Alexander Hamilton agreed with, one that I agree with, one that the Senator from Illinois agrees with.

So, do we want a simple majority just to change it? No, not at all. It is why we have worked for 10 years using the constitutional route, and while it is not ours to fix, it is ours to propose. It will be 38 States who will decide whether this becomes the right of the citizenry, and, therefore, the process must be tough. It cannot be an easy walk away if we are going to arrive at a constitutional amendment that will, in fact, bring about a balanced budget with the flexibility to understand that you can move to fix it and to adjust it but within a very tough framework that always keeps us constantly working to keep the budget in balance. Not an easy process. Never has been. The one we are involved in now is not an easy process. It has become tremendously convoluted. That is why I think all of us are concerned about it.

For the last day and a half, we have talked about constitutional language, we have talked about countercyclical processes, we have talked about econometric modeling. For just a few moments, I would like to get away from that, Mr. President, and talk about people, because I will bet the average citizen is sitting out there scratching their head and saying, "Well, we don't quite understand what you're saying, but what we do understand is that the budget isn't balanced and it doesn't look like Congress is going to balance it and we've got a President that just asked for a huge tax increase but his people don't want to balance the budget, and what is it going to do for me, average citizen?"

Let me tell you what happens, in my opinion, to the average citizen in the small community of Idaho if we fail to do what we should do and in the proper form. I remember what happened in the late seventies and the early eighties when inflation took off in this country and this Congress refused to use fiscal policy to take care of inflation and the Federal Reserve had to use monetary policy to take care of inflation. Thousands of Idahoans were out of work. It was a very real life experience. They lost their jobs, they lost their life savings, they lost their families, some of them. They lost all they worked for, and it really was the Congress that should have been blamed. But the average citizen out there took it right on the chin.

I do not care how complicated this debate is. The bottom line is a government that lives within its means, that does not risk the destruction of an economy that creates the jobs, that builds the homes, that puts the food on the table of the average working men and women of our country.

Alan Greenspan this morning was in the national news suggesting that maybe he had to turn up short-term interest rates just a little bit over the next little while because inflation just might be igniting ever so slightly, and we do not want that to happen.

What he is really saying is I am going to use monetary policy to guide this economy again. What he did not say but is my guess that is in the back of his mind is that Congress' fiscal policy is not working very well.

Now, what does short-term interest rates do if they go up? Again, they deny the average citizen in this country the opportunity to have spending power to do what? To buy goods and services for the benefit of families.

So our debate today, as technical as it may become, as countercyclical or noncountercyclical as we may argue, as econometric modeling may or may not have the type of results that can and should produce a reasonable revenue projection, or even the very technical nature of constitutional law, in the end what this debate is really about is the right of the average citizen to be free, free of a government that will constantly move to progressively debt them in a way that they cannot afford.

This administration, its own agencies will suggest that the child born today, in their lifetime, will pay out 82 percent of their gross income in taxation, and so when we suggest that that may reduce them to the lifestyle of a Third World citizen, we are really talking about a lifestyle that none of this generation has ever experienced and none that we would ever want.

Now, I can suggest in closing that that is a very fundamental part of our debate. I would hope that Senators as they listen and as they become involved in this debate over the next week and as they are concerned about the technical language of whether the judiciary is or is not involved and how they get involved, and whether they can only make declaratory judgment or they cannot, or whether we have figured out the right way to make estimates, many of us believe we have because this amendment has been 10 years in the crafting. And while we are willing to be flexible and work with other Senators because we are not to suggest that our ideas are the only ones or are the best, but there are a good many Senators here who have worked with this issue a long time.

After the smoke has cleared, the question is have we served the citizens well? Can we proudly stand and say that we have begun a process that will produce for this country, for our taxpayers, for the citizen the unique opportunity to be free of a governmental debt that they as citizens are responsible for in the end.

I believe that is the ultimate debate. Let us talk jobs and kids and people and homes and vitality and opportunity and future. That is just as much a part of this debate as the very technical language that all of us are extremely concerned about today.

I yield back the time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Utah is recognized.

Mr. HATCH. One issue that arises in terms of the nonjudicial enforcement of the balanced budget amendment is whether section 1 of Senate Joint Resolution 41, which mandates that total outlays for the fiscal year shall not exceed total receipts for that year, implicitly grants to the President authority to impound funds to suspend the operation of spending measures or to rescind earmarked funding measures.

This question was raised by the distinguished Senator from West Virginia in response to some questions of the distinguished Senator from North Dakota [Mr. CONRAD].

I wish to mention just for a few minutes some thoughts on this subject. This contention made by opponents was echoed by former Solicitor General Charles Fried, a great friend of mine, during his appearance at Senator BYRD's hearing on February 15.

Admittedly, the law of Presidential impoundment is far from clear. However, the plain meaning of the structure of Senate Joint Resolution 41, buttressed by its legislative history, indicates that the amendment does not grant—and I repeat, does not grant—the President any additional authority and is in fact intended only to circumscribe Congress' taxing, borrowing, and spending powers.

Specifically, section 1 of Senate Joint Resolution 41 directs that outlays exceed receipts only if three-fifths of both Houses of Congress vote to so provide.

The only mention of the President is in section 3 which requires that the President submit a balanced budget to Congress for each fiscal year. This view is supported by the committee report and prior floor debates which make it clear that the amendment grants to the President no new additional authority.

Finally, in section 6 of the balanced budget amendment, it is mandated that Congress promulgate enforcement legislation. Now, this is a very strong indication that Congress, and not the President, has the exclusive authority to establish a mechanism to enforce the balanced budget amendment which would resolve a lot of the problems that Senator BYRD raised here today.

The President's constitutional role therefore is limited to enforcing that legislative mechanism which we must pass for him to enforce. In any event, impoundment authority is probably irrelevant. Although the Supreme Court has not decided the issue of whether the President possesses constitutionally inherent Executive impoundment authority, it has held that the President may not impound funds when Congress mandates that the sums be spent. And the cases are Kendell versus United States, ex rel Stokes, State Highway Commissioner versus Volpe and National Council of Community Health Centers, Inc. versus Weinberger.

This implicitly supports the position that even if the President possesses only limited impoundment authority, Congress could protect its constitutional and institutional prerogatives by promulgating detailed enforcement legislation pursuant to section 6—and that is what is going to happen here, as the distinguished Senator from Illinois has made so clear on the floor yesterday and today.

Once passed, such legislation would trump any conflicting Presidentially created enforcement procedures such as impoundment because the President must enforce any law the Congress creates.

So I just wanted to spend a few minutes on that because it is an important point. It is one that bothers some members of the Budget Committee, including our own Senator DOMENICI from New Mexico on our side, and I think this answers that question about as well as it can be answered.

This amendment is carefully drafted. We have come a long way. We have brought together a maximum of people. We have a consensus on it. It is the only one that is likely to pass. And I guarantee, if this does not pass, it is only a matter of years until one a lot more restrictive, with a lot more enforcement mechanisms, with much higher supermajority requirements is going to pass. This one is tough enough. This one will do the job. This one will get us on that glide path towards balancing the budget and, hopefully, creating surpluses so we can cut down on the national debt. Frankly, it is just something we simply have to do.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague from Utah for his remarks. Let me just underscore his final comments before I yield to my colleague from North Dakota, Senator DORGAN. I heard Senator BROWN the other day say if this does not pass, then we will, before the decade is out as the situation gets more extreme, pass a more extreme constitutional amendment.

I think that is the reality. As my colleague from Utah knows, I resisted attempts to put some language in here that is frankly much tougher than this. I think this is constitutional in nature. I think it will do the job. But I think it is designed in such a way that it will help the country and not harm the country.

Mr. HATCH. If the Senator will yield on that point, one of the problems we have had since I—and a lot of us—have worked on this Constitutional amendment is that there are a lot of people in Congress who would like to have a three-fifths vote requirement not only for balancing the budget but for increasing taxes.

I agree that would be too restrictive, although it appeals somewhat to me when I look at how the country is going. This amendment is carefully crafted. It brings together a wide group of consensus builders. It really will give us a chance to have some discipline in the process. It certainly is better than any statute we could pass. We have tried statutes in the past. They have not worked. This will work without it being so extreme that we hamper the country. But if we do not do something like this to put some discipline into this process, I guarantee you it is going to be done—when people get so frightened and so mad out there and they see this exponential growth of the deficit and interest against the national debt.

When that happens, we are going to have the other side start to take action, and we are going to have a much tougher amendment than this that could hamstring the country. This amendment will work.

I want to commend all my colleagues who have worked on it, particularly my friends from Illinois and Idaho.

Mr. SIMON. Mr. President, let me make one other point that I should have made to Senator CONRAD earlier when I talked about countercyclical effect. I mentioned that those who now receive the $293 billion in interest are more likely to save the money than someone who gets Social Security or something like that.

What I should also mention is that we have 17 percent-plus—no one knows what that plus is—of that interest that goes to Japan, Great Britain, the Netherlands, Saudi Arabia, and other places. That does not do anything. That is roughly $60 billion-plus a year that is a drain on our economy rather than a stimulus to our economy.

I am pleased to yield at this point to my colleague from North Dakota, Senator DORGAN. He wants how much time?

Mr. DORGAN. Twenty minutes.

Mr. SIMON. Mr. President, I yield 20 minutes to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I appreciate very much the courtesy of the Senator from Illinois.

This is, indeed, an odd group of people who have come to the floor of the Senate to support a constitutional amendment to balance the budget. If, as is often the case politically, we divide this Senate into people who are either warm-hearted or cold-blooded, I suppose I fit into the warm-hearted group. For 14 years I have supported things that try to help people in this country, programs that are necessary and that invest in human potential. But this debate goes beyond traditional political lines.

I sat in the chair for a couple of hours today presiding over the Senate, and it has been an interesting discussion. We find so often on the floor of the House or the Senate that what is said often is not so relevant and probably often not so important. This is important.

What has been said by both sides in this debate has been said in eloquent ways. I should compliment Senator SIMON for his leadership and for his vision. Let me similarly compliment Senator BYRD. Everyone in this Chamber knows that Senator BYRD is the authority on the history of the U.S. Senate. He is a wonderful person. I greatly respect his opinion.

This has been an interesting debate to listen to. I have listened with care.

As I said, this is no ordinary debate because we are not debating a law or a sense-of-the-Senate resolution. We are debating a proposed change in the U.S. Constitution.

Not too many years ago I was selected to represent my State at a quite interesting ceremony at Constitution Hall celebrating the 200th birthday of the Constitution. Two hundred years ago 55 white, largely overweight, men went into a room in a hot summer in Philadelphia and wrote a Constitution. It was a hot Philadelphia summer, and they had no air conditioning. So they kept the shades drawn all summer. But they wrote this Constitution.

Two hundred years later we celebrated the Constitution's 200th birthday, and 55 of us were selected to go into this same room. It was men, women, minorities. It was a wonderful group of 55. I was privileged to be among them.

George Washington's chair still sits at the front of the room. It is where George Washington presided. Madison was there in that room. Franklin was there. So were the other great Americans who created the grounding of our democratic society, which we call the Constitution.

We now discuss changing the Constitution. It is not the first time we have discussed that. We have changed it many times, in most cases not on a whim but after thoughtful debate.

There have been thousands of proposals to change it. But the Constitution is a sacred document. Wise men wrote it. And in it they set out the three branches of our Government, distributed the powers among the branches, and created a mechanism to protect the liberties and freedoms of our people.

It is a misunderstood document. I have had constituents who have asked me to do something and propose something. You say that would clearly violate the Constitution. They say, "I don't care what the Constitution says. Pass a law." Well, obviously, the Constitution governs.

But I do not think anyone here misunderstands the importance of this debate. I have been very reluctant in the years I have served in Congress to join those who want to change the Constitution. People want to change it with respect to abortion. I have not been willing to cosponsor or join them. People want it changed to allow prayer in school. I have declined. I have chosen not to join them. Others wanted to change it because some scruffy little guy burns an American flag. They wanted to change the Constitution to prevent flag burning. I declined. I did not think that was what we ought to do.

I have not been very likely to support those who want to change our Constitution.

The proposed change today is about economic policy. The proposed amendment before us suggests that we should require our Government's receipts and expenditures to be in balance.

Why have we come to this point? Why is a constitutional amendment on balancing the budget offered today? It is because this country is now awash in a sea of red ink. In the last decade-and-a-half especially, we have seen a tidal wave of deficit spending, and a substantial increase in the Federal debt. We now have about a $4.4 trillion debt.

I do not know what $1 trillion is. I do not reckon any of my constituents know what is a trillion dollars is.

I could describe it, of course, but it is a $4.4 trillion debt. We have, up until the last year or so, been spending a billion dollars a day that we do not have; every day we spend $1 billion more than we take in. We spend our kids' money and their kids' money; we spend it and add it to the debt.

Some say, "Well, the debt is what we owe to ourselves. So it is not all that important. It is not growing at an alarming rate." Well, of course, it is. It is $4.4 trillion now; 14 years ago, it was less than $1 trillion; 10 years from now, it will be $8 trillion. This is not a problem? Look at the figures to understand how serious a problem this is for the future of this country.

There is a lot of cynicism about the institution of Congress. Some of it is fed by all of the news magazine shows and other folks who want to make a dollar by creating cynicism about our institutions. Some of the cynicism is very real. Some of that cynicism is directed at an institution that people think cannot manage our affairs very well. It spends money it does not have. It saddles this country with a mortgage it should not have, and it mortgages our children's future.

The question is what do we do about it? We have tried in many different ways with different devices to balance the budget. But we have not succeeded. Entitlement programs grow. They mushroom. We have tried dozens of different things.

A year ago, we decided with a one-vote majority here to take tough medicine in the President's economic program. I supported that. There were tax increases we do not like and spending cuts nobody liked. But the fact is that it was $500 billion of medicine that was necessary. But it was not enough.

Look at the numbers. Let me just show my colleagues the numbers. The numbers show that in the year 2004, the total public debt will be almost $8 trillion—an $8 trillion debt.

Things look pretty good in 1995 and 1996, as a result of the deficit reduction bill. But what happens beginning in 1997 and every single year from then on? The deficit continues to increase.

And even then it does not look awful because the money collected from Social Security taxes is used to offset the deficit. But, of course, that is dishonest and we cannot do that. We cannot do it in the long term and we should not do it in the short term. No one should doubt that this is a crisis. The question is what do we do about it?

Several weeks ago, I spoke on this floor about economists and "augurs." We have heard debate about the economic projections the dire consequences of what would happen if we pass this, or the consequences if we do not pass that. I talked about economists a few weeks ago.

In the year before we went into the last recession, in 1990, 35 of the 40 leading economists predicted that we would continue to see 12 months of economic growth in the next year. Of course, the next year we saw a recession. But 35 of the 40 leading economists had predicted the next year would be a year of steady economic growth. Most of the leading economists were wrong.

So I spoke about augury. In Roman times, the Romans would read the entrails of cattle and view the flights of birds in order to project the future. I wondered whether that was so different from what we do now.

But no one—not the best economists in this country, and certainly not the folks back home who work every day—misunderstands the consequences of this debt and the difficulty it poses for our country's future.

If somebody asked me to spend $500 billion that we do not have in the next 12 months and said, with that, cancer would be cured, I would say fine. That would not bother me a bit. It would be the best investment we ever made. Let us do it.

But that is not what this deficit is about. This deficit is not about investments that yield enormous rewards. This is an operating budget deficit of, year after year after year, close to a billion dollars a day.

Some have raised some concerns about this balanced budget amendment proposal. I have some concerns about it too. In fact, I am going to offer an amendment, which was discussed on the floor recently, to exempt the Social Security trust funds from the balanced budget amendment's calculations. We should not, under any condition and in any case, use Social Security revenues to reduce the Federal deficit. Let me explain a bit what I mean by that.

When American workers pay their Social Security taxes, it is not voluntary, it is mandatory. We say if you earn a dollar, then part of that dollar must go into the Social Security Trust Fund. But this particular tax will only go to the trust fund.

That is a covenant we have with people we tax. It is not a choice. We do not decide when we get the money to put it here or there. Putting this money in the Social Security trust fund is a requirement. It is a law.

But what are we doing now? We say now and have said for years that we will tax you and put it in a trust fund and use it in our charts to show that the deficit is reduced, because we collect more in Social Security than we need.

I was part of the group in 1983 that wrote the Social Security reform legislation in the House Ways and Means Committee. It was tough medicine. We increased Social Security taxes. We increased the age from 65 to 67 in the outyears. We got rid of a number of different kinds of benefits for survivors.

We did all that for a very specific reason. We knew that when the biggest baby crop in this country's history reached retirement age, we were going to have trouble. We needed to save money for that date. We started deliberately creating surpluses in the Social Security Fund. This year, the surplus is going to be around $66 billion, close to $70 billion.

But if you look at the back of all of these budget books describing the economy, and if you look at the detail of this balanced budget amendment, where the deficit is computed, the Social Security revenues are used to reduce the operating budget deficits. That is wrong.

I am going to offer an amendment to correct that. I do not know whether it will be accepted. But nobody, in my judgment, can stand on the floor of this Senate and defend this practice. It simply is not defensible.

If we are going to put this away and save it for the future, as we must and should, let us do it. We should not tell people we are taking it out of your paychecks and putting it in a trust fund, and not mention that, by the way, we'll use it to show a reduced budget deficit. Under this scheme, you could conceivably have an operating budget deficit of $200 billion in a year and have a surplus in the Social Security System of receipts over expenditures of $200 billion and have a balanced budget. Under these current computations, this proposed constitutional amendment would balance the budget. We would say we are just fine, perfectly balanced; we would be at zero, supposedly, and no action would be necessary.

But that is not the case.

Whenever we collect Social Security, deliberately creating a surplus for the future, we must, in fact, start saving that for the future. This balanced budget amendment proposal does not do that. So I am going to offer an amendment to try to change this.

Yes, the supermajorities the amendment would require are troublesome to me. But the fact is, if you do not have that, you do not have an enforceable situation with respect to the balanced budget.

The issue of involvement by the courts is troublesome, as well. But many States have constitutional provisions that require balanced budgets. I do not know of a wave of State courts being involved in the fiscal affairs of the States. I might be wrong. I would like to hear from my colleagues if that is the case.

At the State level, where you have a State constitutional requirement for a balanced budget, the State courts generally have not been involved in the fiscal policies of the States as a result. Why should we expect massive court involvement at the Federal level? I would enjoy hearing my colleague respond.

I am happy to yield.

Mr. SIMON. My colleague is absolutely on target. The cases are very rare. There have been a few, but they are rare indeed. So the combination of that experience, plus the other amendment should really preclude any problem along this line.

Mr. DORGAN. I appreciate the comment.

This proposal is not new. The States have it in their constitutions. Presumably, if there will be a real mess as a result of this proposal, the State courts will have already demonstrated that kind of a mess.

But the other point made is that this proposal is countercyclical in the Keynesian sense. Keynes was an economist who believed that the Government, through its spending patterns, can really affect our economy. When things slow down, we can have massive Government investment to speed them up.

I studied Keynes. I even taught Keynes in college a bit. And no one can convince me that anybody in the history of humankind has ever been more Keynesian than this country has been lately. Can you be more Keynesian or stimulative than $300 billion deficits? I doubt it. We had what you would call a gigantic Keynesian countercyclical stimulus as we moved into the recession.

But of course nobody has repealed the business cycle. Nobody ever will. I do not demean the argument made by this amendment's sponsors that we need the opportunity to use fiscal policy at the Federal level, complimenting monetary policy, to respond to the business cycle. Clearly we do.

But I just say that if one holds out the hope of some countercyclical Keynesian stimulus as the method by which we will improve our economy, we have demonstrated the absurdity of that in recent years.

What will really improve our economy, I am convinced, is for us to demonstrate to all the folks out there who rely on this Government, to the folks that run this Government, that we can exercise some discipline in what we spend and what we raise, and we can balance our books.

My colleague from North Dakota, Senator CONRAD, echoed my sentiment. I do not believe the budget has to be balanced every year, but I believe over time it must be balanced. And I think there was some testimony before your committee, Senator SIMON, which I heard you mention yesterday, in which some suggested that there are times when we should have a surplus of 1 or 2 percent.

There are times when your economy is moving along at a pretty healthy clip, you have good economic growth, fundamentals are sound. One would expect in those periods that one would be able to accumulate a little reserve so you could use that reserve for countercyclical investment, when the business cycle begins to turn the other way. As I said, we cannot repel the business cycle. Nobody is going to repel the business cycle. We had a business cycle before we had the income tax.

The fact is, we need to be available to use the devices at our disposal to respond to a recession. But the best thing we can do for our country, I am convinced, is to get our fundamentals in order.

Let me compliment this President. He has done a whole lot more than the other two. The other two always claimed they were for a balanced budget. But they didn't do what this President proposed and this Congress did. We took tough medicine last year to try to ratchet down the deficit, and we have. But the deficit will grow again.

So let me just read a few of the administration's projections about our economic future. This is page 249 of the summary tables of the President's budget. The on-budget surplus or on-budget deficit are both on this table. And on-budget means that you take the Social Security surplus out of the number, because Social Security is now legally off budget, although you wouldn't know it from the numbers the administration and other people throw around.

The on-budget deficit for fiscal year 1995 will be $225 billion. That is relatively good news. If last year's bad news was $350 billion, $225 billion is better. But in 1996, it will go to $236 billion; in 1998, it will go to $279 billion; in 1999, to $278 billion.

Even with the Social Security revenues used to reduce the deficit in the year 2004, the deficit will be $365 billion. Our total accumulated debt will be close to $8 trillion.

One can make a case for doing nothing, I suppose. But in my judgment that would be irresponsible. The question is not whether we do something. The question is what.

We can monkey around with all kinds of devices or we can have a debate here, as we are, about changing the Constitution.

Senator BYRD was absolutely correct when he said changing the Constitution will not balance the budget. Let us assume it is voted on here tomorrow and in the House tomorrow night and it goes out as ratified. It will not change by 1 cent the budget deficit, until and unless men and women take actions to respond to the constitutional requirement.

We will need to consider a range of options, some of which are probably easy to do. But some of them will be agonizing and tough. They will confront us with some of the most difficult decisions that American society has had to confront, in its democratic way, through the Congress.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I ask the Senator for 3 additional minutes.

Mr. SIMON. I yield 3 additional minutes to the Senator.

Mr. DORGAN. There are going to be many arguments proposed both for and against this constitutional amendment in the days ahead.

I am a cosponsor of the amendment and I am very likely to vote for the amendment.

I want to offer a change, as I said. I want to see the change the Senator is talking about offering to his own amendment. But I do not think we have the luxury of continuing to do what we have done for the last decade.

We will hear a lot of fancy arguments. But there is one timeless truth that existed in this Chamber before this debate started and will exist after it is over. That timeless truth is you cannot forever spend money you do not have. You cannot forever spend resources that honestly are your children's.

We must somehow confront this problem. The Senator from Illinois serves rather than betrays us by bringing this issue to the floor of the Senate now. None of us would prefer to deal with it. The easiest approach, I suppose, is to say; "Well, gee, this is a tough issue. Let's postpone it." But I am not interested in postponing these issues until we have an $8 trillion debt.

I put to bed every night a young boy and a young girl and tell them a story. I want that story to have wonderful messages of hope and inspiration in it. But, one piece of hope and inspiration they may not yet understand because they are too young would be if I could tell my young son and young daughter that we have done the things that are necessary to make their future bright. I want to be able to give them some notion that in the years ahead this country will be a strong country, moving ahead with economic expansion, providing jobs and opportunity and hope to families again.

Instead, our country has a mess of trouble. It is a wonderful place. But to make it as good as it can be is going to require all the leadership we can muster to make these kinds of tough decisions.

I wanted to say a few things about the constitutional amendment today. And I would say to Senator SIMON I think he has served the interest of this institution and this country by raising these questions.

I would also say to those on the other side of the aisle who joined him, and colleagues of mine who have joined him, that this is a debate that has been too long postponed, and I hope will result in satisfactory answers for all of us and good progress for our country's future.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I thank my colleague from North Dakota for his common sense and his wisdom.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield 30 minutes to the distinguished Senator from Ohio [Mr. GLENN].

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank my distinguished colleague from West Virginia.

Mr. President, this is a most important debate. As the Senate begins to debate a constitutional amendment to require a balanced budget, I am sure that we are not going to hear many voices in support of increased spending and spiraling deficits. It is very attractive, to vote for a balanced budget and that proposes to take care of our problems. It forces us into doing something that we might not otherwise do. It reflects the fact that all of us here have grown so frustrated over the years with deficit spending, deficit spending that just seems all too intractable.

Over the past decade, Democrats and Republicans have pointed fingers at each other. We pointed fingers at the White House, the White House has blamed Congress, the Congress blamed everybody. While everyone argued, the national debt has soared out of control.

What led us into this? We had basically a 12-year experiment with supply-side economics, and the answer to the experiment is that it did not work. During that time our national debt quadrupled from $1 trillion to over $4 trillion. It led us into deficits and deficit spending beyond anything that we ever thought possible and into more debt than we ever thought possible for this country.

Without arguing the merits of Laffer curves and supply-side economics, we looked for what some saw as gimmicks. We were in gridlock, and many reached out for simple solutions to what are very difficult problems. And they are difficult problems. They are tough. We looked at and tried what some saw as gimmicks and others called tough medicine. We are going to show our merit around here. We tried measures like Gramm-Rudman. We considered line-item vetoes and a balanced budget amendment. They all fit in the same category of things that reflect the gridlock we got into and the concern that we had about this ever-spiraling Federal deficit.

Our approach to budgeting has been to say: Look, Ma, no hands. We will put ourselves on some sort of automatic track and that will take care of it. It reflects a deep frustration that has caused many of us to consider this kind of approach more and more seriously over the years; the balanced budget approach. It is not unattractive. It is a forcing mechanism. I compliment my distinguished colleague from Illinois for bringing this forward because he is just as concerned as anybody in this body about the fact that we cannot go on into the future, mortgaging the future of our grandchildren, as he pointed out so eloquently in our Democratic conference yesterday.

We know that the real solution—rather than trying to put us into some sort of legislative solution—the real solution starts with responsible leadership making hard choices and casting tough votes.

In an attempt to force responsible leadership, back some years ago I authored legislation—it was twice passed by the Senate—that would have forced the President to submit a balanced budget to Congress and if he did not, to explain why. In that legislation, we went back to the 1921 legislation, the Budget and Accounting Act, where the President submits a budget and if it is out of balance, the President will suggest to Congress, and the words were, "appropriate action." And appropriate action was taken to mean new taxes, loans, or other.

In other words, it required the President to make recommendations regarding new taxes, loans, or other—as the way they defined appropriate action—to meet projected deficits if an unbalanced budget was submitted. This section was restated in the 1982 recodification of title 31 of the United States Code and the specific references to new taxes and loans were removed. That is why I subsequently offered legislation explicitly requiring that the President submit a balanced budget and, if not, explain why. It was my hope that this would force the kind of responsible leadership necessary to end budget gridlock.

Mr. President, although my provision was passed twice by the Senate, it was not enacted into law. We debated it on the floor. I had a lot of support for it. It was passed. It was not just passed with some kind of unanimous consent. It was considered very thoroughly on the floor, and we passed it. I felt that that kind of leadership was necessary to do something about the deficit. I was proud of that.

While it has been sometimes tempting in the past to consider a balanced budget amendment, we have to view it in light of today and the current circumstances in which we find ourselves. What are those current circumstances?

Last year, we saw the inauguration of a new administration committed to reducing our budget deficit. In its first year, the administration proposed and the Congress passed the largest deficit reduction bill in the history of this country. Last year's bill will reduce the deficit by $504.8 billion over 5 years. We have seen the deficit estimates drop by 40 percent from a projected $302 to $176 billion. The deficit is projected to decline for the next 3 consecutive years, something that has not happened in over 40 years, since the days of Harry Truman—40 years. We are now heading in the right direction.

The President's budget proposal for this year calls for cuts in more than 300 programs; 115 programs are targeted for elimination. For the first time since 1969, discretionary spending will actually decline.

Secretary of the Treasury Lloyd Bentsen, our former colleague in the Senate, former chairman of the Finance Committee said, "There is a lot of pain in it, a lot of blood on the floor," and he was right.

I, for one, think there can be even more blood on the floor, but now it is up to us in Congress to spill that blood to make sure that we keep this trend going.

At last we are putting the days of budget gridlock behind us. The President has led the way and the Congress is making the cuts that need to be made. Our economy is starting to recover; housing starts are up; industrial production is up; unemployment is going down.

We had testimony just a couple of days ago from the Chairman of the Federal Reserve Board, Alan Greenspan, in which he said he cannot recall as good an underlying base for the long-term outlook than we have today.

Just when we are stepping out of the straitjacket of gridlock, just as we are beginning to head in the right direction, we are being asked to step right back into another straitjacket: the balanced budget amendment.

I think this takes us back to an earlier day. It is a vestige of the days of finger pointing and inaction; it is a day when I, too, shared the frustration of gridlock that forced us in desperation to look for mechanical means of leadership. But I believe we have passed the time when that would be an appropriate solution. I believe that kind of activity has no place in today's consideration of what is best for us.

Make no mistake about it, just the idea, the concept of saying we want a balanced budget amendment that is going to force us into something is very attractive—very attractive.

We do have to cut Government. I am chairman of the Senate Governmental Affairs Committee. We had hearings today on H.R. 3400, the House bill that starts for the first time to reinvent Government, as Vice President GORE has put it. We had a hearing this morning on that bill, which I chaired. We had Mr. Charles Bowsher, Comptroller General of the General Accounting Office, and Ms. Alice Rivlin, who is Deputy Director of the Office of Management and Budget. One of the things we considered this morning is how we go about reducing the number of Government employees by 252,000 over a 5-year period.

We are getting into this in depth and considering some major measures on how we are going to control Government spending.

As to the cutting down of employees by 252,000, just to give an example and expand on that just a little bit, the Government ratio of managers to employees is about 1 to 7. In most private industries, that ratio is about 1 to 12 or 1 to 15. In labor-intensive industries, it is probably about 1 to 20. We want to cut out some of this middle management bloat that has occurred in Government, the GS-13's, 14's, and 15's.

Will that alone solve the deficit? No, it will not, but it is indicative that we are, in fact, not just nibbling around the edges of this thing; we are taking substantive action to get the budget under control. It is going to take some time and we must, we simply must, stop this deficit dead in its tracks.

I think we have the chance to do that, and let us do it right, not in a way that will place Government in a straitjacket, eliminating our ability to respond to, for instance, economic cyclical downturns, eliminating our ability to react to national crises, to make rational budget choices, and to adequately prepare for military threats. And inserting instead courts and endless litigation into the budget process.

I think it is very important to remember how important our national budget is and what a broad impact it has on our general economy.

Many have reminded us that most of the States are required to balance their budgets. They say, "If the States can do it, why can't the Federal Government do it?"

Let us be clear about exactly what the States do. Most States, typically, have separate budgets for operating and capital expenses. So it is not the same thing as the Federal Government. Requirements for balanced budgets apply only to their operating budget. Many State investments made in roads, in bridges, and school construction can be financed through bonds or other borrowing measures, and does not count as it does in the Federal accounting process. In fact, State debt actually rose to a record high of $372 billion at the end of fiscal year 1992.

Our national budget does have a broad impact on our general economy, and our economic policies have had a favorable impact on the boom and bust cycles of an unregulated economy. This Nation once was at the mercy of devastating economic disasters. Look back through history. Just pick up the encyclopedia, pick up the World Book, as I did in my office a little while ago, and look at it. I saw a chart that shows the panic of 1873, the panic of 1893, the panic of 1907. I can well remember the catastrophe of the Great Depression. I was a boy during those days of the early 1930's, and I remember when we had to go out and plant a bigger garden so we could take care of not only ourselves but some of the other people in our small town of New Concord, OH, where I grew up.

I remember those days of the Great Depression very well. I remember my parents talking once about whether we were going to lose our home or not. New Government policies were put in to help with refinancing mortgages. I was part of that, and I was old enough that I remember some of those things to this very day. Federal economic policies have often relieved the suffering of a downturn in the economic cycle.

Now, if you look at that same chart I referred to just a moment ago, in the World Book, from the days of the Great Depression, when new economic policies were instituted, have we had recessions? Have we had dips? Yes, we have had dips but nothing that even approached those days of that Great Depression that started in 1929 and ran for nearly a 10-year period. Movies, such as "The Grapes of Wrath," have depicted what really happened back in that time period. Federal economic policies have often relieved the suffering of the economic cycle.

Under the proposed amendment, in times of economic downturn our economy would in effect, be placed on autopilot. The economic downturn would cause an unpredictable hemorrhage of revenues. Tax increases and massive spending cuts would be forced at just the time a fragile economy could not sustain them. That is just what turned a recession into the Great Depression of the 1930's. Policies instituted back at that time helped to bring us out of that depression as well as World War II, of course. But since that time, we have had policies that were countercyclical, that operated to stimulate the economy just at times when needed. Not to put in tax increases and massive spending cuts at a time when the economy would not be able to react.

Because three-fifths of the Senate would be needed to suspend this amendment, a minority of legislators, 40.1 percent of legislators, would decide the fate of all Americans during these times, during times when we might want an economic stimulus. That is less than a majority, obviously. I think we should be deciding these things not by requiring a supermajority, but I think a majority will of the people should be expressed.

The judicial consequences of the amendment have brought together an unexpected alliance of legal scholars who have linked arms in opposition to the amendment. Liberals such as Archibald Cox, Laurence Tribe, and over on the other side, conservatives such as Robert Bork and Charles Fried, all think, to quote Robert Bork, that it is a serious mistake.

Why? Because as the executive and legislative branches throw up their arms and say, in effect, look, no hands; we can just put this on autopilot, the courts then will be forced to come into the process. The courts will be forced to determine compliance with the amendment if it is brought into the courts, which it undoubtedly would be. If we pass this amendment, we better appropriate money for accountants at the Supreme Court because I think they are likely to need it. Every interest group that is unhappy with a cut that is being proposed will file suit and say that Congress is not complying with the amendment. This sounds like a lawyer's dream, I guess.

If Congress and the Executive should fail to comply, what next? What is the next step? Will unelected judges then mandate tax increases or budget cuts?

The amendment says that Congress can at some future time enact enforcement legislate to iron out some of these questions. But I must say I would feel much more comfortable about amending the Constitution if some of these questions were answered now, not at some later date.

Would the same minority of legislators decide the fate of Ohioans hit by a natural disaster or the people of California or Hurricane Hugo down along the east coast? Would we be locked into a straitjacket there? Over the years tornadoes and floods have ravaged parts of Ohio. The Federal Government has come to our aid, as we do for other States when they have a problem.

But with the amendment in place, legislators who have never even been to Ohio would suddenly have veto power over Government compassion. "Tough luck. You are on your own, Ohio. You did not give us any notice. You were struck by a tornado but we did not include any relief in the budget. We would like a little warning next time, or have your disaster early in the year when there is relief money available."

That would be the kind of thing we have the potential of stepping into with this kind of straitjacket, it seems to me. We turn over the hourglass and frantically begin hopping around trying to figure out what to do next and, like Houdini, the Congress has always been very good at finding its way out of these things, creating some smoke and mirrors, the same things that made a mockery out of Gramm-Rudman. And that is what America thinks Congress will do also.

A Wall Street Journal-NBC poll showed that 77 percent of Americans think that a balanced budget amendment would not produce a balanced budget. They think that Congress will spend more time trying to get out of the amendment's requirements than trying to comply with it. And you know, they might be right. They know that the real solution lies in responsible leadership and in tough action.

Let us say Congress earnestly seeks to comply with the amendment. The timer goes off and away we go. The race begins. Congress has until 2001 to come up with $600 billion, give or take $100 billion, given the way budget estimates can vary, and it does not matter what may happen in the meantime, what emergencies may arise, what threats we may face overseas, what our national priorities may be. In the process I fear that the historic health care initiatives might be one of those things that would get trampled.

The Clinton administration has worked very hard to come up with savings to finance health care reform, and I expect these savings will be the first thing grabbed up in the wake of this amendment. I hope we do not do this, because with them will go the hopes of millions of Americans who thought for the first time they and their families would have access to basic health care that they could rely on for the future.

(Mr. CONRAD assumed the chair.)

Mr. GLENN. There is another area that I have some very serious concerns about, very serious concerns, and that is doubts about whether our national defense might become victim to this frantic race.

The amendment has a military conflict waiver which is extremely important, but I do fear that this may not go far enough. What happens if America faces a military threat—not a conflict, a military threat? Will we be able to gear our forces up from the confines of a straitjacket?

We have a very interesting cycle that has gone on in this country ever since the days of the Spanish-American War. It is interesting to look at. It shows that on an average there is a 17-year cycle in which we have a buildup and builddown of our military forces. Ever since the days of the Spanish-American War we buildup, builddown, buildup, builddown.

Every time we have been so optimistic that peace has broken out and we can relax we have cut back on our military forces. Later we have turned right around and built up again on this 17-year cycle.

This cycle depicted on a chart is interesting to look at. Someone brought it to my attention one day, and I have made copies of it and have passed it out to a lot of people. Every 17 years we decide the world is safe, we can cut back on our military and then something happens that makes us reconsider and we begin building up again to prepare for this new threat.

Military readiness is not something that just happens overnight. We cannot wait for a declaration of war to start building up. It does not work that way. You cannot produce the equipment that fast. You cannot train the people that fast. This concerns me very much because we are in the process of reducing our military personnel down to 1.6 million by the end of next year; our active duty forces. And it is now proposed that we take it on down even lower than that.

I think our worldwide commitments are beginning to outstrip our military ability to back up those commitments. Congress is charged in the Constitution with the awesome responsibility of providing for the common defense. Today we are debating an amendment to the Constitution which I fear may not allow Congress to live up to that responsibility. There are trouble spots throughout the world that could erupt at any time. We have seen that over and over.

Not only that, what will our allies as well as our adversaries think if they know that we have no ability to rise to the occasion? I do not think our NATO partners would view us as being that reliable if we have locked ourselves into no spending on military matters unless we have some sort of an emergency, that we cannot be prepared unless some eminent or actual conflict is going on.

The States may balance their budgets but one of the fundamental differences between the States and the Federal Government is providing for the common defense. States are not constitutionally required to raise and support armies or provide and maintain a Navy.

What are the possible effects of this amendment on State and local governments?

I have been working hard to reverse the recent trend of unfunded Federal mandates. We place many requirements on the States to do things and we share the expenses. But trying to take care of this problem will be virtually impossible if we pass this. We look to the Governors of the States who are so concerned about this, and the State legislatures, and it seems to me it is going to be a much tougher fight to take care of some of those unfunded mandates if this amendment is in place. Legislators will seek to carry out their agendas through mandates and regulations on State and local governments, and nobody can afford that.

Mr. President, if we want a balanced budget amendment that requires cuts—that is what this would do, it would require cuts—I would suggest that it would be better to figure out what those cuts would be, make a list of the cuts, and figure out what areas we are going to cut. Are we going to cut in crime prevention, farm supports, or Social Security, or health, or education, training, employment, emergency spending, unemployment compensation, Medicare, Medicaid, Federal deposit insurance, international obligations, national security?

Are we going to cut what we can do overseas with regard to Somalia, Bosnia? These are not declared wars. What are we going to do in these areas?

What if something erupts one of these days where there are hundreds of thousands of people who are in danger or actually dying now in Angola, or Chad? What if something breaks in North Korea? Should we be prepared? Are we going to cut in these areas?

If this is what we are to do, if we are going to lock ourselves in a straightjacket, then we are going to force ourselves to cut in some of these areas. Let us describe right now, ahead of time, what the cuts will be and where they come from. Let us total up the dollars, and maybe we do not even need a balanced budget amendment. We can start voting these things one at a time and see if they are acceptable rather than placing ourselves in that kind of a straightjacket.

Mr. President, I think the Cincinnati Post said it all in a recent editorial:

> Despite its superficial appeal, a balanced budget amendment would exacerbate distortions already present in the political system without curing the Federal Government of over commitment. For that the only antidote is political will.

They are right. Mr. President, it is time we stopped debating these mechanical fixes. Let us put the days of gridlock behind us and get to work. The President has sent us a budget that continues the fight. Last summer we all debated whether we would vote for the reconciliation bill that made some very tough cuts. Those were hard votes. We got the whole thing started. And the President is continuing it with this year's budget.

The last time we debated the balanced budget amendment we were on the wrong track with deficits going steadily uphill. Now we have made a new start, and the President has sent us a budget that reduces spending; we can reduce it more. It cuts some programs; we can cut a whole lot more. We do not need constitutional cover to make the tough choices.

I think those tough choices are what we were sent here to do. We have a good start. Let us finish the job.

I regret very much that I must oppose the balanced budget amendment.

Mr. President, I ask for 2 more minutes please.

Mr. BYRD. Mr. President, I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. GLENN. Mr. President, I would also ask unanimous consent that editorials, one from the Cincinnati Post, one from the Cleveland Plain Dealer, three from the Washington Post, and one that appeared in the Wall Street Journal on October 28, 1993, called "Congress v. The Framers and Reason," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Post, Feb. 16, 1994]

NO WAY TO CURE A DEFICIT

In a scant half-page, an impressive collection of the nation's top legal scholars sum up the case against the Balanced Budget Amendment to the Constitution. From Lawrence Tribe and Archibald Cox on the left to Robert Bork and Charles Fried on the right, the 17 jurists blast the amendment—due to be debated in the Senate next week—as "a serious mistake."

We agree—for most of the reasons the scholars recite in their letter to Sen. Robert Byrd, D-W.Va., an amendment opponent. The first reason, though—that outlawing deficits would "deprive Congress and the President of needed flexibility—we would put differently. The amendment pretends to deprive Congress of needed flexibility, while actually changing little since by a mere three-fifths vote Congress could authorize the same deficit spending it has opted for every year since 1969.

Either Congress would openly vote to circumvent the ban on new borrowing or it would use unrealistic budget assumptions and balance the budget only on paper. Who would punish it? One possibility, the scholars note, is that the federal courts would step in, inappropriately called on to settle intractable budget choices by judicial fiat.

Yet another form of false compliance the letter cites is passing the buck. The amendment would create "a permanent incentive to accomplish national objectives * * * through * * * mandates and regulatory burdens on state and local governments and the private sector." This incentive already exists, it would be magnified a thousandfold under a Balanced Budget Amendment.

In 1995, the president proposes to spend $176 billion more than Washington takes in. If that deficit had to be erased, what would Congress and the president be more likely to do: order painful service cuts, job losses and new taxes worth $176 billion, or conceal some of the damage by shifting costs to states, localities and businesses?

Despite its superficial appeal, a Balanced Budget Amendment would exacerbate distortions already present in the political system—without curing the federal government of overcommitment. For that, the only antidote is political will.

[From the Cleveland Plain Dealer, Feb. 22, 1994]

BALANCING BUDGETS

It's hard to dispute the central premise of the many politicians who will argue on the Senate floor this week in favor of a constitutional amendment to balance the federal budget. Without a straitjacket imposed from outside, they say, Congress will never summon the discipline to restrain its impulse to spend more money each year than it has.

Who can argue with such a prediction?

Just last week, hoping to sway the close vote coming soon in the Senate, the Clinton administration dispatched a phalanx of Cabinet secretaries to Capitol Hill to preview the horrors that would follow enactment of a balanced-budget amendment.

Among other things, the Cabinet secretaries said, a balanced-budget amendment would jeopardize economic growth, throw defense planning into chaos, increase crime and hurt the poor and the elderly. In other words, a central premise of many opponents of a balanced-budget amendment is that the nation would be hurled to the brink of disaster if the government were ever forced to balance its books. Deficits, in other words, are healthy.

To those of us who look askance at borrowing, the administration's arguments were less than persuasive. Indeed, they stengthened the case of respected advocates of the amendment, such as Sen. Paul Simon and former Sen. Paul Tsongas, who note the cost to future generations of the huge interest bills necessary to finance the federal government's debts.

Still, for all our sympathy toward those frustrated by federal spending habits, we will be siding with the opposition when debate begins on a balanced-budget amendment today. Our concern is less with fiscal nightmares that the ramifications of fiddling with a document as sturdy and wise as the U.S. Constitution.

Amending the Constitution is a huge step that should be taken only after careful consideration of the likely consequences. Certainly, the recent history of deficit spending in Washington suggests a need for something dramatic to change a dangerous habit. But there is reason to question whether amending the Constitution would solve the problem of perennial overspending, and whether it would do so without damage to important institutions.

There are grounds for concern on both fronts. In order to ensure some fiscal flexibility, the proposed amendment would allow deficits in any year when Congress could muster a three-fifths majority in favor of such a move. That exemption would almost certainly suffice to allow deficit spending in times of war and recession. But given Congress' fondness for spending, it probably would suffice also to allow deficits when such emergencies are absent.

Congress could sidestep a balanced-budget amendment in another, less obvious way—by building budgets on unrealistic economic forecasts that exaggerate likely revenues or underestimate expenses. As any observer of Congress knows, lawmakers are expert at finding ways around spending limits.

Which raises the question of how a balanced-budget amendment would be enforced. Who would resolve the dispute if Congress were accused of approving a phony balanced budget? Do we want federal courts to become referees in bruising budget battles that have traditionally been the province of the legislative and executive branches?

Advocates of the amendment ask poignantly what alternative there is to coax Congress to behave more responsibly. The answer is the ballot box.

[From the Washington Post, Nov. 8, 1993]

DISTORTING THE CONSTITUTION

President Clinton on Friday took a position on the misnamed balanced budget amendment to the Constitution, on which Congress is scheduled to vote in the next couple of weeks. He's opposed, as well he ought to be; he laid out the principal reasons in a compelling letter to House Speaker Tom Foley. You could be forgiven if you failed to get the news. There was no announcement; the letter was sent up late Friday afternoon, which is exactly when administrations generally take actions they hope won't get noticed. Officials say that wasn't the intent, and that the administration plans to campaign vigorously against this insidious proposal in the time that remains. We hope so.

This amendment wouldn't require, and most of the time would likely not produce, a balanced budget. It would simply require a three-fifths rather than majority vote of both houses to pass an unbalanced one. The balance it would mostly affect is the balance of power. It would add to the price that a president—any president, of any persuasion—would likely have to pay each year to get a budget passed. Every year Congress searches for the perfect vote on the budget, the one that will let it stand four-square for frugality without having to say at whose expense the frugality is to be achieved. The amendment has the added virtue of putting off the frugality until later; it will be another Congress's responsibility to achieve.

The president rightly observed that "the amendment by itself would not reduce the deficit by a single penny." But unlike some of the gimmicks that have preceded it, this one would tamper with fundamental law and likely do great harm to precisely the future ability to make the disciplined choices that sponsors say it would enhance. It would enshrine minority rule, and thereby add to the chance each year of gridlock. The president warned that by likely increasing "accounting subterfuge * * * for example * * * moving more federal programs off budget or * * * imposing more unfunded mandates on the states," it might well end up producing less fiscal responsibility rather than more.

It would be "bad economics," he said, in that it would complicate the government's counter-cyclical role, wherein the deficit automatically widens when the economy turns weak; it "risks turning minor downturns into serious recessions" and "would make recovery from recession far more difficult." The amendment could do programmatic harm as well. The goal of some supporters is not so much to balance the budget as to shrink the size and role of government. The president spoke up for reducing the "investment deficit" as well as the budget deficit. He said the amendment could "make it impossible to pass meaningful health reform legislation." Aides are preparing to warn backers that other likely effects could include increased pressure on defense and a greater burden on precisely the states that would have to ratify the amendment; that's because federal aid to state and local government would likely be cut.

This amendment, far from facing up to such choices, closes its eyes to them. It is a means of deferring precisely the discipline that it pretends to impose; in the name of strengthening the government, it would hobble and weaken it. It abuses the Constitution by using it as a political shield. Mr. Clinton, whose budget this year was itself a good first step toward deficit reduction, is right to oppose it. Congress should vote it down.

[From the Wall Street Journal, Oct. 23, 1993]

CONGRESS VS. THE FRAMERS—AND REASON

(By Albert R. Hunt)

Despite tough competition, Congress may be on the verge of its dumbest act in years: monkeying with the Constitution, while ignoring the Founding Fathers as well as contemporary constitutional scholars, ranging from liberal Archibald Cox to conservative Robert Bork. In the process, lawmakers would display the rankest hypocrisy.

This remarkable feat would be a constitutional amendment to mandate a balanced budget. The only exceptions would be war or if a statutory three-fifths of the total members of both houses vote for an unbalanced budget. The chief Senate sponsor, Paul Simon (D., Ill.), says he has a commitment from the leadership that it will come up within the next month.

In 1986, the Senate voted on a similar measure and it lost by one vote; the environment is more conducive today. Private tallies suggest supporters are only a handful of senators away from the required two-thirds support. If it passes the Senate, favorable action is likely in the House, where it fell nine votes short last year, a margin more than offset by electoral changes.

The prospect is mind-boggling. The same institution that has approved $2.6 trillion of red ink over the past dozen years now wants to cure the problem by amending the Constitution. Many supporters cynically figure this will divert attention from their cowardice in tackling real budgetary issues and priorities. "To use the Constitution for such a purpose not only trivializes it by an irrelevancy but, in the long run, would reduce the respect for, and therefore the effectiveness of, our bulwark of liberty," charges Archibald Cox, chairman emeritus of Common Cause and the former U.S. solicitor general and Harvard law school professor.

Even in the short run the people may be much smarter than these politicians think. By an overwhelming 77% to 17%, people don't think a constitutional amendment actually would produce a balanced budget, according to this week's Wall Street Journal/NBC News national survey.

Experience is on their side. Take, for example, the 65 members of the House who this year voted against both the Clinton deficit reduction plan, with many saying it relied too much on tax hikes, and the Republican alternative, with many saying it cut spending too much. Yet these 36 Republicans and 29 Democrats are sponsoring the balanced-budget amendment.

"We need the forced discipline of a constitutional amendment," explains Rep. Sonny Callahan (R. Ala.), one of the 65. Why did he vote against the GOP budget-cutting plan? Mr. Callahan says it was too tough on Medicare and other sensitive entitlements. In the Senate, the amendment's patron saint, Paul Simons, last week sent a private memo to President Clinton advocating an expansive new program for the inner cities. It apparently is interesting and meritorious; it also is totally at odds with his amendment.

It's tough to figure whether this amendment would do more harm economically or politically. Even most traditionally conservative economists agree that trying to balance the federal budget in recessionary times is crazy. And in a well-reasoned 25-page analysis, Robert Greenstein, of the liberal Center on Budget and Policy Priorities, convincingly argues that under a balanced budget amendment—which could take effect before the end of the decade—the poor would bear "the heaviest sacrifices since they are the weakest constituency."

But the political damage might be even greater. Since a balanced budget often would be politically and economically disastrous, the real issue would be how to get a 60% vote for revenue and spending measures; in both houses, 40.1% of the members would have an effective veto power.

There's an illustrative model: California, where a two-thirds legislative majority is required to pass a budget. This minority rule has had the effect of decreasing accountability, increasing the influence of special interests and creating a general chaos that has served neither the politicians nor the people well. Whatever reforms are desirable for Congress, becoming more like the California Legislature isn't one of them.

This year it would have meant that President Clinton never would have gotten a budget through, or it would have been one almost identical to the last Bush budget, after voters demanded change. The effect, in the House at least, would be to give Newt Gingrich veto power over fiscal policy.

Sounds pretty good, some conservatives no doubt are thinking. Think harder. This minority rule also would have killed the Reagan tax cuts of 1981, which fell 23 votes short of three-fifths of the House. And, if conservatives really believe that Mr. Gingrich has a real shot to be speaker before the decade is out, how about liberal Democratic Rep. Barney Frank exercising a similar veto power?

"This is a conservative measure that conservatives haven't thought about," worries Robert Bork. "It would create a real mess."

He highlights two likely unintended consequences: more regulation and more power accruing to unelected judges. Congress almost surely would try to get around any binding fiscal restraints by escalating regulatory measures, which, Judge Bork argues, "could be worse than taxation from a conservative point of view." Moreover, if lawmakers circumvented the limits simply by adopting wildly unrealistic estimates, there's no enforcement mechanism. The result: the courts would get deeply into fiscal policy.

THE HYPOCRITICAL 65

Here are the 65 members of the House who earlier this year voted against both the Clinton and the Republican plans for reducing the deficit but now sponsor a balanced-budget constitutional amendment:

Democrats: Browder (Ala.), Coppersmith (Ariz.), Condit (Calif.), Deal (Ga.), Rowland (Ga.), Lipinski (Ill.), Long (Ind.), Roemer (Ind.), Baesler (Ky.), Hayes (La.), Minge (Minn.), Parker (Miss.), Danner (Mo.), Skelton (Mo.), Swett (N.H.), Andrews (N.J.), Pallone (N.J.), Mann (Ohio), Traficant (Ohio), English (Okla.), Johnson (S.D.), Clement (Tenn.), Chapman (Texas), Edwards (Texas), Goren (Texas), Hall (Texas), Laughlin (Texas), Sarpalius (Texas), Wilson (Texas).

Republicans: Callahan (Ala.), Stump (Ariz.), Huffington (Calif.), Allard (Colo.), Hefley (Colo.), McInnis (Colo.), Schaefer (Colo.), Canady (Fla.), Diaz-Balart (Fla.), Fowler (Fla.), Ros-Lehtinen (Fla.), Stearns (Fla.), Kingston (Ga.), Burton (Ind.), Grandy (Iowa), Leach (Iowa), Lightfoot (Iowa), Roberts (Kan.), Rogers (Ky.), Bentley (Md.), Emerson (Mo.), Hancock (Mo.), Barrett (Neb.), Bereuter (Neb.), Vucanovich (Nev.), Boehlert (N.Y.), Taylor (N.C.), Gillmor (Ohio), Regula (Ohio), Machtley (R.I.), Spence (S.C.), Duncan (Tenn.), Bateman (Va.), Goodlette (Va.), Petri (Wis.), Roth (Wis.).

Writing economics into the Constitution and requiring a supermajority for important actions aren't new ideas. In the Federalist Papers, Number 58, James Madison considered the idea of a supermajority and persuasively rejected it: "the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority."

Over the next few weeks, as Congress decides whether to profoundly change the Constitution, take your pick: James Madison or Sonny Callahan.

[From the Washington Post, Nov. 1, 1993]

A SLOPPY WAY TO GOVERN

To pass his budget last summer, President Clinton had to promise some further votes on fiscal matters later in the year. Those fuzzy and incautious promises are now coming due. The problem for the president and the leadership in Congress is that they may not have control over the terms of the votes. The anti-spenders are teeing up the choices in such a way that members will mainly be able to vote against spending in the abstract, say yes to cutting without saying how. That will be fine for the holidays; everyone can go home having cast the perfect vote, which is always for virtue without pain. Only later will they—or someone—have to figure out how to govern within the limits to which these showy and unwise propositions could condemn them.

The most dangerous of the proposals is the misnamed balanced budget amendment to the Constitution. It's the granddaddy of false promises. It wouldn't require a balanced budget, just a three-fifths vote in both houses to pass an unbalanced one. It would empower minorities; anyone with an idea that could command the allegiance of 41 percent of either house could hold the government hostage. The theory is that such a system would somehow lead to leaner government. The effect would much more likely be the opposite.

There are lots of years when for economic or social reasons the government ought to run a deficit. To do so the party in power would have to win the support of 20 percent more members in each house than it does today. The president, or someone, would have to bargain with more stray members; who thinks that that would lead to an epidemic of self-denial? Last summer, when this president needed every Democratic vote, is a case in point. By all means reduce the deficit, the professed fiscal conservatives of the party came round to say one after the other, but surely not at the expense of * * * imposing an energy tax, increasing grazing fees, cutting farm support as much as the president proposed, taxing a larger share of Social Security benefits, cutting defense, cutting Medicare. The president had to deal for votes and then was condemned for dealing by some of the very people who threatened to withhold their votes until he dealt. Will they change the Constitution to bar that too?

In the House, meanwhile, some members now also are proposing what they describe as $103 billion in further spending cuts over the next five years. To lock some of these supposed savings in place, they would reduce the already tight appropriations caps that were set for the next several years in the budget. The problem is, they don't specify enough new cuts to get the caps down to the new levels they propose; instead they try to snatch some administration proposals that the president needs to get spending down to the existing caps. No fair; by one estimate, to get total spending down to the point they propose, they would have to list $70 billion more in specific cuts that they have. That's the opposite of a blank check; it's a blank cut. They would also preempt and pocket as "cuts" some health care savings that the president has proposed to use in financing health care reform.

This is no way to do the government's business. The amendment and proposed cuts both are ragged, slapdash policymaking that a lot of members think would do them some short-term political good. They would meanwhile do the country long-term substantive harm. The Democrats should beat them back.

[From the Washington Post, Oct. 20, 1993]

FAREWELL TO MAJORITY RULE

The Democratic Congress is about to take up legislation that would basically end the American system of majority rule. The Senate is tentatively scheduled to vote sometime in the next few weeks on a so-called balanced budget amendment to the Constitution. The sponsors of the simplistic and dangerous idea are said to be within a few votes of the two-thirds they need to send it to the House. A similar measure fell only nine votes short in the House last year, and opponents doubt that this time they could stave it off.

The misnamed amendment wouldn't so much balance the budget as it would destroy political accountability by creating minority control of both houses. The budget deficits of recent years have done the country enormous damage, but they have been the result of political, not constitutional, failings. Such deficits did not exist in earlier years, when politicians had the courage to vote no. The right way to reduce them is to approve the specific tax increases and spending cut that the goal of responsible policy requires.

This amendment would instead allow the members once again to postpone the very action that they pretend to take. They would go home having virtuously voted to balance the budget in the abstract and in the distant future, without ever having had to say how. They mortgage the future and trivialize the Constitution in order to preen before constituents without inflicting pain. The President should be the one to speak out against the travesty, educate the country against it and provide the nervous members who know better with the cover they need to vote no. His aides know the vote is coming; the Senate leadership is opposed to the amendment. But so far the White House, too, has gone to ground.

Mr. Clinton and the congressional Democrats took a larger step toward deficit reduction last summer than they have been given credit for—and perhaps as large a step as a recovering economy can withstand. Instead of defending their actions, they seek political purposes to give the impression of doing more than even they think wise. The amendment would not ban unbalanced budgets, just require three-fifths majorities of both houses to enact them or to raise the statutory ceiling on outstanding federal debt. The measure would also make it marginally harder to raise taxes than to cut spending.

The budget would no longer serve as an automatic economic stabilizer, wherein a recession creates a wider deficit and the deficit partly offsets and cures the recession in turn. The redistribution role of the government would also likely be reduced. Democrats, including those who are unaccountably sponsoring the amendment, can like neither of these likely results. But the worst is that 40 percent of either house would hold the country hostage, and you can bet not just on fiscal policy, either, but on everything that a budget can be made to contain. You heard it said, and rightly so, that the country in the last election traded gridlock for party responsibility. The amenders would trade us back to gridlock, and in the process compound precisely the weakness of government that they profess to deplore.

Mr. GLENN. Mr. President, I thank the distinguished floor manager of the bill. I say to my friend, PAUL SIMON, that I regret very much having to oppose his amendment. I know how seriously he takes this. He worked on it a long time. We worked on other things together. I am sorry I had to oppose him on this, but I just feel that we are on the right track now, and I think that a balanced budget amendment would lock us into a straightjacket that we would regret down the way. For that reason, I must oppose it at this time.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the able Senator from Ohio [Mr. GLENN] for his excellent statement.

I yield now 15 minutes to the distinguished Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the distinguished Senator from West Virginia.

Mr. President, I rise today despite the fact I have laryngitis, and it is hard to speak, I do speak loudly today in opposition to the balanced budget amendment.

The senior Senator from the State of Illinois knows how much I respect him and the great service he has given this country. He and I serve on the Budget Committee together, and he knows I agree with him more often than not on budgetary issues.

In fact, we both agree that the deficit must come down. We agree the Government has not been serious in the past about living within its means.

But, Mr. President, sometimes friends disagree. And, today we do.

Last year, the President sent to Congress a bold plan to reduce the Federal deficit. It reversed the course of the past 12 years of reckless borrow-and-spend policies. It took the deficit head on. And, it is working.

It is working, Mr. President, even better than the most wide-eyed economists thought possible. It is working because we made tough decisions to cut spending programs. It took courage, discipline, and common sense. And we need more of it this year, especially as we consider health care reform.

But the balanced budget amendment takes no courage, no discipline, and no common sense. It denies the Federal Government—in other words, the people of this country—the basic practice most businesses and families use across this country to stay strong and solvent. It denies us responsible investments in the future.

There has been lots of talk here already about the future. About how this amendment will help American children. But, this amendment is likely to damage the economy more than help our children. It will tie their hands. It will raise their taxes. It will cut Government spending to irresponsible levels.

It also teaches our children a dangerous lesson. Mr. President, there is nothing wrong with responsible borrowing. That is the backbone of our financial services industry. Saving and investing. After all, how many American families could afford to buy their homes without a mortgage? Or, send their children to colleges without a student loan? Maybe the majority in this Chamber, but only a small minority across the country.

This amendment destroys the American dream. It tells our kids, if they come from a family that can't afford to pay cash for a home, they shouldn't try. It reaches them that investment—even if that means borrowing for eduction—is not an option.

Congress should be setting an example by teaching our children how to be responsible borrowers. How to think about their future needs. How to invest wisely, how to plan and work to pay back their debts in a timely and organized manner. This amendment does not do that.

Mr. President, we all know words on a piece of paper cannot balance the budget. But legislators, like you and I and Senator SIMON, can. It is our job and responsibility to do so. I have money concerns about this proposal. The proponents of this amendment have not told us how they intend to balance the budget. Which taxes will they raise? Which programs will they cut?

Will the big States with more votes in the other body be able to dictate the national budget? Will they be able to protect their programs, while smaller States, like mine, will suffer?

I fear the cuts required to balance the budget will fall disproportionately on the smaller States. They will also fall squarely on the backs of the most vulnerable in our society—our children, our elderly, our disabled most in need of help. If Social Security were to be cut proportionately to reduce the deficit, the cost to our Nation's elderly would be significant. In my corner of the country, Social Security payments will be cut by $1,000 per person. The total loss in my State will amount to nearly $1 billion in 1999.

And, I fear the economists will be proven right. Those at Wharton predict Washington State will lose 209,000 jobs 2 years after this amendment takes effect. They predict my State will experience a 15-percent drop in total personal income. They tell me hardest hit will be the manufacturing sector—especially the aerospace industry—which is already experiencing massive job losses.

This amendment will add more political game-playing to the very serious business of forming a national budget. It will allow 40 percent of this body to bring our economy to a halt. The American people are fed up with gridlock. This amendment will only encourage it.

Instead of continuing the courage this body displayed by passing last year's budget, we would abdicate our responsibility to the court system.

This amendment will threaten us with a new power tool for lobbyists who will say: "If I do not get my way, I will challenge this budget in court." If the President and the Congress disagree on spending priorities and raising revenue, does that mean the court system will write our budget? Does it mean unelected jurists, accountable to no one, will wield incredible power?

And, does it mean lobbyists who roam these Halls on behalf of rich and powerful interests will win out over American families? The weakest among us will shoulder a disproportionate share of the impact of this amendment. How many children have you ever seen sue the Congress for more funding? How many elderly, or disabled?

So, Mr. President, before we talk about how much we are helping our children by passing this proposed constitutional amendment, let's think about what this amendments forces on our families, and the bad economic and political example it sets.

Reducing the deficit is one of the most important, and challenging goals we face as legislators. My grandparents fought a world war and survived the Great Depression because of this Nation's ability to invest when necessary. And, my family has ridden out nasty recessions, because we were able to borrow.

I do not want my grandchildren's hands tied. It is not fair to tell them—after we are long since gone—"you have no say in determining your future. Your grandparents have told you what you must do."

I believe in budgets which reflect tomorrow's economic needs, not today's political bargains.

That is why I oppose this amendment.

I yield the floor.

Mr. SIMON. Mr. President, I yield 10 minutes to the Senator from Alabama.

Mr. SHELBY. Mr. President, I hope that this will be the last time I must rise and urge my colleagues to support a balanced budget amendment to the U.S. Constitution.

Today, Mr. President, it is critical that this body realize the importance and necessity of a balanced budget amendment to this country's future fiscal and economic health. And it is a tough realization too, Mr. President, because, at base, it is a recognition—an admission—that Congress lacks the institutional ability and the political fortitude to address our pressing deficit and national debt problems.

In fact, Congress suffers from what is known as weakness of the will when it comes to spending taxpayers' money. And year after year, it becomes clearer and clearer that Congress is inherently incapable of foregoing Federal deficit spending. Look at the record.

Mr. President, today's call for a balanced budget amendment is but one of many previous attempts to erect external controls over Congress' ability to spend beyond its means.

From the Congressional Budget and Impoundment Control Act, to Gramm-Rudman-Hollings, to the Budget Enforcement Act—all of these deficit targets and discretionary spending caps and pay-as-you-go provisions were supposed to help rein in Federal spending and lower the deficit.

But, looking at our debt and deficit today, Mr. President, it is clear that these controls were not enough. It would appear that we require something more—something that Congress cannot so easily ignore, waive, or amend.

Mr. President, that something is a balanced budget amendment to the U.S. Constitution—a constitutional mandate requiring the Congress to bring Federal spending in line with Federal revenues by the year 2001.

I have long been a supporter of such an amendment. In this Congress and in past Congresses, I have introduced legislation similar to that which we are considering today. I continue to believe that Congress requires such a constitutional requirement if we are ever to effectively combat our increasing debt and deficit problems.

While CBO's most recent projections show the deficit declining over the next few years, it predicts that the deficit will continue to climb steadily after 1997. This is attributed to continuing increases in spending for Medicare and Medicaid and expiring discretionary spending caps.

There is no question that the discretionary spending caps are somewhat effective in holding down our deficit, but for the most part, policymakers have looked to tax increases to lower the deficit rather than cutting the growth of Federal spending.

Over the next 5 years, Federal spending continues to not only exceed expected revenues, but continues to grow from about $1.5 to $1.8 trillion—about a $300 billion increase.

Even with a deficit at $176 billion for 1995, we still expect to pay close to $300 billion just on interest on the debt this year.

Why is that, Mr. President? It's because we continue to spend at a higher rate each year than we collect in revenues. Indeed, while caps and taxes may slow the growth of annual spending, they do not affect the fundamental cause of our problems—Congress' systemic inclination toward progressively higher Federal deficit spending.

Mr. President, a balanced budget amendment would give Congress the political fortitude and institutional ability it needs to close the ever-expanding black hole of Federal deficit spending.

It is surprising to me then that the administration is actively opposing this legislation. Over the past few weeks, the President has made it clear that he intends to work hard to defeat the passage of a balanced budget amendment.

In fact, according to the administration's position, while deficit reduction and debt reduction may be good reasons to raise taxes and finance more Federal spending—they are not sufficient reasons to justify a balanced budget amendment.

Mr. President, opponents are currently waging a full court press against the balanced budget amendment. Just last week the administration started floating around projected State-by-State impact analysis detailing the proposed effect the amendment would have on each State and the average taxpayer.

They threaten the taxpayer with new taxes, and the States with new burdens. Again, I ask, why is it that the taxpayer must always be called upon first to finance balancing the Federal Government's checkbook?

And I would also note that the projected costs to States would not be nearly so high if they were not burdened with excessive Federal mandates and regulations that we are all aware of. So, let us not lose sight of the big picture here, Mr. President.

Every year, without a balanced budget, it will cost the taxpayer in accumulated debt and interest. We cannot continue to accept annual deficits that run from about one-fifth to one-seventh of Federal spending nor can we continue to make interest payments on the national debt that exceed annual deficits.

Otherwise, if we do, an increasing share of our taxes, now about 14 cents on the dollar, will go to financing the debt, and it will go higher.

What that means is that interest payments will consume more and more of Federal spending, sacrificing many of the worthwhile and necessary programs that opponents cite now as a legitimate reason for defeating a balanced budget amendment.

Mr. President, this country desperately needs a balanced budget amendment. While the most expedient way to reduce the deficit may be to raise more taxes—as we can all recall from the tax bill last summer—I submit it is not the right way. A surer way, a more fiscally responsible way, is to cut back Federal spending until it is in line with Federal revenues.

Mr. President, this amendment will make it harder to raise taxes and harder to borrow more money, thus forcing Congress to face the tough choices necessary for long-term solutions to our debt and deficit problems.

Mr. President, a balanced budget amendment is not draconian, it will not ruin the economy and end democracy as we know it as the naysayers would have you believe. On the contrary, it will simply force Congress hand on taking control of Federal spending. Admittedly, the stakes will be high, because Congress will not just be breaking Federal law if it fails to meet the designated balanced budget date, but I say the stakes are already high and we cannot afford not to meet them today.

Mr. President, it is only a matter of time and courage. And the decision is really very simple, we can act now or be forced to act later.

Mr. President, I say we act now, and I urge my colleagues to join me in supporting Senator SIMON's balanced budget amendment.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia controls 2 hours and 44 minutes, the Senator from Illinois controls 10 minutes, and the Senator from Utah controls 42 minutes.

Mr. BYRD. Mr. President, I will be happy to yield some of my time to the distinguished Senator from Illinois [Mr. SIMON] if he wishes. Otherwise, I do not plan to speak anymore today and I do not have any speakers for the rest of the day.

Mr. SIMON. Frankly, we have two Senators who have indicated they would like to speak, but I am sure they would be happy to speak tomorrow. I think both Senator SIMPSON and Senator DECONCINI indicated a desire to speak, but we are checking that.

I do not want to yield back all the time without checking to see if this is OK, but my instinct is that it would be OK because we are under no time constraints in terms of tomorrow or after that.

I see Senator HATCH here on the floor now. We are talking about the possibility of closing up for the evening. Senator SIMPSON and Senator DECONCINI indicated they would like to speak, but they could do that tomorrow or some other time.

Mr. HATCH. They sure could. I do not see any problem with doing that, if the distinguished Senator would like to do that.

Mr. SIMON. Mr. President, with that understanding, I yield back the remainder of my time.

Mr. HATCH. I am happy to yield back the remainder of my time.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 11, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget, House Concurrent Resolution 287, show that current level spending is below the budget resolution by $4.4 billion in budget authority and $0.7 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $312.1 billion, $0.7 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated January 27, 1994, Congress approved and the President signed H.R. 3759, making emergency supplemental appropriations for Los Angeles Earthquake Disaster Assistance and for Other Purposes (Public Law 103-211). These actions changed the current level of budget authority and outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through February 11, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 7, 1994, Congress approved and the President signed H.R. 3759, making emergency supplemental appropriations for Los Angeles earthquake disaster assistance and for other purposes (Public Law 103-211). These actions changed the current level of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS FEBRUARY 11, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,223.2	1,218.9	−4.4
Outlays	1,218.1	1,217.5	−0.7
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	312.1	−0.7
Debt subject to limit	4,731.9	4,448.1	−283.8
OFF-BUDGET			
Social Security outlays:			
1994	274.8	274.8	
1994–98	1,486.5	1,486.5	
Social Security revenues:			
1994	336.3	336.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS FEBRUARY 11, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, fiscal year 1994 (Public Law 102–211)	(2,286)	(248)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	
Total current level[3] [4]	1,218,857	1,217,451	905,429
Total budget resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under budget resolution	4,392	698	
Over budget resolution			80

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of Public Law 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $13,308 million in budget authority and $8,596 million in outlays in emergency funding.

[4] At the request of committee staff, current level does not include scoring of section 601 of Public Law 102–391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

THE ACHIEVEMENTS OF BONNIE BLAIR

Ms. MOSELEY-BRAUN. Mr. President, I would like to take this opportunity to congratulate Bonnie Blair—an exceptional woman from my home State of Illinois who became the most decorated woman in U.S. Olympic history today by winning her sixth Olympic medal.

Bonnie Blair surpassed the ranks of swimmer Janet Evans, sprinter Evelyn Ashford, and diver Pat McCormick by winning the gold in both the 500 meter speed skating event on February 19, and in the 1,000 meter event today at the 16th Olympic winter games being held in Lillehammer, Norway.

On skates since the age of 2, Ms. Blair's life has been an exercise in perseverance, determination, dedication, and achievement.

When no company would endorse her, Ms. Blair went door to door in her hometown of Champaign, IL, asking for donations to help finance her Olympic dreams.

With the support of her family and community, Ms. Blair has set American records in both the 1,000 and 1,500 meter speed skating events and a world record in the 500 meter event.

Mr. President, Bonnie Blair has exemplified the spirit of sportsmanship as a representative of the United States in the last four winter Olympics.

She has met her victories as well as her defeats with grace and integrity.

At a time when the Olympic games have been overshadowed by controversy, Ms. Blair has risen to the ideals of the Olympic games.

In fact, Ms. Blair has become a role model for our Nation's youth by volunteering with the national committee of the Leukemia Society of America and the Women's Sports Foundation and by showing them that they can succeed if they follow their passions and strive to do their best.

We in Illinois thank Bonnie for giving her time, her energy, and her talent to her country.

We are proud that she is one of our own and we wish her the best.

THE DEATH OF MARY LASKER

Mr. PELL. Mr. President, with great personal sadness, I rise to honor the memory of an outstanding woman, a champion of medical research, and a friend. Mary Lasker, who died Monday at the age of 93, was a person of deep commitment, intelligence, and compassion. She devoted her adult life to bettering the world in a myriad of ways, ranging from preventing disease to promoting beauty.

Mary Lasker's influence on the life of this Nation began very early. A graduate of Radcliffe College, she never forgot a childhood filled with illness and the early loss of her parents to disease. She developed a passion for promoting medical research, and she had far more than concern and passion to devote to her cause. Mary had a clear, levelheaded way of thinking, and knew how to approach people—including Senators and Presidents. Her advice was invaluable, her encouragement undaunting, and her followthrough impeccable. If Mary said she wanted to work on funding a particular project, she simply did not give up until it happened.

Her winning attitude and genuinely noble goals were only part of what made Mary so effective. Mary had the good fortune of being able to lend financial support to her dreams, and did so with a generosity that is rare and unstinting.

Perhaps the single most important thing that Mary did was to make the Nation—and the world—confront the existence and the reality of cancer. It has been widely reported that in the forties, when no one acknowledged cancer, Mary persuaded the Radio Corp. of America to say the word "cancer" on the air. And she did not give up then. I remember well how hard Mary worked to pass the National Cancer Act of 1971, and to establish and fund the National Cancer Institute. Through her private philanthrophy, she was the mother of the organization that would become the American Cancer Society, and was its honorary president at the time of her death.

Mary's commitment to promoting medical research extended far beyond cancer, however. She helped persuade Congress that the Federal Government must help finance medical research at a time when such research was generally funded privately. She devoted much time and energy to promoting and funding the National Institutes of Health, which helped it become the preeminent medical research institution in the world, and she was involved in creating the NIH Institutes that study heart disease, mental health, and arthritis. Mary and her husband Albert created the prestigious Albert Lasker Medical Research Awards, which are given annually—51 of these awardees have gone on to receive the Nobel Prize.

I would add that I had the pleasure of knowing Mary Lasker and the privilege of working with her on a number of pieces of health care legislation which she supported. And I can fully attest to her intensity, her perseverance, and her strong will. In fact, she played a very real role in my decision to run and helped me immensely in that regard.

Mary's interest and influence extended beyond the area of science and medical research and into the arts and environment. She was an avid art collector and a trustee of the John F. Kennedy Center for the Performing Arts and the Museum of Modern Art in New York, and a past president of the Society for a More Beautiful Capitol. For this last achievement, Mary may be best remembered in the spring, when the million daffodils she helped purchase bloom along Washington, DC, streets and parkways, planted as part of Lady Bird Johnson's beautification program. Mary made similar improvements in New York City, hoping to bring beauty to inner city urban areas. In 1985, in recognition of her beautification efforts, a new variety of tulip was named for her.

Mary Lasker's achievements were acknowledged by a grateful Nation on many occasions. In 1969, she was awarded the Presidential Medal of Freedom, the highest civilian award of the U.S. Government. And in 1989, she was awarded a Congressional Gold Medal, the highest award that the Congress can give.

Mr. President, as the Senate sponsor of the 1987 legislation which resulted in Mary Lasker's Congressional Gold Medal, I am deeply aware of her innumerable contributions during a full, productive and immensely good life. We will miss her deeply and hope that her memory will serve to inspire us to go forward to make her many dreams a reality.

SOCIAL SECURITY DISABILITY AND REHABILITATION ACT OF 1994

Mrs. KASSEBAUM. Mr. President, I am pleased to cosponsor legislation aimed at reforming the Social Security disability payment system for disabled substance abusers. This initiative, introduced by Senator COHEN, addresses the problem of recipients using their disability payments to finance their addictions and, in the process, to worsen their disability.

I support all provisions of the bill, especially important provisions expanding to Social Security disability income [SSDI] the current supplemental security income [SSI] mandatory treatment and representative payee requirements. To improve accountability for the proper use of disability funds, a representative payee would be a licensed agency or comparable facility. Representative payees would no longer be a friend or relative of the recipient, as such persons, in the past, have channeled payments directly to the recipient for purchase of drugs and alcohol.

In addition, beneficiaries would no longer receive a lump-sum retroactive payment. Rather, this money would be placed in a managed trust to protect the individual from using it to acquire drugs or alcohol. Finally, the Social Security Administration would be required to expand the number of referral monitoring agencies so that each State is able to monitor the appropriate distribution of disability funds and the recipient's compliance with treatment.

I am pleased that Senator COHEN has incorporated two suggestions I put forward to secure adequate treatment. Perhaps most important is that treatment priority be given to those disabled by addiction. Such treatment would be provided through the Federal Substance Abuse Block Grant Program. Additionally, individuals would receive treatment in private facilities using their existing Medicaid entitlements where feasible. I believe it is important to give priority to substance abusers who receive benefits so that they can be restored to functional capacity as quickly as possible and thereby reduce drain on the SSA disability system.

Also included is a revision of the certification procedure for disabled substance abusers. Currently, recipients may collect payments indefinitely because their disability status often is never reviewed. Under this provision, these individuals would have to reapply for disability every 2 years, which corresponds to the average treatment period. Last, those disabled by substance addiction would receive SSI and SSDI payments for a cumulative total of 3 years, during which period they would be expected to be under treatment. After 3 years, recipients who have not responded to treatment could qualify for continued care and benefits if they were diagnosed with a different mental illness.

I am aware that the block grant system does not have adequate treatment capacity at this time. Although this legislation does not create treatment slots, it does initiate a process to ensure eventual treatment. Individuals would be enrolled in treatment or be on a treatment waiting list as a condition of receiving disability benefits.

Mr. President, reforming SSI and SSDI payment systems is vital to the needs of individuals disabled by addiction. Guaranteeing the appropriate use of benefits, while assuring that needed treatment is sought, is key if individuals are to work toward overcoming their disability.

I welcome any suggestions my colleagues or others may have for improving these proposals.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD at this point:)

VIRGINIA CAVALIERS: TRUE CHAMPIONS

- Mr. WARNER. Mr. President, on December 3, 1993, the University of Virginia Soccer team defeated Princeton University by a score of 3–1, thereby earning the opportunity to advance to the NCAA championship game 2 days later. On December 5, the Cavaliers defeated the South Carolina Gamecocks 2–0, to win the 1993 NCAA national championship in men's soccer.

This achievement is noteworthy on its own account; but it is even more remarkable because, with this victory, the Virginia Cavaliers became the only team in NCAA history to win three consecutive NCAA national titles.

On Friday, February 25, Senator WARNER and Senator ROBB of Virginia, along with Senator REID of Nevada, will recognize this team's achievement with a special reception in its honor at the U.S. Capitol. Later in the day, President Clinton and Vice President Gore will also meet with the team in a special ceremony at the Old Executive Office Building.

Head Coach Bruce Arena, completing his 16th season at Virginia, has produced an outstanding career record of 252–54–29, for a .796 percent winning percentage. He and his staff—assistant coach George Gelnovatch, graduate assistant coach Bob Willen, undergraduate assistant coach Erik Imler, trainer Sue Foreman, and managers Carmen Hubbard, Felice Frederick, and Sam Islam—are to be commended for their dedication and hard work.

The team members also deserve recognition and commendation, and their names are to be included in the RECORD where they will become a permanent part of our Nation's history:

Player, Position, Hometown:
Jeff Causey, Goalkeeper, Gainesville, VA.
Tom Henske, Goalkeeper, E. Northport, NY.
Taylor Barada, Goalkeeper, Durham, NC.
Mark Peters, Goalkeeper, Winchester, VA.
Scott Hodge, Goalkeeper, Oakton, VA.
Claudio Reyna, Midfielder, Springfield, NJ.
Mike Slivinski, Forward/Midfielder, St. Charles, MO.
Nate Friends, Forward/Defender, Vienna, VA.
Mike Fisher, Midfielder, Batavia, IL.
Damian Silvera, Midfielder, Huntington, NY.
Tain Nix, Midfielder, Fairfax, VA.
A. J. Wood, Forward, Rockville, MD.
Brian Bates, Defender/Midfielder, Woodbridge, VA.
Brandon Pollard, Defender, Richmond, VA.
Sean Feary, Midfielder/Defender, Fairfax Station, VA.
Key Reid, Midfielder, Searchlight, NV.
Steve Johnson, Forward/Defender, Lexington, KY.
David Fitzmaurice, Midfielder, Wyckoff, NJ.
Clint Peay, Defender, Columbia, MD.
David Cox, Defender, Midlothian, VA.
Tom Baker, Defender/Midfielder, Plymouth, MI.
Bruno Menezes, Defender/Midfielder, Dunn Loring, VA.
Chris Lake, Midfielder/Defender, Trenton, NJ.
Ryan Borst, Midfielder/Defender, Ridgefield, CT.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2455. An Act to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress with respect to the South Pacific region.

MEASURES REFERRED

The following concurrent resolution was read by unanimous consent, and referred as indicated:

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress with respect to the South Pacific region; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2455. An act to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2211. A communication from the President of the United States, transmitting, pursuant to law, the report of a review of the continued requirement for draft registration; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–367. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition and Forestry.

"ASSEMBLY JOINT RESOLUTION NO. 36

"Whereas, the discovery of a virulent species of whitefly that attacks most crops, continued outbreaks of Mediterranean and Mexican fruit flies in many parts of the state, extensive damage to graperoot stock by phylloxera, and the imminent arrival of Africanized honey bees join a growing list of pests and diseases that threaten the long-term health and economic vitality of California agriculture; and

"Whereas, farmers in California and across the United States are faced with the wholesale loss of many of the synthetic pesticides and chemicals that they have relied upon for control and eradication of pests; and

"Whereas, recent studies of available pest management alternatives conducted by the University of California and others reveal that economically viable and environmentally compatible alternatives are not yet available for many pesticides and chemicals; and

"Whereas, insect and microbial pests are showing increased resistance to many of the compounds which remain on the market; and

"Whereas, research into promising new pest management technologies and strategies has met with some success over the past decade, most notably in the areas of integrated pest management, biological control, and bioengineering; however, nothing short of a major expansion and acceleration of research focusing on long-range solutions is required; and

"Whereas, California agriculture is not only in danger of losing the ongoing battle against pests with subsequent reductions in the quality of food and fiber produced, but could see access to many foreign markets closed or severely restricted with significant negative impacts to the state's economy; and

"Whereas, the Conference Report from the United States House and Senate Agricultural Appropriations Subcommittees for the 1991 fiscal year, in response to the challenges cited above, directed the United States Department of Agriculture (USDA) to conduct a study of alternative pest management containment and quarantine facility needs in California; and

"Whereas, a USDA facility study panel visited the Davis and Riverside campuses of the University of California in June 1991 and concluded their report with the recommendation that construction of these facilities 'could have a significant [positive] impact on U.S. agriculture'; and

"Whereas, the University of California, in cooperation with the USDA, the Department of Food and Agriculture, commodity groups, and other interested parties, is proposing the construction of modern, environmentally secure, alternative pest management containment and quarantine facilities at the Riverside and Davis campuses; and

"Whereas, these modern containment and quarantine facilities, once operational, would support a comprehensive, integrated program designed to draw upon the breadth of university, state, and federal expertise within California and the nation; and

"Whereas, construction of the proposed facilities would provide significant, long-term benefits to growers, ranchers, environmentalists, and consumers as a result of research leading to reduced applications of pesticides and other chemicals and acceptance and expanded use of biological control agents, genetically engineered organisms, and other 'cutting-edge' technologies; and

"Whereas, the research conducted in these facilities would be in accordance with the agricultural pest quarantine regulations and restrictions enforced by the Department of Food and Agriculture and the USDA; and

"Whereas, these facilities would conduct research that serves the interests of agriculture in California as its foremost purpose; and

"Whereas, the combined resources of this federal-state partnership would permit a focused, mission-oriented research program on a scale not otherwise possible; and

"Whereas, this federal-state partnership for agricultural research has led to significant breakthroughs and advances over the past century to the benefit of every American consumer; and

"Whereas, this research also has helped build an export industry that generates billions of dollars annually in net income to the economy of the United States; and

"Whereas, the Congress already has provided funding in the USDA-Cooperative State Research Service budget for the 1992 and 1993 fiscal years for predesign work associated with the proposed facilities at the Davis and Riverside campuses; and

"Whereas, this funding has been matched by the University of California; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly,*

"That the Congress and the President of the United States are respectfully memorialized to support the construction of modern, state-of-the-art, alternative pest management containment and quarantine facilities in California; and be it further

"*Resolved*, That, beginning in the 1994 fiscal year, the Congress provide construction funds on a cost-share basis with the State of California for a 21,400 assignable square foot laboratory and support facility at the University of California, Riverside, to accelerate research leading to the development of biological and other natural controls for the whitefly and other pests; and be it further

"*Resolved*, beginning in the 1994 fiscal year, the Congress provide construction funds on a cost-share basis with the State of California for a 40,000 assignable square foot containment and quarantine facility at the University of California, Davis, that will support research into environmentally compatible pest management strategies, including biological control, bioengineering, genetically altered organisms, and other promising biotechnology applications; and be it further

"*Resolved*, That Congress appropriate adequate funds, beginning in the 1994 fiscal year, to allow construction to be sequenced, with the biological control laboratory at Riverside proposed for completion by the 1996 fiscal year and the biological control, biotechnology, and bioengineering containment facility at Davis proposed for completion during the 1997 fiscal year; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Majority Leader of the United States Senate, and to the United States Secretary of Agriculture."

POM-368. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 53

"Whereas, the Norton Air Force Base in San Bernardino, California, is on the United States Base Closure and Realignment Commission's list of military bases recommended for closure; and

"Whereas, the closing of Norton Air Force base may result in a devastating loss of more than 9,000 jobs in the San Bernardino area; and

"Whereas, in September 1993, the Department of Defense will name a limited number of new Defense Finance and Accounting Service centers to be located throughout the country; and

"Whereas, as the "accounting firm" for the Department of Defense, the Defense Finance and Accounting Service has taken over responsibility of installation-level accounting and reporting for all general funds, the Defense Business Operations Fund, revolving funds, trust funds, accounts payable, accounts receivable, billings, debt management, cash accounting, funds authentication, and certain managerial accounting functions; and

"Whereas, the Norton Air Force Base site is ideally suited for the location of a Defense Finance and Accounting Service center; and

"Whereas, the existing Norton Air Force Base infrastructure could easily be adapted for Defense Finance and Accounting Service center use; and

"Whereas, a Defense Finance and Accounting Service center at Norton Air Force Base would provide highly cost-effective service and support of Department of Defense activities on the West Coast and Hawaii; and

"Whereas, preliminary studies indicate that a minimal expense of approximately $4 million would be required to establish a Defense Finance and Accounting Service center at Norton Air Force Base and that this initial startup cost would be offset by reduced severance payouts; and

"Whereas, with a Defense Finance and Accounting Service center at Norton Air Force Base serving as an "anchor" tenant and employing between 3,000 and 4,000 people, its siting would begin the prompt conversion of Norton Air Force Base prior to operational closure; and

"Whereas, a Defense Finance and Accounting Service center at Norton Air Force Base would have the added benefit of encouraging other new businesses to locate there; and

"Whereas, Norton Air Force Base was the only California military facility considered earlier this year as one of 20 finalists for the selection of a new Defense Finance and Accounting Service center; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,*

"That the Legislature of the State of California respectfully memorialize the President and Congress of the United States and the Secretary of the Department of Defense to designate the Norton Air Force Base as a location for a Defense Finance and Accounting Service center; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Defense."

POM-369. A resolution adopted by the Board of Commissioners of the Town of North Redington Beach, Florida relative to the National Flood Insurance Program; to the Committee on Banking, Housing and Urban Affairs.

POM-370. A resolution adopted by the Board of Commissioners of Madison County, Tennessee relative to Interstate 69; to the Committee on Environment and Public Works.

POM-371. A resolution adopted by the Senate of the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"PROCLAMATION

"Whereas, the General Assembly believes that the underdeveloped area of West Tennessee outside the metropolitan areas of Jackson and Memphis suffers from the lack of a major North-South transportation corridor; and

"Whereas, the collective annual average unemployment rate for this area was 43.8 percent above the national unemployment rate for 1980 through 1990; and

"Whereas, the unemployment rate for minorities, which make up almost one-fourth of the population of the area, was 50 percent higher than the national average in 1990; and

"Whereas, the population of this area declined by more than 3 percent from 1980 to 1990 due primarily to lack of employment opportunities; and

"Whereas, 16 percent of families and 22 percent of children are below the poverty level; and

"Whereas, the per capita income in the area is 30 percent below the national level; and

"Whereas, this currently underdeveloped area in West Tennessee shows strong potential for economic growth and development, being strategically located within 500 miles of 76 percent of the nation's major markets; and

"Whereas, the Interstate 69 extension, a high priority corridor of the U.S. Department of Transportation, could provide a means for this area to develop to its potential by providing a North-South transportation route; now, therefore,

"I, Lieutenant Governor John S. Wilder, Speaker of the Senate of the 98th General Assembly, at the request of and in conjunction with Senator Joe Nip McKnight, do hereby respectfully request that the route of the proposed Interstate 69 extension from Indianapolis to Houston pass through the underdeveloped area of West Tennessee."

POM-372. A resolution adopted by the House of the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

PROCLAMATION

"Whereas, the House of Representatives of the Ninety-Eighth General Assembly passed House Joint Resolution 200 and the Senate of the Ninety-Eighth General Assembly passed Senate Joint Resolution 167, both of which dealt with the route of the proposed Interstate 69 extension; and

"Whereas, the General Assembly believes that the underdeveloped area of West Tennessee outside the metropolitan areas of Jackson and Memphis suffers from the lack of a major North-South transportation corridor; and

"Whereas, the collective annual average unemployment rate for this area was forty-three and eight-tenths percent (43.8%) above the national unemployment rate for 1980 through 1990;

"Whereas, the unemployment rate for minorities, which make up almost one-fourth (1/4) of the population of the area, was fifty percent (50%) higher than the national average in 1990; and

"Whereas, the population of this area declined by more than three percent (3%) from 1980 to 1990 due primarily to lack of employment opportunities; and

"Whereas, sixteen percent (16%) of families and twenty-two percent (22%) of children are below the poverty level; and

"Whereas, the per capita income in the area is thirty percent (30%) below the national level; and

"Whereas, this currently underdeveloped area in West Tennessee shows strong potential for economic growth and development, being strategically located within five hundred (500) miles of seventy-six percent (76%) of the nation's major markets; and

"Whereas, the Interstate 69 extension, a high priority corridor of the U.S. Department of Transportation, could provide a means for this area to develop to its potential by providing a North-South transportation route; now, therefore,

"I, Jimmy Naifeh, Speaker of the House of Representatives of the Ninety-Eighth General Assembly of the State of Tennessee, at the request of and in conjunction with Representative Matt Kisber, do hereby proclaim and respectfully request that the route of the proposed Interstate 69 extension from Indianapolis to Houston pass through the underdeveloped area of West Tennessee."

POM-373. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION NO. 47

"Whereas, H.R. 2853 has been introduced in the United States Congress to create the San Gabriel Basin Demonstration Project to improve the quality of groundwater in the San Gabriel Basin; and

"Whereas, the San Gabriel Basin presents a unique set of environmental problems; the San Gabriel Valley is a 195 square mile area located approximately 10 to 20 miles northeast of downtown Los Angeles in Los Angeles County; and it is the home of 1,000,000 to 1,500,000 people who rely on the groundwater of the basin for their primary drinking water; and

"Whereas, the San Gabriel Basin is the most heavily contaminated potable groundwater basin in the United States; and

"Whereas, the groundwater in the San Gabriel Basin is heavily contaminated with toxic volatile organic compounds (VOCs), including trichloroethylene (TCE), perchloroethylene (PCE), and carbon tetrachloride (CTC); four separate areas of contamination in the San Gabriel Basin are listed on the National Priority List (NPL) of the Superfund; and the areas where the VOC contamination exceeds drinking water standards cover approximately 30 to 40 square miles; and

"Whereas, the VOCs in the San Gabriel Basin have been generated by hundreds of commercial and industrial facilities, scattered throughout the San Gabriel Valley, over a period of more than 30 years; and

"Whereas, the San Gabriel Basin is also heavily contaminated with nitrates from over a century and a half of agriculture and ranching in the valley as well as from industrial and residential septic systems; and

"Whereas, once contaminated, groundwater is very difficult to clean up and a plume of polluted groundwater will migrate and spread contaminants wherever it flows; and

"Whereas, forty-five different water purveyors take water from the basin; and because the groundwater flows under hundreds of different facilities, apportioning responsibility could be a very complicated and litigious process; and

"Whereas, there are approximately 275 public water supply wells in the San Gabriel Basin; and 80 wells have contamination levels exceeding current federal drinking water standards; and

"Whereas, the San Gabriel Basin Demonstration Project would enable the Environmental Protection Agency (EPA), in cooperation with the Main San Gabriel Basin Water Quality Authority, and in consultation with all local water agencies in the San Gabriel and Central Basins, to clean up the groundwater of the San Gabriel Basin; specified facilities would be encouraged to contract with the EPA to pay their share of the cleanup costs; and those facilities that contracted the EPA and fulfilled their obligations would be exempted from Superfund liability

"Whereas, the San Gabriel Basin Demonstration Project presents a unique opportunity for the community to solve a difficult problem by working together with the federal government in a public-private partnership; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California memorializes the President and Congress of the United States to enact H.R. 2853; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of California."

POM-374. A resolution adopted by the Commission of the City of Miami, Florida relative to Taiwan; to the Committee on Foreign Relations.

POM-375. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to Bosnia, Hercegovina; to the Committee on Foreign Relations.

POM-376. A resolution adopted by the National Institute of Municipal Law Officers relative to violent crime; to the Committee on the Judiciary.

POM-377. A resolution adopted by the Senate of the State of West Virginia; to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 16

"Whereas, legal injustice and discrimination on the basis of gender have long existed; and

"Whereas, efforts to defeat final ratification of the Equal Rights Amendment were aided in great measure by an insensitivity to the essential injustice long suffered by the woman of this country because of established discrimination on the basis of gender; and

"Whereas, the citizens of West Virginia clearly support an end to discrimination on the basis of gender through an amendment to the Constitution of this nation, as the United States has previously renounced slavery, racial discrimination and denial of the right to vote on the basis of race or gender; and

"Whereas, in 1972, Congress proposed a federal Equal Rights Amendment to the United States Constitution to provide for equality of the law regardless of gender, which was narrowly defeated in 1982; and

"Whereas, the West Virginia Senate prefers that each state ratify the federal Equal Rights Amendment to achieve a uniform national policy; and

"Whereas, the Equal Rights Amendment provide that gender should not be a factor in determining the legal rights of men and women and thereby recognizes the fundamental dignity, individuality and worth of each human being; and

"Whereas, the West Virginia Senate again stands ready to ratify a federal Equal Rights Amendment when approved by Congress for state ratification; therefore,

"*Be It Resolved by the Senate:*

"That the Senate of the state of West Virginia respectfully requests the President and the Congress of the United States to propose to the several states an amendment to the Constitution of the United States stating that all men and women are equal under the law; and, be it

"*Further Resolved*, That the Clerk is hereby directed to forward a copy to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from West Virginia in the Congress of the United States."

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 994) to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes. (Rept. No. 103–229.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Greta Joy Dicus, of Arkansas, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 1 year (New position);

Margaret Hornbeck Greene, of Kentucky, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 4 years (New position);

Kneeland C. Youngblood, of Texas, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 3 years (New position);

Frank G. Zarb, of New York, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 2 years (New position);

William J. Rainer, of Connecticut, to be a member of the Board of Directors of the United States Enrichment Corporation for a term of 5 years (New position);

Gorton P. Eaton, of Ohio, to be Director of the United States Geological Survey; and

Robert Jay Uram, of California, to be Director of the Office of Surface Mining Reclamation and Enforcement.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Frederick L. Feinstein, of Maryland, to be General Counsel of the National Labor Relations Board for a term of 4 years.

Bernard E. Anderson, of Pennsylvania, to be an Assistant Secretary of Labor.

Charles I. Cohen, of Maryland, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1996.

Margaret A. Browning, of Pennsylvania, to be a member of the National Labor Relations Board for the remainder of the term expiring December 16, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. MITCHELL, Mr. DOLE, Mr. KENNEDY, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. DOMENICI, Mr. KERRY, Mr. LUGAR, Mr. SIMON, Mr. STEVENS, Mr. MACK, Mr. FAIRCLOTH, Mr. BURNS, Mr. BROWN, Mr. DURENBERGER, Mr. THURMOND, and Mr. MURKOWSKI):

S. 1860. A bill to authorize the minting of coins to commemorate the 1995 Special Olympics World Games; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE:

S. 1861. A bill to suspend temporarily the duty on certain pigments; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1862. A bill to repeal the public financing of and spending limits on Presidential election campaigns; to the Committee on Rules and Administration.

By Mr. COHEN (for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. KOHL, Mr. LUGAR, Mr. THURMOND, Mr. GRASSLEY, Mr. WARNER, Mr. DOMENICI, Mr. CHAFEE, Mr. BENNETT, and Mr. STEVENS):

S. 1863. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 182. A resolution entitled "A Call for Humanitarian Assistance to the Pontian Greeks"; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. MITCHELL, Mr. DOLE, Mr. KENNEDY, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. DOMENICI, Mr. KERRY, Mr. LUGAR, Mr. SIMON, Mr. MACK, Mr. FAIRCLOTH, Mr. BURNS, Mr. BROWN, Mr. DURENBERGER, Mr. THURMOND, Mr. MURKOWSKI, and Mr. STEVENS):

S. 1860. A bill to authorize the minting of coins to commemorate the 1995 Special Olympics World Games; to the Committee on Banking, Housing, and Urban Affairs.

1995 SPECIAL OLYMPICS WORLD GAMES COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, many of us over these last 10 days have been transfixed, spellbound—you could use a variety of different adjectives to describe our wonderment—at the performance of athletes around the world as they compete in Lillehammer in Norway, watching the winter Olympics. This evening I suspect millions of Americans and others around the world will be watching the figure skating for a variety of reasons, not necessarily because they wish to watch figure skating, but we have all been moved by the competition of our athletes.

We are impressed with those who compete but not necessarily who are able to win a medal at the winter Olympics. We will have a wonderful event in Atlanta, GA, when the world comes to the United States to compete in the summer Olympics in 1996.

It is that spirit, I suppose, of striving, the tremendous dedication, the work, the desire that moves all of us to watch these young people from around the globe spend 2 weeks with each other in the spirit of the Olympic games. We learned that this spirit of striving can be equally noble, whether it leads to a gold medal or even a last-place finish. In fact, sometimes we are moved more just by the effort of an individual rather than the particular moment of glory and victory.

Mr. President, I am very proud to tell my colleagues that next year, Connecticut will host a similar exhibition of the human spirit. These are the world summer games of the Special Olympics. It is in honor of this event that I am today introducing the 1995 Special Olympics World Games Commemorative Coin Act.

Twenty-five years ago, Mr. President, Eunice Kennedy Shriver had a vision, one person had a vision of an international sports organization for people with mental retardation. She envisioned an event that would bring joy and pride developed from competition to those the world believed could not compete at all.

Today, the Special Olympics has become one of the largest and most successful sports and volunteer organizations in the world. Nearly 1 million Special Olympics athletes from ages 8 to 80 train and compete year round. Every 4 years, thousands of these athletes gather for the world summer games. I am proud to report, Mr. President, that from 14 cities worldwide, New Haven, CT, was selected to host the Ninth Special Olympics World Games. The entire State of Connecticut is now gearing up for those games. Our good friend and former colleague, Governor Lowell Weicker, serves as the chairman of the 1995 Special Olympics World Games Organizing Committee.

In July 1995, almost 7,000 athletes from every State in the Union and from 125 nations from around the world will travel to Connecticut to compete. An expected half million spectators will gather to witness this exciting and inspiring event.

The bill I am introducing today would authorize 800,000 limited-edition $1 silver coins which will be emblematic of the 1995 Special Olympics World Games. Funds raised through the sale of the coins will support the Special Olympics. That is the purpose of this effort.

This bill will not cost the Federal Government one single dime. All the costs will be borne by the sale of those coins.

Mr. President, over the years since Eunice Kennedy Shriver began these games, if we have seen them ourselves, which I have had the pleasure of doing, in watching a child who is a special child, either with a physical or mental handicap, striving in a road race, a running race, a jumping contest, the look on that child's face in being embraced and hugged by others, having achieved something that they did not think was possible, that they would even be able to compete, I do not believe anybody who witnessed such an event has not been moved by it. All of us, whether we know anyone, or a family that has suffered the problems of mental retardation, are moved by the human spirit when it achieves and reaches for something they believe may have been beyond their reach or grasp.

And so as we watch these wonderful Olympics on our television screens in these closing days, the incredible athletes from around the world who are gathered in Lillehammer, we should remind ourselves as well that there will be a very special Olympics in this country next year of children from around the world, from 125 nations, who may lack the mental ability or physical ability to compete in the Atlanta or Lillehammer games, but nonetheless are just as noble in the eyes of God as any other child competing anywhere else in any other kind of Olympics.

This coin will be a nobility, or a way in which all of us can express our support for that effort, to support these young people, to support their families, to support the Committee for the Special Olympics.

And so I am pleased to offer this legislation and to as well announce the cosponsorship, of which we have many, of about 14 or 15 Senators of this legislation.

Twenty-five years ago, Eunice Kennedy Shriver had a vision of an international sports organization for people with mental retardation, one that would bring the joy and pride developed through competition to those the world believed could not compete.

Today, Special Olympics has become one of the largest and most successful sports and volunteer organizations in the world. Nearly 1 million Special Olympics athletes, from ages 8 to 80, train and compete year round for the love of sport, the thrill of accomplishment, and for some, the chance to compete in the quadrennial world summer games.

Mr. President, I am extraordinarily proud to report that from 14 cities worldwide, New Haven, CT, was selected to host the Ninth Special Olympics World Games. Accordingly, in July 1995, 6,700 athletes from every State in the Union and from 125 nations around the world will travel to Connecticut to demonstrate that they have the desire, courage, and the skills to compete in world class competition.

The half-million spectators who come to watch will enjoy one of the most exciting and inspiring experiences of a lifetime. They will see outstanding athletic competition in the true Olympic spirit.

The bill I am introducing today would authorize the issuance of 800,000 limited-edition $1 silver coins, which will be emblematic of the 1995 Special Olympic World Games. Funds raised through the sale of the coins will be used to provide a world class sporting event for athletes with mental retardation and to demonstrate to a global audience the extraordinary talents, dedication, and courage of persons with mental retardation.

I am joined today by a number of our colleagues who enthusiastically support the Special Olympics movement. President Clinton is equally supportive of the 1995 Special Olympics World Games, and he recently agreed to honor this world class sporting event by serving as its honorary chairman.

My good friend and former colleague, Governor Lowell Weicker, serves as the chairman of the 1995 Special Olympics World Games Organizing Committee in Connecticut.

It is estimated that the games will attract a half-million spectators, 45,000 volunteers, and 1,500 representatives from national and international media. Tens of millions of people will view the worldwide television coverage of this event.

The opening ceremonies alone will probably have an audience of 90,000 persons and be televised on a major network. We are estimating that several heads of state and First Ladies, as well as 20 to 30 Ambassadors will be present when President Clinton officially opens the games.

The excitement and splendor of these games will extend well beyond the competition on the field. The worlds of science, diplomacy, art, culture, and entertainment will unite in a celebration of the spirit of Special Olympics and achievements of persons with mental retardation.

The games organizing committee has begun collaborating with the United Nations and with leading scholars at Yale University to ensure that the message of these games is heard and studied by the world's leading policymakers, educators, and scientists. Their plans call for an international symposium at the United Nations focusing on the policy and programming issues facing people with mental retardation all over the world.

Mr. President, an event of this magnitude requires substantial organization and planning. It also needs significant financial resources. The cost-neutral bill that I am introducing today would raise up to $8 million to help underwrite the cost of staging the 1995 Special Olympics World Games.

The thousands of athletes who train for years to experience the excitement of international athletic competition deserve the opportunity to travel to New Haven for the change of a lifetime. The funds raised by the issuance of the coin authorized in this bill will help ensure that their dreams come true.

The coins issued pursuant to this bill would be subject to the provisions of section 5134 of title 31, United States Code, relating to the newly established numismatic public enterprise fund. The legislation explicitly stipulates that the minting and issuance of the coins authorized in this bill shall not result in any cost to the Federal Government.

Mr. President, I understand that in recent years there has been some question about the success of commemorative coins in the marketplace, so let me say a brief word about the 1995 Special Olympics World Games commemorative coin offering. First, our bill proposes a relatively small issue of a single coin. Second, the traditional marketplace of 2 million devoted coin collectors will be significantly expanded for this coin.

The Special Olympics movement is worldwide in scope. There are nearly 1 million Special Olympics athletes worldwide and nearly 450,000 in the United States alone. There are more than 1 million family members in the United States who are actively involved with Special Olympics; that number increases to 2 million active families worldwide. There are more than 500,000 Special Olympics volunteers and 250,000 coaches worldwide.

Families, volunteers, and supporters of the Special Olympics movement provide a tremendous market for consumer products advertised in connection with the 1995 games, including the first-ever Special Olympics coin.

Moreover, the 1995 Special Olympics World Games Organizing Committee has developed an aggressive marketing plan that will utilize the Special Olympics chapter structure in every State and in more than 120 countries around the world. Ads will be run during the network and cable broadcast coverage of the event, and the coins would be made available to the hundreds of thousands of Special Olympics supporters who attend the Games.

I remind my colleagues that Special Olympics is a movement that represents 190 million people with mental retardation worldwide, so I am confident that there is a market for these coins.

Mr. President, I invite every Member of the Senate to share the sport, spirit, splendor of the 1995 Special Olympics World Games. I urge every one of my colleagues to support this legislation.

Mr. DOLE. Mr. President, I am pleased to join with Senator DODD in sponsoring this bill which authorizes the minting of coins to commemorate the 1995 Special Olympics World Games. Although the sales of these coins will provide important financial support for the Special Olympics, they have a much larger significance. In the past, the Treasury has issued coins for the Olympics and the World Cup, but this will be the first time for an international sports event featuring disabled athletes.

In my view, these coins are more evidence we live in a new age of disability. In 1990, Congress passed the Americans With Disabilities Act, determined to base our national disability policy on the principles of equal opportunity and full participation. Last July, to extend these principles to American foreign policy, I introduced, with strong bipartisan support, a bill which recognized for the first time that discrimination against the disabled is a human rights violation.

Mr. President, the Special Olympics helped forge this new age. As Sarge Shriver, chairman of the Special Olympics, wrote to me recently, "for 10,000 years persons with mental retardation have been hidden in jails or cooped up in institutions, or in some countries actually killed. In 1968 a private philanthropic movement was started by an American woman, and since then life for the 280 million human beings with mental retardation have been changed forever." Let me note that woman was, of course, Eunice Kennedy Shriver, Sarge's wife.

I am a longtime supporter of the Special Olympics. In June 1974 I spoke on the Senate floor about the Kansas Special Olympic Games, which I had just attended. And on July 1, 1995, I hope to join the 6,700 athletes with mental retardation from 125 countries, the special olympics team from Kansas, and 70,000 other spectators at the opening ceremonies of the 1995 Special Olympics at the Yale Bowl.

Mr. President, in closing let me note that there will be no net cost to the Government in minting these coins, lest anyone think we are forgetting our fiscal responsibilities. I urge my colleagues to join with me in supporting this bill.

Mr. LIEBERMAN. Mr. President, I am very pleased to cosponsor the 1995

Special Olympics World Games Commemorative Coin Act. Beginning on July 1, 1995, my home town of New Haven, CT, will have the privilege and the honor of hosting the 1995 summer games. This legislation, introduced by Senator DODD here in the Senate and by Congresswoman DELAURO in the House, is an excellent way to help raise funds for the event.

The Special Olympics provide an extraordinary opportunity for athletes with mental disabilities from around the globe to come together and share in the spirit and rewards of athletic competition. All over the world Special Olympics athletes compete year round in Special Olympics competitions. These events help disabled individuals strive to realize their full potential, and gain the sense of enjoyment and self-worth that comes from doing one's best.

Those athletes that reach the quadrennial world summer games will have the privilege of competing in a world class competition. Organizers of the summer games expect the event to involve 6,700 athletes from over 120 countries, as well as 2,000 coaches, 15,000 families and friends, 45,000 volunteers, and half a million spectators. Tens of millions of people are expected to view television coverage of the games.

The potential benefits of the event are immeasurable. As we know from the winter Olympics now underway in Norway, Olympic competition benefits not only the athletes but all of those who participate. The dedication, courage, and spirit demonstrated by the Special Olympic athletes help break down the stigma and stereotypes associated with mental illness and remind all of us how important it is to build a society where individuals can live up to their full potential.

This bill will authorize the issuance of 800,000 limited edition $1 silver coins bearing the Special Olympics emblem. Money raised through the sale of these coins will help fund the 1995 Special Olympic World Games. The coins will pay for themselves, so that the bill will not impose a net cost on the Federal Government.

I am pleased that President Clinton is the honorary chairman of the games, and that Connecticut Governor Lowell Weicker is chairing the games organizing committee in Connecticut. I commend Governor Weicker for his commitment to the games, and I look forward to working with him and with Senator DODD, Congresswoman DELAURO, and with our colleagues in Congress to help make the 1995 Special Olympic World Summer Games an event all Americans can participate in and be proud of.

By Mr. CHAFEE:

S. 1861. A bill to suspend temporarily the duty on certain pigments; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. CHAFEE. Mr. President, today I am introducing legislation to grant temporary duty suspensions for the importation of several chemical products.

These products are colorants that are used in the coating, ink, and plastic industries; and they are particularly important because they are used to replace colorants that use heavy metals such as lead and cadmium.

Duty is placed on foreign products in order to prevent harm to U.S. companies producing the same product. However, in this case, none of the colorants in question is produced in the United States. That means that the granting of these duty suspensions should not affect any domestic chemical industry.

That also means that these particular duties serve solely as an added cost to those U.S. companies who need the products and must purchase them from foreign firms. We have one such company in my State, and it employs some 850 persons in a town with a population of just 31,000, making it the major employer. In this difficult economic time, the significant cost of these duties cannot be passed on to the company's customers. That means the company, faced with losing customers or cutting back internally, has no choice but to cut back to the bone internally. This kind of cost reduction effort inevitably threatens jobs.

Enactment of these duty suspensions will ensure that our domestic coating, ink, and plastics industry compete fairly with foreign competitors. Our foreign competitors do not have to pay the extra costs imposed by these duties. By paying these duties, our industry is placed at a competitive disadvantage.

The bill I am introducing today would grant duty suspensions through December 31, 1998. It is my hope that Congress soon will move to enact comprehensive duty suspension legislation that will include these provisions.

I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION FOR CERTAIN PIGMENTS.

(A) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.32.11	Hostaperm Yellow H4G (CAS No. 031837–42–); Pigment Yellow 151) (provided for in subheading 3204.17.50)	Free	No charge	No change	On or before 12/31/98
99021.32.12	PV Fast Yellow H3R (CAS No. 074441–05–7; Pigment Yellow 181) (provided for in subheading 3204.17.30)	Free	No change	No change	On or berore 12/31/98
9902.32.13	Hostaperm Yellow H3G (CAS No. 068134–22–5; Pigment Yellow 154) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.14	Hostaperm Yellow H6G (CAS No. 035636–63–6; Pigment Yellow 175) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.15	PV Fast Yellow HG (CAS No. 077804–81–0; Pigment Yellow 180) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.16	PV Fast Yellow HGR (CAS No. 129423–54–7; Pigment Yellow 191) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.17	PV Fast Red HF4B (CAS No. 059487–23–9; Pigment Red 187) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.18	PV Red HG (CAS No. 043035–18–3; Pigment Red 247) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.19	PV Red HB (CAS No. 043035–18–3; Pigment Red 247) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.20	PV Fast Orange H4G–L (CAS No. 078245–94–0; Pigment Orange 72) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/98
9902.32.21	Permanent Yellow NCG–71 (CAS No. 005979–28–2; Pigment Yellow 16) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98
9902.32.22	PV Carmine HF4C (CAS No. 051920–12–8; Pigment Red 185) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98
9902.32.23	Novoperm Red HF28–01 (CAS No. 031778–10–6; Pigment Red 208) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98

9902.32.24	Novoperm Red HF3S (CAS No. 061847–48–1; Pigment Red 188) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98
9902.32.25	Novoperm Red HF3S–70 (CAS No. 061847–48–1; Pigment Red 188) (provided for in subheading 3204.17.10)	Free	No change	No change	On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. McCONNELL:

S. 1862. A bill to repeal the public financing of and spending limits on Presidential election campaigns; to the Committee on Rules and Administration.

TAXPAYER-FUNDED PRESIDENTIAL CAMPAIGN SYSTEM REPEAL ACT

• Mr. McCONNELL. Mr. President, there is an annual poll on the Presidential system of taxpayer-funded spending limits called "the checkoff." In 1992, the checkoff rate was just over 17 percent, continuing the nose dive that has marked it since soon after its inception. The vast majority of the American people choose not to divert $1 from the Treasury to prop up the Presidential system.

Five elections and three-quarters of a billion dollars later, the fund is nearly bankrupt.

Before the Senate Rules Committee in recent years, one nonpartisan witness after another has testified that the Presidential system of spending limits doesn't work as advertised. It limits neither spending nor special interests.

We have, in the current Presidential system, an expensive failure that Americans do not choose to support with taxes they have already paid. The Presidential system is a massive fraud that most Americans are not falling for anymore.

Taxpayer dollars that have been pumped into the Presidential system have not replaced special interests—they have merely augmented them. Spending has not been limited in the Presidential system—it has gone underground into "sewer" soft money.

The Presidential Election Campaign Fund and the system it props up is a disaster, riddled with special interest soft money—off the books, unlimited and undisclosed.

Virtually every reputable scholar who has studied the issue believes the Presidential system is a disaster. Among the most notable of these scholars is Michael Malbin of the Rockefeller Institute of Government who testified before the Senate Rules Committee in 1991:

> In every presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, then they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of devices—some of which have not even been thought up.
>
> Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the First Amendment. More importantly, all of these devices favor the well organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Mr. President, what is really bizarre is forcing taxpayers to pay for a proven disaster and proposing to expand it to include congressional races.

The Baltimore Sun published an editorial a couple of years ago reflecting taxpayer disdain for the fund, later reprinted in the Lexington, KY, Herald-Leader:

> The overwhelming majority of taxpayers think campaign subsidies are a bad idea, period. More think so every year.
>
> The public's support for public financing can be measured by the percentage of 1040 forms filed each year with $1 or $2 checked off for the presidential campaign fund. This is not an extra dollar or two of taxes, just an earmarking. It costs the filer nothing. Yet the percentage of those checking off has fallen every year since 1980 * * *
>
> Why has public support declined? Perhaps because the public is learning that this subsidy has supplemented rather than replaced special interest money.

Mr. President, it is often said that regardless of what the objective scholars say, despite the clear rejection of the checkoff by our constituents, Americans actually support public funding in exchange for spending limits Many Senators want taxpayers to pay for all congressional campaigns as well.

Yet over 80 percent of taxpayers choose not to check off $1 from taxes already paid to go to the Presidential system. My constituents have resoundingly rejected the Presidential system of taxpayer financing. Only 10 percent of Kentuckians check off for that mess, to allocate $1 from taxes already paid.

Mr. President, that's not a poll. That's reality.

There is no outpouring of support among Kentuckians, or residents of any other State, for an entitlement program to pay for congressional campaigns. They are instead screaming out that they do not want their tax dollars paying for anyone's campaign. Not ours. Not the President's. Not David Duke's. Not Lenora Fulani's. Not anybody's.

And certainly not a campaign that Lyndon LaRouche ran from his prison cell. Yet, Mr. LaRouche soon will receive Federal matching funds for the Presidential campaign he conducted while serving a 15-year sentence for fraud.

The taxpayer-funded Presidential system is a failed government program. Reformers had a dream in the 1970s which the Federal Election Campaign Act transformed into reality. A reality that has now turned into the taxpayers' nightmare. The fund's supporters had a utopian vision of a system cleansed of special interests, where money was not a concern for candidates. That was their dream two decades ago.

Time to stop dreaming, Mr. president. Time to wake up. The Presidential system is a disaster, taxpayers cannot afford it and they certainly do not support it.

Taxpayers sure are not clamoring for a taxpayer-financed congressional system. They do not want to pay for David Duke to further his agenda. They do not want to pay for Lenora Fulani to further her agenda. They do not want their tax dollars used to pay for furthering anyone's agenda.

Voters are telling us that it is time we furthered the taxpayers' agenda. Our first spending cut should be to end a politicians' entitlement program—the taxpayer-funded Presidential system.

To add a little historical perspective to this issue, let me add the following interesting footnote: former House Speaker Jim Wright made the following comment to a colleague who was opposed to the Presidential Fund during the debate over its creation in 1974: "Congress could repeal this law if it did not work out as we intend, at any time in the future."

Mr. President, it has been nearly 20 years since that debate. The Presidential Election Campaign Fund has failed. The legislation I am introducing would end it.•

By Mr. COHEN (for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. KOHL, Mr. LUGAR, Mr. THURMOND, Mr. GRASSLEY, Mr. WARNER, Mr. DOMENICI, Mr. CHAFEE, Mr. BENNETT, and Mr. STEVENS):

S. 1863. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY DISABILITY AND REHABILITATION REFORM ACT OF 1994

• Mr. COHEN. Mr. President, today I am joining with Senators DOLE, KASSEBAUM, KOHL, LUGAR, THURMOND, GRASSLEY, WARNER, DOMENICI, CHAFEE, BENNETT, and STEVENS in introducing legislation to stop the flow of millions of Federal dollars into the hands of illegal drug users, many of whom simply turn around and use the money to buy more drugs.

By reforming the Social Security disability programs, our legislation will encourage treatment for substance abusers, get tough on those who manipulate the system, and send the strong message that the Federal Government will no longer be handing out blank checks to drug dealers and addicts, and others who are not seriously trying to help themselves when rehabilitation is possible.

Under current law, drug addicts and alcoholics are eligible for supplemental security income [SSI] and Social Security disability [SSDI] benefits if they are not able to work and if their disability is expected to last more than 1 year.

Although the current law places conditions on drug addicts and alcoholics who receive benefits, a year-long investigation conducted by the minority staff of the Senate Special Committee on Aging and the General Accounting Office found that the current disability system is totally out of control. The laxity in the system not only wastes valuable tax dollars, but also undermines our war on violent crime and drug abuse and endangers the substance abusers themselves by giving them more money to fuel their addictions.

Currently, substance abusers are eligible for SSI benefits only if they receive appropriate treatment for their substance abuse, if treatment is available. Also, their benefits are supposed to be paid to a third party to protect the money from abuse.

Our investigation found, however, that these rules are rarely followed. Instead, the word on the street is that the Social Security disability programs are an easy source of cash for drugs and alcohol, and that once the Government checks start flowing, the Government hardly ever checks up to see if the addict is going to treatment—or to be sure that the benefits are not being used to buy more drugs.

The bottom line is that addicts are actually seeking out the disability programs to get money for their additions.

If Willie Sutton was alive today, in addition to robbing banks, the probably would be tempted to apply for Social Security disability benefits—because that's where the money is.

The size of the problem is staggering. According to the GAO, at least 250,000 drug addicts and alcoholics are now receiving over $1.4 billion in cash benefits from the SSI and the Social Security disability insurance programs. However, only about 78,000 of these recipients—or less than one-third—are now required by the Social Security Administration to receive treatment for their addictions or to have someone else collect their checks on their behalf.

This means that no one is-watching over $1.1 billion in SSI and disability benefits being paid each year to over 170,000 drug addicts and alcoholics. No treatment is required and no guardian for the benefits is appointed. Instead, the cash benefits are freely available to feed their addictions.

The picture gets worse. Of the 78,000 substance abusers who are supposed to be watched by the SSA to be sure they are under tight controls, less than 10 percent were known by the Social Security Administration to be in treatment.

In other words, only about 3 percent of all drug addicts and alcoholics on the disability rolls are known to be in treatment for their substance abuse. The Federal Government does not have a clue whether the rest are in treatment or not—or where these dollars are going.

What is clear, however, is that tax dollars are being used to support illegal drug habits. Earlier this month, for example, a drug bust in Williamsport, PA netted at least 28 packets of cocaine, a cutting agent for mixing cocaine—and direct deposit receipts from Social Security disability checks. According to the local district attorney, two of the three suspects allegedly had been receiving Social Security benefits for their drug addictions, but were not in any treatment program.

The Federal Government's performance in this program has been disgraceful. Through last year, for example, the Social Security Administration had established programs to monitor treatment requirements for substance abuse recipients in only 18 States. While steps are now underway by the Social Security Administration to monitor addicts in many more States, these actions are long overdue.

Further, we found that some lump sum benefits—in some cases over $20,000—are being paid to drug addicts and alcoholics, many of whom are spending the money on drugs or alcohol, resulting in dangerous consequences, or even death, to the claimants. Even when the benefits are paid to a third party, this money often finds its way back into the hands of the addicts—and into the local bar or drug houses.

For example, an SSI applicant was found to be disabled on the basis of his drug addiction, and then died of a lethal drug overdose purchased with his lump sum benefits from SSA.

Another addict used his $19,000 lump sum benefit check to buy cocaine.

We have even found cases where the Federal Government is awarding disability benefits to drug addicts even when it knows first hand that the addict is dealing drugs or engaging in other criminal activity to sustain his or her habit.

To sum it up, the message of our disability program is:

Show us that you are a severe drug addict and the Government will pay you.

As long as you continue to shoot up or drink, the money keeps coming.

Then, even if you tell us that you are breaking the law to get your drugs, we'll still pay you.

And finally, once we start the checks, they will probably never stop coming.

At the same time that we are losing the war against violent crime and drug abuse, this is an outrageous message for the Federal Government to send.

Tragically, these lax policies not only drain the Federal Treasury, but also are detrimental to substance abusers themselves by rewarding addiction, and by discouraging and failing to provide necessary treatment.

Psychiatrists and drug abuse counselors have told us that the laxity in the current system violates the basic rules of drug and alcohol treatment: Never give cash to an addict, because it is like giving him or her the key to the medicine cabinet.

Studies show that giving cash to an addict greatly undermines treatment. For example, visits to a methadone treatment program dropped off sharply directly after the drug addicts received their disability checks. Other drug abuse treatment experts have told us that drug induced psychosis cases often increase at the end of the first week of the month, and that requests for treatment drop off during the first few days of the month. It is no coincidence that this is the same time that the SSI and disability checks arrive in the mail.

It is crucial that we fix this system which has run amok.

The legislation we are introducing today will go far in stopping the cash from flowing into the pockets of drug dealers and into the veins of drug addicts.

Specifically, the bill requires that any individual who receives disability benefits under the SSDI and SSI programs on the basis of substance abuse must undergo appropriate treatment for substance abuse if it is available; comply with the terms of treatment; and receive benefits through a qualified representative payee.

The bill sets up a strict disability review process for those who disability is based on substance abuse. Upon completion of first year of treatment the SSA will be required to review the case for continued disability and compliance with treatment requirements. If an individual fails to comply with treatment, benefits will be suspended.

At the end of 2 years of treatment, the individual is again reviewed. If substance abuse is no longer a basis for disability, no additional treatment is required.

In no event will disability payments be made on the basis of substance abuse for more than a cumulative period of 3 years. This termination will not affect any person receiving SSI/SSDI benefits made on the basis of other nonsubstance abuse medical impairments.

To address the need for more treatment of hard core addicts, the bill gives high priority to SSI and disability insurance substance abusers in programs supported through the substance abuse block grant.

To stop abuses in the payment of benefits to third parties, the bill requires representatives payees for substance abuse recipients to be Government agencies or other facilities, which will not be subject to coercion by the substance abuser.

The bill also requires that any lump sum benefit payable to a substance abusers in SSI and SSDI must be paid to a representative payee.

We also require the Secretary of Health and Human Services to designate an agency to refer and monitor treatment of individuals who receive benefits on the basis of substance abuse for each State within 1 year of enactment.

The bill further requires that any proceeds derived from criminal activity to support substance abuse shall be considered substantial gainful activity, thereby making that individual ineligible for benefits.

Finally, the bill includes tough measures to stop the manipulation of the disability program by addicts and others who want to cash in on the disability system. Specifically, the bill toughens penalties for fraudulent statements or misrepresentations made by applicants or recipients to obtain SSI or SSDI benefits, or by others who assist in such fraudulent acts. The Secretary of HHS is also given authority to exclude from all HHS health and disability programs any person who defrauds the disability system in order to receive or help someone else receive benefits.

Far from abandoning substance abusers, this proposal stresses treatment and rehabilitation, while closing the loopholes in the disability system which now invite abuse.

If we are serious about reducing illegal drug abuse and reforming our welfare system, we cannot ignore these wasteful, counterproductive practices in our Social Security disability system. Fighting crime is hard enough without supplying the other side with money for their drugs.

The proposal we are introducing today is an important step toward reforming the disability process into a system that encourages rehabilitation for those who can and should recover from their addictions, rather than providing a lifelong—and life threatening—source of cash for drugs.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Nevada [Mr. REID], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 984

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 984, a bill to prevent abuses of electronic monitoring in the workplace, and for other purposes.

S. 1040

At the request of Mr. BINGAMAN, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1677

At the request of Mr. HATFIELD, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1677, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1690

At the request of Mr. DANFORTH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1802

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1802, a bill for the relief of Johnson Chestnut Whittaker.

S. 1848

At the request of Mr. DANFORTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1848, a bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles.

SENATE JOINT RESOLUTION 151

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 151, a joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week."

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 182—RELATIVE TO THE PONTIAN GREEKS

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the Pontian Greeks originally settled in northern Turkey in the late 19th and early 20th centuries to escape the ravages of war and since then have found themselves alternately both discriminated against as well as innocent victims of brutal wars;

Whereas the Pontian Greeks have been subject to severe discrimination and torture since the early 1900's due to their ethnic and cultural identity;

Whereas the Pontian Greeks have historically been denied their right to develop their own culture and study their history, first under the Ottoman Empire and later while under the Soviet Empire;

Whereas the Pontian Greeks are, in part, descendants of Greeks who were uprooted and forcibly resettled in Georgia in the 1930's by Stalin during collectivization drives out of fear of divided loyalties;

Whereas this population of 15,000 is now cut off from supply lines and distribution networks by both winter storms and a brutal civil war of a year-and-a-half;

Whereas both the battle-scarred Greek settlements and their refugee camps are located in the center of this savage war;

Whereas existing supplies are rapidly eroding, leaving Greeks on the brink of starvation and forced to endure a long winter without clothing, medicine, water, or electricity;

Whereas the remaining supplies of this small minority are subject to widespread looting;

Whereas many Greeks are forced to undertake a dangerous sealift in order to emigrate to Greece out of a desperate attempt to escape this dire situation;

Whereas the Pontian Greeks face certain death without outside assistance: Now, therefore, be it

Resolved that the United States should take the lead in organizing international humanitarian efforts to aid this destitute population.

Mr. D'AMATO. Mr. President, I rise today to call attention to the desperate plight of the Pontian Greeks stranded in the Republic of Georgia.

The Pontian Greeks, stranded in the ravaged Republic of Georgia, have long been the victim of oppressive empires. The Pontians were the frequent targets of state discrimination and torture while they lived under the Ottoman Empire. Their lot did not improve once they were taken into the Soviet Empire where many became the innocent victims of Stalin's brutal collectivization drives. Stalin, fearing their lack of loyalty to the Soviet Union, forced these proud people into far off regions, depriving them of liberty.

Some Pontian Greeks originally emigrated to the Crimea in the late 19th century to avoid a state of almost continuous warfare, involving Turkey, Greece, and later Russia. Ironically, today the Pontian Greeks once again find themselves caught in the middle of the ravages of war in the strife-torn Republic of Georgia. Their refugee camps are located in the center of the civil war, leaving many women and children in the path of the destruction.

To worsen this desperate plight, the onslaught of severe winter storms has worked to compound the problems of this starving people. The supply lines and distribution networks to this population of 15,000 Greeks have been cutoff, leaving the people with rapidly eroding supplies that are frequently the subject of looting. In attempts at mere survival, the Pontians are struggling to endure a long, bitter winter with little food, clothing, medicine, water, or electricity.

These brave people, left destitute and subjected to starvation, are being left to die. Occasionally they attempt to make a long sealift back to their Greek homeland. This arduous journey is not without peril, and Greece is struggling to assist in this exodus. Despite recent airlifts to aid the Pontians, the threat to them has not receded and the effort must be continued.

Make no mistake about it, many of the Pontian Greeks will not survive this long winter without outside assistance. Because of this, I am calling on the United States to take the lead in humanitarian efforts in order to insure that a sufficient quantity of supplies arrives quickly enough to save this starving population. The United States must recognize the desperate situation of our Greek friends who have been innocent victims of both brutal wars and regimes for far too long.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 1:45 p.m. on Wednesday, February 23, 1994, in closed session, to receive a briefing on Bosnia and other current military operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 23, beginning at 10 a.m. to conduct a markup on the committee print of the interstate banking and branching bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on S. 1822, the Communications Act of 1994, on February 23, 1994, beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 23, 1994, to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 23, to consider the Graham substitute amendment to S. 1114, the Water Pollution Prevention and Control Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:45 a.m., February 23, 1994, to receive testimony on the Department of Energy's fiscal year 1995 budget request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from OMB Director Leon Panetta on the subject of the administration's budget proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, February 23, 1994, at 10:15 a.m. to hold a hearing with Secretary of State Christopher regarding a foreign policy overview and budgetary resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, February 23, for a hearing on the legislation: H.R. 3400, Government Reform and Savings Act, at 10 a.m., in SD-342 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 23, at 2 p.m. for a hearing on the nomination of Rafael Diaz, to be Associate Judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on February 23, 1994, at 9:15 a.m., for an executive session to consider S. 1040, the Technology for Education Act of 1993; S. 1020, the Workers Technology Skill Development Act; and the nominations of Bernard E. Anderson to be Assistant Secretary for Employment Standards at the Department of Labor; Margaret A. Browning to be a member of the National Labor Relations Board; Charles I. Cohen to be a member of the National Labor Relations Board; and Frederick L. Feinstein to be general counsel of the National Labor Relations Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold an oversight hearing on programs and services for homeless veterans at 10 a.m. on Wednesday, February 23, 1994. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services and the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet on Wednesday, February 23, 1994, at 2 p.m., in open session to continue to receive testimony on the future of NATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, jointly with the Armed Services' Subcommittee on Coalition Defense and Reinforcing Forces, be authorized to meet during the session of the Senate on Wednesday, February 23, 1994, at 2 p.m., to hold a hearing on the future of NATO: The NATO summit and beyond.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, February 23, 1994, at 10:30 a.m., to hold a hearing on shaping our response to violent and demeaning imagery in popular music.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FORT SACKVILLE

• Mr. COATS. Mr. President, I rise today to commemorate the 215th anniversary of the capture of Fort Sackville, located on the present-day grounds of the George Rogers Clark National Historical Park, Vincennes, IN.

Fort Sackville enjoys a vibrant history that reflects the courage and perseverance of America's Revolutionary patriots. Built in 1777 and named after a British Government official, Fort Sackville was one of several forts built during the frontier settlement of Vincennes. The fort was captured from the British during the American Revolution by George Rogers Clark and his small force of frontiersmen.

On February 23, 1779, following an 18-day journey from Kaskaskia through the freezing waters of the flooded Illinois country, George Rogers Clark and his force of approximately 170 American and French frontiersmen arrived in Vincennes to capture Fort Sackville. Surrounding the fort, Clark was able to give the impression of having a much larger army. In addition, Clark ordered tunneling operations around the fort to be used to plant explosive charges, thus convincing the British that they were no match for Clark's forces.

On February 25, 1779, British Lieutenant Governor Henry Hamilton led his troops out of Fort Sackville and surrendered the fort to Clark and his forces. Although Clark was unable to capture Detroit, his military successes prevented the British from driving the Americans from the Trans-Appalachian frontier. Thanks to Clark's achievements, the British relinquished a large tract of land west of the Appalachians, which later became the States of Indiana, Ohio, Illinois, Michigan, Wisconsin, and eastern Minnesota.

On the anniversary of the capture of Fort Sackville, it is important to recognize the contribution of George Rogers Clark and his troops to the cause of liberty. Their sacrifice and courage in resisting the British forces helped to build America's heartland, and I appreciate the opportunity to honor these patriots today.•

TRIBUTE TO REV. DR. JAMES DEMETRIADES

• Mr. LIEBERMAN. Mr. President, I rise before you today to honor one of Connecticut's finest community leaders. Rev. Dr. James Demetriades retired on December 31, 1993, ending over 30 years of service and dedication to God, his parish, and community. Beginning as a lay preacher of the Greek Orthodox community in Constantinople, Turkey, Reverend Demetriades became the dean of the St. George Greek Orthodox in Hartford, CT, in 1964.

During his tenure at St. George Greek Orthodox Church, Father James became an important community and statewide leader, rising to the position of vicar general of the Greek Orthodox parishes in the State of Connecticut. He has also served as chaplin for the Connecticut State Police and as ecumenical officer representing the Greek Orthodox Archdiocese. Father James also received a Ph.D. in philosophy of religion from the Hartford Seminary Foundation in 1972.

These are truly difficult times in our Nation today and it is our family and friends, combined with our churches that can help make these challenges easier to bear. Throughout his life Rev. Dr. James Demetriades has helped those around him with their struggles and has been a leader and inspirational model for all those he has come in contact with. He is to be commended for his lifelong service to the Hartford community.•

FOR HUMANITY'S SAKE

• Mr. SIMON. Mr. President, the recent anti-Semitic remarks made on a college campus in New Jersey have received a great deal of attention. Racism, in whatever form it takes, should be attacked, and, unfortunately, it too often has not been attacked.

While certain leaders in the African-American community have been recognized for their statements, less attention has come from many others who are less visible, who have stood up.

I subscribe to the Chicago Defender, a newspaper that particularly serves the African-American community in the Chicago area. Recently, Walter Lowe, the editorial page editor of that newspaper, had a column titled "For Humanity's Sake, We Must Oppose Anti-Semitism."

It was the kind of solid statement about what we should stand for as a people that deserves more attention.

I am grateful to him for standing up.

I am old enough to recall very well in the civil rights struggle that the white community generally most vocal in assisting that effort was not Lutheran, as I am, nor many other denominations, but the Jewish community. With the possible exemption of the Quakers and the Mennonites, in terms of percentages, the Jewish community probably stood up more than any other group.

I ask to insert Walter Lee Lowe's column in the RECORD at this point.

The column follows:

[From the Chicago-Defender]

FOR HUMANITY'S SAKE WE MUST OPPOSE ANTI-SEMITISM

(By Walter Lee Lowe)

I really don't think anyone would be jumping to conclusions in reasoning that the vandalism that damaged five Jewish organizations in the Rogers Park section of Chicago on the morning of Friday, Jan. 28, was a result of anti-Semitism. The arson and other injuries to the edifices were enough to anger any person who believes in equality, mutual respect, fair play and human decency.

It is truly unfortunate that there are individuals who are willing to expend their energy bringing destruction to others and their properties. Anti-Semitism is one of the most reprehensible practices in human history. There are countless instances in the past where Jews were the victims of wholesale intimidation, injury and genocidal slaughter.

These things must not be permitted to recur. They have already claimed the lives of too many children and adults who were innocent of crimes but were assaulted just because of their religion. Such actions are, in the real world of the global village, socially wrong and totally immoral. They border on lunacy, no matter how educated or socially prominent the perpetrator happens to be. That is just one of the many reasons why people of good conscience must vigorously oppose anti-Semitism.

It is also a very humanitarian reason for taking a stand against such bigotry.

There is also a wholesomely selfish reason why decent people should oppose anti-Semitism: the same fury, force, hatred and violence that claims the lives and property of Semites can also be directed against others just because of their religion, race, sex, age, height, weight, creed, etc. Jews and other Semites should not be harassed, attacked or otherwise bothered. But that truth is also applicable to Moslems, Christians, Bahai's, Hindus, Buddhists, Jehovah Witnesses, any other members of the world's religions or atheists.

All deserve to live without the threat of violence hanging over their or their loved ones' heads. People who feel that it is all right to use bigoted words, practices and even violence against Jews and other Semites would be devastated if the same abusive behavior was unfurled against them because of their beliefs, race, gender, creed or other non-important characteristics. A person who sneaks through the night and firebombs a Jewish building for what it represents, is not only anti-Semitic but a coward. That type of mentality claimed countless lives of Black people during the period of lynching which occurred during and after the Reconstruction Period. It is also the type of cowardice that permitted various people in European countries to institute government-sponsored pogroms against Jews.

These pogroms allowed non-Jewish individuals and government officials to invade Jewish ghettos, destroy property, rape women, murder children and adults and confiscate their hard-earned money.

There is nothing wrong with disagreeing with Jews on various issues. There is nothing wrong with arguing a given point with a Jew. People disagree. People argue. Not only is such non-violent interaction very human but it can also be very healthy. Jews, African Americans, women, and other groups who have been historically persecuted just because they are who they are, do not for the most part, expect special favors or special treatment from the world.

They simply want to be treated like human beings. That is not too much to ask.•

FLORIDA LAW RELATED EDUCATION ASSOCIATION

• Mr. GRAHAM. Mr. President, as a Senator from the great State of Florida, I rise today to recognize a unique group from my home State, the Florida Law Related Education Association.

Every day, schools throughout Florida welcome new American citizens into their classrooms. These children know of the American dream and have now come to live it, but they don't fully understand it. With the help of great organizations like the Florida Law Related Education Association, these new young citizens, along with their peers, come to understand and appreciate the foundations of democracy set forth in the Declaration of Independence and the Constitution. The "We the People" program sponsored by the FLREA has taught students the joys of freedom and its responsibilities. Now more than ever, the importance of understanding our history is vital to the future of all Americans and to the future of the United States. This program plays an important role in the education of America's future leaders.

Through the dedicated efforts of volunteers, thousands of upper elementary, middle, and high school students participate in the "We the People" Bicentennial Competition. The program is based on the principles embodied in the Declaration of Independence and introduces students to the philosophical ideas of our Founding Fathers, the historical background of the Philadelphia Convention, and the issues and debates upon which our Constitution is based. In this program, students learn how our Government is organized and how it protects the rights and liberties of all citizens. Most importantly, students learn the responsibilities that accompany the rights of citizenship in a democracy.

By continuing the tradition of debating fundamental issues, this group pledges to the world that freedom and justice will prevail. By instilling in our youth an appreciation for liberty, they help ensure liberty for generations to come.

Those dedicated volunteers who preserve the history of our ancestors and their ideas are: Theresa Bryant, Steve Byrne, Gene Cain, Karen Cloud, Miriam DePool, John Doyle, James Elliott, Karen Miles-English, Charles Fleming, Connie Hankins, Paul Hanson, George Jeandheur, Sheila Keller, Steve Kovacs, Sharon Ledbetter, Christa Lira, Bill Massolio, Karin Moore, Judy Nugent, Annette Boyd Pitts, Suzanne Prior, Louis Roos, Clint Rouse, Cynthia Ryan, Patricia Segrest, Kathy Steiner, Dr. Theron Trimble, and Paul Trojac. They deserve much appreciation from the residents of Florida.

"We the People" helps to direct our youth to be responsible leaders in the future. I am honored to have this group recognized by the U.S. Senate and am grateful to these dedicated coordinators for their contributions to the development of Florida's children into informed and educated citizens.•

SWEARING IN OF DR. JOHN H. ZIRSCHY TO BE PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE ARMY, CIVIL WORKS

• Mr. CHAFEE. Mr. President, I am proud to report that yesterday, February 22, 1994, Dr. John H. Zirschy was sworn in to be the Principal Deputy Assistant Secretary of the Army for Civil Works.

As a Presidential appointee to this position, Dr. Zirschy will provide executive direction and leadership to the Army Corps of Engineers civil works program. Dr. Zirschy's responsibilities also will include program representation, and congressional testimony. Additionally, he will be asked to serve as the Acting Assistant Secretary of the Army for Civil Works until that position is filled by the President.

Prior to his appointment as Principal Deputy, John served as a professional staff member of the Senate Committee on Environment and Public Works. Before joining our committee staff, he was Senator JEFFORDS' environmental adviser. Dr. Zirschy performed most admirably in both of these assignments and the Senate profited from his expertise and dedication. He will bring to the Army Corps of Engineers an impressive breadth of professional and academic experiences which will prove valuable, as they have in his previous posts.

I am pleased to have had the opportunity to work with Dr. Zirschy while he was serving with the U.S. Senate and strongly support the administration's decision to appoint him. I look forward to working with him in his new capacity.•

CAN WE STOP TV VIOLENCE?

• Mr. SIMON. Mr. President, one of my favorite columnists is William Raspberry. One of the weaknesses we have in life is that we tend to like the people we agree with, and, with rare exceptions, I agree with Bill Raspberry. He offers insight, as well as being a good journalist, and he has a heart and shows it, as well as having common sense.

Recently, he had a column on TV violence that puts forward the commonsense reality that we have to face, and we are gradually facing, now in our society.

I ask to insert the Bill Raspberry column in the RECORD at this point.

The column follows:

[From the Annapolis (MD) Capital, Feb. 7, 1994]

TV VIOLENCE IS HARMFUL—BUT CAN WE STOP IT?

(By William Raspberry)

ATLANTA.—"In my field of psychology, there's a lot of ambiguity," Arnold P. Goldstein admits. "But after a while, there's enough research to say we have a fact."

This, he says, is a fact: Television violence begets real-world violence.

Goldstein, director of the Center for Research on Aggression at Syracuse University, is here as the featured consultant at a two-day conference on school violence. He has made a major sideline of instructing professionals—this time members of the National Association of School Psychologists—in ways of reducing violence. His books on teaching social skills to anti-social youth—"skill streaming," he calls it—are respected across the nation.

But he believes his work would be a good deal easier if television weren't so doggedly violent.

"There's just no question of the effect of television," he tells me. "Literally hundreds of studies all point to this conclusion. The only people who seriously question the link—like the tobacco industry questioning the link between cigarette smoking and cancer—are the TV people themselves, and even many of them are coming around."

Goldstein lists three main categories of effects: The aggression effect, the victim effect and the bystander effect.

The first includes so-called copycat violence. "There are 188 separate studies, involving 244,000 viewers, showing that a substantial number of viewers will become more aggressive, more violent after watching violent TV shows. Younger children are affected more than older ones, boys more than girls. In terms of types of show, the violently erotic are the worst."

He said studies show that there is more copying of violent acts when the violence is justified or rewarded in the script, when it involves how-to specifics and when it is shown as relatively painless, or when victims of violence are shown quickly recovering from their injuries.

The "victim effect" principally involves an "increased level of fearfulness about the world in general," according to Goldstein. "What troubles me most, though, is the bystander effect. You know, the Kitty Genovese syndrome. Televised violence increases the degree of callousness and indifference to actual violence. People who watch TV violence become less helping toward the victims of violence and display more tolerance for higher and higher levels of aggression."

Most of us know—or have strongly suspected—what Goldstein's analysis of reams of studies demonstrates. Television knows it, too. The question is what to do about it.

For Goldstein the answer is something short of official censorship but "something beyond the tips-to-parents advice—sitting with your children, talking about the violence, monitoring their viewing, that sort of thing." But he doesn't know just what.

I don't either. The violence-content labeling recently adopted by the industry (following a major public outcry and congressional hearings) is a help, but principally for at-home parents of small children. Older children, including "latchkey kids" who baby-sit themselves until their parents get home, won't bother with the labels—except, perhaps, as a guide to which are the really cool shows.

Various channel-blocking devices could be helpful in locking out, say, certain cable channels. But what parent would take the time to check each day's listing and block out specific objectionable shows (assuming it was clear which shows were objectionable and assuming there were machines capable of such selective blocking)?

And who, in households where parents can't tape tonight's "Jeopardy" show without help from the kids, would program those machines? ("OK, Mom, I've got it set so it'll only get PBS and the Gospel Hour. You and Dad have a nice evening.")

The violent influence cited by Goldstein—he says there are, on average, eight violent acts per prime-time hour on television—may be beyond the means of technology to control.

Indeed, it's hard to see what, within the confines of the First Amendment, might control it. The most frequently mentioned alternative is a boycott of sponsors of worst-offending programs. But there are two problems with that.

First, many cable shows (including some of the raunchiest and most gratuitously violent on television) are unsponsored.

And second the reason TV operators keep bringing us this stuff that is scaring us, numbing us and, yes, killing us is that they are privy to our dirty little secret:

We want it.•

TOUGHLOVE

• Mr. DURENBERGER. Mr. President, I rise today to honor the Toughlove Parent Support Groups of Minnesota. This entire month of February is being observed as Toughlove Programs Against Violence Month. And it is important that we take time this month to pay tribute to the work of this organization.

Toughlove is a self-help organization dedicated to helping families in crisis as a result of children who are in trouble in school, at home, and in their communities.

Many of these young people have problems with drugs and/or alcohol, their sexuality, suicide, gangs, cults, and the expanding violence in and around their lives.

Toughlove Parent Support Groups have been active in Minnesota for 8 years. Their work heightened our awareness of the importance of communities joining together to combat the virus of violence that has become an epidemic in our Nation.

Toughlove declared February 14, Valentine's Day, 1994 as a day against violence. Mr. President, let us continue to make every day of 1994 a day when we, as a nation, promise to oppose violence, and make every effort to end violence in the places we live and work.•

KHARTOUM CHARACTER

• Mr. SIMON. Mr. President, there is much good news in Africa, and, unfortunately, it does not make the headlines.

Africa is moving steadily, if not dramatically, toward greater and greater democracy. But it goes in fits and starts and without consistency. Probably the most discouraging place in Africa today is Sudan.

It is discouraging because there are hundreds of thousands—perhaps over 1 million—who face severe malnutrition in the southern part of the country.

The government is oppressive, and despite assurances that the government gives me from time to time that they are moving in a more constructive direction, I have seen little evidence of it.

An article by Joshua Hammer, who heads Newsweek's Nairobi bureau, in the New Republic, gives something of the character of the situation in the capital city.

I do not suggest that the government alone is responsible for the difficulties in that country. Unfortunately, there is division among those who oppose the government in the south. That has added to the bloodshed and the loss of life and the lost opportunity to get food to desperate people who need it.

But if the government in Khartoum were to take a more tolerant attitude to those who may differ politically or religiously, Sudan could be one of the better examples of progress in Africa. Today it is the opposite.

At this point, I ask to insert into the RECORD the Joshua Hammer article.

The article follows:

[From the New Republic, Feb. 7, 1994]

KHARTOUM CHARACTER: A VISIT WITH SUDAN'S DESPOT

(By Joshua Hammer)

Muhammad Bashari steered his battered yellow taxi along the bank of the White Nile, peering nervously into the rearview mirror. "Do you see anyone behind us?" he asked. He sped through the near empty streets of Khartoum, passing white-robed herdsmen and their goats. We were going to interview a leading oppositionist, and Muhammad feared surveillance. Earlier, he had spotted two plainclothesmen watching us in the lobby of the Khartoum Hilton; that was when he handed me the name of his friend at the U.S. Embassy. "He got me out of jail last time after only eight days," Muhammad said.

I met Muhammad my first evening in Khartoum, an arid city of palm trees and minarets at the confluence of the White and Blue Niles—the crossroads of Africa and Arabia. I had come to investigate reports that the National Islamic Front, Sudan's ruling party, was covertly sponsoring international terrorism charges that led to its being placed on the State Department's black list last August. But I became even more intrigued by the transformation of the once democratic Sudanese society wrought by the NIF. In just four years, they've banned political parties, shut down the press, tortured thousands of oppositionists in "ghost houses"—unmarked residences hidden away on Khartoum's outskirts—and carried out Koranic, or sharia, law with a vengeance. This process has not only destroyed the economy and forfeited Western development aid, but has instilled fear and loathing in much of the population.

Muhammad was no exception. A paunchy, pleasant-faced attorney in his 40s, he quit the bar after the NIF seized power in a military coup in 1989. He said it was difficult to work in a legal system packed with Islamic zealots—and he realized that he could make a bundle as a $150-per-day guide for Western journalists. The decision had cost him. He had been investigated, followed and interrogated by the police; I thought it prudent not to use his real name in this article. As we drove through Khartoum, looking for black market gasoline at $7 a gallon, he vented his frustration. "The NIF cleans the streets—but most of all they clean out stomachs," he said.

Khartoum has indeed been drained of its natural, African vitality. Liquor, nightclubs, Western movies and discotheques are all banned. (I spent many disgruntled evenings at the Hilton's Sunset Lounge, drinking "favorite cocktails and after-dinner drinks" like guava and lime juice.) State-run T.V. airs little but Islamic conferences and footage of government soldiers in southern Sudan. About the only entertainment that the NIF permits is soccer. Muhammad and I watched Khartoum play Port Sudan at Khartoum stadium. Some 25,000 men (women aren't allowed) cheered wildly and munched sunflower seeds, savoring a cathartic escape from government control. "Some NIF people want to ban football, too," Muhammad told me. "But they know if they did that the people would rise against them. They would be finished."

All Sudanese office workers are now obliged to join the Popular Defense Force, an Islamic paramilitary group. Everywhere here you see men and women clad in coffee-colored uniforms, chanting Islamic slogans ("God is great! We are ready for the enemy!") as they jog through the streets. I accompanied one group of bank worker "volunteers" to a dirt field by the confluence of the Niles. Panting Arabs with hefty guts performed a two-hour regimen of exercises alongside jet-black Dinka tribesmen from the Christian south. Employees looked away when I asked what would happen if they refused to participate. (One man whispered they would lose their jobs.) "We want the roots to grow deep and change the manner of the people," the bank's chairman, a leading member of the NIF, told me. "We want to rebuild the culture according to Islamic principles."

The principal architect of the NIF's revolution, party chairman Hassan al-Turabi, speaks perfect idiomatic English punctuated by weirdly disarming little giggles. Clad in a white turban and traditional white robe known as the jelabia, Turabi sipped tea and spoke about how Sudan had "created an inspiring example for the whole world." I asked him about the Sudanese martial arts expert who had attacked and nearly killed him in 1992 at Ottawa's airport. The assassination attempt reportedly terrified Turabi, who now is said to sleep in a different house nearly every night. Turabi just giggled. "A black belt in karate and he couldn't even kill me with four blows," he said. "It made a symbol of Islam. Now I am famous all over the world." Turabi denied the existence of ghost houses, claimed the economy was booming and said the cutoff of aid was good because it rid the country of Western dependence.

My last morning in Khartoum, we drove to meet Muhammad Ibrahim Nugud, a distinguished attorney and leading anti-government politician who spent two years in jail between 1989 and 1991. We wound through sandy back alleys to evade the cops. Nugud is watched round-the-clock, but nobody was visible outside his walled compound this day. "They've taken their morning tea break," Nugud said. He had been up all night coordinating defense strategy for an imminent treason trial of top opposition members. He looked bleary-eyed and depressed. "Everybody knows the lies, the phony success stories," he said. "But we are filled with fear." My guide dropped me at the airport an hour later, still uncertain whether our expedition had jeopardized his safety. "Wish me luck," he said. Then he drove away, finished—for now—with his dangerous game.•

TRIBUTE TO DEBORAH STARR O'HARA

• Mr. SHELBY. Mr. President, today I am pleased to recognize the achievements of one of Alabama's finest educators, Mrs. Deborah Starr O'Hara, recipient of the 1993 Presidential Award for excellence in science and mathematics teaching.

Mrs. O'Hara is a resident of Alabaster, AL, and a graduate of the University of Alabama at Birmingham. She has taught at Shelby County High School for 7 years, and is currently working toward a master's degree in mathematics.

During her career as an educator, Mrs. O'Hara has exemplified educational excellence in Alabama schools. Through her creative classroom leadership, Mrs. O'Hara has enriched the educational foundation of many of Alabama's young people. In addition to her commitment in the classroom, Mrs. O'Hara has participated in numerous continuing education and enrichment programs. She has also presented workshops statewide on educational methods and the future of secondary education.

Among Mrs. O'Hara's other honors are her memberships with the National Association of Student Activity Advisers, the Shelby County Education Association, the Alabama Education Association, the National Education Association, and the National Council of Teachers of Mathematics. She has also participated in Project A.S.S.E.T., an innovative statewide program of interactive learning.

In April, Mrs. O'Hara will join with outstanding educators from across the country to be honored here in Washington with the Presidential Award for excellence in science and mathematics. Her dedication exemplifies the type of superb educational leadership that we need to ensure prosperity in our children's future, and it should remind us of the need for a continuing commitment to excellence in public education in America. I extend my sincerest congratulations to Mrs. O'Hara and wish her continued success in the future.•

A TRIBUTE TO NEW YORK NEIGHBORHOOD SELF-HELP GROUPS

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to three exceptional New York neighborhood self-help groups that are revitalizing Harlem, Brooklyn, and Rochester. Each of these groups worked in partnership with a major New York financial services institution and for this reason were honored by the social compact in conjunction with the 1993 outstanding community investment awards competition, which brings national attention to outstanding partnership-based strategies that are strengthening disadvantaged neighborhoods. The honorees are: the Harlem Restoration Project, in partnership with Chase Manhattan Community Development Corp.; Coalition of North East Associations, in partnership with Chase Manhattan Bank in Rochester; and Mutual Housing Association of New York, in partnership with Chemical Bank in Brooklyn.

These partnerships used very similar strategies in each of their diverse communities; namely, the acquisition and rehabilitation of existing properties. The Harlem Restoration Project serves the neighborhood in west Harlem, where there is a great number of old, abandoned or neglected buildings, making the housing supply perilously inadequate. The project currently manages 11 large apartment buildings under the authority of the city of New York, and is being honored for its rehabilitation of the property at 270 Nicholas Avenue. By replacing the building's roof, installing a boiler, and a new plumbing system, 76 apartments were restored and 100 percent occupancy maintained, insuring that there would be one less abandoned building in west Harlem. The Chase Community Development Corp. was an invaluable partner, providing $474,410 in loans to the Harlem Restoration Project for mortgage and construction costs. The New York City Department of Housing Preservation and Development also joined this partnership to completely cover costs.

The Chase Corp. was also honored for its work in Rochester with Coalition for North East Associations [CONEA]. CONEA serves the Upper Falls area of Rochester, and rehabilitated a rundown drug house located on the neighborhood's most violent commercial strip, turning it into CONEA's new office space and low-income housing. The two adjacent lots are also being used to building a community center. This achievement impacts the community in two ways: It rids the neighborhood of a crackhouse and locates CONEA in the heart of the neighborhood, close to schools and other community groups. Chase Manhattan of Rochester donated construction materials, a $1,000 grant to cover interest payments on the building and a $30,000 line of credit, which allowed the project to be completed within a year.

Finally, Mutual Housing Association of New York [MHANY], which serves the east New York, Bushwick, and Crown Heights neighborhoods of Brooklyn, is being honored with Chemical Bank for its ongoing process of acquisition and rehabilitation of small buildings. These neighborhoods are some of the most socially and economically distressed communities in New York City, characterized by widespread poverty, crime, drug abuse, and small abandoned buildings. MHANY's rehabilitation program has resulted in the complete renovation of 55 units that are now occupied by low-income families. Chemical Bank provided a $200,000 recoverable grant through the nonprofit intermediary Consumer Farmer Foundation, which was used to acquire the various MHANY buildings.

The successes of these projects bear witness to the fact that demolition or simply ignoring the problem are not the only ways to react to urban blight. The social compact seeks out the most innovative and effective examples of affordable housing, community, and/or economic strategies that are carried out by partnerships between financial services institutions and neighborhood-based—nonprofit organizations. MHANY, CONEA, the Harlem Restoration Project, Chemical Bank, and Chase Manhattan Corp. deserve the commendation of being chosen as 3 of the 16 honoree partnerships recognized in this nationwide competition for proving that the economic use of existing resources can benefit an entire community.•

THE 100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

• Mr. BRADLEY. Mr. President, on February 22, the Ukrainian National

Association celebrated its 100th birthday.

The Ukrainian National Association was founded on February 22, 1894, as a fraternal insurance organization to meet the financial needs of the growing Ukrainian immigrant community in the United States. Over the course of a century, it has developed into much, much more. With 370 lodges in the United States and Canada, the UNA provides its members with a wide range of educational, cultural, social, and charitable benefits. The UNA publishes two newspapers—Svoboda, the oldest Ukrainian-language daily in the world, and the English-language Ukrainian Weekly—and has financed numerous books on Ukraine.

During the many dark years when Ukraine was under foreign domination, the UNA helped keep alive the flame of Ukraine's culture and traditions. Now that Ukraine is free, the UNA can look to a second century of service as an essential link between North Americans of Ukrainian descent and their homeland.•

SYRIA AND THE UNITED STATES

• Mr. D'AMATO. Mr. President, I rise today to discuss Syria and the role it is playing in the Middle East peace process.

A short time ago, some of my colleagues and I wrote to President Clinton explaining our views on Syria, and our fears that Syria's continued efforts at destabilization of the region will prevent a comprehensive peace settlement. We cautioned that there should be no effort by the United States to remove Syria from the list of countries that the State Department identifies as supporting terrorism. We also advised that Syria's role in narcotics production and distribution was also of very serious concern.

These issues, along with the President's recent meeting with President Asad of Syria cause me great concern. This Senator, for one, has always been wary of Asad, whose contempt for freedom and the cause of peace has never been in question. I feel that he is an extremely dangerous and crafty tyrant, who remains a danger to be constantly monitored and not appeased—I repeat, not appeased—as other administrations have done.

In response to our letter, the President responded that he has no intention of removing Syria from the terrorism list, and that Syria must make further progress on the narcotics issue. These are two important issues of concern in regard to Syria, and I hope that the administration does not forget this commitment.

Hafiz al-Asad is not Saddam Hussein. He will not make the same errors. Because of that, he cannot simply be ignored or coddled. If either is done, the effect will be disastrous.

Mr. President, I ask that the text of the President's letter to me be included in the RECORD following my remarks.

The letter follows:

THE WHITE HOUSE,
Washington, DC, February 18, 1994.

Hon. ALFONSE D'AMATO,
U.S. Senate,
Washington, DC.

DEAR SENATOR D'AMATO: I appreciated receiving the letter from you and your colleagues on policy toward Syria.

I do not view relations with Syria solely through the prism of the peace process. However, I am committed to doing everything possible to achieve a comprehensive and lasting peace in the Middle East. Such a peace can bolster Israel's security, grant it normalized relations with all its neighbors and offer a new future of hope and prosperity for all the peoples of the region. Peace between Israel and Syria will also assist our efforts to strike a blow at terrorist organizations because a Syrian commitment to peace with Israel will require an end to support for organizations committed to Israel's destruction. My decision to meet with President Asad was intended to help advance these goals. Our private discussions in Geneva and President Asad's public expression of Syria's "strategic decision" for "normal peaceful relations" with Israel helped lay the groundwork for substantive progress in direct Syrian-Israeli negotiations now underway in Washington.

I remain determined to bring about an end to state supported terrorism. There is no intention of removing Syria from the list of states which support terrorism until such time as it ends its support for terrorist organizations. Similarly, further progress must be made by Syria in addressing our narcotics production and trafficking concerns before any change in our present position can be made. I made clear our concern regarding these and other issues, including human rights and the Arab boycott, in my meeting with President Asad. We have agreed to establish a bilateral exchange under the direction of Foreign Minister Shara and Secretary Christopher to ensure that there is a detailed and sustained effort to have Syria address these issues.

With respect to the presence of Syrian forces in Lebanon, I reaffirmed to President Asad our support for full implementation of the Taif Accord and for a sovereign and independent Lebanon free of all foreign forces. It is my belief that progress in the peace process is also the best means of achieving this goal.

I appreciate receiving your views on this issue. With best wishes,

Sincerely,

BILL CLINTON.•

UKRAINIAN NATIONAL ASSOCIATION'S 100TH YEAR ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise today to offer my congratulations to the Ukrainian National Association [UNA] for its first 100-year anniversary of dedicated service to the Ukrainian-American community.

The UNA was established on February 22, 1894, with 13 branches around the country, following the creation of Svoboda, the first Ukrainian-American newspaper in the United States which celebrated its first centennial last year. With a membership of nearly 66,000, the UNA has expanded during its first century to a total of 370 chapters or lodges in 27 States and 7 Provinces of Canada. Over the years, the UNA has provided a wide range of services to its members, including the granting of over $120,000 in annual scholarships, the sponsorship of programs promoting educational and cultural traditions, and extending assistance to Ukrainian refugees and victims of natural disasters.

Indeed, the UNA has devoted itself to supporting its membership through difficult times, such as the catastrophic famine of the 1930's which claimed the lives of millions, and preserving the community's identity with its traditions and heritage, which contribute to the rich cultural diversity of our country. To be sure, I am certain that my colleagues would agree that such diversity remains a source of tremendous strength for our Nation. In fact, we in the State of Maryland are fortunate to have an active and thriving Ukrainian-American community.

In keeping with our Nation's highest principles, the UNA also has reflected the commitment of Ukrainian-Americans to basic democratic values in the form of years of struggle for freedom and independence for Ukraine. Last month marked the 76th commemoration of the Ukrainian Act of Union, approved by the Rada in January 1918, during a period of hope and inspiration for the Ukrainian people. Unfortunately, this dream of independence only proved illusory and short lived until recently. With the implosion of the Soviet Union and the objectives of a long struggle finally realized, the UNA continues to extend support to an independent sovereign Ukraine by helping it secure democratic and free-market institutions.

In 1990, the UNA established a private fund to help address the needs of the newly independent country. Working with the U.S. Government and other private organizations, the fund has facilitated the printing and delivery of educational publications including school textbooks and dictionaries, and the establishment of an independent publishing house. In addition, since 1992, the UNA has collaborated successfully with other groups in sending nearly 90 English teachers to 40 cities in Ukraine under the so-called Teaching English in Ukraine program.

Mr. President, I join my colleagues in this centennial celebration of the Ukrainian National Association's contributions to the Ukrainian-American communities of North America and Ukraine.•

THE PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

• Mr. SIMON. Mr. President, I would like to commend the achievements of

Thomas R. Pfeifer of Schaumburg, IL. Thomas was 1 of 10 recipients recently honored with the President's Environmental Youth Award for 1993.

Thomas received the award for his efforts to return the woodland area at the Spring Valley Nature Center in Schaumburg to its original state. Thomas organized volunteers to remove weeds and underbrush at the site as well as replant trees and flowers.

In addition, Thomas coordinated a successful ecology fair at his local school. At this fair, Thomas provided information concerning wetlands, recycling, the effects of cigarette smoke, and other environmental issues.

Mr. President, I am encouraged by the extraordinary efforts of young people like Thomas Pfeifer. It is good to see that younger generations are making a commitment to environmental preservation. I congratulate Thomas and hope he will continue his good work.•

CHILD SAFETY EDUCATIONAL PROGRAMS

• Mr. DECONCINI. Mr. President, I rise today to address an area of education which I believe requires more national attention and support. Recent tragedies have served as grim reminders that the protection of our children from abduction, abuse, and exploitation must be a priority not just in families but in communities, law enforcement agencies, and educational institutions. The recent, tragic abductions of Polly Klaas in California and Sara Wood in New York and similar incidents elsewhere have rightfully thrust the heart-wrenching horrors of child victimization to the forefront of media coverage, legislative agendas, educational institutions, and our Nation's conscience.

The most recent Department of Justice national annual estimates taken in 1988 indicate that there were 114,600 attempted abductions of children by nonfamily members, 450,700 runaways, and 438,200 children who were lost, injured or otherwise missing. These statistics do not paint the whole picture of child victimization since they do not scratch the surface of child abuse and molestation. An FBI Law Enforcement Bulletin reports that "like rape, child molestation is one of the most underreported crimes, only 1 to 10 percent are ever disclosed."

Law enforcement agencies serve as our primary resource in the investigation of crimes against children and play an integral role in some areas of prevention. Law enforcement's tireless efforts in protecting our children should be commended and strongly supported and the importance of their role in preventing and resolving these tragic cases must not be understated. The responsibility of child victimization prevention, however, also lies with families and educational institutions. Children must be armed with the knowledge they need to stay safe and our education system must make a commitment to provide comprehensive child safety education programs in our schools and other child group settings.

The challenging task of developing a unique personal safety curriculum for children was undertaken by the National Center for Missing and Exploited Children and the Adam Walsh Child Resource Centers in the mid-1908's through grants and cooperation from the private sector. The result of this joint effort was the introduction in 1988 of a comprehensive child safety program for children from kindergarten through grade six called Kids & Company Together for Safety. I, along with many of my colleagues from both sides of the aisle, including Senators BIDEN, THURMOND, SIMON, MCCONNELL, METZENBAUM, AND D'AMATO, have long been supporters of the efforts of the National Center for Missing and Exploited Children, the mission of which is to assist in national efforts to locate and recover missing children and raise public awareness about ways to prevent child abduction, molestation and exploitation. The center's success, with private sector assistance, in developing and distributing an effective, comprehensive child safety curriculum should be applauded. Since 1992 alone, the nationally recognized and critically acclaimed Kids & Company curriculum has been taught in over 4,000 classrooms in 34 States. Kids & Company has been endorsed by the National Education Association, National School Boards Association, National Association of Secondary School Principals, The National Children's Advocacy Center, American Association of School Administrators, and the Boys and Girls Clubs of America.

Just as we have combined the efforts of law enforcement with education in the battle against drugs and violence in our schools through programs such as Drug Abuse Resistance Education [DARE], and Gang Resistance Education and Training [GREAT], so too must we marshal our efforts in attacking the problem of child victimization. In fact, self-protection training provided through the DARE program directly contributed to the recent, successful escape by a 12-year-old girl in Massachusetts from the attempted abduction by a suspected serial killer who was subsequently apprehended.

Mr. President, the time has come to encourage, urge, and support the use of child safety education programs in our schools. Costs are minimal and are frequently handled though private sector grants and assistance. Kids & Company has not only taught children ways to avoid the risks of abuse, abduction and physical harm, it has also helped to stop it. In the six States where the curriculum was initially piloted, dozens of school children came forward to disclose their own abuse and requested intervention in stopping it. Kids & Company provides children with skills, information, self-confidence and support, enhances self-esteem and helps prevent abduction and abuse. It provides information and materials to assist teachers and parents in instructing children and properly handling reports of abuse.

Kids & Company has been heralded by a wide spectrum of educators, psychologists, child protection workers, lawyers, administrators, parents, and community leaders. Surveys conducted on child safety programs found that the most effective programs were those given over a period of years and involve parents in the process. Many programs which involve one-time instruction have been deemed inadequate and limited in scope. Comprehensive, constructive, long-term education involving parents and teachers will play a vital role in combatting crimes against children and Kids & Company serves as an excellent standard.

Effective child safety programs such as Kids & Company, are available for little or no cost. It is incumbent upon all of us to make our communities aware of effective programs, urge their use and encourage companies, associations, and clubs to assist in acquiring these programs for our schools and institutions which serve our children. I commend the National Center for Missing and Exploited Children and their private sector partners for their efforts in developing the comprehensive child safety program, Kids & Company, and facilitating its distribution to so many schools and children throughout the Nation.

I intend to encourage the support and assistance by the private sector in promoting child safety education in my home State of Arizona and I urge all of my colleagues to initiate and support similar efforts in their respective States.•

THE EFFECT OF A POSITIVE TELEVISION MESSAGE

• Mr. SIMON. Mr. President, today I rise to commend Charles S. Dutton and the Fox Television Network for a recent episode on the television program "Roc" which took a stand against kids and guns. In a January episode, entitled "Terence Got His Gun," the show tackled the issue of gangs and children who own and use guns to protect themselves. At the end of the show, Mr. Dutton made a direct appeal to the television audience urging parents to better supervise their children.

A phone call to a radio station in Phoenix, AZ, demonstrates the forcefulness of Mr. Dutton's message. Following the rebroadcast of the "Terence" episode, a mother told the radio station that her son came to her and gave her his gun after seeing the television program. She did not even know that her son had carried a weapon.

This story reminds us all of the powerful effect of television and the positive role it can play in our society. I congratulate Mr. Dutton and Fox for their efforts and encourage them to continue to use the television medium to address tough social issues.●

ILLITERACY

● Mr. SIMON. Mr. President, the Chicago Tribune recently ran a moving and informative article by E. Annie Proulx, "X Marks the Shame of Illiteracy."

We need to see that all Americans have the opportunity to learn to read and write, and that those who do not read and write well have the opportunity to improve their skills.

I recommend this article to my colleagues and ask that the full text be inserted in the RECORD.

The article follows:

X MARKS THE SHAME OF ILLITERACY

(By E. Annie Proulx)

For years, I tried to learn something of my father's family, whose hyphenated French-Canadian/Franco-American/Native American/New England history was buried in darkness. There were faint gleams here and there, fragments of stories.

The most impenetrable blackness hid my great-grandmother who died around 1925. All my father remembered was that she had a sour disposition and a mysterious trunk that was always locked. Beyond that, nothing: no photograph, no diary, no letters nor postcards, no favorite recipes, no handkerchief with an initial embroidered in the corner. Not even her name was fixed; on her children's birth certificates it rolled like mercury through variant forms and spellings. No one knew where she had been born or where she was buried. When she died she disappeared utterly. There was no calling her back. It amazed me that a life that extended into the 20th Century could leave so faint a trace.

One morning this spring I was notified by telephone that my first novel had received the P.E.N.-Faulkner Award. I was still walking on air when, the next day, the mail brought a photocopy of a document dated 1913. The document concerned by grandmother, then 18 years old, and her mother, the elusive woman with the locked trunk; it was the legal form giving parental permission for the minor daughter to marry. The mother's name was on the appropriate line—but in the town clerk's hand. To one side was a crooked, unsure X and above and below it the town clerk's had written "her/mark." X, her mark.

Until that moment it had never occurred to me that my great-grandmother had been illiterate. All at once I understood the grayed blur of her life, the crazy spellings of her name, for if you are illiterate, what do you know of spelling, even your own name? The only trace this woman left of her passage through life, save for progeny, was that labored X.

The juxtaposition of the literary award and my relative's illiteracy awakened me to the strange half-life that the millions of people in this country who cannot read are condemned to live.

In the late 20th Century, if you are an adult who cannot read or write, you are a lump of animate clay pushed from one incomprehensible situation to another. Books are as dumb as rocks, newspapers accusingly opaque; you have to satisfy the natural human hunger for stories with television, bar jokes and radio songs; your job, if you have one, is from the bottom rack and that's as much as you dare expect; you cannot read the home-care instructions the doctor writes out after your operation, nor can you read a vision chart; you can't pass a driver's test or puzzle out a note from your child's teacher; you cannot read bedtime stories to your children; since you cannot read a ballot and cannot make sense of the issues in local or national politics, you don't vote; you are the anxious nuisance traveler who keeps buttonholing other passengers about departure times because you cannot read the schedule; you go to restaurants that feature photographs of food, point and say, "Guess I'll have that."

You sweat blood over application forms—employment, credit, mortgage and loan, licenses, leases, building permits—and have to take along the spouse or work mate to fill in the answers. You're easy to push around because you don't know what rights you have.

Illiteracy marks you. And you know it. You are acutely, hotly ashamed and embarrassed, and the shame comes out sometimes as a hatred of books and education and smart-ass college types. You hide your dirty secret as long as you can. It may be for a lifetime. It was for my great-grandmother.

The Department of Education's major study of adult literacy in the United States released Sept. 8, and the similar report, released a week later, "Reading Report Card for the Nation and the States" that tested 140,000 students in 41 states, shoved some depressingly bleak facts in our faces. Half of adult Americans and roughly 30 percent of students are unable to stumble through the simplest sentences and arithmetic. They are—ugly label—functionally illiterate.

Liberal helpings of blame for this rampant American illiteracy are being heaped on the usual plates; lousy teachers and a push-'em-through-school attitude; crowded schools and wild, disruptive students; barrel-scrape federal funding; numbingly bureaucratic state education departments; lack of community support; reactionary legislators; know-nothing governors; uncaring parents who let their children watch television until their brains rot. The beam of media light rarely falls on the local programs and individuals who sit on the other side of the kitchen table showing nervous and defensive people the way into words, sentences, books and enlightenment.

There are hundreds of adult education and literacy programs in the United States, some fostered by corporations and employers, some by church or religious groups, by service organizations, non-profit groups, community colleges. Many are funded to some extent by federal and state money, most depend on financing from private and community sources as well as proceeds from bake sales, author readings, raffles and dances. Although the literacy problem is national in scope, the majority of programs teaching people how to read are small, unconnected, grassroots, each with its own agenda, teaching methods and selection of materials.

Most adult literacy programs start their students out with a private teacher in a one-on-one learning experience, often in the privacy of the student's kitchen (sometimes with all the shades pulled down) until there is enough confidence to join other new readers in this, the most heady and empowering of human skills. Yet hundreds of thousands of people who cannot read never know that such programs exist.

My own rural state of Vermont, with an estimate 16,000 illiterate adults, is strapped for cash and recently cut funding to Adult Basic Education by $100,000. On economic grounds—the common excuse—it chose not to participate in the federal Department of Education's literacy studies, the only uninvolved New England state. Yet the state has private, non-profit adult education organizations of quality and value. Staff members, hundreds of volunteers, business people and employers, rural communities, museums, local libraries, civic and service organizations, private individuals, writers, artists, bookstore owners are involved in the work of literacy, which extends from the first private, sweaty hours to discussion groups and classes, to attendance at public literacy events and involvement in the intellectual life of the community.

The Central Vermont group (there are others) has 250 volunteers; 81 percent of its $710,000 1994 budget will go for direct services to 1,000 new readers. The state and federal governments provide 76 percent of the budget, town tax dollars add another 3 percent and the rest is raised from individual and corporate sources.

But contrast this small rural state's situation with that of Washington, D.C. In Washington, according to the non-profit, all-volunteer Washington Literacy Council, in existence for 30 years, there are 76,000 functionally illiterate adults. There are 400 volunteer tutors teaching adult new readers, and a waiting list of 45 students.

The shocker comes with the budget. The Washington Literacy Council functions—somehow—on an annual budget of $50,000. Viveca Teuber, the executive director, had her own moment of truth with the fact of illiteracy. "I used to live on Capitol Hill, behind the Library of Congress," she said. "One day in a drug store a lady came up to me and asked me to read her a card—she wanted to buy a card for her husband. She said she'd forgotten her glasses. It didn't occur to me that she couldn't read. Then, a few weeks later, in a grocery store, a gentleman asked me to read the back of a medicine bottle. I thought, 'Why me?'" A few weeks later she became a volunteer at the Washington Literacy Council and began teaching people to read.

I wish my great-grandmother had had the chance to learn.●

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business.

TRIBUTE TO BARBARA OSBORNE

Mr. BAUCUS. Madam President, it is with a profound sense of sadness that I rise today to note the passing of a member of my staff, Barbara Osborne.

For 15 years, since I was first elected to the Senate, Barb served as my manager in my Great Falls office and before that, as I was running for the Senate, she and her husband Glen were trusted friends and supporters in the Great Falls community.

While Senate staff receive little public attention, it is people like Barb Osborne who help make this institution run. Throughout her service to the Senate, Barb was always there for me and always there for the people of her community.

Through and through, Barb was a team player. She had my respect, my deep respect, and the respect of every member of my staff. I can think of no one who had more respect than Barb Osborne. She was very much a part of that extended family known as the "Baucus office."

Above all else, Barb understood that public service really all boils down to one thing, and that is service: Service to people. She was a woman of tremendous kindness, of deep compassion, who treated every Montanan who called upon my office with courtesy and respect and kindness.

At the same time, the community of Great Falls could not have a greater advocate. She cared deeply about her community. I can tell you time and time again, she would talk to me, call me about matters very important to Great Falls. She helped make Great Falls a much better place.

On a personal note, I will always remember Barb for her great sense of humor and easygoing manner. Barb always had a smile, was always comfortable with people, always open to people, always gracious. I can see her now sitting in my office at her desk in Great Falls, on the phone with someone, meeting someone who came into my office, always there with an open hand to try to help.

She also spoke her mind. She was a westerner. I know, Madam President, as a westerner, you know that we in the Rocky Mountain West and the Pacific West are very proud of speaking our minds. She had deep common sense. She was simply somebody I enjoyed and everyone who knew her enjoyed spending time with her.

Along with Glen, Barb leaves behind a wonderful family of four children and five grandchildren. I extend to them, on behalf of myself, my wife Wanda, my son Zeno, and our whole office, our deep condolences. On behalf of myself and the thousands of Montanans Barb helped over the years, I can only say she will be very deeply missed.

Thank you, Madam President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

PRINTING OF SENATE DOCUMENT

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate amendment to H.R. 1804, "Goals 2000: Educate America Act," passed by the Senate on February 8, 1994, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.
Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

Sec. 201. Purpose.
Sec. 202. National education goals panel.
Sec. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.
Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Sec. 211. Purpose.
Sec. 212. National Education Standards and Improvement Council.
Sec. 213. Duties.
Sec. 214. Annual reports.
Sec. 215. Powers of the council.
Sec. 216. Administrative provisions.
Sec. 217. Director and staff; experts and consultants.
Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 231. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Sec. 301. Findings.
Sec. 302. Purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Allotment of funds.
Sec. 305. State applications.
Sec. 306. State improvement plans.
Sec. 307. Secretary's review of applications; payments.
Sec. 308. State use of funds.
Sec. 309. Subgrants for local reform and professional development.
Sec. 310. Availability of information and training.
Sec. 311. Waivers of statutory and regulatory requirements.
Sec. 312. Progress reports.
Sec. 313. National leadership.
Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.
Sec. 315. Clarification regarding State standards and assessments.
Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

Sec. 401. Public schools.
Sec. 402. Construction.
Sec. 403. Kalid Abdul Mohammed.
Sec. 404. Prohibition on Federal mandates, direction, and control.
Sec. 405. School prayer.
Sec. 406. Daily silence for students.
Sec. 407. Funding for the Individuals With Disabilities Education Act.
Sec. 408. National Board for Professional Teaching Standards.
Sec. 409. Forgiveness of certain overpayments.
Sec. 410. Study of Goals 2000 and students with disabilities.
Sec. 411. Mentoring, peer counseling and peer tutoring.
Sec. 412. Content and performance standards.
Sec. 413. State-sponsored higher education trust fund savings plan.
Sec. 414. Amendments to summer youth employment and training program.
Sec. 415. State and local government control of education.
Sec. 416. Protection of pupils.
Sec. 417. Contraceptive devices.
Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.

TITLE V—NATIONAL SKILL STANDARDS BOARD

Sec. 501. Short title.
Sec. 502. Purpose.
Sec. 503. Establishment of National Board.
Sec. 504. Functions of the National Board.
Sec. 505. Deadlines.
Sec. 506. Reports.
Sec. 507. Authorization of appropriations.
Sec. 508. Definitions.
Sec. 509. Sunset provision.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

Sec. 601. Short title; statement of purpose.
Sec. 602. Safe schools program authorized.
Sec. 603. Eligible applicants.
Sec. 604. Applications and plans.
Sec. 605. Use of funds.
Sec. 606. National leadership.
Sec. 607. National cooperative education statistics system.
Sec. 608. Coordination of Federal assistance.
Sec. 609. Effective date.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

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SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of teaching and learning in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on United States education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity to learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;

(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

(7) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the Goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decisionmaking at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals;

(3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity to learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) FORM; DATA.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the members of the Goals Panel.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school.

(b) ACTIVITIES.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) COMPOSITION.—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) NOMINATIONS.—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) REPRESENTATION.—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) TERMS.—

(1) IN GENERAL.—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) INITIAL TERMS.—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) OFFICERS.—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) CONFLICT OF INTEREST.—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify challenging State content standards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) REQUIREMENT.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) ELEMENTS ADDRESSED.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity to learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) ADDITIONAL DUTIES.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) RECOMMENDATIONS AND COORDINATION.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) APPROVAL.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) ASSESSMENTS.—

(1) IN GENERAL.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) IMPLEMENTATION.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i)(I) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(II) will support effective curriculum and instruction;

(ii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iii) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) Performance of Duties.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) Construction.—Nothing in this Act shall be construed to—

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) Hearings.—

(1) In general.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) Location.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) Information.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) Postal Services.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts; Use of Facilities.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) Administrative Arrangements and Support.—

(1) In general.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) Contracts and other arrangements.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) Meetings.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) Quorum.—A majority of the members shall constitute a quorum for the transaction of business.

(c) Voting.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) Public Access.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) Director.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) Appointment and Pay of Employees.—

(1) In general.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) Additional employees.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) Experts and Consultants.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Staff of Federal Agencies.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.

(a) Opportunity-To-Learn Development Grants.—

(1) In general.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) Composition of consortium.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) Applications.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) Award Consideration.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education,

by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. FEDERAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal departments or agencies.

(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

(2) PLAN REQUIREMENTS.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act.".

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) PERSONNEL.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

(c) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Office of Educational Technology.".

SEC. 224. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such pro-

viders offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State and local governments may rely for decision-making about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section:

"SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter.".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated $1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated $5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this title only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the activities assisted under this title.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) SUBSEQUENT YEARS.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

(3) REPRESENTATION.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval

of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, including the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.

(e) ACCOUNTABILITY AND MANAGEMENT.—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe comprehensive strategies to involve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL OF PLAN.—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) DISAPPROVAL.—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) REVIEW.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) PREEXISTING STATE PLANS AND PANELS.—

(1) IN GENERAL.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) Second Through Fifth Years.—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) Payments.—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) First Year.—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $100,000,000, but less than $200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than $100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) Succeeding Years.—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs; and

(L) collecting and analyzing data; and

(M) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

(c) Limit on Administrative Costs.—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or $100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) Special Rule.—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) Subgrants to Local Educational Agencies.—

(1) In general.—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) Application required.—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school district-wide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) Monitoring.—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) Authorized activities.—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) Subgrants for Preservice Teacher Education and Professional Development Activities.—

(1) In general.—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) Application.—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) Authorized activities.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) Special Award Rules.—

(1) In general.—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) Waiver.—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a sufficient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) Waiver Authority.—

(1) In general.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) Application.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

(A) IN GENERAL.—Each waiver under this section may be for a period not to exceed 5 years.

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school improvement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) DATA AND DISSEMINATION.—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) INAPPLICABILITY OF PUBLIC LAW 95-134.—The provisions of Public Law 95-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or $75,000, whichever is greater.

(3) DURATION.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) PLAN REQUIREMENTS.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) REPORTS.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act;

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;

(3) to mandate limitations or class size for a State, local educational agency or school;

(4) to mandate a Federal teacher certification system for a State, local educational agency or school;

(5) to mandate teacher instructional practices for a State, local educational agency or school;

(6) to mandate equalized spending per pupil for a State, local educational agency or school;

(7) to mandate national school building standards for a State, local educational agency or school;

(8) to mandate curriculum content for a State, local educational agency or school; and

(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 405. SCHOOL PRAYER.

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately $10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations

or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) DEFINITION.—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) FUNDING.—From such accounts as the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education,".

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.".

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) FINDINGS.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96-88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

(5) The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

(6) Public Law 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

(7) Public Law 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, now therefore

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) Vacancies.—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) Chairperson and Vice Chairpersons.—

(1) Chairperson.—

(A) In general.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) Initial chairperson.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) Vice chairpersons.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) Compensation and Expenses.—

(1) Compensation.—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) Expenses.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) Executive Director and Staff.—

(1) Executive director.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Staff.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) Gifts.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) Agency Support.—

(1) Use of facilities.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) Staff of federal agencies.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) Procurement of Temporary and Intermittent Services.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) Termination of the Commission.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) Identification of Occupations.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) Establishment of Voluntary Partnerships To Develop Standards.—

(1) In general.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) Representatives.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, persons with disabilities, or older persons.

(3) Experts.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) Research, Dissemination, and Coordinations.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) Endorsement of Skill Standards Systems.—

(1) In general.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) Components of system.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(III) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

SEC. 603. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this part, a local educational agency shall demonstrate in the application submitted pursuant to section 604(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. 605. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e–1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "and assisted" after "public";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) SHARED INFORMATION.—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) PARENTAL RESPONSIBILITY.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) PURPOSES; COMPOSITION; DEFINITIONS.—

(1) PURPOSES.—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) COMPOSITION.—

(A) IN GENERAL.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—

(i) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) QUALIFICATIONS.—

(I) IN GENERAL.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) CONSIDERATION.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) RECOMMENDATIONS.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) TERM.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) CHAIRPERSON.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) QUORUM.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) STAFF.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) RESPONSIBILITIES.—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) Committees and Reports.—

(I) In General.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) Definitions.—For the purposes of this section—

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) Authorized Activities.—

(1) Office.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) Open Competition.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) Assistant Secretary.—

(A) In General.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) Information and Technical Assistance.—The Assistant Secretary is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) Long-term Agenda.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) Secretary.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) Intradepartmental Coordination.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) Directorates of Educational Research.—

(1) Requirements.—

(A) In General.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) Director.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) Research Syntheses.—The Assistant Secretary shall provide for and promote research syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than $1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and inservice training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools lo-

cated on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) National Directorate on Early Childhood Development and Education.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decisionmaking and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) National Directorate on Adult Education, Literacy and Lifelong Learning.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) Personnel.—

(1) In general.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS–15 under section 5332 of title 5, United States Code.

(2) Reappointment.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) Selection Procedures and Fellowships.—

(1) Selection procedures.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) Fellowships.—

(A) Publication.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) Competition.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) Authority.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) Regional Educational Laboratories for Research, Dissemination, and Technical Assistance.—

(1) Authority.—

(A) In general.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) Special rule.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds $38,000,000, the Assistant Secretary may use the amount in excess of $38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds $2,000,000.

(C) Priority.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) Definition.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) Duties.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) Governing board.—

(A) In general.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) Duties.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) Application.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) Additional projects.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) Special rule.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) Plan.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) Contract duration.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) Review.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11)± Construction.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) Advance payment system.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) Coordination.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(l) Teacher Research Dissemination Demonstration Program.—

(1) Findings.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—

(1) IN GENERAL.—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dissemination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) DUTIES.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) NATIONAL EDUCATION LIBRARY.—

(1) ESTABLISHMENT.—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) MISSION.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) FUNCTIONS.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS-15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(A) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) APPROPRIATIONS OF $70,000,000 OR LESS.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is $70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN $70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than $70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. 913. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.".

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) RESERVATIONS.—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as *The Federalist Papers*, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PRINTER MATERIALS AND PROGRAMS.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the results of which can be integrated into the occupational information system developed under this section.".

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. 941. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 942. STATEMENT OF PURPOSE.

It is the purpose of this subpart to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

SEC. 943. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 944 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

SEC. 944. ALLOTMENTS OF FUNDS.

(a) IN GENERAL.—From the amount appropriated under section 950 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

(b) ALLOTMENT.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) DEFINITION.—For the purposes of this subpart the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) DATA.—The number of children aged 5 to 11, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

SEC. 945. STATE APPLICATION.

(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this subpart shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) provide assurances that—

(A) the State educational agency shall use the allotment provided under this subpart to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this subpart;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. 946. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this subpart only once.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(c); and

(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 949. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. 950. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

(2) by adding at the end the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.".

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.— In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. 984. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of

higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 985. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE X—PARENTS AS TEACHERS

SEC. 1001. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

"(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

"(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

"(II) parents who have limited or unsuccessful formal schooling.

"(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

"(C) For the purpose of this paragraph—

"(i) the term 'Home Instruction Program for Preschool Youngsters' means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

"(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

"(II) includes—

"(aa) group meetings with other parents participating in the program;

"(bb) individual and group learning experiences with the parent and child;

"(cc) provision of resource materials on child development and parent-child learning activities; and

"(dd) other activities that enable the parent to improve learning in the home;

"(ii) the term 'limited or unsuccessful formal schooling' means the—

"(I) completion of secondary school with low achievement during enrollment;

"(II) noncompletion of secondary school with low achievement during enrollment; or

"(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

"(iii) the term 'near poor families' means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

"(iv) the term 'working poor families' means families that—

"(I) have family members—

"(aa) who are working; or

"(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

"(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).".

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Gun-Free Schools Act of 1994".

SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994".

SEC. 1202. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by

many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 1204(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

ORDER OF PROCEDURE

Mr. BAUCUS. Madam President, I ask unanimous consent that Senator GORTON be recognized to address the Senate, and upon conclusion of his remarks the Senate stand in recess as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. GORTON. Madam President, on two previous occasions, in 1982 and in 1986, I opposed an amendment similar or identical to the balanced budget proposal to the constitution which is before this body at this time. I am inclined to believe that calling it a balanced budget amendment is something of an exaggeration. It is an amendment to the Constitution which will make it clearly more difficult to pass one unbalanced budget after another, year after year after year.

The reason for my two negative votes on the predecessors to this proposal is similar to those which opponents have outlined with both force and eloquence yesterday and today in this body. The opponents make two points. First, that Congress and the President ought to accept the responsibility of directing this country toward a balanced budget. And second, that a statute rather than a constitutional amendment would provide a more flexible and even possibly more effective method of bringing the budget into balance.

In that connection, I was an enthusiastic supporter, and I believe a cosponsor, of Gramm-Rudman, a statutory proposal designed to bring the budget into balance, which I may reflect actually caused a reduction in the budget for each of the years in which it was in full force and effect. But I observed, as did others, in the year 1990, that when the Gramm-Rudman shoe began to pinch, it was for all practical purposes repealed by this body with the assent of the President. In that case neither the President nor Congress were willing to deal with the necessity to balance the budget with severe and drastic measures.

I believe that I can reflect on the fact that that budget debate in 1990 was pivotal to my change of views on this subject. In that year, as a substitute for Gramm-Rudman, we were presented with a so-called budget agreement in which both high taxes were imposed by the Congress with the assent of the President and in theory at least a degree of spending restraint was imposed at the same time.

We all know the result. The tax increases, of course, went into effect; few, if any, of the spending cuts went into effect; and the net result was that the budget deficit went up every year after the 1990 budget agreement until the year in which we find ourselves today.

That budget agreement led to a worse deficit by far than would have been the case without new tax increases but with the enforcement of Gramm-Rudman.

So it is my observation after 11 years in this body that we simply are not going to do the job unaided or unforced; that we are not going to do the job by statute; that we simply are going to have to have an outside impetus, an outside drive to reach a balanced budget or even to close in on that desirable object.

I suppose one could put it slightly differently. Since the last debate on this issue in 1986, we have had a couple of trillion reasons for the passage of this constitutional amendment, each one of those reasons being an additional dollar of debt for the United States of America.

Now, I confess, of course, that I made up my mind on this issue some time ago, no later than sometime last year. But that change in heart was overwhelmingly reinforced by an incident which took place less than 2 weeks ago. This Senator and a handful of others were present in a hearing of the Senate Budget Committee, at which the sole witness was Laura Tyson, the Chief of the President's Council of Economic Advisers. The distinguished senior Senator from Illinois [Mr. SIMON], the primary sponsor of this resolution, was present and engaged in an extended and intellectually stimulating debate with Ms. Tyson on the balanced budget amendment.

She forcefully expressed the views of the administration in opposing this resolution with one technical objection, one objection to the effect that the resolution, the constitutional amendment would not work, after another.

I found the answers to each of those questions, none of which were new, by the distinguished senior Senator from Illinois to be persuasive. But I also was impressed with the arguments made by Chairman Tyson. Simply by luck of the draw, I was permitted to question Ms. Tyson immediately after the end of that debate. The question I put to her was, if she and the administration believed that this constitutional amendment was not the right way to go, would not succeed in reaching its goals, contained technical flaws, what alternative course of action did she and the Clinton administration propose that would reach the goal of a balanced budget in any of the years through 1999 covered by the budget figures in the submission to the Congress from the White House, or for that matter, through the year 2001, the year in which this resolution would become effective if passed by the Congress and ratified by the States?

I can quote to you. Ms. Tyson said: "It is my belief that we should not try to get to a full balanced budget by the year 1999." She went on to say that she did not believe, though she had not scored all the figures, that we should not try for such a goal by the year 2001 either.

Madam President, that was a candid and an honest answer. On previous occasions we had witnesses tell us that this was a great goal, and they just were not sure how they would get to it. But Chairman Tyson said we should not even try.

And of course when one looks at the budget submitted to us by the President, one sees that by next year we are at a deficit, if everything comes out right, of a mere, apparently, according to the President, $150 billion. But the deficit figure never goes below that number in any succeeding year projected by the President's budget. In fact, it starts back up again, and I presume would be at a level of some $200 billion by the year 2001, the year in which this constitutional amendment will go into effect, if passed by the Congress and promptly ratified by the States. If nothing else should persuade us of the necessity of this outside discipline, that admission should.

The opposition to the administration does not come from the proposition that there is a better way to get to a balanced budget. It comes from the proposition that we should never even try, that $150 billion to $200 billion of deficit as far as the eye can see in good times as in bad constitutes a better fiscal policy than does a balanced budget.

I do not see as a consequence any other alternative than to pass this proposal.

I have one other insight into this proposal which may be of some value to some of my colleagues. The State of Washington last November voted on two initiatives having to do with taxing and with spending. One was a quite drastic initiative which would rollback all of the tax increases passed by a new State administration in the 1993 session of this legislature, and therefore of course require a rollback of many spending programs. After a spirited and expensive campaign on both sides of that initiative, it lost by a relative narrow but nonetheless decisive majority.

On the same ballot, however, was another initiative, an initiative very similar in its philosophy to the resolution which is before this body now, an initiative which said in short that the government of the State of Washington and the spending in the State of Washington by the government, will not grow any more rapidly than the economy of the State growth without a supermajority vote of the members of the State legislature, and under some circumstances a vote of the people of the State of Washington.

That, Madam President, is precisely the philosophy of this resolution. That initiative in the State of Washington was passed by the people of the State in spite of the fact that its proponents had almost no money to spend on advertising, barely enough to gather the signatures and do a grassroots campaign. That one was passed. And it was passed in spite of the fact that all of the money being spent against the other unsuccessful initiative was being spent against it too.

But the people of the State of Washington, and I think the people of the United States of America, do not want Government constantly to grow more rapidly than does the economy of the Nation as a whole.

And finally, and related to this matter, is the fact that there is not a single Member of this body, no matter how junior, who is not well aware of the fact that lobbying organizations, whether they are professional and located full time here in Washington, DC, or whether there are those that come from our own States, overwhelmingly lobby Members of Congress to spend more money or to increase the size of Government. That lobbying effort as against those who lobby for a general fiscal conservatism or a general fiscal responsibility is on the order of 5, 6, 8, 10 to 1.

That seems to me, Madam President, highly to justify this proposition, that clearly that lobbying effort does not represent or reflect the view of the majority of our constituents, and so to make the hurdles which the lobbyists for more money, for more government, must surmount somewhat higher than they are at the present time in exactly the sense the people of the State of Washington have made them higher by their own free vote.

It seems to this Senator to be highly consistent with the views and the constitutional philosophy of those who more than 200 years ago wrote our Constitution in Philadelphia. I strongly suspect that if they had had any insight into the dynamics or politics and of lobbying and of logrolling and of pork barrel which are present in the lives of every one of us here today and at the level in which we find them, that they would not only have approved of but would have insisted on a supermajority requirement like that in this resolution.

This resolution, Madam President, does not require a balanced budget. I do not see how it could require a balanced budget. But it does make it more difficult for those who constantly want to increase the size of Government and to increase its spending at a rate more rapid than the growth of our economy. It does make their task somewhat more difficult.

It is a proposition which restores a degree of balance which has been lost not just for the last year, not just for the last decade, perhaps not even for the last century, but a balance which has been lost for some time in this country.

So Madam President, I stand before you, before the Senate, as someone who, having I believe thoughtfully opposed this proposal in the past, now believes, with a greater depth of understanding of the real forces which drive politics and fiscal policy in this country, and am persuaded that this is a protection which we must offer to the people and which the people demand from us.

So, Madam President, this is one Senator who hopes that he has companions who have seen the light, who believe that the time has come for their constitutional amendment, and the time is now.

ORDERS FOR THURSDAY, FEBRUARY 24, 1994

Mr. **BAUCUS**. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Thursday, February 24; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 10 minutes each; that immediately after the Chair's announcement, Senator FEINSTEIN be recognized for up to 20 minutes; that at 12 noon, the Senate resume consideration of Senate Joint Resolution 41, the balanced budget constitutional amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11 A.M.

The **PRESIDING OFFICER**. Under the previous order, the Senate stands in recess until 11 a.m., Thursday, February 24, 1994.

There being no objection, the Senate, at 7:18 p.m., recessed until tomorrow, Thursday, February 24, 1994, at 11 a.m..

NOMINATIONS

Executive nominations received by the Senate February 23, 1994:

DEPARTMENT OF DEFENSE

HELEN THOMAS MCCOY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE DOUGLAS ALAN BROOK, RESIGNED.

DEPARTMENT OF STATE

DEREK SHEARER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FINLAND.

DEPARTMENT OF TRANSPORTATION

RICARDO MARTINEZ, OF LOUISIANA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE MARION CLIFTON BLAKEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BUSTER C. GLOSSON, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. KENNETH C. MALLEY, [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, February 23, 1994*

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that You are with us in all the great moments of decision and responsibility, and we also give thanks to You that You walk with us day by day. At all the points of life, in the good times and bad, Your presence does correct us and sustain us and Your spirit gives hope whatever our situation or whatever our need. As we live this day, a day that is Your gift to us, may we be good custodians of our tasks and ever aware of the needs of others. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LINDER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 160, not voting 23, as follows:

[Roll No. 28]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—160

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Andrews (TX)
Applegate
Barcia
Blackwell
Brown (CA)
de la Garza
Dornan
Engel
Fish
Flake
Goodling
Hastings
Hoke
Kennedy
Manton
Rowland
Rush
Schroeder
Smith (OR)
Washington
Wheat
Whitten
Wilson

☐ 1324

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will ask the gentlewoman from Virginia [Mrs. BYRNE] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Mrs. BYRNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask for this time to discuss the schedule and some arrangements that have been made.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is good to see our friend, the gentleman from Illinois, who has survived well an automobile accident. It is good to have him back and in good health. We congratulate you for that quick recovery.

Mr. Speaker, in consultation with the Republican leadership, it has been determined that we will not consider House Resolution 238 or the resolution which I had intended to offer regarding the post office investigation today.

There will be a unanimous-consent request which would allow for these resolutions to be brought up next week on Wednesday. However, in the meantime, there will be further consultation between the two sides and representatives of the ethics committee to determine if a common approach can be agreed upon with regard to this matter.

So at the request of the distinguished minority whip and the gentleman from Oklahoma [Mr. ISTOOK] and others, we had a meeting today and came up with this approach which we all agree to.

So, therefore, we will be putting off those matters and will go straight to House Resolution 343 and to a motion to instruct conferees on Goals 2000 which should not take all that long to complete today's business.

Mr. GINGRICH. If I might, the gentleman from Oklahoma [Mr. ISTOOK] has been very, very cooperative in trying to find a bipartisan way to proceed on this, and I think he has several questions and comments he wanted to make with the majority leader.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding.

I appreciate the comments of the majority leader.

I understand certainly that during this week both sides in good faith, of course, will attempt to reconcile the differences in how we approach the matter of the House post office investigation. I certainly hope that we will be seeking agreement on how to pursue it rather than on whether to pursue it, because certainly as you and so many Members know, this is a matter that has a great deal of interest and significance to the integrity of this body, and I very much appreciate the willingness of the majority leader to work with us together since ethics is not, and should not be, a partisan matter in trying to find a way where this matter can safely be pursued to protect the rights and interests of all concerned.

It is my understanding that the rights to bring up House Resolution 238 or what may be a revised or amended version of it will be protected under this agreement and are to be brought up next Wednesday?

Mr. GEPHARDT. If the gentleman will yield further, that is correct.

Mr. GINGRICH. Mr. Speaker, before we get to another matter, let me just say for a minute, following on what we did Friday a week ago where we had a bipartisan agreement between the leaderships to look into the various activities surrounding the paying back of $82,000 by a Member and having, I think, since discovered that neither leadership knew what was going on in that instance, and we have an institutional commitment to work together to protect our integrity, I think this is another step that hopefully we can resolve and pursue issues of institutional integrity on a genuinely bipartisan basis, and I appreciate the majority leader and the gentleman from Oklahoma [Mr. ISTOOK] both reaching out and trying to find comity here.

Mr. ISTOOK. Mr. Speaker, if the gentleman will yield further, I will say to the gentleman from Missouri [Mr. GEPHARDT], I think it would be beneficial to the Members just to have a simple description of how the gentleman believes we can best proceed during this week of time to try to find that common ground.

Mr. GEPHARDT. If the gentleman will yield further, what we will do is have a meeting probably on tomorrow of yourself and various Members on your side, various Members on our side, and certainly representatives of the Ethics Committee to review how this might be best approached and see if a common approach can be arrived at.

Mr. ISTOOK. I appreciate that time frame, since I understand we will not be in session on Friday or Monday, and I think having that meeting tomorrow is good for the scheduling to give us time to work on it.

PERMISSION TO CALL UP HOUSE RESOLUTION 238 ON WEDNESDAY, MARCH 2, 1994

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that I may be permitted to call up House Resolution 238 on Wednesday, March 2, 1994, at a time and place pursuant to the rules on that day to be determined by the Speaker, if determined by the Speaker to present a question of the privileges of the House, without further notification to the House of my intention to call up that resolution pursuant to rule IX. However, Mr. Speaker, if I intend to call up a resolution on that date different in form from House Resolution 238, because it might be amended between now and then, then I will notify the House of my intention to offer the revised resolution and the form of the revised resolution at least one legislative day prior to offering the resolution which would be on Tuesday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRIBUTE TO DAN JANSEN

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, this weekend, the Nation's media coverage was monopolized by pictures of Dan Jansen parading a victory lap with his 9-month-old daughter Jane, who is named for his late sister. This perfect moment was how it was meant to be.

Last Friday's Olympic victory for Dan Jansen is a lesson to everyone in determination and perseverance. Although Jansen's record-setting, gold medal skate was considered his crowning achievement, those of us in Wisconsin knew that Jansen had nothing to prove in Lillehammer.

We have watched admiringly as Jansen dominated men's speed skating for the better part of a decade. Numerous World Cup championships, the title as World Sprint Champion in 1988 and 1994, and a prior record-setting performance in the 500 meter long ago proved Jansen's excellence.

For seven Olympic races, however, the country agonized as Jansen failed to win in the premier global sporting exhibition. We all suffered with him during his disheartening fall in 1988, shortly after learning of his sister's death, and his subsequent inability to medal in 1992.

For a moment last week, it looked as though Jansen's Olympic woes would continue. This dedicated athlete rose to the occasion, however. In what he had said would be his final Olympic appearance, Jansen captured the gold he desired, and set a world record in the process.

His story is an inspiration to us all, and a triumph of American determination and grit. Despite adversity and repeated jilting at the altar of success, Jansen kept going. Dan Jansen, your fellow Wisconsinites, and all of America, salute you.

□ 1340

ASK AMERICA ABOUT CLINTON'S SOCIALIZED MEDICINE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, recently the Washington Times ran a letter I think everyone who supports President Clinton's socialized medicine proposal should hear.

It is from a military wife who in her own words has "lived with Government-sponsored socialized medicine for decades." She writes:

> I have had babies in government-run hospitals when the only obstetrician I saw during the pregnancy arrived at my bedside after 25 hours of labor.
>
> I have had a 20-year-old screening patients tell me to have a seat and wait my turn even as the baby in my arms was turning gray from lack of oxygen.
>
> I have had to fly a child home from Germany so that I could get a proper diagnosis.
>
> I have waited on the allergy clinic list for 9 months only to be told I would not be seen for at least another 6 months.

She concludes:

> Military wives, indeed all Americans, should unite against the Clintons' goal of socialized medicine. It is your worst nightmare and it exists today.

Mr. Speaker, I say to my colleagues, this is not another Canadian horror-story. This is from home and it is a glimpse of the Clinton future. "I'll bet America can't wait."

RUSSIA USING OUR CASH TO UNDERMINE AND ENDANGER OUR FREEDOM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let us see if this makes any sense: Congress borrows money from Japan and Germany; then Congress gives the borrowed money to Russia; then Russia takes the American cash and bribes our CIA and buys our secrets.

Most recently, Rick and Mary Ames, think about it, American cash is used to spy on America. We are supposed to be helping Russia find democracy and freedom. They are using our cash to undermine and endanger our freedom.

Beam me, Mr. Speaker.

We have got kids sleeping on steel grates, kids killing kids, mom and dad without jobs, and we are giving our borrowed money to Russia, who spies on us. I say enough is enough; no more cash to Russia. Charity starts at home.

One last thing: I heard it was still referred to as "Uncle Sam," not "Uncle Sucker." Maybe Congress ought to leave it that way.

SOCIALIZED MEDICINE IS NOT THE ANSWER

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the Washington Post reports that some of Vice President GORE'S Christmas cards are just now showing up 10 weeks after being mailed.

Postal officials responded that most of the GORE Christmas cards reached their destination in December.

The story also reports the loss of Clinton inauguration invitations, which were lost nearly 1 year before being recovered.

This all makes me wonder Mr. Speaker, what would Government run health care be like under the Clinton health care plan?

A health system that would be administrated by a huge bureaucratic machine comparable to that of the Postal Service.

Granted most of the GORE mail showed up on time but what if it had been a new drug or medical technology.

What if it had been one of our loved ones waiting for treatment.

Socialized medicine is not the answer.

THE TRUTH ABOUT THE "THREE STRIKES AND YOU'RE OUT" SLOGAN

(Mrs. BYRNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRNE. Mr. Speaker, it is not surprising that slogans like "Three Strikes You're Out" are suddenly popular. Indeed, it is seductive and politically savvy at this time.

I applaud my colleagues for taking the initiative—but wonder are we addressing the problem?

What kind of message are we sending by locking away someone for mail fraud yet allowing the rapist to go free?

I urge my colleagues to seriously look at what they are supporting and consider where this debate is taking us.

Let's look beyond the slogans.

Indeed how many criminals can Uncle Sam put away when only 5 percent of crimes are prosecuted federally?

Today, I will introduce legislation that will empower our States to target the most violent criminals without giving them repeated chances to do more violence.

My bill is simple. We will make sure that States who make a commitment to incarcerate violent criminals will have the necessary prison space.

We cannot accept mandatory life in prison without parole lightly—yet we must accept its necessity for certain criminals.

This approach is both tough and smart.

LET US ADOPT THE REPUBLICAN HEALTH CARE PLAN

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, let us see. We will not get to choose our own doctors. And it is going to cost more. Doesn't sound too good, does it?

But wait. It gets worse. Tens of thousands of new, Government health care bureaucrats come with the deal.

And a job-killing payroll tax gets slapped on American businesses.

And nobody in the Clinton administration seems to have the slightest clue as to what the long-range cost to the American taxpayers is going to be.

That is President Clinton's government-run health care proposal in a nutshell.

Mr. Speaker, I just want to reiterate that Republicans have offered an alternative to socialized medicine. The Michel plan contains no new taxes. It comes without the bureaucrats. And it preserves the individual choice which is so important to every American family.

Let us not do something we will all regret for a long time to come. Let us reject the Clinton Government-run health care plan and adopt the Michel alternative.

THE TAILHOOK SCANDAL

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, the Navy needs to take a long, hard look at the Tailhook incident and the investigation that followed. The failure to find the truth about what happened is almost as embarrassing as the allegations themselves, because dozens of officers commissioned in the Armed Forces of the United States chose to close ranks and protect themselves and their friends rather than to do what was right, and tell the truth. And while the senior leaders of the Navy rush to defend Frank Kelso, they seem to have forgotten about Paula Coughlin, who has no admiral's pension to help pick up the pieces of her ruined career. She showed tremendous courage in coming forward, and we should remember the real victims of Tailhook.

The Tailhook scandal and subsequent investigation are symptoms of serious problems that demand sustained attention from the service's senior leaders. I intend to keep after the Navy on this issue when the Armed Services Committee holds hearings in early March. The Navy has an obligation to the Nation and to itself to confront both sexual harassment and the absence of accountability that allowed the Tailhook scandal to occur and the guilty to go unpunished. Admiral Kelso's early retirement is the first step in putting Tailhook behind us, not the last.

LET US APPROVE THE MICHEL HEALTH CARE PLAN

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, President Clinton's new health plan will spawn 105 new bureaucracies, expand 40 more existing bureaucracies, crush the American people with scores of new tax burdens, and promote more than 100 new regulations to muddle an already fuzzy health care system.

If that is what the President has in store for the sick people of America, I hate to see what he has up his sleeve for the healthy people.

While we may all have disagreements with our insurance carriers, I would rather work mine out with the local insurance agent or through my employer than through a Federal bureaucrat in Washington, DC. The answer, if you ask most people, would be undebatable, "Yes, I want the current system."

Let us do what is best for our families. Let us approve the Michel health care plan.

A CAMPAIGN FOR KINDNESS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, last week I introduced a House resolution that calls for a campaign for kindness, for acts of kindness. The is a gentleman away from Washington, Prof. Chuck Wall, who started this idea. And as we stop and we think about the problems that go on in our communities, we will hear debate in the next few weeks how we can address all the acts of violence, we come to a time, Mr. Speaker, where we have been somewhat desensitized to all the violence that occurs.

Mr. Speaker, I am asking the Members to call my office or call my AA and join in on this resolution, which may be symbolic at this point but will one day lead to a point where we can have a whole week memorializing acts of kindness. I think it will begin to get this country on the move to start being kind to one another once again.

□ 1350

GOING FOR THE GOLD

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, tonight's the big night. Nancy Kerrigan versus Tonya Harding, in the great dramatic skateoff. At least, that's how the media portrays it. Unfortunately, it's not the whole story.

There are other skaters, maybe better skaters who might very well win the gold medal but who have been ignored by the media.

This reminds me of the health care debate. So far, we have only heard about the controversial plans, Cooper and Clinton.

But there are better plans out there that will solve the problems of our current system without creating a huge Government bureauracy.

The favorite for the gold medal is the Michel plan. This alternative hits all three big jumps of this health care debate. First, it solves the portability problem; second, it eliminates preexisting conditions; and third, it allows for universal access for all citizens.

Mr. Speaker, by focusing on the controversial, the media has neglected the real star of the health care debate. That star is the Michel plan. We cannot afford to ignore it.

TRIBUTE TO PAT KRAUSE, FORMER MEMBER OF STAFF OF THE SUBCOMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS.

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I rise with sadness to note the passing of a former member of the staff of the Subcommittee on Insular and International Affairs, Patricia A. Krause. She succumbed last night after a long battle with cancer.

Pat served for 14 years on the staffs of the Interior and Insular Affairs Subcommittees with jurisdiction over matters concerning the Trust Territory of the Pacific Islands and the freely associated states that evolved from it. Our expert on these Micronesian Islands, she was a trusted advisor to me as well as to my predecessors, John F. Seiberling and the late, great Phillip Burton.

Pat was brought to the committee by Phil, whom she had also aided while on the staff of the Democratic caucus. Her work for our party additionally included stints on the Democratic Study Group and Democratic National Committee staffs.

Much of her work for our committee concerned the awful legacy of U.S. nuclear weapons testing in the Marshall Islands. She was devoted to seeing to it that our Nation provided medical care for the peoples whose health had been adversely affected by the fallout. Pat was dedicated to ensuring that the contamination would be cleaned up and islanders could safely return to their homelands.

It's ironic that the committee will hold a hearing tomorrow to further investigate information that Pat helped uncover on the full extent of the problems caused by nuclear testing in the Marshalls.

Mr. Speaker, Pat Krause was a deeply compassionate and committed woman with a very warm heart and a strong personality who served this House and the peoples of Micronesia well.

Mr. Speaker, we who knew Pat will miss that wonderful raucous laugh of hers. This good woman will be missed by all who knew her.

NOW IS THE TIME TO START THE INVESTIGATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we have had a task force investigation into the House Post Office scandal but since their report was issued it has been established that witnesses did not tell the truth. We have also had the former House Postmaster plead guilty to embezzlement.

How can the public renew their faith in Congress if we fail to investigate ourselves? Imagine you are a shareholder in a company that failed to investigate possible stealing by its employees. How would you feel?

The public is already upset that we pass laws on them and then exempt ourselves from the full weight of those laws. How can we then refuse to comply with the House rules that dictate we investigate alleged wrongdoing among us?

Some in this body are relying on the Justice Department to fulfill obligations that belong to us, Mr. Speaker. I urge my colleagues to cosponsor House Resolution 238, the Istook resolution to require the Ethics Committee to conduct an investigation into the House Post Office and to vote "aye" when the resolution comes up for a vote.

THE CIA MUST BE DOWNSIZED AND DISINFECTED

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the CIA must be downsized and disinfected. The headlines today provide us with new proof that the intelligence operations dinosaur, which devours billions of dollars, taxpayers' dollars, is corrupt as well as inefficient and out of control. The headlines tell us that Aldrich Ames, a highly placed decisionmaker, on a career track which might have, one day, led him to become Director of the CIA; well, this man has been a Soviet spy since 1985.

Taxpayers, wake up. A blunder of this magnitude at a very high level makes it necessary to perform critical surgery. Taxpayers must stay alert and not allow the damage control experts to cover up this exposure of gangrene at the heart of the American intelligence structure.

Mr. Speaker, it is not enough just to convict Aldrich Ames of espionage. The entire monstrous CIA must be disinfected. Brian Lattel, and all the other vermin, must be cleaned out. The CIA must be downsized, and the CIA must be disinfected.

THE PRISON MANAGEMENT RELIEF ACT OF 1994

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, I rise today in support of a bill that I will introduce tomorrow, the Prison Management Relief Act of 1994. Federal courts are introducing into the management of State prison systems in America, placing arbitrary caps on prison populations and forcing the early release of prisoners. Currently 39 States are burdened by Federal court orders, or consent decrees, that limit inmate populations or require systematic improvement of conditions in their correctional facilities. Nine States are under court order covering their entire prison systems.

In Florida alone, 20,350 inmates were released in 1992–93 to maintain the State's prison population within its court-mandated capacity.

Just this last weekend a tragedy occurred in Ocala National Forest because a criminal was released early from a Florida prison. John Edwards was murdered and his sister was brutally raped and beaten by two men. One of the men had been released from a Florida prison after serving less than one-quarter of his sentence.

Mr. Speaker, we must shut the revolving door of our Nation's prisons. The Prison Management Relief Act will help prevent courts from placing arbitrary population caps on State prison systems. Passage of this legislation is one important step we can take to at least slow down the revolving door. The provisions of this bill are already part of the Senate crime bill and should be a part of any anticrime bill this House passes.

SUPPORT THE SAFE SCHOOLS ACT

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I rise today in strong support of the Safe Schools Act to provide grants to schools to establish programs to prevent violence in our schools. It encourages the various agencies and groups involved in crime and education to work together to put our children's interest first.

Children in Omaha and across this country should be learning in school, not worrying that they could be injured or killed by another child carrying a weapon.

Youth violence is becoming a reality in many cities—big and small. This past fall in Omaha, there were several incidents where children were caught with guns at school. One incident in particular underscores the pervasive availability of handguns in our society. A 7-year-old boy brought a loaded .25 caliber handgun to one of our elementary schools.

We cannot allow youth violence to become the rule rather than the exception in our schools. I am working hard to get handguns out of the hands of our children. I have introduced legislation to make it illegal under Federal law for anyone under the age of 18 to possess a handgun or ammunition. It would also prohibit the sale of a handgun or ammunition to or by a minor.

The fear of violence in our schools is real. I have received a number of letters from students in our Omaha schools who are concerned about the rising level of youth violence around the country. One junior high school student writes:

> Why should I be afraid to get on a school bus? Why should I be afraid to go to my locker? Why should I be afraid to go to the mall? The answer, Mister Hoagland, is I should not have to be afraid to be a child.

When kids do not feel safe at school they are not learning at their full potential. Another Omaha junior high school student writes:

> Having entered my teen years recently, I have noticed a disturbing fact, that youth violence is growing bigger than ever . . . If we can prevent these disturbances from happening we could make a very big difference with grades, and the ability to do things. When a student has the ability and the belief that he/she could make a difference . . . that's when the changes occur . . . The violence that is on our streets and in our homes would suddenly die away.

We need to get guns off of our streets and keep them out of our schools. Violence has no place in our classrooms. The Safe Schools Act is a step toward making our schools safer.

KEEP THE FEDERAL GOVERNMENT OUT OF PRIVATE AND HOME SCHOOLS

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, when it comes to problems, the Federal Government has a full plate.

Foreign policy crises; health care; a massive budget deficit.

What the Federal Government does not need is more problems, and it certainly doesn't need to poke its rather large nose into the affairs of our country's private schools or into the affairs of parents who choose to educate their children at home.

Mr. Speaker, it may not be the intent of H.R. 6 to intrude into private or home schools, but we need to make certain this does not happen.

I strongly support Mr. ARMEY'S amendment to H.R. 6.

We need to make crystal clear that the Federal Government has no business interfering with private or home schools.

Given the conditions in some of our country's public schools, the bureaucrats at the Department of Education surely have enough to worry about without poking their collective nose where it is not needed and does not belong.

SUPPORT THE IMPROVING AMERICA'S SCHOOLS ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 6, the Improving America's Schools Act which the House will consider tomorrow. This bill reauthorizes the Elementary and Secondary Education Act and provides Federal education assistance to 90 percent of all school districts in our country.

This bill is the product of 13 months of work by the House Education and Labor Committee during which we held over 30 hearings and had countless hours of meetings with community representatives, parents and education professionals. This bill will propel our Nation's public schools into the next century with the momentum they need to succeed.

While there are a great many positive aspects of this bill, many of you may have been approached with some concerns about this legislation. Specifically, there has been a misinterpretation of this bill which implies that it would cover home and private schools to certify their teachers. This is simply not true. However, in light of the controversy, it is my understanding that an amendment has been drafted to clarify that only public schools are affected by this section of the bill or the 2124(e) section will be deleted.

As a State senator, I supported the rights of parents to home school their children, and I continue to support this right. It should be noted that it was never the intention of the committee to cover home schoolers under the certification provision and was even stated so in committee. It is our public schools that are in need of assistance, and this provision was designed to set them in the right direction.

H.R. 6 is a good bill innovative ideas and new funding for programs that affect every part of this country. The bill will reach millions of children all over our country and will give them the opportunity for a quality education. I ask that Members support H.R. 6 and I encourage Members not to weaken this bill through amendments that serve to protect the status quo in our public schools.

□ 1400

INTRODUCTION OF BINDING LEGISLATION ON TAXES AND SPENDING FOR GOVERNMENT-MANDATED HEALTH CARE

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, In January, Congressman PENNY and I introduced a resolution directing that any Government mandated health care reform should be on-budget where the true costs are honestly disclosed to the American people.

This means that any mandates should be counted as taxes, and the expenditures of any government controlled health alliances should be counted as Federal spending. I am pleased that 137 Members have signed onto this resolution.

Two weeks ago the Congressional Budget Office supported our position and recommended that the administration's health reform proposal be on-budget. We applaud this decision.

While the CBO recommendation is a victory for fiscal integrity, the CBO's view is only advisory; ultimately, the Congress must explicitly address the issue through legislation.

That is why today, Congressman PENNY and I, are introducing binding legislation that require that the Federal budget accurately reflect the level of taxes and spending in any Government mandated health care system.

This will ensure that no attempts are made to hide the true costs of any health plans off-budget.

We will be watching the health care debate closely in the coming months to ensure that truth in budgeting prevails.

MAMMOGRAPHY SCREENING RESOLUTION

(Mr. TOWNS asked and was given permission to address the House for 1 minute.)

Mr. TOWNS. Mr. Speaker, today I have introduced a House resolution calling for coverage of mammography screening in any benefits package provided under health care reform, for all women between 40 and 49, and for any high risk woman under 40. The absence of mammography screening coverage for women in these age groups in the proposed health care reform package poses a serious threat to the lives of thousands of young women in this country.

The fact is, women under 50 get breast cancer. Indeed, in 1992 alone, 40,000 breast cancer cases were diagnosed in women under 50, of which 28,900 were diagnosed in women between the ages of 40 and 49.

The exclusion of mammography coverage in health care reform for women under 50 will affect most American families. No racial, ethnic, or economic class in America is immune from the pain and suffering of breast cancer: White women and Hawaiian Pacific Islanders have the highest incidence of breast cancer in this country; breast cancer is the leading cancer killer of young African-American and Hispanic women; and, for low-income women, the survival rates are 9 percent lower than for women with higher incomes.

Last year, the Special Commission on Breast Cancer of the President's Cancer Panel concluded that earlier detection increases the likelihood of reducing mortality. Although the science is not conclusive on this issue, the commission recommended that women between 40 and 49 continue to have mammography screening while the Public Health Service undertakes a study to determine the mortality benefit of screening women in this age group.

Like the President's Cancer Panel, I also believe that until we know conclusively the science on mammography, we must continue to provide mammography to women between 40 and 49 since it is the most effective and widely used form of early detection that we have today. Eliminating mammography from current medical practice will generate a huge void in early detection for breast cancer and worse, result in thousands of avoidable deaths. We cannot allow the financial savings from eliminating mammography coverage to overshadow the pain and suffering of families who have lost their mothers, sisters, and daughters to breast cancer.

Women's health cannot be rationed under health care reform. The House resolution that I am introducing today reinforces this principle. The resolution calls for mammography screening coverage for all women between 40 and 49, and high-risk women under 40. Those who seek mammography screening and can afford to share in the cost of the screening will be required to pay a copayment, while women who cannot afford to pay the copay will be exempted from any payments. The exemption of low-income women from the copay echoes the fundamental theme of health care reform—the elimination of all financial barriers to access to health care.

Breast cancer kills many young women in this country. Our goal must be to try to stop these deaths in any way possible. This House resolution is one way we can start saving lives, by continuing to promote and encourage early detection for breast cancer under our Nation's new health care reform package.

HOME SCHOOLING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, we have been getting thousands of phone calls across this country in every congressional office about H.R. 6 and an attempt by many in this body to mandate Federal certification of people who are going to teach their children at home and in private schools. The argument is that if they are not certified, they are not going to do the job properly.

I and my office decided to do some research on this, and we found that home-educated students scored on average at or above the 80th percentile in all learning categories, including reading, listening, language, math, science, social studies, and basic skills. The National average in public schools is only in the 50th percentile, 30 percentile points lower.

Home education families averaged a $488 per student expenditure per year, while the average per student cost in public elementary and secondary schools was 10 times that, or almost $4,000.

Mr. Speaker, we ought to keep the Federal Government out of this area. We have no business mandating certification of people who are doing home schooling. They are doing an excellent job, and we should leave them alone.

NO TO A BALANCED BUDGET?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the White House and certain high-decibel special interest groups are pulling out all the stops to derail the balanced budget amendment. Never mind that 7 out of 10 Americans support this requirement that the Federal budget be balanced. But take a close look at the administration's scare campaign. As liberal columnist Michael Kinsley discovered in reading White House propaganda:

> "The administration's nightmare scenarios * * * are not an argument against a balanced budget amendment. They are an argument against a balanced budget itself.

A balanced budget amendment does not mandate specific cuts in entitlements or a raid on Social Security. It simply mandates a balanced budget. Just like most States have and most local governments and most American families. President Clinton seems most afraid that he will no longer be able to spend our dollars beyond our means. We need a balanced budget and we need an amendment to get it.

AN APPEAL FOR A FAIRER DISTRIBUTION OF FUNDS FOR COMMITTEE ON GOVERNMENT OPERATIONS

(Mr. MICA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, the Government Operations Committee of the House is responsible for the investigation and oversight of our executive branch. This committee is charged with maintaining the integrity of the very process of our system of government.

Today I appealed to the Committee on House Administration to consider a fairer distribution of resources of that important committee on which I serve. I ask my colleagues to take just a moment and look at the facts.

The distribution of investigative staff for the Government Operations Committee: minority, 15 percent; majority, 85 percent.

Expenditures proposed for 1994: $594,000, 17 percent for Republicans; $2.1 million, 83 percent for Democrats.

And look at this graphic illustration of the number of investigative staff: Just 9 for the minority and 52 for the majority.

Mr. Speaker, I say to my colleagues that I am not here asking for more money but only a fairer distribution of funds. With Democrats controlling both Houses of Congress, the White House and the executive branches, only a fair distribution of resources will preserve the integrity of our oversight process.

THE CLINTON PLAN AND ITS EFFECT ON SMALL BUSINESS

(Mr. BAKER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, as we consider the President's health care reform plan, we must not forget small business and what harm this plan will do to them. The President's plan calls for a mandatory 7.9-percent payroll tax. This additional tax on hiring will cripple small business, and there is no guarantee that this tax will not increase in time, furthering the damage done to the backbone of the American business community.

The Congressional Budget Office made several conclusions about the Clinton plan. First, it is a huge, untried expansion of government into the daily lives of all Americans.

No. 2, it will create a greater deficit crisis than we already have today, over $70 billion for starters.

And No. 3, every American family will be forced to pay for this plan with large payroll tax increases.

But the analysis of the Congressional Budget Office is only part of the story. CBO did not talk about the implied rationing of the Clinton plan or the diminished quality or about the limited choice, the ability to choose one's doctor.

Mr. Speaker, the Clinton plan is history. Let us now have a practical discussion on insurance portability and earlier primary care for the uninsured. This does not require turning medicine over to big government. That idea has been tried and failed. The Evil Empire is dead.

BIG GOVERNMENT THREATENS MEDICAL SYSTEM WITH HEALTH CARE LEGISLATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, liberals gave us Medicaid. They told us it was great.

Now they tell us it is a horrible system that should be abolished.

Before the Federal Government got into our medical system, almost everyone could afford good medical care.

If the Federal Government gets further into health care, soon no one will be able to afford it.

I have heard it said, "If you think health care is expensive now, wait until its free."

Big government liberals have already destroyed thousands of small businesses and millions of jobs through over-regulation and excessive taxation.

Their excesses have driven up the prices of homes and cars to where they are making it almost impossible for the average consumer to buy either.

Big government liberalism hurts the poor and working people worst of all.

The formula is very simple: More government equals higher prices; less government equals lower prices.

Big government has destroyed lives all over this world, and big government liberals are slowly destroying the American dream, too.

It is not a conspiracy; it is just a fact that the bigger government becomes, the worse life becomes for those who do not work for the government.

□ 1410

EXPRESSING THE SENSE OF CONGRESS ON THE SENIOR REPRESENTATIVE OF THE NATION OF ISLAM

Mr. LANTOS. Mr. Speaker, pursuant to the order of the House of Tuesday, February 22, 1994, I call up the resolution (H. Res. 343) to express the sense of the House of Representatives condemning the racist, anti-Catholic, and anti-Semitic speech given by a senior representative of the Nation of Islam and all manifestations and expressions of hatred based on race, religion, and ethnicity, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 343

Whereas the United States House of Representatives strongly oppose racism, anti-Catholicism, anti-Semitism, and all forms of ethnic or religious intolerance;

Whereas the racist, anti-Catholic, and anti-Semitic speech given by Kahlid Abdul Muhammad of the Nation of Islam at Kean College on November 29, 1993, incites divisiveness and violence on the basis of race, religion, and ethnicity; and

Whereas Mr. Muhummad specifically justifies the slaughter of Jews during the Holocaust a fully deserved; disparages the Pope in the most revolting personal terms; and calls for the assassination of every white infant, child, man, and woman in South Africa: Now, therefore, be it

Resolved, That the House of Representatives

(1) condemns the speech given by Kahlid Abdul Muhammad as outrageous hatemongering of the most vicious and vile kind; and

(2) condemns all manifestations and expressions of racism, anti-Catholicism, anti-Semitism, and ethnic or religious intolerance.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. LANTOS] is recognized for 1 hour.

Mr. LANTOS. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Illinois [Mr. HYDE], and I ask unanimous consent that he be permitted to control the time on behalf of our Republican colleagues.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

The purpose of this resolution is to express the sense of the House of Representatives condemning the racist, anti-Catholic, anti-Semitic, homophobic speech given by a senior representative of the Nation of Islam and to condemn all manisfestations and expressions of hatred and divisiveness in our country.

Mr. Speaker, free speech is one of the greatest values of our free society, and all of us in this House are passionately committed to its preservation. The right to free speech, however, does not confer upon anyone the privilege of being immune from the free speech of others.

When freedom of speech is abused in a vile and vicious way to promote hatred and to incite murder on a gigantic scale, it is the duty of responsible legislative bodies to condemn such speech in clear and uncertain terms.

That is exactly, Mr. Speaker, what our colleagues in the other body did, when the Senate acted unanimously, every single Republican and every single Democrat, to repudiate and condemn the evil hate-mongering of the then-national spokesman for the Nation of Islam on a college campus.

The Senate resolution, which is parallel to my resolution, reads as follows:

> It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammad at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

This is the moment, Mr. Speaker, for Members of the House of Representatives to stand up and be counted on what must be one of the most criminally vicious public incitements to hatred and mass murder ever offered on an American college campus. To say that this rambling and hate-filled diatribe is racist, sexist, anti-Catholic, anti-Semitic, and homophobic is true, of course, but it does not begin to convey the murderous venom which drips from every utterance. Just to use one set of examples from a speech, the transcript of which takes 62 pages, let me quote relevant portions relating to racism. I will omit the abusive language for obvious reasons.

At a time when responsible black and white leaders in South Africa are engaged in the difficult task of building a democratic multiracial society, Khalid Abdul Mohammad issues a bloodthirsty call for mass murder.

> We kill the women. We kill the children. We kill the babies. We kill the blind. We kill the crippled. We kill them all. We kill the faggot. We kill the lesbian. We kill them all.
>
> Why kill the women? Because they lay on their back, they are the military or the army's manufacturing center. They lay on their back and reinforcements roll out from between their legs. So we kill the women, too.
>
> You'll kill the elders, too? Kill the old ones, too. Goddamit, if they are in a wheelchair, push them off a cliff in Capetown or Johannesburg. I said kill the blind, kill the crippled, kill the crazy. Goddamit. And when you get through killing them all, go to the goddamn graveyard and dig up the grave and kill them goddamn again, because they didn't die hard enough. They didn't die hard enough. And if you have killed them all and you don't have the strength to dig them up, then take your gun and shoot in the goddamn grave.
>
> Kill them again. Kill them again, because they didn't die hard enough.

Mr. Speaker, 62 pages of this dialog is not free speech. It is the opposite of free speech. It is an attempt to incite hatred and division in this complex, multiethnic, multireligious society, which has a difficult time, without these incitements to hate and murder, to function in a civil way.

But we are not just dealing with events in this country. We are dealing with a daily diet of the evening news, mass rapes and ethnic cleansing in the former Yugoslavia, where 200,000 innocent civilians have been killed in the last 22 months because of words of hate and bigotry spoken in a similar vein.

A few weeks ago, Mr. Speaker, six little children frolicking in the snow in Sarajevo were killed because of words of this kind. And 2 weeks ago, 68 innocent civilians, men, women and children, were killed in the open market of the city of Sarajevo.

Now, there are colleagues in this House who might claim that these are mere words. Let me remind them that the Holocaust did not begin with the gas chambers. It began with words, words of hate and bigotry, calling for mass murder. And mass murder they did.

Mr. Speaker, I ask that excerpts of the speech of Khalid Abdul Mohammad be placed in the RECORD, and I urge my colleagues to see the kind of vicious, hate-filled statements it contains.

MINISTER LOUIS FARRAKHAN AND THE NATION OF ISLAM CLAIM THEY ARE MOVING TOWARD MODERATION AND INCREASED TOLERANCE—YOU DECIDE

Brothers and sisters—the so-called Jew, and I must say so-called Jew, because you're not the true Jew. You are Johnny-come-lately-Jew, who just crawled out of the caves and hills of Europe just a little over 4,000 years ago. You're not from the original people. You are a European strain of people who crawled around on all fours in the caves and hills of Europe eating Juniper roots and eating each other.

Who are the slumlords in the black community? The so-called Jew who is sucking our blood in the black community. A white imposter Arab and a white imposter Jew, right in the black community, sucking our blood on a daily and consistent basis. They sell us pork and they don't even eat it themselves. A meat case full of rotten pork meat, and the imposter Arab and the imposter white Jew, neither of them eat it themselves. A wall full of liquor keeping our people drunk and out of their head, and filled with the swill of the swine, affecting their minds. They're the blood suckers of the black nation and the black community. Professor Griff was right when he spoke here—and when he spoke in the general vicinity of Jersey and New York, and when he spoke at Columbia Jew-niversity (sic) over in Jew (sic) York City. He was right.

The DeBeers mines, Oppenheimer, our people, our brothers and sisters in South Africa, hundreds of them lose their lives. Sometimes thousands in those mines. Miles underground mining diamonds for white Jews. That's why you call yourself Mr. Reubenstein, Mr. Goldstein, Mr. Silverstein. Because you been stealing rubies and gold and silver all over the earth. That's why we can't even wear a ring or a bracelet or a necklace without calling it Jew-erly We say it real quick and call it jewelry, but it's not jewelry it's Jew-elry cause you're the rogue that's stealing all over the face of the planet earth.

You see everybody always talk about Hitler exterminating 6 million Jews. That's right. But don't nobody ever ask what did they do to Hitler. What did they do to them folks? They went in there, in Germany, the way they do everywhere they go, and they supplanted, they usurped, they turned around and a German, in his own country, would almost have to go to a Jew to get money. They had undermined the very fabric of the society. Now he was an arrogant no-good devil bastard. Hitler, no question about it. He was wickedly great. Yes, he was. He used his greatness for evil and wickedness. But they are wickedly great too, brother. Everywhere they go, and they always do it and hide their head.

We don't owe the white man nothin' in South Africa. He's killed millions of our women, our children, our babies, our elders. We don't owe him nothing in South Africa. If we want to be merciful at all, when we gain enough power from God Almighty to take our freedom and independence from him, we give him 24 hours to get out of town, by sundown. That's all. If he won't get out of town by sundown, we kill everything white that ain't right (inaudible) in South Africa. We kill the women, we kill the children, we kill the babies. We kill the blind, we kill the crippled, (inaudible), we kill 'em all. We kill the faggot, we kill the lesbian, we kill them all. You say why kill the babies in South Africa? Because they gonna grow up one day to oppress our babies, so we kill the babies. Why kill the women? They, they . . . because they lay on their back, they are the military or the army's manufacturing center. They lay on their back and reinforcements roll out from between their legs. So we kill the women too. You'll kill the elders too? Kill the old ones too. Goddamit, if they in a wheelchair, push 'em off a cliff in Cape Town. Push 'em off a cliff in Cape Town, or Johannesburg, or (inaudible), or Port Sheppston or Darbin, how the hell you think they got old. They old oppressing black people. I said kill the blind, kill the crippled, kill the crazy. Goddamit, and when you get through killing 'em all, go to the goddam graveyard and dig up the grave and kill 'em, goddam, again. 'Cause they didn't die hard enough. They didn't die hard enough. And if you've killed 'em all and you don't have the strength to dig 'em up, then take your gun and shoot in the goddam grave. Kill 'em again. Kill 'em again, 'cause they didn't die hard enough.

We found out that the Federal Reserve ain't really owned by the Federal Government . . . But it ain't owned by the Federal Government. The Federal Reserve is owned by, you just touched on it a little while ago. (Jews.) It's owned by the Jews.

Brother. I don't care who sits in the seat at the White House. You can believe that the Jews control that seat that they sit in from behind the scenes. They control the finance, and not only that, they influence the policy-making.

No white Jews ever in bondage in Egypt for 400 years. You're not the chosen people of God. Stop telling that lie. Let's go a little further with this. Many of you put out the textbooks. Many of you control the libraries, Lie-braries. NBC, ABC, CBS, you don't see nothin', or makes sure we don't see, Warner Brothers, Paramount, huh? Hollywood, period.

But [they] also are most influential in newspaper, magazine, print media and electronic media.

These people have had a secret relationship with us. They have our entertainers in their hip pocket. In the palm of their hand, I should say. They have our athletes in the palm of their hand.

Many of our politicians are in the palm of the white man's hand, but in particular, in the palm of the Jewish white man's hand.

The Jews have told us, the so-called Jews have told us, ve (sic) ve, ve suffer like you. Ve, ve, ve, ve marched with Dr. Martin Luther King, Jr. Ve, ve, ve were in Selma, Alabama. Ve, ve were in Montgomery, Alabama. Ve, ve were in Montgomery, Alabama. Ve, ve, were on the front line of the civil rights marches. Ve have always supported you. But let's take a look at it. The Jews, the so-called Jews, what they have actually done, brothers and sisters, is used us as cannon fodder.

Go to the Vatican in Rome, when the old, no-good Pope, you know that cracker. Somebody need to raise that dress up and see what's really under there.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

□ 1420

Mr. Speaker, abhorrent as the remarks of the speaker at Kean College in New Jersey were, I do not think enough attention is being given to the enthusiastic response that his hateful words received from his college student audience. The applause of those young people scares me a lot more than the idiotic statements that were made by this person, and I think that there is an awful lot of work to be done to understand why such language has such an appeal to so many young people.

Mr. Speaker, the language of this resolution does not call for any civilian or criminal penalties. It does, however, flatly express the sense of Congress that the deliberate abuse of another's deeply held beliefs and the systematic abuse of another's deeply held beliefs and the systematic condemnation of persons based on ethnicity, race, or religion is an offense to democratic civility, and this resolution is an expression of our right of freedom of speech to condemn what we find patently contemptible. Free speech should be an instrumentality to communicating ideas in the quest for truth.

The emotional consequences of this sort of language are the enemy of free discourse, because they guarantee a reaction that is the adversary of reason and orderly debate. Comments such as these are not made to persuade or to convince, but to insult, to vilify, to wound, or to hurt. They have an unhealthy effect of fracturing our democratic political community.

Despite the best efforts of so many good and decent people, hatred and friction between the races continues to be a grave problem. We should look for ways to diminish that hatred. These remarks have the effect of worsening, not lessening, the friction between men and women of different races and religions. Thus, it is appropriate that such language and other language like it receive our strongest condemnation. Free speech is not impinged upon by our condemnation. It is only exercised on our behalf and on behalf of other civilly mutually respectful discourse.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the remarks this resolution condemns serve no good purpose, and such comments must be condemned. To silently ignore such verbal attacks is not adequate, Mr. Speaker. We must openly and notoriously oppose it; yes, even condemn it.

The attack upon Jews, Catholics, Caucasians, offends me, but I would be equally offended as well if the speaker had been Caucasian and his target had been people whose skin is black. The salient point to be made, it seems to me, Mr. Speaker, is that we cannot stand idly by and observe speakers, regardless of the color of the speaker's skin, who assume their roles at podiums across this land and spew out sulfuric words, whipping up listening audiences into a mob-like frenzy.

Just as the gentleman from Illinois [Mr. HYDE] said, little has been said about that. I believe equally offensive to the speech delivered is the response that was forthcoming by the listening audience. Today, Mr. Speaker, this Congress I hope will condemn these remarks, and condemn the speech that was made, and in so doing, we send a signal from this Hall that it will not be tolerated.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. LANTOS] has consumed 7½ minutes.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia [Mr. LEWIS], the majority whip.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. LANTOS], for yielding time.

Mr. Speaker, I rise today to urge my colleagues to support House Resolution 343. As people of conscience, we have a moral obligation to speak out against injustice, bigotry, racism, and anti-Semitism.

For more than 35 years, I have been part of a struggle against bigotry, racism, discrimination, and anti-Semitism. During those years, I have learned that one must always be on guard in the fight against bigotry. It knows no limitations or borders.

I know there are some who would say that what we are doing is out of the ordinary. But these are unusual and extraordinary times. There are some immutable principles that are nonnegotiable, we must not turn away from them.

I deeply feel that we have a moral obligation and a mandate and a mission to speak out against the remarks made by Khalid Abdul Muhammad at Kean College. Mr. Muhammad delivered a poisonous and hateful speech. In that speech, he said awful and bad things about African-Americans, about Jews, about Catholics and about members of the gay community.

These remarks represented an obscene and ugly attack on decency. When any one of us is attacked, all of us are attacked. There is no room in our society for the expression of bigotry, anti-Semitism, and racism. Any time, such hateful expression rears its ugly head, it should not go unchallenged.

In another period of our history, just a few years ago, there was a coalition of conscience that worked together in a struggle to create a truly interracial democracy in America—to create what I like to call the Beloved Community. People from all walks of life and from around the country struggled together during the civil rights movement to make this Nation a better place, to make our society a more humane society.

I can never forget 30 years ago in 1964, when three young men in Mississippi were killed in the struggle for civil rights. These three men, Mickey Schwerner, Andrew Goodman, and James Chaney—two young Jewish men and an African-American—died in the fight for freedom, not in Africa, not in Asia, not in Europe, not in Central America, but here in America, fighting for freedom. They were fighting and struggling for the right of all to vote.

I speak from experience. This is not something I read in the newspaper or watched on television. I saw young blacks and young Jews struggling, fighting and shedding blood together 30 years ago. We stood together during times of difficulty. We must continue to do so now. As Americans, we should be about the business of building a truly interracial democracy, rather than dividing people along racial, ethnic, and religious lines.

Yes, we all have a responsibility to speak out against bigotry and intolerance. We can never, never turn a deaf ear or a blind eye to hate. In a real sense, we are one nation; one community; one people; we are one house, the American house; we are one family, the American family.

I urge Members to support House Resolution 343.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, one of the problems with free speech is that from time to time it is abused. Such was the case when Kahlid Abdul Muhammad took to the podium in Kean, NJ, in November. I am not going to reiterate what has been said. He has been quoted here enough. Suffice it to say his speech was racist. It promoted hate. Many of us would have preferred that Kahlid Abdul Muhammad would never have opened his mouth that day, but he did.

What is the remedy for speech that is offensive, as has been coming too often from the leadership of the nation of Islam? The answer, I think, is more speech, speech from good, decent, and thinking people who are revulsed by what has been said; people, I think, like the vast majority of the people that we all represent.

□ 1430

On their behalf we have to speak out today. We must label the Muhammad speech for what it is. And what it is, is racist hate mongering.

There should be nothing controversial about what we are doing here today. In fact, in the other body a vote on a similar resolution was 97 in favor and none against.

Censorship has no place in our law, but racism has no place in our culture. We cannot quiet the racists among us, but we can drown them out.

Let us help the gentleman from California [Mr. LANTOS] do that today by passing his resolution.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I thank the gentleman for bringing up this resolution and also reminding Members of this House of Representatives of the pain and the suffering of so many Jewish people in Germany that occurred because no one spoke out when people said that Hitler was just another talker.

There are some Members who have come to me in opposition to this resolution because of the procedure that was followed or the lack of procedure. Others have some concerns about freedom of speech. But let me say this to my friends and colleagues, that nobody in this House should walk away where there is any doubt in anybody's mind that the U.S. Congress finds these type of remarks not only repugnant as relates to what this person in Jersey has said, but repugnant for what this great republic and democracy stands for.

Had it not been for the gentleman from California [Mr. LANTOS], I would not even have known that a procedure existed that would give us the opportunity in this House of Representatives to pull out from the slime and the snakepits of this country those who want to split it by being anti-Semitic, by being racist, and by being against the things that have made this country so great. I would like to say that there are many of us who are African-Americans who have reached out to try to feel the pain that our Jewish brothers and sisters feel because we have never been in a struggle that we have had to call on them and they were not there. And that is true whether it took place in the South or whether it took place in the south Bronx.

In the future I hope that the Jewish and the African-American community can build such a bond that is not restricted to the idiots and the bigots that we find in this country, but by building to represent those true beliefs that both of our people have always believed in, investment in education, opportunity and the ability to make this country even greater than it is today. For what you have contributed by never letting us forget what people have suffered and the lives that were lost because so many did, including Americans, may we all never forget what has happened to so many others so that together we can make not only a better America but a better world.

I thank the gentleman for the generosity that he has extended to me in this time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH] the minority whip.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Illinois for yielding me the time, and I want to thank the gentleman from California [Mr. LANTOS] for his leadership in pursuing this and ensuring that this is brought to the attention of the House, and that the House is given an opportunity to communicate with the country, because I think it is important to recognize what we are doing here and what we are not doing.

We are not suggesting that it is illegal, we are not suggesting that the gentleman who said these hateful things should go to jail, we are not suggesting the repression of thought. We are suggesting the right of every American to stand up and condemn hateful thought. And we are suggesting in fact that there is a certain responsibility, whatever our ethnic background, whatever our religious beliefs, that understand that America is a remarkable dream held together by our willingness to tolerate each other, and that our support for each other, whether it is Jewish, Christian, Moslem, Buddhist, a variety of backgrounds, and I happen to be a Baptist, and my good friend from Illinois, Mr. HYDE, happens to be a Catholic, but we recognize within the fraternal concern for freedom that there have to be some boundaries, and occasionally, sadly, some people cross those boundaries.

I was asked when David Duke asserted that he was a Republican if I would go on television. I think I was the first Republican who was asked to go on television to speak on Night Line, and I went on Night Line and I had to explain that we together in the Republican Party did not have room for people who hate, for people who are racists and bigots. And I think it is the same feeling as I stand here today, recognizing that it is not about politics in the narrower sense, but it is about political freedom in the greater sense.

It is sad that there is even a debate over this. And I would appeal to Mr. Farrakahn, and I would appeal to those of his most active staff to look into their own hearts and to understand what they are doing to isolate themselves at a time when I think there has been a sincere effort to reach out and begin to try to work with them, and begin to try to find a common ground, and now to have this kind of a speech coming between us, and to now have these kinds of hateful remarks, remarks which are racist, remarks which reflect religious bigotry, and remarks which I think cannot be allowed to stand without condemnation.

So I just say on behalf of many of the Members in both parties that there is a feeling of reaching out and saying as Americans there has to be some standard beyond which we say this we cannot tolerate. Not that it is illegal, not that you do not have the right to free speech, but as one of the great founders of television news, Fred Friendly has said, the fact that you have the right to say something does not mean it is the right thing to say, and the fact that you have the right to do something does not mean that it is the right thing to do. And I think in this case it simply went beyond the bounds of decency.

I thank all of my colleagues from both parties who are rising today to express their commitment to the American dream of all of us living and working together.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from California and all of my colleagues for their remarks. I think we have no moral choice here. To me this is not an issue over free speech. Free speech, unfortunately, allows people like Mr. Muhammad to say what he wants. Free speech should impel us to say that it is wrong.

But I would like to explain to many of my colleagues here who wonder, in all good faith, what is the fuss, why is it that we take someone who obviously has very poisonous views, views contrary to what every one of us have, whatever our race, our religion, our creed or color, wherever we come from, why do we take this time because it does, unfortunately, bring more attention to these hateful remarks? The answer is, at least for me and many of the people from my community rooted in history, the answer is that once in the past we ignored hateful language because it came from a nut. A man in Germany in 1923 tried a coup to overthrow the German Government, and basically the rest of the world ignored it. He was a nut. He has no power. And in 1925 when he wrote Mein Kampf with words eerily reminiscent of the words uttered by Mr. Muhammad, he was a nut; he should not be paid attention to. And in 1928 when the power of his party grew, and in 1932 when Hindenburg, the leader of the German establishment, handed over the keys to the government to this man, he was a nut, and he should be ignored.

Let me say right here the group that is burdened the greatest with this ignoring what happened were the Jewish people in America at that time. They said he was a nut, and they ignored it. And then the worst occurred.

We have vowed that we should never ignore this again. We have a historical lesson. We have lived through it.

I know that some of my colleagues will say should this body spend all of its time condemning people. No, it should not. But should other groups, whether they be African-American, Latino, Catholic, gay, whatever, on an occasion when they feel threatened have the privilege of coming to the well of the floor and saying we must as a body condemn what was done? Yes, by all means.

□ 1440

That is not again an option. That is our moral responsibility, and if we do it in a sincere way, in a way that is not hateful or divisive but unifying, as my good colleague from New York said, we can build on that and start doing the positive things that we ought to be doing together as well.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I yield to no one in this House in my respect for the gentleman from California [Mr. LANTOS] and his strong support for human rights. The record is well known. We are colleagues in the Human Rights caucus.

I find myself, unfortunately, in a position of rising to disagree on this issue. This is a question of free speech.

We are acting in an institutional capacity here today, and I urge all of you who are listening, all of you who are observing today and are going to vote on this, we are being asked to do this as an institution.

The first amendment says that Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press. The universal declaration of human rights, which I also subscribe to, and we are members of the United Nations, everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.

When one stands up and says it is not free speech, it is. Free speech means driving bad speech out with good speech. It means taking the responsibility in meeting the obligation of resisting tyranny and intolerance everywhere we find it, and we do have the right to do that, the obligation to do that as Members of Congress. But we do not, and should not, have as an institution this right and this privilege to condemn others for what they have said or done.

This resolution could easily apply as an unpatriotic, un-American, subversive speech against the Vietnam war. Pick anything and you could do the same thing.

I recall very clearly in "A Man for All Seasons" by Robert Bolt, when Thomas More's son-in-law confronts him with the necessity of getting to the devil, he says, "I would cut down all the laws of this land to get to the Devil," and More replies to him, "Yes, and when you have cut down all of those laws and the Devil turns to get you, what then will you use for a defense?"

I can tell you what will happen from this, those of us who feel strongly on this issue will be seen by others to affirm anti-Semitism, affirm anti-Catholicism, affirm racism if we do not vote; we will be put into the position again and again of saying,

> If you do not condemn it as we require of you institutionally in this resolution, you will be seen as having affirmed that which has offended someone, that which is subversive, if you will, to the intent of the Constitution.

I say this: As a human being and as an individual Member of Congress, I condemn bigotry, I condemn hatred. It is my privilege and duty to do so. But when this House, constitutionally established as an arm of the Federal Government, contemplates official action in the same vein, we are confronted with a much different proposition. Governmental sanction against any speech, objectionable as it may be, is always suspect, is always suspect.

The Constitution has proven to be our strongest safeguard against the Muhammads of the world. Let us revere the Constitution of the United States and vote down this resolution.

Mr. Speaker, I want to make it abundantly clear that I abhor and am implacably opposed to the antisemitism, anti-Catholic bigotry, racism, homophobia and defamation of African-American leaders expressed in the speech by Mr. Kahlid Abdul Muhammad at Kean College on November 29, 1993. Further, I acknowledge and share the concern, pain, and outrage which motivated those who bring this measure to the floor.

The fact that I am constrained to preface my remarks with that disclaimer illustrates the nature of my objection to this measure. We who are Members of this body know that our every utterance or lack thereof, our every vote, our presence or absence at this or that event is subject to scrutiny, to analysis * * * and all to often to misinterpretation. Some occasions, however, hold more potential than others for misinterpretation, particularly the kind of misinterpretation motivated by malice. This is one of them.

There are many Members here today who agree with the distinguished chairman of our Judiciary Subcommittee on Civil and Constitutional Rights, who in a Dear Colleague letter of February 22, argued against this resolution. He based his arguments on the Bill of Rights, the philosophy of Thomas Jefferson, and the role of this House and its Members in the public life of our Nation. Yet each and every one of us knows that invoking these ideas in this case will be seen by some, or made to be seen, as sophistry.

I am not saying that we should avoid controversy or decisions that are subject to misinterpretation. I assert, rather, that by opening the door to this pressure in this instance, we are helping Mr. Muhammad accomplish the goal I suspect he had in mind when he made his speech: provoking reaction rather than persuading the unconvinced. Is this House to be stampeded every time some extremist spews forth words of hate? If we become the pawn of Mr. Muhammad by passing this resolution, where do we begin the catalog of unacceptable pronouncements which we must now condemn if we are to hold ourselves to a single standard?

As a human being and as an individual Member of Congress, I have condemned the bigotry and hatred in Mr. Muhammad's speech. It is my privilege and duty to do so. But when this House, a constitutionally established arm of the Federal Government, contemplates official action in the same vein, we are confronted with a much different proposition. Governmental sanction against any speech, objectionable as it may be, is always suspect. The Constitution has proven to be our strongest safeguard against the political currents Mr. Muhammad is attempting to generate. I believe we would be well advised to continue to look to the Constitution rather than official condemnation as the best way to foster the atmosphere of good will we seek in the civic life of our Nation.

Mr. LANTOS. Mr. Speaker, does the gentleman from Maryland wish me to yield?

Mr. MFUME. Mr. Speaker, I rise today to offer a friendly amendment to the amendment in hopes of bringing balance and substance to this debate and to this issue of repudiation that go directly to the heart of remarks made by a gentleman of the other body.

The SPEAKER pro tempore (Mr. MONTGOMERY). Does the gentleman from California yield for a unanimous-consent request of the gentleman from Maryland?

Mr. LANTOS. Under the rules, I do not accept that amendment, Mr. Speaker, but I will be happy to yield to my friend for debate purposes only.

The SPEAKER pro tempore. How much time does the gentleman from California yield to the gentleman from Maryland?

Mr. LANTOS. Two minutes.

Mr. RANGEL. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. He just has 2 minutes to debate. Does the gentleman object to him——

Mr. RANGEL. I do not know whether I am gong to have to vote against or for it, so I would just like to reserve the right to object to find out from the gentleman. He described it as being friendly, but I just would want to know exactly what is in it.

Mr. HYDE. Mr. Speaker, for the RECORD, I would like to yield 1 minute to the gentleman from Maryland.

The SPEAKER pro tempore. There is nothing to object to at this time, the Chair states to the gentleman from New York, and the gentleman from Maryland is recognized for 3 minutes.

Mr. RANGEL. So there is no unanimous-consent request in front of the House at this time, then, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. RANGEL. All right.

Mr. MFUME. Mr. Speaker, I ask unanimous consent to speak out of order for an additional 2 minutes.

Mr. RANGEL. Reserving the right to object, Mr. Speaker——

The SPEAKER pro tempore. The gentleman is recognized on his reservation of the right to object.

Mr. RANGEL. Mr. Speaker, I do not know whether the amendment is going to be germane or whether it is going to be connected with this resolution in any way.

There were no papers being passed out, and I just did not want this to move forward without reserving the right to object, Mr. Speaker.

Mr. HYDE. Mr. Speaker, I yield the gentleman an additional minute.

The SPEAKER pro tempore. The gentleman from Maryland now has 4 minutes.

Mr. MFUME. Mr. Speaker, am I not using that 4 minutes in responding to the right to object reserved by the gentleman from New York?

The SPEAKER pro tempore. Would the gentleman state that again?

Mr. MFUME. Am I on the time of the gentleman from New York who has reserved the right to object, or am I on the 4 minutes that have been allocated?

The SPEAKER pro tempore. That is correct, on the reservation of the gentleman from New York.

Mr. MFUME. So the gentleman from New York controls the time?

Mr. RANGEL. I am trying to find out from the author of this amendment how could it be related to this amendment and whether it is inviting, whether it has been distributed, what it is that you bring before this House at this time.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. Reserving the right to object, I yield to the gentleman from Maryland.

The SPEAKER pro tempore. Let the Chair clarify it. There is no amendment pending. The gentleman from California objected, or would object, to unanimous-consent request of offering an amendment. He has that authority under the rules.

Mr. RANGEL. The gentleman requested additional time, and I objected to the additional time until I could be satisfied that it is going to be used in a parliamentary way.

The SPEAKER pro tempore. The gentleman is recognized under his reservation of the right to object.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Maryland.

Mr. MFUME. The amendment that I had hoped to offer was an amendment that would have brought balance to this debate in which all of us have a sense of outrage and revulsion at remarks that were made at Kean College, but many of us also have a sense of outrage and revulsion at remarks made by a Member of the other body recently in which black people were referred to as darkies, Hispanics were referred to as wetbacks, and Africans were referred to as cannibals.

I think that, in order that we have some balance before us, not to even mention the issue of free speech which is legitimate, that is why I wanted to offer this amendment, and I regret that the gentleman would not accept it.

Mr. RANGEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Chair would like to remind the gentleman in the well that he cannot refer to Members of the other body and statements made by that Member of the other body.

The gentleman now has 4 minutes of time yielded to him.

Mr. MFUME. Mr. Speaker, I have a question of the Chair. Is the Chair telling me that I cannot say or make mention of a Member of the other body as long as I do not use that person's name?

The SPEAKER pro tempore. The gentleman, under the rules, cannot refer to statements made by the Members of the other body.

Mr. MFUME. If I could ask further, may I have permission to refer to statements made from someone from South Carolina?

The SPEAKER pro tempore. If that is a Member from the other body, the gentleman cannot do that.

Mr. MFUME. With all due respect, there are many people from South Carolina. I am not necessarily mentioning a Member of the other body but a resident of the State of South Carolina.

The SPEAKER pro tempore. The gentleman would proceed in order at the Chair's request.

Mr. MFUME. I thank the Chair very much.

Let me be perfectly clear: By attempting to offer the amendment that I did, I did not in any way mean to diminish the offensive comments addressed by the Lantos resolution. As I have said repeatedly, I also find them racist, sexist, anti-Semitic, anti-Catholic, and homophobic.

As I have further stated, I repeatedly, over and over again, hear from others that say that these things have to be addressed, and yet we seem to be selective in that which we seek to address.

The sad matter of the whole thing is that no matter how offensive those remarks are, there have been other remarks that have been uttered in public that have been just as offensive, to be sure. Take, for example, remarks uttered by a person who resides in the State of South Carolina, the subject of the amendment that I tried to address, where black people were referred to as darkies, Hispanics were referred to previously as wetbacks, Africans were referred to in last December as Cannibals.

□ 1450

In spite of how repulsive and offensive those remarks are and the way we find them to be, we certainly have not seen a resolution in this body or the other body that seeks to condemn them. Not until this unfortunate event have we underscored even in the most inadvertent of ways the extent to which a double standard is at play in this Nation when it comes to offensive remarks.

Since those remarks were attributed and made, every member of the black leadership has been called on to repudiate them, elected officials, teachers, community leaders and preachers. While we all find them to be offensive, we cry out for balance and cry out for honesty with one to another. In other words, we have been called upon like no other group of people have been called upon to respond and to react to an unfortunate set of remarks. We think there ought to be, at least, some balance.

Let me say this, Mr. Speaker, for the record: Black people are neither lazy, shiftless, or the irresponsible people that people in the media oftentimes portray us to be, nor the second-class citizens that the racists in our society try to make us to be.

We have a right to demand respect also and to ask others to hold themselves to the measurements that they would hold us to.

For example, if we pass this resolution, which does not decry the speech in question as hateful and harmful toward homosexuals, and it does not, even though the speech was, are we saying it is OK to criticize the Pope or someone else but it is not OK to go out and to do some of the things that Mr. Muhammad does in his speech? In other words, "Don't do this about the Pope," and "Don't do this about Catholics, but you can say what you want to about lesbians and gays."

Lastly, let me say one thing about the issue of free speech: It is without a doubt one of the most important liberties that we as Americans enjoy. The French philosopher Voltaire once said that, "While I disapprove of what you say, I will defend to my death your right to say it."

It is doubtful that I would be here today in this Congress if many people in this country who were offended in the 1960's by the remarks of Martin Luther King had been able to silence him and his words. While it is our duty as leaders to stand up in our communities and to speak out against harmful words, harmful deeds, and harmful remarks, it is also our duty to be guarantors of the Constitution, protecting the fundamental rights of Americans here and those still yet unborn.

By passing the sense-of-the-Congress resolution before us, we are getting ready all of us now to step over a line that will set perhaps a very dangerous precedent. As I had said earlier, I will continue to speak out against hatred and bigotry and racism and anti-semitism, and I ask all of us to do so as well. But if we are to do so, let us not be selective about who we rush to defend when others are in need of our help.

I would prefer that my colleagues look closely beyond this debate and try to find ways, as the gentleman from California [Mr. LANTOS], has, and many others, to end the things in our society that bring about the need in some to make these kinds of remarks.

I thank the gentleman for his position on this, I thank the gentleman for his inquiry on this, and I thank the Chair for the time.

Mr. Speaker, I again thank the gentleman on the other side, the gentleman from Illinois [Mr. HYDE] also for his kindness.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Subcommittee on Civil Rights of the Committee on the Judiciary, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for graciously yielding this time to me.

Mr. Speaker, it occurred to me, listening to this very interesting debate, that we are making a national and international hero out of this scoundrel who has uttered these disgraceful, awful things. He will be the only person in world history, to the best of my knowledge, whose speech has been officially condemned by the U.S. Congress. I can see advertisements all over the world, especially in those parts of the world who do not look kindly on the United States, "Speech by Mr. Muhammad tonight. This speech has been condemned by the United States Congress."

You know, Sam Donaldson makes $25,000 a speech. Maybe Mr. Muhammad in certain parts of the world, certain countries, can now make lucrative speeches because of what we are going to do today and what the other body, unthinkingly did the other day.

Has it ever happened before where the U.S. Congress officially condemned a speech?

As the gentleman from Maryland said, has Congress officially condemned the speech of Martin Luther King or the Ku Klux Klan leader? You know, Mr. Speaker and my friends, each of us ought to condemn the terrible, obscene things that Mr. Muhammad said at Kean College. We ought to carry signs around. We ought to have special orders at night and get up one after another and condemn the speech. We ought to write newspaper articles about the speech. It is terrible, really, it is disgraceful.

But, my friends, we have no business officially taking a speech and condemning it.

My friend, the gentleman from Illinois [Mr. HYDE], I believe said this is not making it a crime or anything like that. No, we are not. But we are certainly chilling free speech. Yes, it is hateful speech, but it is entitled to be heard. And as one other eloquent person said, the way to counteract that is through free speech by the rest of us.

So I invite us all to make every speech we want, pen newspaper articles, or anything, condemning this obscene speech made by Mr. Muhammad. But let us not go down this path. It is a very dangerous path to go down to start condemning officially. We are paid by the Government, this is an official act of the Government.

What is next? A movie? A particular movie that just shocks us? A newspaper article we do not like?

What is next? What a precedent this will be.

Yes, ironically we may make Mr. Muhammad a rich, famous man, but we are doing the Constitution real damage.

Mr. Speaker, this vote calls on us to reconcile the necessity for tolerance in a diverse society with the freedoms guaranteed by the Bill of Rights.

Despite my strong opposition to Mr. Muhammad's reprehensible remarks, I will vote against the resolution.

As elected officials and leaders, we have a responsibility to fight intolerance and to speak out against expressions of bigotry. But our powers as the institution of Congress are subject to the Bill of Rights.

Any Member has an absolute right to make a 1-minute or take out a special order to condemn the Kean College speech or any other specific expression of bigotry and racism. "The remedy to be applied," Justice Brandeis once wrote, "is more speech, not enforced silence."

However, we would cross a constitutional line were we to vote official, congressional disapproval of this specific speech.

The resolution condemning the Kean College speech makes the Congress into an official ratings board, scanning the landscape for speeches to label "Condemned by Congress." If we officially condemn this one speech, how can we not condemn others? Will our silence in the face of future offensive speeches constitute tacit acquiescence? Will we condemn books and magazines next? Offensive movies? The racist or sexist comments of one another?

Government is not powerless in the face of racial, ethnic, or religious intolerance: hate crimes are subject to severe punishment, and have been raised to a high priority by both Federal and local authorities. Nevertheless, the Constitution limits Government's choice of weapons with which to fight intolerance. Where the intolerance we fight is expressed in words, the first amendment imposes limits: we cannot use the power of the Government to condemn speech, however offensive.

As Thomas Jefferson once said,

> We have nothing to fear from the demoralizing reasonings of some, if others are left free to demonstrate their errors and especially when the law stands ready to punish the first criminal act produced by the false reasonings.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Illinois [Mr. HYDE] has 16 minutes remaining, and the gentleman from California [Mr. LANTOS] has 6 minutes left.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 20 minutes be allotted, evenly divided between the two sides.

The SPEAKER pro tempore. Twenty minutes?

Mr. LANTOS. Ten minutes for each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LANTOS] will be recognized for an additional 10 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for an additional 10 minutes.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

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Mr. GILMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am honored to rise in support of House Resolution 343, legislation condemning the racist, anti-Catholic, and anti-Semitic speech of Khalid Abdul Muhammad, a senior representative of the nation of Islam. This resolution denounces all forms of racial, religious, and ethnic intolerance and I commend the distinguished gentleman from California [Mr. LANTOS], for introducing this resolution condemning bigotry and racism.

As an original cosponsor of House Resolution 343, I am pleased that my colleagues in the House of Representatives have this opportunity to discuss this important resolution.

It is highly important that we discuss this issue today. Racial intolerance within our communities, ethnic violence around the world, and religious persecution are frightening examples of the devastating affects of bigotry and fanaticism. It is for this reason that many of us in this body have found Khalid Abdul Muhammad's remarks so reprehensible.

Mr. Muhammad's rhetoric, made during his speech at Kean College on November 29, 1993, symbolized the hatred, contradicts the foundation of our great Nation, and threatens to destroy the very framework of our open society.

By preaching hatred, we incite and condone violence; by moralizing intolerance, we tolerate racism and bigotry; and by relying upon hateful rhetoric, we validate racial stereotypes.

Instead of slandering our brothers, we must unite. We must join against the forces that threaten to destroy our future. As the Rev. Martin Luther King, Jr., so eloquently said, "We must all learn to live together as brothers or we will all perish together as fools. That is the challenge of the hour." Reverend King's comments could not be truer today, than when he said them decades ago.

Mr. Speaker, this resolution does not abridge the rights of free speech but does condemn the content and substance of Khalid Abdul Muhammad's offensive remarks.

Accordingly, I urge my colleagues to support this important measure. For the passage of House Resolution 343 is a dramatic step in combating ethnic and religious intolerance that threatens the fabric of our society.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, it is troubling that bringing this resolution to the floor has caused some disagreement among us. Instead, this resolution should unite us.

You do not have to be Jewish to be outraged by Mr. Muhammad's justification of the Holocaust.

You do not have to be African-American to condemn his attack against those African-Americans who do not share his distorted views.

You do not have to be a lesbian or a gay man to reject his vicious smears against these individuals.

And you do not have to be Catholic to be offended by his obscene caricature of the Pope.

Mr. Speaker, this is not an issue of free speech.

Mr. Muhammad is free to say what he wishes.

But make no mistake—the American people—through us in this body as their elected Representatives—are free to condemn this kind of hate speech and reaffirm the true American values of tolerance and human dignity. And we must.

Please support the resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today to express support for House Resolution 343, condemning the hateful speech of Khalid Muhammad.

Mr. Speaker, I believe that no right is more basic and no freedom more greatly protected than the right to free speech. As an individual and a public official, I remain deeply committed to the idea that we are entitled to express our thoughts and our opinions, no matter how unpopular. This is clearly an issue of free speech.

But just as Mr. Muhammad is free to express his deeply wrong ideas, the rest of us are free to point out, clearly and unequivocally, how wrong he is. We are free to point out the tragedy that such unanswered vituperation leads to. And we are free to stand side by side with the individuals and groups Mr. Muhammad has maligned, and to say that his remarks will not go unanswered.

Mr. Speaker, sometimes it is not enough to stand against hatred and bigotry in the abstract. Sometimes one must acknowledge an act for what it is and condemn it. I believe Mr. Muhammad's speech was such a case, and I urge my colleagues to join me in supporting House Resolution 343.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I am proud to be a cosponsor of this resolution and to speak on its behalf, particularly because the vicious words that gave rise to it were uttered in my State of New Jersey and because Kahlid Abdul Muhammad is scheduled to speak Monday evening in my district at Trenton State College.

I have helped organize a vigil of conscience for Monday evening at a church near the college so that our local religious, civic, and academic leaders of all races and all faiths can reaffirm the message voiced here in the House today—that the vicious bigotry peddled by Muhammad and condoned by Louis Farrakhan has no place in America.

Farrakhan and Muhammad have reminded us that the United States is not immune from the religious and ethnic hatred that infects so much of the world. Americans of all religions and all colors must unite to fight this pestilence whenever and wherever it makes itself known.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I join in supporting this resolution. Let me explain why I think it is reasonable to single out Mr. Muhammad's speech from the welter of vicious nonsense that is out there. Unfortunately the auspices of that speech, and particularly Mr. Farrakhan's implicit affirmation of its substance, and I disagreed with its tone, but he said he could not repudiate its substance, so unfortunately, Mr. Speaker, that has given it an aura of respectability in some quarters. We are not talking now just about some raving lunatic. We are talking about a raving lunatic, but he is, unfortunately, not just a raving lunatic. He was a high-ranking representative of Mr. Farrakhan's movement, supported in his substance by Mr. Farrakhan, and that does, I think, require us to speak out.

I agree with those like the gentleman from Maryland who eloquently pointed out that we have not criticized others. I wish we would change the rule that immunizes Members of the U.S. Senate from ever being discussed by us. We can respond to anybody in the world except the U.S. Senate. That is a bad rule, but I do not allow that bad rule to say that we cannot respond to other cases, and the response and reception that Mr. Muhammad has been receiving on college campuses and the support he has gotten from Mr. Farrakhan justifies our saying that we think this is vicious nonsense.

It is not, from my standpoint, a perfect resolution. I wish it had included in the resolution reference to his antigay and lesbian remarks. I welcome the comments of many here who have added in their speeches condemnation of that homophobia, and I hope we will continue to work for recognition that homophobia has been as vindictive, and as vicious, and as dangerous in its negative effects on innocent people as other forms of prejudice, but I will not allow that to restrain me from also voting for this resolution. I will work for that when we have to deal with this again, and, if we do, then it will be broader.

Finally, Mr. Speaker, I do not regard this as in any way chilling. I will say to my colleagues it is hard to argue simultaneously that we have cured Mr. Muhammad and made him a big shot. I think, in fact, that, if one says terrible and vicious things, one has no right to silence them from people who think they were terrible and vicious. All we do today is to exercise our right of free speech in response to the free speech of Mr. Muhammad.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this resolution.

I would point out to my colleagues that there can be no excuse made for the remarks of Khalid Abdul Muhammad. Such blatant bigotry is abhorrent, and should be condemned by every Member of this House. The speech delivered at Kean College was hate-filled and racist. It is a stain on the ethnic, racial, religious, and cultural fabric of my home State, which enjoys a rich and progressive heritage.

In fact, I do not understand why Kean College, and New Jersey State education leadership have not more forcefully condemned this hateful tirade.

Make no mistake: Muhammad's speech should not only offend those targeted in Muhammad's tirade—it should offend the sensibilities of every intelligent man and woman in America. It is incumbent upon us to speak out against this ignorance and hate.

There is an aphorism, passed on from the legacy of the horrific genocide of the Holocaust:

> They came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

My colleagues, today we cannot afford to be silent. We must condemn the hate, the bigotry, and the violence advocated by Khalid Abdul Muhammad, today and always.

I am deeply troubled not only by the remarks of Muhammad—one man's ramblings which we can repudiate—but for the message of hate and divisiveness that goes to our young people, our children.

Among the most serious long-term problems facing our Nation, and each of our communities is bigotry, racial, and cultural enmity. The troubling increases we have seen in bias crimes and incidents of intolerance demonstrate this: Last year, more than 1,300 bias incidents were reported to the police in my own State of New Jersey. Countless more went unreported. In America and around the world, the politics of hate are seeing a resurgence.

We must take every step to stop this rise of ethnic, religious, and racial attacks. As we debate the problems of our country, and solutions—welfare reform, crime control, jobs—we must know that no solution can work if it does not get to the underlying hate and ignorance which we see all around us.

Let us move forward today, and begin by condemning the venom of Khalid Abdul Muhammad. Let us put this man behind us. But as we move forward, and work against the racial, religious, and ethnic discriminations of Muhammad's kind, let us never forget the sobering reminder of these remarks, and how large the job ahead of us is. We must all join hearts and hands for a brotherhood of Americans in our schools, in our neighborhoods, and in the workplace.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, in his Kean College speech, Mr. Khalid Abdul Muhammad urged racial genocide in South Africa, which has seen quite enough of that over the years, and used ugly, contemptuous language directed at lesbians and gay men and at Pope John Paul II.

But the greatest share of his venom, as is so often the case with spokesmen for the Nation of Islam, was reserved for that special favorite target: the Jews. Mr. Muhammad told his audience that Jews control the Government of the United States; that Jews are "the bloodsuckers of the black nation and the black community;" and, perhaps more chillingly, that the German Jews had brought Hitler's Holocaust on themselves. "They went in there, in Germany," Mr. Khalid explained, "the way they do everywhere they go, and they supplanted, they usurped * * * they had undermined the very fabric of society."

These remarks surely merit condemnation, and I was heartened to see, in the weeks since he made them, that they were condemned by a wide range of political, religious, and civil-rights leaders, including those of my colleagues who had the courage to speak out despite the large Nation of Islam following in their own districts.

At the same time, however, I am concerned that some of those condemnations may miss their true mark: the leader of the Nation of Islam, Minister Louis Farrakhan. We must not lose sight of the truth that Mr. Muhammad's most horrifying remarks, particularly his anti-Semitic rantings, come straight from the teachings of Minister Farrakhan himself.

It was Louis Farrakhan who, in 1985, asserted that "The Jewish lobby has a strangle-hold on Government * * *." It was Louis Farrakhan who told a college audience at Michigan State in 1990, that Jews were "sucking the blood of the black community." And it was Louis Farrakhan himself who implied that the Holocaust was a punishment the Jews had earned—and perhaps deserved again.

In a speech in Hartford, CT, in July 1992, just 19 months ago—I believe this is the first time this has been reported publicly—Louis Farrakhan said he told a group of rabbis the following:

> Instead of talking about Hitler so much, you should ask: Why did G-d permit that to happen? Was there a lesson to be learned, and have you learned it yet? Or maybe the lesson should be repeated?

Well, the entire world learned a lesson all right, and that lesson was never again to permit demagogues like Louis Farrakhan or Khalid Muhammad—or those who believe it is appropriate to imply that the leaders of African nations practice cannibalism—to go unchallenged.

Because history has taught us—in Germany and Mississippi and Crown Heights—that when decent men and women ignore expressions of bigotry and hatred, those expressions have consequences, and words become actions, and then it is too late.

It is important that all who hear this debate today—especially those who might want to find a good side to Louis Farrakhan—to understand that Mr. Muhammad may have been the messenger one night at Kean College, but it is the message of Louis Farrakhan, and the substantial following the demagogues of hate have found across our Nation, that must be the target of our condemnation.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to my colleague, the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Speaker, as an individual I condemn the statements which are the subject of this resolution. There may be no individual in this body who has spent a greater percentage of his life fighting racism and sexism in this country. I oppose this resolution not because I condone the speech; instead, I oppose it because it opens the door to a resolution of this kind every week, in fact, every day and every minute.

We have too much substantive work to do to deal with these kinds of issues on a daily and minute-by-minute basis. We have people who are hungry, illiterate, homeless, and jobless. We have budgets to approve and world conflicts to deal with. In the face of all this, I cannot believe that we are spending time to set a precedent, to take up on a regular basis, resolutions of this kind to condemn every lunatic who expresses views we disagree with, views we happen to feel are protected by the Constitution of this United States of America, the Mother of all democracies.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I rise in support of this resolution for many reasons. First and foremost is the fact that I believe we must speak out against racism.

There are those who have alluded to me that this is a first amendment matter, and that the gentleman who made these remarks has his first amendment rights to speak out even if we are not in agreement with those remarks. But by the same token, I think it is the responsibility of those of us who are well-thought and conscientious leaders of this society to exercise our first amendment rights and to speak out and to denounce such racism.

The prior speaker indicated that this Congress is certainly poised to deal with very important matters and should not take time out for some minutiae such as this. But I think that this is an important matter. It is not minutiae because the coalitions that we need in order to do things in this country between the black and Jewish communities and other communities would be jeopardized if we do not address the fact that we cannot continue to attack one another. We cannot live with one another and turn to one another until we respect one another, and certainly even Mr. Farrakhan came out and rebuked and reprimanded and repudiated his minister for these remarks.

I do not think there is any gainsaying the fact, Mr. Speaker, that these remarks were repugnant and vile. I just hope that in the future this Congress, and Senate, and the House, will take likewise the same kind of response to pernicious remarks made by other people, whether it is Senator HOLLINGS or anyone else who attacks the African-American community or other communities. I think that we should have a fair standard, a standard that is fair no matter who we are talking about.

So, Mr. Speaker, I applaud my colleague, the gentleman from California [Mr. LANTOS] for making this effort, and I think this should not be a disparagement on the Nation of Islam per se but certainly a repudiation of the remarks of this particular minister.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I represent the district where Khalid Abdul Muhammad's speech was delivered. As soon as I learned of his vicious remarks, I felt that it was incumbent upon me to speak out about his acrid and violent message of hate and bigotry.

Acts of bigotry and intolerance are on the rise throughout our country. The United States was founded with the promise that all would be welcome in our society. Our Nation is comprised of a wonderful mix of religious, ethnic, and racial groups, all of whom must work together if our union is to survive and prosper.

Mr. Muhammad's speech, in which he advocated hate, discord, and violence on the basis of race, religion, and ethnicity, serves only to foster the prejudice that is tearing at the fabric of our society. Earlier this year, I circulated a statement, signed by every member of the New Jersey delegation, condemning incidences of bias that have occurred within our State.

Mr. Speaker, this legislation is vitally important. We cannot be silent while national spokespersons preach these messages of hate. I urge my colleagues to vote "aye" on House Resolution 343.

Mr. LANTOS. Mr. Speaker, may I inquire as to how much time there is left on both sides?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. LANTOS] has 9 minutes remaining and the gentleman from Illinois [Mr. HYDE] has 18 minutes remaining.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague, the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for his leadership on this issue.

I would like to say initially to my friend, the gentleman from Maryland [Mr. MFUME], that if he wishes to lead an effort to change the rules such that he can speak directly on the subject of the remarks to which he addressed himself, he will have this Member's support. I find it offensive that a rule of the body in which I serve prevents him from making those statements on this floor.

Many eloquent things have been said today about the subject of the resolution offered by the gentleman from California [Mr. LANTOS]. Let me just add one thought. It is true that this resolution was prompted by the particular speech at Kean College, NJ, but it is not true that that is the only occasion on which these statements have been made, and that, therefore, by this action we call attention to a speech that is now over and has been remarked on and condemned by many all over this country. These remarks are happening every day all around this country.

The speech has been given at Kent State University in my northeast Ohio region just last week. I heard another Member say that the speech was going to be repeated at Trenton State College. It was going to be given at Columbus, OH, but that university had the presence of mind to cancel those remarks. It is happening all over this country.

The message we need to send today is that only is this speech abhorred but that we are going to follow them everywhere around the country and we are going to stand up to it everywhere these remarks occur.

Mr. Speaker, I would say to the sponsor of the resolution that during the recess I met with students from every public and private high school in my district, and I asked them what was the single thing they would like the most from their Member of Congress and from the adults in their community and from their parents, and they said to me, "Congressman, we want role models. We want people to stand up and say the difference between right and wrong."

Mr. Speaker, today we have a chance to be role models to the young people of this country, to stand up and say, "This is wrong. We know the difference between right and wrong, and everywhere wrong is spoken all over this country, we will stand up and be role models."

Mr. HYDE. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, it has been properly said this afternoon that there is no excuse for hatemongering. Neither is there any excuse, Mr. Speaker, for the U.S. Congress to stand silent and not condemn expressions of racism, anti-Catholicism, anti-Semitism and ethnic and religious intolerance. That is what we are called upon to do by this resolution.

Is there a place on our society for racism, for anti-Catholic and anti-Semitic remarks? I have to say there is. It is a price we pay for constitutionally protected rights. But, Mr. Speaker, because Mr. Muhammad can speak, it is all the more important that we, the Congress of the United States, stand up and condemn those remarks.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today to support the Lantos resolution, and to discuss a subject as painful as it is important.

Last November, Khalid Abdul Muhammad, a spokesman for the Nation of Islam gave a speech at Kean College in New Jersey. It is a speech we have heard before.

Mr. Muhammad described a nightmare; a world of enemies and conspiracies; a world of division and violence; a world divided by prejudice and bigotry.

He described the same world seen by the Klan; the same world defined by Nazi ideology. It is the sameness and familiarity that is so striking. Only the details change.

If Mr. Muhammad's particular fascination with Jews is even more disturbing, it is because blacks and Jews have always stood together in support of civil rights, equal opportunity, and concern for the underprivileged. We have always worked side by side, challenging our country to live up to its ideals. I know that my good friends in the Congressional Black Caucus, some of whom joined me last year on a trip to Israel, are every bit as outraged and pained by these statements as I am.

But our partnership will continue and grow stronger because the bonds and values that tie us together are stronger than the forces that would push us apart. Perhaps because blacks and Jews still contend with discrimination today, and with memories of even greater injustice in years gone by, we know the lesson of history: hatred, like its victims, knows no color or creed—it is a universal temptation that must be rejected, wholly and completely, at every opportunity, whatever the source.

And so, I have no doubt that, in the end, Mr. Muhammad's words will join all the others like it: the Nuremberg Laws, the Apartheid Codes, the Jim Crow Statutes. Lies can never sustain themselves, only our silence gives them substance and life.

That is why it is so important that we join together, black and white, Jew and Gentile, Protestant, Catholic and Moslem. That we join together in support of the truth.

When Martin Luther King, Jr. addressed our Nation from the steps of the Lincoln Memorial, he urged that we "not seek to satisfy our thirst for freedom by drinking from the cup of bitterness or hatred."

We should not have to learn this lesson anew every generation.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. I would like to thank my friend from California for bringing such an important issue to the floor of the House and for setting such a powerful example on the fight to protect civil rights for all people.

I find it particularly disturbing and offensive that anti-Semitism and bigotry should be on the rise again in a century that witnessed the Holocaust, the most horrific period of genocidal anti-Semitism the world has ever seen.

Yet, bias incidents and hate crimes have increased, and Congress must take a stand.

We should condemn hateful and bigoted statements, whether directed against blacks, Jews, Catholics, or any group. I am particularly disturbed that this speech occurred in my own State of New Jersey, but more so that as a result of that, there was an increase of one-third in just 1 year in bias incidents.

Now, I do not believe that the Kean College remarks represent the views of the majority of Americans. I truly believe that those who speak in the bigoted and hateful manner represent a small, albeit vocal, minority. The vast majority of Americans of all races, African-Americans, Anglo-Americans, Americans of all ethnicity, are good, caring people who believe they can work and live together in harmony.

But that does not mean that we should not be eternally vigilant, because even one incident of bigotry or anti-Semitism or racism anywhere, is a cause for condemnation and vigilance.

It is past time to erase the swastikas from our walls and smother the burning crosses on our lawns. My friends, join me in a simple condemnation of racism, anti-Catholicism, anti-Semitism, and ethnic or religious intolerance, wherever it may occur. Support H.R. 343.

Mr. HYDE. I am very pleased to yield 2 minutes to the distinguished gentleman from Connecticut [Mr. FRANKS].

Mr. FRANKS of Connecticut. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, when I was 9 years old, some white racists burned a cross on my front lawn. The Ku Klux Klan killed a dog on our lawn and placed a dead possum in our mailbox, simply because we dared to live in a certain section of Waterbury.

It was members of the Jewish community that helped our family during those very trying days against the racist Ku Klux Klan.

A Catholic priest at Sacred Heart High School helped me to be able to get a good high school education and helped me to be able to go on to Yale University. The remarks made by Mr. Muhammad and supported to a degree by Mr. Farrakhan were anti-white, anti-Catholic, and anti-Jewish. Yes, the Ku Klux Klan would hate blacks, Catholics, and Jews, while it seems like the Nation of Islam would hate whites, Catholics, and Jews.

Hatred and bigotry would be wrong regardless of the direction of the offense or the color of its victim. We as blacks cannot constantly point to others to explain why certain problems exist in our society. We must also look at ourselves.

I implore the Congressional Black Caucus not to utilize any of its taxpayer-supported resources aiding the efforts of the Nation of Islam. I heard from others that we have to appreciate the good done by the Nation of Islam. However, we must remember that there are thousands of people in jail today who have also done some good.

Hatred and bigotry cannot be tolerated, Mr. Speaker. Creating friction among the races is wrong. It is destructive, and it must not be condoned in any way.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Speaker, every single one of us in this Chamber I believe detests and decries the speech that we here consider. The suffering undergone by the people who are targets of this evil is incalculable. I condemn it. But there is a world of difference between myself condemning it and the U.S. Congress condemning it. There is only one thing that can make Mr. Muhammad's racist, hate-filled, bigoted speech worse; that is if the Congress now highlights, spotlights, and headlights his worthless prattle, and, in the process, drives us to take one small step backward from our commitment to the first amendment to the U.S. Constitution.

If this institution gets into the business of condemning citizens' speech, we will be condemning constantly anybody whittling away at the first amendment.

There are many eloquent champions of the first amendment, and maybe one of my favorite is Justice William O. Douglas, born and raised in my hometown. He said something about how you lose free speech that has always stuck with me. He says when the end of free speech comes in this country, it will not come as a curtain coming down instantaneously and dramatically. It will come incrementally, as the day ends to the night, in the twilight, bit by bit, inch by inch. What we see here is one little inch moving backward.

To those who would say this resolution does not infringe on free speech because it does nothing, I ask then, why do it at all? The reason it is proposed is because the official declaration of this national institution carries weight. It carries pressure. It carries warnings.

If free speech is not constitutionally protected, we shouldn't fiddle around with this resolution. We should make it a criminal offense and put the speaker in jail, a malicious harassment speech statute, like I proposed and helped adopt in the State of Washington. We should take warning from this resolution.

The warning is that we should be prepared to see no end to these condemnations. Voices will be heard. Why do we condemn the Caucasian citizen who spouts racist rhetoric and not the other? Let us not put this institution in the position of tacitly approving everything we do not condemn. This is a bad policy, it is a bad idea. It is bad business.

□ 1530

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a very difficult resolution for me. As it happens, virtually my father's entire family was murdered by Hitler when they were living in Poland. I have very strong feelings about anti-Catholicism or gay bashing or bigotry in general.

My concern lies, among other things, that when we have people like David Duke, a former Nazi, when we have all kinds of people in the United States ranting and raving about sending blacks back to Africa or all kinds of absurd bigotry, I do not see resolutions coming down on the floor of the House. They are ignored.

My concern also is that while virtually every Member of this body condemns the horrendous and stupid remarks that we are discussing today, I fear very much that the people who follow Mr. Muhammad or Mr. Farrakhan are not going to stay up too many nights worrying that the U.S. Congress has condemned them. In fact, I suspect that if we want to see that movement grow, probably we have given them a shot in the arm today.

To be condemned by the U.S. Congress in many communities of America is a step forward.

I think the most important point that I would make, however, is that if we are concerned, as we must be, as to why that type of movement is gaining a foothold in the United States, we should ask some questions as to why people respond to that type of garbage and what we might do about it.

If we want to defeat the Nation of Islam and bigotry and racism and anti-semitism, then most important, let us make the U.S. Congress begin to address the real problems facing the people in those communities.

My point is that in so many communities of America today, there is such hopelessness. There is such despair that people are responding to the worst kind of nonsense. If we want to defeat that anti-Semitism and that racism, then let us give hope to people in America today who have lost hope. Let us provide jobs for the jobless, housing for the homeless, food for the hungry.

Let us tell those people in those communities that the U.S. Congress can do more than just condemn certain statements, but we understand their needs. We are going to respond to their needs, and we are going to do the best that we can to improve their lives.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, one of the greatest needs I have encountered while discussing the issue of welfare reform with people in Pennsylvania is the need to go beyond public policy rhetoric—to address the reality of systemic and individual racism which still lingers and obstructs opportunity for reconciliation and advancement.

Unfortunately, at a time when our words should be healing and reconciling to complement and enhance the proposed public policy objectives, there are still people in prominent public roles whose words tear down and destroy.

When Khalid Muhammad refers to Jews as bloodsuckers, the Pope as a cracker and accuses the white establishment of inventing the AIDS virus to commit genocide on African-Americans, his words cause greater destruction than can be easily rebuilt. What concerns me even more, however, is the unwillingness of Louis Farrakhan to reject these statements and try to rebuild community and goodwill with his words.

The only way we are going to address the almost insurmountable problems facing our inner city communities—drug abuse, teen pregnancy, welfare dependency, and violence—is by rebuilding the community—from both inside and out. Many members of the Nation of Islam are actively trying to address these critical problems—but a community is built by both word and deed.

I support this resolution because its words, when affirmed by this body together, will be a small step toward rebuilding some of the damage caused by the statements made, and not disclaimed, by Khalid Abdul Muhammad. It is a rare opportunity to model reconciliation and community in a place known for discord and division.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, this is one of these "I was not intending to make a speech until I heard the remarks of my colleagues' speech."

Mr. Mohammad, a top ranking official to Mr. Farrakhan, is a private citizen. He is not an elected official and in any way connected to Government. His remarks are abhorrent, but I think that his right to express them is guaranteed by the first amendment.

I think this resolution, while I understand the intent and agree with the intent, puts the Congress in the awkward position of being a screening board. And I think it would set a precedent for Congress to review all speeches, all remarks that contain any racial, sexist, or inflammatory sentiments for any kind of condemnation. I wonder if this is going to spill over into newspapers, I come to the floor as a former editor of a weekly newspaper and coming from three generations of editors of newspapers, or books or magazines. There is already an arena in place for this type of condemning action that the resolution does propose, and I credit the gentleman from California [Mr. LANTOS] for proposing it.

As elected officials, Members of Congress have the responsibility to speak out against intolerance and expressions of bigotry. We have done this. This has been the appropriate forum.

With grave concern, I think we are setting a precedent that we should not set. I will vote no.

Mr. Speaker, I really see this as a free speech issue. Mr. Muhammad, a top-ranking official to Louis Farrakhan, is a private citizen. He is not an elected official or in any way connected to the Government. As abhorrent as his remarks were, his right to express these views in a public forum are guaranteed by the first amendment.

This resolution to condemn the speech puts the Congress in the awkward position of being a type of screening board. This would set a precedent for Congress to review all speeches or remarks containing inflammatory, racial, sexist, et cetera, sentiments for condemnation. Will this then spill over into books, magazines, newspapers?

There is an arena already in place for this type of condemning action that the resolution proposes. As elected officials, Members of Congress have the responsibility to speak out against intolerance and expressions of bigotry. The appropriate forum for this type of action in Congress, in my view, is 1 minutes and special orders and individual remarks. I strongly believe Members should make their opposition to these types of intolerant remarks be known—loud and clear. But, for Congress to officially condemn the speech across constitutional lines would set a dangerous precedent.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, this is a very close call, if looked at strictly in terms of the role of this House—the people's House. Should Congress be the grandnanny of America?

I think most of us would say "no." On the other hand, if good people do not stand up, bad people will poison the well of our representative democracy.

As one who was part of the Senate drafting team for the Civil Rights Act of 1964 and the Voting Rights Act of 1965, I remember who was often in the room besides the congressional staff and the floor leaders: Andrew Biemiller of the AFL–CIO; Clarence Mitchell of the National Association for the Advancement of Colored People; Joseph Rauh for the Leadership Conference on Civil Rights; David Brody of the Anti-Defamation League; James Hamilton of the National Council of Churches. Those were the people who for years had walked the Halls of the House and the Senate to secure the rights of all Americans. Black and white, Christians and Jews they worked inside to establish justice and to achieve what Martin Luther King sought so eloquently outside. They worked together in a grand coalition because what we were doing was right.

By passing this resolution will we make false heroes out of some of these sick bigots. Perhaps. Do we need to speak out once this resolution is before us?

We do.

I shall support the resolution.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am deeply troubled that we are considering this resolution to condemn the speech given by Khalid Abdul Muhammad at Kean College last November. I am troubled not because the speech does not deserve condemnation, but because that condemnation ought not to issue through an official action of the Congress of the United States.

The first amendment to the Constitution states that "Congress shall make no law * * * abridging the freedom of speech or of the press; or the right of the people peaceably to assemble * * *."

This resolution does not make law, so the first amendment proscription is not literally violated. However, because I believe that it violates the spirit and intent of what the Framers of the Constitution intended when they drafted the first amendment, I will vote no.

The Constitution is clear that it's not the Government's place to tell citizens what they should and should not say. While what we consider today is a resolution that does not have the force of law, I believe that this body should not undertake to censure any individual American for saying what he believes—however mistakenly—to be true.

The weight of what we as a body say, whether as law or the sense of the House of Representatives, is too great to selectively choose which individual's speech we want to condemn, and which we choose to ignore. There are far too many statements made every day that reach the same level of stupidity and perfidy to which Mr. Muhammad has aspired. Are we to spend all of our time as thought police monitoring what all Americans say and considering resolutions to condemn the speech of those we don't agree with or find offensive?

Mr. Muhammad's speech was a racist, anti-Semitic diatribe that I would hope all of us as individuals would condemn. But this institution has no place condemning the speech of Mr. Muhammad, or the speech of anyone else for that matter.

As Mr. Muhammad had the right to say what he did, so I urge all of my colleagues, as American citizens, to exercise their rights under the Constitution as individuals to condemn the hatred he has espoused. However, I also urge all of my colleagues, as Members of the House of Representatives, to refrain from putting the House on record in determining what speech is appropriate, and what is not, by voting no on this resolution.

Mr. HYDE. Mr. Speaker, since I believe the gentleman from California [Mr. LANTOS] only has one more speaker, if I may, I am pleased to yield 1 minute to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I want to rise to say that I am offended and think that I should speak out against the hatred, the bigotry, and the substance of which we condemn today, but I also want to say that I think we will do ourselves a disservice, those that have spoken out against the bigotry, which we may be the victims of, to use this House as a way to correct that.

I think the Constitution is too precious, too precious to even speak our views, to speak out against those who would be offended. I think as an offended citizen who feels that this indeed has been an offense to any civilized person, we must bear in mind that the first amendment is a very precious right, and that right should be protected.

Mr. Speaker, I urge Members, when we vote, to consider the right that America is very well known for; that is a right even for our enemy to condemn us in the most hateful way. This is America. I urge Members to support the first amendment.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me just say in summary that one of the great remarks made when our country was founded about this body is, "Here, sir, the people govern." We represent the people. We are a representative democracy. I do believe people of America, the good, decent people we represent, are affronted and offended by the venomous attacks made on people's religion, on their ethnicity, on their race, on their color, and I think we have every right to speak out institutionally, collectively, not to forbear the legal right to say what you say, but the moral right to say what they said. Nobody has the right to insult people, the moral right. They may have the legal right. They have the legal right.

We said, "Go ahead and burn the American flag." I resisted that, but if that is symbolic speech, certainly actual speech ought to be protected, and it is protected. However, we do not have to turn the other cheek and become accessories by silence, by inaction, ratify through inaction. Scripture tells us, "For every idle word, man must render an account." It is well said that for every idle silence, man should render an account. We should not remain silent even in the face of this egregious, poisonous, venomous attack on all that is decent in our land.

Speaking for the people, I am pleased not to forbid this language being uttered, it should be uttered if somebody is crazy enough to want to do that, but to condemn the lack of decency in its uttering.

Mr. Speaker, I yield whatever time I have remaining to the gentleman from California [Mr. LANTOS].

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman yields his remaining time to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Illinois [Mr. HYDE], for his statement and for his eloquent argument.

To close on our side, Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Speaker, I first want to commend my colleague, the gentleman from California [Mr. LANTOS] for bringing this resolution to the floor. We have heard, I think, one of the most interesting debates this House has engaged in since I have been a Member of this body. We have talked about symbols: On one hand, symbols of hatred, of division, derision, violence, and disrespect; on the other hand, this resolution, a symbol that can hopefully bring us back together.

As my colleague, the gentleman from Illinois [Mr. HYDE] said just before me, these symbols are important and we ought to consider their moral content. I think it is important for this Congress to take upon itself the responsibility of bringing clearly to the public's attention actions that abuse the respect and the dignity of human beings and fellow citizens in this country.

We are not passing laws to perpetrate any kind of action against the Nation of Islam and its members. We have not done anything but bring attention to the Nation that these symbols of hatred, division, and derision cannot be tolerated.

In 1838, Abraham Lincoln spoke these words:

> All the armies of Europe, Asia and Africa combined, with all the treasure of the earth in their military chest; with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years * * * If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide.

Mr. Speaker, if we do not stand up to these kinds of statements, if we do not make a symbol of this speech and say, "We cannot tolerate this kind of action in this country," we will surely die of suicide.

I support this resolution. I commend my colleague, the gentleman from California [Mr. LANTOS], for bringing it forward, and I ask my colleagues for their unequivocal support.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to conclude, let me say no one in this House is more committed to the first amendment than I am. As the only Member of Congress who lived under both a Fascist and a Communist police state, I treasure free speech beyond all. No one here attempts to deny the right of anyone to speak freely, but no one should deny the right of this body to condemn a speech of hatred and incitement to mass murder. That is what this body will do. That is what the other body did unanimously. We shall do no less.

Mr. FAZIO. Madam Speaker, I rise in strong opposition to the remarks made by Khalid Muhammad, aide to Nation of Islam Minister Louis Farrakhan, at Kean College in New Jersey last November. I found Mr. Muhammad's speech completely offensive. His remarks were obviously racist, anti-Semitic, bigoted, and homophobic—truly malicious.

In spite of my agreement with the spirit and intent of House Resolution 343, I am forced to acknowledge that it is not the job of Congress to evaluate and vote on personal expressions of bigotry and racism, no matter how offensive. Unfortunately, prejudice and intolerance always manage to rear their ugly heads. Congress could therefore devote entire days reacting to, rating and responding to the words of individuals like Mr. Muhammad.

We now have a President who values the diversity that is America, and who is totally committed to our ideals of equality, justice, and acceptance of and respect for all people, regardless of race, religion, gender, sexual preference or ethnicity. I would therefore like to think that, instead of re-visiting these same issues over and over again, each generation, we can focus on moving forward with our efforts to wipe out petty prejudices and intolerance.

Under this leadership, as Members of Congress, we can live up to our responsibility to stand up, to speak, and to be counted—not for the purpose of recognizing or validating or drawing even further attention to the rantings of the Muhammads of this world—but instead for reaffirming our beliefs in what we know to be fair, right, and good. It is this way that we can silence the voice of bigotry and intolerance—that we can work toward healing old wounds and becoming the America we can and should be.

Condemning and striking out are not enough. We have to have the foresight and commitment to follow through—to take the positive steps necessary to unite in our broad-based intolerance for all prejudice, hatred, and bigotry, regardless of to whom it is directed.

I in no way wish to associate myself with any approval whatsoever of Mr. Muhammad's remarks. And I do not believe that they are worthy of legislative action. Therefore, I find myself in the position of having to abstain from voting on what is a most unfortunate issue to come before the House.

Remarks like Mr. Muhammads are offensive and detrimental to all Americans. They serve only to promote hatred and intolerance—to inflame and divide. He has more than benefitted from the notoriety and visibility that we have already lavished on him. Neither his statement nor its author merit further time or attention from this body. We therefore need to move quickly and decisively, get him out of the spotlight, and put this issue behind us so that we can get on with the more important, relevant business of working together to run the country

Mr. FILNER. Mr. Speaker, when I came to Congress, I decided I was always going to vote my conscience.

As a Jew and a civil rights activist, I was sickened at the remarks of Khalid Abdul Muhammad. His litany of hate offends me deeply.

But as a Member of the U.S. Congress—an institution that is bound to preserve, protect, and defend the Constitution—I cannot in good conscience vote for an official congressional joint resolution restricting Mr. Muhammad's freedom of speech, as given to him by the first amendment. As a body of government, we must uphold the rights of all individuals, whether or not we agree with their stated beliefs.

I have condemned Mr. Muhammad's viciousness against Catholics, blacks, gays and lesbians, and Jews—and I do so again today. Our future as a nation lies in our celebration of diversity and our burying forever the evils of racism and anti-Semitism.

As a Member of Congress, I am sworn to protect the Constitution—a Constitution which has preserved our freedom and liberty for 200 years. Freedom of speech—no matter how abhorrent—is one of the bulwarks of our constitutional liberties. And Congress "shall make no law abridging the freedom of speech!"

Today we can condemn the vile remarks of Mr. Muhammad. But my question is, who will be next? Does a majority decide at any point what speech is abhorrent? That is exactly what the first amendment is all about—to protect us from going down this slippery slope. I vote today to protect that right!

Together, we can build a nation strong enough to withstand the racism of Mr. Muhammad. What our Nation cannot survive is the slow erosion of our basic freedoms.

Mr. DURBIN. Mr. Speaker, I have asked the sponsors of this resolution if there is any precedent in this Congress for condemning an American for statements he has made. Neither Mr. LANTOS nor Mr. HYDE can recall such a condemnation ever having been made in the history of this House.

Make no mistake, the statement of this extremist was reprehensible. His bigotry extended not only to Jewish-Americans but also to Catholic-Americans such as myself. His words truly represent outrageous hatemongering of the most vicious and violent nature.

As an American, I condemn the statement of Khalid Abdul Muhammad. However, I recognize his right to speak these awful words under the protection of the Constitution which I have sworn to uphold—even when the exercise of one's constitutional rights offends me deeply.

If the job of Congress is to condemn irresponsible speeches in America, then we have taken on a monumental task. We cannot stop with this speech in New Jersey nor with the rally recently organized by the Ku Klux Klan in my hometown of Springfield. To be consistent, we must monitor all speeches for these excesses.

This resolution, which sets a precedent for Government action against such outrageous speech, is a mistake. Let us spend our time attacking the causes of all bigotry in America and not attacking words of hatred, however painful they may be.

Mr. STOKES. Mr. Speaker, I rise today in strong support of House Resolution 343, condemning the remarks by Khalid Abdul Muhammad at Kean College in late November. I want to commend my colleague, Mr. LANTOS, for bringing this matter to the floor. All of us in this body recognize his strong record on human rights and defense of the oppressed. As a survivor of the Holocaust, Representative LANTOS knows the depth of suffering and how critical it is to denounce this type of bigoted speech anywhere and anytime.

Mr. Speaker, I recently had an occasion to speak on this subject before the Cleveland Chapter of the American Jewish Congress. In addressing this matter, I issued the following statement, which I would like inserted into the RECORD. I intend to vote in favor of this resolution and ask that my colleagues join in condemning these evil and vicious remarks.

CONGRESSMAN STOKES RESPONDS TO FARRAKHAN CONTROVERSY

Last year Rabbi Kamin and I wrote an oped piece which was published in the Cleveland Plain Dealer. The article was entitled, "Blacks and Jews Can Renew Their Old Alliance." In the article, we stated. "The personal and spiritual cooperation between blacks and Jews was a foundation of the nonviolent freedom movement of a generation ago, and in drawing from both communities, this unity symbolized the finest of American traditions." In that same article, we referred to what we described as "the rising flag of bigotry in America."

Fitting into this category is the recent speech made by Mr. Khalid Abdul Muhammad at Kean College in New Jersey. His remarks on this occasion were, as described by Congressman Kweisi Mfume, who spoke on behalf of the Congressional Black Caucus, "evil and vicious." More specifically, he described his remarks as "racist, sexist, antisemitic, anti-Catholic and homophobic."

I agree fully with that statement. I find Mr. Muhammad's words repugnant and antithetical to everything I believe in. As one who has dedicated his life to fighting racism and bigotry in any form in this country or wherever it exists, I found his speech obscene.

Now there exists some public misperception regarding a so-called "covenant" between the Congressional Black Caucus and the Nation of Islam. No such covenant exists nor has it ever existed.

During the Congressional Black Caucus Weekend, Chairman Kweisi Mfume, in an effort to reach out to the Nation of Islam to find ways to save youth from crime, drugs and violence, stated that we were establishing a "covenant" with the Nation of Islam. In a press conference this past week in Washington, DC, he confirmed the fact that there had never been a meeting of the Congressional Black Caucus to discuss the establishment of such a "covenant" and that represented his own effort to "reach out."

Minister Louis Farrakhan described his aide, Khalid Abdul Muhammad's speech as "vile and repugnant." Farrakhan has also called for a closed door summit of black leaders. There has been no discussion of such a meeting by members of the Congressional Black Caucus. There are many of us who have reservations about such a meeting and would not meet with him until he has openly and clearly disavowed his anti-semitic inferences and statements.

Lastly, we must continue to expose all who espouse hate in our society, but we must also get past the rhetoric and get to the real problems.

In an editorial in today's Washington Post (February 7, 1994) entitled, "The Farrakhan Furor," it says, "Finally, it is all too easy for white Americans to see and cite obligations for African-American leaders without understanding that these are their own obligations as well. We are speaking here not only of a duty to condemn comparable hateful talk when it is perpetrated by one of their own, but also of shared responsibility for creating an environment in which messages of scapegoating and spite cannot find resonance. Black and white leaders and citizens alike need to reject the diverting hatred. But that, in a way, may be the easier part. They must also pursue the essential purpose of eliminating the conditions in which such hatred can flourish."

Mr. GALLO. Mr. Speaker, my State prides itself on being the Garden State, but no one should make the mistake of thinking that it provides fertile ground for the kind of vile hatemongering that Khalid Abdul Muhammad has attempted to plant in New Jersey.

I commend the House for acting today to add its voice of condemnation to that of public officials in New Jersey, which include Governor Whitman and the bipartisan membership of the New Jersey congressional delegation.

Those of us from New Jersey, who had this venom spewn forth on our own soil, know that hate-filled diatribes like this must be met head on by men and women everywhere who believe in loving thy neighbor.

The only way America can hope to be true to the words of our founding document, "that all men are created equal," is to forcefully condemn the words and actions of those who seek to divide us, driven by bigotry, ignorance, hatred, and intolerance.

Thank you.

Mr. EMERSON. Mr. Speaker, I abhor the statement of Khalid Abdul Muhammad with every sense of outrage I possess. Let there be no mistake about that. Mr. Muhammad is a private citizen and is not a prominent individual. We should individually express our displeasure, horror, outrage, and shock at the sentiments Mr. Muhammad purveyed, but he is not an elected official or associated with Government. We cannot, the Congress cannot, be a screening board for the purpose of approving or disapproving the sentiments expressed by private citizens. As an individual Congressman I strongly personally repudiate the sentiments of Khalid Abdul Muhammad which are the subject of House Resolution 343.

Ms. NORTON. Mr. Speaker, I was not able to participate in the debate today on House Resolution 343—a resolution to condemn the bigoted speech given by Khalid Abdul Muhammad at Kean College on November 29, 1993. In a letter I sent to my constituents, I wrote that—

> I bring my view that all bigotry is the same from my own experiences growing up in segregated Washington, my work as a young person in the civil rights movement, and my professional life as a civil rights lawyer, former Chair of the New York City Human Rights Committee and former Chair of the Equal Employment Opportunity Commission. I remain a disciple of Dr. Martin Luther King, Jr. and wish more than ever for his leadership. The bigotry and insensitivity to groups other than one's own that we have seen in recent years are a challenge to me and to others to help revive King's teachings, and my own lifelong personal commitment as well, that anti-Semitism and bigotry of all kinds against religious and ethnic groups must be exposed and expunged.

I would like to place in the RECORD today remarks I made upon receiving the 1994 Civil Rights Leadership Award at the Dr. Martin Luther King Jr. Commemorative Observance at the Embassy of Israel on January 27, 1994.

> I accept with appreciation this civil rights leadership award at this special moment that cries out for civil rights leadership.
>
> The experience of being black in America has taught most of us how to respond when African Americans, the traditional and continuing targets of bigotry, are attacked or when there is even a whisper of insensitivity toward race. But too many have lost their voices or worse, engaged in apologias, when the targets were not ourselves.
>
> What is at stake is not the moral authority black people have historically brought to the great moral and human rights issues of the time. Too much of that authority has already been squandered in the failure to adequately communicate the indivisibility and reciprocity of human and civil rights. The traditional moral authority of the civil rights movement has not been entirely preserved. It must now be entirely reclaimed.
>
> It is African Americans who have set such high standards for judging bigotry and prejudice. No wonder others insist upon holding us to those standards. We cannot continue to allow large audiences in arenas and most of all on college campuses to hear unrebutted, raw bigotry of the kind that turned our stomachs when analogous stereotypes were spoken of blacks and galvanized the civil rights movement in the first place.
>
> There is special, tragic irony in anti-semitism in the black community in particular. American Jews have always been first in line for human rights in general and black civil rights in particular. How perverse it is to single out for bigoted references those who have always been our foremost allies in every step toward freedom that we have taken and in the legislation brought forward every day by the Congressional Black Caucus. Whether the words are casual references that remark on Jews or Catholics or others or whether they are plainly ignorant conspiracy theories, they need strong but careful rebuttal and thoughtful teaching.
>
> This is moral leadership that must be taken on with care. It is not sufficient to repudiate antisemitism. We must go further. We must take a leaf from the teachings of Martin Luther King, Jr. Without contributing to existing polarization, he found ways to approach with compassion those who hated blacks. In the same spirit, Black leadership must find constructive but candid, unadorned ways to reach those among us whose words betray their own lofty and principled heritage.
>
> In the name of that heritage, in the name of the great American civil rights movement that has always insisted that human rights is a universal principle judged by one and only one standard, I accept today's award as a worthy and urgent challenge.

Mrs. UNSOELD. Mr. Speaker, I joined with a minority of my colleagues in voting against House Resolution 343, a resolution to condemn the bigoted speech given by Khalid Abdul Muhammad at Kean College this past November. Few of the votes I have cast while serving in this body have been more troubling than this one.

Mr. Muhammad's speech was one of the most venomous, hate-filled diatribes I have ever read. As a long-time supporter of Israel, I was especially nauseated by the speech's anti-Semitic content. In addition, it attacked women, Catholics, gays, and lesbians all in language seemingly intended to stir the most vile emotions. Perhaps even more disturbing than the speech was the enthusiastic reception it received from the young, impressionable audience. It is indeed incumbent upon all Members of this body to loudly condemn such poison and do all we can to ensure that all who hear Mr. Muhammad's message have the knowledge and wisdom to see that his message is rejected.

However, as abhorrent as were Mr. Muhammad's remarks, I could not bring myself to support this resolution. As disgusting as his comments were, his right to free speech is protected by our Constitution.

My friends in the Jewish community have often told me of their efforts to fight hate while protecting the rights guaranteed to each and every American in the Constitution. They, like I was yesterday, are often confronted with the difficult dilemma of whether to safeguard the constitutional rights of despicable bigots or limit the claims of these hateful few from the protections given all Americans. To limit the rights of some is the beginning of the erosion of the rights of all. As vile and repulsive as Mr. Muhammad's ideas are, unfortunately, they fall into the category of protected speech.

While this resolution does not make law, I fear that it violates the principle and spirit of the first amendment. Our Nation's founders never thought that Government should be passing judgment on the speech of its citizens, however heinous those comments might be. The Congress must never take lightly its mandate to shield all citizens, whether we like them or not, from the tyranny which they themselves may espouse. This body should not put itself in such a position, but I fear that is what we have done with this resolution.

This is not to say that we should let such malevolent talk occur without condemnation. Elie Wiesel once said that "Indifference is the epitome of evil." To permit Mr. Muhammad's speech to pass unnoticed would provide fertile ground for the seed of his hate to grow.

As an American who believes deeply in the principles upon which this country was founded, I denounce Mr. Muhammad's diatribe and urge all Americans to reject his loathsome ideas. Those of us in the Congress must individually use our positions to condemn such divisive and revolting comments. However, our institution cannot afford to give in to the passions released by such hate-filled speech, and collectively pass judgment as a Government as to what speech to condemn, and which to not.

Mr. SHAW. Mr. Speaker, I rise to denounce the repugnant statements made by Khalid Abdul Mohammad of the Nation of Islam. The resolution we will approve today correctly condemns these vile statements as racist, anti-Catholic and anti-Semitic. I commend Mr. LANTOS, the author of this resolution and himself a victim of the Nazi Holocaust, for bringing this before the House of Representatives.

Last year we witnessed a great moment in our country's history, the opening of the Holocaust Museum in Washington, DC. This museum is dedicated to the memory of those who died in the Nazi Holocaust, which remains a living memory for millions of Americans, and especially Jewish-Americans. On one of the museum's walls is inscribed a reminder of the danger of silence in the face of outrageous lies. It bears repeating:

> First they came for the socialists, and I did not speak out—because I was not a socialist.
>
> Then they came for the trade-unionists, and I did not speak out—because I was not a trade-unionist.
>
> Then they came for the Jews, and I did not speak out—because I was not a Jew.
>
> Then they came for me—and there was no one left to speak for me.—Reverend Martin Niemoller, 1937.

All who value truth understand that the Holocaust was born of racist and bigoted thoughts. Those who wrongly believe there is merit in comments such as Mr. Mohammad's fail to recognize our resolve to state the truth, again and again. We have not forgotten the lessons of our century.

Let this be our challenge—to vocally oppose those who cast lies as truth. Today we speak for our country in condemning false charges based not on fact, but on hatred alone. This challenge demands our eternal vigilance, a duty from which we as Americans must never shrink.

The SPEAKER pro tempore. All time has expired.

Pursuant to the order of the House of Tuesday, February 22, 1994, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 34, answered "present" 29, not voting 9, as follows:

[Roll No. 29]

YEAS—361

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)

Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (TX)
Fingerhut
Fish
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thurman
Torkildsen
Torres
Torricelli
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—34

Abercrombie
Clay
Dellums
Dooley
Durbin
Edwards (CA)
Emerson
Fields (LA)
Filner
Gonzalez
Hamburg
Inslee
Kanjorski
Kleczka
Kopetski
Mazzoli
McKinney
Miller (CA)
Payne (NJ)
Penny
Roberts
Rush
Sanders
Skaggs
Stark
Swift
Synar
Thompson
Towns
Unsoeld
Valentine
Washington
Waters
Watt

ANSWERED "PRESENT"—29

Becerra
Beilenson
Bonior
Clayton
Collins (MI)
Condit
Dornan
Fazio
Ford (MI)
Ford (TN)
Hughes
LaRocco
Lewis (CA)
McCloskey
McDermott
Mfume
Murphy
Orton
Pastor
Rose
Sawyer
Schroeder
Strickland
Studds
Stupak
Tanner
Thomas (CA)
Traficant
Williams

NOT VOTING—9

Andrews (TX)
Flake
Goodling
Hastings
Hilliard
Kennedy
Smith (OR)
Thornton
Wilson

☐ 1609

Mr. BEVILL changed his vote from "nay" to "yea."

Messrs. TRAFICANT, ROSE, SAWYER, and CONDIT, Mrs. SCHROEDER, and Messrs. HUGHES, STUPAK, and LEWIS of California changed their vote from "yea" to "present."

Mr. BECERRA changed his vote from "nay" to "present." Ms. McKINNEY changed her vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1610

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE RESOLUTION 343, EXPRESSING THE SENSE OF CONGRESS ON A SENIOR REPRESENTATIVE OF THE NATION OF ISLAM

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the clerk be directed to correct the engrossment of House Resolution 343 to reflect the correct spelling of "Khalid Abdul Muhammad."

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just approved.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR CONSIDERATION OF SENSE-OF-THE-HOUSE RESOLUTION

The SPEAKER pro tempore. For what purpose does the gentleman from Maryland rise?

Mr. MFUME. Mr. Speaker, I rise to ask unanimous consent to bring before the House a sense-of-the-House resolution condemning the racist and offensive comments attributed to a notable resident of the State of South Carolina.

The SPEAKER pro tempore. Under the Speaker's guidelines, the gentleman is not recognized to offer the resolution.

Mr. MFUME. May I ask the Speaker what the guidelines state?

The SPEAKER pro tempore. The Speaker has announced a policy of conferring recognition for unanimous consent requests for the consideration of unreported bills and resolutions only when assured that the majority and minority floor and committee leadership have no objection.

PARLIAMENTARY INQUIRY

Mr. MFUME. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MFUME. Mr. Speaker, would it be proper and in order to seek unanimous consent to waive the rule that the Speaker just read to the body?

The SPEAKER pro tempore. No, it would not be proper.

It is the policy of the Speaker that recognition for unanimous consent requests will not be conferred under the Speaker's guidelines.

Mr. MFUME. I thank the Speaker.

GOALS 2000; EDUCATE AMERICA ACT

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system to skill standards and certifications; and for other purposes", with a Senate amendment thereto and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment.

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—Titles I through IV of this Act may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

Sec. 101. Purpose.
Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

Sec. 201. Purpose.
Sec. 202. National education goals panel.
Sec. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.
Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

Sec. 211. Purpose.
Sec. 212. National Education Standards and Improvement Council.
Sec. 213. Duties.
Sec. 214. Annual reports.
Sec. 215. Powers of the council.
Sec. 216. Administrative provisions.
Sec. 217. Director and staff; experts and consultants.
Sec. 218. Opportunity-to-learn development grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 231. Authorization of appropriations.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Sec. 301. Findings.
Sec. 302. Purpose.
Sec. 303. Authorization of appropriations.
Sec. 304. Allotment of funds.
Sec. 305. State applications.
Sec. 306. State improvement plans.
Sec. 307. Secretary's review of applications; payments.
Sec. 308. State use of funds.
Sec. 309. Subgrants for local reform and professional development.
Sec. 310. Availability of information and training.
Sec. 311. Waivers of statutory and regulatory requirements.
Sec. 312. Progress reports.
Sec. 313. National leadership.
Sec. 314. Assistance to the outlying areas and to the Secretary of the Interior.
Sec. 315. Clarification regarding State standards and assessments.
Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

Sec. 401. Public schools.
Sec. 402. Construction.
Sec. 403. Kalid Abdul Mohammed.
Sec. 404. Prohibition on Federal mandates, direction, and control.
Sec. 405. School prayer.
Sec. 406. Daily silence for students.
Sec. 407. Funding for the Individuals With Disabilities Education Act.
Sec. 408. National Board for Professional Teaching Standards.
Sec. 409. Forgiveness of certain overpayments.
Sec. 410. Study of Goals 2000 and students with disabilities.
Sec. 411. Mentoring, peer counseling and peer tutoring.
Sec. 412. Content and performance standards.
Sec. 413. State-sponsored higher education trust fund savings plan.
Sec. 414. Amendments to summer youth employment and training program.
Sec. 415. State and local government control of education.
Sec. 416. Protection of pupils.
Sec. 417. Contraceptive devices.
Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in schools.

TITLE V—NATIONAL SKILL STANDARDS BOARD

Sec. 501. Short title.
Sec. 502. Purpose.
Sec. 503. Establishment of National Board.
Sec. 504. Functions of the National Board.
Sec. 505. Deadlines.
Sec. 506. Reports.
Sec. 507. Authorization of appropriations.
Sec. 508. Definitions.
Sec. 509. Sunset provision.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

Sec. 601. Short title; statement of purpose.
Sec. 602. Safe schools program authorized.
Sec. 603. Eligible applicants.
Sec. 604. Applications and plans.
Sec. 605. Use of funds.
Sec. 606. National leadership.
Sec. 607. National cooperative education statistics system.
Sec. 608. Coordination of Federal assistance.
Sec. 609. Effective date.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

Sec. 621. State leasership activities to promote safe schools program.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Sec. 701. Short title.
Sec. 702. Grants for midnight basketball league training and partnership programs.
Sec. 703. Public housing midnight basketball league programs.

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

Sec. 801. Purpose.
Sec. 802. Findings.
Sec. 803. Provisions.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 911. Repeal.
Sec. 912. Office of Educational Research and Improvement.
Sec. 913. Savings provisions.
Sec. 914. Field readers.

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

Sec. 921. International Education Program.

SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. 931. National Occupational Information Coordinating Committee.

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. 941. Short title.
Sec. 942. Statement of purpose.
Sec. 943. Program authorized.
Sec. 944. Allotments of funds.
Sec. 945. State application.
Sec. 946. Local application.
Sec. 947. Participation of private schools.
Sec. 948. Program requirements.
Sec. 949. Federal administration.
Sec. 950. Authorization of appropriations.

SUBPART 4—MEDIA INSTRUCTION

Sec. 951. Media instruction.

SUBPART 5—STAR SCHOOLS

Sec. 961. Star schools.

SUBPART 6—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. 971. Office of Comprehensive School Health Education.

SUBPART 7—MINORITY-FOCUSED CIVICS EDUCATION

Sec. 981. Short title.
Sec. 982. Purposes.
Sec. 983. Grants authorized; authorization of appropriations.
Sec. 984. Definitions.
Sec. 985. Applications.

PART C—DEFINITIONS

Sec. 991. Definitions.

TITLE X—PARENTS AS TEACHERS

Sec. 1001. Findings.
Sec. 1002. Statement of purpose.
Sec. 1003. Definitions.
Sec. 1004. Program established.
Sec. 1005. Program requirements.
Sec. 1006. Special rules.
Sec. 1007. Parents As Teachers Centers.
Sec. 1008. Evaluations.
Sec. 1009. Application.
Sec. 1010. Payments and Federal share.
Sec. 1011. Authorization of appropriations.
Sec. 1012. Home instruction program for preschool youngsters.

TITLE XI—GUN-FREE SCHOOLS

Sec. 1101. Short title.
Sec. 1102. Gun-free requirements in elementary and secondary schools.

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1201. Short title.
Sec. 1202. Findings.
Sec. 1203. Definitions.
Sec. 1204. Nonsmoking policy for children's services.
Sec. 1205. Technical assistance.
Sec. 1206. Federally funded programs.

Sec. 1207. Report by the Administrator.
Sec. 1208. Preemption.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of teaching and learning in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on United States education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;

(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "assessment" means the overall process and instrument used to measure student attainment of content standards, except that such term need not include the discrete items that comprise each assessment;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the term "intergenerational mentoring program" means a program that—

(A) matches adult mentors, with a particular emphasis on older mentors, with elementary and secondary school age children for the purposes of sharing experience and skills;

(B) is operated by a nonprofit organization or governmental agency;

(C) provides opportunities for older individuals to be involved in the design and operation of the program; and

(D) has established, written mechanisms for screening mentors, orienting mentors and proteges, matching mentors and proteges, and monitoring mentoring relationships;

(7) the terms "interoperable" and "interoperability" refers to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM disks, and video and audio tapes, or other technologies.

TITLE I—NATIONAL EDUCATION GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish National Education Goals.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares the National Education Goals are as follows:

(1) SCHOOL READINESS.—

(A) GOAL.—By the year 2000, all children in America will start school ready to learn.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

(A) GOAL.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

(A) GOAL.—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

(A) GOAL.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

(A) GOAL.—By the year 2000, every adult United States citizen will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.

(B) OBJECTIVES.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) PARENTAL PARTICIPATION.—

(A) GOAL.—By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the Goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) GOAL.—By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) OBJECTIVES.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals;

(3) periodically reviewing the goals and objectives described in title I and recommending adjustments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

(3) four Members of the Congress, of whom—

(A) one member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

(B) one member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—

(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to

be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:

(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson from among the members described in paragraph (2) of subsection (b).

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments or systems of assessments, and opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by such Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) FORM; DATA.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the members of the Goals Panel.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or exercise any of the duties or powers of a member of the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

(B) If a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the "Groups") to improve the methods of assessing the readiness of all children for school.

(b) ACTIVITIES.—The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 211. PURPOSE.

It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;

(2) certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

(A) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

(A) are aligned with and support State content standards certified by such Council; and

(B) are valid, reliable, and fair when used for their intended purposes.

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").

(b) COMPOSITION.—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and

(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) NOMINATIONS.—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

(3) REPRESENTATION.—To the extent feasible, the membership of the Council shall—

(A) be geographically representative of the United States and reflect the diversity of the United States with respect to race, ethnicity, gender and disability characteristics; and

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) TERMS.—

(1) IN GENERAL.—Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) INITIAL TERMS.—The President shall establish initial terms for members of 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council away from the home or regular place of business of the member.

(k) OFFICERS.—The members shall select officers of the Council from among the members. The officers of the Council shall serve for 1-year terms.

(l) CONFLICT OF INTEREST.—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS; VOLUNTARY NATIONAL STUDENT PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

(ii) before applying such criteria, forward such criteria to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS; VOLUNTARY STATE STUDENT PERFORMANCE STANDARDS.—The Council may certify challenging State content standards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—

(1) IN GENERAL.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all stu-

dents a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) Requirement.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) Elements addressed.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards and the voluntary national student performance standards certified by the Council.

(4) Additional duties.—In carrying out this subsection, the Council shall—

(A) identify what other countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward such criteria to the Goals Panel for approval.

(5) Recommendations and coordination.—The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for each grant awarded under section 218; and

(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) Approval.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) Voluntary State Opportunity-To-Learn Standards.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

(1) describe the conditions of teaching and learning necessary for all students to have a fair opportunity to learn; and

(2) address the elements described in section 213(c)(3).

(e) Assessments.—

(1) In general.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary basis by a State or group of States if such assessment or system of assessments—

(i) is aligned with such State's or group of States' challenging State content standards certified by the Council;

(ii) involves multiple measures of student performance; and

(iii) provides for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation.

(B) Assessments or systems of assessments shall be certified for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward such standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(2) Implementation.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

(iii) Before utilizing the criteria described in clause (i), the Council shall forward such criteria to the Goals Panel for approval.

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i)(I) is aligned with a State's or a group of States' challenging State content standards, if such State or group has challenging State content standards that have been certified by the Council; and

(II) will support effective curriculum and instruction;

(ii) is to be used for a purpose for which such assessment or system is valid, reliable, fair, and free of discrimination; and

(iii) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.

(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) Performance of Duties.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessments or systems of assessments; and

(6) periodically recertify, as appropriate, the voluntary national content standards, the voluntary national student performance standards, and the voluntary national opportunity-to-learn standards.

(g) Construction.—Nothing in this Act shall be construed to—

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification.

SEC. 214. ANNUAL REPORTS.

Not later than 1 year after the date the Council concludes its first meeting, and each year thereafter, the Council shall prepare and submit a report regarding its work to the President, the Secretary, the appropriate committees of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) Hearings.—

(1) In general.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) Location.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student per-

formance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) INFORMATION.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

(1) IN GENERAL.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry out other functions necessary to the performance of the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Council, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel of such department or agency to the Council to assist the Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.

(a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers, especially teachers involved in the development of content standards, and related services personnel;

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations;

(M) representatives of advocacy groups; and

(N) secondary school students.

(b) APPLICATIONS.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) AWARD CONSIDERATION.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. FEDERAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal departments or agencies.

(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

(2) PLAN REQUIREMENTS.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act.".

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the 'Office').

"(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology (hereafter in this section referred to as the 'Director'), through the Office, shall—

"(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

"(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) PERSONNEL.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.

"(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.".

(c) COMPENSATION OF THE DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Educational Technology.".

SEC. 224. USES OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State and local governments may rely for decision-making about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.

SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-

Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section:

"SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter.".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated $1,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

(d) LEADERSHIP IN EDUCATIONAL TECHNOLOGY.—There are authorized to be appropriated $5,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part C.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.

The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders, must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

(11) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the work force as well as to higher education;

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

(1) improve the quality of education for all students by supporting a long-term, broad-based effort to provide coherent and coordinated improvements in the system of education throughout our Nation at the State and local levels;

(2) provide new authorities and funding for our Nation's school systems;

(3) not replace or reduce funding for existing Federal education programs; and

(4) ensure that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $400,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out this title.

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and

(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State educational agency's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) MAINTENANCE OF EFFORT.—Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) SUPPLEMENT NOT SUPPLANT.—Each recipient of funds under this title, may use the proceeds of an allotment received under this title only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the activities assisted under this title.

SEC. 305. STATE APPLICATIONS.

(a) APPLICATION.—

(1) IN GENERAL.—Each State educational agency that desires to receive an allotment under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) ADDITIONAL INFORMATION.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed, under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State educational agency's application for the first year of assistance under this title shall—

(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

(c) SUBSEQUENT YEARS.—A State educational agency's application for the second year of assistance under this title shall—

(1) cover the second through fifth years of the State's participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 306, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with section 309(a), and how such agency will use such funds received under this title for education preservice programs and professional development activities in accordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legislature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and

(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) APPOINTMENT.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

(3) REPRESENTATION.—The membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender and disability characteristics.

(4) CONSULTATION.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.

(5) OUTREACH.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children's advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State's student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) PROCEDURE AND APPROVAL.—The panel shall develop a State improvement plan, provide opportunity for public comment, and submit such plan to the State educational agency for approval.

(7) SUBMISSION.—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) MATTERS NOT UNDER THE JURISDICTION OF THE STATE EDUCATIONAL AGENCY.—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) MONITORING; REVISIONS; REPORTING.—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State's system of teacher and school administrator preparation and licensure, and of continuing professional development programs, includ-

ing the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.

(e) ACCOUNTABILITY AND MANAGEMENT.—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe comprehensive strategies to involve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) BENCHMARKS AND TIMELINES.—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.

(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) APPROVAL OF PLAN.—The Secretary shall approve a State improvement plan if—

(A) such plan is submitted to the Secretary not later than 2 years after the date the State educational agency receives its first allotment under section 304(b); and

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

(i) reflects a widespread commitment within the State; and

(ii) holds reasonable promise of helping all students.

(3) DISAPPROVAL.—The Secretary shall not disapprove a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise such plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) REVIEW.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) PREEXISTING STATE PLANS AND PANELS.—

(1) IN GENERAL.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—

(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

(B) such plan ensures broad-based input from various education, political, community, and other appropriate representatives.

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs (1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial year application under section 305(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its State improvement plan and will implement such plan not later than the end of the second year of participation; and

(2) the application meets the other requirements of this title.

(c) PAYMENTS.—For any fiscal year for which a State has an approved application under this title, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) FIRST YEAR.—In the first year for which a State educational agency receives an allotment under this title, such agency—

(1) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $200,000,000, shall use at least 75 percent of such allotted funds to award subgrants—

(A) to local educational agencies for the development or implementation of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities consistent with the State improvement plan and in accordance with section 309(b);

(2) if the amount appropriated pursuant to the authority of section 303 for such year is equal to or greater than $100,000,000, but less than $200,000,000, shall use at least 50 percent of such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1);

(3) if the amount appropriated pursuant to the authority of section 303 for such year is less than $100,000,000, may use such allotted funds to award subgrants described in subparagraphs (A) and (B) of paragraph (1); and

(4) shall use any such allotted funds not used in accordance with paragraphs (1), (2), and (3) to develop, revise, expand, or implement a State improvement plan described in section 306.

(b) SUCCEEDING YEARS.—Each State educational agency that receives an allotment under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such allotment funds in each such year to make subgrants—

(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

(2) shall use the remainder of such allotted funds for State activities designed to implement the State improvement plan, such as—

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs; and

(L) collecting and analyzing data; and

(M) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs.

(c) Limit on Administrative Costs.—A State educational agency that receives an allotment under this title in any fiscal year shall use not more than 4 percent of such allotment in such year, or $100,000, whichever is greater, for administrative expenses, which administrative expenses shall not include the expenses related to the activities of the panel established under section 306(b)(1).

(d) Special Rule.—Any new public school established under this title—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) Subgrants to Local Educational Agencies.—

(1) In general.—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

(B) Each subgrant described in subparagraph (A) shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) Application required.—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations, and others, as appropriate, and is approved by the local educational agency, including any modifications the local educational agency deems appropriate;

(B) includes, in the application submitted for the second year of participation, a comprehensive local improvement plan for school district-wide education improvement, directed at enabling all students to meet high academic standards, including specific goals and benchmarks, and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that focus on helping all students meet high academic standards and that address each element of the local educational agency's local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

(E) describes how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) Monitoring.—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.

(4) Authorized activities.—A local educational agency that receives a subgrant under this subsection—

(A) in the first year such agency receives the subgrant shall use—

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet high academic standards.

(b) Subgrants for Preservice Teacher Education and Professional Development Activities.—

(1) In general.—(A) Each State educational agency, through a competitive, peer review process, shall make subgrants to a local educational agency, or a consortium consisting of local educational agencies, institutions of higher education, or nonprofit education organizations, or any combination thereof, in order to—

(i) improve preservice teacher and related services personnel education programs in accordance with the State improvement plan; and

(ii) support continuing, sustained professional development activities for educators in accordance with the State improvement plan.

(B) Each State educational agency awarding subgrants under subparagraph (A) shall give priority to awarding such subgrants to—

(i) a local educational agency or consortium serving a greater number or percentage of disadvantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers' knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

(C) In order to be eligible to receive a subgrant described in subparagraph (A), a consortium shall include at least 1 local educational agency.

(2) APPLICATION.—A local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) AUTHORIZED ACTIVITIES.—A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school district level that equip such individuals with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) SPECIAL AWARD RULES.—

(1) IN GENERAL.—(A) Each State educational agency shall award at least 65 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(B) At least 50 percent of the subgrant funds made available by a local educational agency to individual schools under subsection (a) in any fiscal year shall be made available to schools with a special need for assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(2) WAIVER.—The State educational agency may waive the requirement of paragraph (1)(A) if such agency does not receive a sufficient number of applications from local educational agencies in the State to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in the State improvement plan described in section 306 for the training of teachers and administrators in private schools located in the geographical area served by such agency.

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;

(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) TIMELINESS.—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—

(A) IN GENERAL.—Each waiver under this section may be for a period not to exceed 5 years.

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act.

(4) The Emergency Immigrant Education Act of 1984.

(5) The Drug-Free Schools and Communities Act of 1986.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) RESULTS-ORIENTED ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

(1) on the State's progress in meeting the State's goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds awarded under such paragraph; and

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY.—

(1) TECHNICAL ASSISTANCE.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

SEC. 313. NATIONAL LEADERSHIP.

(a) TECHNICAL ASSISTANCE AND INTEGRATION OF STANDARDS.—From funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school im-

provement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

(B) such projects are appropriate for a wide range of diverse circumstances, localities (including both urban and rural communities), and populations.

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—

(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

(i) is to be used for some or all of the purposes described in section 213(e)(1)(B); and

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and

(B) such agency, organization or consortium—

(i) examines the validity, reliability, and fairness of such assessment or system, for the particular purposes for which such assessment or system was developed; and

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

(c) DATA AND DISSEMINATION.—The Secretary shall—

(1) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.

SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—

(1) IN GENERAL.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) INAPPLICABILITY OF PUBLIC LAW 95–134.—The provisions of Public Law 95–134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and challenging standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least 1½ percent of the amount appropriated pursuant to such authority or $75,000, whichever is greater.

(3) DURATION.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) PLAN REQUIREMENTS.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) REPORTS.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State's progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State's long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.

Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to supersede the provisions of section 103 of the Department of Education Organization Act;

(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;

(3) to mandate limitations or class size for a State, local educational agency or school;

(4) to mandate a Federal teacher certification system for a State, local educational agency or school;

(5) to mandate teacher instructional practices for a State, local educational agency or school;

(6) to mandate equalized spending per pupil for a State, local educational agency or school;

(7) to mandate national school building standards for a State, local educational agency or school;

(8) to mandate curriculum content for a State, local educational agency or school; and

(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.

It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 405. SCHOOL PRAYER.

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State of local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately $10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the Board is" and inserting "contributions described in subsection (f) are"; and

(3) by amending subsection (f) to read as follows:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

"(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal contributions described in paragraph (1)—

"(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

"(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.".

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appropriations Act, 1993, to Colfax County, New Mexico under section 1005 of the Elementary and Secondary Education Act of 1965, and any other allocations or grants for such fiscal year resulting from such allocation to such county under any program administered by the Secretary of Education, shall be deemed to be authorized by law; and

(2) in any program for which allocations are based on fiscal year 1993 allocations under section 1005 of such Act, the fiscal year 1993 allocations under such section deemed to be authorized by law in accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section, in carrying out section 1403(a) of the Elementary and Secondary Education Act of 1965 for fiscal year 1994, the amount allocated to Colfax County, New Mexico under section 1005 of such Act for fiscal year 1993 shall be deemed to be the amount that the Secretary determines would have been allocated under such section 1005 had the correct data been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DISABILITIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) DEFINITION.—For purposes of this section, the term "children with disabilities" has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improvement plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) STUDY PANEL MEMBERSHIP.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) FINDINGS AND RECOMMENDATIONS.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) FUNDING.—From such accounts as the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a focus on results is an important direction for education reform, it is the sense of the Senate that States should develop their own content and performance standards in academic subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to meet the higher education costs of their children;

(2) an effective way to encourage those savings is through State-sponsored higher education trust fund savings plans; and

(3) an effective way for the Federal Government to assist such plans is to amend the Federal tax laws to provide that—

(A) no tax is imposed on the earnings on contributions to the plans if the earnings are used for higher education costs,

(B) State organizations sponsoring the plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-deductible and are distributed to recipients on a pro rata basis.

SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting "academic enrichment" after "remedial education,".

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

"(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) Basic and Remedial Education.

"(B) Preemployment and Work Maturity Skills Training.

"(4) INTEGRATION OF WORK AND LEARNING.—

"(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general competencies with the development of academic skills.

"(B) CLASSROOM TRAINING.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.".

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

"(e) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.".

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

"(c) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under section 253(c).".

(b) TRANSFER OF FUNDS TO YEAR ROUND PROGRAM.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) FINDINGS.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96-88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education;

(5) The establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies;

(6) Public Law 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States;

(7) Public Law 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, now therefore

(b) REAFFIRMATION.—The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the "National Skill Standards Act of 1994".

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled front-line work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(C) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(D) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(E) by workers, to—

(i) obtain certifications of their skills to protect against dislocation;

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the work force;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to be offered by the providers and educators;

(H) by Government, to evaluate whether publicly funded training assists participants to meet skill standards where such standards exist and thereby protect the integrity of public expenditures; and

(I) to facilitate linkages between other components of the work force investment strategy, including school-to-work transition and job training programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members (appointed in accordance with paragraph (3)), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities, women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) EX OFFICIO NONVOTING MEMBERS.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) TERM.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such subparagraphs—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(6) VACANCIES.—Any vacancy in the National Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority vote, shall elect a Chairperson once every 2 years from among the members of the National Board.

(B) INITIAL CHAIRPERSON.—The first Chairperson of the National Board shall be elected, by a majority vote of the National Board, from among the members who are representatives of business (as described in subparagraph (E) of subsection (b)(1)) and shall serve for a term of 2 years.

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1) and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3).

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board not to exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) GIFTS.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) TERMINATION OF THE COMMISSION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONS.—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) ESTABLISHMENT OF VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

(i) have expertise in the area of work force skill requirements; and

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, persons with disabilities, or older persons.

(3) EXPERTS.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATIONS.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

(C) meet additional objective criteria that are published by the National Board.

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act", 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national student performance standards developed pursuant to section 213; and

(III) the requirements of high performance work organizations.

(B) A voluntary system of assessment and certification of the attainment of skill standards developed pursuant to subparagraph (A), which—

(i) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests;

(ii) includes methods for establishing the validity and reliability of the assessment and certification system for the intended purposes of the system; and

(iii) has been developed after taking into account relevant methods of assessment and certification used in other countries.

(C) A system to disseminate information relating to the skill standards, and the assessment and certification systems, developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems), and to promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title shall submit an application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) SPECIAL RULE REGARDING ASSISTANCE FOR VOLUNTARY PARTNERSHIPS.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) CRITERIA FOR BOARD CONSIDERATION.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) RECOMMENDATIONS TO THE SECRETARY OF LABOR.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) STARTUP COSTS.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) DEFINITION.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and

(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 508. DEFINITIONS.

As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) REPEAL.—This title is repealed on September 30, 1998.

(b) REVIEW OF REPEAL.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Safe Schools Act of 1994".

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

SEC. 603. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this part, a local educational agency shall demonstrate in the application submitted pursuant to section 604(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools,

to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. 605. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e–1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such

agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "and assisted" after "public";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa–8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teachers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher's ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students, occurring on school premises, in order to create an environment conducive to learning.

(b) SHARED INFORMATION.—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) PARENTAL RESPONSIBILITY.—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.

(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.

(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

(a) PURPOSES; COMPOSITION; DEFINITIONS.—

(1) PURPOSES.—The purposes of the Office of Educational Research and Improvement are to—

(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;

(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) COMPOSITION.—

(A) IN GENERAL.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);

(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—

(i) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The Assistant Secretary shall serve as an ex officio member.

(ii) QUALIFICATIONS.—

(I) IN GENERAL.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) CONSIDERATION.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.

(III) RECOMMENDATIONS.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) TERM.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) PROHIBITION REGARDING REMOVAL.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member's term.

(III) CHAIRPERSON.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) QUORUM.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) STAFF.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and assigned at the direction of the Advisory Board.

(iv) RESPONSIBILITIES.—The Advisory Board shall provide oversight of the Office, and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this section by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research topics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) COMMITTEES AND REPORTS.—

(I) IN GENERAL.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Advisory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) DEFINITIONS.—For the purposes of this section—

(A) the term "Advisory Board" means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term "development" means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term "dissemination" means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public;

(E) the term "education research" includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term "field-initiated research" means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term "Indian reservation" means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10));

(H) the term "Office", unless otherwise specified, means the Office of Educational Research and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term "technical assistance" means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;

(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research; and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) OPEN COMPETITION.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) ASSISTANT SECRETARY.—

(A) IN GENERAL.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary, and involving Indian and Alaska Native researchers and educators in activities that relate to the education of Indian and Alaska Native people;

(ii) ensure that the selection of research topics and the administration of the program are free from partisan political influence;

(iii) develop directly, or through grant or contract, standards and guidelines for research, programs and activities carried out through the Office;

(iv) establish a long- and short-term research agenda in consultation with the Advisory Board; and

(v) review research priorities established within each directorate and promote research syntheses across the directorates.

(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student's achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modifications or changes to the 6-year plan, and additions to the 6-year plan.

(4) SECRETARY.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and

(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) DIRECTOR.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) RESEARCH SYNTHESES.—The Assistant Secretary shall provide for and promote research syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) DUTIES.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agreements with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and nonprofit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses that provide research knowledge related to each level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) RESERVATIONS.—

(A) FIELD-INITIATED RESEARCH.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) NATIONAL RESEARCH CENTERS.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than $1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant's primary researchers for the purpose of evaluating the appropriateness of such primary researchers' experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers' time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.

(5) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) NATIONAL DIRECTORATE ON CURRICULUM, INSTRUCTION, AND ASSESSMENT.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge;

(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and inservice training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;

(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) NATIONAL DIRECTORATE ON THE EDUCATIONAL ACHIEVEMENT OF HISTORICALLY UNDERSERVED POPULATIONS.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;

(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools located on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.

(f) NATIONAL DIRECTORATE ON EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

(1) effective teaching and learning methods, and curriculum;

(2) instruction that considers the cultural experiences of children;

(3) access to current materials in libraries;

(4) family literacy and parental involvement in student learning;

(5) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(6) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(7) teacher training;

(8) readiness to learn, including topics such as prenatal care, nutrition, and health services;

(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decisionmaking and other innovative school

structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 443 of the General Education Provisions Act;

(4) the social organization of schooling and the inner-workings of schooling;

(5) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(8) the amount of dollars allocated for education that are actually spent on classroom instruction;

(9) the organization, structure, and finance of vocational education;

(10) disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(11) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau of Indian Affairs;

(12) approaches to systemic reforms involving the coordination of multiple policies at the local, State, and Federal levels of government to promote higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in the management and governance of schools and the education of their children; and

(15) other topics relevant to the mission of the directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION, LITERACY AND LIFELONG LEARNING.—The Assistant Secretary shall establish and operate a National Directorate on Adult Education, Literacy and Lifelong Learning. The directorate established under this subsection is authorized to conduct research on—

(1) learning and performance of adults, and policies and methods for improving learning in contexts that include school-to-work, worker retraining, and second-language acquisition;

(2) the most effective training methods for adults to upgrade education and vocational skills;

(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or professional employees of the Office as the Assistant Secretary considers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS-15 under section 5332 of title 5, United States Code.

(2) REAPPOINTMENT.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) SELECTION PROCEDURES AND FELLOWSHIPS.—

(1) SELECTION PROCEDURES.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) FELLOWSHIPS.—

(A) PUBLICATION.—The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(B) COMPETITION.—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional educational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds $38,000,000, the Assistant Secretary may use the amount in excess of $38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds $2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term "regional educational laboratory" means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described in paragraph (4)(B)(vi) and needs related to standard-driven education reform;

(C) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(D) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(E) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(F) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(G) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(H) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(I) bring teams of experts together to develop and implement school improvement plans and strategies;

(J) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(K) coordinate such laboratory's activities with the directorates assisted under this section in designing such laboratory's services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the direction of a governing board, the members of which—

(i) are representative of that region; and

(ii) include teachers and education researchers.

(B) DUTIES.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems;

(v) conduct a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(vi) prioritize the needs of economically disadvantaged urban and rural areas within the region and ensure that such needs are served by the regional educational laboratory.

(5) APPLICATION.—Each entity desiring support for a regional educational laboratory shall submit to the Assistant Secretary an application that contains such information as the Assistant Secretary may reasonably require, including assurances that a regional educational laboratory will address the activities described in paragraph (3).

(6) ADDITIONAL PROJECTS.—In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to subsection (q)(4), is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) SPECIAL RULE.—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) PLAN.—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) CONTRACT DURATION.—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories are carried out in such a manner that the expiration of the laboratory contracts is consistent with the reauthorization cycle.

(10) REVIEW.—The Assistant Secretary shall review the work of each regional educational laboratory in the third year that such laboratory receives assistance under this subsection, and shall evaluate the performance of such laboratory's activities to determine if such activities are consistent with the duties described in paragraph (3).

(11)± CONSTRUCTION.—Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding the date of enactment of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system of the Department of Education.

(13) COORDINATION.—The regional education laboratories shall work collaboratively, and coordinate the services such laboratories provide, with the technical assistance centers authorized under the Elementary and Secondary Education Act of 1965.

(l) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(1) FINDINGS.—The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) USE OF FUNDS.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) STIPENDS.—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) COORDINATION.—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) REPORT.—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—

(1) IN GENERAL.—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dissemination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) DUTIES.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;

(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be approved through the program effectiveness panel, but may be provided directly through the State facilitators. In addition, the National Diffusion Network may disseminate other information available through the Office of Education Dissemination and Reform Assistance established under subsection (m) through the National Diffusion Network.

(o) NATIONAL EDUCATION LIBRARY.—

(1) ESTABLISHMENT.—There shall be established a National Library of Education at the Department of Education (hereafter in this subsection referred to as the "Library") which shall—

(A) be a national resource center for teachers, scholars, librarians, State, local, and Indian tribal education officials, parents, and other interested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on education;

(ii) dissemination and exchange of scientific and other information important to the improvement of education at all levels; and

(iii) improvement of educational achievement.

(2) MISSION.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) FUNCTIONS.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;

(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS-15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—

(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(A) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) APPROPRIATIONS OF $70,000,000 OR LESS.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is $70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(C) APPROPRIATIONS GREATER THAN $70,000,000.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is greater than $70,000,000—

(i) at least 30 percent of such amount shall be available to carry out subsection (d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 10 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) SPECIAL RULE.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) TEACHER RESEARCH DISSEMINATION DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relating to the National Diffusion Network State Facilitators.

(6) NATIONAL EDUCATION LIBRARY.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) ADMINISTRATION OF FUNDS.—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) EXISTING CONTRACTS AND GRANTS.—

(1) SPECIAL RULE.—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) FUNDING.—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

SEC. 913. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Educational Research and Improvement, or by or against any individual in the official capacity of such individual as an officer of the Office of Educational Research and Improvement, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Educational Research and Improvement relating to a function of such Office under this title may be continued by the Office of Educational Research and Improvement with the same effect as if this title had not been enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.".

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—

(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) ASSESSMENT AND INFORMATION.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) INTERNATIONAL EDUCATION EXCHANGE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) RESERVATIONS.—In carrying out the program described in subparagraph (A), the Secretary shall reserve in each fiscal year—

(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

(ii) 50 percent of such amount for economic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) NUMBER.—The Secretary shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Secretary shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) ACTIVITIES.—The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as *The Federalist Papers*, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) PRINTER MATERIALS AND PROGRAMS.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription "A gift from the American people to the people of (insert name of country)".

(5) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND INFORMATION.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) INTERNATIONAL EDUCATION EXCHANGE.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, licensing rates, and awards of high school graduate equivalency diplomas (GED), each State board for higher education shall develop a data collection system the results of which can be integrated into the occupational information system developed under this section.".

Subpart 3—Elementary Mathematics and Science Equipment Program

SEC. 941. SHORT TITLE.

This subpart may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 942. STATEMENT OF PURPOSE.

It is the purpose of this subpart to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

SEC. 943. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 944 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

SEC. 944. ALLOTMENTS OF FUNDS.

(a) IN GENERAL.—From the amount appropriated under section 950 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

(b) ALLOTMENT.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of the State educational agency's allotment under subsection (b) for that year.

(d) DEFINITION.—For the purposes of this subpart the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) DATA.—The number of children aged 5 to 11, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

SEC. 945. STATE APPLICATION.

(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this subpart shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) provide assurances that—

(A) the State educational agency shall use the allotment provided under this subpart to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this subpart;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

SEC. 946. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this subpart only once.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(c); and

(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 949. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this subpart.

SEC. 950. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) GRANTS AUTHORIZED.—The Secretary shall enter into a contract with an independent nonprofit organization described in subsection (b) for the establishment of a national multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) DEMONSTRATED EFFECTIVENESS.—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

Subpart 5—Star Schools

SEC. 961. STAR SCHOOLS.

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking "greater" and inserting "lesser".

Subpart 6—Office of Comprehensive School Health Education

SEC. 971. OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "Office of the Secretary" and inserting "Office of Elementary and Secondary Education"; and

(2) by adding at the end the following new paragraph:

"(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.".

(b) TRANSITION.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the "Minority-Focused Civics Education Act of 1994".

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) AWARD RULE.— In awarding grants under this subpart, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subpart.

SEC. 984. DEFINITIONS.

For purposes of this subpart—

(1) the term "eligible entity" means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term "State higher education agency" means the officer or agency primarily responsible for the State supervision of higher education.

SEC. 985. APPLICATIONS.

(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE X—PARENTS AS TEACHERS

SEC. 1001. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.

"(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

"(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

"(II) parents who have limited or unsuccessful formal schooling.

"(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

"(C) For the purpose of this paragraph—

"(i) the term 'Home Instruction Program for Preschool Youngsters' means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

"(I) provides support, training, and appropriate educational materials, necessary for parents to implement a school-readiness, home instruction program for the child; and

"(II) includes—

"(aa) group meetings with other parents participating in the program;

"(bb) individual and group learning experiences with the parent and child;

"(cc) provision of resource materials on child development and parent-child learning activities; and

"(dd) other activities that enable the parent to improve learning in the home;

"(ii) the term 'limited or unsuccessful formal schooling' means the—

"(I) completion of secondary school with low achievement during enrollment;

"(II) noncompletion of secondary school with low achievement during enrollment; or

"(III) lack of a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate;

"(iii) the term 'near poor families' means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

"(iv) the term 'working poor families' means families that—

"(I) have family members—

"(aa) who are working; or

"(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

"(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).".

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Gun-Free Schools Act of 1994".

SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994".

SEC. 1202. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.—The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.—The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 1204(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

House amendment to Senate amendment: In lieu of the language contained in the Senate amendment, insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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PART A—NATIONAL EDUCATION GOALS

Sec. 111. Purpose.
Sec. 112. National education goals.

PART B—NATIONAL EDUCATION REFORM, LEADERSHIP, STANDARDS, AND ASSESSMENTS

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Sec. 121. Purpose.
Sec. 122. National Education Goals Panel.
Sec. 123. Duties.
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SUBPART 3—AUTHORIZATION OF APPROPRIATIONS

Sec. 145. Authorization of appropriations.

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Sec. 212. Assistant Secretary for Educational Research and Improvement.
Sec. 213. Savings provision.
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PART E—NATIONAL LIBRARY OF EDUCATION

Sec. 251. Establishment within Office of Educational Research and Improvement.

TITLE III—SAFE SCHOOLS ACT OF 1994

Sec. 301. Safe schools program authorized.
Sec. 302. Eligible applicants.
Sec. 303. Applications and plans.
Sec. 304. Grants and use of funds.
Sec. 305. National leadership.
Sec. 306. Reports.
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TITLE I—GOALS 2000: EDUCATE AMERICA ACT

SEC. 101. PURPOSE.

The purpose of this Act is to provide a framework for meeting the National Education Goals established by title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of learning and teaching in the classroom and in the workplace;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform and lifelong learning;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on American education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards and to succeed in the world of employment and civic participation;

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students will be expected to achieve;

(C) providing for the establishment of high quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children enabling them to participate fully as workers, parents, and citizens; and

(E) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans;

(7) stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills; and

(8) assisting every elementary and secondary school that receives funds under this Act to actively involve parents and families in supporting the academic work of their children at home and in providing parents with skills to advocate for their children at school.

PART A—NATIONAL EDUCATION GOALS

SEC. 111. PURPOSE.

The purpose of this title is to establish national education goals.

SEC. 112. NATIONAL EDUCATION GOALS.

The Congress declares that the National Education Goals are the following:

(1) SCHOOL READINESS.—(A) By the year 2000, all children in America will start school ready to learn.

(B) The objectives for this goal are that—

(i) all children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in America will be a child's first teacher and devote time each day to helping his or her preschool child learn, and parents will have access to the training and support they need; and

(iii) all children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—(A) By the year 2000, the high school graduation rate will increase to at least 90 percent.

(B) The objectives for this goal are that—

(i) the Nation must dramatically reduce its dropout rate, and 75 percent of those students who do drop out will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) By the year 2000, all students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

(B) The objectives for this goal are that—

(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each level will more closely reflect the student population as a whole;

(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

(v) the percentage of all students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—(A) By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) The objectives of this goal are that—

(i) every State will establish opportunity-to-learn standards and create an integrated strategy to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented workforce of professional educators to teach challenging standards;

(ii) subgrants for preservice teacher education and professional development activity will be made to local educational agencies, institutions of higher education, private nonprofit organizations, or consortia of such organizations, to support continuing, sustained, professional development activities for all educators; and

(iii) partnerships shall be established, whenever possible, between local educational agencies, institutions of higher education, local labor, business, and professional associations to provide and support programs for the professional development of educators, particularly in the area of emerging new technologies in education.

(5) MATHEMATICS AND SCIENCE.—(A) By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) The objectives for this goal are that—

(i) math and science education, including the metric system of measurement, will be strengthened throughout the system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) The objectives for this goal are that—

(i) every major American business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

(iv) the proportion of those qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

(7) SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS.—(A) By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

(B) The objectives for this goal are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime;

(iii) every school district will develop a comprehensive K-12 drug and alcohol prevention education program. Drug and alcohol curricula should be taught as an integral part of health education. In addition, community-based teams should be organized to provide all students and teachers with needed support; and

(iv) every school district will develop and implement a policy to ensure that all schools are free of weapons and violence.

(8) SCHOOL AND HOME PARTNERSHIP.—(A) By the year 2000, every school and home will engage in partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

(B) The objectives for this goal are that—

(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, bilingual, or disabled;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision making at school;

(iii) every home will be responsible for creating an environment of respect for education and providing the physical and emotional support needed for learning; and

(iv) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

PART B—NATIONAL EDUCATION REFORM, LEADERSHIP, STANDARDS, AND ASSESSMENTS

Subpart 1—National Education Goals Panel

SEC. 121. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals; and

(3) reviewing the voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for their certification, and the criteria for the certification of State assessments by the National Education Standards and Improvement Council with the option of disapproving such standards and criteria not later than 60 days after receipt from such Council.

SEC. 122. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (referred to in this Act as the "Goals Panel") to advise the President, the Secretary, and the Congress.

(b) COMPOSITION.—The Goals Panel shall be composed of eighteen members (referred to in this part as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with each appointing representatives of his or her respective political party, in consultation with each other;

(3) four Members of Congress appointed as follows—

(A) one member appointed by the majority leader of the Senate from among the Members of the Senate;

(B) one member appointed by the minority leader of the Senate from among the Members of the Senate;

(C) one member appointed by the majority leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member appointed by the minority leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom not more than two may be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—(1) The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint three individuals and the Vice Chairperson shall appoint five individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint five individuals and the Vice Chairperson shall appoint three individuals.

(2) If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of subsection (b)(4), prior to the date of enactment of this title, then the members serving on such panel shall be deemed to be in compliance with subsections (b) and (c) and shall not be required to be reappointed pursuant to such subsections.

(3) To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(d) TERMS.—The terms of service of members shall be as follows:

(1) Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) Members appointed under subsection (b)(2) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every two years.

(3) Members appointed under subsection (b) (3) and (4) shall serve a term of two years.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than sixty days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when ten members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(i) CHAIRPERSON.—From among the members, the President shall appoint the Chairperson who shall serve a one-year term and shall alternate between political parties.

(j) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content, student performance, or opportunity-to-learn standards may not participate in Goals Panel consideration of such standards.

(k) EX OFFICIO MEMBER.—If the President has not appointed the Secretary of Education as 1 of the 2 members he appoints pursuant to subsection (b)(1), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

SEC. 123. DUTIES.

(a) DUTIES.—The Goals Panel shall—

(1) report to the President, the Secretary, and the Congress regarding the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual report;

(2) report on State opportunity-to-learn standards and the progress of States in meeting such standards;

(3) review, after taking into consideration the public comments received pursuant to section 136, with the option of disapproving by a two-thirds majority vote of the full membership not later than 60 days after receipt of the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments, and opportunity-to-learn standards; and

(B) voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) REPORT.—(1) The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

(A) report on the progress of the United States toward achieving the National Education Goals;

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals and State opportunity-to-learn standards; and

(C) report on State opportunity-to-learn standards and the progress of States in meeting such standards.

(2) Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 124. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—(1) The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content and student performance standards, assessments, and opportunity-to-learn standards.

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) USE OF FACILITIES.—The Goals Panel may, with consent, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, or of any State or political subdivision thereof.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—(1) The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Goals Panel to help it compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

SEC. 125. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 126. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Goals Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—(1)(A) The Director may appoint not more than four additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under paragraph (1)(A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) The Director may appoint additional employees to serve as staff to the Goals Panel consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in its duties under this part.

SEC. 127. EARLY CHILDHOOD ASSESSMENT.

(a) GENERAL.—(1) The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (referred to in this section as the Groups) to improve the methods of assessing the readiness of children for school that would lead to alternatives to currently used norm-referenced early childhood assessments.

(2) The Groups shall—

(A) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including a model of school readiness that addresses a broad range of early childhood developmental needs;

(B) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(C) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(b) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(c) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

Subpart 2—National Education Standards and Improvement Council

SEC. 131. PURPOSE.

The purpose of this part is to establish a mechanism to—

(1) certify and regularly review voluntary national content and student performance standards that define what all students should know and be able to do;

(2) certify content and student performance standards submitted by States on a voluntary basis, if such standards are of equal or higher quality to the voluntary national content and student performance standards certified by the National Education Standards and Improvement Council;

(3) certify and regularly review voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content and student performance standards certified by the National Education Standards and Improvement Council;

(4) certify opportunity-to-learn standards submitted by States on a voluntary basis, if such standards are of equal or higher quality as compared with the voluntary national opportunity-to-learn standards; and

(5) certify assessment systems submitted by States on a voluntary basis, if such systems are aligned with State content standards certified by the National Education Standards and Improvement Council and if such systems are valid, reliable, and consistent with relevant, nationally recognized, professional and technical standards for assessment when used for their intended purposes.

SEC. 132. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Standards and Improvement Council (referred to in this title as the "Council").

(b) COMPOSITION.—The Council shall be composed of twenty members (referred to in this part as "members") who shall be appointed as follows:

(1) 8 members (2 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the President;

(2) 4 members (1 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the Speaker of the House of Representatives, in consultation with the majority and minority leaders of the House;

(3) 4 members (1 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate; and

(4) 4 members (1 from each of subparagraphs (A) through (D) of subsection (c)(1)) shall be appointed by the National Education Goals Panel.

(c) QUALIFICATIONS.—(1) The members of the Council shall include—

(A) 5 professional educators, including elementary and secondary classroom teachers, preschool educators and other school-based professionals, local district or State administrators, related service personnel, and other educators;

(B) 5 representatives of business and industry, organized labor, and postsecondary educational institutions, including at least 1 representative of postsecondary educational institutions, at least 1 representative of organized labor, and at least 1 representative of business who is also a member of the National Skill Standards Board;

(C) 5 representatives of the public, including representatives of advocacy, civil rights and disability groups, parents, civic leaders, and local and State education policymakers (including State, local, or tribal school boards); and

(D) 5 education experts, including experts in measurement and assessment, curriculum, school finance and equity, and school reform.

(2) To the extent feasible, the membership of the Council shall be geographically representative of the United States and reflect the diversity of the United States with regard to race, ethnicity, gender, and disability characteristics.

(3) One-third of the Council shall consist of individuals with expertise in the educational needs of children who are from low-income families, minority backgrounds, have limited-English proficiency, or have disabilities.

(d) TERMS.—(1) Members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

(2) The Council shall establish by lot initial terms for individuals of one, two, or three years in order to establish a rotation in which one-third of the members are selected each year.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) INITIATION.—The Council shall begin to carry out the duties of the Council under this part when all 20 members have been appointed.

(g) RETENTION.—In order to retain an appointment to the Council, a member must attend at least two-thirds of the scheduled meetings of the Council in any given year.

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members of the Council who are not regular full-time employees of the United States may, while attending meetings or hearings of the Council, be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) CONFLICT OF INTEREST.—(1) A member of the Council may not concurrently serve as a member of the Goals Panel.

(2) Section 208 of title 18 of the United States Code shall apply to members of the Council except that, for the purposes of making written determinations under subsection (b)(1), the Government official responsible for the appointment of any member of the Council is deemed to be the Director of the Office of Government Ethics.

(3) A member of the Council who resides in a State which has developed standards and assessments may not participate in Council consideration of such standards and assessments.

(k) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(l) OFFICERS.—The members of the Council shall select officers from among its members. The officers of the Council shall serve for one-year terms.

SEC. 133. DUTIES.

(a) VOLUNTARY NATIONAL CONTENT STANDARDS.—(1) The Council shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content and student performance standards using the criteria developed under paragraph (2)(A)(i), that define what all students should know and be able to do;

(C) forward such voluntary national content and student performance standards to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership not later than 60 days after receipt of such standards; and

(D) develop a process for regularly reviewing any national voluntary content, student performance, and opportunity-to-learn standards that have been certified.

(2)(A) The Council shall—

(i) identify and develop criteria to be used for certifying the voluntary national content and student performance standards; and

(ii) before applying such criteria, forward them to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership not later than 60 days after receipt of such criteria.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best in the world;

(ii) the extent to which the proposed content and student performance standards reflect the best available knowledge about how all students learn and about how the content area can be most effectively taught;

(iii) the extent to which the proposed content and student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, advocacy groups, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content and student performance standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS.—The Council may certify content and student performance standards presented on a voluntary basis by States, using the criteria developed under subsection (a)(2)(A)(i), if such standards are of equal or higher quality to the voluntary national content and student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—(1) The Council shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills set out in the voluntary national content standards certified by the Council.

(2) The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies, including distance learning, to all students;

(B) the capability of teachers to provide high-quality instruction to meet diverse learning needs in each content area to all students;

(C) the extent to which teachers, principals, and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity to learn;

(F) the extent to which schools utilize policies, curricula, and instructional practices which ensure nondiscrimination on the basis of gender; and

(G) other factors that the Council deems appropriate to ensure the students receive a fair opportunity to achieve the knowledge and skills described in the voluntary content and student performance standards certified by the Council.

(3) In carrying out this subsection, the Council shall—

(A) identify what countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national and State opportunity-to-learn standards and, before applying such criteria, forward them to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership not later than 60 days after receipt of such criteria.

(4) The Council shall assist in the development of the voluntary national opportunity-to-learn standards developed by the consortium under section 139 by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for the award made under section 139 and

(B) coordinating with the consortium receiving an award under section 139 to ensure that the opportunity-to-learn standards the consortium develops are appropriate for the needs of all students, are of high quality, and are consistent with the criteria developed by the Council for the certification of such standards.

(5) The Council shall forward the voluntary national opportunity-to-learn standards it certifies to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such standards by a two-thirds majority vote of the full membership not later than 60 days after receipt of such standards.

(d) Voluntary State Opportunity-to-Learn Standards.—The Council may certify opportunity-to-learn standards submitted voluntarily by a State, using the criteria developed under subsection (c)(3)(B), if such standards are of equal or higher quality as compared to the voluntary national opportunity-to-learn standards.

(e) General Provision Regarding Voluntary National Standards.—The Council may certify voluntary national content, student performance, and opportunity-to-learn standards if such standards are sufficiently general to be used by any State without restricting State and local control of curriculum and prerogatives regarding instructional methods to be employed.

(f) Assessments.—(1)(A) The Council may certify an assessment system that is submitted voluntarily by a State, using the criteria developed under paragraph (2)(A), if such system is aligned with the State's content standards certified by the Council.

(B) Assessment systems shall be certified by the Council for the purposes of—

(i) informing students, parents, teachers, and related services personnel about the progress of all students toward the standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected of all students, including the identification of student performance standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(C) The Council shall certify an assessment system only if—

(i) the State has established or adopted opportunity-to-learn standards;

(ii) such system will not be used to make decisions regarding graduation, grade promotion, or retention of students for a period of five years from the date of enactment of this Act; and

(iii) the State has submitted—

(I) a description of the purposes for which the assessment system has been designed;

(II) the methodologies and process used to develop, select, validate, and use such assessment systems;

(III) a copy of the test instrument and, as appropriate, other measures that will make up the system; and

(IV) evidence that the test or tests which are part of the assessment system are valid, reliable measures of their intended purposes, are aligned with the State content standards, are capable of assessing the progress of all students toward learning the material in the State content standards, and are consistent with relevant nationally recognized professional and technical standards.

(D) The Council shall, at the request of a State prior to developing an assessment system for a proposed use, review and provide guidance to such State on a proposed package of measures, including tests that would be included in such a system.

(2)(A) The Council shall develop and, no sooner than three years or later than four years after the enactment of this Act, begin utilizing criteria for the certification of assessment systems for the purposes indicated in paragraph (1)(B). Before using such criteria, the Council shall forward the criteria to the Goals Panel for review, except that the Goals Panel shall have the option of disapproving such criteria by a two-thirds majority vote of the full membership not later than 60 days after receipt of such criteria.

(B) The certification criteria developed by the Council shall address the extent to which the assessment system—

(i) is aligned with State content standards certified by the Council; and

(ii) is to be used for a purpose for which it is valid, reliable, free of discrimination, and is consistent with relevant, nationally recognized professional and technical standards for assessment.

(C) In determining appropriate certification criteria, the Council shall—

(i) consider standards and criteria being developed by other national organizations, research on assessment, and emerging new State and local assessments;

(ii) recommend needed research;

(iii) encourage the development and field testing of assessment systems; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessment systems.

(D) Prior to determining the certification criteria, the Council shall seek public comment regarding the proposed criteria.

(E) The Council shall certify an assessment system only if such system includes all students.

(g) Performance of Duties.—In carrying out its responsibilities under this title, the Council shall—

(1) provide for a process of broad public input as part of the process of developing criteria for standards and assessments;

(2) work with Federal and non-Federal agencies and organizations which are conducting research, studies, or demonstration projects to determine internationally competitive standards and assessments, and may establish subject matter and other panels to advise it on particular content, student performance, and opportunity-to-learn standards and on assessments;

(3) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards under title IV of this Act;

(4) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(5) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessment systems;

(6) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessment systems; and

(7) periodically recertify, as appropriate, the voluntary national content and student performance standards, and the voluntary national opportunity-to-learn standards and the assessments that it certifies under this section.

(h) Unconditioned State Participation.—No State shall be required to obtain certification of standards or assessments developed under subsection (b), (d), or (f) of this section or to participate in programs under title III of this Act, as a condition of participating in any Federal education program under this or any other Act.

SEC. 134. ANNUAL REPORTS.

Not later than one year after the date the Council concludes its first meeting, and in each succeeding year, the Council shall prepare and submit a report to the President, the Secretary, the appropriate committees of Congress, the Governor of each State, and the Goals Panel regarding its work.

SEC. 135. POWERS OF THE COUNCIL.

(a) Hearings.—(1) The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, student performance, and opportunity-to-learn standards, and assessment systems.

(b) Information.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish such information to the Council to the extent permitted by law.

(c) Postal Services.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) Use of Facilities.—The Council may, with their consent, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, or of any State or political subdivision thereof.

(e) Administrative Arrangements and Support.—(1) The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Council to help it compile and analyze data or carry out other functions necessary to the performance of its responsibilities.

SEC. 136. PUBLICATION FOR PUBLIC COMMENT.

(a) Transmittal.—For the purpose of obtaining public comment through publication in the Federal Register, the Council shall transmit to the Secretary—

(1) proposed criteria for certifying national and State content and performance standards;

(2) proposed criteria for certifying national and State opportunity-to-learn standards;

(3) proposed criteria for certifying State assessment systems; and

(4) proposed national content, performance, and opportunity-to-learn standards.

(b) Publication.—The Secretary shall publish such proposed procedures, standards, and criteria in the Federal Register.

SEC.137. ADMINISTRATIVE PROVISIONS.

(a) Meetings.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council, or a majority of its members.

(b) Quorum.—A majority of the members shall constitute a quorum for the transaction of business.

(c) Voting.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) Public Access.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 138. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) Director.—The Chairperson of the Council shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) Appointment and Pay of Employees.—(1)(A) The Director may appoint not more than four additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) Experts and Consultants.—The Council may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

(d) Staff of Federal Agencies.—Upon the request of the Council, the head of any department or agency of the United States may detail any of the personnel of such department or agency to the Council to assist the Council in its duties under this part.

SEC. 139. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.

(a) Opportunity-to-Learn Development Grant.—(1) The Secretary is authorized to make a grant, on a competitive basis, to a consortium of individuals and organizations to develop voluntary national opportunity-to-learn standards consistent with the provisions of section 123(c).

(2) To the extent possible, such consortium shall include the participation of—

(A) State-level policymakers, such as Governors, State legislators, chief State school officers, and State school board members;

(B) local policymakers and administrators, such as local school board members, superintendents, and principals;

(C) teachers (especially teachers involved in the development of content standards);

(D) parents and individuals with experience in promoting parental involvement in education;

(E) representatives of business;

(F) experts in vocational-technical education;

(G) representatives of regional accrediting associations;

(H) individuals with expertise in school finance and equity, the education of at-risk students, and the preparation and training of teachers and school administrators;

(I) curriculum and school reform experts;

(J) student and civil rights advocacy groups;

(K) representatives of higher education; and

(L) secondary school students.

(3) In developing voluntary national opportunity-to-learn standards, such consortium shall—

(A) draw upon current research about student achievement and the necessary conditions for effective teaching and learning; and

(B) provide for the development of several consecutive drafts of standards which incorporate the comments and recommendations of educators and other knowledgeable individuals across the Nation.

(4) One-third of the consortium shall consist of individuals with expertise in the educational needs and assessment of children who are from low-income families, minority backgrounds, have limited-English proficiency, or have disabilities.

(5) The membership of the consortium shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(b) Applications.—(1) Any consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(2) In awarding such grant, the Secretary shall give priority to applications from consortia which involve individuals and organizations with the greatest diversity of perspectives and points of view.

(3) In establishing additional priorities and selection criteria for such grant, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 123(c)(4)(A).

(c) Report.—After the development of the voluntary national opportunity-to-learn standards, the consortium funded under this section shall submit a report to the Secretary which discusses the background, important issues, and rationale regarding such standards.

SEC. 140. ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.

(a) General.—(1) The Secretary is authorized to make grants to States and local educational agencies or consortia of such agencies to help defray the cost of developing, field testing, and evaluating assessment systems, to be used for some or all of the purposes indicated in section 123(f)(1)(B), that are aligned to State content standards certified by the Council.

(2) The Secretary shall reserve a portion of the funds authorized under section 141(d) for grants to State educational agencies and local educational agencies for purposes of developing such assessments in languages other than English.

(b) Applications.—A State, local educational agency, or consortium of such agencies that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) Requirements.—(1) A recipient of a grant under this section shall—

(A) examine the validity and reliability of an assessment system for the particular purposes for which such assessment system was developed;

(B) ensure that an assessment system is consistent with relevant, nationally recognized professional and technical standards for assessments; and

(C) devote special attention to how an assessment system, treats all students, especially with regard to the race, gender, ethnicity, disability, and language proficiency.

(2) An assessment system developed and evaluated with funds under this section may not be used for decisions about individual students relating to program placement, promotion, or retention, graduation, or employment for a period of five years from the date of enactment of this Act.

SEC. 141. EVALUATION.

(a) Grant.—From funds reserved under section 154(a)(2), the Secretary annually shall make a grant, in an amount not to exceed $500,000, to the Commission on Behavioral and Social Sciences and Education of the National Academy of Sciences or to the National Academy of Education to—

(1) evaluate—

(A) the technical quality of the work performed by the Goals Panel and the Council;

(B) the process the Council uses to develop criteria for certification of standards and assessments;

(C) the process the Council uses to certify voluntary national standards as well as standards and assessments voluntarily submitted by States; and

(D) the process the Goals Panel uses to approve certification criteria and voluntary national standards;

(2) periodically provide to the Goals Panel and the Council, as appropriate, information from the evaluation under paragraph (1); and

(3) report on the activities authorized under sections 139 and 140.

(b) Report.—The grant recipient shall periodically report to the Congress, the Secretary, and the public regarding findings and shall make a final report not later than January 1, 1998.

Subpart 3—Authorization of Appropriations

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

(a) National Education Goals Panel.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the four succeeding fiscal years to carry out part A of this title.

(b) National Education Standards and Improvement Council.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out part B of this title.

(c) Opportunity-to-Learn Development Grant.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 to carry out the Opportunity-to-Learn Development Grant Program established under section 139 of this title.

(d) Assessment Development and Evaluation Grants.—There are authorized to be appropriated $5,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out the Assessment Development and Evaluation Grants Program established under section 140 of this title.

PART C—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SEC. 151. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) all students can learn and achieve high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education of the last 15 years have achieved some good results, but these efforts often have been limited to a few

schools or to a single part of the educational system;

(3) leadership must come both from teachers, related services personnel, principals, and parents in individual schools and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement in order to increase student learning;

(6) parents, teachers, and other local educators, and business, community, and tribal leaders must be involved in developing systemwide improvement strategies that reflect the needs of their individual communities;

(7) State and local education improvement efforts must incorporate strategies for providing all students and families with coordinated access to appropriate social services, health care, nutrition, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(8) States and local educational agencies, working together, must immediately set about developing and implementing such systemwide improvement strategies if the Nation is to educate all children to meet their full potential and achieve the National Education Goals listed in title I of this Act;

(9) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the workforce as well as to higher education;

(10) business should be encouraged to enter into partnerships with schools, provide information and guidance to schools on the needs of area business for properly educated graduates in general and on the need for particular workplace skills, that the schools may provide necessary material and support, and continue the lifelong learning process throughout the employment years of an individual, and schools should provide information to business regarding how the business community can assist schools in meeting the goals of this Act;

(11) institutions of higher education should be encouraged to enter into partnerships with schools to provide information and guidance to schools on the skills and knowledge graduates need in order to enter and successfully complete postsecondary education, and schools should provide information and guidance to institutions of higher education on the skills, knowledge, and preservice training teachers need, and the types of professional development educators need in order to meet the goals of this Act;

(12) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to bring all students the opportunity to learn and meet high standards; and

(13) Federal funds should be targeted to support local and State initiatives, and to leverage State and local resources for designing and implementing system-wide improvement plans.

SEC. 152. PURPOSE.

The purpose of this title is to improve the quality of education for all students by improving student learning through a long-term, broad-based effort to promote coherent and coordinated improvements in the system of education throughout the Nation at the local and State levels. This title provides new authorities and funding for the Nation's school systems without replacing or reducing funding for existing Federal education programs. It is the intention of the Congress that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

SEC. 153. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated $393,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

SEC. 154. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated under section 153, the Secretary—

(1) shall reserve a total of one percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas; and

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs (referred to in this Act as the "Bureau"); and

(2) may reserve a total of up to 6 percent for—

(A) national leadership activities under section 163;

(B) the costs of peer review of State improvement plans and applications under this title; and

(C) evaluation activities under section 141.

(b) STATE ALLOTMENTS.—The Secretary shall allot the remaining amount appropriated under section 153 for each fiscal year to the States (which for the purposes of this subsection does not include the outlying areas) as follows:

(1) 50 percent of such remaining amount shall be allocated in accordance with the relative amounts such State received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(2) 50 percent of such remaining amount shall be allocated in accordance with the relative amounts each such State received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other States that need additional funds, in such manner as the Secretary determines is appropriate.

SEC. 155. STATE APPLICATIONS.

(a) GENERAL.—(1) If a State desires to receive a grant under this title, the State educational agency shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 162, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed under section 156, or that such authority will be sought;

(C) an assurance that the standards developed for student achievement are not less rigorous than student achievement standards used prior to the date of enactment of this Act;

(D) an assurance that the State will provide for broad public participation in the planning process; and

(E) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State's application for the first year of assistance under this title shall—

(1) describe the process by which the State will develop a school improvement plan that meets the requirements of section 156; and

(2) describe how the State educational agency will use funds received under this title for such year, including how the State educational agency will make subgrants to local educational agencies and for teacher training.

(c) SUBSEQUENT YEARS.—A State's second application under this title shall—

(1) cover the second through fifth years of its participation;

(2) include a copy of the State's improvement plan that meets the requirements of section 156 or, if the State plan is not complete, a statement of the steps it will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State will use funds received under this title, including how it will make subgrants to local educational agencies and for teacher training under section 159(b)(1).

SEC. 156. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Any State educational agency that wishes to receive a grant under this title after its first year of participation shall develop and implement a plan for the fundamental restructuring and improvement of elementary and secondary education in the State. This plan must address—

(1) in accordance with subsection (c), the establishment or adoption of challenging content and student performance standards for all students and the use of curricula, instructional practices, assessments, technology, parental involvement programs, and professional preparation and development approaches appropriate to help all students reach such standards;

(2) in accordance with subsection (d), the establishment or adoption of opportunity-to-learn standards that will define the conditions of teaching and learning that provide all students the opportunity to meet the challenging content and student performance standards;

(3) in accordance with subsection (e), needed changes in the governance and management of the education system in order to effectively focus schools on, and assist them in, preparing all students to meet the challenging State standards;

(4) in accordance with subsection (f), comprehensive strategies to involve communities, including parents, businesses, libraries, institutions of higher education, employment and training agencies, health and human service agencies, advocacy groups, cultural institutions, and other public and private agencies that provide social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards;

(5) in accordance with subsection (g), strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing need-

ed improvements within a specified period of time;

(6) in accordance with subsection (h), strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools; and

(7) the needs of the children, ages 5 through 18, who are out of school and the extent to which such children can be brought back into the education system and meet the standards set forth in this Act.

(b) PLAN DEVELOPMENT.—(1) A State improvement plan under this title must be developed by a broad-based panel (referred to in this title as the "panel") in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairman of the State board of education and the chairmen of the appropriate authorizing committees of the State legislature, or their designees;

(C) teachers, principals, and administrators who have successfully improved student performance and deans of colleges of education;

(D) representatives of teacher organizations, parents, institutions of higher education, business and labor leaders, community-based organizations, Indian tribes, local boards of education, State and local officials responsible for health, social services, and other related services, and others, as appropriate;

(E) representatives from rural and urban local educational agencies in the State; and

(F) experts in educational measurement and assessment.

(2) The Governor and the chief State school officer shall each appoint half the members of the State panel. The full panel shall establish the procedures regarding the operation of the panel, including the designation of the panel chairperson.

(3) To the extent feasible, the membership of the panel shall be geographically representative of the State and reflect the diversity of the population of the State with regard to race, ethnicity, gender, and disability characteristics.

(4) One-third of the panel members shall be individuals with expertise in the educational needs and assessments of children who are from low-income families, minority group backgrounds, have limited-English proficiency, or have disabilities.

(5) The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the plan.

(6) The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, secondary school students, local officials, private nonprofit elementary and secondary schools, community and business leaders, Indian tribes, citizens, children's advocates, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and its student population, in the development of the State plan and in a continuing dialog regarding the need for and nature of challenging standards for all students and local and State responsibilities for helping all students achieve them.

(7) The panel shall develop a continuing process for interacting with local educational agencies and individual schools engaged in systemic reform, especially including local educational agencies and schools which receive subgrants under section 159 of this Act, to ensure that the development and implementation of the State plan reflects their needs and experiences.

(8) The panel shall develop a State plan, provide opportunity for public comment, and submit the State plan to the State educational agency for approval.

(9) The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan if modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(10) If any portion of the State plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation from the Governor or other official responsible for that portion before submitting the plan to the Secretary.

(11) After approval of the State plan by the Secretary, the panel, in close consultation with teachers, principals, administrators, school boards, advocacy groups, advocates of children with disabilities and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and effectiveness of the State plan to determine if revisions are appropriate, and shall periodically report its findings to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State plan shall establish strategies and a timetable for improving teaching and learning, including—

(1) a process for developing or adopting challenging content and student performance standards for all students which includes coordinating the standards developed pursuant to section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990;

(2) a process for providing assistance and support to local educational agencies and schools to give them the capacity and responsibility to provide all students the opportunity to increase education achievement and meet challenging State content and student performance standards;

(3) assessing the effectiveness and equity of the school finance program of the State to identify disparities in the resources available to each local educational agency and school in such State and how such disparities affect the ability of the State educational agency and local educational agencies to develop and implement plans under this title;

(4) a process for developing, adopting, or recommending instructional materials, including gender equitable and multicultural materials, and technology to support and assist local educational agencies and schools to provide all students the opportunity to meet the challenging State content and student performance standards;

(5) a process for developing and implementing a valid and nondiscriminatory assessment system or set of locally-based assessment systems which are consistent with relevant, nationally recognized, professional and technical standards for assessment, and are capable of providing coherent information about student attainments relative to the State content standards;

(6) a process for monitoring the implementation of such system or systems and the impact on improved instruction for all students;

(7) a process for improving the State's system of teacher and school administrator preparation, licensure, and continuing professional development so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards under paragraph (1);

(8) a process for providing appropriate and effective professional development, including the use of technology, distance learning, and gender-equitable methods, necessary for teachers, school administrators, and others to help all students meet the challenging standards under paragraph (1); and

(9) a process to ensure widespread participation of classroom teachers in developing the portions of the plan described in this subsection.

(d) OPPORTUNITY-TO-LEARN STANDARDS.—Each State plan shall establish a strategy and timetable for—

(1) adopting or establishing opportunity-to-learn standards that are consistent with the challenging content and student performance standards that have been adopted or established;

(2) ensuring that every school in the State is making demonstrable progress toward meeting the State's opportunity-to-learn standards;

(3) ensuring that the State's opportunity-to-learn standards address the need of all students;

(4) providing for periodic assessments of the extent to which opportunity-to-learn standards are being met throughout the State; and

(5) periodically reporting to the public on the extent of the State's improvement in achieving such standards and providing all students with a fair opportunity to achieve the knowledge and skill levels that meet the State's content and student performance standards.

(e) GOVERNANCE AND MANAGEMENT.—Each State plan shall establish strategies for improved governance and management of its education system, such as—

(1) aligning responsibility, authority, and accountability throughout the education system, so that decisions regarding content and student performance standards are coordinated and decisions regarding the means for achieving such standards are made closest to the learners;

(2) creating an integrated and coherent approach to attracting, recruiting, preparing and licensing, appraising, rewarding, retaining, and supporting the continued professional development of teachers (including vocational teachers), administrators, and other educators, including bilingual educators and special education providers, so that there is a highly talented workforce of professional educators capable of preparing all students to reach challenging standards, with special attention to the recruitment, training, and retention of qualified minorities into the education profession within the State to ensure that the profession reflects the racial and ethnic diversity of the student population;

(3) providing incentives for high performance, such as—

(A) working with employers and institutions of higher education to devise strategies to reward student achievement;

(B) incentives for classroom teachers, principals, and other professional educators to participate in professional development activities; and

(C) school-based incentives for schools and local educational agencies to improve student performance;

(4) increasing the proportion of State and local funds allocated to direct instructional purposes; and

(5) increasing flexibility for local educational agencies and schools by, for example—

(A) waiving State regulations and other requirements that impede educational improvement;

(B) focusing accountability on educational outcomes rather than monitoring compliance with input requirements; and

(C) fostering conditions that allow teachers, principals, and parents in the school community to be creative in helping all students meet challenging standards.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State plan shall describe strategies for how the State will involve parents and other community members in planning, designing, and implementing its plan, including such strategies as—

(1) educating the public about the need for higher standards, systemic improvement, and awareness of diverse learning needs;

(2) involving parents, communities, and advocacy groups in the standard-setting and improvement process;

(3) linking the family and school in supporting students to meet the challenging student content and performance standards established;

(4) reporting, on an ongoing basis, to parents, educators, and the public on the progress in implementing the plan and improving student performance;

(5) focusing public and private community resources and public school resources on prevention and early intervention to address the needs of all students by—

(A) identifying and removing unnecessary regulations and obstacles to coordination;

(B) improving communication and information exchange; and

(C) providing appropriate training to agency personnel; and

(6) increasing the access of all students to social services, health care, nutrition, related services, and child care services, and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-stop shopping" for parents and students.

(g) MAKING THE IMPROVEMENTS SYSTEM-WIDE.—To help provide all students throughout the State the opportunity to meet challenging State standards, each State plan shall describe strategies such as—

(1) ensuring that the improvement efforts expand from the initial local educational agencies, schools, and educators involved to all local educational agencies, schools, and educators in the State education system through such approaches as teacher and administrator professional development, technical assistance, whole school projects, intensive summer training, and networking of teachers and other educators, consortia of schools, and local educational agencies undertaking similar improvements;

(2) developing partnerships among preschools, elementary and secondary schools, institutions of higher education, cultural institutions, health and social service providers, and employers to improve teaching and learning at all levels of the education system for all students and to foster collaboration and continuous improvement;

(3) strategies to provide for the close coordination of standards development and improvement efforts among institutions of higher education and secondary, and elementary schools;

(4) conducting parental involvement activities and outreach programs aimed at parents whose language is a language other than English, individuals with disabilities, and other special populations, including American Indians, Alaskan Natives, and Native Hawaiians, to involve all segments of the community in the development of the State plan;

(5) developing partnerships with Indian tribes and schools funded by the Bureau, where appropriate, to improve consistency and compatibility in curriculum among public and such schools funded by the Bureau at all grade levels;

(6) allocating all available local, State, and Federal resources to achieve system-wide improvement;

(7) providing for the development of objective criteria and measures against which the success of local plans will be evaluated;

(8) providing for the availability of curricular materials, learning technologies, including distance learning, and professional development in a manner ensuring equal access by all local educational agencies in the State;

(9) taking steps to ensure that all local educational agencies, schools, and educators in the State benefit from successful programs and practices supported by funds made available to local educational agencies and schools under this title; and

(10) providing assistance to students, teachers, schools, and local educational agencies that are identified through the assessment system developed under subsection (c)(5) as needing such assistance.

(h) PROMOTING BOTTOM-UP REFORM.—Each State plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, as well as guided by coordination and facilitation from State leaders, including strategies such as—

(1) ensuring that the State plan is responsive to the needs and experiences of local educational agencies, schools, teachers, the community, and parents;

(2) establishing mechanisms for continuous input from local schools, communities, advocacy groups, institutions of higher education, and local educational agencies into, and feedback on, the implementation of the State plan;

(3) providing discretionary resources that enable teachers and schools to purchase needed professional development and other forms of assistance consistent with their improvement plan from high-quality providers of their choice;

(4) establishing collaborative networks of teachers centered on content standards and assessments for the purpose of improving teaching and learning;

(5) providing flexibility to individual schools and local educational agencies to enable them to adapt and integrate State content standards into courses of study appropriate for individual schools and communities;

(6) facilitating the provision of waivers from State rules and regulations that impede the ability of local educational agencies or schools to carry out local education improvement plans; and

(7) facilitating communication among educators within and between local educational agencies for the purpose of sharing innovative and effective practices, including, through the use of telecommunications, distance learning, site visits, and other means.

(i) COORDINATION WITH SCHOOL-TO-WORK PROGRAMS.—If a State has received Federal assistance for the purpose of planing for, expanding, or establishing a school-to-work program, then a State shall include in the State plan a description of how such school-to-work program will be incorporated into the school reform efforts of the State. In particular, the State plan shall include a description of how secondary schools will be modified in order to provide career guidance, the integration of academic and vocational education, and work-based learning, if such programs are proposed in the State's school-to-work plan.

(j) BENCHMARKS AND TIMELINES.—Each State plan shall include specific benchmarks of improved student performance and of progress in implementing the improvement plan, and timelines against which the progress of the State in carrying out its plan, including the elements described in subsections (c) through (h), can be measured.

(k) COORDINATING STRATEGIES.—Each State plan shall include strategies for coordinating the integration of academic and vocational instruction pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act.

(l) PROGRAM IMPROVEMENT AND ACCOUNTABILITY.—Each State shall describe—

(1) how the State will monitor progress towards implementing the State and local plans; and

(2) procedures the State will use to ensure schools and school districts meet State opportunity-to-learn and content standards within the established time lines.

(m) PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources.

(n) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall review each State improvement plan prepared under this section, and each application submitted under section 155, with the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates for children with disabilities, representatives of other advocacy groups, and other appropriate individuals. The peer review process shall be performed by individuals representative of the diversity of the United States with regard to geography, race, ethnicity, gender, and disability. The review of each State plan shall include at least one site visit to each State.

(2) The Secretary shall approve a State's plan when the Secretary determines, after considering the peer reviewers' comment, that it—

(A) reflects a widespread commitment within the State;

(B) holds reasonable promise of enabling all students to achieve at the high levels called for by this Act;

(C) meets the requirements of subsections (a) through (k); and

(D) allows local schools, local educational agencies and communities the flexibility to implement local improvement plans in a manner which reflects local needs and requirements in order to promote a 'bottom up' system of school reform.

(3) The Secretary shall not decline to approve a State's plan, or any State applica-

tion submitted under section 155, before offering the State—

(A) an opportunity to revise its plan or application; and

(B) a hearing.

(o) REGULAR REVIEW.—Each State plan shall include a process for regularly reviewing and updating any State content, student performance, and opportunity-to-learn standards and assessment systems.

(p) AMENDMENTS TO PLAN.—(1) Each State shall periodically review its plan and revise it, as appropriate, in accordance with the process described in subsection (b).

(2) The Secretary shall review major amendments to a State's plan through the same process, described in subsection (j), used to review the original plan.

(q) PREEXISTING STATE PLANS AND PANELS.—(1) If a State has developed a comprehensive and systemic improvement plan to help all students meet challenging standards, or any component of such a plan, that otherwise meets the requirements of this section, the Secretary may approve such plan or component notwithstanding that it was not developed in accordance with subsection (b), if the Secretary determines that such approval would further the purposes of State systemic education improvement.

(2) If, before the enactment of this Act, a State has made substantial progress in developing a plan that otherwise meets, or is likely to meet, the requirements of this section, but was developed by a panel that does not meet the requirements of paragraphs (1), (2), and (3) of subsection (b), the Secretary may, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of this title if the Secretary determines that there has been statewide involvement of educators, parents, students, advocacy groups, other interested members of the public in the development of the plan.

SEC. 157. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

(a) FIRST YEAR.—The Secretary shall approve the initial year application of a State educational agency under section 155(b) if the Secretary determines that—

(1) such application meets the requirements of this title; and

(2) there is a substantial likelihood that the renewal application of the State will be able to develop and implement an education improvement plan that complies with section 156.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve a renewal application of a State educational agency under section 155(c) for the second through fifth years only if—

(1)(A) the Secretary has approved the State's improvement plan under section 156(1); or

(B) the Secretary determines that the State has made substantial progress in developing such plan; and

(2) such application meets the other requirements of this title.

(c) PAYMENTS.—For any fiscal year for which a State has an approved application under this title, the Secretary shall make a grant to the State educational agency in the amount determined under section 154(b).

SEC. 158. STATE USE OF FUNDS.

(a) FIRST YEAR.—In the first year for which a State educational agency receives a grant under this title, the State—

(1) shall use at least 75 percent of such funds to make subgrants, in accordance with section 159(a), to local educational agencies for the development or implementation of local improvement plans and to make subgrants, in accordance with section 159(b), to improve educator preservice programs and for professional development activities consistent with the State plan, if the amount allocated to States under section 154(b) for such year is at least $50,000,000. The State may use such funds for such subgrants if such amount is less than $50,000,000; and

(2) shall use the remainder of such funds to develop, revise, expand, or implement an education improvement plan described in section 156.

(b) SUCCEEDING YEARS.—A State that receives assistance under this title for any year after the first year of participation shall—

(1) use at least 90 percent of such assistance in each succeeding year to make subgrants—

(A) to local educational agencies, in accordance with section 159(a), for the implementation of the State improvement plan and of local improvement plans; and

(B) in accordance with section 159(b), to improve educator preservice programs and for professional development activities that are consistent with the State improvement plan; and

(2) use the remainder of such assistance for State activities designed to implement its improvement plan, such as—

(A) supporting the development or adoption of State content and student performance standards, State opportunity-to-learn standards, and assessments linked to the standards, including through consortia of States, and in conjunction with the National Education Standards and Improvement Council established under part B of title II of this Act;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decisionmaking, or quality management principles, to promote effective implementation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating, and rewarding educators;

(D) providing special attention to the needs of minority, limited-English proficient, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter post secondary education or training;

(E) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(F) outreach related to education improvement to parents, Indian tribal officials, classroom teachers, related services personnel, and other educators, and the public;

(G) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement local systemic improvement plans, implement new assessments, and develop curricula consistent with the content and student performance standards of the State;

(H) promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools; and

(I) collecting and analyzing data.

(c) LIMIT ON ADMINISTRATIVE COSTS.—In each year, a State may use not more than four percent of its annual allotment under this title, or $100,000, whichever is greater, for administrative expenses, not including the activities of the panel established under section 156(b)(1).

SEC. 159. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—(1)(A) Each State educational agency shall make subgrants to local educational agencies (or consortia of such agencies) consistent with subsections (a)(1) and (b)(1)(A) of section 158 through a competitive process.

(B) In making such subgrants, the State educational agency shall award not less than 1 subgrant in each fiscal year to an urban local educational agency and not less than 1 subgrant in each fiscal year to a rural local educational agency, except that this provision shall not apply to the District of Columbia. Rural local educational agencies may include or be represented as a fiscal agent by an education service agency.

(C) Each subgrant shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) A local educational agency wishing to receive a subgrant under this title for the purpose of developing a comprehensive local plan shall submit an application to the State educational agency. Such application shall contain assurances that the local educational agency intends to develop a plan that meets the requirements of this section.

(3) Each local educational agency wishing to receive a subgrant for the purpose of implementing a plan under this subsection shall submit a local plan to the State educational agency which—

(A) is developed by a broad-based panel that—

(i) is appointed by the local educational agency and is representative of the diversity of students and community with regard to race, language, ethnicity, gender, disability, and socioeconomic characteristics and includes teachers, parents, advocacy groups, school administrators, business representatives, and others, as appropriate; and

(ii) shall, following the selection of its members, establish the procedures regarding the operation of the panel, including the designation of the chairperson;

(B) includes a comprehensive local plan for districtwide education improvement, directed at enabling all students to meet the challenging content and student performance standards of the State, including specific goals and benchmarks, consistent with the State improvement plan (either approved or under development) and includes a strategy for—

(i) implementing opportunity-to-learn standards;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and strengthening parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) promotes the flexibility of local schools in developing plans which address the particular needs of their school and community and are consistent with the local plan;

(D) describes a process of broad-based community participation in the development, implementation, and evaluation of the local plan;

(E) describes how the local educational agency will encourage and assist schools to develop comprehensive school improvement plans that focus on helping all students reach challenging content and student performance standards and that address relevant elements of the improvement plan of the local educational agency identified in subparagraph (B);

(F) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and by entering into partnerships with public and private agencies to increase the access of students and families to coordinated services in a school setting or at a nearby site;

(G) describes how the subgrant will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (6)(A);

(H) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such local educational agency requests be waived in accordance with section 161 (such requests shall promptly be transmitted to the Secretary by the State educational agency); and

(I) contains such other information as the State educational agency may reasonably require.

(4) A local educational agency which has approved a local plan shall submit such plan to the State for approval together with a description of modifications to such plan and any comments from the local panel regarding such plan.

(5) The panel appointed under paragraph (3)(A) shall, after approval by the State educational agency of the application of the local educational agency, monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, community members, and parents from schools receiving funds under this title, to determine if revisions to the local plan should be recommended to the local educational agency. The panel shall make public its findings.

(6)(A) A local educational agency that receives a subgrant under this subsection shall—

(i) in the first year, use not more than 25 percent of subgrant funds to develop a local improvement plan or to implement any local educational activities approved by the State educational agency which are reasonably related to carrying out the State or local improvement plans, and not less than 75 percent of such funds to support individual school improvement initiatives directly related to providing all students in the school the opportunity to meet challenging State content and student performance standards; and

(ii) in subsequent years, use subgrant funds for any activities approved by the State educational agency which are reasonably related to carrying out the State or local improvement plans, except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans which are tailored to meet the needs of their particular student populations and are designed to help all students meet challenging State content standards.

(B) At least 50 percent of the funds made available by a local educational agency to individual schools under this section in any fiscal year shall be made available to schools with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(C) A local educational agency may not use more than five percent of its annual allotment under this Act for administrative expenses.

(7) The State educational agency shall give priority in awarding a subgrant to—

(A) a consortium of local educational agencies; or

(B) a local educational agency that makes assurances that funds will be used to assist a consortium of schools that has developed a plan for school improvement.

(b) SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—(1)(A) Each State educational agency shall make subgrants to consortia of local educational agencies, institutions of higher education, private nonprofit organizations, or combinations thereof, consistent with subsections (a)(1) and (b)(1) of section 158 through a competitive, peer-reviewed process to—

(i) improve preservice teacher education programs consistent with the State plan, including how to work effectively with parents and the community; and

(ii) support continuing, sustained professional development activities for educators which will increase student learning and are consistent with the State plan.

(B)(i) In order to apply for a subgrant described in subparagraph (A)(i), a consortium must include at least one local educational agency and at least one institution of higher education.

(ii) In order to apply for a subgrant described in subparagraph (A)(ii), a consortium must include at least one local educational agency.

(2) A consortium that wishes to receive a subgrant under this subsection shall submit an application to the State educational agency which—

(A) describes how the applicant will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator professional development activities consistent with the State plan;

(B) identifies the criteria to be used by the applicant to judge improvements in preservice education or the effects of professional development activities consistent with the State plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, principals, and other educators at the school or district level that equip educators with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(4) A recipient may use the subgrant funds under this subsection for costs related to release time for teachers to participate in professional development activities.

(5) Professional development shall include related services personnel as appropriate.

(6) In awarding subgrants under this subsection, the State educational agency shall give priority to local educational agencies that form partnerships with collegiate educators to establish professional development school sites.

(c) SPECIAL AWARD RULE.—(1) Each State educational agency shall award at least 50 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(2) The State educational agency may waive the requirement of paragraph (1) if such State does not receive a sufficient number of applications to comply with such requirement.

SEC. 160. AVAILABILITY OF INFORMATION AND TRAINING.

(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, content standards, curricular materials, and assessments shall, upon request, make information related to such goals, standards, materials, and assessments available to private schools; and

(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in its plan for the training of teachers and administrators in private schools located in the geographical area served by such agency.

(b) WAIVER.—If, by reason of any provision of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this title, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and content standards for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 161. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) GENERAL.—(1) Except as provided in subsection (c), the Secretary may waive any requirement of any statute listed in subsection (b) or of the regulations issued under such statute for a State educational agency, local educational agency, or school that requests such a waiver—

(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local education improvement plan;

(B) if the State educational agency has waived, or agrees to waive, similar requirements of State law; and

(C) if, in the case of a Statewide waiver, the State educational agency—

(i) provides all local educational agencies and parent organizations in the State with notice and an opportunity to comment on the proposal of the State educational agency to seek a waiver; and

(ii) submits the comments of such agencies to the Secretary.

(2) To request a waiver, a State educational agency, local educational agency, or school that receives funds under this Act or a local educational agency that does not receive funds under this Act but is undertaking school reform efforts that meet the objectives of the State plan, shall submit an application to the Secretary that includes—

(A) the identification of statutory or regulatory requirements that are requested to be waived and the goals that the State local educational agency or school intends to achieve;

(B) a description of the action that the State has undertaken to remove State statutory or regulatory barriers identified in the applications of local educational agencies;

(C) a description of the goals of the waiver and the expected programmatic outcomes if the request is granted;

(D) the numbers and types of students to be impacted by such waiver;

(E) a timetable for implementing a waiver; and

(F) the process the State will use to monitor, on a biannual basis, the progress in implementing a waiver.

(3) The Secretary shall act promptly on a waiver request and state in writing the reasons for granting or denying such request. If a waiver is granted, the Secretary must also include the expected outcome of granting such waiver.

(4) The Secretary's decision shall be—

(A) published in the Federal Register; and

(B) disseminated by the State educational agency to interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

(5) Each such waiver shall be for a period not to exceed three years. The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out reform plans.

(b) INCLUDED PROGRAMS.—The statutes subject to the waiver authority of this section are as follows:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act (part A of title II of the Elementary and Secondary Education Act of 1965).

(4) The Emergency Immigrant Education Act of 1984 (part D of title IV of the Elementary and Secondary Education Act of 1965).

(5) The Drug-Free Schools and Communities Act of 1986 (title V of the Elementary and Secondary Education Act of 1965).

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (b) relating to—

(1) maintenance of effort;

(2) comparability of services;

(3) the equitable participation of students and professional staff in private schools;

(4) parental participation and involvement; or

(5) the distribution of funds to State or to local educational agencies.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

SEC. 162. PROGRESS REPORTS.

(a) STATE REPORTS TO THE SECRETARY.—Each State educational agency that receives funds under this title shall annually report to the Secretary regarding—

(1) progress in meeting State goals and plans;

(2) proposed State activities for the succeeding year; and

(3) in summary form, the progress of local educational agencies in meeting local goals and plans and increasing student learning.

(b) SECRETARY'S REPORTS TO CONGRESS.—By April 30, 1996, and every two years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the activities and outcomes of grants under—

(1) section 140 of this Act, including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds under such section; and

(B) an analysis of the impact of such assessments on the performance of all students, particularly students of different racial, gender, ethnic, language groups, or individuals with disabilities; and

(2) this title, including a description of the effect of waivers granted under section 151.

SEC. 163. NATIONAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—From funds reserved each year under section 154(a)(2)(A), the Secretary shall, through the Office of Educational Research and Improvement in accordance with the provisions of sections 405 and 406 of the General Education Provisions Act, directly or through grants or contracts—

(1) provide technical assistance to States and local educational agencies developing or implementing school improvement plans, in a manner that ensures that each such State has access to such assistance;

(2) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title;

(3) disseminate research findings and other information on systemic education improvement and how it affects student learning;

(4) provide grants to tribal divisions of education for coordination efforts between school reform plans developed for schools funded by the Bureau of Indian Affairs and public schools described in section 156(g)(5), including tribal activities in support of plans; and

(5) support national demonstration projects that unite local and State educational agencies, institutions of higher education, government, business, and labor in collaborative arrangements in order to make educational improvements systemwide.

(b) RESERVATION OF FUNDS.—(1) The Secretary shall use at least 50 percent of the funds reserved each year under section 154(a)(2)(A) to make grants, consistent with the provisions of section 159(a) that the Secretary finds appropriate, and provide technical and other assistance to urban and rural local educational agencies with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist such agencies in developing and implementing local school improvement plans.

(2) The Secretary shall use not less than $1,000,000 of the funds reserved the first year under section 154(a)(2)(A) to survey coordinated services programs that have been found to be successful in helping students and families and improving student outcomes, and shall disseminate information about such programs to schools that plan to develop coordinated services programs.

SEC. 164. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) OUTLYING AREAS.—(1) Funds reserved for outlying areas under section 154(a)(1)(A) shall be distributed among such areas by the Secretary according to relative need.

(2) The provisions of Public Law 95-134, permitting the consolidation of grants to the insular areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The funds reserved to the Secretary of the Interior under section 154 shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines shall best achieve the provisions of this section and this Act. The agreement shall, at a minimum, contain assurances that—

(A) a panel, as set forth in paragraph (4) of this subsection, shall be established;

(B) a reform and improvement plan, designed to increase student learning and assist students in meeting the National Education Goals, meeting the requirements pertaining to State improvement plans required in section 156 and providing for the fundamental restructuring and improvement of elementary and secondary education in schools funded by the Bureau, shall be developed by such panel; and

(C) the provisions and activities required under State improvement plans, including the requirements for timetables for opportunity-to-learn standards, shall be carried out in the same time frames and under the same conditions stipulated for the States in sections 155 and 156, provided that for these purposes, the term "local educational agencies" shall be interpreted to mean "schools funded by the Bureau".

(2) VOLUNTARY SUBMISSION.—The provisions applicable to the States in section 123 of this Act shall apply to the Bureau plan with regard to voluntary submission of standards and assessment systems to the National Education Standards and Improvement Council for review and certification.

(3) PLAN SPECIFICS.—The reform and improvement plan shall include, in addition to the requirements referenced above, specific provisions for—

(A) opportunity to learn standards pertaining to residential programs and transportation costs associated with programs located on or near reservations or serving students in off-reservation residential boarding schools;

(B) review and incorporation of the National Education Goals and the voluntary national content, student performance, and opportunity-to-learn standards developed under part B of title II of this Act, provided that such review shall include the issues of cultural and language differences; and

(C) provision for coordination of the efforts of the Bureau with the efforts for school improvement of the States and local educational agencies in which the schools funded by the Bureau are located, to include, but not be limited to, the development of the partnerships outlined in section 156(g)(5) of the Act.

(4) PANEL.—To carry out the provisions of this section, and to develop the plan for sys-

tem-wide reform and improvement required under the agreement required under paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs. Such panel shall consist of—

(A) the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs and two heads of other divisions of such Bureau as the Assistant Secretary shall designate;

(B) a designee of the Secretary of Education; and

(C) a representative nominated by each of the following:

(i) The organization representing the majority of teachers and professional personnel in schools operated by the Bureau.

(ii) The organization representing the majority of nonteaching personnel in schools operated by the Bureau, if not the same organization as in clause (i).

(iii) School administrators of schools operated by the Bureau.

(iv) Education line officers located in Bureau area or agency offices serving schools funded by the Bureau.

(v) The organization representing the majority of contract or grant schools funded by the Bureau not serving students on the Navajo reservation.

(vi) The organization representing the majority of contract or grant schools funded by the Bureau serving students on the Navajo reservation.

(vii) The organization representing the school boards required by statute for schools operated by the Bureau not serving students on the Navajo reservation.

(viii) The organization representing the school boards required by statute for schools funded by the Bureau serving students on the Navajo reservation.

Including the additional members required by paragraph (5), a majority of the members of such panel shall be from the entities designated under subparagraph (C).

(5) ADDITIONAL MEMBERS.—In addition, the members of the panel stipulated above shall designate for full membership four additional members—

(A) one of whom shall be a representative of a national organization which represents primarily national Indian education concerns; and

(B) three of whom shall be chairpersons (or their designees) of Indian tribes with schools funded by the Bureau on their reservations (other than those specifically represented by organizations referred to in paragraph (4)), provided that preference for no less than two of these members shall be given to Indian tribes with a significant number of schools funded by the Bureau on their reservations, or with a significant percentage of their children enrolled in schools funded by the Bureau.

(c) BIA COST ANALYSIS.—

(1) IN GENERAL.—(A) The Secretary of the Interior shall reserve from the first allotment made to the Department of the Interior pursuant to section 154 an amount not to exceed $500,000 to provide, through the National Academy of Sciences, for an analysis of the costs associated with meeting the academic and home-living/residential standards of the Bureau of Indian Affairs for each school funded by such Bureau. The purpose of such analysis shall be to provide the Bureau and the Panel with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for addressing the implementation of opportunity-to-learn standards.

(B) The results of such analysis shall be reported, in aggregate and school specific form, to the chairpersons and ranking minority members of the Committees on Education and Labor and Appropriations of the House of Representatives and the Select Committee on Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, the Secretary of Education (who shall transmit the report to the proper entities under this Act), and the Assistant Secretary of the Interior for Indian Affairs, not later than 6 months after the date of enactment of this Act.

(2) CONTENT.—Such analysis shall evaluate the costs of providing a program in each school for the next succeeding academic year and shall be based on—

(A) the standards either published in the Federal Register as having effect in schools operated by the Bureau on the date of enactment of this Act or the standards incorporated into each grant or contract in effect on such date with a tribally controlled school funded under section 1128 of Public Law 95-561 (as amended);

(B) the best projections of student counts and demographics, as provided by the Bureau and as independently reviewed by the Academy; and

(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as existing on the date of enactment.

(d) SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

PART D—NATIONAL SKILL STANDARDS BOARD

SEC. 171. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and certification that will serve as a cornerstone of the national strategy to enhance workforce skills, and that can be used, consistent with Federal civil rights laws—

(1) by the Nation, to ensure the development of a high skills, high quality, high performance workforce, including the most skilled front-line workforce in the world, and that will result in increased productivity, economic growth and American economic competitiveness;

(2) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(3) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(4) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(5) by workers, to obtain certifications of their skills to protect against dislocation, to pursue career advancement, and to enhance their ability to reenter the workforce;

(6) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(7) by training providers and educators, to determine appropriate training services to offer;

(8) by Government, to evaluate whether publicly-funded training assists participants to meet skill standards where they exist and thereby protect the integrity of public expenditures;

(9) to facilitate the transition to high performance work organizations;

(10) to increase opportunities for minorities and women, including removing barriers to the entry of women in non-traditional employment; and

(11) to facilitate linkages between other components of the workforce investment strategy, including school-to-work transition, secondary and postsecondary vocational-technical education, and job training programs.

SEC. 172. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (in this title referred to as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members, appointed in accordance with paragraph (3), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 122(a);

(E) eight members shall be representatives of small and large business and industry selected from among individuals recommended by recognized national business organizations and trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G) eight members shall be representatives from the following groups, with at least one member from each group:

(i) Educational institutions.

(ii) Community-based organizations.

(iii) State and local governments.

(iv) Nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic and religious minorities, women, persons with disabilities or older persons.

(2) DIVERSITY REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall—

(A) in the aggregate, represent a broad cross-section of occupations and industries; and

(B) to the extent feasible, be geographically representative of the United States and reflect the racial, ethnic and gender diversity of the United States.

(3) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate, of whom three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) TERM.—Each member of the National Board appointed under subparagraphs (E), (F), and (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such paragraph—

(A) twelve members shall be appointed for a term of 3 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C); and

(B) twelve members shall be appointed for a term of 4 years (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)), of whom—

(i) two from each such class shall be appointed in accordance with paragraph (3)(A);

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and

(iii) one from each such class shall be appointed in accordance with paragraph (3)(C).

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—The National Board shall biennially elect a Chairperson from among the members of the National Board by a majority vote of such members.

(2) VICE CHAIRPERSONS.—The National Board shall annually elect 3 Vice Chairpersons (each representing a different class of the classes of members described in subparagraphs (E), (F), and (G) of subsection (b)(1)) from among its members appointed under subsection (b)(3) by a majority vote of such members, each of whom shall serve for a term of 1 year.

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not regular full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.—The members of the National Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—The Chairperson of the National Board shall appoint an Executive Director, who shall be compensated at a rate determined by the National Board that shall not exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, and who shall appoint such staff as is necessary in accordance with title 5, United States Code. Such staff shall include at least one individual with expertise in measurement and assessment.

(f) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any department or agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such department or agency to assist the National Board in carrying out this title.

(g) CONFLICT OF INTEREST.—An individual who has served as a member of the National Board may not have any financial interest in an assessment and certification system developed or endorsed under this title for a period of three years after the termination of service of such individual from the National Board.

SEC. 173. FUNCTIONS OF THE NATIONAL BOARD.

(a) IDENTIFICATION OF OCCUPATIONAL CLUSTERS.—

(1) IN GENERAL.—Subject to paragraph (2), the National Board, after extensive public review and comment and study of the national labor market, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(2) PROCEDURES FOR IDENTIFICATION.—Prior to identifying broad clusters of major occupations under paragraph (1), the National Board shall—

(A) develop procedures for the identification of such clusters;

(B) publish such procedures in the Federal Register; and

(C) allow for extensive public review of and comment on such procedures.

(b) VOLUNTARY PARTNERSHIPS TO DEVELOP STANDARDS.—

(1) IN GENERAL.—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).

(2) REPRESENTATIVES.—Such voluntary partnerships shall include the full and balanced participation of—

(A) representatives of business and industry who have expertise in the area of workforce skill requirements, including representatives of large and small employers, recommended by national business organizations and trade associations representing employers in the occupation or industry for which a standard is being developed, and representatives of trade associations that have received demonstration grants from the Department of Labor or the Department of Education to establish skill standards prior to the enactment of this title;

(B) employee representatives who have expertise in the area of workforce skill requirements and who shall be—

(i) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(ii) such other individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry;

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education, vocational-technical education, or employment and training;

(iv) other policy development organizations with expertise in the area of workforce skill requirements; and

(v) non-governmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, and religious minorities, women, individuals with disabilities, and older persons; and

(D) individuals with expertise in measurement and assessment, including relevant experience in designing unbiased assessments and performance-based assessments.

(3) EXPERTS.—The partnerships described in paragraph (1) may also include such other individuals who are independent, qualified experts in their fields.

(c) RESEARCH, DISSEMINATION, AND COORDINATION.—In order to support the development of a skill standards system in accordance with subsection (d), the National Board shall—

(1) conduct workforce research relating to skill standards (including research relating to how to use skill standards in compliance with civil rights laws) and make such research available to the public, including the partnerships described in subsection (b);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), the voluntary partnerships recognized pursuant to subsection (b), and among education and training providers through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act;

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption of curricula and training materials for attaining the skill standards developed pursuant to subsection (d) that include structured work experiences and related study programs leading to progressive levels of professional and technical certification and postsecondary education;

(6) provide appropriate technical assistance; and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b) to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) DEVELOPMENT OF ENDORSEMENT CRITERIA.—

(A) IN GENERAL.—The National Board, after extensive public consultation, shall develop objective criteria for endorsing skills standards systems relating to the occupational clusters identified pursuant to subsection (a). Such criteria shall, at a minimum, include the components of a skill standards system described in subparagraph (B). The endorsement criteria shall be published in the Federal Register, and updated as appropriate.

(B) COMPONENTS OF SYSTEM.—The components of a skill standards systems shall include the following:

(i) Voluntary skill standards, which at a minimum—

(I) meet or exceed, to the extent practicable, the highest standards used in other countries and the highest international standards;

(II) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the National Apprenticeship Act;

(III) take into account content and performance standards certified pursuant to title II;

(IV) take into account the requirements of high performance work organizations;

(V) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(VI) are formulated in such a manner that promotes the portability of credentials and facilitates worker mobility within an occupational cluster or industry and among industries; and

(VII) are not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(ii) A voluntary assessment system and certification of the attainment of skill standards developed pursuant to subparagraph (A), which at a minimum—

(I) takes into account, to the extent practicable, methods of assessment and certification used in other countries;

(II) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments and performance tests; and

(III) includes methods for establishing that the assessment and certification system is not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

(iii) A system to promote the use of and to disseminate information relating to skill standards, and assessment and certification systems developed pursuant to this paragraph (including dissemination of information relating to civil rights laws relevant to the use of such standards and systems) to entities such as institutions of postsecondary education offering professional and technical education, labor organizations, trade associations, employers providing formalized training and other organizations likely to benefit from such systems.

(iv) A system to evaluate the implementation of the skill standards, and assessment and certification systems developed pursuant to this paragraph, and the effectiveness of the information disseminated pursuant to subparagraph (C) for informing the users of such standards and systems of the requirements of relevant civil rights laws.

(v) A system to periodically revise and update the skill standards, and assessment and certification systems developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(2) ENDORSEMENT.—The National Board, after extensive public review and comment, shall endorse those skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the objective endorsement criteria that are developed pursuant to paragraph (1); and

(B) are submitted by partnerships that meet the representation requirements of subsection (b)(2).

(e) RELATIONSHIP WITH ANTIDISCRIMINATION LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the Board of a skill standard or assessment and certification system under subsection (d) shall not be used in any action or proceeding to establish that the skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) COORDINATION WITH EDUCATION STANDARDS.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this title with the development of content and performance standards under title II.

(g) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—From funds appropriated pursuant to section 166(a), the Secretary of Labor may award grants (including grants to the voluntary partnerships in accordance with paragraph (2)) and enter into contracts and cooperative arrangements that are requested by the National Board for the purposes of carrying out this title.

(2) GRANT PROGRAMS FOR VOLUNTARY PARTNERSHIPS.—

(A) ELIGIBILITY AND APPLICATION.—Voluntary partnerships that meet the requirements of subsection (b) shall be eligible to apply for a grant under this subsection. Each such voluntary partnership desiring a grant shall submit an application to the National Board at such time, in such manner, and accompanied by such information as the National Board may reasonably require.

(B) REVIEW AND RECOMMENDATION.—The National Board shall review each application submitted pursuant to subparagraph (A) in accordance with the objective criteria published pursuant to subparagraph (C) and shall forward each such application to the Secretary of Labor accompanied by a recommendation for the approval or disapproval of each such application by the Secretary.

(C) CRITERIA FOR REVIEW.—Prior to each fiscal year, the National Board shall publish objective criteria to be used by the Board in reviewing applications under subparagraph (B).

(3) LIMITATION ON THE USE OF FUNDS.—

(A) IN GENERAL.—Not more than 20 percent of the funds appropriated under section 166(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) COSTS OF ADMINISTRATION DEFINED.—For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 174. DEADLINES.

Not later than December 31, 1996, the National Board shall—

(1) identify occupational clusters pursuant to section 163(a) representing a substantial portion of the workforce; and

(2) promote the development of an initial set of skill standards in accordance with section 163(d) for such clusters.

SEC. 175. REPORTS.

The National Board shall submit to the President and the Congress in each fiscal year a report on the activities conducted under this title, including the extent to which skill standards have been adopted by employers, training providers, and other entities and the effectiveness of such standards in accomplishing the purposes described in section 161.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out this title.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SEC. 177. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" means such organizations as defined in section 4(5) of the Job Training Partnership Act.

(2) EDUCATIONAL INSTITUTION.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) SKILL STANDARD.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

PART E—MISCELLANEOUS

SEC. 181. DEFINITIONS.

As used in this Act—

(1) the terms "all students" and "all children" mean students or children from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students with disabilities, students with limited-English proficiency, migrant children, school-aged children who have dropped out, migrant children, and academically talented students;

(2) the term "assessment system" means measures of student performance which include at least 1 test, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in 1 or more subject areas;

(3) the terms "community", "public", and "advocacy group" are to be interpreted to include representatives of organizations advocating for the education of American Indian, Alaska Native, and Native Hawaiian children and Indian tribes;

(4) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term "Governor" means the chief executive of the State;

(6) the terms "local educational agency" and "State educational agency" have the meaning given those terms in section 1471 of the Elementary and Secondary Education Act of 1965;

(7) the term "opportunity-to-learn standards" means the criteria for, and the basis of, assessing the sufficiency or quality of the resources, practices, and conditions necessary at each level of the education system (schools, local educational agencies, and States) to provide all students with an opportunity to learn the material in national or State content standards;

(8) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau);

(9) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that they are proficient in the skills and knowledge framed by content standards;

(10) the term "related services" has the same meaning given such term under section 602(17) of the Individuals with Disabilities Education Act;

(11) the term "school" means a school that is under the authority of the State educational agency and a local educational agency or, for the purpose of carrying out section 164(b), a school that is operated or funded by the Bureau of Indian Affairs;

(12) the term "Secretary", except where used in title IV, means the Secretary of Education; and

(13) except as otherwise provided, the term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

SEC. 182. LIMITATIONS.

(a) ASSESSMENTS.—No funds provided under titles II or III of this Act shall be used to undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for five years after the date of enactment of this Act.

(b) PUBLIC SCHOOL.—Nothing in this Act shall be construed to authorize the use of funds under title III (except as provided in section 160) to directly or indirectly benefit any school other than a public school.

SEC. 183. ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES.

Section 421(h) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2421(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by inserting at the end the following:

"(2)(A) Notwithstanding any provision of section 406 of the General Education Provisions Act, the Commissioner of Education Statistics may authorize a State educational agency or a consortium of such agencies to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to vocational education, if the Commissioner has determined, in writing, that such use will not—

"(i) result in the identification of characteristics or performance of individual students or schools;

"(ii) result in the ranking or comparing of schools or local educational agencies;

"(iii) be used to evaluate the performance of teachers, principals, or other local educators for the purpose of dispensing rewards or punishments; or

"(iv) corrupt or harm the use and value of data collected for the National Assessment of Educational Progress.

"(B) Not later than 60 days after making an authorization under subsection (a), the Commissioner shall submit to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate, a report which contains—

"(i) a copy of the request for such authorization;

"(ii) a copy of the written determination under subsection (a); and

"(iii) a description of the details and duration of such authorization.

"(C) The Commissioner may not grant more than one such authorization in any fiscal year and shall ensure that the authorized use of items or data from the National Assessment is evaluated for technical merit and for its affect on the National Assessment of Educational Progress. The results of such evaluations shall be promptly reported to the committees specified in subparagraph (B).".

SEC. 184. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 185. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 186. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

PART F—PARENTAL INFORMATION AND RESOURCES

SEC. 191. PARENTAL INFORMATION AND RESOURCES

(a) AUTHORIZATION.—The Secretary of Education is authorized to make grants each year to nonprofit organizations for the purpose of providing training and information to parents of children, aged birth to 5 years, and children enrolled in participating schools and to individuals who work with such parents to encourage a more effective working relationship with professionals in meeting the educational needs of children, aged birth to 5 years, and children enrolled in participating schools.

(b) GRANTS.—Such grants shall—

(1) be designed to meet the unique training and information needs of parents of children, aged birth to 5 years, and children enrolled in participating schools, particularly parents who are severely disadvantaged educationally or economically;

(2) be distributed geographically to the greatest extent possible throughout all the States and give priority to grants which serve areas with high concentrations of low-income families;

(3) be targeted to parents of children, aged birth to 5 years, and children enrolled in participating schools in rural, suburban, and urban areas;

(4) serve parents of low-income and minority children, aged birth to 5 years, and children enrolled in participating schools, including limited-English-proficient children;

(5) be funded at a sufficient size, scope, and quality to ensure that the program is adequate to serve the parents in the area; and

(6) include funds to establish, expand, and operate Teachers as Parents programs.

SEC. 192. ELIGIBILITY.

(a) REPRESENTATION.—To receive a grant under section 191, a nonprofit organization shall meet the following requirements:

(1) Be governed by a board of directors in which the membership includes, or be an organization that represents the interests of, parents and establish a special advisory committee in which the membership includes—

(A) parents of children, aged birth to 5 years, and children enrolled in participating schools; and

(B) representation of education professionals with expertise in improving services for disadvantaged children.

(2) Provide that the parent and professional membership of the board or special advisory committee is broadly representative of minority, low-income, and other individuals and groups that have an interest in compensatory education and family literacy.

(3) Demonstrate the capacity and expertise to conduct effective training and information activities for which a grant may be made.

(4) Network with clearinghouses, other organizations and agencies, and with other established national, State, and local parent groups representing the full range of parents of children, aged birth to 5 years, and children enrolled in participating schools, especially parents of low-income and minority children.

(b) REQUIREMENTS.—The Board of Directors or special governing committee of an organization receiving a grant under this title shall meet at least once each calendar quarter to review the parent training and information activities for which the grant is made.

(c) GRANT RENEWAL.—Whenever an organization requests the renewal of a grant under section 191 for a fiscal year, the Board of Directors or the special advisory committee shall submit to the Secretary a written review of the parent training and information program conducted by such organization during the preceding fiscal year.

SEC. 193. USES OF FUNDS.

Grants received under this title may be used—

(1) for parent training and information programs that assist parents to—

(A) better understand their children's educational needs;

(B) provide follow up support for their children's educational achievement;

(C) communicate more effectively with teachers, counselors, administrators, and other professional educators and support staff;

(D) participate in the design and provision of assistance to students who are not making adequate progress;

(E) obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents of children, aged birth to 5 years, and children enrolled in participating schools and their parents;

(F) seek technical assistance regarding compliance with the requirements of this Act and of other Federal programs relevant to achieving the goals of this Act;

(G) participate in State and local decision-making;

(H) train other parents; and

(I) plan, implement, and fund activities that coordinate the education of their children with other Federal programs that serve such children or their families;

(2) to include State or local educational personnel where such participation would further an objective of the program assisted by the grant; and

(3) to establish a parent training and information center to carry out the activities in paragraphs (1) and (2) and to represent parent interests at the State level, including

participation in the design of the public outreach process described in section 156(b)(6), submitting recommendations concerning State standards and plans, and commenting on proposed waivers under this Act.

SEC. 194. TECHNICAL ASSISTANCE.

The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training and information programs and centers.

SEC. 195. EXPERIMENTAL CENTERS.

After the establishment in each State of a parent training and information center, the Secretary shall provide for the establishment of 5 additional experimental centers, 3 to be located in urban areas and 2 in rural areas where there are large concentrations of poverty.

SEC. 196. REPORTS.

Not later than June 30, 1995, and not later than June 30 each succeeding year, the Secretary shall obtain data concerning programs and centers assisted under this title, including—

(1) the number of parents, including the number of minority and limited-English-proficient parents, who receive information and training;

(2) the types and modes of information or training provided; and

(3) the strategies used to reach and serve parents of minority and limited-English-proficient children and parents with limited literacy skills.

SEC. 197. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.

TITLE II—EDUCATIONAL RESEARCH, DEVELOPMENT, AND DISSEMINATION EXCELLENCE ACT

SEC. 201. FINDINGS.

The Congress finds as follows with respect to improving education in the United States:

(1) A majority of public schools in the United States are failing to adequately prepare their students. To achieve the national education goals set forth by the President and the governors of the States, an overwhelming campaign for educational improvement must be mounted in order to set in motion many strategies and models designed to encourage and support school restructuring. The Federal Government must support an extensive program of educational research, development, dissemination, replication and assistance to identify and support the best responses for the challenges ahead. A significant investment in attaining a deeper understanding of the processes of learning and schooling and developing new ideas holds the best hope of making a substantial difference to the lives of every school and student in the United States. The Office of Educational Research and Improvement of the Department of Education should be at the center of this campaign in order to coordinate such efforts.

(2) The Federal role in educational research has been closely identified with youths who are socioeconomically disadvantaged, belong to a language minority, or are disabled. However, in 1988, the Federal commitment to education was sufficient to serve not more than—

(A) 1 out of every 5 low-income children in need of preschool education;

(B) 2 out of every 5 children in need of remediation;

(C) 1 out of every 4 children in need of bilingual education; and

(D) 1 out of every 20 youths in need of job training.

(3) The failure of the Federal Government to adequately invest in educational research and development has denied the Nation a sound foundation on which to design school improvements, leading to a history of faddism and failed experimentation resulting in a dearth of research in the area of educationally at-risk students. This situation is of particular concern because at least half of the public school students in 25 of the largest cities of the United States are minority children, and demographers project that, by 2005, almost all urban public school students will be minority children or other children in poverty.

(4) The investment goal of the Federal research, development, and dissemination function should be at least 1 percent of the total amount of funds spent on education nationally.

(5) Nationwide model programs and reliable interventions should be demonstrated and replicated, and for such purposes, programs should be established to conduct research and evaluations, and to disseminate information.

(6) The Office of Educational Research and Improvement must develop a national dissemination policy that will advance the goal of placing a national treasure chest of research results, models, and materials at the disposal of the Nation's education decisionmakers.

(7) A National Educational Research Policy and Priorities Board should be established to ensure that an educational research and dissemination agenda is developed and implemented without partisan political interference.

(8) Existing research and development entities should adopt expanded, proactive roles and new institutions must be created to promote knowledge development necessary to accelerate the application of research knowledge to high priority areas.

(9) Greater use should be made of existing technologies in efforts to improve the Nation's educational system, including efforts to disseminate research findings.

(10) Minority educational researchers are inadequately represented throughout the Department of Education, but particularly in the Office of Educational Research and Improvement. The Office therefore must assume a leadership position in the recruitment, retention, and promotion of qualified minority educational researchers.

(11) The coordination of the mission of the Office of Educational Research and Improvement with that of other components of the Department of Education is critical. It must improve the coordination of the educational research, development, and dissemination function with those of other Federal agencies.

PART A—GENERAL PROVISIONS REGARDING OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 211. GENERAL PROVISIONS.

Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is amended to read as follows:

"OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

"SEC. 405. (a) DECLARATION OF POLICY REGARDING EDUCATIONAL OPPORTUNITY.—

"(1) IN GENERAL.—The Congress declares it to be the policy of the United States to provide to every individual an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, age, disability, national origin, or social class. Although the American educational system has pursued this objective, it has not attained the objective. Inequalities of opportunity to receive high quality education remain pronounced. To achieve the goal of quality education requires the continued pursuit of knowledge about education through research, development, improvement activities, data collection, synthesis, technical assistance, and information dissemination. While the direction of American education remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

"(2) MISSION OF OFFICE.—

"(A) The mission of the Office of Educational Research and Improvement shall be to provide national leadership in—

"(i) expanding fundamental knowledge and understanding of education;

"(ii) promoting excellence and equity in education; and

"(iii) monitoring the state of education.

"(B) The mission of the Office shall be accomplished in collaboration with researchers, teachers, school administrators, parents, students, employers, and policymakers.

"(b) PURPOSE AND STRUCTURE OF OFFICE.—

"(1) IN GENERAL.—The Secretary, acting through the Office of Educational Research and Improvement, shall carry out the policies set forth in subsection (a). In carrying out such policies, the Secretary shall be guided by the priorities established by the Board of Governors established in section 405A.

"(2) ADMINISTRATIVE STRUCTURE.—The Office shall be administered by the Assistant Secretary and shall include—

"(A) the National Educational Research Policy and Priorities Board established by section 405A;

"(B) the national research institutes established by section 405B;

"(C) the national education dissemination system established by section 405C;

"(D) the National Library of Education established by section 405D;

"(E) the National Center for Education Statistics established by section 406; and

"(F) such other units as the Secretary deems appropriate to carry out the purposes of the Office.

"(3) PRIORITIES IN RESEARCH AND DEVELOPMENT.—The Office shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Office on the following priority research and development needs:

"(A) The education of at-risk students.

"(B) The education and development of young children.

"(C) Student achievement in elementary and secondary school.

"(D) Postsecondary education, libraries, and lifelong learning for adults.

"(E) The improvement of schools through the restructuring and reform of school governance, policymaking, finance and management at the State, local, school building, and classroom level.

"(c) APPOINTMENT OF EMPLOYEES.—

"(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed three years (without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees of the Office as the Assistant Secretary considers necessary to accomplish its functions, provided that—

"(A) at least 60 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

"(B) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS–15, as determined in accordance with section 5376 of title 5, United States Code;

"(C) the appointment of such employee is necessary to provide the Office with scientific or technical expertise which could not otherwise be obtained by the Office through the competitive service; and

"(D) the total number of such employees does not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office.

"(2) REAPPOINTMENT OF EMPLOYEES.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for one additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

"(d) AUTHORITY TO PUBLISH.—

"(1) IN GENERAL.—The Assistant Secretary is authorized to prepare and publish such information, reports, and documents as may be of value in carrying out the purposes of sections 405 through 405D without further clearance or approval by the Secretary or any other office of the Department.

"(2) QUALITY ASSURANCE.—In carrying out such authority, the Assistant Secretary shall—

"(A) establish such procedures as may be necessary to assure that all reports and publications issued by the Office are of the highest quality; and

"(B) provide other offices of the Department with an opportunity to comment upon any report or publication prior to its publication when its contents relate to matters for which such office has responsibility.

"(e) BIENNIAL REPORT ON ACTIVITIES OF OFFICE.—The Assistant Secretary shall transmit to the President and the Congress by not later than December 30 of every other year a biennial report which shall consist of—

"(1) a description of the activities carried out by and through each research institute during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

"(2) a description of the activities carried out by and through the national education dissemination system established by section 405C during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

"(3) such written comments and recommendations as may be submitted by the Board concerning the activities carried out by and through each of the institutes and the national education dissemination system during the fiscal years for which such report is prepared and how such activities relate to the Research Policies and Priorities Plan developed by the Board;

"(4) a description of the coordination activites undertaken pursuant to section 405(f) during the fiscal years for which such report is prepared;

"(5) recommendations for legislative and administrative changes necessary to improve the coordination of all educational research, development, and dissemination activities carried out within the Federal Government, particularly within the priority research and development needs identified in section 405(b)(3); and

"(6) such additional comments, recommendations, and materials as the Assistant Secretary considers appropriate.

"(f) COORDINATION.—With the advice and assistance of the Board, the Assistant Secretary shall establish and maintain an ongoing program of activities designed to improve the coordination of education research, development, and dissemination and activities within the Department and within the Federal Government, particularly within the priority research and development needs identified in section 405(b)(3), in order to—

"(1) minimize duplication in education research, development, and dissemination carried out by the Federal Government;

"(2) maximize the value of the total Federal investment in education research, development, and dissemination; and

"(3) enable all entities engaged in education research, development, and dissemination within the Federal Government to interact effectively as partners and take full advantage of the diverse resources and proficiencies which each entity has available.

"(g) ACTIVITIES REQUIRED WITH RESPECT TO COORDINATION.—In carrying out such program of coordination, the Assistant Secretary shall compile (and thereafter regularly maintain) and make available a comprehensive inventory of all education research, development, dissemination activities, and expenditures being carried out by the Federal Government within the priority research and development needs identified in section 405(b)(3).

"(h) STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.—

"(1) IN GENERAL.—In consultation with the Board, the Assistant Secretary shall develop such standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Office to assure that such activities meet the highest standards of professional excellence. In developing such standards, the Assistant Secetary shall review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal agencies engaged in research and development and shall also actively solicit recommendations from the the National Academy of Sciences, the American Educational Research Association and members of the general public.

"(2) CONTENTS OF STANDARDS.—Such standards shall at a minimum—

"(A) require that a system of peer review be utilized by the Office—

"(i) in reviewing and evaluating all applications for grants and cooperative agreements and bids for those contracts which exceed $100,000;

"(ii) in evaluating and assessing the performance of all recipients of grants from and cooperative agreements and contracts with the Office; and

"(iii) in reviewing and designating exemplary and promising programs in accordance with section 405C(d);

"(B)(i) specify the composition of peer review panels, the criteria for the selection of members of such panels, and describe the means by which potential members shall be identified so as to assure that such panels are broadly representative of individuals with expertise in matters relevant to the purposes of each such panel;

"(ii) prohibit the consideration of partisan affiliation in the selection of any member of a peer review panel;

"(iii) describe the general procedures which shall be used by each peer review panel in its operations;

"(iv) prohibit the participation by a member of a peer review panel in the review of any application in which such member has any financial interest; and

"(v) require that transcripts, minutes, and other documents made available to or prepared for or by a peer review panel will be available for public inspection to the extent consistent with the Freedom of Information Act, the Federal Advisory Committee Act, the Privacy Act, and other laws;

"(C)(i) describe the procedures which shall be utilized in evaluating applications for grants, proposed cooperative agreements, and contract bids;

"(ii) specify the criteria and factors which shall be considered in making such evaluations; and

"(iii) provide that any decision to fund a grant, contract, or cooperative agreement out of its order of ranking by a peer review panel shall be first fully justified in writing and that copies of such justification shall be transmitted to the Board, unless such action is required by some other provision of law;

"(D)(i) describe the procedures which shall be utilized in reviewing educational programs which have been identified by or submitted to the Secretary for evaluation in accordance with section 405C(d); and

"(ii) specify the criteria which shall be used in recommending programs as exemplary and promising; and

"(E)(i) require that the performance of all recipients of grants from and contracts and cooperative agreements with the Office shall be periodically evaluated, both during and at the conclusion of their receipt of assistance;

"(ii) describe the procedures and means by which such evaluations shall be undertaken, including—

"(I) the frequency of such evaluations;

"(II) the criteria, outcome measures, and other factors which shall be taken into account; and

"(III) measures to assure that on-site evaluations of performance shall be utilized to the extent appropriate and whenever practicable; and

"(iii) provide that the results of such evaluations shall be taken into account prior to any decision to continue, renew, or provide new funding to the entity being reviewed.

"(3) PUBLICATION AND PROMULGATION OF STANDARDS.—

"(A) The Assistant Secretary shall publish proposed standards—

"(i) which meet the requirements of subparagraphs (A), (B), and (C) of paragraph (2) not later than 1 year after the date of the enactment of the Educational Research, Development, and Dissemination Excellence Act;

"(ii) which meet the requirements of paragraph (2)(D) not later than 2 years after such date; and

"(iii) which meet the requirements of subparagraph (E) of paragraph (2) not later than 3 years after such date;

"(B) Following the publication of such proposed standards, the Assistant Secretary shall solicit comments from interested members of the public with respect to such proposed standards for a period of not more than 120 days. After giving due consideration to any comments which may have been received, the Assistant Secretary shall transmit such standards to the Board for its review and approval.

"(C) Upon the approval of the Board, the Assistant Secretary shall transmit final standards to the Secretary which meet the requirements of the particular subparagraphs of paragraph (2) for which they were developed. Such standards shall be binding upon all activities carried out with funds appropriated under section 405.

"(i) ADDITIONAL RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

"(1) be guided by the Research Priorities Plan developed by the Board;

"(2) ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary;

"(3) ensure that the selection of research topics and the administration of the program are free from undue partisan political influence; and

"(4) ensure that all statistics and other data collected and reported by the Office shall be collected, cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status whenever feasible (and when such data collection or analysis is not feasible, ensure that the relevant report or document includes an explanation as to why such data collection or analysis is not feasible).

"(j) DEFINITIONS.—For purposes of this section and sections 405A through 405D:

"(1) The term 'Assistant Secretary' means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act.

"(2) The term 'at-risk student' means a student who, because of limited English proficiency, poverty, geographic location, or educational or economic disadvantage, faces a greater risk of low educational achievement and has greater potential for dropping out of school.

"(3) The term 'Board' means the National Educational Research Policy and Priorities Board.

"(4) The term 'educational research' includes basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education.

"(5) The term 'development'—

"(A) means the systematic use, adaptation, and transformation of knowledge and understanding gained from research to create alternatives, policies, products, methods, practices, or materials which can contribute to the improvement of educational practice; and

"(B) includes the design and development of prototypes and the testing of such prototypes for the purposes of establishing their feasibility, reliability, and cost-effectiveness.

"(6) The term 'technical assistance' means the provision of external assistance to facilitate the adoption or application of the knowledge gained from educational research and development and includes—

"(A) problem analysis and diagnosis;

"(B) assistance in finding, selecting, or designing suitable solutions and approaches to problems;

"(C) training in the installation and implementation of products, programs, policies, practices, or technologies; and

"(D) such other assistance as may be necessary to encourage the adoption or application of such knowledge.

"(7) The term 'dissemination' means the transfer of knowledge and products gained through research and includes—

"(A) the use of communication techniques to increase awareness of such knowledge and products;

"(B) the provision of comparative and evaluative information necessary to enable educators, school administrators, and others to assess and make informed judgments about the relevance and usefulness of such knowledge and products in specific settings; and

"(C) the provision of technical assistance needed to adapt, apply, and utilize such knowledge and products in specific educational settings.

"(8) The term 'national education dissemination system' means the activities carried out by the Office of Reform Assistance and Dissemination established by section 405C.

"(9) The term 'Office' means the Office of Educational Research and Improvement established in section 209 of the Department of Education Organization Act.

"(10) The term 'national research institute' means an institute established in section 405B.

"(11) The terms 'United States' and 'State' include the District of Columbia and the Commonwealth of Puerto Rico.

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) NATIONAL INSTITUTES.—

"(A) For the purpose of carrying out section 405B, there is authorized to be appropriated $37,000,000 for fiscal year 1994.

"(B) For the purpose of carrying out the provisions of section 405B relating to the National Institute for Student Achievement, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

"(C) For the purpose of carrying out the provisions of section 405B relating to the National Institute for the Education of At-Risk Students, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

"(D) For the purpose of carrying out the provisions of section 405B relating to the National Institute for Innovation in Educational Governance, Finance, Policy-Making, and Management, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

"(E) For the purpose of carrying out the provisions of section 405B relating to the National Institute for Early Childhood Development and Education, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

"(F) For the purpose of carrying out the provisions of section 405B relating to the National Institute of Postsecondary Education, Libraries, and Lifelong Learning, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996 and 1997.

"(2) NATIONAL EDUCATION DISSEMINATION SYSTEM.—

"(A)(i) For the purpose of carrying out subsections (b)(2) through (g) of section 405C, there are authorized to be appropriated $22,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 through 1997.

"(ii) Of the amount appropriated under clause (i) for any fiscal year, the Secretary shall make available not less than $7,175,000 to carry out subsection (f) of section 405C (relating to clearinghouses).

"(B) For the purpose of carrying out subsection (h) of section 405C (relating to regional educational laboratories), there are authorized to be appropriated $37,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 through 1997. Of the amounts appropriated under the preceding sentence for a fiscal year, the Secretary shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau of Indian Affairs which are located in rural areas).

"(C) For the purpose of carrying out subsection (j) of section 405C (relating to the teacher research dissemination network) there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 through 1997.

"(D) For the purpose of carrying out subsection (i) of section 405C (relating to the Goals 2000 Community Partnerships program), there are authorized to be appropriated $30,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 and 1997.

"(3) NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD.—Of the amounts appropriated under paragraphs (1) and (2) for any fiscal year, the Secretary shall make available 2 percent of such amounts, or $1,000,000, whichever is less, to the Board for the purpose of carrying out section 405A.

"(4) ALLOCATIONS FOR GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Of the amounts appropriated under paragraph (1) or (2) for any fiscal year, not less than 95 percent shall be expended to carry out the purposes described in such paragraphs through grants, cooperative agreements, or contracts.

"(5) LIMITATIONS ON APPROPRIATIONS.—No amounts are authorized to be appropriated under paragraph (1) or (2) for fiscal year 1995 or any fiscal year thereafter unless the Board has been appointed in accordance with section 405A.

"(6) GRANT AUTHORIZED.—From the amounts appropriated under paragraph (1) for fiscal year 1995, the Secretary is authorized, in accordance with the provisions of this paragraph, to award a grant of not more than $5,000,000 to a public or private institution, agency or organization for a period not to exceed five years for the purpose of conducting a State-by-State poll to determine the perceptions of recent graduates of secondary schools, their instructors in institutions of higher education, parents of recent such graduates, and employers of recent such graduates on how well schools have prepared students for further education or employment. The grant shall be awarded on a competitive basis and shall be matched on a two-to-one basis, with the Federal Government contributing one-third of the total costs of the poll.".

SEC. 212. ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT.

Subsection (b) of section 202 of the Department of Education Organization Act is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(2) by adding at the end the following new paragraph:

"(3) There shall be in the Department an Assistant Secretary for Educational Research and Improvement who shall be—

"(A) appointed by the President, by and with the consent of the Senate; and

"(B) selected in consultation with the National Educational Research Policy and Priorities Board from among individuals who—

"(i) are distinguished educational researchers;

"(ii) have proven management ability; and

"(iii) have substantial knowledge of education within the United States.".

SEC. 213. SAVINGS PROVISION.

Notwithstanding any other provision of law, contracts for the regional educational laboratories, education resources information clearinghouses and research and development centers assisted under section 405 of the General Education Provisions Act on the date of the enactment of this Act shall remain in effect until the termination date of such contracts.

SEC. 214. EXISTING GRANTS AND CONTRACTS.

Notwithstanding any other provision of law, grants and contracts for the research and development centers assisted under section 405 of the General Education Provisions Act on the date of enactment of this Act shall remain in effect until the termination date of such grants or contracts, as the case may be, except that such grants and contracts may be extended to implement the provisions of this Act.

PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

SEC. 221. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act (20 U.S.C. 1221e et seq.) is amended by inserting after section 405 the following new section:

"NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

"SEC. 405A. (a) IN GENERAL.—There is established within the Office a National Educational Research Policy and Priorities Board (hereafter in this section referred to as the 'Board').

"(b) FUNCTIONS.—It shall be the responsibility of the Board, acting through the Assistant Secretary—

"(1) to determine priorities that should guide the work of the Office and provide guidance to the Congress in its oversight of the Office;

"(2) to review and approve standards for the conduct and evaluation of all research, development, and dissemination carried out under the auspices of the Office pursuant to sections 405 through 405C; and

"(3) to regularly review, evaluate, and publicly comment upon, the implementation of its recommended priorities and policies by the Department and the Congress.

"(c) RESEARCH PRIORITIES PLAN.—In cooperation with the Assistant Secretary, the Board shall—

"(1) survey and assess the state of knowledge in education research, development and dissemination to identify disciplines and areas of inquiry within the priority research, development and dissemination needs identified in section 405(b)(3) in which the state of knowledge is insufficient and which warrant further investigation, taking into account the views of both education researchers and practicing educators;

"(2) consult with the National Education Goals Panel and other authorities on education to identify national priorities for the improvement of education;

"(3) actively solicit recommendations from education researchers, teachers, school administrators, cultural leaders, parents, and others throughout the Nation through such means as periodic regional forums;

"(4) provide recommendations for the development, maintenance, and assurance of a strong infrastructure for education, research, and development in the United States; and

"(5) on the basis of such recommendations, develop a research priorities program which shall recommend priorities for the investment of the resources of the Office over the next 5-, 10-, and 15-year periods, including as priorities those areas of inquiry in which further research, development and dissemination—

"(A) is necessary to attain the goals for the improvement of education identified in paragraph (2);

"(B) promises to yield the greatest practical benefits to teachers and other educators in terms of improving education; and

"(C) will not be undertaken in sufficient scope or intensity by the other Federal and non-Federal entities engaged in education research and development.

"(d) CONTENTS OF PLAN—

"(1) IN GENERAL.—The research and priorities plan described in subsection (c) shall, at a minimum—

"(A) set forth specific objectives which can be expected to be achieved as a result of a Federal investment in the priorities set forth in the plan;

"(B) include recommendations with respect to research and development on cross-cutting issues which should be carried out jointly by 2 or more of the research institutes; and

"(C) include an evaluative summary of the educational research and development activities undertaken by the Federal government during the preceding 2 fiscal years which shall describe—

"(i) what has been learned as a result of such activities;

"(ii) how such new knowledge or understanding extends or otherwise relates to what had been previously known or understood;

"(iii) the implications of such new knowledge or understanding for educational practice and school reform; and

"(iv) any development, reform, and other assistance activities which have utilized such knowledge or understanding and the effects of such efforts.

"(2) REPORT.—

"(A) Not later than 6 months after the first meeting of the Board and October 1 of every second year thereafter, the Assistant Secretary shall publish a report specifying the proposed research priorities of the Office and allow a 60-day period beginning on the date of the publication of the report for public comment and suggestions.

"(B) Not later than 90 days after the expiration of the 60-day period referred to in subparagraph (A), the Assistant Secretary shall submit to the President and the Congress a report specifying the research priorities of the Office and any public comment and suggestions obtained under such subparagraph.

"(e) ADDITIONAL RESPONSIBILITIES OF THE BOARD.—It shall also be the responsibility of the Board to—

"(1) provide advice and assistance to the Assistant Secretary in carrying out the coordination activities described in section 405;

"(2) make recommendations to the Assistant Secretary of persons qualified to fulfill the responsibilities of the Director for each research institute established by section 405B after making special efforts to identify qualified women and minorities and soliciting and giving due consideration to recommendations from professional associations and interested members of the public;

"(3) advise and make recommendations to the President with respect to individuals who are qualified to fulfill the responsibilities of the Assistant Secretary for the Office of Educational Research and Improvement; and

"(4) review and approve standards for the conduct and evaluation of research developed by the Assistant Secretary pursuant to subsection (h) of section 405.

"(f) STANDING SUBCOMMITTEES.—

"(1) ESTABLISHMENT; FUNCTIONS.—The Board shall establish a standing subcommittee for each of the Institutes established by subsection (a) of section 405B and for the Office of Reform Assistance and Dissemination established by subsection (b) of section 405C which shall advise, assist, consult with and make recommendations to the Assistant Secretary, the Board, the Director of such entity and the Congress on matters related to the activities carried out by and through such entities.

"(2) COMPOSITION.—

"(A) Each standing subcommittee shall consist of 3 members of the Board and 6 additional individuals appointed by the Board who have significant experience in and knowledge of the disciplines relevant to the purposes of the entity for which the subcommittee is established.

"(B) The Board shall assure that the membership of each subcommittee includes both educational researchers and persons who are knowledgeable about the research, development and dissemination needs of practitioners, including classroom teachers, school administrators, and members of State or local boards of education.

"(g) POWERS OF THE BOARD.—In carrying out its functions, powers, and responsibilities, the Board—

"(1) shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule who shall assist in carrying out and managing the activities of the Board and perform such other functions the Board determines to be necessary and appropriate;

"(2) shall hire its own staff through routine government procedures;

"(3) may arrange for the detail of staff personnel and utilize the services and facilities of any agency of the Federal Government;

"(4) may enter into contracts, or make other arrangements as may be necessary to carry out its functions;

"(5) may review any grant, contract, or cooperative agreement made or entered into by the Office;

"(6) may, to the extent otherwise permitted by law, obtain directly from any department or agency of the United States such information as it deems necessary to carry out its responsibilities;

"(7) may convene workshops and conferences, collect data, and establish subcommittees which may be composed of members of the Board and nonmember consultants (including employees of the Department) with expertise in the particular area addressed by such subcommittees; and

"(8) shall establish such rules and procedures to govern its operations as it considers appropriate, to the extent otherwise permitted by law.

"(h) MEMBERSHIP IN GENERAL.—

"(1) QUALIFICATIONS.—The members of the Board shall be eminent persons who, by virtue of their training, experience, and background, are exceptionally qualified to appraise the educational research and development effort of the Nation and to establish policies and priorities to govern future Federal investment in educational research, development, and dissemination.

"(2) BROAD REPRESENTATION.—Due consideration shall be given to the gender, race, and ethnicity of appointees to assure that the Board is broadly representative of the diversity of the Nation.

"(3) LIMITATION.—A voting member of the Board may not serve on any other governing or advisory board within the Department of Education.

"(4) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

"(i) SECRETARIAL APPOINTMENTS.—The Board shall consist of 18 members appointed by the Secretary. Of the members of the Board—

"(1) seven shall be appointed from among researchers in the field of education who have been nominated by the National Academy of Sciences and the National Academy of Education (giving due consideration to recommendations made by the American Educational Research Association), including persons who are among the leading authorities on early childhood education and the education of at-risk students;

"(2) five shall be outstanding field-based professional educators;

"(3) one shall be a Chief State School Officer;

"(4) one shall be a local education agency school superintendent or principal;

"(5) one shall be a member of a State or local board of education or Bureau of Indian Affairs-funded school board;

"(6) one shall be a professional librarian, school library media specialist, library administrator, or library science educator;

"(7) one shall be a parent with extensive experience in promoting parental involvement in education; and

"(8) one shall be an individual from business and industry with significant experience in promoting private sector involvement in education.

"(j) REQUIREMENTS FOR NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF EDUCATION.—

"(1) IN GENERAL.—In making nominations for the members of the Board described in subsection (i)(1), the National Academy of Sciences and the National Academy of Education—

"(A) may not nominate any individual who is an elected officer or employee of such organizations; and

"(B) shall each nominate not less than 5 individuals for each of the positions on the Board for which such organization has responsibility for making nominations.

"(2) REQUEST FOR ADDITIONAL NOMINATIONS.—In the event that the Secretary determines that none of the individuals nominated by the National Academy of Sciences or the National Academy of Education meets the qualifications for membership on the Board specified in subsection (i), the Secretary may request that such organization make additional nominations.

"(k) NOMINATIONS FOR BOARD MEMBERSHIP.—Prior to appointing any member of the Board, the Secretary shall actively solicit and give due consideration to recommendations of persons qualified for membership on the board from the National Education Association, the American Federation of Teachers, the National Parent-Teachers Association, the American Library Association, the American Association of School Administrators, the National Association of State Boards of Education, the National Indian School Board Association, the Association of Community Tribal Schools, the National Indian Education Association, and other education-related organizations and interested members of the public.

"(l) EX OFFICIO MEMBERS.—The ex officio, nonvoting members of the Board shall include the Assistant Secretary and may also include—

"(1) the Director of Research for the Department of Defense;

"(2) the Director of Research for the Department of Labor;

"(3) the Director of the National Science Foundation;

"(4) the Director of the National Institutes of Health;

"(5) the chair of the National Endowment for the Arts;

"(6) the chair of the National Endowment for the Humanities;

"(7) the Librarian of Congress; and

"(8) the Director of the Office of Indian Education Programs of the Department of the Interior.

"(m) CHAIR.—The Board shall select a Chair from among its appointed members who shall serve for a renewable term of 2 years.

"(n) TERMS OF OFFICE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of office of each voting member of the Board shall be 5 years.

"(2) EXCEPTIONS.—

"(A) Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term for which the predecessor of the individual was appointed shall be appointed for the remainder of the term. A vacancy shall be filled in the same manner in which the original appointment was made.

"(B) The terms of office of the members of the Board who first take office after the date of the enactment of the Educational Research, Development, and Dissemination Excellence Act shall, as designated by a random selection process at the time of appointment, be as follows:

"(i) 2 years for each of 6 members of the Board.

"(ii) 3 years for each of 6 members of the Board.

"(iii) 5 years for each of 6 members of the Board.

"(3) PROHIBITION ON CERTAIN CONSECUTIVE TERMS.—An individual who has been a member of the Board for 10 consecutive years shall thereafter be ineligible for appointment during the 5-year period beginning on the date of the expiration of the 10th year.

"(o) MEETINGS OF BOARD.—

"(1) INITIAL MEETING.—The Secretary shall ensure that the first meeting of the Board is held not later than May 15, 1994.

"(2) SUBSEQUENT MEETINGS.—The Board shall meet quarterly, at the call of the Chair, and when at least one-third of the members of the Board make a written request to meet.

"(3) QUORUM.—A majority of the Board shall constitute a quorum.

"(4) OPEN MEETINGS.—The Government in the Sunshine Act (5 U.S.C. 552b) shall apply to meetings of the Board.".

PART C—NATIONAL RESEARCH INSTITUTES

SEC. 231. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act, as amended by section 221 of this Act, is amended by inserting after section 405A the following new section:

"NATIONAL RESEARCH INSTITUTES

"SEC. 405B. (a) ESTABLISHMENT OF INSTITUTES.—In order to fulfill the research and development purposes of the Office, and to carry out, in accordance with the standards established by the Board, a program of high-quality and rigorously evaluated research and development that is capable of improving Federal, State, Indian tribal, and local education policies and practices, there are established within the Office the following institutes:

"(1) The National Institute for the Education of At-Risk Students.

"(2) The National Institute for Innovation in Educational Governance, Finance, Policy-Making, and Management.

"(3) The National Institute for Early Childhood Development and Education.

"(4) The National Institute on Student Achievement.

"(5) The National Institute on Postsecondary Education, Libraries, and Lifelong Education.

"(b) DIRECTORS.—

"(1) IN GENERAL.—Each Institute established by subsection (a) shall be headed by a Director who shall be appointed by the Assistant Secretary from among persons who have significant experience and expertise in the disciplines relevant to the purposes of such Institute. Prior to making such appointment, the Assistant Secretary shall solicit and give due consideration to recommendations made by the Board of persons qualfied to fulfill the position.

"(2) TERM OF OFFICE.—The Director of each Institute shall serve for a renewable term of 3 years.

"(3) REPORTING.—Each Director shall report directly to the Assistant Secretary regarding the activities of the Institute and shall work with the other directors to promote research syntheses across the Institutes.

"(c) AUTHORITIES AND DUTIES.—

"(1) IN GENERAL.—The Assistant Secretary is authorized to conduct research, development, demonstration, and evaluation activities to carry out the purposes for which such Institute was established—

"(A) directly;

"(B) through grants, contracts, and cooperative agreements with institutions of higher education, regional educational laboratories, public and private organizations, institutions, agencies, and individuals, which may include—

"(i) grants to support research and development centers which are—

"(I) awarded competitively for a period of not less than 6 and not more than 10 years;

"(II) funded at not less than $2,000,000 annually in order to support a full range of basic research, applied research and dissemination activities, which may also include development activities; and

"(III) established by institutions of higher education, by institutions of higher education in consortium with public agencies or private nonprofit organizations, or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development;

"(ii) public-private research partnerships established by a State or local education agency, Bureau of Indian Affairs-funded school, or tribal department of education, in concert with a private organization and a team of educational researchers, for which the Federal share shall be limited to not more than 50 percent of the total costs of the project;

"(iii) meritorious unsolicited proposals for educational research and related activities;

"(iv) proposals that are specifically invited or requested by the Assistant Secretary, on a competitive basis; and

"(v) dissertation grants, awarded for a period of not more than 2 years and in a total amount not to exceed $20,000 to graduate students in the sciences, humanities, and the arts to support research by such scholars in the field of education;

"(C) through the provision of technical assistance; and

"(D) through the award of fellowships to support graduate study in educational research by qualified African-American, Hispanic, American Indian and Alaska Native, and other individuals from groups which have been traditionally underrepresented in the field of educational research which shall—

"(i) be awarded on the basis of merit for a period of 3 years; and

"(ii) provide stipends to each fellow in an amount which shall be set at a level of support comparable to that provided by the National Science Foundation Graduate Fellowships, except that such amounts shall be adjusted as necessary so as not to exceed each fellow's demonstrated level of need.

"(2) SCOPE AND FOCUS OF ACTIVITIES.—In carrying out the purposes for which each Institute is established, the Assistant Secretary shall—

"(A) maintain an appropriate balance between applied and basic research;

"(B) significantly expand the role of field-initiated research in meeting the Nation's education research and development needs by reserving not less than 15 percent of the amounts available to each Institute in any fiscal year to support field-initiated research described in clauses (iii) through (v) of paragraph (1);

"(C) provide for and maintain a stable foundation of long-term research and development on core issues and concerns conducted through university-based research and development centers by reserving not less than one-third of the amounts available to each Institute in any fiscal year to support such research and development centers;

"(D) support and provide research information that leads to policy formation for State legislatures, State and local boards of education and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement; and

"(E) coordinate the Institute's activities with the activities of the regional educational laboratories and with other educational service organizations in designing the Institute's research agenda and projects in order to increase the responsiveness of such Institute to the needs of teachers and the educational field and to bring research findings directly into schools to ensure greatest access at the local level to the latest research developments.

"(3) REQUIREMENTS REGARDING FINANCIAL ASSISTANCE.—No grant, contract, or cooperative agreement may be made under this section unless—

"(A) sufficient notice of the availability of, and opportunity to compete for, assistance has first been provided to potential applicants through notice published in the Federal Register or other appropriate means;

"(B) it has been evaluated through peer review in accordance with the standards developed pursuant to subsection (h) of section 405;

"(C) it will be evaluated in accordance with the standards developed pursuant to subsection (h) of section 405;

"(D) in the case of a grant, contract, or cooperative agreement which exceeds $500,000 for a single fiscal year or $1,000,000 for more than one fiscal year, the Secretary has complied with the requirements of paragraph (4); and

"(E) in the case of a grant, contract, or cooperative agreement to support a research and development center, all applications for such assistance have been evaluated by independent experts according to standards and criteria which include—

"(i) whether applicants have assembled a critical mass of high quality researchers sufficient to achieve the mission of the center;

"(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

"(iii) whether there is a substantial staff commitment to the work of the center;

"(iv) whether the directors and staff will devote adequate time to center activities; and

"(v) review of the contributions of primary researchers (other than researchers at the proposed center) to evaluate the appropriateness of such primary researcher's experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researcher's time commitment to achievement of the mission of the center.

"(4) BOARD REVIEW OF CERTAIN PROPOSED GRANT AND CONTRACT ACTIONS.—The Assistant Secretary may not solicit any contract bid or issue a request for proposals or applications for any grant or cooperative agreement the amount of which exceeds $500,000 in any single fiscal year or which exceeds an aggregate amount of $1,000,000 for more than one fiscal year unless the Board has had an opportunity to review such proposed grant, contract, or cooperative agreement action and to provide written comments to the Assistant Secretary with respect to whether—

"(A) the purposes and scope of the proposed action are consistent with the Research Priorities Plan; and

"(B) the methodology and approach of the proposed action are sound and adequate to achieve its stated objectives.

"(5) HISTORICALLY UNDERUTILIZED RESEARCHERS AND INSTITUTIONS.—The Assistant Secretary shall establish and maintain initiatives and programs to increase the participation in the activities of each Institute of groups of researchers and institutions that have been historically underutilized in Federal educational research activities, including—

"(A) researchers who are women, African-American, Hispanic, American Indian and Alaska Native, or other ethnic minorities;

"(B) promising young or new researchers in the field, such as postdoctoral students and recently appointed assistant or associate professors;

"(C) historically black colleges and universities, tribally controlled community colleges, and other institutions of higher education with large numbers of minority students;

"(D) institutions of higher education located in rural areas; and

"(E) institutions and researchers located in States and regions of the Nation which have historically received the least Federal support for educational research and development.

"(6) ADDITIONAL AUTHORITIES.—The Assistant Secretary—

"(A) may obtain (in accordance with section 3109 of title 5 but without regard to the limitation in such section on the period of service) the services of experts or consultants with scientific or professional qualifications in the disciplines relevant to the purposes of such Institute;

"(B) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(C) may accept voluntary and uncompensated services; and

"(D) may accept unconditional gifts made to the Office to support its activities.

"(d) NATIONAL INSTITUTE FOR THE EDUCATION OF AT-RISK STUDENTS.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) The rate of decline in our urban schools is escalating at a rapid pace. Student performance in most inner city schools grows worse each year. At least half of all students entering ninth grade fail to graduate 4 years later and many more students from high-poverty backgrounds leave school with skills that are inadequate for today's workplace. In 1988 the average National Assessment of Educational Progress (NAEP) reading score of white 17 year-olds was approximately 20 points higher than that of African-American 17 year-olds and 25 points higher than that of Hispanic 17 year-olds. None of the existing Federal educational research and development programs are adequately addressing this obvious emergency.

"(B) Rural schools enroll a disproportionately large share of the Nation's poor and at-risk students and yet often lack the means to address effectively the needs of these children. Intensive efforts must be made to overcome the problems of geographic isolation, declining population, inadequate financial resources and other impediments to the educational success of children residing in rural areas.

"(C) By the year 2000, an estimated 3.4 million school age children with limited English language proficiency will be entering the school system. The Federal Government must develop effective policies and programs to address the educational needs of this growing population of children who are at increased risk for educational failure.

"(D) An educational emergency exists in those urban and rural areas where there are large concentrations of children who live in poverty. The numbers of educationally disadvantaged children will substantially increase by the year 2020, when the number of impoverished children alone will be 16.5 million, a 33 percent increase over the 12.4 million children in poverty in 1987.

"(E) American Indian and Alaska Native students are keenly at-risk of educational failure, with demonstrated high dropout, illiteracy and poverty rates, and cultural, linguistic, social and geographic isolation. The estimated 400,000 Indian and Alaska Native student population from over 500 Indian and Alaska Native tribes, is small and scattered throughout remote reservations and villages in 32 States, and in off-reservation rural and urban communities where Indians constitute but a small percentage of public school student bodies. To meaningfully address the special educational needs of this historically under-served population, the existing research and development system must be opened to Indian and Alaska Native people to identify needs and design ways to address such needs.

"(F) Minority scholars as well as institutions and groups that have been historically committed to the improvement of the education of at-risk students need to be more fully mobilized in the effort to develop a new generation of programs, models, practices, and schools capable of responding to the urgent needs of students who are educationally at-risk.

"(2) PURPOSE.—It shall be the purpose of the Institute for the Education of At-Risk Students to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the Nation as it seeks to improve educational opportunities for students who are at-risk for educational failure, particularly children who reside in inner city and rural areas, and on Indian reservations, and children of limited English proficiency. Such program shall—

"(A) undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate and adapt interventions, programs, and models which promote greater achievement and educational success by at-risk students, such as—

"(i) methods of instruction and educational practices (including community services) which improve the achievement and retention of at-risk students;

"(ii) means by which parents and community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

"(iii) the training of teachers and other educational professionals and paraprofessionals to work more effectively with at-risk students;

"(iv) the most effective uses of technology in the education of at-risk students;

"(v) programs designed to promote gender equity in schools that serve at-risk students; and

"(vi) methods of assessing the achievement of students which are sensitive to cultural differences, provide multiple methods of assessing student learning, support student acquisition of higher order capabilities, and enable identification of the effects of inequalities in the resources available to support the learning of children throughout the Nation; and

"(B) maximize the participation of those schools and institutions of higher education that serve the greatest number of at-risk students in inner city and rural areas, and on Indian reservations, including model collaborative programs between schools and school systems, institutions of higher education, cultural institutions, and community organizations.

"(3) COMPREHENSIVE RESEARCH PROGRAM.—The Institute shall support a diverse and comprehensive program of research and development which shall include research related to the educational needs of—

"(A) at-risk students who reside in urban areas;

"(B) at-risk students who reside in rural areas;

"(C) children with limited English language proficiency; and

"(D) Indian and Alaska Native students.

"(4) CONSULTATION WITH INDIAN AND ALASKA NATIVE EDUCATORS.—All research and development activities supported by the Institute which relate to the education of Indian and Alaska Native students shall be developed in close consultation with Indian and Alaska Native researchers and educators, tribally controlled community colleges, tribal departments of education, and others with expertise in the needs of Indian and Native Alaska students.

"(e) NATIONAL INSTITUTE FOR INNOVATION IN EDUCATIONAL GOVERNANCE, FINANCE, POLICY-MAKING, AND MANAGEMENT.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) Many elementary and secondary schools in the United States—

"(i) are structured according to models that are ineffective and rely on notions of management and governance that may be outdated or insufficient for the challenges of the next century; and

"(ii) are unsuccessful in equipping all students with the knowledge and skills needed to succeed as citizens and in the working world.

"(B) New approaches are needed in the governance and management of elementary and secondary education with the United States at the State, local, school building and classroom level.

"(C) Not enough is known about the effects of various systems of school governance and management on student achievement to provide sound guidance to policymakers as they pursue school restructuring and reform.

"(D) A concentrated Federal effort is needed to support research, development, demonstration, and evaluation of approaches to school governance, finance and management which promise to improve education equity and excellence throughout the Nation.

"(2) PURPOSE.—It shall be the purpose of the National Institute on Innovation in Educational Governance, Finance, Policy-Making, and Management to carry out a coordinated and comprehensive program of research and development to provide nonpartisan, research-based leadership to the Nation as it seeks to improve student achievement through school restructuring and reform. Such program shall—

"(A) undertake research necessary to provide a sound basis from which to identify, develop and evaluate approaches in governance, finance, policy-making, and management at the State, local, tribal, school building and classroom level which promise to improve educational equity and excellence, such as—

"(i) open enrollment programs, magnet schools and other systems through which parents may select the public schools and educational programs in which their children are enrolled;

"(ii) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule;

"(iii) effective approaches to organizing learning;

"(iv) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

"(v) effective approaches to organizing, structuring, and financing vocational education;

"(vi) the provision of financial and other rewards and incentives based on performance to improve student achievement;

"(vii) the use of regulatory flexibility on the State or district level to promote innovation and school restructuring;

"(viii) school-based management;

"(ix) the restructuring of school finance systems at the State and local level to promote greater equity in the distribution of resources for education and to maximize the allocation of such resources to support direct learning;

"(x) expanding the role of teachers in policymaking and administration at the school and district-wide level;

"(xi) programs designed to increase the involvement of parents and families in the management and governance of schools and the education of their children;

"(xii) effective approaches to increasing the representation of women and minorities among leadership and management positions in education;

"(xiii) approaches to systemic reforms involving the coordination of multiple policies of each level of government to promote higher levels of student achievement;

"(xiv) approaches to coordinated services for children; and

"(xv) policies related to school to work transitions and preparing noncollege-bound students; and

"(B) undertake research and development activities necessary to provide information on the skills required for successful educational leadership at the State, tribal, and local level and to enhance the ability of school leaders and administrators to improve the educational environment for all students.

"(3) RESEARCH ON EDUCATIONAL CHOICE.—In carrying out the duties of the Institute, the Assistant Secretary shall conduct or support research on whether and to what extent the quality of education in the United States would be improved by providing public funds to parents for the costs of attendance of their children at the elementary and secondary schools of the parents' choice.

"(f) NATIONAL INSTITUTE FOR EARLY CHILDHOOD DEVELOPMENT AND EDUCATION.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) The Nation has set as a goal that all children should arrive at school ready to learn.

"(B) Despite efforts to expand and improve preschool programs, many children still reach school age unprepared to benefit from formal education programs.

"(C) Early intervention for disadvantaged children from conception to age five has been shown to be a highly cost-effective strategy for reducing later expenditures on a wide variety of health, developmental, and educational problems that often interfere with learning. Long-term studies of the benefits of preschool education have a demonstrated return on investment ranging from three to six dollars for every one dollar spent.

"(D) The Federal government should play a central role in providing research-based information on early childhood education models which enhance children's development and ultimately their success in school.

"(2) PURPOSE.—The purpose of the National Institute for Early Childhood Development and Education is to carry out a comprehensive program of research and development to provide nonpartisan, research-based leadership to the Nation as it seeks to improve early childhood development and education. Such program shall identify, develop, evaluate, and assist others to replicate sound policies and practices that may include—

"(A) social and educational development of all infants, toddlers, and preschool children;

"(B) the role of parents and the community in promoting the successful social and educational development of children from birth to age five;

"(C) training and preparation of teachers and other professional and paraprofessional preschool and child care workers;

"(D) the structure and environment of early childhood education and child care settings which lead to improved social and educational development;

"(E) practices and approaches which sustain the benefits of effective preschool and child care programs;

"(F) effective learning methods and curriculum for early childhood learning, including access to current materials in libraries;

"(G) the importance of family literacy and parental involvement in student learning;

"(H) the impact that outside influences have on learning, including television, and drug and alcohol abuse; and

"(I) methods for integrating learning in settings other than the classroom, such as within families and communities, with a special emphasis on character development and the value of hard work.

"(3) CERTAIN REQUIREMENTS.—In carrying out the activities of the Institute, the Assistant Secretary shall—

"(A) place special emphasis on the special early childhood education needs of at-risk children, children with disabilities, and girls; and

"(B) ensure that its research and development program provides information that can be utilized in improving the major Federal early childhood education programs, including Head Start, Even Start, chapter 1 preschool programs, and part H of the Individuals with Disabilities Education Act, and Bureau of Indian Affairs early childhood development programs.

"(g) NATIONAL INSTITUTE ON STUDENT ACHIEVEMENT.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) The current achievement levels of students in the Nation are far below those that might indicate competency in challenging subject matter in English, mathematics, science, history, and geography and other areas, or across the subject areas.

"(B) Very few students demonstrate that they can use their minds well. In recent assessments, more students are gaining basic skills, yet fewer are demonstrating a grasp of higher-level applications of those skills.

"(C) During the past 20 years, relatively little has changed in how students are taught. Despite much research suggesting better alternatives, classrooms are still dominated by textbooks, teacher lectures, and short-answer activity sheets and unequal patterns of student attention.

"(D) Despite progress in narrowing the gaps, the differences in performance between white students and their minority counterparts remain unacceptably large. While progress has been made in reducing the gender gap in mathematics, it still remains at higher levels of problem solving. Too little progress has been made in reducing gender performance gaps favoring males in science and females in writing.

"(2) PURPOSE.—The purpose of the National Institute on Student Achievement is to carry out a coordinated and comprehensive program of research and development to provide research-based leadership to the Nation as it seeks to improve student achievement in English, mathematics, science, history, geography, and other subject areas and across the boundaries of the subject areas. Such program shall—

"(A) identify, develop, and evaluate innovative and exemplary methods to improve student knowledge at all levels in English, mathematics, science, history, geography, civics and government, foreign languages, arts and humanities, economics, and other subject areas, such as—

"(i) student learning and assessment in various subject matters;

"(ii) the effects of organizational patterns on the delivery of instruction, including issues of grouping and tracking, ungraded classrooms, and on the effects of various pedagogies, including the issues of technology in education;

"(iii) the best methods of teacher preparation;

"(iv) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

"(v) enabling students to develop higher order thinking skills;

"(vi) methods to teach effectively all students in mixed-ability classrooms;

"(vii) curriculum, instruction, and assessment, in vocational education;

"(viii) the impact and effectiveness of Federal, State, and local efforts to provide gender-fair educational opportunities to elementary and secondary students; and

"(ix) programs, policies, approaches which promote gender equity in elementary and secondary education;

"(B) conduct basic and applied research in the areas of human learning, cognition, and performance, including research and development on the education contexts which promote excellence in learning and instruction, and motivational issues which provide a key to learning;

"(C) identify, develop, and evaluate programs designed to enhance academic achievement and narrow racial and gender performance gaps in a variety of subject areas, including research and development on methods of involving parents in their children's education and ways to involve business, industry and other community partners in promoting excellence in schools; and

"(D) include a comprehensive, coordinated program of research and development in the area of assessment which—

"(i) addresses such issues as—

"(I) the validity, reliability, generalizability, fairness, costs, relative merits, and most appropriate uses of various approaches and methods of assessing student learning and achievement;

"(II) methods and approaches to assessing student opportunities to learn (including the quality of instruction and the availability of resources necessary to support learning) and evaluating the quality of school environment;

"(III) the design, development, evaluation, and validation of model performance-based and other alternative or innovative formats or uses of assessments;

"(IV) the impact of high-stakes uses of assessment on student performance and motivation, narrowing of curriculum, teaching practices, and test integrity;

"(V) the fairness and impact of various methods of assessment on children of different races, ethnicities, gender, socioeconomic status, English language proficiencies, and children with other special needs;

"(VI) standards of performance, quality, and validity for various methods of assessment and the means by which such standards should be developed;

"(VII) current and emerging testing practices of State and local education agencies within the United States, as well as other nations;

"(VIII) the diverse effects, both intended and unintended, of assessments as actually used in the schools, including effects on curriculum and instruction, effects on equity in the allocation of resources and opportunities, effects on equity of outcomes, effects on other procedures and standards for judging students and practitioners and possible inflation of test scores;

"(IX) identifying and evaluating how students with limited English language proficiency and students with disabilities are included and accommodated in the various assessment programs of State and local education agencies; and

"(X) the feasibility and validity of comparing or equating the results of different assessments;

"(ii) reflects recommendations made by the National Education Goals Panel (provided such panel has been authorized by law);

"(iii) complies with the 'Standards for Educational and Psychological Tests' developed by the American Psychological Association, the National Council on Measurement in Education, and the American Educational Research Association;

"(iv) is consistent with the 'Criteria for Evaluation of Student Assessment Systems' developed by the National Forum on Assessment; and

"(v) complies with the 'Code of Fair Testing Practices in Education' developed by the Joint Committee on Testing Practices.

For purposes of this subparagraph, the term 'development' means the development of prototypes for the purposes of research and evaluation.

"(h) NATIONAL INSTITUTE FOR POSTSECONDARY EDUCATION, LIBRARIES, AND LIFELONG LEARNING.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) The American system of postsecondary education is foremost in the world in its achievement of both academic excellence and equity in access, but maintaining that preeminence requires renewed efforts to strengthen the quality of postsecondary education. Disappointing student performance on achievement tests and licensure examinations, declining rates of persistence and completion among minorities, and other troubling trends in the quality of postsecondary education must be addressed by the Nation as part of its overall drive to improve American education.

"(B) The need to improve our Nation's economic productivity to meet the competitive challenges of a new, international economy, coupled with high levels of mobility in the United States labor market and demographic changes in the workforce, now demands more and higher quality programs of learning and training in the American workplace.

"(C) The more than 1,000,000 men and women incarcerated in the Nation's prisons and jails are among the most severely educationally disadvantaged in the United States, with high rates of functional illiteracy and extremely low levels of educational attainment. Since an estimated 90 percent of these individuals are expected to be released by the end of the decade, the Nation must act to assure that our correctional system has the means to equip these Americans with the knowledge and skills they will need to participate productively in our society.

“(D) The development of a ‘Nation of Students’ capable of and committed to the pursuit of formal and informal lifelong learning is essential to sustain both national and individual economic success and to provide a nurturing environment in which all children and youth can learn and achieve. Historically the most effective community resource for lifelong learning, the Nation's public library system must expand and restructure its delivery of services to take full advantage of the potential of new information technologies to meet the needs of learning communities.

“(2) PURPOSE.—The purpose of the National Institute for Postsecondary Education, Libraries, and Lifelong Learning is to promote greater coordination of Federal research and development on issues related to adult learning and to carry out a program of research and development in adult learning to provide nonpartisan, research-based leadership to the Nation as it seeks to improve libraries, postsecondary education, and lifelong learning throughout the United States. Such program—

“(A) shall promote greater coordination, cooperation, and interaction among entities within the Federal Government which support research and development related to postsecondary education, libraries, and lifelong learning;

“(B) shall enable greater collaboration among entities within the Federal Government which support research and development related to postsecondary education, libraries, and lifelong learning by supporting research and development projects which are carried out jointly by such entities;

“(C) shall support research and development in those areas of postsecondary education, libraries, and lifelong learning which are not being addressed sufficiently by other entities within the Federal Government;

“(D) may include basic and applied research, development, replication, and evaluation activities in such areas as—

“(i) methods of assessing and evaluating individual, program, and institutional performance;

“(ii) the uses and applications of new technologies to improve program effectiveness and enhance student learning;

“(iii) practices, policies, and programs which address the unique needs of adult learners, including—

“(I) institutional and classroom policies and practices at the postsecondary level necessary to improve matriculation, persistence, achievement and graduation by students who are economically disadvantaged, ethnic and racial minorities, women, older, working, and who have children;

“(II) instructional practices and programs which are effective in correctional settings;

“(III) new models of service delivery for public library systems which expand opportunities for lifelong learning;

“(IV) effective programs and approaches which promote greater access to and success by minorities in postsecondary programs which prepare them for scientific, technical, teaching, and health career fields;

“(V) effective approaches to work-based learning; and

“(VI) the most effective training methods for adults to upgrade education and vocational skills;

“(iv) the effectiveness of Historically Black Colleges and Universities, Tribally-Controlled Indian Community Colleges, women's colleges, and other special mission institutions in fulfilling their mission of providing access and equal opportunity in higher education;

“(v) the quality of higher education at all levels and the roles and responsibilities of regional and national accrediting agencies in assuring the quality and relevance of academic goals and objectives established by institutions of higher education;

“(vi) approaches to improving the productivity of colleges, community colleges, universities, and other postsecondary institutions;

“(vii) financial barriers to postsecondary educational opportunity, including—

“(I) the role of Federal programs authorized under title IV of the Higher Education Act and State grant and work programs in mitigating such barriers;

“(II) the impact of the rising total cost of postsecondary education on access to higher education; and

“(III) the extent and impact of student reliance on loans to meet the costs of higher education;

“(viii) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills; and

“(ix) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks.

“(3) INVOLVEMENT OF CERTAIN AGENCIES AND ORGANIZATIONS.—In promoting coordination and collaboration on research and development on issues related to postsecondary education, libraries, and lifelong learning, the Institute shall, as appropriate, seek the involvement of—

“(A) within the Department of Education—

“(i) the Office of Library Programs;

“(ii) the Office of Correctional Education;

“(iii) the Office of Vocational and Adult Education;

“(iv) the National Institute on Disability and Rehabilitation Research; and

“(v) the Office of Postsecondary Education;

“(B) the National Institute for Literacy;

“(C) the National Board for Professional Teaching Standards;

“(D) the Employment and Training Administration of the Department of Labor;

“(E) the Administration for Children and Families within the Department of Health and Human Services;

“(F) the National Institutes of Health;

“(G) the National Endowment for Humanities;

“(H) the National Endowment for the Arts;

“(I) the Bureau of Prisons of the Department of Justice;

“(J) the Department of Commerce;

“(K) the Department of Defense; and

“(L) the Office of Indian Education Programs of the Department of the Interior.

“(4) In addition to the responsibilities described in paragraph (2), the Assistant Secretary shall ensure that the activities of the existing National Center on Literacy are fully coordinated with those of the National Institute for Literacy.

“(i) COORDINATION OF RESEARCH ON CROSS-CUTTING ISSUES.—The Assistant Secretary shall promote the coordination of research and development activities among the Institutes established by subsection (a) to investigate those cross-cutting disciplines and areas of inquiry, such as assessment, the use of technology and the training of teachers and school administrators, which are relevant to the missions of more than one of the Institutes. Such activities shall—

“(1) address cross-cutting disciplines and areas of inquiry which have been proposed by the Assistant Secretary and are consistent with the research priorities identified by the Board;

“(2) be carried out jointly (1) by any one of the Institutes and—

“(A) one (or more) of the Institutes;

“(B) the National Center for Education Statistics; or

“(C) any research and development entity administered by other offices of the Department of Education or by any other Federal agency or Department; and

“(3) meet all the standards set by the Assistant Secretary and the Board for other research and development conducted by the Office.

“(j) PROGRAM ON TEACHING AND TEACHER EDUCATION.—

“(1) IN GENERAL.—The Assistant Secretary, in accordance with the requirements of this subsection, shall undertake a comprehensive, coordinated program of research in the area of teaching, teacher education, and professional development.

“(2) CERTAIN PURPOSES OF PROGRAM.—In carrying out the program established under paragraph (1), the Assistant Secretary shall conduct, directly or through grants and contracts, basic and applied research and analytical activities to further knowledge about, make recommendations, and improve—

“(A) the ability of classroom teachers and schools to assist new and diverse populations of students in successfully assimilating into the classroom environment;

“(B) the working conditions of teachers and other educational practitioners, which may include such topics as—

“(i) teacher isolation;

“(ii) professional resources available to teachers;

“(iii) continuing educational and professional opportunities available to teachers;

“(iv) physical facilities and equipment, such as office space, telephone, computer access, and fax machines and television cable access available to teachers in the work environment;

“(v) opportunities for teachers to share information and resources with other teachers and education professionals;

“(vi) opportunities for advanced learning experience; and

“(vii) the reduction of stress in the teaching profession;

“(C) institutional program renewal and instruction;

“(D) restructuring of State certification of teachers and teacher education standards; and

“(E) assisting in the development of teacher certification standards by Indian tribal departments of education.

“(3) CERTAIN ACTIVITIES.—In carrying out the program established under paragraph (1), the Assistant Secretary—

“(A) shall work with institutions of higher education engaged in the preparation of teachers and professional organizations of teacher educators and practitioners to encourage institutional program renewal and restructuring;

“(B) may conduct, directly or through grants and contracts research on—

"(i) effective and reflective teaching for the preparation and continuing education of teachers;

"(ii) the use of computing and multi-made technology to advance the understanding and abilities of teacher educators and classroom teachers;

"(iii) the development and appraisal of curriculum and curriculum materials for the initial and continuing education of teachers and teacher educators; and

"(iv) strengthening the evaluation and dissemination of information on programs for continuing professional education and renewal of those who educate teachers for initial or advanced licensure or certification; and

"(C) shall work with the national regional education laboratories, the ERIC clearinghouses, national education research library, and the National Center for Education Statistics to maximize information available, to prevent unnecessary duplication of efforts and resources, and to ensure the results of the centers work are widely available.

"(k) RESEARCH ON EDUCATIONAL TECHNOLOGY.—The Assistant Secretary shall undertake a comprehensive, coordinated program of research and development in the area of the uses and applications of technology in education. Such program—

"(1) may support basic and applied research and development, analysis, evaluation in the area of the uses and applications of technology to education, including—

"(A) the capabilities of current and emerging technologies and their possible uses in education;

"(B) the uses and applications of technology—

"(i) to improve instruction within all content areas in the school curriculum;

"(ii) to educate more effectively at-risk students and other students with special needs;

"(iii) to improve education in rural communities and other remote areas;

"(iv) to improve the assessment of student learning and achievement;

"(v) to deliver preservice and inservice training for teachers, librarians, and school administrators; and

"(vi) to deliver and improve professional development and continuing education programs;

"(C) the cost and educational effectiveness of technologies used in education;

"(D) effective models and approaches for providing the preservice and inservice training and technical assistance necessary to enable teachers, librarians, and school administrators, cultural organizations, and others to use technology effectively in education;

"(E) the identification of barriers to greater use of technologies in education and potential approaches to eradicating or mitigating such barriers;

"(F) methods and approaches which can be utilized by teachers, school administrators, and education policymakers, and educational programs in cultural institutions to evaluate the quality and most appropriate uses of software and other technologies designed for use in education; and

"(G) approaches to organizing and managing schools and classrooms to make the most effective use of technology in education; and

"(2) shall be coordinated with related research and development activities undertaken by the Office of Special Education Programs, the National Science Foundation, the Department of Defense, and other Federal agencies.

"(l) TRANSITIONAL PROVISIONS.—

"(1) TEMPORARY REORGANIZATIONS.—Upon the enactment of the Educational Research, Development and Dissemination Excellence Act, the Secretary shall reorganize the research and development functions and activities of the Office into administrative units the purposes of which shall be the same as those for each of the national research institutes established in subsection (a). Such administrative units shall be responsible for planning and providing for the establishment of such institutes and shall cease to exist on the dates upon which each of the relevant institutes is established. The provisions of subsection (c) (relating to authorities and duties) shall apply to all activities undertaken by each such administrative unit.

"(2) DATES FOR ESTABLISHMENT OF INSTITUTES.—The National Institute for the Education of At-Risk Students, the National Institute for Innovation in Educational Governance, Finance, Policy-Making, and Management, the National Institute for Early Childhood Development and Education, the National Institute on Student Achievement, and the National Institute on Postsecondary Education, Libraries, and Lifelong Learning shall each be established effective October 1, 1994.".

PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

SEC. 241. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act, as amended by section 231 of this Act, is amended by inserting after section 405B the following new section:

"NATIONAL EDUCATION DISSEMINATION SYSTEM

"SEC. 405C. (a) IN GENERAL.—

"(1) FINDINGS.—The Congress finds as follows:

"(A) In order to improve the American educational system for all students, achieve the national education goals, and provide for greater educational equity, policymakers, administrators, teachers, and parents must have ready access to the best information and methods available as a result of educational research and development.

"(B) The Office of Educational Research and Improvement should have as one of its primary purposes the dissemination of such information and methods in order to assist the national education reform effort.

"(C) All current resources within the Office, the Department, and other agencies that can help accomplish this goal should be coordinated by the Assistant Secretary so as to form a systematic process to accomplish these objectives.

"(D) Education research has the capacity to improve teaching and learning in our Nation's schools, however, teachers need training in the developmental skills necessary to translate research into practice and to allow them to become a cadre of knowledgeable practitioners and leaders in educational improvement.

"(E) Adequate linkages between research and development providers and practitioners are essential to ensuring that research on effective practice is useful, disseminated and supported with technical assistance to all educators, and that all educators are partners in the research and development process.

"(2) PURPOSE.—The purpose of this section is to—

"(A) create a national system of dissemination, development, and educational improvement in order to create, adapt, identify, validate, and disseminate to educators, parents, and policymakers those educational programs that have potential or have been shown to improve educational opportunities for all students; and

"(B) empower and increase the capacity of teachers to participate in the research and development process.

"(3) DEFINITION OF EDUCATIONAL PROGRAM.—For the purposes of this section, the term 'educational program' includes educational policies, research findings, practices, and products.

"(b) ESTABLISHMENT OF OFFICE.—

"(1) IN GENERAL.—There is established within the Office an Office of Reform Assistance and Dissemination (in this section referred to as the 'Dissemination Office') through which the Secretary shall carry out all functions and activities described in this section.

"(2) CERTAIN DUTIES.—The Dissemination Office shall—

"(A) identify educational programs that may merit being designated as exemplary or promising educational programs;

"(B) based solely on the educational merits and promise of such programs, select those to be designated as exemplary or promising;

"(C) provide technical and financial assistance to individuals and organizations in the process of developing promising educational programs in the priority areas identified in section 405(b)(3), but who might not, without such assistance, be able to complete necessary development and assessment activities;

"(D) nationally disseminate information regarding the exemplary and promising programs to educators, parents, and policymakers through a variety of means, including existing Department activities, education associations and networks, and communication technologies;

"(E) provide training and technical assistance regarding the implementation and adoption of such exemplary and promising programs by interested entities; and

"(F) carry out a program of research on models for successful knowledge dissemination, and utilization, and strategies for reaching education policymakers, practitioners, and others interested in education.

"(3) ADDITIONAL DUTIES.—The Dissemination Office shall carry out and contain the following functions and activities:

"(A) A process for the identification of educational programs that work.

"(B) The educational resources information clearinghouses.

"(C) Dissemination through new technologies.

"(D) Smartline.

"(E) The regional educational laboratories.

"(F) Teacher Research Dissemination Network.

"(G) The Goals 2000 Community Partnerships Program.

"(H) The existing National Diffusion Network and its Developer-Demonstrator and State Facilitator projects.

"(I) Such other programs or entities the Secretary determines are consistent with the purposes for which the Dissemination Office is established.

"(c) IDENTIFICATION OF PROGRAMS.—

"(1) IN GENERAL.—The Assistant Secretary shall establish a process through which successful educational programs are actively sought out for possible dissemination through the national educational dissemination system. Such process shall, at a minimum, have the capability to—

"(A) work closely with the research institutes, centers, regional educational laboratories, the National Diffusion Network and its Developer-Demonstrator and State Facilitator projects, learning grant institutions established under the Goals 2000 Community Partnerships Program, department-supported technical assistance providers, and other entities to identify successful educational programs at the regional, State, local, or classroom level;

"(B) review successful educational programs supported by the Department through all of its programs, including Chapter 1, Even Start, Drug-Free Schools and Communities Act of 1986, the Individuals With Disabilities Education Act, Bilingual Education, Indian Education, the Women's Educational Equity Act, and Adult and Vocational Education;

"(C) through cooperative agreements, review for possible inclusion in the system educational programs administered by the Departments of Health and Human Services (particularly the Head Start program), Labor and Defense, the National Science Foundation, the Department of the Interior (particularly the Office of Indian Education Programs), and any other appropriate Federal agency; and

"(D) provide for an active outreach effort to identify successful educational programs through cooperative arrangements with State and local education agencies, teachers and teacher organizations, curriculum associations, foundations, private schools, institutions of higher education, and other entities that could enhance the ability of the Secretary to identify programs for possible inclusion in the dissemination system.

"(2) PRIORITY PROGRAMS.—In carrying out this subsection, the Secretary shall place a priority on identifying programs, products, and practices related to the priority research and development needs identified in section 405(b)(3).

"(d) DESIGNATION OF EXEMPLARY AND PROMISING PROGRAMS.—

"(1) IN GENERAL.—The Assistant Secretary, in consultation with the Board, shall establish 1 or more panels of appropriately qualified experts and practitioners to—

"(A) evaluate educational programs that have been identified by the Secretary under subsection (c) or that have been submitted to the Secretary for such evaluation by some other individual or organization; and

"(B) recommend to the Secretary programs that should be designated as exemplary or promising educational programs.

"(2) CONSIDERATIONS IN MAKING RECOMMENDATIONS.—In determining whether an educational program should receive a recommendation under paragraph (1), a panel established under such paragraph shall consider—

"(A) whether, based on empirical data, which may include but shall not be limited to test results, the program is effective and should thus be designated as exemplary and disseminated through the national dissemination system; or

"(B) whether there is sufficient evidence to lead a panel of experts and practitioners to believe that the program shows promise for improving student achievement and should thus be designated as promising and disseminated through the national dissemination system while it continues to be evaluated.

"(3) REQUIREMENT REGARDING APPROVAL OF PROGRAMS.—In seeking out programs for approval under paragraph (2), the Assistant Secretary shall seek programs that may be implemented at the State, local, and classroom level.

"(4) REQUIREMENTS REGARDING PANELS.—

"(A) A panel shall not eliminate a program from consideration under this subsection based solely on the fact that it does not have one specific type of supporting data, such as test scores.

"(B) The Assistant Secretary may not designate a program as exemplary or promising unless a panel established under paragraph (1) has recommended that the program be so designated.

"(C) The Secretary shall establish such panels under paragraph (1) as may be necessary to ensure that each program identified or submitted for evaluation is evaluated.

"(D) Not less than ⅔ of the membership of a panel established under paragraph (1) shall consist of individuals who are not officers or employees of the United States. Members of panels under paragraph (1) who are not employees of the United States shall receive compensation for each day engaged in carrying out the duties of the panel as well as compensation for their expenses.

"(e) DISSEMINATION OF EXEMPLARY AND PROMISING PROGRAMS.—

"(1) IN GENERAL.—In order to ensure that programs identified as exemplary or promising are available for adoption by the greatest number of teachers, schools, local and State education agencies, and Bureau of Indian Affairs-funded schools, the Assistant Secretary shall utilize the capabilities of—

"(A) the education resources information clearinghouses;

"(B) Smartline;

"(C) the regional educational laboratories;

"(D) the National Diffusion Network;

"(E) entities established under the Goals 2000 Community Partnerships Program;

"(F) department-supported technical assistance providers;

"(G) the National Library of Education; and

"(H) other public and private nonprofit entities, including existing education associations and networks, that have the capability to assist educators in adopting exemplary and promising programs.

"(2) REQUIREMENTS FOR ASSISTANT SECRETARY.—In carrying out paragraph (1), the Assistant Secretary shall ensure that all such entities are—

"(A) kept apprised of the availability of specific programs for dissemination;

"(B) provided technical assistance, if necessary, to carry out this dissemination function; and

"(C) involved in the national education dissemination system as specified by law.

"(f) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—

"(1) IN GENERAL.—The Assistant Secretary shall establish a system of 16 education resource information clearinghouses having, at a minimum, the functions and scope of work as the clearinghouses had on the date of the enactment of the Educational Research, Development, and Dissemination Excellence Act.

"(2) ADDITIONAL FUNCTIONS.—In addition to those functions already being carried out by the clearinghouses, such clearinghouses may—

"(A) periodically produce interpretive summaries, digests, and syntheses of the results and findings of education-related research and development; and

"(B) contain and make available to users information concerning those programs designated as exemplary and promising under subsection (c).

"(3) COORDINATION OF ACTIVITIES.—The Assistant Secretary shall assure that the functions and activities of such clearinghouses are coordinated with the activities of the research institutes, the regional educational laboratories, learning grant institutions, other clearinghouses supported by the Department, the National Diffusion Network, and other appropriate entities within the Office and the Department.

"(4) SPECIAL RESPONSIBILITIES OF THE SECRETARY.—To assure that the information provided through such clearinghouses is fully comprehensive, the Secretary shall—

"(A) require that all reports, studies, and other resources produced directly or by grant or contract with the Department of Education are made available to clearinghouses;

"(B) establish cooperative agreements with the Departments of Defense, Health and Human Services, Interior, and other Federal agencies to assure that all education-related reports, studies, and other resources produced directly or by grant or contract with the Federal Government are made available to such clearinghouses; and

"(C) devise an effective system for maximizing the identification, synthesis, and dissemination of information related to the needs of Indian and Alaska Native children.

"(5) COPYRIGHT PROHIBITED.—

"(A) No clearinghouse or other entity receiving assistance under this subsection may copyright or otherwise charge a royalty or other fee that—

"(i) is for the use or redissemination of any database, index, abstract, report, or other information produced with assistance under this subsection; and

"(ii) exceeds the incremental cost of disseminating such information.

"(B) For purposes of subparagraph (A), the incremental cost of dissemination does not include any portion of the cost of collecting, organizing, or processing the information which is disseminated.

"(g) DISSEMINATION THROUGH NEW TECHNOLOGIES.—

"(1) IN GENERAL.—The Assistant Secretary is authorized to award grants or contracts in accordance with this subsection to support the development of materials, programs, and resources which utilize new technologies and techniques to synthesize and disseminate research and development findings and other information which can be used to support educational improvement.

"(2) SOURCES OF MATERIALS AND RESEARCH ABOUT TEACHING AND LEARNING FOR IMPROVING NATIONWIDE EDUCATION (SMARTLINE).—

"(A) ELECTRONIC NETWORK.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall establish and maintain an electronic network which shall, at a minimum, link—

"(i) each office of the Department of Education;

"(ii) the research institutes established by section 405B;

"(iii) the National Center for Education Statistics;

"(iv) the National Library of Education; and

"(v) entities engaged in research, development, dissemination, and technical assistance under grant, contract, or cooperative agreement with the Department of Education.

"(B) CERTAIN REQUIREMENTS FOR NETWORK.—The network described in subparagraph (A) shall—

"(i) to the extent feasible, build upon existing national, regional, and State electronic networks and support video, telecomputing, and interactive communications;

"(ii) at a minimum, have the capability to support electronic mail and file transfer services;

"(iii) be linked to and accessible to other users, including State and local education agencies, institutions of higher education, museums, libraries, and others through the Internet and the National Research and Education Network; and

"(iv) be provided at no cost (excluding the costs of necessary hardware) to the contractors and grantees described in clause (v) of subparagraph (A) and to educational institutions accessing such network through the Internet and the National Research and Education Network.

"(C) INFORMATION RESOURCES.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, may make available through the network described in subparagraph (A)—

"(i) information about grant and contract assistance available through the department;

"(ii) an annotated directory of current research and development activities and projects being undertaken with the assistance of the Department;

"(iii) information about publications published by the Department and, to the extent feasible, the full text of such publications;

"(iv) statistics and data published by the National Center for Education Statistics;

"(v) syntheses of research and development findings;

"(vi) a directory of other education-related electronic networks and databases, including information about the means by which they may be accessed;

"(vii) a descriptive listing of materials and courses of instruction provided by telecommunications partnerships assisted under the Star Schools program;

"(viii) resources developed by the ERIC Clearinghouses;

"(ix) education-related software (including video) which is in the public domain;

"(x) a listing of instructional materials available through telecommunications to local education agencies through the Public Broadcasting Service and State educational television networks; and

"(xi) such other information and resources the Assistant Secretary considers useful and appropriate.

"(D) EVALUATIONS REGARDING OTHER FUNCTIONS OF NETWORK.—The Assistant Secretary shall also undertake projects to test and evaluate the feasibility of using the network described in subparagraph (A) for—

"(i) the submission of applications for assistance to the Department; and

"(ii) the collection of data and other statistics through the National Center for Education Statistics.

"(E) TRAINING AND TECHNICAL ASSISTANCE.—The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall—

"(i) provide such training and technical assistance as may be necessary to enable the contractors and grantees described in clause (v) of subparagraph (A) to participate in the electronic network described in such subparagraph; and

"(ii) work with the National Science Foundation to provide, upon request, assistance to State and local education agencies, the Department of the Interior's Office of Indian Education Programs, tribal departments of education, State library agencies, libraries, museums, and other educational institutions in obtaining access to the Internet and the National Research and Education Network.

"(h) REGIONAL EDUCATIONAL LABORATORIES.—

"(1) REGIONAL EDUCATIONAL LABORATORIES.—The Assistant Secretary shall enter into contracts with public or private nonprofit entities to establish a networked system of 10 regional educational laboratories which serve the needs of each region of the Nation in accordance with the provisions of this subsection. For the purposes of this subsection, the term 'region' means 1 of the 10 geographic regions set forth in section 2(a) of part 707 of title 34, Code of Federal Regulations (34 CFR 707.2(a)), as published in number 157 of volume 53 of the Federal Register on August 15, 1988.

"(2) DUTIES.—Each regional educational laboratory receiving assistance under this subsection shall, with such assistance, assist State education agencies, intermediate education agencies, local school districts, and schools funded by the Bureau of Indian Affairs in implementing broad-based, systemic school improvement strategies through the use of applied research and development activities. The regional educational laboratories shall support such system-wide reform efforts through—

"(A) the development of a plan for identifying needs and for serving the needs of the region by conducting a continuing survey of the educational needs, strengths and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

"(B) the dissemination of information about programs designated as exemplary and promising under subsection (c) and other appropriate programs and practices;

"(C) the provision of support and technical assistance in—

"(i) replicating and adapting such exemplary and promising practices;

"(ii) the development of high-quality, challenging curriculum frameworks;

"(iii) the development of valid, reliable, fair systems of assessment which are based upon State, local, or Bureau of Indian Affairs-funded school curriculum frameworks and reflect recent advances in the field of educational assessment;

"(iv) the improvement of professional development strategies to assure that all teachers are prepared to teach a challenging curriculum;

"(v) expanding and improving the use of technology in education to improve teaching and learning;

"(vi) the development of alternatives for restructuring school finance systems to promote greater equity in the distribution of resources; and

"(vii) the development of alternative administrative structures which are more conducive to planning, implementing, and sustaining school reform and improved educational outcomes;

"(D) the development of educational programs and practices that address State, regional, or Indian tribal needs in relating to their school reform efforts;

"(E) facilitating communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the national education goals;

"(F) bringing teams of experts together to develop and implement school improvement plans and strategies;

"(G) the provision of training in—

"(i) the field of education research and related areas;

"(ii) the use of new educational methods; and

"(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory shall be authorized to support internships and fellowships and to provide stipends; and

"(H) the provision of support and technical assistance (upon their request) to State facilitators funded through the National Diffusion Network.

"(3) NETWORKING.—In order to improve the efficiency and effectiveness of the regional laboratories, the governing boards of the ten regional laboratories shall establish and maintain a network to—

"(A) share information about the activities each is carrying out;

"(B) plan joint activities that would meet the needs of multiple regions;

"(C) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

"(D) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

"(4) ADDITIONAL DUTIES.—Each regional education laboratory receiving assistance under this subsection shall carry out the following activities:

"(A) Collaborate with the Institutes established under section 405B in order to—

"(i) maximize the use of research conducted through the Institutes in the work of such laboratory;

"(ii) keep the Institutes apprised of the work of the regional educational laboratories in the field; and

"(iii) inform the Institutes about additional research needs identified in the field.

"(B) Consult with the State educational agencies and library agencies in the region in developing the plan for serving the region.

"(C) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

"(D) Report and disseminate information on overcoming the obstacles faced by rural educators and rural schools.

"(E) Identify successful educational programs that have either been developed by such laboratory in carrying out its functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional laboratories so that they may be considered for inclusion in the national education development and dissemination system.

"(5) CERTAIN REQUIREMENTS.—In carrying out its responsibilities, each regional educational laboratory shall—

"(A) establish a governing board that—

"(i) is the sole entity that—

"(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award; and

"(II) determines the regional agenda of the laboratory, consistent with the priority research and development needs identified in section 405(b)(3); and

"(ii) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies;

"(B) comply with the standards established by the Assistant Secretary and the Board under section 405A;

"(C) coordinate its activities, collaborate, and regularly exchange information with the institutes established under section 405C, the National Diffusion Network, and its Developer Demonstrator and State Facilitator projects, learning grant institutions and district education agents assisted under subsection (i), the ERIC Clearinghouses, and other entities engages in technical assistance and dissemination activities which are supported by other Offices of the Department of Education; and

"(D) allocate its resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local education agencies, or Bureau of Indian Affairs-funded schools which may require special assistance from the laboratory.

"(6) EVALUATIONS.—The Assistant Secretary shall provide for periodic, independent evaluations of each of the laboratories in carrying out the duties described in paragraph (1) in accordance with the standards developed by the Assistant Secretary and the Board and transmit the results of such evaluations to the relevant committees of the Congress, the Board, and the appropriate regional educational laboratory board.

"(7) INVITATION REGARDING COMPETITION FOR AWARDS OF ASSISTANCE.—Prior to awarding a grant or entering into a contract under this section, the Secretary shall invite applicants, including the existing regional educational laboratories, to compete for such award through notice in the Federal Register and in the publication of the Department of Commerce known as the Commerce Business Daily.

"(8) APPLICATION FOR ASSISTANCE.—Each application for assistance under this subsection shall—

"(A) cover not less than a 5-year period;

"(B) describe how the applicant would carry out the activities required by this subsection; and

"(C) contain such additional information as the Secretary may reasonably require.

"(9) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this subsection shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department as authorized by law.

"(10) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory shall participate in the advance payment system at the Department of Education.

"(i) GOALS 2000 COMMUNITY PARTNERSHIPS PROGRAM.—

"(1) PURPOSE.—The purpose of the Goals 2000 Community Partnerships program is to improve the quality of learning and teaching in the Nation's most impoverished urban and rural communities by supporting sustained collaborations between universities, schools, businesses, and communities which apply and utilize the results of educational research and development.

"(2) GRANTS FOR GOALS 2000 COMMUNITY PARTNERSHIPS.—The Assistant Secretary is authorized to make grants to eligible entities to support the establishment of Learning Grant Institutions and District Education Agents and the activities authorized under this subsection within eligible communities.

"(3) DEFINITION OF ELIGIBLE ENTITY AND ELIGIBLE COMMUNITY.—For the purposes of this subsection:

"(A) The term 'eligible entity' includes any institution of higher education, regional education laboratory, National Diffusion Network project, national research and development center, public or private nonprofit corporation, or any consortium thereof that—

"(i) has demonstrated experience, expertise and commitment in serving the educational needs of at-risk students; and

"(ii) is, by virtue of its previous activities, knowledgeable about the unique needs and characteristics of the community to be served.

"(B) The term 'eligible community' means a unit of general purpose local government (such as a city, township, or village), a nonmetropolitan county, tribal village, or a geographically distinct area (such as a school district, school attendance area, ward, precinct or neighborhood), or any group of such entities that—

"(i) has a population of not less than 200,000 and not more than 300,000; and

"(ii) in which not less than one-half of the school-age children have family incomes which are below the poverty line, as determined by the 1990 United States Census, participation in the National School Lunch program, or other current, reliable data concerning family income.

"(4) GOALS 2000 COMMUNITY PARTNERSHIPS.—Each learning grant institution receiving assistance under this subsection shall establish a Goals 2000 community partnership to carry out the activities authorized under this subsection. Such partnership—

"(A) shall include the participation of one or more local educational agencies, institutions of higher education, community-based organizations, parents, teachers, and the business community;

"(B) may include the participation of human, social service and health care agencies, Head Start and child care agencies, libraries, museums, employment and training agencies, and the State educational agency or tribal department of education; and

"(C) shall be broadly representative of all segments of the community in which the activities will be carried out.

"(5) COMPREHENSIVE GOALS 2000 PLAN.—Each Goals 2000 Community Partnership shall develop a comprehensive plan for assuring educational success and high achievement for all students in the community. Each such plan shall—

"(A) adopt the 6 national educational goals;

"(B) identify additional needs and goals for educational improvement within the community;

"(C) focus on helping all students reach challenging content and student performance standards;

"(D) be consistent with the State and local plan for system-wide education improvement developed pursuant to the Goals 2000: Educate America Act;

"(E) establish a comprehensive community-wide plan for achieving such goals; and

"(F) develop a means for measuring the progress of the community in meeting such goals for improvement.

"(6) IMPLEMENTATION OF COMMUNITY-WIDE PLAN.—Each Goals 2000 Community Partnership shall, utilizing the District Education Agent, provide assistance in implementing the community-wide plan for educational improvement by—

"(A) supporting innovation, restructuring, and continuous improvement in educational practice by—

"(i) disseminating information throughout the community about exemplary and promising educational programs, practices, products, and policies;

"(ii) evaluating the effectiveness of federally funded educational programs within the community and identifying changes in such programs which are likely to improve student achievement;

"(iii) identifying, selecting and replicating exemplary and promising educational programs, practices, products, and policies in both in and out-of-school settings;

"(iv) applying educational research to solve specific problems in the classroom, home and community which impede learning and student achievement; and

"(v) supporting research and development by teachers, school administrators, and other practitioners which promise to improve teaching and learning and the organization of schools;

"(B) improving the capacity of educators, school administrators, child care providers and other practitioners to prepare all students to reach challenging standards and to attain the goals set out in the comprehensive community-wide plan through such means as—

"(i) the training of prospective and novice teachers (including preschool and early childhood educators) in a school setting under the guidance of master teachers and teacher educators;

"(ii) training and other activities to promote the continued learning and professional development of experienced teachers, related services personnel, school administrators to assure that they develop the subject matter and pedagogical expertise needed to prepare all students to reach challenging standards;

"(iii) training and other activities to increase the ability of prospective, novice, and experienced teachers to teach effectively at-risk students, students with disabilities, students with limited English language proficiency, and students from diverse cultural backgrounds; and

"(iv) programs to enhance teaching and classroom management skills, including school-based management skills, of novice, prospective, and experienced teachers;

"(C) promoting the development of an integrated system of service delivery to children from birth through age 18 and their families by facilitating linkages and cooperation among—

"(i) local education agencies;

"(ii) health and social services agencies and providers;

"(iii) juvenile justice and criminal justice agencies;

"(iv) providers of employment training; and

"(v) child care, Head Start, and other early childhood agencies; and

"(D) mobilizing the resources of the community in support of student learning and high achievement by facilitating effective partnerships and collaboration among—

"(i) local education agencies;

"(ii) postsecondary educational institutions;

"(iii) public libraries;

"(iv) parents;

"(v) community-based organizations, neighborhood associations, and other civic and community organizations;

"(vi) child care, Head Start, and other early childhood agencies;

"(vii) churches, synagogues and other religious institutions;

"(viii) labor organizations; and

"(ix) business and industry.

"(7) ADDITIONAL REQUIREMENTS.—In carrying out its responsibilities under this subsection, each partnership receiving assistance under this subsection shall—

"(A) appoint a District Education Agent who shall be responsible, on a full-time basis, for directing the implementation of the community-wide plan. Such individual shall have significant experience and expertise in the field of education in—

"(i) addressing the needs of at-risk students; and

"(ii) conducting educational research and promoting the application of the results of such research to educational practice;

"(B) provide for such other professional and support personnel as may be necessary to implement the community-wide plan under the direction of the District Education Agent; and

"(C) coordinate its activities and work cooperatively with the National Diffusion Network State facilitators, regional laboratories, and other components of the Office to utilize most effectively Federal research, development, and dissemination resources in implementing the community-wide plan.

"(8) Application for Grants.—Any eligible entity desiring a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require. Each such application shall—

"(A) include a comprehensive plan for meeting the objectives and requirements of this subsection; and

"(B) provide evidence of support for the application from local elected officials, the State education agency, the local education agency, parents, local community leaders, businesses, and other appropriate organizations.

"(9) Priority in Making Grants; Duration and Amount of Grant.—Each grant made under this subsection shall be—

"(A) awarded on a competitive basis, with first priority given to those applications from communities with the greatest percentage of school-age children in families with poverty-level incomes;

"(B) made for a 5-year period, with funding for the second and each successive year in this period conditioned upon a determination by the Assistant Secretary that the grant recipient has complied with the conditions of the grants during the previous year; and

"(C) an amount equal to not less than $1,000,000 per year.

"(10) Limitation of One Grant per Congressional District.—Not more than one grant shall be awarded within a single congressional district.

"(11) Technical Assistance; Evaluations.—In administering the program authorized under this subsection, the Assistant Secretary shall, either directly or through grant or contract with an eligible nonprofit agency—

"(A) upon request, provide technical assistance to eligible entities to assist in the development of a comprehensive plan to meet the requirements of this subsection and in the preparation of applications for assistance;

"(B) regularly provide technical assistance to learning grant institutions receiving assistance under this subsection to assist with the development and implementation of the community-wide plan for educational improvement;

"(C) provide for an independent evaluation of the activities assisted under this subsection, including—

"(i) the impact of the Goals 2000 Community Partnerships program on children and families within each community, including (but not limited to) effects on the extent of educational achievement, rates of school retention and completion, and enrollment in program postsecondary educational programs; and

"(ii) whether an intensified effort to apply and utilize educational research within a limited geographic area significantly improves student learning and achievement; and

"(D) plan for the expansion of the Goals 2000 Community Partnerships program throughout the remainder of the Nation beginning in fiscal year 1998.

"(j) Teacher Research Dissemination Network.—

"(1) Findings.—The Congress finds that—

"(A) education research, including research funded by the Office, is not having the impact on the Nation's schools that such research should;

"(B) relevant education research and resulting solutions are not being adequately disseminated to the teachers that need such research and solutions;

"(C) there are not enough linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, and the public schools, to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

"(D) the average teacher has almost no time to plan or engage in a professional dialogue with such teacher's peers about strategies for improving learning;

"(E) teachers do not have direct access to information systems or networks;

"(F) teachers have little control over what in-service education teachers will be offered; and

"(G) individual teachers are not encouraged to move beyond the walls of their classrooms to identify and use outside resources.

"(2) Program Authorized.—

"(A) The Assistant Secretary shall enter into contracts with regional educational laboratories, in partnership with 1 or more institutions of higher education in each State of its region, the National Diffusion Network, and other entities with demonstrated experience, expertise, and commitment in the areas of teacher research or teacher professional development, such as the national research and development centers, professional teacher organizations, and other qualified organizations and associations, in the region to carry out activities described in paragraph (3).

"(B) The Assistant Secretary shall enter into contracts under this subsection in an equitable manner and shall provide assistance on the basis of the number of schools, teachers, and students in each regional educational laboratory region with attention given to populations with special needs and the increased cost burden of service delivery in regions of sparse population.

"(C) Contracts under this subsection shall be awarded for a period of not less than 3 years.

"(3) Program Activities.—

"(A) Each regional partnership described in paragraph (2)(A) entering into a contract under this subsection shall carry out programs of providing training to teachers relevant to the needs and problems of the schools and school districts where teachers, who participate in the programs, serve. The purpose of such programs shall be to—

"(i) educate teachers on how to acquire information about education research findings and best practices;

"(ii) provide teachers with current education research and development theory, skills, and practice as shall enable them to modify, design, develop, and adapt such findings and practices to effect local district and classroom outcomes that improve education;

"(iii) enable teachers to become actively involved in the applied research and development process;

"(iv) provide teachers the ability to become leaders in the utilization of applied research and to become active participants in the Federal research and development partnership;

"(v) enhance the ability of teachers to evaluate and choose effective education programs and curricula; and

"(vi) facilitate collaboration between the teacher change agent and the National Diffusion Network State facilitator.

"(B) Teachers that participate in training assisted under this subsection shall be known as 'teacher change agents'.

"(C) The program described in subparagraph (A) shall provide teacher change agents with training during the summer and at such other times as agreed to by the district, which shall—

"(i) give teacher change agents knowledge and guidance in using the existing educational improvement services and resources funded by the United States Department of Education and other major research organizations, including the products and work of the regional educational laboratories, professional teacher organizations, the National Diffusion Network, institutions of higher education, the Educational Research Information Centers, National Research Centers, National Research Institutes, State Departments of Education, local education agencies, and other nonprofit organizations participating in the improvement of education;

"(ii) provide teacher change agents with indepth knowledge about a number of products, programs, and processes developed by entities described in clause (i) that the teacher change agents judge most relevant to the needs of the district or districts they will serve;

"(iii) inform teacher change agents about government programs, including, but not limited to, programs in government agencies other than the Department of Education, which offer research opportunities, fellowships, and funding; and

"(iv) provide teacher change agents with instruction in technical assistance skills in order to increase their capacity to aid district and school site teacher teams responsible for leading school improvement activities at the district and school site level.

"(D) The school year activities described in subparagraph (A) shall provide teacher change agents participating in such program during the school year with—

"(i) opportunities to meet with other teacher change agents to exchange experiences;

"(ii) additional training or assistance as needed or requested;

"(iii) updates in education research, application, and findings; and

"(iv) opportunities to provide feedback into the educational research infrastructure regarding needed research and ways to improve the development and dissemination of information.

"(E) The regional partnership program may support educational improvement and reform activities such as—

"(i) training in applied research methodologies;

"(ii) assistance in conducting applied research;

"(iii) teacher research sabbaticals;

"(iv) video conferencing for additional training in order to reduce travel time and expenses;

"(v) training in developing and implementing effective teacher in-service training;

"(vi) training in change management, including strategies for restructuring schools, building local capacity, and generally strengthening the culture of schools so that schools are conducive and supportive of change, including training in interpersonal and leadership skills; and

"(vii) training in the appropriate use of technology to assist classroom teachers.

"(F) TEACHER RESPONSIBILITIES.—Teacher change agents shall, during the school year—

"(i) meet with other teachers and district or school site teacher teams to provide other teachers with knowledge about how to acquire information regarding education research findings and best practices, including what resources are available from the Department of Education and how to obtain products and technical services from the Department;

"(ii) meet with the National Diffusion Network State Facilitator to coordinate and not duplicate efforts in the dissemination of exemplary educational programs;

"(iii) help interested schools identify resources needed to address the school's needs and act as liaison between the school and the appropriate resource entities, such as regional educational laboratories, centers, national institutes, institutions of higher education, professional teacher organizations, scholars, consultants, and other schools and school districts that may be of assistance;

"(iv) teach other teachers how to use the products, programs, and processes in which the teacher was trained pursuant to paragraph (2)(C)(II);

"(v) work with other teachers and teacher teams to adapt identified exemplary practices, programs, and research results to implement school site or classroom improvements as desired, and provide follow-up activities throughout a 2-year period to ensure the successful adaptation and implementation of such programs in local schools; and

"(vi) inform teachers about how they can obtain Federal research funding, fellowships, and sabbaticals.

"(G) APPLICATION.—

"(i) IN GENERAL.—Each regional partnership desiring a contract under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

"(ii) CONTENTS.—Each application described in clause (i) shall—

"(I) contain a plan acceptable to affected States and local education agencies for conducting the program to be assisted under this section;

"(II) contain assurances that the partnership requirements are fulfilled;

"(III) contain assurances that both district and school site teacher teams will be established to work in conjunction with the teacher change agent;

"(IV) contain a plan for the selection of district and school site teacher team participants and others as deemed appropriate by the teacher change agent and the regional partnership;

"(V) contain assurances that the regional partnership, in conjunction with the participating school districts, shall provide each teacher change agent with a stipend for the entire calendar year commensurate with such teacher's salary and travel expenses, to permit a teacher to participate in such program without incurring loss of income;

"(VI) contain assurances that each teacher change agent participating in the program shall receive an award of not more than $10,000 to be used by such teacher during the school year of such teacher's participation to purchase materials, support, and coordinate with other teachers or site teacher teams in the school district;

"(VII) contain assurances that such regional partnerships shall provide not more than $5,000 to each school district or group of school districts having an individual from such district or districts participating in the program assisted under this section for each of the 2 years following such participation to enable such school district or districts to continue efforts to improve dissemination of effective practices and programs within the district or districts;

"(VIII) contain assurances that representatives of State educational agencies, intermediate educational agencies, teacher centers, teacher educators at institutions of higher education, and school district in-service or curriculum specialists will be eligible to participate in the program assisted under this section if such individuals pay the cost of their participation; and

"(IX) contain an assurance that such regional partnership shall permit a teacher to participate in the program only after such partnership determines that the teacher will be afforded a full opportunity by the district to perform such teacher's responsibilities described in paragraph (3)(F).

"(4) TEACHER SELECTION AND ELIGIBILITY.—

"(A) NOMINATION.—Teacher participants in the program assisted under this subsection shall be nominated by their peers at the school district level.

"(B) ELIGIBILITY.—Each school district or group of school districts desiring to have teachers from such district or districts participate in the program assisted under this subsection shall provide the regional partnership with the names of such teachers, and an indication of the type of issues or problems on which each such teacher would like to receive information and training.

"(C) SELECTION.—

"(i) Teacher participants shall be selected by the regional partnerships in consultation with the State educational agencies in the region. Teacher participants shall be selected in such a manner so as to ensure an equitable representation of such teachers by State and school enrollment within the region.

"(ii) The number of teachers selected each year shall be determined in accordance with the amount of funding received by the regional partnership.

"(5) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Assistant Secretary shall provide for an independent evaluation of the program assisted under this subsection to determine the net impact and cost effectiveness of the program and the reactions of teachers and school districts participating in such program, including any career plan changes of participating teachers.

"(B) DATE.—The evaluation described in subparagraph (A) shall be submitted to the Congress within 6 months after the completion of the third year of the program.

"(C) FUNDING.—The Assistant Secretary may reserve not more than $250,000 of the amount appropriated under section 405(i)(2)(E) to carry out the evaluation described in this paragraph.".

PART E—NATIONAL LIBRARY OF EDUCATION

SEC. 251. ESTABLISHMENT WITHIN OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.

Part A of the General Education Provisions Act, as amended by section 241 of this Act, is amended by inserting after section 405C the following new section:

"NATIONAL LIBRARY OF EDUCATION

"SEC. 405D. (a) IN GENERAL.—There is established within the Office a National Library of Education (hereafter in this section referred to as the 'Library'), which shall be maintained as a governmental activity.

"(b) FUNCTIONS OF LIBRARY.—The functions of the Library are—

"(1) to provide a central location within the Federal Government for information about education;

"(2) to provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

"(3) to promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

"(c) ONE-STOP INFORMATION AND REFERRAL SERVICE.—The Library shall establish and maintain a central information and referral service to respond to telephonic, mail and electronic and other inquiries from the public concerning—

"(1) programs and activities of the Department of Education;

"(2) publications produced by the Department of Education and, to the extent feasible, education related publications produced by the Departments of Labor, Health and Human Services, and other Federal agencies;

"(3) services and resources available to the public through the Office, including the ERIC Clearinghouses, the research institutes, and the national education dissemination system;

"(4) statistics and other information produced by the National Center for Education Statistics; and

"(5) referrals to additional sources of information and expertise about educational issues which may be available through educational associations and foundations, the private sector, colleges and universities, libraries and bibliographic databases.

The Library shall maintain and actively publicize a toll-free telephone number through which public inquiries to the Library may be made.

"(d) COMPREHENSIVE REFERENCE SERVICES.—The Library shall, to the extent feasible, provide for the delivery of a full range of reference services on subjects related to education to employees of the Department and its contractors and grantees, other Federal employees, and members of the general public. Such services may include—

"(1) specialized subject searches;

"(2) search and retrieval of electronic databases;

"(3) document delivery by mail and facsimile transmission;

"(4) research counseling, bibliographic instruction, and other training services;

"(5) interlibrary loan services; and

"(6) selective dissemination of information services.

The Library shall first give priority in the provision of reference services to requests made by employees of the Department.

"(e) COOPERATION AND RESOURCE SHARING.—The Library shall promote greater cooperation and resource sharing among libraries and archives with significant collections in the area of education through such means as—

"(1) the establishment of information and resource sharing networks among such entities;

"(2) the development of a national union list of education journals held by education libraries throughout the United States;

"(3) the development of directories and indexes to textbook and other specialized collections held by education libraries throughout the United States; and

"(4) cooperative efforts to preserve, maintain and promote access to items of special historical value or interest.

"(f) ADMINISTRATION.—The Library shall be administered by an Executive Director who shall—

"(1) be appointed by the Assistant Secretary from among persons with significant training or experience in library and information science;

"(2) serve for a renewable term of 5 years; and

"(3) be paid at not less than the minimum rate of basic pay payable for GS–15 of the General Schedule.

"(g) TASK FORCE.—

"(1) IN GENERAL.—The Assistant Secretary shall appoint a task force of librarians, scholars, teachers, parents, and school leaders (hereafter in this paragraph referred to as the 'Task Force') to provide advice on the establishment of the Library.

"(2) PREPARATION OF PLAN.—The Task Force shall prepare a workable plan to establish the Library and to implement the requirements of this section.

"(3) CERTAIN AUTHORITIES.—The Task Force may identify other activities and functions for the Library to carry out, except that such functions shall not be carried out until the Library is established and has implemented the requirements of this section.

"(4) REPORT.—The Task Force shall prepare and submit to the Assistant Secretary not later than 6 months after the first meeting of the Task Force a report on the activities of the Library.

"(h) TRANSFER OF FUNCTIONS.—There are hereby transferred to the Library all functions of—

"(1) the Department of Education Research Library;

"(2) the Department of Education Reference Section; and

"(3) the Department of Education Information Branch.

"(i) COLLECTION DEVELOPMENT POLICY.—Not later than 180 days after the enactment of the Educational Research, Development, and Dissemination Excellence Act, the Assistant Secretary shall promulgate a comprehensive collection development policy to govern the Library's operations, acquisitions, and services to users. Such collection development policy shall—

"(1) be consistent with the functions of the Library set out in subsection (b);

"(2) emphasize the acquisition and maintenance of a comprehensive collection of reference materials; and

"(3) avoid unnecessary duplication by putting a priority on meeting the information needs of the Library's users through cooperation and resource-sharing with other entities with significant collections in the field of education.

"(j) ARREARAGE AND PRESERVATION.—On the basis of the collection development policy promulgated under subsection (h), the Executive Director shall develop a multiyear plan which shall set forth goals and priorities for actions needed to—

"(1) eliminate within 3 years the arrearage of uncataloged books and other materials in the Library's collections; and

"(2) respond effectively and systematically to the preservation needs of the Library's collections, relying, whenever possible, upon cooperative efforts with other institutions to preserve and maintain the usability of books and materials in the Library's collections.".

TITLE III—SAFE SCHOOLS ACT OF 1994

SEC. 301. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) IN GENERAL.—With funds appropriated under subsection (c)(1), the Secretary of Education shall make competitive grants to eligible local educational agencies to carry out projects designed to achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by helping to ensure that all schools are safe and free of violence.

(b) MODEL PROJECT.—The Secretary of Education, shall develop a written safe schools model so all schools can develop models that enable all students to participate regardless of any language barriers.

(c) AUTHORIZATION OF APPROPRIATIONS AND RESERVATION.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 1994.

(2) RESERVATION.—From the sums appropriated to carry out this Act for any fiscal year, the Secretary may reserve not more than 5 percent to carry out national leadership activities under section 305.

SEC. 302. ELIGIBLE APPLICANTS.

To be eligible to receive a grant under this Act, a local educational agency shall demonstrate in its application under section 303(a) that it—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspensions of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

SEC. 303. APPLICATIONS AND PLANS.

(a) IN GENERAL.—In order to receive a grant under this Act, an eligible local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;

(4) a description of educational materials to be developed in the second most predominate language of the schools and communities to be served by the grant, if applicable;

(5) if the local educational agency receives Federal education funds, an explanation of how activities assisted under this Act will be coordinated with and support any systemic education improvement plan prepared with such funds;

(6) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat those problems;

(7) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure its progress in achieving the purpose of this Act;

(8) a description of how, in subsequent fiscal years, the grantee will integrate the violence prevention activities it carries out with funds under this Act with activities carried out under its comprehensive plan for drug and violence prevention adopted under the Safe and Drug-Free Schools and Communities Act of 1986;

(9) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law enforcement, judicial, health, social service, programs supported under the Juvenile Justice and Delinquency Prevention Act of 1974, and other appropriate agencies and organizations serving the community;

(10) a description of how the grantee will inform parents about the extent of crime and violence in their children's schools and maximize the participation of parents in its violence prevention activities;

(11) an assurance that grant funds under this Act will be used to supplement and not supplant State and local funds that would, in the absence of funds under this Act, be made available by the applicant for the purposes of the grant;

(12) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities under this Act or the extent of school violence and discipline problems throughout the Nation; and

(13) such other information as the Secretary may require.

(b) PRIORITIES.—In awarding grants under this Act, the Secretary shall take into account the special needs of local educational agencies located in both rural and urban communities.

SEC. 304. GRANTS AND USE OF FUNDS.

(a) DURATION AND AMOUNT OF GRANTS.—Grants under this Act may not exceed—

(1) 1 year in duration; and

(2) $3,000,000.

(b) USE OF FUNDS.—

(1) ACTIVITIES.—A local educational agency may use funds awarded under section 301(a) for 1 or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law-enforcement, judicial, health, social service, juvenile justice programs, gang prevention activities, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for combating and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Activities which involve parents in efforts to promote school safety and prevent school violence;

(E) Community education programs involving parents, businesses, local government, the medical, and other appropriate entities about the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems and the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, juvenile justice programs, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities and materials, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, educational and instructional activities, and mentoring and community service programs.

(H) Educating students and parents about the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if it occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Evaluating its project under this Act.

(M) The cost of administering the project of the local educational agency under this Act.

(N) Other activities that meet the purposes of this Act.

(2) OTHER LIMITATIONS.—A local educational agency may use not more than 5 percent of its grant for activities described in paragraph (1)(M).

(3) CONSTRUCTION.—A local educational agency may not use funds under this Act for construction.

SEC. 305. NATIONAL LEADERSHIP.

To carry out the purpose of this Act, the Secretary may use funds reserved under section 301(c)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, to provide grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking, and to conduct peer review of applications under this Act. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts, or cooperative agreements.

SEC. 306. REPORTS.

(a) REPORT TO SECRETARY.—Local educational agencies that receive funds under this part shall submit to the Secretary a report not later than March 1, 1995, that describes progress achieved in carrying out the plan required under section 303.

(b) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives a report not later than October 1, 1995, which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under section 303, and an evaluation of programs established under this part.

SEC. 307. DEFINITIONS.

For purposes of this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

Mr. FORD of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1804

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate amendment to the bill, H.R. 1804, and ask for a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. DUNCAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 1804 be instructed to agree with section numbered 405, of the Senate amendment, concerning school prayer.

Mr. DUNCAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 30 minutes.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this is a very simple motion to instruct, offered by myself, the gentleman from Missouri [Mr. EMERSON] and the ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], both very hardworking and diligent Members of the House.

Mr. FORD of Michigan. Mr. Speaker, if the gentleman will yield and if he would agree with me not to take up the time of the House over an argument that does not exist, I will be happy to accept the gentleman's instructions if we do not have to go through an hour of useless debate.

Mr. DUNCAN. Mr. Speaker, the only problem I have is that several Members have asked for time to speak on this motion.

Mr. FORD of Michigan. Mr. Speaker, in my State they call that "whipping a dead horse. If you do not want to take what I give you, I will fight you."

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Speaker, I do not disagree with what the gentleman from Michigan [Mr. FORD] is proposing but——

Mr. FORD of Michigan. Mr. Speaker, I will ask unanimous consent that everybody have 5 days to put everything they want to in the RECORD about this.

Mr. EMERSON. My point is going to be—and I think I have the floor—that inasmuch as permission was granted for the motion to instruct to not be read, and the gentleman from Tennessee had commenced his remarks and then entered into a colloquy with the gentleman from Michigan, I have no objection to what the gentleman from Michigan is proposing, but I think we should perhaps backtrack and have the motion to instruct read so that indeed the House knows what it is acting upon.

Mr. Speaker, I therefore ask unanimous consent that the motion to instruct be read.

The SPEAKER. The Clerk will read the motion offered by the gentleman from Tennessee [Mr. DUNCAN].

The Clerk read as follows:

> Mr. DUNCAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 1804 be instructed to agree with section numbered 405, of the Senate amendment, concerning school prayer.

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Mr. DUNCAN. Mr. Speaker, I will simply say this:

I appreciate the very kind offer by the gentleman from Michigan [Mr. FORD], certainly one of the kindest men in this Chamber, and I appreciate his offer. I will just simply say this:

I also appreciate the very strong support I have had from the gentleman from Missouri [Mr. EMERSON], the gentleman from New York [Mr. SOLOMON], the gentleman from Oklahoma [Mr. INHOFE], and the gentleman from Florida [Mr. STEARNS].

With that, Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise today along with my colleague from Tennessee to offer a motion to instruct conferees on Goals 2000 legislation. This motion instructs conferees to recede and concur to language recently passed by the Senate concerning school prayer. The amendment offered by Senator HELMS overwhelmingly passed the Senate by a vote of 75 to 22. I think it is important to note that an almost identical amendment to this one was passed by the House of Representatives in 1989 by a vote of 269 to 135—almost a 2-to-1 margin.

First, let me spell out what this language does do and then make it clear what it doesn't do. This language will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act. In other words, it simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

This language does not mandate school prayer or require schools to write any particular prayer. Under this language, a school is not required to do anything in favor of voluntary prayer. It simply must refrain from instituting policies prohibiting voluntary student prayer.

The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayers' dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the first amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny." I urge you to vote for the motion to instruct conferees.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Tennessee for his foresight in seizing upon this opportunity to address the 1963 Supreme Court decision that attempted to extract God from our public school system. This 1963 travesty may have gone unnoticed by many of the American people, but it did not go unnoticed by God.

We have a very famous young Oklahoman by the name of Charles David Barton. David has written a number of books on the behavioral history of Americans. He is a Ph.D, an intellectual type, and, although he is a stray Christian himself, his message is not so much for Christians and believers as it is for nonbelievers and agnostics. His books, one of which is "America: To Pray or Not To Pray," are filled with charts and graphs. He traces the behavioral history of Americans in such areas as teenage pregnancy, drug addictions, violent crimes, divorce, suicide, and other perversions. You do not have to accept his conclusions by faith, but by logic. These perversions chart horizontal for 200 years until 1963 when they shot up and off the charts. Can it be just a coincidence that 1963 was the year that the U.S. Supreme Court made their decision on school prayer?

We spend a lot of time around here attempting to legislate youth morality. What Mr. Duncan is attempting to do is go back to the source. For our children's sake and for God's sake, support the Duncan amendment.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the Senate provisions to H.R. 6 supporting constitutionally protected school prayer.

This language passed the Senate by a margin of 77–25 and is similar to language that passed the House by a vote of 269–135 in 1989. It would apply only to voluntary prayer and would expressly prohibit any State or local education agency from requiring any person to participate in or influence the form or content of these prayers.

Every day, both Houses of this Congress open with a prayer. No Member is compelled to participate against his or her will, but the opportunity to take a moment for spiritual reflection is valued by many of us. However, for those students in our public schools who seek to pray voluntarily at landmark events such as high school graduation or who want the opportunity to take a moment for silent reflection at the beginning of their school day, this right is under constant attack.

For too long, our constitutionally protected right of freedom of religion has been misinterpreted and distorted into a Government-mandated denial of the right to exercise religion.

Even as a wide variety of interest groups seek to require positive portrayals of their lifestyles as part of our public school curriculum, the right to acknowledge the common values that have shaped this Nation's spiritual character is denied.

Many Americans cannot understand how we have become a Nation where condoms are distributed at the school, but the Golden Rule cannot be posted on a classroom wall.

Mr. Speaker, I believe this Nation headed down the wrong path when we began to deny the right of voluntary religious expression as part of our civic life, especially in the classroom. It is very fashionable these days to speak about the crisis of values in America, especially among our young people.

I personally believe that the key moment in the beginning of this crisis of values occurred when open acknowledgment of religion was removed from our schools.

We simply cannot, on one hand, deny our children the right to acknowledge their spirituality at the civic institution where they have the greatest daily contact—the schools—and expect them to absorb lessons on the virtuous way to live.

We should never fool ourselves into thinking that we can provide our children with a "value neutural" education. There simply is no such thing. Rather, what we have seen over the last 30 years is an interpretation of the law that is fundamentally hostile to any religious expression.

The Duncan-Emerson-Solomon-Stearns amendment would restore some balance to this greatly unbalanced situation.

It is very limited in scope and only affects those types of religious speech that the Supreme Court has ruled are not coercive or represent any form of establishment of religion.

This is the view of religion that our Founding Fathers had in mind. I would like to close today by quoting two of the greatest heroes of this Nation on the subject—Benjamin Franklin and Thomas Jefferson.

With regard to the beginning of a session of Congress with a prayer, Franklin stated,

> I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?

And on the Jefferson Memorial, we can read the role of religion as Thomas Jefferson saw it,

> All men shall be free to profess and by argument maintain, their opinions on matters of religion. I know of but one code of morality for men whether acting singly or collectively.

The Duncan-Emerson-Solomon-Stearns motion returns the proper balance between our civic lives and our spiritual lives. It returns freedom to the children of America that they can acknowledge, in their own way and without coercion, the God in which they believe. I ask your support for this motion, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, this is a very simple motion to instruct offered by myself, Mr. EMERSON from Missouri and the ranking member of the Rules Committee, Mr. SOLOMON, both very hardworking and diligent Members of the House.

Mr. Speaker, this motion simply instructs the conferees on the Goals 2000 bill, H.R. 1804, to agree to the Senate language concerning prayer in school, which, just a few weeks ago, the other body overwhelmingly passed by a vote of 75–22, including a substantial majority of both parties. In addition, the House passed very similar language in 1989 by a huge margin, 269–135, almost 2 to 1.

Mr. Speaker, every day when both bodies of this Congress begin a session, we have a prayer. Although our students cannot pray, we do in the Congress. And these prayers are led by priests, rabbis, and ministers from many different religions. But our students cannot pray in schools or at graduation ceremonies.

We tell our children that it is OK to pass out condoms at school, but we tell them that they cannot pray. And we wonder what is happening to our children and why our Nation's moral values have declined.

Mr. Speaker, let me read exactly the language this motion to instruct would have us agree to.

> No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in constitutionally protected prayer in public schools by individuals on a voluntary basis.
>
> Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

This language is intended to deny Federal funds to school districts which have an active prohibition—written, verbal, or simply an "understanding"—or which "effectively prevent" constitutional student-initiated prayer in public schools.

Our Founding Fathers came to this country to get freedom of religion, not freedom from religion.

This language simply codifies language which would prohibit schools from receiving Federal funds if they prevent students from engaging in student-led, student-initiated prayer.

This is a well-meaning and innocuous amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The question is on the motion to instruct offered by the gentleman from Tennessee [Mr. DUNCAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 55, not voting 11, as follows:

[Roll No. 30]

YEAS—367

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Engel
English
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Foglietta
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—55

Abercrombie
Ackerman
Andrews (ME)
Becerra
Beilenson
Berman
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Dellums
Dingell
Durbin
Edwards (CA)
Eshoo
Filner
Ford (MI)
Frank (MA)
Gejdenson
Gonzalez
Hamburg
Johnston
Kleczka
Kopetski
Lantos
McDermott
Mfume
Miller (CA)
Mineta
Mink
Nadler
Olver
Owens
Payne (NJ)
Pelosi
Rostenkowski
Roybal-Allard
Sabo
Scott
Serrano
Stokes
Swift
Synar
Towns
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Waxman
Yates

NOT VOTING—11

Andrews (TX)
Brewster
de la Garza
Flake
Goodling
Hastings
Hilliard
Kennedy
Rangel
Smith (OR)
Wilson

☐ 1642

Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Ms. VELÁZQUEZ, and Mr. SERRANO changed their vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. MALONEY changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. CLAYTON). Without objection, the Chair appoints the following conferees for consideration of all provisions of H.R. 1804 and the Senate amendment thereto, except for title II of H.R. 1804 and sections 901–14 of the Senate amendment: Messrs. FORD of Michigan, KILDEE, MILLER of California, SAWYER, and OWENS, Mrs. UNSOELD, Mr. REED, Mr. ROEMER, Mrs. MINK of Hawaii, Messrs. ENGEL, BECERRA, and GENE GREEN of Texas, Ms. WOOLSEY, Ms. ENGLISH of Arizona, Messrs. STRICKLAND, PAYNE of

New Jersey, ROMERO-BARCELÓ, GOODLING, GUNDERSON, MCKEON, and PETRI, Ms. MOLINARI, Mr. CUNNINGHAM, Mr. MILLER of Florida, Mrs. ROUKEMA, and Mr. BOEHNER.

For consideration of title II of H.R. 1804 and sections 901-14 of the Senate amendment, the Chair appoints the following conferees: Messrs. FORD of Michigan, OWENS, PAYNE of New Jersey, SCOTT, SAWYER, GOODLING, BALLENGER, BARRETT of Nebraska, and FAWELL.

There was no objection.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was not present on Wednesday, February 23, 1994, to vote on roll call vote Nos. 28, 29, and 30. I was attending the funeral of a close friend. Had I been present I would have voted the following:

No. 28, On approving the Journal—No.

No. 29, House Resolution 343, Condemning Nation of Islam Leader Kahlid Abdul Muhammad—Yes.

No. 30, H.R. 1804, Motion to instruct conferees to agree to the Helms Amendment—Yes.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

FURTHER PLANS OF THE COMMITTEE ON RULES REGARDING H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Madam Speaker, I would like to inform members about the Rules Committee's further plans regarding H.R. 6, the "Improving America's Schools Act of 1994." On February 17, a Dear Colleague letter was circulated by the Rules Committee and on Tuesday, February 22, a floor statement was made by Mr. GORDON informing Members that amendments to H.R. 6 should be printed in the CONGRESSIONAL RECORD prior to consideration. At that time it was recommended that amendments be printed in the RECORD on Tuesday, February 22, or Wednesday, February 23.

I would like to inform Members that the Rules Committee met today at 2 p.m. and has recommended an open rule that will require that any amendments to H.R. 6 be printed in the CONGRESSIONAL RECORD no later than Thursday, February 24. This will give Members an extra day to prepare their amendments.

Members should be aware, however, that the floor schedule indicates that consideration of this bill will begin tomorrow and will be considered by title. Therefore, if Member's have amendments to the first several titles of the bill, they need to get those amendments printed in the CONGRESSIONAL RECORD today to ensure consideration tomorrow.

Amendments should be drafted to H.R. 6 as reported from the Committee on Education and Labor. This bill is available in the document room. The rule provides that the bill be read by title except for title I. Title I, which is the actual reauthorization of the Elementary and Secondary Education Act, will be read by the individual titles within that act. Amendments should be titled "Submitted for printing under clause 6 of rule XXIII" and submitted at the Speaker's table. Amendments do not need to be submitted to the Rules Committee.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. MOAKLEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, I just want to say to the gentleman that he has been speaking about H.R. 6, and that is a bill that so many people have been calling and writing in concerning for the last several days. It deals with home schooling and with the private and parochial schools.

Mr. MOAKLEY. The gentleman is correct.

Mr. SOLOMON. If the gentleman will yield further, just so that the Members will know, the Members who are concerned about this, we will be debating the amendment tomorrow, the so-called Armey amendment, which will relieve many of the concerns that many home schoolers and private schoolers have had. That debate will take place on this floor tomorrow, and I commend the gentleman from Massachusetts [Mr. MOAKLEY] for helping to bring this to the floor under an open rule, which would allow this House to work its will. I thank the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for his cooperation in the Committee on Rules in putting this matter together.

☐ 1650

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-426) on the resolution (H. Res. 366) providing for consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, which was referred to the House Calendar and ordered to be printed.

FIRE SAFE CIGARETTE ACT OF 1994

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Madam Speaker, today, I introduced the Fire Safe Cigarette Act of 1994, which would significantly reduce the number of fires caused by carelessly discarded cigarettes. This legislation would give the Consumer Product Safety Commission regulatory authority to develop a standard for a firesafe cigarette. Cigarette manufacturers would then have 1 year to comply with the standard.

I became involved with this issue back in 1979 when a family of seven perished in a cigarette related fire in my congressional district. Five young children—all under the age of 10—were needlessly killed. This fire could have been prevented if a firesafe cigarette was available.

I first started working on this issue 15 years ago. Since that time more than 20,000 people have been killed by cigarette related fires—many of them innocent children. The fact that cigarettes have escaped fire safety regulations for the past 15 years is particularly disturbing to me. The Consumer Product Safety Commission banned lawn darts after 3 children were killed, but they have been remiss in promulgating regulations for cigarettes even though more than 100 children die each year from cigarette related fires. This is unacceptable.

There is no legitimate reason for further delays. Quite simply, firesafe cigarettes are already in the marketplace. Past studies proved that it is technically and economically feasible to develop a firesafe cigarette and the cigarette manufacturers have proven that it is commercially feasible. No more children should have to suffer such a horrid death as those young children in my congressional district did back in 1979.

Many people I have talked to over the years do not realize that cigarette-related fires are the leading cause of fire deaths. In fact, if you asked someone walking down the street that question, they probably would say electric space heaters cause more fires. But in 1990 alone, there were 44,000 cigarette-related fires that resulted in 1,200 deaths and 3,360 injuries. How many more innocent children have to be killed, maimed, or permanently disfigured before responsible action is taken?

These fires take a considerable toll on society. A recent study concluded that the direct cost of cigarette-ignited fire deaths, injuries, and property damage was $4 billion a year. A mandatory firesafe cigarette standard would significantly reduce these costs to society. In terms of health care costs alone the savings would be enormous. Treatment for burn injuries is the most expensive type of medical care today. And these fires disproportionately impact low-income families—those who have no means of paying the hospital bill. This legislation would significantly reduce the number of fires and thus reduce health care costs—particularly Medicare and Medicaid.

In conclusion, cigarette-related fires have been a drain on our Nation's resources. We can no longer afford to ignore this insidious problem. The studies and the technical work needed to set a performance standard have been completed. There are five firesafe cigarettes already in the marketplace. Congress now needs to act responsibly and pass the Fire Safe Cigarette Act of 1994.

FEDERAL RESERVE RISE IN INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Speaker, the Federal Reserve's ability to befuddle observers and manipulate the press is clear. Yesterday, Federal Reserve Chairman Alan Greenspan's monetary policy statement provided no meaningful clue of our Nation's policy and perpetuated the Fed Chairman's reputation as "the master of ambiguity." The Fed's message is always "Trust us to do the right thing and don't ask why."

As usual, Chairman Greenspan provided no rationale for raising interest rates for an inflation no one can see. He asks us to rely on concepts that have shown little or no relationship to inflation, such as the low level of the real Federal funds rate. This is simply more Fed-speak, that says little and forces everyone to guess what the Fed is really doing and why.

Even though the Fed's record of monetary policy is a long series of mistakes and miscalculations, the Fed enjoys the status ordinarily reserved for demigods. Critics are few and far between.

More often than not, the Federal Reserve receives positive press for bad policy—and there may be a reason for this. The Fed carefully nurtures its public image by cultivating friends in the media and bludgeoning critics. I have found evidence of this in former Federal Reserve Chairman Arthur Burns' papers in the Gerald Ford Presidential Library in Ann Arbor, MI.

The paper from which I will quote reveals a plan to use the office of one of the most powerful positions in our Government, Federal Reserve Chairman, to retaliate against a reporter who was critical of the Federal Reserve by appealing to the publisher of the Washington, DC, newspaper where he was employed.

Nicholas von Hoffman, who had appeared regularly as a commentator on CBS and today is a writer for the New York Observer, was a columnist for the Washington Post in 1974. He had the temerity to write a number of columns that were critical of the Federal Reserve.

The criticism undoubtedly provoked a note from Joseph Coyne—a Federal Reserve official who still handles press relations for the Federal Reserve—to Federal Reserve Chairman Arthur Burns on December 6, 1974. I quote from the note:

> Concerning our conversation yesterday about Nicholas von Hoffman, Bart Rowan [Washington Post columnist] thinks it would be an excellent idea for you to discuss the matter with Katherine Graham [the owner of the Washington Post]. He said he has discussed von Hoffman on several occasions with Ben Bradlee, the Post's executive editor. He is certain that Mrs. Graham would approach Bradlee on the question if you discussed it with her.
>
> There are, of course, certain dangers in this approach. Bart, of course favors it strongly because you would be supporting his view against von Hoffman. Additionally, Ben Bradlee's reaction to an approach of this nature might be: "Washington officialdom is squirming: keep up the good work, von Hoffman."

This kind of manipulation of the press certainly is not an isolated incident. The Fed, to this day, feeds valuable morsels to its friends and freezes out its critics to ensure positive coverage.

At the October 19, 1993, hearing before the Banking Committee, substantial evidence was presented that the Federal Open Market Committee that manages the Nation's money supply, frequently leaked its so-called supersecret policy changes.

The Federal Reserve officials at the hearings all said they knew nothing about leaks even though the Banking Committee found that the president of the St. Louis Federal Reserve Bank had cancelled publication of an article after receiving my invitation to testify, because the article contained extensive information about leaks from FOMC meetings.

At this Banking Committee hearing, Cleveland Federal Reserve President Jerry Jordan testified in rather strident tones, "We are the central bank. Central Banks don't leak." But at the same hearing, Chairman Alan Greenspan was not singing from the same sheet of music when he said the "problem of leaks is behind us."

Chairman Greenspan and colleagues of the pristine monetary temple, please explain the article in the Saturday, February 12, 1994, Washington Post by John Berry that describes your last FOMC meeting which he said he obtained from "Fed and administration sources." One the first day of the FOMC meetings, Thursday, February 3, 1994, according to that story, the members of the FOMC "adjourned that evening without formally taking up the question of rates but with a consensus forming."

Did Mr. Berry receive some psychic waves from the Fed building at 20th and Constitution or did one of the monks who knew nothing about leaks again break the code of silence?

I ask my colleagues to support my bill, the Federal Reserve System Accountability Act of 1993 (H.R. 28) which would require prompt release of monetary policy changes, timely release of a detailed record of FOMC meetings, and allow the General Accounting Office [GAO] to examine substantial parts of Federal Reserve operations which are now restricted from inspection. This is not legislation aimed at political interference of short-run monetary policy; it is legislation that provides for individual accountability for powerful Government officials whose decisions affect the economic well-being of all Americans.

[From the New York Observer, Feb. 28, 1994]

GREENSPAN GLASNOST: FED SPRINGS A LEAK—GONZALEZ UNEARTHS TRANSCRIPTS; DONALDSON QUAFFS ROOFTOP BEERS

(By Nicholas von Hoffman)

If Indiana Jones had been clued in, he wouldn't have traveled halfway around the world to the Temple of Doom to test his skills at wresting treasure from formidable places. In Washington, there is a castle keep they call the Temple of Money, from which no word nor whisper ever escapes. It is the Federal Reserve Board, dwelling opaquely behind the bronze doors of an inhospitable, Art Deco, marble sanctuary built near the Lincoln Memorial in 1937—an organization famous inside the Beltway as the one leakfree institution in the national capital. Now, for the first time, there is hope that the musty files and fabled secrets of the Fed will see the light of day.

While fact, blabber, gossip and rumor pour forth from the C.I.A. and the National Security Agency, only silence has ever emanated from the Fed, the complex Government entity charged with controlling inflation and carrying out other important if MEGO-causing activities (MEGO being, as you may already know, an acronym for the expression "mine eyes glaze over," as yours surely will should they fall on the contents of the warehouses full of statistical information contained in the Fed's files). The Fed, because it decides how much money will be in circulation, what interest rates shall be and whether the mightiest financial institutions stand or fall, also has a decisive influence on whether we have boom times or bad times, or which ones of us can buy a home and which ones of us cannot. It was the Fed's refusal, until only a few months ago, to act on discrimination in mortgage lending that prevented countless thousands of blacks and other minorities from becoming home owners.

A recent attempt by Paul Starobin of the National Journal to use the Freedom of Information Act to obtain the minutes of a meeting of the Fed's central decision-making organ, the Open Market Committee, earned him a stack of the blacked-out, censored pages familiar to frustrated investigative reporters. But whoever redacted the minutes failed to ink out one line from the committee's proceedings, which quoted Federal Reserve Chairman Alan Greenspan adjuring his colleagues on Dec. 22, 1992: "Let's be very careful about sneezing in this room!"

In an institution where even the allergies are classified, it's small wonder that the world outside the Fed has had no knowledge of the Open Market Committee's decisions, aside from whatever can be gleamed from the brief and delphically incomprehensible statements issued monthly by the priests of the temple.

The battle to find out what's going on behind the temple doors and why—mostly waged by a succession of frustrated House Banking Committee chairmen—has been going on for decades. Even powerful legislators have been at a disadvantage, though, because the Fed doesn't have to go to Congress for appropriates. It lives off the profits of the hundreds of billions of dollars in Government securities it trades every year, setting its own budgets and living, rather like the late, not completely great Nicolae Ceasusescu of Romania, a happy, unaudited and unsupervised existence. At $161,000 a year, members of the senior professional staff at the Fed make $13,000 a year more than anyone in President Clinton's cabinet.

GONZALEZ GETS KNIFE INTO CLAM

Only now does it appear that the tip of the knife has been successfully inserted into the clam. Representative Henry B. Gonzalez of Texas, the Banking Committee's current chairman, has scored a lucky hit comparable to the discovery of the Nixon tapes during Watergate. He has brought to light the existence of verbatim transcripts of the Open Market Committee's meetings dating back to 1976. Only some of the contents of those transcripts have yet seen the light of day, but enough is now in the open to offer a picture of how the people in what may be our most important government organization hang on to power by controlling information.

Here we have the late Arthur Burns, then chairman of the Fed, reacting in 1976 to a Freedom of Information suit demanding the minutes of the Open Market Committee: "* * * I can see that the document [the minutes] is not going to stay with the plaintiff. It'll be on Capitol Hill before long and I can [imagine] the derogatory statements that might be made * * * They [the House Banking Committee] sit around, and they talk and what they know and the number of facts they consider is very scanty. It's a talking committee and that would cause some mischief * * * I see also the very real possibility that after all is done, there'll be individual statements that will be picked up by members of Congress or the press or both, that will cause us additional work and, what is worse than that, embarrassment."

'WE'D LOOK VERY BAD'

A year later, Burns, a massively fawned-over and deferred-to public figure throughout his career, was warning his colleagues about the consequences if the public got wind of how much money the Fed spends on itself: "You see, this question about Federal Reserve budgets disturbs me * * * All right now, you have an open meeting [about the Fed budget] and there may be some newspaper fellows there and * * * Common Cause and * * * Ralph Nader's crowd and whatnot. Here, let us say we take up a budget coming to $600 million plus, and we do that within an hour, and, well, we'd look very bad. Therefore * * * I would consider it my duty to just stretch it out over a day. Well, that's terrible * * * Now there must be an answer to that. Well, we have enough ingenuity in this room, I think, to find the answer * * *"

The answer was a practiced use of force and favors to control criticism not unlike the strategy used by J. Edgar Hoover during his long reign at the F.B.I. For instance, the Banking Committee staff unearthed a 1974 memo to Burns from Joe Coyne, now the Fed's head flack, offering suggestions about how to deal with me when I was writing unflattering articles about the temple for The Washington Post.

"Concerning our conversation yesterday about Nicholas von Hoffman, Bart Rowen [a Post financial writer] thinks it would be an excellent idea for you to discuss the matter with Katherine Graham." The memo goes on to ponder the dangers of also approaching Ben Bradlee, the now-retired legendary Post editor. Was there any chance of getting him to silence this critic? Or would "Bradlee's reaction to an approach of this nature * * * be [that] Washington officialdom is squirming, keep up the good work."

Another memo from Mr. Coyne in the same period, dated Dec. 22, 1976, indicates that, like Hoover's, the Fed press policy has been to cultivate certain favorites with flattery and scoops. This teacher's pet system apparently continues in place. John Berry of the Washington Post is one of those smiled upon by Mr. Greenspan, who also makes hospitable gestures such as inviting ABC's Sam Donaldson and PBS's Judy Woodruff to drink beer and watch the Fourth of July fireworks on the roof of the Fed's well-situated building on the Capitol mall.

There are other goodies to be had for good will. In the 30 months ending last June, the Fed stuffed almost $3 million in consultant fees into the pockets of 290 academic economists. For other members of "Club Fed," as Mr. Starobin refers to the place, there are winter golfing sprees in Florida paid for under the heading of "conferences." Under the circumstances, it is amazing that any criticism of the Fed ever appears—although, under Mr. Greenspan, its record is by no means all negative.

In an era when bean counters and pathological algorithmics get to the top, it is fitting that Mr. Greenspan, who comes across as a remote numeroholic, should gain great power. He is a speaker of such unalleviated dullness that even short exposure to the anesthetic vapors exhaled with his words causes instant narcosis. But history talks to whoever answers the phone, and on Oct. 19, 1987, it rang in Mr. Greenspan's Dallas, Tex., hotel room. The stock market had crashed 500 points and seemed poised to crash 500 more, burying half the major banking and brokering institutions of the nation in a trillion dollars' worth of bankruptcies and losses. Mr. Greenspan became the man of the moment, staying on the phone through the night, arranging for mountains of money to save Wall Street and the securities industry.

The next morning, the nation's financial institutions opened for business with cash in the drawer, ready to meet all demands and obligations. Annuities, pension funds, insurance policies remained solvent, paying out to the millions who depend upon them. The same wearying qualities that make Mr. Greenspan less than a barrel of chuckles stood him in good stead when the crisis came.

Since that time, it's been suspected that, thanks to a certain unannounced policy decision, Wall Street can't crash past a certain point because the Fed will sustain the market. The Fed's critics think that such momentous policies, good or bad, should not be decided in secret. The problem is not that Mr. Greenspan himself is afflicted with agoraphobia, this is a man who's performed in public since he was a kid, a man long since accustomed to the searching eyes of strangers.

DID GREENSPAN INHALE?

Before he threw himself into the turgidities of economics at New York University and Columbia, he studied at Juilliard and became, by most accounts, an excellent saxophone player. As a musician, he swung both ways, classical and jazz, and was good enough to play bebop professionally with Henry Jerome's band in the 40's at the long-since-closed Childs' restaurant.

Many years afterward, Jerome recalled those days for jazz historian Bill Crow that Dorothy Kilgallen's column had once run a blind item about his ensemble, asking, "What name bandleader had his whole bank smoking marijuana in phone booths?" If that other political saxophonist, Bill Clinton, had been playing with Jerome, he probably would have been holding his breath so he wouldn't have to inhale, but Mr. Greenspan never got that close. While his fellow bank members were getting high during the breaks, he was downstairs doing the payroll.

Appointed to the Fed chairmanship by Ronald Reagan in 1987 after a career of faithful Republican Party hackery dating back to the 1960's, this transparent personality has been around for decades. "Alan Greenspan has probably been a key player in more Republican Presidential campaigns and Republican Party platforms and Republican administrations than any other economist in the country," according to Mr. Reagan's domestic policy adviser, Martin Anderson.

But the Fed chief has always had his wild side. Years ago, Mr. Greenspan took up goldbuggery under the influence of Ayn Rand, the wild-eyed anti-Communist Russian émigrée, who wrote The Fountainhead and Atlas Shrugged and founded a political cult best described as a mélange of Nietzsche and Adam Smith. When she died in 1982, Mr. Greenspan came to the funeral, where he found his guru resting in her coffin under a large dollar sign.

His gold-loving, inflation-fighting dedication to the sound dollar endures, as his recent ratcheting up of interest rates shows, but Mr. Greenspan at least has opened the temple door a crack. In the last few weeks, he has said more about Open Market Committee goings-on than any chairman in memory, but there are still plenty of mystical secrets within the Fed for Indiana Jones to make off with—if he can only figure out how to get his hands on the booty.

□ 1700

INTRODUCING THE 1995 SPECIAL OLYMPICS WORLD SUMMER GAMES COMMEMORATIVE COIN ACT

Tne SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, while many Americans watch with pride as our talented athletes compete in the World Olympic Games in Lillehammer, there are a great number of athletes here and around the world that are still in training. For all athletes, the rigors of training are universal: hard work, long hours, and true dedication. So are the payoffs: self-confidence, pride in achievement, and friendships that last a lifetime. Around the world and across our Nation each year, athletes with mental retardation train for Special Olympic competitions. Each holds the ultimate hope of qualifying for the World Games.

In July 1995, New Haven, West Haven, and Hamden, CT will host the 1995 Special Olympics World Summer Games. We are honored and excited to have 6,500 athletes travel to Connecticut from over 120 countries to participate in the ninth Special Olympics World Summer Games. It is for these athletes that I rise today to introduce the 1995 Special World Summer Games Commemorative Coin Act.

The bill authorizes the issuance of 800,000 limited-edition one dollar silver coins, which will be emblematic of the 1995 Special Olympic World Games. Funds raised through the sale of the coins will be used to provide a world-class sporting event for athletes with mental retardation; to demonstrate to a global audience the extraordinary talents, dedication and courage of persons with mental retardation; and to underwrite part of the cost of staging the 1995 Special Olympics World Games.

Thousands of athletes from every State in the Union, and from almost every nation in the world, will come to Connecticut to demonstrate that they have the desire, courage, and the skills to compete in world class competition. The half-million spectators who come to watch will enjoy one of the most exciting and inspiring experiences of a lifetime. They will see outstanding athletic competition in the true Olympic spirit.

The 1995 Special Olympics World Games—the largest sporting event in the world in that year—will be held in first-class athletic avenues in the Greater New Haven area. Five prominent academic institutions—Albertus Magnus College, the University of New Haven, Quinnipiac College, Southern Connecticut State University, and Yale University—will host the event.

There will be extraordinary events displaying the splendor of world class sports with the raw power of courageous competitors overcoming stigma to achieve their personal best. Tens of millions of people will view the worldwide television coverage of this event. The Opening Ceremonies alone will have an audience of 90,000 persons. We are estimating that several Heads of State and First Ladies, as well as 20–30 Ambassadors will be present as President Clinton officially opens the Games.

Mr. Speaker, just last week we were notified that the President himself has agreed to serve as the honorary chairman of the 1995 Special Olympics World Games. This is a rare honor for any organization and unprecedented in the 25-year history of the Special Olympics. Moreover, the President has included the 1995 Special Olympics World Games as a member of a Task Force, chaired by Vice President GORE, to oversee Federal assistance to the 1994 World Cup activities in the United States and to the 1996 Olympic Games in Atlanta. In so doing, the President has recognized that the athletic accomplishments of Special Olympics athletes are as hard won and as courageous as those of non-disabled athletes. I am personally very grateful to President Clinton for his support, his vision, and his commitment to persons with mental retardation worldwide.

Mr. Speaker, an event of this magnitude requires substantial organization and planning. Like World Cup USA 1994 and the Atlanta Committee for the Olympics Games, the 1995 Special Olympics World Games Organizing Committee is looking to the collective wisdom and experience of the Federal Government as an invaluable resource. One such resource is the issuance of a commemorative coin honoring the Games. The cost-neutral bill which I am introducing today will raise up to $8 million to help underwrite the cost of staging the 1995 Special Olympics World Games.

I remind my colleagues that Special Olympics is a charity—a 501(c)(3) organization. There are no agents, no endorsements, no multi-million dollar contracts waiting at the end of the finish line for these athletes. Instead, there are thousands of athletes who train week after week for years to experience the sheer joy of competing and for the love of the sport. They deserve the opportunity to compete in New Haven. The funds raised by the issuance of this coin will help make their dreams a reality.

Please join me and over 60 other original cosponsors in supporting the 1995 Special Olympics World Games Commemorative Coin Act and honor Special Olympics athletes worldwide.

COMMUNICATION FROM THE HONORABLE JERROLD NADLER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. CLAYTON) laid before the House the following communication from the Honorable JERROLD NADLER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Civil Court of the City of New York.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
JERROLD NADLER,
Member of Congress.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 16, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
CHARLIE ROSE,
Chairman.

□ 1710

COMMUNICATION FROM THE HONORABLE F. JAMES SENSENBRENNER, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable F. JAMES SENSENBRENNER, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Western District of Wisconsin.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from Ohio [Mr. STOKES] is recognized for 1 hour as the majority leader's designee.

BLACK HISTORY MONTH

Mr. STOKES. Madam Speaker, I want to express my appreciation to my colleagues who are joining me in the Chamber this evening for our special order in observance of Black History Month. We take special pride in this opportunity to highlight and pay tribute to the notable accomplishments of African-Americans who have contributed so much to this great Nation. I am pleased to also recognize the efforts of our colleague, KWEISI MFUME, the distinguished chairman of the Congressional Black Caucus, who joins me in sponsoring this special order.

Madam Speaker, as we gather to commemorate Black History Month, we recognize the contributions of African-Americans to every facet of American history. Indeed, African-Americans have a rich and magnificent history; a history which is inextricably woven into the economic, social, and political fabric of the Nation.

In 1926, the late Dr. Carter G. Woodson understood that black Americans were not receiving recognition in history for their contributions. Therefore, he proposed setting aside 1 week during the month of February to commemorate the achievements of black Americans. In 1976 the observance was changed to Black History Month.

The Association for the Study of Afro-American Life and History, which Dr. Woodson founded, has selected the theme, "Empowering Afro-Americans Organizations: Present and Future," for the 1994 observance of Black History Month.

Madam Speaker, in his published work entitled, "Black Politics: A Theoretical and Structural Analysis," the author, Hanes Walton, Jr., notes the influence of black organizations or black pressure groups. He says,

> The principal tactic of black pressure groups, and one that serves to distinguish them from most other groups, is their appeal to the conscience of the people against the denial of justice in the broadest sense. The chief concern of black groups has been the attainment of rights that can only be had either through force, concern, or morality.

As we celebrate Black History Month, let us pause to pay tribute to Afro-American organizations whose founding and, more importantly, whose perseverance, has proven instrumental in the struggle for civil rights and economic justice here in America, and around the globe.

Madam Speaker, perhaps the best-known organization associated with black America and the struggle for civil rights is the National Association for the Advancement of Colored People [NAACP]. The NAACP came into being on February 12, 1909—the 100th anniversary of the birth of President Abraham Lincoln. The organization was founded in New York City by liberal whites and intellectual blacks, largely in response to the increasing outrages against blacks in the South during the early 1900's.

The NAACP set out to acquire for all black citizens the rights and privileges numerated in the Constitution. The organization relied chiefly upon legal proceedings, legislative action, and educational means to bring about social change. Leaders of the NAACP spoke out when poll taxes kept blacks from voting in the South. The organization appealed to the supreme court to outlaw segregation in the schools. Members of the NAACP sat at segregated lunch counters and marched to end Jim Crow laws in the South. Throughout its history, the organization has remained steadfast in its commitment to the struggle for equality.

Just recently, Dr. Benjamin Hooks retired as executive director of the NAACP. During Black History Month, we pause to recognize his leadership and historic contributions. I also take great pride in saluting the new president of this distinguished organization, Dr. Benjamin Chavis. I am proud to note that Dr. Chavis was an outspoken and celebrated leader in my congressional district of Cleveland prior to assuming this post.

Madam Speaker, similar to the NAACP, the National Urban League was also founded by blacks and whites in New York. The league was actually born as a coalition of three social agencies in New York City—the committee for improving the industrial conditions of Negroes in New York City; the League for the Protection of Colored Women; and the Committee on Urban Conditions among Negroes. In 1911, the organizations merged to become the National League of Urban Conditions Among Negroes, later abbreviated to the National Urban League.

The National Urban League began as an organization to help black migrants to New York City find suitable employment and make as smooth as possible a transition from rural southern to urban Northern life. a major goal of the league and its affiliates was to broaden economic opportunities for blacks by using the techniques of persuasion and conciliation to open up doors that had been closed before.

In the 1960's with the election of Whitney Young as its new president, the League emerged as a force in the struggle for civil rights. We recognize the tireless efforts of the leaders of this distinguished organization including Whitney Young, Vernon L. Jordan, and the organization's current president, John Jacob.

As we celebrate Black History Month, we recall that many of our Afro-American organizations came into being in the 1950's just as the civil rights movement in America was about to explode. One such organization is the Southern Christian Leadership Conference [SCLC] which was born out of the Montgomery bus boycott. It was in January 1957 that representatives from 10 Southern States, consisting mainly of black ministers, gathered at Atlanta's Ebenezer Baptist Church to establish an organization committed to the achievement of civil rights for black Americans.

The Southern Christian Leadership Conference chose as its president a gifted young black minister, Dr. Martin Luther King, Jr., who as president of the Montgomery Improvement Association, was successful in desegregating a bus system in a city that was known for its harsh racial tactics.

Under the leadership of Dr. King, SCLC became one of the most influential and effective civil rights groups. The organization espoused a doctrine of nonviolent protest and passive resistance in its assault on segregation and discrimination.

Those who have followed Dr. King at the helm of this great organization, including Rev. Ralph Abernathy and the current president, Joseph Lowery, have continued to battle injustice and inequality.

Madam Speaker, the principles embraced by the founders of the NAACP, the National Urban League, and the SCLC continue to provide the framework for combating political, social, and economic racism. During Black History Month, let us pay tribute to other Afro-American organizations who share these same goals.

We recognize the efforts of the Congress of Racial Equality [CORE]. We salute Rev. Jesse Jackson and acknowledge the numerous contributions of Operation Push and the National Rainbow Coalition. We also pay special tribute to Dorothy Height whose leadership over the years has been instrumental to the National Council of Negro Women.

Madam Speaker, I believe that each of us in this Chamber needs look only in our congressional districts to identify Afro-American organizations who have had a a tremendous impact in the quest for empowerment. In my congressional district, I am proud to applaud the National Black Nurses Association, the Phillis Wheatley Association, the Black Professionals Association, and an organization of significant political clout which I founded, the Black Elected Democrats of Cleveland, Ohio [BEDCO].

This evening I also take special pride in recognizing the enormous contributions of the Congressional Black Caucus. This political empowering organization of which I am proud to be a founding member, has been instrumental in articulating the concerns of the African-American community. From the founding 13 to the present 40, we have grown not only in size, but also in significance, shaping the way America views the black community.

This special order in celebration of Black History Month provides just a glimpse of the historical contributions of African-American leaders and organizations to our Nation. However, we must recognize the larger picture; that not only in February, but in every month and, indeed, every day, African-American men and women are contributing to the building, shaping, and preservation of this great democracy. Our history is America's history.

Madam Speaker, I thank my colleagues for joining me in this special observance of Black History Month.

Madam Speaker, I yield to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the gentleman for yielding to me.

Madam Speaker, I appreciate this opportunity to address this House and indeed the Nation on the question of Black History Month and certainly recognition of so many role models and so much prominent history.

This month has been called Black History Month, African-American History Month, and even, Madam Speaker, more recently African Heritage Month. Indeed, that underscores the need to look back into the heritage of persons of African-American descent in this country and remind ourselves of the rich heritage and indeed the rich history and the rich legacy which we have inherited.

Of course, you will hear many speeches over the next few minutes, or hours, alluding to so many different role models that we have had, and the list goes on and on and on.

I think that indeed points out the most important thing about black history, that black history is ongoing, it cannot be relegated to just February, it must not be something that is just educable for just a month, but it must be something that we must continue to educate ourselves on for a lifetime.

Indeed, not only must African-Americans learn and understand about African-American history but indeed this entire Nation must learn about African-American history. For if we are to better understand ourselves as Americans, where people do not continually say, "Why do you all want to be called African-Americans? Why not just be called Americans?"

Certainly this is a pluralistic society, and there are various aspects of America and Americans. But I think because it is a pluralistic society, that prospect does not make it mutually exclusive with the recognition and specifically the commemoration of the unique contributions and unique history of African-Americans in this society.

We are proud to be Americans here, but we also take some very specific pride in our unique history and the contributions of our ancestors. I do not think anyone who appreciates their own ethnicity or background would have any qualm or have any conflict with that.

Going back to the African-American history, it is so interesting that there is something new to learn every moment on this. I was reminded during this month by various programs on television—and I would encourage Americans to look at those programs—of a bit of information that I was not aware of. I was aware that certainly Martin Luther King gained great distinction as a Nobel Prize Winner. Last year we had the first Nobel Peace Prize Winner in literary, an African-American woman. But the question arose of who was the first black American, or back in those days, Negro, to win the Nobel Peace Prize for Peace? I thought it was Martin Luther King, but I was reminded it was Ralph Bunche. That certainly points to the fact, Madam Speaker, that here some 40 years ago a gentleman who became the first African-American to reach the high position, in fact the top position, in the United Nations at the time, Undersecretary General. Here was a time even before the civil rights movement, before Martin Luther King, before Stokeley Carmichael, before Angela Davis, before it was even popular to call yourself black, and this gentleman was able to move up into the higher ranks of the United Nations. Indeed, when his superior was unable to fulfill his commitment in the Middle East, certainly Ralph Bunche took on the leadership of negotiating peace in the Middle East between the Arabs and the Jews.

☐ 1720

My point, Madam Speaker, is that our history is replete with the evidence of men and women who were ahead of their time and who braved all the adversities that faced them, and it seems to me that the message in black history needs to be that we need to be reminding our young people, and our families, of just how much we did achieve in the past while facing all kinds of adversities. And here we are with young people with an opportunity to be educated, and to have access to education, to training in the jobs, even though we know unemployment is higher disproportionately in our community, but there are those who are dropping out and are not taking advantage of the opportunities we have. Certainly we, as a community, have to pull together, and we have to create more Ralph Bunches, and more Martin Luther King, Juniors, and more Mary Barrys and more Harriet Tubmans.

Our history is today. We can make history new each and every day, Madam Speaker, and so I want to encourage us to follow that adage from the old African proverb that says that it takes a whole village to raise one child. That certainly is more important now than ever, as I conclude with my remarks, because the statistics show us today that the African-American community has, unfortunately, a unique aspect to it, and that is that 68 percent of all African-American families are headed by single parents, and those single parents are generally black women. So it is important that we, in light of that statistic, do all that we can as a community, particularly with the churches being a forefront of our community, to surround these women, young women, with the support they need to raise our young men in a way that we will not be able to say any longer that we have more black men in jail than we do in college.

Madam Speaker, this is a time where we not only need to revel in our history, but draw back from our history and to not have some of the unfortunate consequences of our social development repeated so.

So I thank the gentleman from Ohio [Mr. STOKES] again for this time. I want to encourage his leadership and encourage the leadership of our chairman, the gentleman from Maryland [Mr. MFUME], and encourage all of us to work together with the Black Caucus and other African-American leaders to make sure that we can continue to see history made anew each and every day. And I salute the gentleman from Ohio [Mr. STOKES] for his leadership because he has been a hero of mine, a role model of mine and for so many other young African-American men and women not only who espouse to the U.S. Congress, but who espouse to do great things, not only to contribute to African-American history, but to America as well. I say to the gentleman, My hat is off to you, and God bless you.

Mr. STOKES. Madam Speaker, I thank my friend and colleague for his very warm and kind remarks, and I appreciate his contributions to this special order.

I am pleased to yield at this time to the gentlewoman from Florida [Mrs. MEEK], our distinguished colleague who is a member of the Committee on Appropriations of the House and, in her own right, is a very distinguished Member.

Mrs. MEEK of Florida. Madam Speaker, I am honored to stand before you today, balancing on the strong shoulders of those who have preceded us and those who today tell us by word and deed that we are a proud, strong race of people. In fact, we are much like the old jack-in-the-box. Yes, the jack-in-the-box. You can push us down, clamp the lid shut, but when we hear the sweet refrain of the collective love and support of our black brothers and sisters, up we pop.

Throughout history there have been black men and women who, although oppressed and suppressed, have risen up to inspire and uplift us. There are so many—men like Frederick Douglas, Marcus Garvey, Dr. Martin Luther King, Malcolm X, and Nelson Mandela—women like Harriett Tubman, Rosa Parks, Mary McLeod Bethune and Dr. Dorothy Height. I could go on and on. We have been kings and queens, slaves, farmers, educators, poets, scientists, entertainers, preachers, businesspeople, cabinet members, Congress men and women and Senators. We have come far by the sweat of our brow through perseverance and dogged determination and, yes, definitely, through suffering. And while black people as a whole struggled mightily, a section of us have had an added obstacle to overcome—that of being a woman. So now you had to deal with being black and therefore thought not to be as good as a white man, and being a woman, therefore known not to be as good as any man. We were given no rights as blacks and didn't need any as women.

Then one day there came a 6-foot tall, thin, dark-skinned woman. She was an abolitionist, lecturer-preacher with a deep voice and a Dutch accent. After having lived half her life, this former slave had a revelation. It was necessary that everyone who would listen know that black people had rights and deserved to vote and that women were equal to men and deserved equal rights and dignity. This orator was born into slavery as Isabella Baumfree in 1797. Although technically "freed" in 1827 by New York's Emancipation Act, it was at age 46 that she felt a rebirth—a need to help her people. With that rebirth she gave herself a new name. Because she would travel up and down the land to bring her message—she took the name Sojourner. Because she was going to speak the truth to any who would listen—she took the name Truth. Yes, Sojourner Truth—a genuine inspiration to me in my life.

She never learned to read and write, yet she mesmerized people with her thorough understanding of the slave mentality and littlemindedness that was intent on keeping blacks and women downtrodden. She was stoned and beaten to keep her from speaking the truth in public, but nothing could keep her down, just like that jack-in-the-box I mentioned earlier. Throughout her long life of 80-plus years, Sojourner Truth never stopped. When she could no longer travel she taught freedwomen in Washington, DC, and crusaded for black settlements on western public lands.

And so, Sojourner Truth, here I am today, on my journey. You taught me to stand up and speak the truth. You taught me that as a black woman I had an almost impossible road to travel, but with God's help I could make it through. You taught me that no matter how far I had to travel, it was my duty to embrace my people—men and women, boys and girls—and lift them up.

Oh, there are so, so many wonderful black men and women who have inspired me in my life and continue to do so. But, you see, this lady is special to me because she was a woman. In an address to the Ohio Women's Rights Convention in 1851, Sojourner Truth addressed the issue of women's rights plainly and oh, so, magnificently when she said in her speech entitled "And Ain't I a Woman?":

> That man over there says that women need to be helped into carriages and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at me! Look at my arm. I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen them most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman? * * * If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! * * * Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

Well, my friends, thanks to great black men and women like Sojourner Truth, we not only have a lot more to say, but many forums in which to say it. Imagine, here I stand in the well of the House of Representatives, a little black girl from tallahassee, FL, not only celebrating but living black history. Thank you, Sojourner Truth, and all the many other great blacks, past and present. I intend to make you proud.

[From the Columbian Orator]

SOJOURNER TRUTH: ADDRESS TO THE OHIO WOMEN'S RIGHTS CONVENTION, "AND AIN'T I A WOMAN?" AKRON, OH, 1851

WELL, CHILDREN,

> Where there is so much racket there must be something out of kilter. I think that twixt the Negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?
>
> That man over there says that women need to be helped into carriages and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at my arm. I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen them most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?
>
> Then they talk about this thing in the head; what's this they call it? [Intellect, someone whispers.] That's it, honey. What's that got to do with women's rights or Negro's rights? If my cup won't hold but a pint, and yours holds a quart, wouldn't you be mean not to let me have my little half-measure full?
>
> Then that little man in black there, he says women can't have as much rights as men, 'cause Christ wasn't a woman! Where did your Christ come from? From God and a woman! Man had nothing to do with Him.
>
> If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.
>
> Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

□ 1730

Madam Speaker, I say to the gentleman from Ohio [Mr. STOKES], I would say where he has led us here in the Congress, we are so proud of the role that he has created for us. It is merely now a matter of following in the footsteps of the senior Members who planted the seed before we got here, because they have done what God would have each of us do. And that is to give service, for service is a price we pay for the space which God let us occupy.

Mr. STOKES. Madam Speaker, I thank my distinguished friend and colleague from Florida for her very eloquent statement on this floor and her very kind remarks to the gentleman in the well.

I am now pleased to yield to a friend and colleague, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Madam Speaker, I thank the gentleman for yielding to me. Madam Speaker, I rise today in observance of Black History Month to pay tribute to three outstanding people from Pensacola, FL, in my congressional district.

These individuals were honored at the first annual Chappie James Award Banquet on February 12 for their continuous community service and their determination to be the very best. My wife Nancy and I were honored to attend.

Before I talk about the three awardees, I want to say a few words about the namesake of the event, Gen. Chappie James. A native of Pensacola, Chappie made us all proud of his service to his country. He was a decorated U.S. Air Force pilot in the Vietnam conflict and later became the first black officer to attain the rank of four-star general in the Air Force.

As a member of the Florida Legislature in the 1970's, it was great to see that body honor General James in a special ceremony. I remember vividly what an imposing figure he was and what a dynamic, patriotic speech he delivered to the legislature. General James made us all truly proud to be Americans.

At the recent banquet in his memory, it was good to see members of Chappie's family present, including his sister Mrs. Lillie James Frazier, an outstanding educator and citizen of Pensacola.

The recipients of the first annual Daniel "Chappie" James Humanitarian Awards were Emmitt Smith, Roy Jones Junior and Sue Straughn.

Madam Speaker, in contrast to some star athletes today, Emmitt Smith wants to be a role model and he has stated that plainly. He wants young people to follow his leadership. Before becoming the most valuable player in the National Football League and in the Super Bowl, Emmitt was a star at Escambia High School and then at the University of Florida. Emmitt has always been a hard worker and a true competitor. In a game against the New York Giants this season, Emmitt injured his shoulder but gallantly stayed in the game, and rushed the Dallas Cowboys to a win. He later led the Cowboys convincingly through the playoffs and to a second consecutive Super Bowl victory. All the while, Emmitt has credited his family and Pensacola upbringing for his success.

When asked how he avoided trouble as a youngster, Emmitt explained, "It never occurred to me then, and I would never dishonor myself or my family." Emmitt Smith, a true role model.

Madam Speaker, Pensacola is also home to the next superstar of boxing, Roy Jones, Jr. Roy is IBF World's Middleweight Champ. Fast and flashy, Roy definitely has a style people remember.

Roy represented the United States in the 1988 Olympics, winning a silver medal and the Val Barker Trophy as the outstanding boxer of the games. Many remember the bad decision that deprived him of a gold medal. But Roy plodded on to great things.

Roy is a good citizen and a good example for all of us. He often speaks to young people about the perils of drugs and the value of education and he is currently furthering his own education at Pensacola Junior College.

Madam Speaker, Sue Straughn is not only a local celebrity, but an inspiration and example to all of Pensacola. Sue is the senior anchor at WEAR-TV in Pensacola. Her 21 years at the station has made Sue a familiar face and a household name. Many stars just lend their name to charity letterheads. Sue does so much more than that. She is the founder and—for 14 years—has been the organizer of the Communities Caring at Christmas Campaign. She is the creator, producer and host of the annual Spotlight on Youth Talent Competition and Telethon.

Sue has displayed an unmatched level of caring for the young people of Pensacola. She is an arbitrator of the Juvenile Justice System working to straighten out young lives. She is active in the Big Brothers and Big Sisters of Escambia County and is a Classroom Facilitator for Junior Achievement. She also works with the United Way, the West Florida Regional Medical Center, the Pensacola Symphony, the chamber of commerce, and many other organizations.

It would take much longer than the time I have here, Madam Speaker, to list the number of Pensacola service organizations that have named Sue Straughn citizen of the year. It is an understatement to say Sue is well thought of by her fellow citizens.

Madam Speaker, It is a pleasure for me to recognize three great Americans, three great African-Americans today. The accomplishments of Emmitt, Roy, and Sue are an inspiration to northwest Floridians of all races as excellent role models. Their contributions have made our home town of Pensacola even better and have made us all very proud.

Mr. STOKES. Madam Speaker, I thank the gentleman for his contribution to this special order.

I am now pleased to yield to my distinguished colleague, the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I am pleased to join with my colleagues, the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON], the gentlewoman from Florida [Mrs. MEEK], the gentleman from Florida [Mr. HUTTO], the gentleman from Mississippi [Mr. THOMPSON], and the gentleman from New Jersey [Mr. PAYNE], as we call attention to the great contributions made to the overall growth and development of this great Nation by men and women of African-American descent.

Two weeks ago, on February 11, 1994, a space shuttle returned to Earth which included a Russian cosmonaut as a mission specialist, marking the first joint United States-Russian human space flight since the Apollo test project in 1975. In view of our celebration of Black History Month, I believe it appropriate to highlight the fact that the commander of that shuttle, Col. Charles F. Bolden, Jr., is an African-American from Columbia, SC, and grew up in what is now the Sixth Congressional District of South Carolina, which I am proud to represent.

Eight years ago, on January 28, 1986, we all watched in horror as the space shuttle *Challenger* exploded, 1 minute and 13 seconds after launch, with seven men and women aboard. One of the men, Dr. Ronald E. McNair, was an African-American.

Dr. McNair grew up in Lake City, SC, where I spent this past Monday, which is now in the Sixth Congressional District of South Carolina.

□ 1740

Before Charles Bolden and Ron McNair were even born, Ernest Henderson became the first black man from the State of South Carolina to have a commercial pilot's license and hold ground instructor, flight instructor, and instrument ratings. At the Tuskegee flight school Mr. Henderson taught and trained an average of 20 cadets a year, who entered the famous 99th Pursuit Squadron which made history in World War II.

Madam Speaker, I point these three incidents out at this time because I think it is important for us to reflect upon a continuing custom among so many of our citizens to perpetuate policies and practices that limit the participation of certain segments of our society on account of ethnicity, socioeconomic background, and religious beliefs.

Not long ago, in October 1925, the Army War College prepared a report titled, "The Use of Negro Manpower in War." This report concluded that blacks were fair laborers but inferior technicians and fighters. It also stated that the cranial cavity of the Negro was much smaller than the white's, and that a Negro's brain weighed 35 ounces versus 45 ounces for whites.

Other studies concluded that blacks lacked patriotism, were untruthful, were difficult to discipline and train, and ran off in times of danger.

I believe, Madam Speaker, that the success of Charles Bolden, the tremendous sacrifice of Dr. Ronald McNair, the pioneering spirit of Ernest Henderson, and all of the other work by people like Dr. Mae Jemison, Dr. Bernard Harris, and many other people of color who are a part of our space shuttle program, point out the fallacy and viciousness of the 1925 report. I believe that it is high time for us to move to incorporate as one of our national education goals the true depiction of African-Americans for their historical and continued contributions to the overall development and growth of our Nation.

Madam Speaker, I would like to close my part in this program by recalling the words written by Martin Luther King, Jr., as he sat in the Birmingham City Jail after being arrested for calling attention to the problems of segregation in that city. Dr. King, as we may recall, wrote a letter in response to a letter that he had received from eight white clergymen asking him to leave Birmingham because they thought that he was a disruptive force in that community.

Dr. King read that letter, and the letter had something very interesting in it. They said to Dr. King, "Dr. King, we want you to understand that we know that your cause is right. We just feel that your timing is wrong." In his letter, Dr. King wrote about the neutrality of time. He responded that, "Time is neutral. It is never right and it is never wrong. Time is only what we make it."

Dr. King penned these words, which I want to share with our audience here today. Dr. King said, "I am beginning to believe that the people of ill will in our society make a much, much better use of time than the people of good will."

I believe that the time has come, Madam Speaker, for the people of good will in our society to make a much better use of time, and in so doing, help right the wrongs that are existing in so many of our textbooks.

Mr. STOKES. Madam Speaker, I thank my friend and colleague, the gentleman from South Carolina, for his excellent statement.

Madam Speaker, I am pleased now to yield to my friend and colleague, the distinguished gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON. Madam Speaker, I stand today to pay tribute to a slain civil rights leader, the late Medgar Wiley Evers. After graduating from the public schools in Decatur, MS, he enlisted in the U.S. Army where he served in World War II. Upon returning from the Army, he then enrolled in Alcorn State University in Lorman, MS, where he earned a bachelor of science degree in business administration.

Medgar began his career as an insurance agent with the Magnolia Mutual Insurance Co. in Mound Bayou, MS. Thereafter, he moved to Jackson, MS, and became active with the Mississippi chapter of the National Association for the Advancement of Colored People. In 1954, he was appointed field secretary of the Mississippi NAACP. Under Medgar's leadership, the NAACP advocated desegregation of public schools throughout Mississippi. In fact, he served as a plaintiff on behalf of his three children to desegregate the Jackson, MS, School System. In addition, he worked closely with NAACP lawyers in getting the first black student admitted to the University of Mississippi in 1962.

As the only full-time staff member of the Mississippi NAACP, Medgar devoted his life to fighting the injustices that plagued blacks in the State. He was actively involved in every major mass movement for social change in Mississippi from 1954 until his assassination in 1963.

I might add, Madam Speaker, that I had personal recollection of Medgar as an impressionable college student attending many of the mass meetings held by Medgar, and was really inspired by his love of humanity, the fact that not only did he serve his country in the military, but he also talked about the constitutional rights and privileges that should be guaranteed to all, regardless of race, creed, or color. It was in that spirit that, as a college student at Tusculum College, I recommitted myself to getting involved in the political process at an early age, and have continued ever since.

Medgar was instrumental in encouraging and registering blacks to vote. He also encouraged black customers to boycott merchants who perpetuated segregation. Even though Medgar strongly opposed racial violence, he was assassinated on a hot summer night in June 1963. This was a turning point in the civil rights movement, because it encouraged citizens and the Federal Government to increase their efforts in the area of human rights.

I might add, Madam Speaker, also that for 14 years I represented the community that Medgar lived in in Hinds County, MS, and I serve on the board of trustees of Tusculum College, who is the custodian of the Medgar Evers home now, which is now a landmark for African-Americans to visit when they come to Jackson, MS.

I think 2 weeks ago we sort of put a close to this very bad chapter in Mississippi's history. After 30 years and two mistrials, a third trail was held this year and a jury convicted the murderer of this husband, father, statesman, hero, and leader, Medgar Wiley Evers. I might add that many of us saw for the past 30 years how the person convicted bragged on the fact that he had deprived this wife of a husband and children of a father, and we complimented the prosecutors in producing that very convincing argument.

Last, in the spirit of Medgar Wiley Evers, we have filed a bill to name the post office in Jackson, MS, in his memory, and we look forward to an expeditious consideration of the naming of that facility.

Mr. STOKES. Madam Speaker, I certainly thank the gentleman for the great tribute he has paid to Medgar Evers. Also we might say that his wife, Myrlie Evers, has certainly been a great inspiration to all of us in this country.

I am pleased at this time to yield to the gentleman from Texas, Ms. EDDIE BERNICE JOHNSON, a distinguished colleague and friend.

□ 1750

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank the gentleman for yielding and for taking this time.

"Some organizations easily be recalled as forefront organizations that have played overt and well known roles in the battle for equality for Black Americans. However, there are others that play sufficient roles that have been organized by Black American Women. Three of them I'd like to cite tonight are Links, Inc., Alpha Kappa Alpha Sorority, Inc. and Jack and Jill, Inc."

As we celebrate Black History Month, we are called to reflect upon those people, places, and events which played a significant role in shaping the past, present, and future of black Americans in this country. An integral part of this history are the activities and dedication of black civic organizations such as Links, Inc., Jack and Jill, and Alpha Kappa Alpha Sorority, Inc. The late Reverend Dr. Martin Luther King once said, "Power is the ability to achieve purpose."

Contained within the purposes of these organizations are the improvement of the status of the race, the charge to improve the quality of life and provide hope for disadvantaged African-American citizens, and to ensure equal opportunities and advantages for all children. Each of these organizations are well grounded in their purposes. Each of these organizations have played key roles in the past and by purpose will continue to do so in the future.

Jack and Jill, Inc. and Jack and Jill Foundation was founded in 1938 in Philadelphia by a group of black women. Jack and Jill today boasts a membership of over 37,000 men, women, and children. Ms. Ella Louis Hudson, Dallas chapter founder with 220 chapters nationwide. Jack and Jill strives to create positive communities for young black children. It is charged with a multifaceted task, that of teaching our young children about who they are and who they can be, and also Jack and Jill is tasked with instilling the idea of responsibility and civic duty in the next generation of black leaders.

Alpha Kappa Alpha sorority has a membership of 140,000 of this Nation's brightest and talented young women. Mrs. Theresa Hicks and Mrs. Florence Harlee Phelps were the first golden girls. Alpha Kappa Alpha is dedicated to working to enhance the gifts of its individual members as well as improving their surrounding communities. The original black sorority with a long history of involvement in the suffrage and civil rights movements AKA's have shaped the world in which we live with a gracious cast of caring and commitment.

In 1946, a group of black women united to form one of the leading black civic organizations, Links. In Dallas, Mrs. Fannie Smith founded the Dallas Chapter. A small group, numbering slightly over 8,000, Links have toiled tirelessly in their communities to make opportunities available to blacks of all income levels. In 1954, the Links integrated children's theater audiences which were segregated right here in Washington, DC. Their commitment to social change remains alive today, in fundraising activities to benefit the United Negro College Fund, homeless people and projects to prevent drug abuse and teenage pregnancy.

There are 185,000 individuals dedicated to service and community. These networks have been the backbone of our communities uniting individuals from very different backgrounds for the purpose of making a better world. In 1994, we turn to these organizations because of their strategic positions within our communities make them uniquely qualified to address the state of siege we are under as black Americans.

Although 67 percent of blacks are not poor, we are disproportionately represented among the poor. One in four black children is born into poverty; 64 percent of our children are born out of wedlock. For the first time we are producing fewer Ph.D's than in previous years. Too many of our children are growing up with limited horizons—believing that if they live to 25 they are lucky. Our communities are besieged by crime yet the only solutions being proposed are more prisons to lock black children away for life.

What small victories we won during the civil rights movement are being stripped away from us as we speak. Individuals who claim that their rights are being infringed upon because they are represented in the U.S. Congress by black Americans are ignoring the 300-year history in which blacks were not even considered full human beings in this country much less entitled to the right to representation.

Black America is under siege and must mobilize all of its resources to deflect the multitude of attacks from within and without. Now is the time for us to work at the grassroots levels to say what we want to be the defining characteristics of our communities. We must work at the grassroots level to protect the hard fought gains of the civil rights movement. We must work to pull our children and the children of those less fortunate away from the forces which seek to stifle our brightest young minds. We must commit ourselves to maintaining the economic and political advances we made during the 1980's.

In 1940, A. Philip Randolph once said during a speech at the March on Washington Movement in Detroit, MI, "No organization can do everything. Every organization can do something and each organization is charged with the social responsibility to do that which it can, it is built to do."

Jack and Jill, AKA's, and Links are charged by their charters to bring people together to work for the betterment of the world in which we live. We are at a critical point in our history as black Americans, there is much work to be done. These organizations must be our sounding boards for problems and test-beds for solutions. If the full force of these organizations is mobilized to address just one of the many issues facing our communities today, we would see a notable change for the better in all of our communities and this Nation.

Mr. STOKES. Madam Speaker, I thank the distinguished gentlewoman from Texas for her contribution to this special order.

I am pleased to yield to the distinguished gentleman from New York [Mr. GILMAN], our friend and colleague who always participates each year in this special order.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I am pleased to rise to join my colleagues in commemorating Black History Month for 1994 and I thank the distinguished gentleman from Ohio [Mr. STOKES] for arranging the time for this special order.

As I have previously pointed out in this Chamber, the great Scottish historian Thomas Carlyle wrote that: "The history of the world is but the biography of great men." Black History Month is an appropriate time to commemorate the outstanding black men and women who have contributed so much to our Nation and to their own people throughout the years.

It is an appropriate time to remind our Nation's students about some of our early black heroes and leaders—that the first American to fall in defense of our independence in freedom, at the Boston Massacre which proved to be the opening skirmish in our Revolutionary War, was Crispus Attuckus, a free black man. Another valiant hero of the Battle of Bunker Hill was Peter Salem, who killed the British commander.

It is also an appropriate time to remind our young students that our beautiful Capital City of Washington, DC, was laid out by a black man, Benjamin Banneker, who was one of the most learned astronomers and mathematicians of his generation. Jean Baptiste Point du Sable, a black pioneer trader and trapper was the first settler in what is now known as Chicago, IL. Another early black pioneer was James P. Beckwourth, who explored northern California when that area was still an unknown wilderness.

The struggle to end slavery in our Nation is the story of many courageous men and women: Harriet Tubman and Sojourner Truth, who helped found and run the underground railroad; Frederick Douglass, an escaped slave who was perhaps the most articulate orator of his time; and the thousands upon thousands of Afro-Americans who fought and in many cases sacrificed their lives in the Civil War.

We should also remind our Nation of the numerous brilliant black people who have made the American way of life better in so many ways: Jan Matzeliger who invented the machinery which revolutionized the shoe industry; Henry Blair who invented corn and cotton planting machinery; and Granville T. Woods who invented the third rail used to power subway cars, and many safety devices which commuters use to travel on our subways and railways today.

And let us not overlook the significant contributions of Dr. Mary McCleod Bethune, Frederick D. Patterson, and Benjamin Mays who were outstanding educators who inspired not only their own students, but generations of students to come. A. Philip Randolph was one of our Nation's outstanding labor leaders, who worked with Bayard Rustin in organizing the marches on Washington in 1941 and 1963 which raised the consciousness of all Americans. Outstanding African-Americans who made their mark in the world of literature include Toni Morrison, last year's Nobel literature prize winner; Langston Hughes, Alice Walker, James Baldwin, Charles Fuller, Lorraine Hansberry, Paul Dunbar, Charles Gordone, and so many others.

And I have not even begun to list the many black Americans who made an impact in the fields of sports, entertainment, music, politics, the graphic arts, and so many other spheres of human endeavor.

Black History Month is an appropriate time for us to note that the contributions of blacks to our culture and our society are truly overwhelming. It is a time to note that our world would truly be different today were it not for the contributions of so many vital, giving men and women.

Madam Speaker, African-Americans have contributed to every facet of American life. It is extremely appropriate therefore that we join together in calling these significant accomplishments to the attention of all citizens of our Nation, both young and old.

☐ 1800

Mr. STOKES. I thank my distinguished friend and colleague for his contribution to this special order.

Madam Speaker, I am pleased to yield to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Madam Speaker, I rise today in honor of the life and work of Eric O. Simpson, founder and editor of the Florida Star, one of the oldest and largest black newspapers in Florida.

Mr. Simpson, born in 1914, was 79 years old when he died in Jacksonville, FL, last month. Mr. Simpson founded the weekly newspaper in April 1951 to report on news and developments of blacks in northeast Florida when other newspapers failed to report about blacks. When Simpson started the Florida Star, blacks were largely invisible; according to a recent news article, the only black faces were found in Ripley's Believe It Or Not.

In the 1950's, Simpson was heavily involved in registering blacks to vote. Simpson's paper featured stories attacking job discrimination, police brutality, segregation by the local bus company, and firefighters. Simpson alerted readers in northeast Florida to boycotts and sit-ins, including the 1960 Jacksonville Woolworth boycott where he was the only journalist present because white papers blacked out news of the event.

Mr. Simpson was a champion of civil rights and a pioneer of the black press in Florida; he was an advocate on behalf of people who suffered civil and social injustices. As we celebrate Black History Month, let's not forget the contributions of Eric Simpson, a real trailblazer.

Mr. STOKES. Madam Speaker, I thank the gentlewoman from Florida for her statement on this special order.

I am pleased now to yield to the gentleman from New Jersey [Mr. PAYNE], our distinguished friend.

Mr. PAYNE of New Jersey. Madam Speaker, I join my colleagues in this celebration of Black History Month, a time when we, as African-Americans, remember our past and look with hope toward our future.

The African-American community has been blessed, in the past and the present, with countless men and women whose courage and fortitude has guided us through the most difficult of times.

We pause to honor heroes like the abolitionists Frederick Douglass and Harriet Tubman; the famous educator Booker T. Washington; Supreme Court Justice Thurgood Marshall, and of course, Dr. Martin Luther King, Jr. whose message of nonviolent change remains as relevant today as it was during his lifetime.

In addition to these legendary figures, there are unsung heroes and heroines working every day in our communities to bring positive change and hope to black Americans.

As we focus on our theme "Empowering Afro-American Organizations: Present and Future," I would like to take a moment to pay tribute to some of the leaders of organizations in my home State of New Jersey who are giving their time and talents to help empower their membership.

One of the foremost organizations of our time, the NAACP, grew out of the Niagara Movement in 1909. This movement was a coalition of African-American intellectuals who pressed for full citizenship rights.

During my youth, I had the privilege of being a member of the NAACP Youth Council and College Chapters of the Oranges and Maplewood. In 1957 I had the honor of being elected as the New Jersey president of the NAACP Youth Council and College Chapters of New Jersey. As State president, I had the good fortune of meeting Dr. Martin Luther King, Jr., at the national convention of the NAACP in Detroit, MI, in 1957. Also, a great woman, Mrs. Madeline Williams, served as the adviser to the youth council and was a real leader for many of the youth, along with Mrs. Eloise Jett of Jersey City and Mrs. Pickney of Newark.

In New Jersey today, we are fortunate to have outstanding leadership at all levels of the NAACP as the organization works to meet the daunting challenges of the 1990's. Please join me in honoring our State president, Elaine Harrington; First Vice President Wandra Williams; Second Vice President Kabili Tayari; and our local presidents: Jacqueline Lawrence of Newark; Reverend Lyman Hines of Elizabeth; William Rutherford of Irvington; William Perkins of Jersey City; Morris Thomas of Maplewood and the Oranges; Albertus Jenkins of Montclair; John Robinson of Rahway; and in Linden, First Vice President and Former Councilman William Motley.

Another organization of great importance to the African-American community is the Urban League, which was founded in 1910. The league continues to pursue vigorously the goal of full and equal opportunities for all Americans, recognizing the crucial link between education and empowerment.

We have outstanding leadership in the Urban League of New Jersey: Lydia Barrett Davis in Essex County; Elnora Watson in Hudson County; and Ella Teal in Union County.

These dedicated individuals are working to improve economic opportunities and promote a better quality of life in our local communities.

Mr. Speaker, I would also like to draw attention to the accomplishments of African-American law enforcement officers in my home State. Just a few decades ago, African-Americans were drastically underrepresented in the police force. There was bias in testing which prevented promising young people from being fairly considered for these positions. Many black communities were patrolled by an all-white police force with little attention to community relations.

In 1959, in response to this problem, a group of black police officers in Newark formed an organization called the Bronze Shields. Their first president was Floyd Bostick. They have worked to promote professionalism among African-American law enforcement officers and have also focused on community issues. Today, under the leadership of Detective Sheila Fitts, the group is continuing to make a positive contribution.

We also have a statewide group of law enforcement officers which was formed in the early 1950's. Known as the Batons, the group was originally composed of a coalition of African-American civil service workers in uniform, including postal employees. Today, under the guidance of their president, Ken Patterson, the organization works to promote the interests of New Jersey's African-American law enforcement officers and strives to better the communities they serve.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in saluting these outstanding representatives of African-American organizations who are working diligently each and every day to make a difference. As we celebrate Black History Month, I am glad to have this opportunity to thank all of them for a job well done and to tell them how proud I am of their accomplishments.

Mr. STOKES. I thank the gentleman for his contribution to the special order.

Madam Speaker, I yield to my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for allowing me to say that I want to lift up the name of one person and one organization.

I want to lift up the name of Floyd B. McKissick, in terms of economic development, and we certainly will tell more in the RECORD, because we recognize the limited time.

Also, I want to recognize the untiring efforts in economic development of community development corporations in my district who are beginning to emerge as the new frontier for human services and for economic parity within the black community.

Both of those, I think, in terms of the individual and the organization should be expounded on, and I congratulate them both.

Mr. STOKES. Madam Speaker, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Madam Speaker, I am delighted to be here and participate in the Black History Month celebration and take this opportunity to do something that I have wanted to do for a long time.

I thought it would be fitting today to read some of the words of George H. White, our last Representative in the last century from North Carolina. This is from his final speech, January 29, 1901, and I wish I had the opportunity to read it all. I keep threatening to do my own special order to come to read the entire speech, but I would not dare try to even do that tonight. But I do want to read two particular parts which seem to have particular bearing on where we are today.

One has to do with the commitment of black people to move forward.

□ 1810

George H. White had these words to say on June 29, 1901:

> You may tie us, and then taunt us for a lack of bravery, but one day we will break the bonds. You may use our labor for two and a half centuries and then taunt us for our poverty, but let me remind you that we will not always remain poor. You may withhold even the knowledge of how to read God's word and learn the way from earth to glory and then taunt us for our ignorance, but we would remind you that there is plenty of room at the top, and we are climbing.

Then finally, as he bid farewell to this body, the Congress, as the last black Representative in Congress at that time, and to be the last black Representative for over 30 years thereafter, he made this prediction, which rings true today:

> This, Mr. Chairman, is perhaps the negroes' temporary farewell to the American Congress; but let me say, Phoenix-like he will rise up some day and come again. These parting words are in behalf of an outraged, heart-broken, bruised, and bleeding, but God-fearing people, faithful, industrious, loyal people—rising people, full of potential.

With those words, he parted from this Congress, and I find it very appropriate that I would be here saying those words as one of the two replacements of George H. White after more than 90 years. And also that presiding over this Chamber would be my fellow colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], both of whom having joined this body as replacements for George H. White.

Mr. MFUME. Madam Speaker, Black History Month was created to acknowledge the achievements of great African-American individuals and institutions and their role in the history of the United States.

Today, we honor America's Afro-American organizations and we ask the question: How can we empower these organizations now and in the future.

We have a long history of empowering organizations in the African-American community and the success of many of these groups has paralleled the progress our community has made in achieving civil rights and liberation.

Whether it's the NAACP, the Urban League, the Rainbow Coalition, or the Southern Christian Leadership Conference, the African-American community has often looked to these organizations for strength and leadership during the numerous battles we have fought for equality and dignity. The voice of the community has often been articulated through our national and local organizations and we have looked to them to lift us up as a people.

While the battle for civil rights is hardly over, the African-American community is now faced with a larger battle for survival. While the needs of our people have grown, the Government's response has weakened, thus leaving our community organizations to pick up the pieces and bear new and daunting burdens.

The state of the black community is indeed critical. While hope is high the challenges and threats are dangerous. The scourge of AIDS, crack, and crime continue to tear at the rich fabric of our culture and threaten the black male with annihilation.

Racism, bigotry, and violence lie terribly close to the surface of our Nation's consciousness threatening to erupt at any moment. The Rodney King riots demonstrated that justice denied or tensions ignored only compound the crisis.

We need leadership from the White House to counter the forces of ignorance. We need a Marshall Plan in the African-American community to pull our resources and find solutions. We need the support of all Americans of good conscience to join us and work together in understanding and appreciation of our cultural differences and similarities.

Ultimately it is our African-American organizations that we will look to now and in the future for the solutions we seek. It is in our national, State, local, and neighborhood groups that the real agenda for black America will be melded and refined.

We must provide these groups with the resources, time, energy, muscle, and prayer that will revitalize our community. We cannot count on the fair-weather friendship of governments, political parties, or programs. However, we can rely on ourselves and our community institutions.

For it is in ourselves that we will find our destiny and strength to build a new tomorrow. It is in ourselves that we will discover our richness and wealth as individuals, as a community, and as a people. And it is in ourselves that we will find a way to stop the fighting and start the healing.

So today as a people, as a community, as a race, and as Americans we rededicate our energy to the community organizations that seek to root out racism, facilitate black liberation, heal our community, and build the foundations of the future.

Today we lift these organizations up with our words, works and gifts and look to them for guidance and leadership for the next millennium.

Mr. FAZIO. Madam Speaker, I am pleased to join my colleagues once again to honor the historical contributions of Black America and to commemorate Black History Month.

The celebration of Black History Month began in 1926, when Dr. Carter G. Woodson first conceived the idea of a week dedicated to the observation of black history. The celebration of Black History Month is fostered by the valuable contributions that African-Americans have made and continue to make to this country. Black History Month allows us all to recognize the importance of our heritage and understand that much more work has yet to be done.

Madam Speaker, because the 1994 theme of Black History Month is Empowering African-American Organizations, I cannot help but cite the outstanding job that Mr. Kevin Johnson, all-star guard for the Phoenix Suns, has done in Sacramento with the creation of his St. Hope Academy for young people. I believe that St. Hope represents the very essence of community empowerment. St. Hope is an after school facility located in the middle of a predominantly African-American neighborhood which is plagued by high crime, high unemployment, and a high dropout rate. St. Hope is a safe place where young children and teenagers can go after school and on the weekends to study and learn new skills. It is a place that is equipped with new computers, tutors, and counselors to guide and discuss issues that are important to the young people. More importantly though, the academy helps provide self confidence, a sense of self esteem, and leadership to the children of this neighborhood. The efforts and contributions by Kevin Johnson to the African-American community embody exactly what is right with America and how empowered organizations can benefit our communities.

The history and culture of black America have always played an important role in the development of the United States and I am honored to participate once again in the observation of Black History Month. I also would like to commend the distinguished gentleman from Maryland, Mr. MFUME, chairman of the Congressional Black Caucus; and the distinguished gentleman from Ohio, Mr. STOKES, for calling this special order, and I thank them both for including me in this effort.

Mr. ENGEL. Madam Speaker, I rise today to honor the innumerable achievements and contributions of African-Americans in the history and in the development of our Nation. African-American businesses and organizations, both past and present, have laid the groundwork for many innovative and essential institutions.

My home State of New York has long been an academic and cultural center, due in large part to the talents of its diverse community. African-American doctors, lawyers, judges, educators, entertainers, politicians, and many others have helped empower individuals and provided leadership to the whole Nation.

The 17th District, which I represent in Congress, includes several African-American organizations and businesses that are vital to communities in the Bronx, Yonkers, Mount Vernon, New Rochelle, and Pelham. They provide essential services that ensure fair housing opportunities, provide medical and counseling services, educate our youth, and care for the elderly and infirmed. Most of the organizations had meager beginnings, starting as volunteer organizations under the leadership of one or two exceptional African-Americans.

These organizations have and continue to play a paramount role in providing role models and employment opportunities where they may not have existed before.

I would also be remiss if I did not mention my friends and colleagues in the Congressional Black Caucus, who work so hard to promote issues of concerns to the African-American community. I am proud to find myself standing side-by-side with the caucus when it comes time to fight for progressive and innovative policies.

So at the same time we celebrate the historic figures in African-American History, we should also pay tribute to the local heroes who contribute so much to the day-to-day successes taking place throughout the Nation. In particular, I want to extend my appreciation to the organizations and businesses in the Bronx and Westchester County that draw on the diversity of our communities as a source of strength. They give us reason to believe that the future will be filled with many more of the inspirational moments we celebrate during Black History Month.

Mr. LAZIO. Madam Speaker, it is with great pleasure that I rise today to commemorate February as Black History Month. For the last 18 years, February has been the official observance of Black History Month which helps all Americans appreciate the numerous significant accomplishments that African-Americans have made in all aspects of American life.

America would not be the great country it is today without the contributions of African-Americans. From communications to politics, from science to sports African-Americans have excelled to the pinnacle of their chosen fields.

Many accomplished African-Americans are from, or strongly associated with my home State of New York. Time does not permit me to mention all of them, but I would like to highlight the careers of three such individuals.

Lewis H. Latimer, a noted inventor, scientist, and resident of Long Island, invented and patented an incandescent light bulb with a carbon filament in 1881. Later, while working for the Edison Co., he supervised the installation of the electric light system in New York, Philadelphia, Montreal, and London. Mr. Latimer also made patented drawings of the first telephone for Alexander Graham Bell.

Another New Yorker, Isabel Baumfree, later known as Sojourner Truth, is well known for her speeches against slavery and in favor of women's rights. Born a slave in 1797, and after being freed by the New York State Emancipation Act of 1843, she became the first African-American woman to speak publicly against slavery. After being freed she crossed the country speaking out at abolition rallies.

In 1947, when he joined the Brooklyn Dodgers, Jackie Robinson became the first African-American to play major-league baseball. Jackie distinguished himself as one of baseball's all-time greats by compiling a long list of accomplishments including: Rookie of the Year in 1947, Most Valuable Player in the National League in 1949, and a lifetime .311 batting average. Most importantly, his entrance into the game paved the way for other African-American players to play major league baseball. In 1962, he was inducted into the Baseball Hall of Fame.

As we celebrate the accomplishments of African-Americans this month it is important to realize that what African-Americans have accomplished should not solely be heralded in relation to race. This celebration should not only highlight accomplishments of African-Americans, it should make clear the vital importance that these accomplishments have made to American society as a whole.

In a time when the basic American family structure is in decline and violence is a part of everyday life, our Nation's youth need role models to follow. Children need to look no further than the names I have just mentioned to find great American role models who have defined the American spirit by beating the odds and standing up for what they believe.

Mr. PRICE of North Carolina. Madam Speaker, Black History Month is a time to highlight the many contributions African-Americans have made and are making to our great Nation. I appreciate Mr. STOKES' and Mr. Mfume's organizing of this special order to pay particular tribute to Afro-American organizations. Groups at work in my district in North Carolina—such as the NAACP, the Raleigh-Wake Citizens Association, and the Martin Luther King Celebration Committee—continue to make a major contribution to our community.

Tonight I want to take special notice of a unique organization in my district: Strengthening the Black Family, Inc. Initially organized in 1980 as the Black Family Conference, Strengthening the Black Family, Inc. is a nonprofit coalition of local groups working to help families and neighborhoods help themselves. It holds an annual conference to increase awareness of community issues affecting all families with a special emphasis on African-American families. The conference includes workshops on topics such as leadership development, health promotion, youth development, and organizational support. For the record I will include a complete list of the 32 sponsoring organizations for 1993.

Strengthening the Black Family, Inc. also helps provide community service through projects like the Teens Against AIDS Project and the Southeast Raleigh Center for Community Health and Development, a cooperative effort with the Wake County Health Department, the UNC-Chapel Hill School of Public Health, and other local health organizations to develop a community-operated center in southeast Raleigh to meet a range of health needs.

Mr. Speaker, the diversity and shared commitment of its sponsoring organizations gives Strengthening the Black Family its vigor. This organization and many others like it across the Nation are making a major contribution to an improved quality of life for many of our citizens. I salute the work of Strengthening the Black Families, Inc. and related groups in my district, and I encourage my colleagues to recognize those in their own areas who work similarly for community betterment.

STRENGTHENING THE BLACK FAMILY, INC. 1993 SPONSORS

Alpha Kappa Alpha Sorority, Incorporated, Alpha Theta Omega Chapter, Alpha Kappa Alpha Sorority, Incorporated, Sigma Tau Omega Chapter, Alpha Phi Alpha Fraternity, Incorporated, Phi Lambda Chapter, Auxiliary to L. A. Scruggs Medical Society, Black Child Development Institute, Triangle Affiliate, Chums, Incorporated, Raleigh Chapter, Cosmetologist, Raleigh Chapter #41, Delta Sigma Theta Sorority, Incorporated, Raleigh Alumnae Chapter, Eagles Retired Teachers' Association, First Baptist Church, Gay Matrons, Raleigh Chapter, Hampton University Alumni Association, Raleigh Chapter, Jack and Jill of America, Incorporated, Raleigh Chapter, Kappa Alpha Psi Fraternity, Raleigh Alumni Chapter, and, Laodicea United Church of Christ.

Lions Club, Raleigh Southeast, North Carolina Association of Minority Political Women, National Epicureans, Raleigh Chapter, Omega Psi Phi Fraternity, Incorporated, Iota Iota Chapter, Phi Beta Sigma Fraternity, Incorporated, Eta Sigma Chapter, Raleigh Interdenominational, Ministerial Union, Raleigh/Wake Citizens Assocation, Rush Metropolitan AME Zion Church, Saint Ambrose Episcopal Church, Saint Augustine's College, Sigma Pi Phi Fraternity, Gamma Sigma Boule, South Central Wake County NAACP, The Links, Incorporated, Raleigh Chapter, The Women's Center, Top Ladies of Distinction, Raleigh Chapter, Wake County Area Health Education Center, and, Wake County Department of Health.

Ms. FURSE. Madam Speaker, the message has come from around the Nation; it has been delivered loud and clear from African-Americans who know. The message is that it's vital that young African-American men have role models, mentors, and leaders in their own community. They need to see that there is hope for their future, and that there are alternatives to guns, gangs, violence, and drugs. It is only then that we can hope to stem the violence, destruction, and disillusion of so many people's lives.

I'm pleased to stand here today and honor Portland Police Chief Charles Moose, the first African-American police chief for the city of Portland. He is a strong advocate of programs that highlight youths, gang prevention, education, and community policing. He is known by name by many people in the community. He is a man who still walks the beat and stays in touch with people in their neighborhoods.

But Chief Moose is more than just head of a large metropolitan police force in my home district. He also leads by example. When he was promoted to the top slot at the bureau, he could have moved to the suburbs and avoided problems that often plague cities, like decay, hopelessness, violence, and crime. But Chief Moose made a commitment to the city and to the people of Portland. He moved into the heart of the African-American community. He wanted to send the message loud and clear that people, especially young African-American men, could rise above their surroundings and accomplish great things. Despite the heavy demands of the police bureau, he found time to complete his masters and his doctorate degrees.

Chief Moose is a man worthy of honor, and we all benefit from the role he serves in our community. And while he leads by example, I call upon other African-Americans in my home district in Oregon to stand up and become a mentor for a young man—just help one man grow to stand taller in our community. There is no greater reward or gift than giving hope to a young person. And I believe that being a mentor should extend beyond Black History Month. Chief Moose delivers the message effectively that our children deserve year-round attention.

Miss COLLINS of Michigan. Madam Speaker, as we commemorate Black History Month, I want to recognize the millions of African-Americans who never make the headlines. Their hard work and perseverance are displayed every day.

It can be seen in the single black mother, struggling against unprecedented odds to raise her children without a husband. It can be seen in the black business executive, striving to overcome overt and covert racism. And it can be seen in the life of the black teenager, who wants to succeed in school in the face of drugs, violence, and racism.

I want to discuss the lessons we can learn from the struggles of two African-Americans who had all the cards stacked against them, yet persevered for the betterment of themselves, the betterment of all African-Americans, and the betterment of our Nation.

Harriet Tubman was born a slave in 1820. But Harriet Tubman enjoyed what was considered a privilege for blacks of her time, and is again increasingly rare today: An intact and functioning family. While she and her family were subject to the orders of their owner and hired out to neighboring farmers, they were a family unit in which care and support was given and received and in which religion and folklore were shared. She learned to trust herself, God, and Divine Providence, in that order.

It is difficult today to understand the forces aligned against Harriet Tubman. She was an enslaved African-American. She was a woman living in a man's world. And after receiving a malicious blow to her head by an overseer, she suffered a form of sleeping sickness, often falling asleep involuntarily. This meant that literacy, respect, and even common courtesy were denied her. And yet this remarkable woman came to understand the social order that enslaved her. In 1849, she escaped to freedom in Pennsylvania alone and unaided.

She began supporting herself, vowing to free her relatives. Becoming associated with another great African-American, William Still, Harriet Tubman began her legendary career as a conductor on the Underground Railroad, where she was fearless and willing to endure any hardship. It is said that Harriet Tubman carried a revolver on her side and made the slaves pledge that they would not turn back once they began the journey on the Underground Railroad.

She took the sanctification of this Nation upon her narrow shoulders, becoming involved with abolitionists, feminists, and political and military leaders. She worked with people who shared her goal of the emancipation of blacks, regardless of the boundaries of gender, color, and socioeconomic status.

When the Civil War broke out, Tubman served 3 years in South Carolina under Union Gen. David Hunter first as a nurse, later as a scout and spy. And when her lifelong goal of legal emancipation was finally realized, Harriet Tubman did not even look up. She continued to fight for true emancipation by raising funds for schools for former slaves and struggled on in the suffragist movement.

Harriet Tubman is an inspiration for us all. She fought against what she knew to be wrong, even when the forces that she fought must have seemed unbeatable. Yet in the true American spirit, she had a vision and fought the good fight.

For another African-American hero, we Detroiters need look no further than former Mayor Coleman Young. A man who always stood for principle, even in the face of overwhelming resistance and opposition, Coleman Young always persevered.

While Coleman Young had the good fortune to learn the value of hard work and organization at his father's knee, racial discrimination marred Young's childhood. When he graduated from high school, his color closed the door to financial aid at the University of Michigan and other colleges despite his exceptional academic record. Later, he was passed over for a job with an automobile company because of his race.

Despite these obstacles, like Harriet Tubman, Coleman Young decided to take on the unjust system. He began to organize labor in the automobile industry, fighting for the rights of black workers.

As a second lieutenant and a bombardier-navigator in World War II, he remained an adamant defender of the rights of African-Americans. Near the end of the war he and about 100 other black officers were arrested for demanding service in a segregated officers' club in Indiana.

Coleman Young's work on behalf of blacks brought him to the attention of the infamous House Un-American Activities Committee. Called to testify before that committee in 1952 as a leader of the National Negro Labor Council, he refused to answer the chairman's questions and temporarily withdrew from organizing labor, telling the committee, "You have mixed me up with a stool pigeon." Coleman Young was displaying the independence and stubbornness that came to typify his struggle for racial equity.

Coleman Young then entered politics, and seeing a system badly in need of fixing in the wake of the devastating 1967 Detroit riots, Coleman Young emerged from a crowded field of candidates to become Detroit's first black mayor in 1973.

At that point, the challenges facing Coleman Young were staggering: Racial disharmony in Detroit was high, the police force had become a brutal occupying army, and the city was on the verge of becoming an economic wasteland.

Coleman Young served as mayor for 20 years, dismantling the walls of exclusion brick by brick. He made city hall accessible to people who were not welcome there before—African-Americans, the working class, and women. Not merely granting access to members of these disenfranchised groups, Coleman Young elevated them to high positions in his administration. For the first time, ability determined how far careers could go, not race, gender, or station in life.

Meanwhile, he strived to revitalize a city that had been given up for dead. By forging a working partnership with businesses, he endeavored to revitalize the waterfront with the jewel of Detroit, the Renaissance Center. Constantly battling budget deficits and Federal neglect, Coleman Young kept Detroit running on eight cylinders for 20 years.

As African-Americans, we should look to the unflagging perseverance and courage shown by these two African-Americans as models.

We can also learn valuable lessons from their lives—the need for family, the value of self-reliance, the importance of persistence, and the rich rewards of hard work. As I look across America today, I can see the new Harriet Tubmans, the new Coleman Youngs, in the face of every African-American who struggles to succeed in a society which, despite our best efforts, is still weighted against them. So during this Black History Month, I stand here to honor all African-Americans, those in the headlines and those in the breadlines.

Mr. DE LUGO. Madam Speaker, February is the month we set aside to commemorate Black History, when we celebrate the accomplishments of a few well-known men and women, recognize the achievements of others who are less well-known, and observe the extraordinary chronicle of all African-Americans, past and present.

Today, I want to particularly acknowledge some of the remarkable successes and lasting legacies of the people of the Virgin Islands, men and women whom I have been proud to represent in this House for almost 20 years, people who have made many important contributions to the West Indian, American, and African-American experiences.

The Virgin Islands people have achieved a number of firsts in black history.

Fifteen years before President Abraham Lincoln's Emancipation Proclamation in 1863 that led to the abolition of slavery in the United States, that terrible institution at last came to an end in the Virgin Islands.

On March 26, 1937, William H. Hastie was confirmed as judge of the Federal District Court of the Virgin Islands and became the first African-American to be appointed to the Federal bench in the United States.

On May 18, 1946, Judge Hastie became the first African-American Governor of the Virgin Islands and, therefore, the first African-American Governor in American history.

Governor Hastie initiated an active campaign to increase self-government in the Virgin Islands. As my colleagues know, increased self-government for the people of the Virgin Islands and all the insular areas has been one of my foremost goals during my tenure in the House.

In September 1950, the Virgin Islands Legislative Assembly strengthened its Antidiscrimination Act and adopted one of the strongest civil rights bills under the American flag.

In November 1970, Melvin H. Evans was chosen the first elected Governor of the Virgin Islands and thereby became the first elected African-American Governor under the American flag.

In January 1981, Senator Ruby Margaret Rouss was elected President of the Virgin Islands Legislature and became the first African-American woman to be elected president of the executive branch of government in the United States.

Madam Speaker, these accomplishments are significant events in African-American history, and they are important contributions to the history of the United States. They are illustrations of the tremendous talent and ability that springs from the Virgin Islands and its people, people who have written important chapters in the annals of black history.

Mr. MANN. Madam Speaker, when I thought about this year's theme for the special order on Black History Month, "Empowering African-America Organizations: Present and Future," I could not help but think of all of the men and women who have paved the way for many African-Americans of the present. This year, I would like to pay tribute to 20 members of the First District of Ohio. Their accomplishments and contributions were recently honored by the Urban League of Greater Cincinnati's First Heritage Award. This year's theme "Glorifying the Lion," is taken from the African proverb "Until the lions have their own historians, tales of hunting will always glorify the hunter." This year's lions are.

Dorthy Cunningham Bailey, Theodore M. Berry, Sr., John Blanton, L. Venchael Booth, Edmund Casey, Virginia Coffey, Vera Edwards, Tecumseh X. Graham, Bruce Green, Joseph A. Hall.

Lawrence Hawkins, William Lawless Jones, Alleno Renfro, Marjorie Parham, Fred Shuttlesworth, Donald A. Spencer, Marian A. Spencer, Emily T. Spicer, Fred Suggs, Ernic Waits.

For many of these Cincinnati seniors this honor is long overdue. Each of the lions has contributed over 30 years of service to Cincinnati's communities. The word "lion" symbolizes characteristics like strength, nobility, greatness, and fearlessness. These lions have demonstrated all of these qualities during the course of their lives and have served as leaders during times that were not always easy. Many honored have had a career of firsts; the first black doctors, the first black lawyers, the first black educators, entrepreneurs, publishers, and politicians. Others were social workers, engineers, and religious leaders. All worked to improve human relations and fought for civil rights. Empowering African-American organizations has been a major part of their life's work, as well as contributing to our communities on a whole; and for that, I would like to congratulate and thank them. We can not look to African-Americans of the present and future without first looking to those who, through their distinguished service, have laid a strong foundation, and because of their efforts have improved the quality of life for all citizens of the First District of Ohio and throughout the United States.

Mr. HOYER. Madam Speaker, I am proud to join my colleagues today to commemorate Black History Month. Particularly, Madam Speaker, I would like to thank the gentleman from Ohio, Mr. LOUIS STOKES, for requesting this special order today. Black History Month is a time of reflection and honor.

During Black History Month, we recall and pay tribute to the towering achievements and inspiring contributions that African-Americans have made to this country. This month provides us with the opportunity to intertwine the notable accomplishments of African-Americans into this Nation's fabric.

Madam Speaker, this is the time when, we honor those men and women who influenced, shaped, and altered American life, culture, and politics—those who believed in a democracy that would not tolerate prejudice and discrimination, those who fought brutal injustice with the power of mortal truth. These brave soldiers I speak of are Frederick Douglas, born a slave on Maryland's Eastern Shore, who became one of America's most influential diplomats and journalists during the 19th century.

Harriet Tubman, born in Dorchester County in 1820, who escaped slavery to become the Moses of her people and delivered hundreds of men, women, and children from bondage.

Justice Thurgood Marshall, raised in Baltimore, who became the first African-American Associate Justice to the U.S. Supreme Court after a career as a brilliant trial attorney, director of the National Association for the Advancement of Colored People Legal Defense and Educational Fund, and solicitor General for the United States.

Madam Speaker, we must also thank W.E.B. DuBois, Booker T. Washington, Gwendolyn Brooks, Maya Angelou, Langston Hughes, and John Baldwin who through their writings and teachings have enabled all of America to appreciate the African-American legacy, past struggles and present dreams. We pay tribute to America's sport's heroes such as Arthur Ashe, the great activist and renowned humanitarian, who inspired all with his courage. We honor the scientists and educators, who labored so hard to overcome the racial barriers in our society and proved that America could not afford to squander the talent and knowledge of African-Americans. We recall the words of some of our Nation's most revered ministers and theologians, such as Dr. Martin Luther King, Jr. who braved the wrath of society, to change that society to fit the principles it espoused but did not practice.

Madam Speaker, the struggles which were overcome and the accomplishments achieved by African-Americans in the past have paved the way for present African-American leadership and involvement.

Today, there is a record number of African-Americans serving at all levels of government.

My former colleague, Mike Espy is the first African-American Secretary of Agriculture, Hazel O'Leary is the first African-American woman to serve as the Secretary of Energy, Ron Brown, the first black chairman of the Democratic National Committee became the Secretary of Commerce, and the Department of Veterans' Affairs is under the leadership of Jesse Brown.

Last year, the American voters elected 16 African-Americans to the U.S. House of Representatives.

Moreover, the voters of Illinois made CAROL MOSELEY-BRAUN, the first African-American woman to be elected to the U.S. Senate.

Madam Speaker, Black History Month has a broader significance. It is a critical prism through which to view America's history overall. Our examination of this history is both painful and shameful, but is also essential.

Only in this way can we appreciate the importance of this country's ability to redress past injustices.

Only with awareness of past wrongs can we define our future as one in which the right to live with dignity and free from persecution will be accorded by all Americans.

Madam Speaker, only with the knowledge of our heritage and the conviction that we are indeed a nation of people endowed by their creator with certain inalienable rights, can we practice the teachings of those whose legacy we remember today.

Madam Speaker, again, I want to thank Congressman LOUIS STOKES for allowing me to participate in this special order.

Mr. MAZZOLI. Madam Speaker, in honor of Black History Month I am pleased to commend two outstanding persons, Ms. Aminah Hazelwood and Mr. Walter Barnes who live and work in the third district which I am privileged to represent. They are perfect examples and positive role models for all to emulate.

The YMCA Black Achievers Organization had its beginnings in Harlem back in 1971. The program is designed to put African-American youths in touch with adult mentors so that they can have a ready resource for educational, career, and life choices. Since the program came to Louisville and Jefferson County in 1980 over 15,000 youths have moved through the program. Currently, 1,100 are involved.

Aminah Hazelwood is a senior at Louisville Male High School in Louisville, KY. She was honored recently by the YMCA's black achievers as the Youth Achiever of the Year. And, to those who know her well, this accomplishment comes as no surprise.

Aminah's mother, Karen Hazelwood, has been involved in the Black Achievers Program for several years, and set an excellent example for her daughter, who followed that example by becoming president of the junior Black Achievers.

For Aminah, involvement with the junior group gave her a matchless chance to learn more about her culture, to gain pride and self-esteem as well. Using these characteristics and skills, Aminah ran for and won the post of student president at Male High School. She is the first female African-American senate president.

The Black Achievers' Adult Achiever of the Year is Walter Barnes. He has been the heart and soul of the Chestnut Branch of the YMCA for many years and a man to whom the young people who use the Y's facilities turn to for advice, counsel and, at times, consolation. Walter has been heavily involved in the Black Achievers Program from its start in Louisville in 1980.

Mr. Barnes is committed to giving kids all the chances and opportunities they need to succeed. He is serving in his 40th year with the YMCA's Chestnut Street Branch. Throughout this time, he has stressed the need for inner-city kids to work on their whole person in order to have a real shot at life.

I ask my colleagues to join me in offering congratulations to Aminah Hazelwood and Walter Barnes for their achievements and for being examples to us all.

Mr. TOWNS. Madam Speaker, today, I rise to join my colleagues in our annual salute to Black History Month. In our celebration of the contributions and achievements of African-Americans, we recognize the overlooked, applaud those pushed aside, and hear the accounts of our people that history has chosen to ignore; because on this day we salute the achievements of African-Americans.

I want to take the opportunity to thank my colleague from Ohio for creating a historical precedent by assuring that each year this distinguished body sets aside some time to seriously consider the many and varied contributions and achievements of African-Americans. I am pleased that our focus this year is on black groups and organizations. It is particularly appropriate because the only black groups that the media seems to recognize are gangs and singing groups. But we know that the black community has developed strong, vital, positive professional and social organizations which serve to inspire, develop, and propel the improvement of the community and the Nation.

One such group, which I am here to speak about today, is the National Council of Negro Women. Founded in 1935, by educator and human rights activist Mary McLeod Bethune, the National Council of Negro Women is the Nations' most broad-based organization of African-American women. Founded with the idea of harnessing the great power of a million women into a force for constructive action, this non-profit voluntary service organization has 34 national affiliated organizations and 250 community-based sections. Through this impressive network, the council touches issues and raises the concerns of over 4 million women.

As an organization of organizations the council is much more than a clearinghouse. It has managed to translate its mission of assistance, advocacy, and action into an agenda of national programs which disseminate information about social, political, and economic issues which affect the well-being of African-American women and their families including: Promoting healthy lifestyles through projects on healthy behaviors and disease prevention; developing community empowerment and self-help programs; and fostering programs on self-sufficiency, economic development, and entrepreneurship.

Most Americans are familiar with the council through its annual Black Family Reunion. Beginning in 1986, the council has held the reunion in seven cities. More than an opportunity to picnic, the Black Family Reunion is a celebration of traditional African-American values. An example of those values of love, hope, faith, harmony, education, dignity, and confidence was engraved on the base of a statute honoring the council's founder, the late Mary McLeod Bethune statute. Through its booths and seminars, the council distributes and reiterates this message every year to millions of black Americans.

This important weekend devoted to restating the traditional values of African-Americans was the brainchild of Dr. Dorothy Height, current president of the National Council of Negro Women.

Trained as a social worker, Dr. Height began her career in social service and government while a caseworker for the New York welfare department. In that capacity, she was the first black American named to deal with the Harlem riots of 1935 and became a leader of the national youth movement. During this time, Height, the social worker became Height the civil rights advocate. She worked to prevent lynching, desegregate and Armed Forces, reform the criminal justice system, and open public accommodations to all people.

This early experience of caring and working laid a firm foundation for the woman who would become fourth president of the National Council of Negro Women. With Dr. Height at the mantle, the National Council of Negro Women has achieved tax-exempt status, developed model national programs, and opened a new era of historical scholarship focusing on the achievements of black women. On this day, I rise to recognize Dr. Dorothy Height and the National Council of Negro Women.

Mr. FILNER. Madam Speaker, and my colleagues, I am pleased to join you today in honoring the African-American community and its rich history through the observance of Black History Month. Throughout this month, we hail the numerous achievements of African-Americans within American society—and in doing so we counter the pervasive stereotypes that pull at our Nation's fabric.

In 1961, I served a jail sentence in the Mississippi State Penitentiary for my commitment to the principle of equality. As a foot soldier in the civil rights movement, I know the value of education—and that's what Black History Month is all about. During this month, we celebrate the intellectual and technical contributions that this Nation has gained from its African-American citizens.

Through Black History Month, many people will learn of the strides that African-Americans have made toward equality. We applaud this continual struggle toward the principles set forth in our Constitution that "all men (and women) are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness." Although we have struggled with making this a reality for all Americans, we must continue to work together to make the American Dream available to all.

This month praises the work of many distinguished African-Americans that we all know, such as the Rev. Martin Luther King, Jr., Rosa Parks, George Washington Carver, and Benjamin Banneker.

But this month also recognizes other African-Americans, whose contributions are equally heroic, but whose names may not be as well known. Let me give you one example: Dr. Shirley Weber, a member of the board of education in my home of San Diego, CA.

Twenty years ago, she helped to develop a black studies department at San Diego State University and has spent 9 years as the chair of that department. Dr. Weber continues her fight for better education for all students as a member of the San Diego School Board—which sets policy for the sixth biggest school system in the Nation. Over the past 5 years, the dropout rate has been reduced by 50 percent in San Diego schools, largely due to the efforts of Dr. Shirley Weber. The daughter of a sharecropper, she has enriched the lives of thousands of our young people.

Black History Month commemorates the struggles of all the Dr. Shirley Webers to break through racial intolerance and social and economic barriers, and their perseverance in making a better life for ourselves and our children.

I am also privileged to have a special African art exhibit in my district this month, entitled "Songs of My People." This display, which has traveled nationwide, is an inspirational self-portrait of the African-American community. I am proud to have the honor of hosting such an important presentation at the San Diego Museum of Art—and I am thrilled that Congressman KWEISI MFUME, chairman of the Congressional Black Caucus, will be helping us kick off this important exhibit.

But this month is only symbolic. We must continue to fight for equal rights and opportunities for all Americans, no matter what the month. We must keep on keeping on.

Mr. CLAY. Madam Speaker as we observe Black History Month, black Americans should take particular pride in their race, their culture, and their contributions to the development of humankind. Too many black Americans don't realize the importance and significance of recalling past struggles and achievements and relating those efforts to present day conditions. Pausing to assess our role in society and to remember our contributions to its development are as valid today as they were in 1926 when Carter G. Woodson, a renowned historian, first introduced Negro History Week. Many remember that this was a week beginning on February 12, the birthday of the "great emancipator," Abraham Lincoln, and ending on the birthday of the "great abolitionist," Frederick Douglass. The underlying purpose was then, and is now, to make known the important contributions black Americans have made to the advancement of this Nation.

When the subject of why we celebrate Black History Month arises, some ask—Are we not all Americans? Are not black people a part of American history? Why do we need a day to honor Dr. Martin L. King or a month to highlight the contributions of blacks to America? Those usually asking these questions are the same individuals who have no problem engaging in festivities extolling their own ethnic heritage and cultural background.

It took members of the Congressional Black Caucus 15 years to convince a majority of the Congress to set aside a day of honor for Dr. Martin Luther King, Jr., Nobel Peace Prize winner, crusader for human decency and racial equality—the greatest champion for social justice in the history of this Nation. Somehow many in Congress felt that naming a holiday for Dr. Martin Luther King, Jr., would be an affront to their sense of shared values and democratic principles.

Racist individuals and attitudes made the advent of black history celebrations absolutely essential. One of the primary reasons that racism is so pervasive, so ingrained, and so readily embraced by many people is that they lack sufficient knowledge about the struggles, the sacrifices, the efforts of blacks to become an integral part of American society. Consciously or subconsciously, black Americans are victims of those historians, theologians, educators, entrepreneurs, and others who distorted or ignored the role played by enterprising courageous blacks in the development of this great country.

The omissions and distortions were deliberate, calculated and widespread and were part of a massive conspiracy engaged in by public officials, religious leaders, scholars, teachers, publishers, and writers. Their mission was to justify one of the cruelest forms of human slavery in the history of mankind. Black people suffered the indignities of debilitating de facto human slavery for 200 years and another 100 years of legally imposed racial separation. In order for false Christians to soothe their consciences and keep faith with the teachings of the Holy Bible, it was necessary to provide moral justification for these perverse and abominable human practices.

Simply put, the so-called moral justification which hypocritical Christians used to enslave blacks was that black folk had no souls and were not candidates for conversion and had no rights or privileges Christians needed to respect.

It has only been within the last 30 years that anything vaguely resembling the truth has surfaced to challenge and replace the mythology which is passed off as American history. However, despite slavery, despite lynchings, despite illiteracy, and despite poverty, black Americans have come a long way.

And yet as we proclaim victory over bondage and legal oppression we know that much remains to be done. Conditions of homelessness, joblessness, teenage pregnancy, absent fathers, high infant mortality, kids killing kids, and mental and physical illness abound.

In responding to these challenges, we must instill in our people a proper appreciation for engagement in the affairs of the community. We must dispel the notion held by many young people that gives glorification to negative forces in society. We must also teach our children an appreciation for the virtues and the values that enabled their forebearers to endure the debilitating hardships of slavery and yet be able to meet the challenges of their day.

In so doing, let us not join the chorus of those who would denigrate and disparage us and others. Above all, let us discard the myths about black Americans which only serve to limit upward mobility. Let us instead strive to move to higher ground. One way to do this is to constantly remind ourselves and others of the great contributions blacks have made and continue to make to this Nation.

Mr. FALEOMAVAEGA. Madam Speaker, thank you for the opportunity this afternoon to speak in support of this year's congressional recognition of Black History Month.

I frequently hear complaints from citizens who indicate that ceremonies and other forms of cultural recognition such as those which honor the proud heritage of today's African-Americans, Hispanic-Americans, or Native Americans are a waste of time and money. In response, I want to reiterate the importance of traditional activities of the nature of this special order, and other activities taking place this month throughout the Nation.

For too long the history taught in this country was very one-sided. Students read, studied and talked about a group of individuals now referred to by some as "dead white males." While this educational system worked well for the vast majority Americans, it subconsciously diminished the role and value of a large segment of other Americans who did not share that same cultural heritage.

Today, through ceremonies in Federal, State, and local governments, as well as in the private sector, the month of February provides a common time during which we can all be reminded of the contributions and achievements of African-Americans.

I think many times our citizens are familiar with individual sporting achievements such as those of Willie Mays, Wilt Chamberlain, Michael Jordan, and Jackie Joyner-Kersee, but they tend to say "oh that's just the separate achievement of a few, and then only in the area of sports." In fact, the contributions of African-Americans to U.S. culture have been significant, and it is only through knowledge of the whole that the broader accomplishments and contributions can be seen.

To this end, I support recent changes in school curricula to include the significant contributions of African-Americans to the economic, political, and scientific advancement of the United States. It is through programs of this nature, introduced to students at an early age, that I believe we stand our best chance of making this great Nation of ours a racially unbiased society.

Mr. Speaker, Dr. Martin Luther King was one of the many who contributed immensely to our society by organizing sufficient force to implement the civil rights guarantees included in our Constitution 170 years before, but never implemented. His work has helped not only African-Americans but also women and others considered in a minority status.

Dr. King's "I Have a Dream" speech on the steps of the Lincoln memorial in 1963 spoke of the dreams of African-Americans more eloquently than any has since, and I want to quote portions of this speech:

WASHINGTON, DC, August 28, 1963.—Five score years ago, a great American, in whose symbolic shadow we stand, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of captivity.

But one hundred years later, we must face the tragic fact that the Negro is still not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize an appalling condition.

In a sense we have come to our nation's Capital to cash a check. When the architects of our republic wrote magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of Democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to open the doors of opportunity to all of God's children. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood.

It would be fatal for the nation to overlook the urgency of the moment and to underestimate the determination of the Negro. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. 1963 is not an end, but a beginning. Those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny and their freedom is inextricably bound to our freedom. We cannot walk alone.

And as we walk, we must make the pledge that we shall march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, that in spite of the difficulties and frustrations of the moment I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident; that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a desert state sweltering with the heat of injustice and oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith with which I return to the South. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

And if America is to be a great nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania!

Let freedom ring from the snowcapped Rockies of Colorado!

Let freedom ring from the curvaceous peaks of California!

But not only that; let freedom ring from Stone Mountain of Georgia!

Let freedom ring from Lookout Mountain of Tennessee!

Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring.

When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! free at last! thank God almighty, we are free at last!"

Mr. Speaker, I want to commend the leadership and the Congressional Black Caucus for organizing this special order today, and I want particularly to thank the chairman of the Caucus, Congressman KWEISE MFUME, and Congressman LOUIS STOKES for their leadership roles.

Ms. PELOSI. Madam Speaker, I thank my distinguished colleague from Ohio [Mr. STOKES] for calling this special order on Black History Month and choosing this year's appropriate theme, "Empowering Afro-American Organizations: Present and Future."

African-American organizations, such as the NAACP, National Urban League, and the Southern Christian Leadership Conference have worked together with the primary goals of achieving social and economic equality. During the 1960's these groups attempted to reach these goals by removing the legal structure that supported racial discrimination and segregation, and by developing the unanimously accepted view that overt acts of racism are not morally tolerable in American society. Even after these monumental achievements, African-Americans did not gain social and economic equality.

Today, the goals of achieving social and economic equality remain the same, only the scope has been expanded. African-American organizations now unite to address critical social conditions such as drug abuse, crime, poverty, health care, and education. In addition to working through legislation and litigation, they also focus on self-help approaches through education, drug rehabilitation, and job training programs.

I am fortunate to represent California's Eighth Congressional District, in which local African-American organizations actively work to improve conditions of African-Americans in the community. I would like to take this opportunity to commend a few of the many at work in our San Francisco community, including:

First, Father Jim Goode, pastor of St. Paul of the Shipwreck for founding the National Day of Prayer for the African-American family, the first Sunday of February;

Second, Lefty Gordon, executive director of the Ella Hill Hutch Community Center, for inaugurating the second year of midnight basketball, an education and recreation program working to bring young African-American men off the streets and into the classroom; and

Third, Enola Maxwell, of the Potrero Hill neighborhood house, for continuing to house the nationally recognized Omega Boys Club as well as other community programs dedicated to the youth of Potrero Hill.

I thank these groups, Glide Memorial Church, the Washington Senators, and the many other civic organizations and leaders for their time and commitment to racial equality. With their help and continued service, the stature of African-Americans within our community will continue to be enriched.

In 1984, Benjamin Hooks, Jr., stated as he addressed a large group of African-American organizations one decade ago, that African-American organizations "must involve society as a whole in combating conditions adversely affecting all American families and impacting on black families in a very disproportionate manner." While local organizations work at the community level, and national organizations focus efforts to serve the African-American population through education, job training, and drug abuse programs, we the members of the 103d Congress and the administration must work to support their efforts.

We must remember that the fight for equal access to opportunities despite socioeconomic differences is a daily challenge. Society through the efforts of our community and national leaders can meet this important challenge—not only during Black History Month—but also during every month and every single day.

Ms. LAMBERT. Mr. Speaker, as we celebrate Black History Month and observe the many accomplishments and contributions of African-Americans to the rich history of our country, we need look no further than the Delta region of Arkansas' First Congressional District. African-American history and the Delta cannot be separated. African-Americans made an impression everywhere they settled in this country. Nowhere is this impression so firmly imprinted, so interwoven to the very fabric of the local economy, culture, and community as it is in the Delta.

Under the climate of many hardships of the past and present and as the Delta region began shifting from an agricultural to a manufacturing economy, African-Americans have made and continue to make numerous contributions in music, the arts, education, and the sciences. The Fargo Agricultural School was founded to give blacks an opportunity to get an education and have career guidance. The rich musical history of blues grew and developed in many a Delta town. African-Americans became landowners and businessmen. African-American architects and craftsmen designed and built the Centennial Baptist Church in Helena, AR, now on the National Register of Historic Places. This persistence of the spirit is evident today in the number of African-Americans from the region who have assumed positions of prominence in every field of endeavor. There is no longer one black doctor, one black lawyer, one black educator, or one black elected official. Their numbers swell with the pride of their accomplishments. Just as significant, however, are the lessons these African-Americans impart to us about the importance of such things as education, integrity, and belief in oneself.

In my personal reflections on Black History Month, visions of my fifth grade teacher Muriel Wilkins dance before me. They say in the life of a child, teachers are second only to parents in a child's upbringing. Mrs. Wilkins shaped my life by teaching me not only reading, writing, and arithmetic, but compassion for my fellow man and responsibility for my actions. I will be forever grateful for her powerful influence on my life.

Fortunately, America is blessed with an abundance of human talent. If we are to continue our unique role in world affairs, we must rededicate ourselves to providing the opportunities for all Americans to reach their full potential. Paying tribute to African-American history during the month of February is indeed a moving testimony to the greatness of our Nation—and to the individuals who help to make it so.

Mr. VISCLOSKY. Mr. Speaker, as we all know, February is Black History Month. All across the United States, people are honoring the great many contributions of African-Americans to the history of our Nation. Throughout our Nation's history there have been many individual black Americans who have made important contributions, which have made our country great.

I would like to remark on the 1994 theme for Black History Month, "Empowering Afro-American Organizations: Present and Future," with a specific focus on the vital role of African-American churches. The church has always been more than just a place of worship. From its beginnings in the late 18th century the African-American church has been a very important institution. The church is a rock solid foundation of community values and leadership.

At various times, it has been a place where children have been educated, a place where political activity has started, and a place where a righting of social wrongs was initiated.

One of the church's first leaders was Richard Allen. He was born a slave and bought his own freedom. In 1786, he worked as a lay minister among black members of Philadelphia's St. George Methodist Episcopal Church. Because of his work, and the work of Absalom Jones, the African-American membership of the church grew 10 times larger. Tragically, this led to the segregation of the African-American worshipers.

Ultimately, Allen and Jones were physically removed from the church while praying and the other African-American members left en masse. Thereafter, Allen and Jones organized the Free African Society. In 1791, it became the African Church, and in 1816 Allen founded the African Methodist Episcopal [AME] Church.

The AME Church is one of the largest and oldest African-American churches in existence. It has grown into an international denomination with a membership of more than 1 million. It operates 11 colleges and schools of religion and its business and social service entities include housing developments, homes, and programs for senior citizens, a hospital and a camping facility. It is these and other activities that have made the church an important part of our country's social fabric.

Additionally, we must remember the large role the church played in shaping the life and accomplishments of Rev. Martin Luther King, Jr. We cannot forget that he became leader of the civil rights movement as a leader of his church. Rev. Martin Luther King, Jr., and his work are the best examples of why we should recognize and honor Black History Month and the contributions of Afro-American organizations to our Nation's past, present, and future.

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise to participate in today's special order in recognition of Black History Month.

First celebrated as Negro History Week in 1926, Black History Month is the brainchild of the father of black history, historian Dr. Carter G. Woodson. Dr. Woodson understood clearly the importance of preserving a thorough and accurate record of our past for future generations. A people whose history and accomplishments go unrecorded, Dr. Woodson warned, "becomes a negligible factor in the thought of the world and stands the danger of being exterminated." Thus, Dr. Woodson set out to document the experience of black men and women in Africa and the New World and to record the tremendous contributions of African-Americans to the Nation in which they toiled for three centuries in forced servitude. Our history in this Nation is unique.

During Black History Month, it is customary to celebrate the contributions and achievements of African-Americans throughout our Nation's history.

This year, we reserve our highest esteem for those outstanding organizations that continue to serve as the driving economic and social forces behind the strength of the African-American community. The way in which these organizations have conducted business while masterfully serving the community is praiseworthy, and deserving of national recognition. I believe it is critically important to take note of the ongoing contributions of our African-American organizations. I would like to call attention to two organizations from my congressional district in Los Angeles whose service, achievements, and deeds merit recognition and praise.

The Los Angeles Sentinel, originally founded under the name "Eastside Shopper" in 1933, remains one of the most respected newspapers in California. Leon H. Washington, Jr., was 23 years old when he came to Los Angeles in 1930 to begin his career as an advertising salesman for the California Eagle—at the time the largest and oldest black-owned newspaper in the West. A natural leader and independent thinker, he decided in 1933, to quit working for the California Eagle and started his own newspaper. Mr. Washington founded the Eastside Shopper in his home. As the publication began to grow, the Colonel—as he was called by most who knew him—established an office on Vernon Avenue, and subsequently renamed the paper the Sentinel.

In 1933, discrimination ran rampant against people of color in the jobs market, in both the public and private sectors. Leon Washington was concerned about the employment plight of African-American Angelenos at that time, and and it was his fight against discrimination in employment which brought him to prominence as a publisher in Los Angeles and inspired others to suggest that he convert from a free-circulation shopper to a paid-circulation standardized newspaper. Through his paper, the Colonel launched a fight against discriminatory merchants who made most of their money by selling goods to African-American customers, but refused to hire them as workers.

The Sentinel has been honored for its coverage of the Watts disturbance, its publication of special editions, the work of individual writers and departmental editors, and for its fighting editorials.

After the death of the beloved Colonel in 1974, his widow, Mrs. Ruth Washington, garnered the reins of control at the paper and assumed the position of business manager at the Los Angeles Sentinel. When Mrs. Washington assumed the position at the death of her husband, she had to take a crash course in newspaper operations. She was not, however, inexperienced in business. In fact, from an early age she had been fascinated with business. In preparation for her new role, she majored in business at the Emily Griffith Opportunity School in Denver. After she moved to Los Angeles, she continued her studies at the Metropolitan Trade School. Mrs. Washington created a climate at the newspaper; one of fairness, consideration, compassion, and understanding—all of which led the Sentinel to its unparalleled success.

Today, the Sentinel continues to excel under the outstanding leadership of its publisher, Attorney Kenneth R. Thomas. The Los Angeles Sentinel is an exemplary example of an empowering African-American organization providing for the very community which has benefited from its existence for over 60 years.

Mr. Speaker, the second organization that I am proud to acknowledge is Crossroads National Education and Arts Center [Crossroads NEAC], an unique organization that affects the healing, growth, and quality of life enhancement in the inner city of Los Angeles. Established in 1981, Crossroads is dedicated to preserving and expanding the African-American culture through the arts to create avenues for education, economic development, and self-sufficiency while providing a legacy for current and successive generations. Crossroads NEAC was cofounded by Angela Mills, producer-director-writer, and Marla Gibbs, noted actress, entrepreneur, and community activist, in response to an overwhelming need to provide viable arts and educational programs in the inner city. Located in the Crenshaw-Leimert Park community—Crossroads NEAC is at the heart of its constituency.

With support from a number of individuals, corporations, and other funding organizations, Crossroads NEAC has provided scholarships for students from low-income households. It has helped to launch the careers of several of its students in theatre, television, and movies. Based upon its established reputation, the center has attracted the attention of industry agents and producers as a source of talent.

As Crossroads NEAC continues to grow, its potential to utilize the arts as an instrument of peace, healing, and understanding—as well as a vehicle for jobs and economic growth—also grows.

Crossroads NEAC's commitment to excellence has earned numerous awards, including the New York Audelco Theatre Award, 12 NAACP Image Awards, and several community achievement awards. In addition, the popular television program "227" was developed and launched at Crossroads NEAC, while other plays have gone on to Broadway, such as "Checkmates" and "The Meeting."

The Crossroads National Education and Arts Center—housed within the Vision Complex—has served as a catalyst for true economic revitalization in the inner community of Los Angeles, with an impact on the greater Los Angeles community and beyond. As the largest multidisciplinary arts organization in the inner community of Los Angeles, Crossroads NEAC is uniquely and strategically positioned to embrace and be embraced by numerous underserved populations in our city. It gives me great pleasure to nationally recognize this most outstanding organization.

Please join me, Mr. Speaker, in applauding these contemporary African-American organizations for their significant accomplishments and contributions to the African-American community. By highlighting the wide range of achievements of these organizations, we are assured of a greater understanding and appreciation of the vast contributions African-Americans have made to our society.

Ms. WATERS. Mr. Speaker, I am pleased to join my colleagues this evening in marking February as "Black History Month."

There's an old saying that "If you don't know where you came from, you don't know where you are going." As African-Americans, we know where we've come from. That's something we just can't forget. We are reminded of it each and every day.

When our Constitution guaranteed this country's citizens "life, liberty, and the pursuit of happiness" African-Americans—and women—were pointedly excluded from freedom's blessings. For purposes of representation in this Congress, slaves were counted as three-fifths of a person.

A bloody Civil War set us free, but mere force of arms couldn't make us equal. One hundred twenty-eight years after the end of the Civil War, the struggle for political and economic equality continues.

This struggle has yielded a rich pantheon of heroes—businesspeople and politicians, preachers and inventors, writers and musicians, and sports figures. Some of these brothers' and sisters' names are household words—George Washington Carver or Martin Luther King or Billie Holliday. Others are less known, if no less valued—homerun king Josh Gibson, educator Mary Macleod Bethune, and Harlem's Mother Hale. And, of course, some of our biggest heroes are ordinary people who confronted injustice, overcame obstacles, and moved our struggle forward. I'm talking about Rosa Parks refusing to move to the back of the bus, Medgar Evers facing down the Klan in Mississippi, and Sojourner Truth "following the drinking gourd" North to freedom.

In these often difficult times, it is good to think of heroes as we chart our future course. Our community suffers the pain of violence and crime. We watch many of our children drop out of school and out of the mainstream. Economic opportunities dwindle, the result of 12 years of neglect by the Federal Government and the export of jobs to low-wage countries. Teen pregnancy is a major obstacle to our young women realizing their full, God-given potential.

Now, more than ever before, we need to remember that we are inheritors of a legacy of struggle. Nothing worth having comes easy. We struggle with the pain and frustration and hopelessness in our communities. Too many of our sons and daughters are unskilled, undereducated, and scarred by substance abuse and violence. We are frustrated by the lack of resources we have with which to tackle these problems. We are even more frustrated by the lack of sufficient political will.

We need to strengthen our families because families have seen us through the hardest of times. We need to bring capital for our businesspeople and homeowners, quality education for our kids, and job opportunities for our working people.

The genius and energies of our African-American heroes have carried us to where we are today. We stand on the shoulders of giants. We have to understand the power we have if we take heart and inspiration from the examples set by the Shirley Chisholms and the Jackie Robinsons, the Malcolm X's and the Fanny Lou Hamers.

We can never give up. We can never give in. By lifting ourselves up we can make our lives better and build an America that, at long last, lives up to its noble words and ideals.

Mr. ROEMER. Mr. Speaker, I rise today, during Black History Month, to honor an African-American whose contribution to education lives far beyond her lifetime. Her outstanding achievements have influenced the culture, richness, and diversity of every American school today.

Mary McLeod Bethune was an educator, lecturer, and executive who dedicated her adult life to the education of African-Americans. She overcame obstacles thought insurmountable in her quest to achieve her goals. Her perseverance and dedication to educating African-Americans of all ages gave her the courage to challenge those obstacles, and her own education ad intelligence gave her the tools to defeat them.

Mary struggled to gain her own education. Born in 1875 to a newly freed slave family, her early years were spent working on the small family farm. When she was 9, the first free school opened 5 miles from her home. And she walked those 10 miles every day to and from school then returned home to teach what she had learned to her family.

By the age of 15, she had learned the entire curriculum of the small school but had no opportunity to move on to a higher education. Her family had already mortgaged their farm, and after buying the family's food, clothing, and shelter, there was no money left. Mary did finally acquire the resources necessary to fund her continued education. A donation was made to the school that she was attending in order to fund one student's higher education, and the teachers in the school chose Mary for that honor. She traveled to the Scotia Seminary located in Concord, NC, and there her plan to educate herself transformed into a desire to help others build a stronger future for themselves and their families through literacy and knowledge.

She opened a school, very much like the one she attended 5 miles from her home, in Daytona Beach, FL. With no money for books, pencils, or even lamps, she begged and scavenged what she and her students needed to survive and learn. When the school opened, there were only eight students. But in just 2 years that number grew to more than 250. In 1923, the original school merged with a men's college to become the Bethune-Cookman College with more than 600 students, 14 modern buildings on a campus encompassing 32 acres.

From teaching, Mary was launched into administration on a national level. She served in such posts as director of the Division of Negro Affairs of the National Youth Administration, vice president of the Commission on Interracial Cooperation of the National Urban League and president of the National Council of Negro Women, an organization she founded in 1937. She was also honored by being awarded the Spingarn Medal and the Francis A. Drexel Award for distinguished service to her race.

Today, the legacy of Mary McLeod Bethune lives in the diversity of our schools and the expanded opportunities that African-Americans now have in our educational system. Her strength as a teacher, and as a person, gives us hope that we can continue to improve the educational system and the environment in which our children, of all races, learn and grow so that we may give them the opportunity to seek out the excellence in themselves that Mary McLeod Bethune found in her own life.

GENERAL LEAVE

Mr. STOKES. Madam Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NATIONAL SECURITY, IMMIGRATION AND HEALTH CARE

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. HUNTER] is recognized for 30 minutes as the minority leader's designee.

Mr. HUNTER. I thank the Speaker. Under an agreement, although we are constrained for time under this new arrangement, there is always still time for comity and some friendship in the House. I would like to yield to the gentleman from Oregon so that they may complete their time requests and hope that they would reciprocate when we have need in the future. I am happy to yield to the gentleman from Oregon.

BLACK HISTORY MONTH

Mr. KOPETSKI. I thank the gentleman for his friendship and allowing me these brief moments to add to this evening's special order organized by the distinguished gentleman from Ohio [Mr. STOKES] on Black History Month.

Madam Speaker, this is my last contribution to this important effort that we do in the House every year. This is my last year in the Congress. In previous years I have spoken about the importance of black Americans in Oregon history, my home State, and do so tonight as well.

At this point I place in the RECORD two articles on the role black Americans have played in Oregon's history. One is from the Statesman Journal of January 23, 1994, by Rick Harmon, editor of the Oregon Historical Quarterly. Mr. Harmon contributed this work from the Statesman Journal. I commend him for his effort, and I recognize the Statesman Journal for participating in this commemoration and highlighting of Black Americans Month.

The second article, contributed to the Oregon Statesman Journal by Hank Arends. This article references a new book entitled "Northwest Black Pioneers: A Centennial Tribute," coauthored by Mr. Joe Franklin.

But tonight, Madam Speaker, I want to remind my colleagues that history is important and critical and it is important to recognize African-Americans as part of our chronicle of American history. Also, it is important to recognize African-Americans today who today are making history.

The person I want to highlight is a good friend of mine, a comrade-in-arms, Mr. Ron Hearndon.

Let me take a few moments to highlight Ron's career thus far. He comes to Oregon from Kansas, he is a graduate of Reed College in Oregon, he did graduate study at the University of Liberia. He also attended the UCLA Graduate School of Business. His professional experience: He has gone from teacher to director of the black educational center to executive director of the National Association of Schools of Excellence, Director of the National Head Start Program. He was elected in 1988 to the National Head Start Directors Association and in 1991 elected vice president of the National Head Start Association.

I am proud to say that in 1993 he was elected president of the National Head Start Association, representing 700,000 Head Start children and families and over 100,000 Head Start staff members. He received numerous awards and honors for his efforts today. I will not go into those.

Finally, I do want to say that Ron is making history today for what he is doing for the children of Oregon, African-American and non-African-American as well, and for the children of America, again African-American and non-African-American as well. Ron Hearndon has made the lives of countless children in Oregon and in America better. He has dedicated his life, his experience, his education, to make life better for children throughout this land. It is an honor to have him as a friend, a tribute to his heritage that he has dedicated his life to where we all should put an emphasis, as he is, and that is for our children.

Madam Speaker, I thank you and I thank the gentleman from California [Mr. HUNTER].

The articles referred to by Mr. KOPETSKI are as follows:

[From the Statesman Journal, Jan. 23, 1994]

DON'T FORGET THE EFFORTS OF BLACK PIONEERS IN OREGON

(By Rick Harmon)

Who were Oregon's African-American "pioneers," and what can we say about their contribution to the state's history?

The "pioneer period," so far as the state of Oregon is concerned, traditionally has been situated in the two decades between 1840 and 1860.

During that time, because of the large-scale migration of white Americans to the Willamette Valley, the foundation was laid for the conquest and subjugation of the American Indians who had occupied the Oregon Country for centuries.

That conquest, euphemistically called "settlement" by earlier historians and by various cultural mythmakers even in our own time, was largely a white enterprise.

But African-Americans, and other nonwhite people, did play a role.

From the seventeenth to the nineteenth centuries, black Africans and their genes were carried en masse to the Americas via the slave trade. Before that, Africans of various shades had appeared sporadically for centuries throughout the Western world.

During these years, and especially during the period of the slave-trade diaspora, African genes mixed widely with the genes of Caucasians as well as with those of other nonwhite peoples.

When Europeans and Amercians began aggressively to explore the Pacific Northwest coast and interior in the eighteenth and nineteenth centuries, individuals with genes of recent African origin unquestionably took part.

A few, such as the slave York, who journeyed with Meriwether Lewis and William Clark on their overland expedition in 1805–06, were indisputably African American.

Others, such as Marcus Lopez, cabin boy of the Lady Washington when it anchored on the Oregon coast in 1788, and Moses "Black" Harris, an Oregon Country trapper and guide in the 1830s and 1840s, were more racially ambiguous.

One thing is certain, though: York, Lopez, Harris and most likely dozens of others who helped conquer the Oregon Country, would have felt the sting of the post-Civil War "Jim Crow" laws of the South.

In that sense, at least, we can consider them African-Americans and acknowledge their contribution.

What distinguished nineteenth-century African-American pioneers in Oregon Country from their white counterparts? As far as the indigenous population was concerned, little distinguished them.

They were interlopers, one and all. However, for most of the nineteenth-century white immigrant population, the difference between white and black was the difference between Oregon as an imagined Eden and Oregon as just another vexatious extension of the great dispute about slavery that racked the states.

Thus, though early Oregonians were divided in their loyalties and sympathies between North and South, they were nearly unanimous in their racist hostility to African-Americans.

Between 1840 and 1870, the classical pioneer and state-founding years of Oregon history, the citizens of Oregon enacted a variety of racist laws designed, in the first instance, to discourage African-Americans from coming to Oregon, and, in the second instance, to punish them or limit their civil rights if they did come.

The year 1993 marked the sesquicentennial of the so-called Great Migration of 1843. Public officials, journalists, entrepreneurs and various hucksters spent more than a year encouraging Oregonians and tourists to celebrate the achievement of the largely white overland pioneers (and to buy a variety of products fraudulently linked to a historical episode).

Indeed, the 53,000 or so people who came to Oregon along the Oregon Trail by 1860 were a tough and determined bunch.

But if our purpose is to recognize extraordinary courage and fortitude (not properly the business of historians, in any case), let's not forget the couple hundred African American pioneers who had settled in Oregon by 1880.

These pioneers not only withstood the rigors of the journey and the resistance of the native inhabitants, but they survived as well the enmity and ingratitude of their fellow conquerors.

[From the Statesman Journal, Jan. 23, 1994]

BLACK PIONEERS: OREGON ROOTS

(By Hank Arends)

The colorful settling of the West depicted in film includes many figures of Caucasian cowboys and wagon train pioneers, regal Americans Indians and a few Hispanics.

The role of the black Americans often is neglected. But their struggle for a better life echoes through to the peace and justice efforts of the 1990s.

With black slavery a way of life for part of the United States in the 1800s, hundreds of blacks chased a dream of freedom toward the "Golden West."

They often found that enduring the hardships of travel across the country only subjected them to further affliction at the end of the trail. Yet they persevered to carve lives of hope and substance for their families.

The first blacks to visit Oregon accompanied the explorers of the late 18th and early 19th centuries. Marcus Lopez was the first black to arrive, coming aboard the ship Lady Washington with Capt. Robert Gray.

Lopez was killed in a property dispute with Americans Indians, making him the first black to die in the territory. A man named York was thought to be the second black in the area, spending the winter of 1804 near what is now Astoria with the Lewis and Clark expedition.

The era of the explorers, the mountain men and trappers, and early missionaries lasted for the first four decades of the 1800s.

The wagon trains of the 1840s led to a population explosion in the Oregon Territory. There also were many blacks who hitched their hopes for a brighter future with the west-heading wagons.

The Oregon census of 1850 listed 207 people who were identified as being black or mulatto. About two-thirds of these are thought to have been Hawaiians or mixed-breed Native Americans because the Caucasian census takers lumped the races into a single category.

The count came at the end of the decade, when those seeking the dream of freedom saw it eroded by the restrictive antiblack residence and property laws approved by the early government. The Bureau of Census reported 1,107 blacks in Oregon by the 1900 count.

The laws of the early Oregon territory forbid the permanent residence of blacks. The only known legal application of the restriction came in 1851 against Jacob Vanderpool. He operated a saloon and boarding house across the street from the Oregon Statesman newspaper, then in Oregon City.

Despite his lawyer arguing that the law was unconstitutional, the judge found him guilty of the misdemeanor and ordered him out of the territory within 30 days. An exclusionary clause would remain an unenforced part of the Oregon Constitution until 1926.

The question of owning slaves was the other major piece of legislation affecting blacks that was debated in Oregon for years. The constitutional convention of 1857 was looking toward statehood and left the matter to a vote of the people. Slavery was rejected by a vote of 7,727 to 2,645.

Even with the overwhelming margin of the vote, life wasn't all sweetness for blacks in the state. A.E. Flowers described Portland in the 1860s:

"When I arrived in Portland there was only one Negro church in the whole town, the 'People's Church,' which was an independent organization. It was organized in 1862.

"At this time, colored people were not allowed to own any property. They were not allowed to go into any kind of business and they were not allowed to vote. Every Negro had to pay a $10 head tax. The colored people had no civil rights. It was very difficult to get jobs except as a menial."

Despite legislation, the 1860 census showed a few of the 128 blacks in the state as slaves. Others were servants to white families and most were living independently. They earned their living as farmers, cooks, blacksmiths and in other service occupations.

They were the people who helped lay the foundations for the Oregon of today.

Joe Franklin, a Portland educator and historian, has written many articles on the black experience in the Northwest. He is coauthor of the book Northwest Black Pioneers, a Centennial Tribute. He was tapped as the chairman of the Northwest African American Writers' Workshop.

Franklin said the study of the black pioneers was relevant for all races in 1994.

"Some of the lessons that we should learn is that we all share our human experience and its ups and downs and peculiarities," he said.

"Through all of the trials and tribulations that the human spirit endures—be it black, white, red, or yellow—prevails the humanity of all these people.

"As we get to know each other better and understand the life that we all live—the common life—we grow to have more appreciation for each other. That engenders more cooperation and more respect, which produces a better citizen for America.

"That gives us all a higher standard of life, because we are looking for the best in people. It is always easy to find the worse, if we look in the news. We are looking for the best and for an avenue for people to grow."

Mr. HUNTER. I am happy to give time to our friend, and I want to thank him for his great service to the House.

I yield to the gentleman from Maryland, Madam Speaker.

Mr. MFUME. I thank the gentleman from California very much. I will attempt to be brief.

The gentleman has been kind enough to wait in order, and I do not want to delay the business before this House which the gentleman seeks to address.

However, Madam Speaker, as the chairman of the Congressional Black Caucus, I do want to express my thanks to Members of this body, black, white, Jew, gentile, Hispanic, Asian, and of course the women of this Congress, who have come forth either this evening or who have submitted for the official RECORD their own remarks highlighting and underscoring not just the need but the purpose of Black History Month; why, as Dr. Carter G. Woodson thought many years ago that it was important for us to take pause as a nation to reflect on the contributions of our citizens and, even more importantly in this month, on those of African ancestry.

My thanks on behalf of the caucus to all of those who have come and who will come in future days to do the same. I would also ask that I be allowed to submit formal remarks for the RECORD.

Mr. HUNTER. Madam Speaker, I yield to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. I thank the gentleman for yielding.

On this occasion, as it is my father's birthday, I would like to lift his name up and to say to him that I appreciate all of the things he has done to help me.

During this time of Black History Month, I would like to say that my father taught me my pride, taught me history and to know myself and instilled in me a readiness and a commitment to my community, a readiness to serve my community. He has given me the single-minded purposefulness to serve the people of Georgia and my State.

I thank the gentleman.

The SPEAKER pro tempore. The gentleman from California [Mr. HUNTER] may resume his time. I may say it was very kind of the gentleman to extend his time.

Mr. HUNTER. Madam Speaker, listen, it is my pleasure, and I am sure that that is the position everyone will take on this side, and we may have to remind our friends when we run short that they would yield.

The SPEAKER pro tempore. And this Member will help the gentleman from California to remind them.

Mr. HUNTER. I thank the Speaker.

Madam Speaker, I want to address three areas tonight that are very important not only to the Republican Members of the House of Representatives but, we know, to the other side of the aisle, to the Democrat Representatives and also the American people.

I want to talk a little bit about national security, the first and most primary responsibility of the Federal Government to its people. I want to talk a little bit about immigration, about that subject that is on everyone's mind and is very much a concern of the taxpayers, and I want to talk a little bit about health care.

□ 1820

Let me start off, Madam Speaker, addressing the national defense question because the explosions in the Balkans that are now so well illustrated on national television every night, the ongoing problems in the Middle East, the continuing development of nuclear weapons on the Korean Peninsula by the Northern Koreans, and other trouble spots around the world, continue to remind the American people that it is not a safe world yet and that this most important obligation to the American people that this House maintains is to defend our people and to protect them, and that there is some question as to whether or not we are cutting our defenses too fast and too deeply.

Now, Madam Speaker, we have now a very cerebral Secretary of Defense, Mr. Perry. He is a man who is a studious man, an analyst. He knows weapons systems forward and backward, and his job is to try to take dwindling dollars, massive defense cuts, if my colleagues will, and render our military smaller, but no less ready than the military that maintained America's power projection and defenses through the 1980's, and no less effective than that military. I think we have some problems, Madam Speaker.

President Bill Clinton took the Bush defense budget, which President Bush cut after consulting with Secretary Cheney and the Chairman of the Joint Chiefs, Colin Powell, by $50 billion over his 5-year plan. So, in 1992, Madam Speaker, George Bush had a defense budget from which he had slashed $50 billion. Let us use that as a baseline.

President Clinton, after achieving office, decided to cut defense an additional $127 billion. I think that cut is too deep, too serious and leaves our forces too vulnerable, and in later years, 1996, 1997, 1998, it will lead to the same problems that we saw in the Carter years.

When I came into office in 1980, when, as a new Congressman from San Diego I was confronted with a military that involved about 1,000 petty officers in the Navy, those were the people that really knew how to make the ships run—leaving the Navy—1,000 people every month leaving the Navy, young men and women in the Armed Forces on food stamps being told by memos that were circulated by the command, "Don't be ashamed to take food stamps even though you're wearing the uniform,"—by an air fleet, aircraft, jet aircraft, attack aircraft, that were less than 50 percent fully mission capable because so many of them had been cannibalized for the spare parts to make the remaining aircraft run. We had, after extensive analysis, a hollow Army, an Army in which we had fewer people than we had ever had in our history who had high school degrees, and these people were expected to operate high-technology equipment.

We had to rebuild national security and national defense in the 1980's and I think everyone in the United States would agree that that investment in strength was worthwhile.

Madam Speaker, it was worthwhile because by showing strength to the Soviet Union when they emplaced SS–20 missiles in Europe to move our cruise missile program into Europe by moving Pershing II's into Europe, and, when we started to do that, lo and behold the Russians told us they wanted to come to the bargaining table. They did come to the bargaining table, and the consummation of that bargaining process was unprecedented arms agreements, and ultimately the breakdown of the Soviet Union itself and the bringing down of the Berlin Wall.

So, Madam Speaker, strength worked.

In the 1980's strength worked, and I would be happy to yield to my friend, the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Speaker, I thank the gentleman from California [Mr. HUNTER] for yielding to me.

Madam Speaker, one of the points I wanted to make along that line is to have an effective military one of the things that, of course, we did with Desert Storm is, when we were dropping bombs down chimney chutes, it was doing more than blowing up a building. It made a statement worldwide that the American military has the best technology, the best force night or day. We are ready to fight. We can do it accurately. We can do it effectively. And that kind of statement is such a security guarantee for people all over the world because it said, "You know, I don't want to take on America," and we have been a peace-loving nation in that I have heard many times, as the gentleman has, that, if there is going to be a policeman of the world, let us hope there does not have to be one, but, if there is, let us let it be America.

Mr. HUNTER. Madam Speaker, the gentleman makes an excellent point.

As my colleagues know, I think, if someone was to analyze, or guess, why the Serbs are pulling back artillery right now that is ringing these civilian population centers, why they are pulling it back rather than take on the United States, the answer may be that they saw some of the film clips from CNN from Desert Storm when literally we were able to hit pinpoint targets with smart weapons. What that teaches us is we need not just a large military with enough men and women to operate equipment and operate it well, but we also have to put a lot of money into research and development, into some high tech systems, so we do not have to throw 50 bombs at a target, and maybe have some collateral damage, some civilian damage. We also need to have the ability to pinpoint a weapons system so we can go in and take out a military target without hurting civilians, and I think that if I were the Serbs watching some of those CNN news reels where we absolutely hit precisely what we were aiming at, that I, as a Serb military leader, would certainly have taken that into account in deciding whether to take on the United States or not.

Mr. KINGSTON. It would make one think twice.

Now, the gentleman mentioned earlier about the personnel and about the differences in today's military personnel versus the early 1980's, and one of the things I was able to do last week was greet an airplane full of troops coming back from Somalia, and I was the second hand they shook when they got on American soil for the first time since they were back, and I was impressed, and I also spent a lot of time at Fort Stewart with the 24th Infantry Division, at Hunter, and also Kings Bay, and I know the gentleman visits it quite frequently, and I have always been impressed of the dedication of the young men and women serving our military today, that they are professionals, have a deep amount of pride and patriotism in what they are doing. They know what their mission is. Their mission is clear to them. They follow their duty.

And I am just so proud, as the gentleman knows, to shake hands with these folks when they were coming off the plane. It was a real thrill to me, but it also made me sleep a little bit better at night knowing that that is the type of person that we have in today's Armed Forces.

Mr. HUNTER. As the gentleman knows, Madam Speaker, I thank him for bringing that up because of the defense budget.

The Clinton defense budget, the fiscal year 1995 DOD budget, really contains a military pay cut, and we have to remember what we did for our young people in the 1980's. In 1981 we brought in a military pay raise in October of 12.2 percent, and that brought a lot of military families out of the position where they were having to take food stamps to a position where they can wear the uniform with pride—teaching our military to have pride, to once again acquire pride in itself. That was an important lesson in the 1980's. Part of that was because of pay increases and the fact that we did not have long lapses between pay increases like we had had in the 1970's.

The Clinton defense budget is going to give a real cut in terms of real buying power to our military families, and let me just tell my colleagues that here is a problem that President Clinton's defense budget has whether he has Secretary Perry or Secretary Aspin, who has left, or anybody else coming in to try to make this shoe fit. He has two problems.

The first problem is:

"You can't fight two wars simultaneously with the Clinton defense numbers."

Now we know that because Secretary Aspin, who was the chairman of the Committee on Armed Services before he left, did an analysis of what it would take to fight two wars, and he came to the conclusion that the only way to fight two wars simultaneously; that is a Desert Storm type operation and have enough reserves on hand to handle the Panama Canal type of a contingency, was to go with the option in which approximately $50 billion was cut from the Bush defense baseline.

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So we went with the $50 billion cut, called that option C, and said we can live with that. President Clinton has now cut $127 billion below that, and there is a very important point here for Americans to remember. The reason we were able to win Desert Storm decisively without a lot of casualties was because we offered overwhelming force.

One thing that our military leaders have taught us is if you go in and engage an enemy, where you have just as many, just barely have the number of troops that he has and barely have the number of weapons and technology, and you just hold him off and you grind each other down, as you grind each other down, you take enormous casualties. And that means black body bags come back to the United States filled with Americans.

Now, the way to win a war in an effective fashion and to save your young people in uniform is to do what Colin Powell said, strike the enemy with overwhelming force. The option C that was provided by Secretary Aspin gave us at least the ability to win two wars, to handle two wars at the same time and present some force on the battlefield with those two wars and maybe handle the Panama canal contingency at the same time.

Now, the option that we now are being presented by President Clinton says this, and you have to listen carefully to what he says. He says we can win two wars nearly simultaneously. What does that mean?

That means that if we have a Desert Storm type operation, where we have to go in and stop Saddam Hussein or someone like that from going into Saudi oil fields, and we take them on and we are engaged there and, at the same time, the North Koreans look at this as their opportunity, their opening, and they break out on the Korean peninsula, then President Clinton says, "I can almost handle them both at the same time."

What does "Almost simultaneously" mean? What it means is, you can handle one war by just holding off the enemy but taking a lot of casualties, because you are not winning the war. You are just grinding them down, holding them off. You go in and try to win the other battlefield and when you have won on the second battlefield, you come back to where you were holding them, where you have taken enormous casualties, and then you try to win there. And that is going to be costly to Americans.

Mr. KINGSTON. In the real world situation, we all agree that we need to kill a fly with a sledge hammer, because that is the way to save the most lives and not have the highest casualties. You are saying we have a potential problem in Korea with the North Korean build up. Then we have Bosnia. We do not know what the Serbs are going to do. Last week they backed off. Let us hope that they are willing to sit down and negotiate. But you have those two hot spots right now. Then you have the Middle East. So what would happen if all three of these areas erupted?

Mr. HUNTER. What we have right now, with the military being cut drastically as it is right now, we are cashiering 2,000 young people a week out of the military right now. We could not fight and win a Desert Storm operation right now in the same fashion that we won Desert Storm.

Another gentleman just walked in. His name is DUKE CUNNINGHAM, who is a great top gun of Vietnam fame.

He pointed out today, and I think this is an important point for the gentleman from Georgia, that we are going to be procuring only about 250 aircraft in 1995. Excuse me. We are going to be procuring 127 aircraft in 1995. According to the gentleman from California, who spoke today on this point, Mr. CUNNINGHAM, just to maintain your force level, because your aircraft are aging, as you go out on flight operations with them and you have to replace them, we have to procure about 350 aircraft a year, military aircraft, just to keep the force level modernized, just so you do not have a bunch of old planes out there that will get the young people killed.

So we are only procuring 127 planes. And that means we are building in obsolescence right now to our fighter air fleet. And at some point in 1996, 1997, 1998, we are going to be in the same position that we were in the 1970's when Jimmy Carter had the hollow military.

At the same time, I might add, in fiscal year 1995, we are only going to build six ships. We are only going to build 18 strategic missiles, and we are building no tanks whatsoever. So there are absolutely no replacements now being built for tanks. That means at some point down the line those tanks are going to be old. They are going to be obsolete, and they will not present that top-of-the-line battlefield force that we had in Desert Storm.

Mr. KINGSTON. I would like to ask you some more details about that procurement, because one of the things I am concerned about, and maybe the gentleman from San Diego can talk about this a little bit, but the situation with the maintenance worries me. Because now the gentleman has been a pilot, and I guess you know what it is like to be up there and maybe hear a strange sound coming out of the engine. That has to be worse than spotting an enemy airplane. What about the maintenance situation?

Mr. HUNTER. Let me frame that question for our friend from San Diego, the top gun, Mr. CUNNINGHAM.

I have a paper in front of me that says the navy today has a budget shortfall of $765 million, and because of that they have a backlog of unrepaired aircraft numbering 150. They have a backlog of 250 aircraft engines that need maintenance right now. Is that accurate?

Mr. CUNNINGHAM. Yes; it is. I thank the gentleman for yielding.

One of the problems that we have is the O&M accounts, which is operations and maintenance.

I think the President and this administration and the House is trying to beef up that O&M account, knowing that there is that shortfall. But in many cases, our pilots are operating with their planes that are 15 through 20 years of age. It is like your car, the older that car gets, the more difficult it is to maintain.

For example, the Navy and Marine Corps are only procuring 24 airplanes this year. It takes 360 to maintain current force level. You don't have to be a mathematical genius to figure out that you are going to turn into a pumpkin. and when you do that, how do you expand that force out, as you try and rework it, put the rewiring in, you upgrade it. But essentially, you take a 1950 Chevy, which in some cases are pretty good, by the way, the Chevies are, and expand them for some 20 to 30 years. But if you are driving that airplane every day, which we are in Somalia, we are wearing it out. We did in Desert Storm. We took a tremendous toll on the aircraft life and the service life not only aircraft but tanks and ships and everything else. And then in Somalia and then, if we get into Bosnia, which I do not support, we will tire those machines out.

In the future, there is no procurement scheduled to buy new airplanes.

Mr. KINGSTON. You have been in the cockpit. My question to you is, we have got the mechanical problem. We have the financial problem. But what about the morale problem? What does it do to a pilot, when he or she is put there in this machine worrying about the maintenance log being backlogged? What will that do to our esprit de corps?

Mr. CUNNINGHAM. A pilot is not going to take, generally, I would say $99\frac{9}{10}$ of the time, a pilot, Air Force, Navy, Marine Corps, Army, is not going to take an airplane they feel is unsafe. The airplane is going to have to be up. It may not have some of the systems working. You may fly that airplane without enough radar, which determines the amount and type of training that you can receive. But if there is a doubt in their mind that that airplane is not up to speed mechanically, they are not going to take it.

I have seen that as an exception, but we try and do away with that.

The second phase is that the more you fly an airplane, the safer that airplane actually is because you are exercising it. With the training cutback and the funding cutback, that becomes deficit also, so your pilots are not getting trained as much.

But the morale, knowing that you do not have the up airplanes, like a Navy squadron on a carrier is likely to have 12 to 13 airplanes, with F-18's, F-14's, A-6's, A-7's, but generally 10 to 12 airplanes. If you have eight of those airplanes that are down because you cannot fix them, the pilots will take the two, but what does that mean for the other 20 pilots in that squadron that cannot fly because those airplanes are down? That morale, I sat on the Indian Ocean because we did not have Optar money to fly, and plus our machines were down. We were operating with 20-year-old Phantoms. That is like flying a World War I airplane in World War II. And the morale was terrible.

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Mr. HUNTER. Reclaiming my time, I thank the gentleman for his observations, and will go to the second problem that the Clinton administration has with defense. The first problem is that under the scenario that we must live with, that is, the chance that two wars may break out simultaneously, we do not have a budget that will meet those two wars, and that is basically admitted by the Clinton administration when they talk about how we are going to have the ability, and listen carefully, to fight two nearly simultaneous wars, meaning if the North Koreans take advantage of a break-out somewhere else, and attack, that we are not going to be able to win with overwhelming force on the Korean Peninsula. That means a lot of American casualties.

The first problem that the Clinton administration has is they are not giving enough money to defense, they are cutting defense by 35 percent, and they are cutting the men and women in uniform, depriving them of the ability to win quickly and decisively in the battlefield, and thereby win a conflict with a minimum of casualties.

The second problem that the Clinton administration has is that even if we acknowledge, even if we accept their goal, their budget, and say, "OK, we agree that this type of equipment, this level of O&M funding, operations and maintenance, this number of tanks, this number of airplanes, this number of people is acceptable," we say it is not acceptable because we cannot win two simultaneously plus a small conflict, but even if we said it is acceptable, the President is not providing enough money to do it. He is underfunding the programs about $50 billion.

I want to ask the gentleman from California [Mr. CUNNINGHAM] to comment on this, because this is an Air Force quote from a senior Air Force official. I quote: "Twenty fighter wing equivalents," and that is what President Clinton promises, "make a lot of sense if we are going to fight in two places separated by the globe," the senior defense official said, "but because of the falling budget in the next couple of years the Air Force will either have to reduce the force to keep it sustainable or find other ways to fund production of new block 50 F-16's or F-15E's." He said, "These are the only two things I know how to do."

So you either have to cut the number of aircraft that you have, according to this senior official, under the Clinton budget, or we are going to have to come up with some new creative financing mechanism.

Could the gentleman comment on that?

Mr. CUNNINGHAM. It was not just the Air Force, it was the Commandant of the Air Corps and the Chief of Naval Operations, and they are exactly right. The funding levels for 1995 they are looking at, they can get by, but if we really do get in a conflict, and the Vice President, AL GORE, in his statement "Reinventing Government" made the statement that the cuts were based not on what we really needed to fight two wars, as it was supposed to be, but on the $127 billion Clinton cut.

Second, Dr. Warner, who did the Bottom-Up Review, in our hearing before the Committee on Armed Services also alluded to the fact that it was based on the $127 billion administration cut, not on what we need.

Even if you are doing similar to close to simultaneous wars, say it was Somalia, say that we got involved with Bosnia or India, or any of the other countries that could be a potential threat, to me that would send a signal, for example to North Korea, to come down across the parallel. What this cut is doing is risking not only the United States but it is risking the world.

Madam Speaker, what this cut is really doing, it is not only risking the national security of the United States, but it is risking the security of the world, whether it is Bosnia, Somalia, or other parts we might get into.

Equally critical, the $50 billion cut or shortfall that we have under the Bottom-Up Review is an administrative or accounting, because they did not charge inflationary rates, but we are still short that. We are short hundreds of billions of dollars just in operational and training time.

Something else that is not funded is the BRAC 1993.

Mr. HUNTER. The gentleman might explain what BRAC 1993 is.

Mr. CUNNINGHAM. The base realignment and closure, because during the 1993 rounds there is not even the dollars to close those bases, take care of the environmental concerns, so that we can actually save dollars down the line.

Both the Marine Corps Commandant and the Chief of Naval Operations said unless we can get these facilities closed as the administration is planning, we will not reap the savings, so that what we will have down the line is no new airplanes, we will be totally out of business, both the Marine Corps, the Navy, and the Air Force.

Mr. KINGSTON. Will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Speaker, there is the other BRAC 1995 round that will be coming up soon, and as I understand it, the intention of that will be eventually every base and post in the United States will fill that, in some way, 50 percent of them directly. So what the gentleman is saying, if BRAC 1993 was not funded properly, then 1995 is going to get off course and may have to be more severe than it is already promised to be.

Mr. CUNNINGHAM. If the gentleman will yield, it not only affects DOD and the number of personnel in the military, but infrastructure. For example, the Navy determines it needs 12 carriers to do its job. It needs to say, just like a business, "Where can I cut?" That is in infrastructure and that is in personnel those cuts will come. I do not care if you are a Republican or Democrat, your base is going to be looked at.

That equates to jobs, because defense means jobs in this country, and it also means national security. That is going to be brutal in 1995. We have not even funded 1993 yet.

Mr. HUNTER. Let me just say to the gentleman that that $50 billion cut, and we are undertaking a $50 billion shortfall in the Clinton budget in defense just to do what we have to do, is about 1 million jobs. A $50 billion cut is about 1 millions jobs.

Let me go to something that I think is also important here. That is confidence. In the 1980's, Americans had differences on many occasions with President Reagan and with President Bush, but one thing they had that allowed them to sleep a little bit better at night was the knowledge that under those two administrations they could be confident that we had a strong military. That means that if their son was out on a mission halfway around the world and was in the Marine Corps, he was out in some very difficult situation, they knew, number one, that their son had the best equipment you could find in the world today.

They knew, number two, that their son was accompanied by a lot of bright young men who had been selected through a very vigorous process to be Marines, for example, if he was in the Marine Corps, who had a high degree of education and had excellent, excellent leadership.

They knew that they were safe, they knew that they could sleep easily, because they had a strong national security. The American people during the 1980's learned that it is a truism that you achieve peace through strength. They had a lot of confidence, I think, in Secretary of Defense Dick Cheney, our last Secretary of Defense during Desert Storm. I think they had a lot of confidence in General Schwarzkopf, in Colin Powell, in the team that had been assembled under Presidents Reagan and Bush.

It is interesting, a lot of people decried President Reagan's so-called Star Wars initiative when he said, you know, "There are a lot of ballistic missiles around the world and they are making more all the time, and I think it might be important for us to learn how to shoot those down, because some of those might be incoming at some point."

I remember Presidential candidate Walter Mondale who said, "That is war in the heavens. Shooting down missiles, SDI, that is war in the heavens, and I will not engage in war in the heavens." Yet when we shot down those Scud missiles that were incoming at our troops in Desert Storm, I am sure that Walter Mondale said, "Because of Ronald Reagan, thank heavens." So the American people had a lot of confidence.

Today there is not cause for confidence under President Clinton and there is not cause for confidence, because President Clinton has, No. 1, refused to provide the numbers of equipment and men and women that are necessary to handle a dangerous world; that is, a two-conflict world, because you have to bet that if you are involved in a conflict somewhere, another guy may come and jump on you, knowing that you are vulnerable, knowing that your forces are occupied. The President has not given us a two-conflict force.

No. 2, he has not even funded the force he has given us. He is $50 billion short. What that means, I think it is important that the gentleman from Top Gun speak on this point, because what that really means, and we both know it, is that in the end, when we run short of money, the place where you can get cash fast is out of the spare parts account, out of the readiness account, where you repair your aircraft, and that means that more young men and women are going to die in a conflict or in training than if they had top-notch equipment.

I yield to the gentleman from California.

Mr. CUNNINGHAM. What is even worse is that where you have a force that is not trained properly, because it does not have the maintenance or the airplanes to fly, but when you have a foreign policy like Somalia that had 18 marines killed and 77 wounded, because they would not commit armor, where you have a policy where you want to commit the Marine Corps with sidearms only in Haiti, where you have a policy where you could get us into Bosnia, that will not do the United States any good, coupled with the depreciation of our Armed Forces, it is going to be terrible for us not only now but in the out-years as well.

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And communities are going to suffer as well, not just the national security. So it is not just the cuts in defense, but it is the foreign policy and the strength of those decisions that are necessary. And yes, I include Lebanon under a republican President that to me was a tragedy that we put our Marines and let them get shelled and let them sit there without fully employing, and that was a disaster and a wrong decision as well. So I think it is not unique just to this administration. But we need a strong foreign policy that is going to protect our people. And we need the high-technology equipment, the manpower, and the training to go along with it.

You fight like you train. Unless you have the machines to train, then you are not going to be able to do any good.

Mr. HUNTER. I thank the gentleman.

I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. I am sitting here listening to the two experts, and I am agreeing with everything they say. I think one of the things though that you have mentioned, but not directly, is that not only do you have to have consistency in terms of your training and in terms of your equipment maintenance and equipment, but you have to have consistency in terms of dealing with other international leaders. And if you tell the folks from other nations, whether they are our NATO allies or whoever, that we are going to do something, when you set a deadline you have to honor it, and you have to be the first one to do that. And that is one of the new criticisms that I think the United States is getting globally right now, is that we do not have the consistency and the follow-through internationally that we did under the Cheney first string that you were talking about earlier with the Schwarzkopfs of the world, and so forth.

Mr. HUNTER. I think the gentleman has stated it well when he talks about the first string. We have definitely had the first string in at that time, and I think the jury is out on the string that is in right now.

I am happy to yield to the gentleman from San Diego.

Mr. CUNNINGHAM. In 1972, I wrote a book, and I wrote the book because I held some of my friends in my arms that died on a carrier. Some I was not able to because they were killed. And I can remember thinking,

> Don't the Members of Congress know what they are doing? Don't the liberals know that we don't want to be here but we need their support, we need better equipment, we need the parts to fly our airplanes because we are in combat, that we are not competing for six gold medals?

I also look at the potential of Somalia, and I wrote about it in Operation Proud Deep in which we were forced to fly in weather that is overcast because the North Vietnamese were coming down the Ho Chi Minh trail, and we had not been bombing North Vietnam, and we called back. I did not call back. I was a lieutenant junior grade at the time, but the admirals called back and said we cannot risk our pilots over an overcast because there are surface-to-air missiles. And they said no, those are the only 5 days you have. And in that time we lost a couple of dozen airplanes in 5 days. Why? Because the SA-2 missiles were coming up through the overcast, and it did not give us time to react. Second, if you flew underneath it, and remember it is wintertime in the Bosnia area right now, we would be skylighted against the clouds for their airplanes and the gunners knew our altitude, and it was devastating.

We also found our bomb damage assessment after the weather cleared that we had hit less than 1 percent of our targets. And I told the Secretary if he wanted to that I would take him at 600 knots over the Blue Ridge Mountains and put a million pieces of artillery. First, he would not see any of them. But if he was lucky enough to hit one, what good would it do, because they have a couple of million more.

For us to get into Somalia and wear out our equipment at a time when both sides of the aisle are trying to come up with a health plan, a crime bill, welfare reform, education, and H.R. 6 is coming up for education, can you imagine just the cost?

We stood on the House floor during the Somalia debate when this House extended the time in Somalia. They knew what it would cost. But yet they still wanted to stay there in Somalia through March when Aideed and all of his other henchmen are still going to be there at risk of life and cost. But guess what? We just had to provide a supplemental to pay for that when we could have used those dollars.

And when folks say we need to save dollars, we need to look and do that with the defense cuts.

Mr. HUNTER. I thank the gentleman.

IMMIGRATION POLICY

Mr. HUNTER. Let me move on to another area where the Clinton administration needs to form what I would call a national will, and that is immigration.

Under the leadership of LAMAR SMITH and CARLOS MOORHEAD and ELTON GALLEGLY, and I might say the gentleman from California [Mr. CUNNINGHAM]——

Mr. CUNNINGHAM. We are going from Bosnia to illegal immigration.

Mr. HUNTER. Yes, I knew you would like this smooth transition. But under the leadership of those gentlemen and all of the Members on this Republican task force on immigration, we put together an overall immigration plan which does a couple of things. First, it strengthens the border because there is no substitute for having an enforceable, strong border with border patrolmen with enough border patrolmen to stop illegal immigration.

Second, it cuts off what we would call the magnets of free social service, free education and all the welfare and social services that are bringing people across the border when they find out that they can make more by staying in bed all day as an illegal alien in the United States than putting in 8 hours of work in their native country.

And I want to speak just to one area of that particular Republican task force plan because it is important. We have to have a border. There is no substitute for a border. And no matter how you handle the social problems of illegal immigration, just the criminal alien aspect alone, that is criminals that come across from other countries into the United States to rob, rape, murder, and move narcotics, justifies having a border. And let me give a little example.

Mr. CUNNINGHAM. We need to clarify that not everybody coming across the border illegally is doing that.

Mr. HUNTER. No. But there are a large number of criminal aliens who are coming across the border. And I want to describe a recent test that we took.

The INS took a number of criminal aliens, about 300 that had served their time in the United States, had been deported to Mexico City. Within a very short period of time we apprehended 10 percent of them, which means probably the rest of them got through, coming back across the Mexican-American border into the United States to continue their criminal enterprise. That means you have to have a border.

Let me just say to my friends that we have a 2,000-mile border in the Southwest, and in our district in San Diego, CA we have the smugglers' corridor. And that is the land, the international border between Tijuana to the south and San Diego to the north. And it is a stretch of land about 15 miles wide. It goes from the Pacific Ocean on the west to the California coastal hills to the east. And across that smugglers' corridor comes about half of the illegal aliens and illegal narcotics smuggled into this country.

We have learned a lot of things. One of the things we have learned as a result of this experience in building a fence across the smugglers' corridor, putting up lights, putting up a road and starting to get the number of border patrolmen we need to the border, one thing we have learned is we are going to need about 10,000 border patrolmen to control the border. There is no substitute for people.

Now I want to put this in context. The Clinton administration has funded about 4,500 border patrolmen for next year. They increased the contingent by 600 border patrolmen last year after an amendment was forced on them by the House of Representatives.

Mr. KINGSTON. Thanks to the gentleman from California.

Mr. HUNTER. Which a number of us put forward. And that added 600 border patrolmen. So they basically dispersed the border patrolmen who had been forced on them by Congress, and they pumped the number up to 4,500 border patrolmen.

Our studies show that we need 10,000 border patrolmen because you have 12 smuggling corridors in the Southwest from San Diego to Tijuana and from Brownsville in Texas to Matamoros, and you have to have the number of people to put them on line to stop the illegal immigrants from coming in. Now we need 10,000 border patrolmen.

The Clinton administration has said they are going to give up 4,500. We are still about 6,000 short. At the same time we are cashiering out of the military about 2,000 young people every week. That means if we just took 3 weeks' worth of personnel slots where young marines, and Army, and Air Force and Coast Guard personnel are being cashiered, just 3 weeks of people who are being taken out of the Air Force and put those job slots in the border patrol, we would be able to stop illegal immigration in the Southwest.

Similarly, about 350,000 bureaucrats or Federal workers work in Washington, DC, not counting the Department of Defense.

□ 1900

If we took 6,000 of those slots, of those 350,000 people who work in Washington, DC, in administration doing paperwork, if we took just 6,000 of those slots and put them on the border, then we could stop illegal immigration. So illegal immigration, stopping illegal immigration, is not space-based lasers, it is not technical and does not require a lot of R&D. What it does require is national will.

I have looked forward to the Clinton administration, which has talked a very strong line on illegal immigration, and they have had good rhetoric, but I have looked forward to them providing the additional 6,000 border patrol agents. But to date the bill that provides the 6,000 border patrol agents is the Republican bill on immigration, and I hope that President Clinton will take this bill and work with us to see to it that we have the number of border patrolmen that we need.

I am happy to yield to the gentleman from Georgia and then my friend, the gentleman from California.

Mr. KINGSTON. I wanted to shore up what the gentleman is saying. I think it is important for people to realize that right now something like 22 to 24 percent of the prisoners in the Federal penal system are illegal immigrants, and that goes exactly into what the gentleman is saying that they many times have come to America to extend their criminal activities and take on new territory, if you will.

Mr. HUNTER. The gentleman is correct. We got a report from San Diego

County, and that is that 22 percent of the inmates in the county jails in San Diego County are illegal aliens. So we are spending an enormous amount of taxpayer money taking care of those folks, and if my friends would allow me, there is one other thing I would like to talk about that I think is very important to us which is coming up shortly.

That is a little-known bill called H.R. 6.

First, I want to yield to my friend, the gentleman from California, because he has something else to say about immigration. Go ahead, before I make my transition.

Mr. CUNNINGHAM. I am on the Education and Labor Committee with H.R. 6, and I will be happy to address it.

The only thing I would like to say is we need to be very careful when we talk and focus and let people know we are talking about illegal immigration, not normal immigration.

The United States has more legal immigration in the United States than all the other countries put together. But what we are talking about is the illegal immigration, and the effects on health care, law enforcement, and education, and they are here illegally, and that is what we want to stop. That is the only point I wanted to make.

Mr. KINGSTON. This will just take 30 seconds, but one of the things I have found out recently is that in Georgia we have 28,000 illegal immigrants, and we are not a border State in the sense of California or Texas where traditionally you think about that. But the number that we got in the illegal immigrations task force, as you remember, was $14 billion to $15 billion each year is lost directly as a result of our liberal public assistance programs going to illegal immigrants.

Mr. HUNTER. I thank the gentleman.

Let me talk briefly about H.R. 6 and just ask my friend, the gentleman from California [Mr. CUNNINGHAM], who is on the Education Committee, about a call that I got along with a lot of other calls. It was a teacher. She said, "You know, Congressman, I hear that they are going to offer a bill, H.R. 6, in Congress, that will force parents who are involved in education to be credentialed, to get certification of some kind." She said, "That is terrible." She said, "We teachers want parents to work with us in helping to educate their kids, and the idea that big government is going to take the teachers away just when they are really working with this in our particular school district makes no sense whatsoever."

I have gotten a lot of calls from folks who have said, "Doggone it, when we all agree the problem with society is parents are not having enough time with their kids, the idea government is going to say you cannot teach your own kid because they do not have the right government credentials does not make any sense at all."

I want to ask the gentleman to tell us about H.R. 6 and what it does do.

Mr. CUNNINGHAM. H.R. 6 is monumental. There are over 200 different programs.

Mr. HUNTER. Tell us about the credentialing of parents.

Mr. CUNNINGHAM. What the gentleman is talking about is an amendment was offered.

The SPEAKER pro tempore (Mrs. CLAYTON). The time of the gentleman from California [Mr. HUNTER] has expired.

Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from Georgia [Mr. KINGSTON] is recognized for 10 minutes as the minority leader's designee.

HEALTH CARE REFORM

Mr. KINGSTON. Madam Speaker, I would like to yield a few minutes to tie this up, and I want to invite both of the gentlemen to join me in discussion on health care. But let us talk about H.R. 6.

Mr. CUNNINGHAM. I will be happy to. The amendment by the gentleman from California that offered it states that it will not affect private schools and home schooling, as the gentleman from California suggests. We feel differently.

There is going to be an amendment offered on the House floor and in the committee that will codify and clarify that rule, and it was not the general intent in H.R. 6 to do so. We think it will be taken care of.

Mr. HUNTER. If the gentleman will yield then, what you are saying is there will be an amendment that will be offered that will allow parents to continue to home school without having to be credentialed by some big brother or some government body?

Mr. CUNNINGHAM. At this time, that is the intent.

Mr. KINGSTON. I wanted to also just throw into that discussion the fact that if you look at the record of home schoolers, and there are statistics on this, they have a low dropout rate, very low teenage pregnancy rate, high college placement level, high SAT scores. It is one educational system that does seem to be working, and at the average cost of less than $500 per student. So it is a very, not just profamily, but very proeducation plan.

Mr. CUNNINGHAM. If the gentleman will yield further, be very careful. I support home schooling and private institutions, but my wife is a principal in the public education system, and I know at her school they are doing a very good job.

Mr. KINGSTON. We have a lot of good public schools in our area, too, but I think it is important that anytime something is preceived as a threat to education that we all work for it, and one of the things that I am hearing from public and private and home schoolers in a uniform way is to keep the Federal Government out of our school system.

Mr. HUNTER. If the gentleman will yield for a minute, I do appreciate the fact that our great top gun has a wonderful wife, Nancy, who is a principal of a school. The only thing I have a question about is the fact that you make them take flight training at the age of 7. I think that may be a little extensive.

Mr. CUNNINGHAM. That is only my daughters.

Mr. HUNTER. That is only your daughters? I am only kidding. I hope we do not get letters on flight training.

Mr. KINGSTON. One of the subjects we wanted to discuss earlier, and you two have been leaders in this, was the health care, and what I wanted to do, and you may have seen this article, but it was January 11 in the Wall Street Journal written by William Crystal.

One paragraph said so much, and I am going to read from it. It says,

> The passage of the Clinton health care plan in any form would be disastrous. It would guarantee an unprecedented Federal intrusion into the American economy. Its success would signal a rebirth of centralized welfare state policy at the very moment such policy is being perceived as failure in all other areas.

I thought that was such a good statement. But what was also interesting about it is Mr. Crystal goes on and outlines the reforms that he feels are necessary, and he said that in 1992 when Lloyd Bentsen was in the Senate, what he was an advocate of is only targeting the areas that were broken.

So, let us not rebuild the whole health care system according to now Treasury Secretary Lloyd Bentsen, but let us just work on what is broken. Then he outlines the things that Bentsen supported as a U.S. Senator which were, which parallel many of the Michel ideas.

Mr. CUNNINGHAM. If the gentleman would yield, I know my friend from California had a debate in California, and I would like him to discuss that.

But 85 percent of the American people like their health care plan, but they also realize that it needs a lot of fixes. One-third of the people not insured are basically your young people. When you were 18, you could not be told that you needed a health care plan. The other group is the people that are moving between jobs.

Both the Clinton plan and the Republican plan take care of portability and preexisting conditions.

Mr. HUNTER. Bring up preexisting. That is important.

Mr. CUNNINGHAM. Preexisting, and that is if you have a heart problem or cancer, it may be difficult for you to get a job, but if you change jobs with the new insurance plan, both of them take care of that, and that kind of reform where insurance cannot cut you off.

The last group is the important people we need to focus on, and that is the people who are too poor to provide for it. They are the working poor. But do we need to revamp the whole system, build a giant bureaucracy where the Government has control over lives? No. We do not.

I have a prediction that President Clinton's plan will not pass as it is, but that we are going to see a lot of modifications to it. But I think also that we are going to have in the end a lot of bipartisan support from Republicans and Democrats, and I have got a vision that we will produce a health care plan that will be healthy for this country.

Mr. HUNTER. If the gentleman will yield, I think that it is important for us to fix the problems that the gentleman has talked about, the preexisting. My mother-in-law has had three open-heart surgeries. It has been tough for them to get insurance.

The portability, that is the ability to carry your health insurance from one job to the other.

But the one thing that I am very much afraid of is Government taking over health care. I know that, because I have been on the defense committee, on the Committee on Armed Services, for a number of years. I have noticed that even though we build tanks and ships and planes, because we have to have them, Government does not do anything cheap. It always costs more than the private sector, and the thing that scared me last week was reading in the Washington Post about the hospitals in Canada which are now shutting down for so-called vacations because they have run out of money.

Mr. KINGSTON. Requiring a 12-day unpaid leave of absence.

Mr. HUNTER. Leave of absence.

The other thing that bothered me was seeing in Canada, which was supposed to be this workers' paradise of health care, specialized health care, there are 177,000 Canadians waiting for operations, and 44 percent of them surveyed say they are in some kind of pain.

Americans are pretty wary when somebody says, "I have got the Government solution for you." A lot of them say, "Hold on to your wallet." I am afraid if we give Government control of health care, we are going to have the same results Canada has had.

□ 1910

Mr. CUNNINGHAM. I believe I have a parliamentary inquiry, Madam Speaker. Under the new rule, may this Member mention a Member from the other body if it is in a positive light?

The SPEAKER pro tempore (Mrs. CLAYTON). The answer is "No."

Mr. CUNNINGHAM. No? Well, let me just say a Member from the other body——

Mr. HUNTER. Call him "Senator Positive."

Mr. CUNNINGHAM. Senator Positive was giving a health care townhall meeting, and he told about a health care bureaucrat to whom he was talking, and the Senator said, "I care more for my children than you do, and I want to have control of where my child goes for health care and who gives that health care, because I care more." And the bureaucrat looked at Senator Positive and said, "No, you don't. I as a bureaucrat care more about your child than you do." Well, Senator Positive thought a second, he looked at the bureaucrat and said, "What are their names?" The point being that people want the individual right to choose a doctor and to choose the health care plan they want. They do not want to be thrown into a tank under several bureaucracies and be told what happens. Most of the American people, I believe, do not support that kind of health care. That is why I think we are going to wind up with a better health care plan. I look to the future, and I think we will end up with one that is a bipartisan plan that all of us can support.

Madam Speaker, I yield to the gentleman from California.

Mr. CUNNINGHAM. Some of the components that we are talking about which are some of the Michel ideas, the Republican ideas, and hopefully the bipartisan coalition emerging ideas, would be eliminating the preexisting illness that was talked about but also the Medisave accounts, the portability which the gentleman talked about, and also allowing vouchers for the working poor people under certain income brackets, some malpractice reform, the medical IRA's, full deductibility for health care premiums for small unincorporated businesses which right now are limited to 25 percent.

Mr. KINGSTON. Tort reform, insurance reform.

Mr. HUNTER. You know, one thing we have to remember as Members coming from California, we once had a workmen's compensation system to compensate people injured on the job. It was hailed as the euphoric new dream plan for workers. But it was so costly, so filled with fraud and Government cost so much, that in the end we drove literally thousands of businesses out of California because they could not afford this workmen's compensation system.

The workers who were supposed to be benefitted by this compensation system ended up with the worst benefit of all, which was no job. They lost their jobs because Government saddled employers with a burden which they could not carry.

I just hope that the Clinton administration does not jump forward and say we are going to increase taxes by 7.1 percent on only small businesses.

I had a business the other day who showed me $160,000 they had to pay to open the door. This is a business that employed about 15 people. They have to pay about $160,000 just to open their door. They said, "Hunter, if this giant health care plan passes this tax and puts this new tax on us, we are leaving, we cannot afford that." I hope that burden is not put on business.

Mr. KINGSTON. I think we are about out of time. But I know the gentleman from California has a point.

Mr. CUNNINGHAM. You know, if you tell an employee, a union worker or a Federal employee, that everything they worked for in the health care plan is going to come under this alliance, they do not like it. Senior citizens do not like it, whom we call chronologically gifted.

I think these things certainly will be worked out, that we will end up with a bipartisan health care plan.

Mr. KINGSTON. Madam Speaker, I certainly appreciate the input of both gentlemen from California.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mrs. CLAYTON). Pursuant to the Speaker's announced policy of February 11, 1994, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 60 minutes.

Mr. JEFFERSON. Madam Speaker, I rise today to acknowledge the 125th anniversary of the first speech delivered in the well of the U.S. House of Representatives by a duly elected African-American Member of Congress, John Willis Menard and to thank.

On February 27, 1869, Mr. Menard took the floor of the House to defend his right to represent the constituents of the Second District of the State of Louisiana, the same congressional district that I now represent, who elected Mr. Menard with 5,107 votes to 2,833 votes for his opponent.

For the 40 Members of today's Congressional Black Caucus and all African-Americans, this anniversary on Sunday should be one of joy and celebration, for it should represent the very first empowerment of African-Americans in our Government.

Unfortunately, this anniversary symbolizes the one-step forward, two-steps backward struggle African-Americans have faced in order to participate fully in the practice of representative democracy. You see, though soundly defeated by voters in the Second District, Mr. Menard's opponent, Caleb S. Hunt, contested the election before the House's Committee on Elections.

Despite presentation of Mr. Menard's official Certification of Election, the Committee on Elections rejected both Mr. Menard's legitimate claim to the seat from Louisiana's Second District and Mr. Hunt's dubious claim to election.

The decision came on a motion by Congressman James A. Garfield "that it was too early to admit a Negro to the U.S. Congress, and that the seat be declared vacant, and that the salary be divided equally between the two contestants."

Given an opportunity to present his case, Mr. Menard began:

> Mr. Speaker, I appear here more to acknowledge this high privilege than to make an argument before this House. It was certainly not my intention at first to take any part in this case at all; but as I have been sent here by the votes of nearly 9,000 electors, I would feel myself recreant to the duty imposed upon me if I did not defend their rights on this floor.
>
> I wish it to be well understood, before I go any further, that in the disposition of this case I do not expect, nor do I ask, that there shall be any favor shown me on account of my race, or the former condition of that race. I wish the case to be decided on its own merits and nothing else. . . .

Mr. Speaker, history will decide whether or not the 40th Congress showed Mr. Menard any special favor or fairness. Regardless, Mr. Menard's election and his subsequent speech on the floor of this hallowed hall embody the spirit of empowerment that still drives the African-American community today.

While it may have been deemed "too soon to admit a Negro to the U.S. Congress" in 1869, African-Americans took the second step toward full empowerment 1 year later in 1870 when Hiram Revels of Mississippi became the first black to serve in Congress as a Member of the U.S. Senate and James Rainey of South Carolina became the first black to serve in the House of Representatives.

Empowerment in Congress continued through 1901 when the departure of George H. White of North Carolina marked the first time in 31 years that African-Americans were not represented. In his final speech, Congressman White remarked prophetically:

> This, Mr. Chairman, is perhaps the Negroes' temporary farewell to the American Congress. But let me say, phoenix like, he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding people, but God fearing people, faithful, industrious, loyal people . . . rising people full of potential.

It took 27 years, but the election of Oscar Stanton de Priest in 1928 by voters in Illinois' First District rekindled the empowerment of African-Americans in American government in much the same way Mr. Menard's election sparked the empowerment of African-Americans with his election to the U.S. Congress from the Second District in Louisiana in 1868, as the first African-American to be elected to Congress, and his historic speech 125 years ago.

I thank you, Madam Speaker, and I thank John Willis Menard.

EXECUTIVE COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES—ECONOMIC REPORT OF THE PRESIDENT

The SPEAKER pro tempore laid before the House the following communication from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

ECONOMIC REPORT OF THE PRESIDENT

To the Speaker of the House of Representatives and the President of the Senate:

America has always thrived on change. We have used the opportunities it creates to renew ourselves and build our prosperity. But for too long and in too many ways, our Nation has been drifting.

For the last 30 years, family life in America has been breaking down. For the last 20 years, the real compensation of working Americans has grown at a disappointing rate. For 12 years a policy of trickle-down economics built a false prosperity on a mountain of Federal debt. As a result of our national drift, far too many American families, even those with two working parents, no longer dream the American dream of a better life for their children.

In 1992, the American people demanded change. A year ago, I sought your support for a comprehensive short-term and long-term strategy to restore the promise of our country's economic future. You responded, and together we replaced drift and gridlock with renewal and reform. Together we have taken the first necessary steps to restore growth in the living standards of all Americans. We have created a sound macroeconomic environment and strengthened the foundations of future economic growth. As a result of our efforts, the economy is now on a path of rising output, increasing employment, and falling deficits.

ESTABLISHING THE FISCAL CONDITIONS FOR SUSTAINED GROWTH

For more than a decade, the Federal Government has been living well beyond its means—spending much more than it has taken in, and borrowing the difference. The resulting deficits have been huge, both in sheer magnitude and as a percentage of the Nation's output. Since 1981 the Federal debt has been growing faster than the economy, reversing the trend of the previous three decades. As a consequence of this binge of deficit financing, Federal budget deficits have been gobbling up an inordinate share of the Nation's savings, driving up real long-term interests rates, discouraging private investment, and impeding long-run private sector growth.

On August 10, 1993, I signed the historic budget plan that you passed several days earlier. It will reduce Federal deficits by more than $500 billion. The plan is a balanced package of cuts in spending and increases in revenues. The spending cuts are specific, far-reaching, and genuine. They will reduce discretionary spending by over 12 percent in real terms in 5 years. The plan increases income tax rates for only the top 1.2 percent of taxpayers, the group of Americans who gained the most during the 1980s and are most able to pay higher taxes to help reduce the deficit. At the same time, a broad expansion of the earned income tax credit will help make work pay for up to 15 million American families. Nine out of ten small businesses will benefit from more-generous tax breaks that will help them invest and grow. And new, targeted capital gains tax relief will encourage investment in new small businesses.

Our deficit reduction plan has been the principal factor in the dramatic decline in long-term interest rates since my election in November 1992. Lower interest rates, in turn, have sparked an investment-driven economic expansion that has created more private sector jobs during the last year than were created during the previous four. The fact that investment is leading the recovery is good news for living standards, because investment is the key to productivity growth and hence to growth in real incomes for all Americans.

INVESTING IN OUR NATION'S FUTURE

Laying the macroeconomic groundwork for sustained growth is the government's first responsibility, but not its only responsibility. Government also has a vital role to play in providing some of the critical raw materials for economic growth: science and technology, an educated and well-trained work force, and public infrastructure. For much too long we have underinvested in these areas, in comparison both with our global competitors and with our own economic history. Our overall budget deficit has masked another, equally disturbing deficit—a deficit in the kinds of public investments that lay the foundations for private sector prosperity.

Like private investments, well-chosen public investments raise future living standards. As a consequence, deficit reduction at the expense of public investment has been and will continue to be self-defeating. That is why our budget package increases much-needed public investment even as it takes steps to reduce the budget deficit. One without the other will not work.

With the help of the Congress, our public investment initiatives in the areas of technology, infrastructure, the environment, and education and training received about 70 percent of the funding we requested in fiscal year 1994. We increased funding for such proven successes as Head Start and the WIC program in the human resources area, and the Advanced Technology Program of the National Institute of Standards and Technology in the area of technological research. We also launched a number of new initiatives, including the National Service program, a new program of empowerment zones and enterprise communities for urban and rural development, and several new technology programs, including the Technology Reinvestment Project, designed to help defense contractors retool to serve civilian markets. We increased funding for research into new environmental technologies. In addition, we developed a comprehensive, cost-effective Climate Change Action Plan, comprising nearly 50 initiatives to reduce U.S. greenhouse gas emissions to 1990 levels by the year 2000.

As these examples bear witness, we have made significant progress on our investment agenda, but much more remains to be done. We will have to work together to find room to fund essential new investments even as we reduce real government outlays to meet tight annual caps on discretionary spending. This will not be easy. But it is essential, for we face a dual challenge—we must fundamentally change the composition of discretionary spending even as we reduce it in real terms.

This year my Administration is requesting funding for several new investment initiatives. Our Goals 2000 proposal will encourage local innovation in and accelerate the pace of school reform. It will link world-class academic and occupational standards to grassroots education reforms all across America. Our School-to-Work initiative will provide opportunities for post-secondary training for those not going on to college. Our reemployment and training program will streamline today's patchwork of training programs and make them a source of new skills for people who lose their jobs. Finally, our proposed welfare reform will provide the support, job training, and child care necessary to move people off welfare after 2 years. That is the only way we will make welfare what it ought to be: a second chance, not a way of life.

REFORMING OUR HEALTH CARE SYSTEM

This year we will also make history by reforming the Nation's health care system. We face a health care crisis that demands a solution, both for the health of our citizens and for the health of our economy over the long run. The United States today spends more on health care relative to the size of its economy than any other advanced industrial country. Yet we insure a smaller fraction of our population, and we rank poorly on important overall health indicators such as life expectancy and infant mortality. Over 15 percent of Americans—nearly 39 million people—were uninsured throughout 1992. And tens of millions more have inadequate insurance or risk becoming uninsured should they lose their jobs. Meanwhile health care costs continue to climb, increasing premiums and medical bills for American families and aggravating budget crises at all levels of government. Both the Office of Management and Budget and the Congressional Budget Office have concluded that unless the system is reformed, rising health care costs will begin pushing the Federal budget deficit back upward as this century comes to a close.

Piecemeal approaches to solving our health care crisis will not work. If we simply squeeze harder on Federal health spending, without attempting systemwide reform, more of the costs of covering health services guaranteed by the government will be shifted to the private sector, and medical care for the elderly, the disadvantaged, and the disabled will be put at risk. Similarly, if we attempt to provide universal coverage without complementary measures to improve competition and sharpen incentives for cost-conscious decisions, costs will continue to escalate.

Our health care reform proposal, while bold and comprehensive, builds on the strengths of our current, market-based system. Our approach preserves consumer choice and our largely employer-based private insurance arrangements. It relies on market competition and private incentives, not price controls and bureaucracy, to provide health security for all Americans, to rein in health care costs, and to solve our long-run budget deficit problem.

OPENING FOREIGN MARKETS

Raising the living standards of all Americans is the fundamental economic goal of my Administration. That is why all of our initiatives in international trade share a common purpose: to open markets and promote American exports. This emphasis on exports is driven by two simple facts. First, America is part of an increasingly integrated world economy and must adapt to this new reality if we are to stay on top. There is simply no way to close our borders and return to the insular days of the 1950s. To try to do so would be an exercise in futility, doomed not only to fail but to lower living standards in the process. Second, export industries offer the kind of high-wage, high-skill jobs the country needs. By shifting production toward more exports, we will shift the composition of employment toward better jobs. In short, to realize our goal of higher living standards for all Americans, we must compete, not retreat.

The year just past will go down in the history books as a watershed for trade liberalization. With your help, we enacted the North American Free Trade Agreement, which links the United States, Canada, and Mexico together in the world's largest marketplace. We also successfully completed the Uruguay Round of the General Agreement on Tariffs and Trade, which promises to add as much as $100 billion to $200 billion to the Nation's output by the end of a decade. And we are now on a course of increasing trade and investment liberalization with the rapidly growing economies of East Asia and the Pacific, which will be a major source of new export opportunities for American products in the coming years. At home we have eliminated much of our export control system and have rationalized our export promotion activities to help our producers, workers, and farmers increase their sales around the world.

IMPROVING THE EFFICIENCY OF GOVERNMENT

My Administration is committed to improving the Federal government's efficiency across the board. The National Performance Review (NPR), completed under the bold leadership of Vice President Gore, provides a road map for what must be done. The NPR's report shows how substantial budgetary savings can be realized by making existing programs more efficient and cutting those that are no longer necessary. As a result of our efforts to reinvent how the government performs, we will reduce the Federal bureaucracy by 252,000 positions, bringing it down to the lowest level in decades.

My Administration is also committed to reducing the burden of government regulations by improving the regulatory review process. My Executive Order on Regulatory Planning and Review requires that all new regulations carefully balance costs and benefits, that only those regulations whose benefits exceed their costs be adopted, and that in each case the most cost-effective regulations be chosen.

This year we will also work with the Congress to develop the new regulatory framework required to encourage the development of the national information superhighway. We must cooperate with the private sector to connect every classroom, every library, and every hospital in America to this highway by the year 2000. Rapid access to the most advanced information available will increase productivity and living standards, help to educate our children, and help health providers improve medical care for our citizens.

THE ECONOMIC OUTLOOK

An economic strategy built on long-run investments will not bear fruit overnight. But there are already signs that our policy initiatives are beginning to pay off. Prospects for sustained economic expansion look far brighter now than they did a year ago, when my Administration first asked for your support. Growth of real gross domestic product increased steadily over the course of 1993, and the economic expansion has continued into 1994. Consumer spending should remain healthy because of continued gains in employment and output, and investment spending should remain strong because of low long-term interest rates and increasing levels of demand. Low interest rates will also continue to support the recent expansion in residential construction. The Administration forecasts that the economy will grow at 3 percent in 1994 and will remain on track to create 8 million jobs over 4 years.

As 1994 begins, our economy is strong and growing stronger. With continued deficit reduction, more public investment, a reformed health care system, increased exports, and a reinvented government, we can create the foundations for an even more prosperous America.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 14, 1994.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLACKWELL (at the request of Mr. GEPHARDT) for today before 2:30 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes each day, on February 23 and 24.

Mr. BEREUTER, for 5 minutes, on February 24.

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. FINGERHUT, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCHUGH) and to include extraneous matter:)

Mr. KING.

Mr. DICKEY.

Mr. FIELDS of Texas.

Mr. GILMAN.

Mrs. ROUKEMA in two instances.

Ms. SNOWE in two instances.

Mr. WELDON.

Mr. SOLOMON in four instances.

Mr. ROHRABACHER.

Mr. CALLAHAN.

Mr. BURTON of Indiana.

Mr. YOUNG of Alaska.

Mr. GINGRICH.

Mr. BAKER of California.

Mr. BOEHLERT.

Mr. GALLO in three instances.

Mr. PETRI.

Mr. SUNDQUIST.

Mr. MICHEL.
Mr. ARMEY.
Mr. GOODLING.

(The following Members (at the request of Ms. DELAURO) and to include extraneous matter:)

Mr. DIXON.
Mr. SYNAR.
Mr. OWENS.
Mr. MORAN.
Mr. CARDIN.
Mr. TOWNS in 14 instances.
Mr. KLEIN.
Mr. HAMILTON in six instances.
Mr. TRAFICANT in two instances.
Mr. REED.
Mr. SERRANO in two instances.
Mr. FOGLIETTA.
Ms. NORTON in two instances.
Mr. ORTIZ in two instances.
Mr. CLYBURN in two instances.
Ms. WOOLSEY.
Mr. BRYANT.
Mr. COOPER.
Mr. BARCIA of Michigan in two instances.
Mr. TAUZIN.
Mr. NADLER.
Mr. FALEOMAVAEGA
Mr. STOKES.
Mr. MAZZOLI.

(The following Members (at the request of Mr. JEFFERSON) and to include extraneous matter:)

Ms. PELOSI.
Mr. DARDEN.
Mr. BROWN of Ohio.
Mr. BILBRAY.
Mr. BROWN of California.
Mr. JEFFERSON.
Mr. NATCHER
Mr. TEJEDA.
Mr. MFUME.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 2339. An act to revise and extend the programs of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, and for other purposes.

H.R. 3617. An act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

□ 1920

ADJOURNMENT

Mr. JEFFERSON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, February 24, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2594. A letter from the Secretary, Department of the Navy, transmitting notification of the proposed transfer of the obsolete submarine *Blueback* (SS-581) to the Oregon Museum of Science and Industry, Portland, OR, a not-for-profit corporation, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

2595. A letter from the Assistant Secretary of Defense, transmitting the Secretary's report on the implementation of a plan to adjust personnel policies to permit the orderly promotion of officers to brigadier general or rear admiral (lower half); to the Committee on Armed Services.

2596. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting notification that the Board of Directors approved a guarantee to support the sale by the Boeing Co. of commercial jet aircraft to China Southern Airlines, Guangzhou, China, in the amount of $325,228,935; to the Committee on Banking, Finance and Urban Affairs.

2597. A letter from the Administrator for Energy Information Administration, Department of Energy, transmitting a report entitled "Performance Profiles of Major Energy Producers 1992," pursuant to 42 U.S.C. 7267; to the Committee on Energy and Commerce.

2598. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's 1993 annual report, 1994 legislative report, report on employee salaries in excess of Federal executive level I, and report on the performance of passenger routes operated during fiscal year 1993, pursuant to 45 U.S.C. 548(b), 644(1)(B); to the Committee on Energy and Commerce.

2599. A letter from the Secretary of Commerce, transmitting a report entitled, "Preliminary Spectrum Reallocation Report;" to the Committee on Energy and Commerce.

2600. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in January 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2601. A letter from the Chairperson, National Endowment for the Arts, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2602. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 3759, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

2603. A letter from the Director, Peace Corps, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2604. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2605. A letter from the Chairman, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting the annual report on the activities of the inspector general for fiscal year 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2606. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2607. A letter from the Chairman, U.S. International Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2608. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Natural Resources.

2609. A letter from the Migratory Bird Conservation Commission, transmitting the annual report of activities for the fiscal year ended September 30, 1993, pursuant to 16 U.S.C. 715b; to the Committee on Merchant Marine and Fisheries.

2610. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of the reports of building project survey for Ames, IA; Lower Manhatten, NY; Upper Manhatten, NY; and Amarillo, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2611. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, "National Highway System Designation Act of 1994"; to the Committee on Public Works and Transportation.

2612. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective December 26, 1993, the danger pay rate for all areas in Sudan was designated at the 15 percent level, pursuant to 5 U.S.C. 5928; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

2632. A communication from the President of the United States, transmitting his economic report, together with the annual report of the Council of Economic Advisers, pursuant to 15 U.S.C. 1022(a) (H. Doc. No. 103-178); to the Joint Economic Committee and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 366. Resolution providing for consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes (Rept. 103-426). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. FIELDS of Texas, Mr. HAYES, Mr. TAYLOR of North Carolina, Mr. STENHOLM, Mr. YOUNG of Alaska, Mr. MONTGOMERY, Mr. STUPAK, Mr. SHUSTER, Mr. STUMP, Mr. POMBO, Mr. BREWSTER, Mr. CALLAHAN, Mr. HUTTO, Mr. ORTIZ, Mr. LAUGHLIN, Mrs. BENTLEY, Mr. BONILLA, Mr. CUNNINGHAM, Ms. DANNER, Mr. PICKETT, and Mr. PACKARD):

H.R. 3875. A bill to require certain Federal agencies to protect the rights of private property owners; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and the Judiciary.

By Mr. ALLARD (for himself and Mr. PENNY):

H.R. 3876. A bill to set forth the appropriate budgetary treatment of the health reform program; to the Committee on Government Operations.

By Ms. BYRNE:

H.R. 3877. A bill to provide grants to States which comply with certain requirements; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. CLEMENT, Mr. TANNER, Mr. GORDON, Mr. DUNCAN, Mr. QUILLEN, Mr. FORD of Tennessee, Mrs. LLOYD, and Mr. SUNDQUIST):

H.R. 3878. A bill to amend the Public Health Service Act to establish a requirement of informed consent regarding the use of human subjects in research conducted or supported by the Federal Government, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mrs. KENNELLY, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, Mr. FRANKS of Connecticut, Mr. SHAYS, Mr. WISE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. DURBIN, Mr. KOPETSKI, Mr. VOLKMER, Mr. MCCLOSKEY, Mr. POSHARD, Mr. HAMBURG, Mr. SABO, Mr. SCOTT, Mr. COPPERSMITH, Mr. FIELDS of Louisiana, Mr. TORRES, Mr. FAZIO, Ms. VELÁZQUEZ, Ms. PELOSI, Mr. OLVER, Mr. HOYER, Mrs. MORELLA, Ms. KAPTUR, Mrs. SCHROEDER, Ms. SLAUGHTER, Mr. BLACKWELL, Mr. PETE GEREN of Texas, Mr. GEPHARDT, Mr. CRAMER, Mr. VISCLOSKY, Mr. TORRICELLI, Mr. REED, Mr. KREIDLER, Mr. MURPHY, Mr. FRANK of Massachusetts, Mr. MILLER of California, Mr. FOGLIETTA, Mr. SERRANO, Mr. BISHOP, Mr. ENGEL, Mr. FARR, Ms. ESHOO, Ms. WOOLSEY, Mrs. LOWEY, Mr. SKAGGS, Ms. WATERS, Ms. ENGLISH of Arizona, Mr. PASTOR, Mr. CLEMENT, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mrs. UNSOELD, Ms. SHEPHERD, Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. BACCHUS of Florida, Mr. BORSKI, Mr. HOLDEN, Mr. LEACH, and Mr. KLECZKA):

H.R. 3879. A bill to authorize the minting of coins to commemorate the 1995 Special Olympics World Games; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DICKEY (for himself, Mr. DORNAN, Mr. EMERSON, Mr. BARTLETT of Maryland, Mr. BUNNING, Mr. TALENT, Mr. ISTOOK, Mr. KNOLLENBERG, Mr. BACHUS of Alabama, Mr. INGLIS of South Carolina, Mr. SOLOMON, Mr. ARMEY, Mr. LINDER, Mr. MCCRERY, Mr. BARTON of Texas, Mr. PENNY, Mr. BEREUTER, Mr. LIPINSKI, and Mr. BOEHNER):

H.R. 3880. A bill to prohibit the Secretary of Health and Human Services from finding that a State Medicaid plan is not in compliance with title XIX of the Social Security Act solely on the grounds that the plan does not cover abortions for pregnancies resulting from an act of rape or incest if coverage for such abortions is inconsistent with State law; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 3881. A bill to amend the Small Business Act to eliminate restrictions on providing financial assistance to small business concerns engaged in media-related industries; to the Committee on Small Business.

By Mr. GALLO (for himself, Mrs. MEYERS of Kansas, Mr. ZIMMER, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. EMERSON, Mr. EWING, Mr. GOODLING, Mr. KNOLLENBERG, Mr. RIDGE, Mr. BAKER of Louisiana, Mr. MANZULLO, Mr. CANADY, Mr. TALENT, Mr. PORTMAN, and Mr. MACHTLEY):

H.R. 3882. A bill to require the President to consider the job impact of comprehensive health care reform legislation before such legislation takes effect; to the Committee on Education and Labor.

By Mr. LEVY (for himself, Mr. QUINN, Mr. KING, Mr. LAZIO, Mr. SOLOMON, Mr. GILMAN, Ms. MOLINARI, Mr. PAXON, Mr. MCHUGH, Mr. BOEHLERT, Mr. WALSH, Mr. FISH, Mr. HOUGHTON, Mr. MACHTLEY, Mr. BILIRAKIS, Mr. MCCOLLUM, Ms. KAPTUR, Mr. TORKILDSEN, and Mr. DIAZ-BALART):

H.R. 3883. A bill to amend title 18, United States Code, to prohibit the interstate transportation of a firearm with the intent to commit a violent crime, and to impose the death penalty for a violation that results in death; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3884. A bill to amend part E of title IV of the Social Security Act to require, as a condition of receiving Federal funds for foster care and adoption assistance, that States require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 3885. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes and for other purposes; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 3886. A bill to amend the boundaries of the Flower Garden Banks National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

H.R. 3887. A bill to authorize the Secretary of Transportation to convey the vessel U.S.S. *Sphinx* to the Rio Grande Military Museum for use as a military museum; to the Committee on Merchant Marine and Fisheries.

By Mrs. ROUKEMA:

H.R. 3888. A bill to amend the United States Housing Act of 1937 to improve the programs for public and Indian housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 3889. A bill to amend the chapter 15 of title 5, United States Code, to eliminate the provision prohibiting certain State and local employees from seeking elective office; to the Committee on House Administration.

By Mr. SCHAEFER (for himself, Mr. VENTO, Mr. BEILENSON, Mr. BEVILL, Mr. BOUCHER, Ms. DUNN, Mr. COSTELLO, Mr. FARR, Mr. FOGLIETTA, Ms. FURSE, Mr. GORDON, Mr. HEFLEY, Mr. HUGHES, Mr. KASICH, Mr. KLECZKA, Mr. KLEIN, Mr. MARKEY, Mr. MCDERMOTT, Mr. MORAN, Mrs. MORELLA, Mr. MCINNIS, Mr. MILLER of California, Mr. MURTHA, Mrs. MINK of Hawaii, Mr. NEAL of Massachusetts, Mr. ROMERO-BARCELÓ, Mr. REGULA, Mr. SLATTERY, Mr. SYNAR, Mr. THOMAS of Wyoming, Mrs. UNSOELD, Mr. WALSH, Mr. WOLF, and Mr. UNDERWOOD):

H.J. Res. 327. Joint resolution to designate June 4, 1994, as "National Trails Day"; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H. Con. Res. 208. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mrs. KENNELLY (for herself, Mr. JEFFERSON, Mr. DELLUMS, Mr. FOGLIETTA, Mr. MCDERMOTT, Mr. OWENS, Ms. PELOSI, Ms. WATERS, Mr. FROST, Mr. GEJDENSON, Mr. SCOTT, Mr. LEWIS of Georgia, Mr. BONIOR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FURSE, Ms. VELÁZQUEZ and, Mr. WASHINGTON):

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress that any comprehensive health care reform legislation that is enacted should provide for annual screenings of children under 6 years of age for lead poisoning; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Ms. SNOWE (for herself, Mr. GILMAN, Mr. BILIRAKIS, Mr. ANDREWS of New Jersey, Mrs. MALONEY, and Mr. DEUTSCH):

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Res. 367. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. TOWNS (for himself, Mrs. COLLINS of Illinois, Ms. VELÁZQUEZ, and Mrs. VUCANOVICH):

H. Res. 368. Resolution expressing the sense of the House of Representatives with respect to the inclusion in any comprehensive benefits package under health care reform of mammography screenings for women under the age of 50; jointly, to the Committees on Energy and Commerce and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

287. By the SPEAKER: Memorial of the House of Representatives of the State of Iowa, relative to the renewable oxygenate standard; to the Committee on Energy and Commerce.

288. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to the redefinition of the political formula of Commonwealth; to the Committee on Natural Resources.

289. Also, memorial of the Senate of the State of West Virginia, relative to the adop-

tion of the Equal Rights Amendment to the United States Constitution; to the Committee on the Judiciary.

290. Also, memorial of the House of Delegates of the State of West Virginia, relative to the adoption of the Equal Rights Amendment to the United States Constitution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEVY:

H.R. 3890. A bill to renew design patent numbered 251,990, relating to a word game board, for a period of 10 years; to the Committee on the Judiciary.

By Mr. TEJEDA:

H.R. 3891. A bill to waive certain time limitations with respect to awarding the Medal of Honor to Rudolph Salais Vela; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Ms. McKINNEY.

H.R. 55: Mr. BORSKI.

H.R. 56: Mr. KINGSTON.

H.R. 167: Mr. FRANK of Massachusetts, Mr. JACOBS, and Mr. DeFAZIO.

H.R. 171: Mr. HANSEN, Mr. LEVY, Mr. GALLEGLY, and Mr. EMERSON.

H.R. 216: Mr. FRANKS of New Jersey.

H.R. 302: Mr. PARKER, Mr. THOMAS of Wyoming, Ms. PRYCE of Ohio, Mr. SAXTON, and Ms. SLAUGHTER.

H.R. 417: Mr. BLILEY, Mr. SWETT, and Mr. CRAMER.

H.R. 509: Mr. BAKER of California.

H.R. 512: Mr. NADLER.

H.R. 543: Mr. PACKARD and Mr. McCRERY.

H.R. 591: Mr. BROWN of Ohio.

H.R. 630: Mr. McDADE, Mr. BARTLETT of Maryland, and Mr. FOGLIETTA.

H.R. 654: Mr. BROWN of California, Mr. HEFNER, Mr. SKEEN, Mr. MARKEY, Mr. BARLOW, Mrs. LLOYD, Mr. SANTORUM, Mr. FISH, Mr. DELLUMS, Mr. FAWELL, Mr. SAWYER, Mr. FAZIO, Mr. ARCHER, Mrs. BENTLEY, Mr. ANDREWS of New Jersey, Mr. HOBSON, Ms. ROYBAL-ALLARD, Mr. HOLDEN, Mr. MINETA, Mr. MANZULLO, Mr. PARKER, Mr. TRAFICANT, Mr. LEWIS of California, and Mr. HOEKSTRA.

H.R. 657: Mr. PAXON, Mr. CRAPO, and Mr. BARTLETT of Maryland.

H.R. 676: Mrs. LLOYD.

H.R. 702: Mr. GILMAN, Mr. SENSENBRENNER, and Mr. BARLOW.

H.R. 794: Mr. PENNY, Ms. ESHOO, and Mr. APPLEGATE.

H.R. 885: Mr. LEVY, Mr. WALKER, Mr. FISH, and Mr. KOLBE.

H.R. 911: Mr. LEWIS of Georgia, Mr. OWENS, and Mr. SCHAEFER.

H.R. 962: Mr. McHALE.

H.R. 1055: Mr. BARRETT of Wisconsin, Mr. SAXTON, and Mr. LEWIS of Georgia.

H.R. 1086: Mr. SANTORUM.

H.R. 1155: Mr. FISH.

H.R. 1163: Mr. KYL.

H.R. 1196: Mr. SHAYS and Mr. NADLER.

H.R. 1309: Mr. KLUG and Mr. GOODLING.

H.R. 1349: Mr. SANTORUM and Mr. WELDON.

H.R. 1354: Mr. SCHUMER, Ms. BROWN of Florida, Mr. DEUTSCH, Ms. WATERS, and Mr. DeFAZIO.

H.R. 1391: Mr. VALENTINE, Mr. BORSKI, Mr. HINCHEY, and Mr. MORAN.

H.R. 1423: Mr. PETE GEREN of Texas, Mr. BAKER of California, Mr. WISE, Mr. WELDON, Mr. MANN, Mr. MEEHAN, Mr. SISISKY, Mr. YATES, Mr. SANTORUM, Mr. STEARNS, Mr. SKAGGS, and Mr. SANGMEISTER.

H.R. 1455: Mr. SWETT and Mr. RAVENEL.

H.R. 1496: Mr. SHAYS.

H.R. 1534: Mr. DIXON.

H.R. 1552: Mr. JOHNSON of Georgia, Mr. WHEAT, and Mr. HOYER.

H.R. 1572: Mr. GRAMS.

H.R. 1671: Mr. WOLF, Mr. PASTOR, and Mr. GOODLING.

H.R. 1702: Mr. GORDON.

H.R. 1709: Mr. HANSEN, Mr. BLACKWELL, Mr. POSHARD, Ms. SNOWE, and Mr. KYL.

H.R. 1719: Ms. FURSE, Mr. OBERSTAR, and Mr. SOLOMON.

H.R. 1765: Mr. BATEMAN.

H.R. 1793: Mr. ANDREWS of Texas and Mr. ANDREWS of Maine.

H.R. 1961: Mr. COLEMAN and Ms. FURSE.

H.R. 1968: Mr. SCHAEFER.

H.R. 1986: Mr. PETERSON of Florida, Mr. WOLF, Mr. KING and Mr. ROMERO-BARCELO.

H.R. 2019: Mr. DeFAZIO and Mr. LEACH.

H.R. 2091: Mr. BARRETT of Wisconsin.

H.R. 2135: Mr. PASTOR.

H.R. 2145: Mr. LANCASTER, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. GOODLING, Mr. MANTON, and Mr. PARKER.

H.R. 2152: Mr. FALEOMAVAEGA.

H.R. 2268: Mr. KINGSTON, Mr. RAHALL, Mr. BAESLER, Mr. JOHNSON of South Dakota, and Mr. SLATTERY.

H.R. 2271: Mr. BACHUS of Alabama.

H.R. 2292: Mr. ANDREWS of New Jersey, Mr. GALLO, Mr. SAXTON, Mr. PETERSON of Florida, and Mr. ACKERMAN.

H.R. 2418: Mr. EHLERS, Mr. LINDER, Mr. SHAW, and Mr. BROWN of Ohio.

H.R. 2460: Mr. CRAMER.

H.R. 2467: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BROWN of California, Mr. CARDIN, Ms. DeLAURO, Mr. GINGRICH, Mr. ISTOOK, Mr. LANTOS, Mr. LAZIO, Ms. LOWEY, Mr. RAVENEL, Mr. SANTORUM, Mr. SAXTON, Ms. SCHENK, Mr. STARK, Mrs. UNSOELD, and Mr. WALKER.

H.R. 2638: Mrs. MORELLA, Mr. LEWIS of Georgia, and Mr. ZIMMER.

H.R. 2649: Mr. ANDREWS of New Jersey.

H.R. 2671: Ms. DUNN.

H.R. 2721: Mrs. MEEK of Florida, Mr. ROMERO-BARCELO, and Mr. DIXON.

H.R. 2790: Mr. CONYERS and Mr. GEJDENSON.

H.R. 2862: Mrs. MEYERS of Kansas.

H.R. 2863: Mr. NADLER.

H.R. 2886: Mr. SMITH of Texas.

H.R. 2896: Mr. LEVY and Mr. CRAMER.

H.R. 2898: Mr. DIXON.

H.R. 2929: Mr. LAZIO.

H.R. 2930: Mr. KOPETSKI, Mr. FOGLIETTA, Ms. BROWN of Florida, Mr. DeFAZIO, Mr. FALEOMAVAEGA and Mr. ABERCROMBIE.

H.R. 2959: Mr. PACKARD, Mr. POMBO, Mr. BAKER of California, Ms. SHEPHERD, Mr. MACHTLEY, Mr. HALL of Texas, and Ms. PRYCE of Ohio.

H.R. 3031: Mr. RAMSTAD.

H.R. 3121: Mrs. THURMAN.

H.R. 3248: Mr. HINCHEY.

H.R. 3266: Mr. KASICH, Mr. PETERSON of Minnesota, Mr. MEEHAN, Mr. TAUZIN, Mr. COX, Mr. MICHEL, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. ROHRABACHER, Mr. WOLF, Mr. BUNNING, Mr. HOKE, Mr. OXLEY, Mr. PETRI, Mr. STUMP, Mr. PACKARD, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ORTON, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. GALLO, Mr. EHLERS, Mr. HYDE, Mr. THOMAS of California, Mr. DEAL, Mr. GILLMOR, Mr. GEKAS, Mr. STENHOLM, Mr. TAYLOR of Mississippi, and Mr. PETE GEREN of Texas.

H.R. 3322: Mr. THOMPSON.

H.R. 3333: Mr. ROYCE.

H.R. 3367: Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, and Mrs. FOWLER.

H.R. 3372: Mr. CONDIT, Mr. LANCASTER, Ms. BROWN of Florida, Mr. PARKER, Mr. PALLONE, Mr. CLYBURN, Ms. DeLAURO, Mr. WAXMAN, Mr. SOLOMON, Mr. WOLF, Mr. BROWDER, Mr. MARKEY, Mr. COOPER, Mr. PICKETT, Ms. ESHOO, Mr. SCHAEFER, and Mr. SAXTON.

H.R. 3392: Mr. PETERSON of Florida, Mr. QUINN, Mr. BURTON of Indiana, Mr. SWIFT, Mr. CLYBURN, Mr. SPRATT, and Mr. BREWSTER.

H.R. 3397: Mr. MINGE, Mrs. MINK of Hawaii, and Mr. MENENDEZ.

H.R. 3461: Mr. RANGEL and Mr. PARKER.

H.R. 3462: Mr. RANGEL and Mr. PARKER.

H.R. 3463: Mr. RANGEL, Mr. PARKER, Mr. KOPETSKI, and Mr. DeFAZIO.

H.R. 3472: Mr. PARKER, Mrs. MALONEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, and Ms. BYRNE.

H.R. 3490: Mr. BEREUTER, Mr. BROWN of California, Mr. FIELDS of Texas, and Mr. VENTO.

H.R. 3492: Mr. POMEROY, Mr. PARKER, and Mr. ROMERO-BARCELO.

H.R. 3519: Mr. SOLOMON.

H.R. 3526: Mr. SWETT, Mr. SMITH of New Jersey, Mr. McCOLLUM, Mr. LEWIS of California, Mr. CONYERS, Mr. COLEMAN, Mr. BONIOR, Mr. MARKEY, Mr. LEWIS of Florida, and Mr. BILBRAY.

H.R. 3534: Mr. JOHNSTON of Florida, Mr. HINCHEY, Mr. MINETA, Mr. TORKILDSEN, and Ms. HARMAN.

H.R. 3546: Mr. ROSE, Mr. SPENCE, Mr. PETERSON of Florida, Mr. BONILLA, Mr. BOEHNER, Mr. KOPETSKI, Mr. HUGHES, and Mr. SISISKY.

H.R. 3626: Mr. NADLER.

H.R. 3633: Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. BUNNING, Mr. GINGRICH, Mr. WALKER, Mr. DOOLITTLE, Mr. PAXON, Mr. SHAW, Mr. BARTLETT of Maryland, Mrs. FOWLER, and Mr. MANZULLO.

H.R. 3636: Mr. LaFALCE, Mr. QUINN, Mr. BOEHLERT, Mr. NADLER, Mr. SWETT, MR. PAXON, and Mr. TORKILDSEN.

H.R. 3656: Mr. WYDEN and Mr. PORTER.

H.R. 3660: Mr. PETE GEREN of Texas, Mr. JACOBS, Mr. MAZZOLI, Mr. HALL of Ohio, and Mr. HOYER.

H.R. 3685: Mr. DOOLITTLE, Mr. SOLOMON, Mr. BOEHNER, and Mrs. LOWEY.

H.R. 3706: Mr. DIXON, Mr. JEFFERSON, and Mr. RANGEL.

H.R. 3720: Mr. GUTIERREZ and Ms. FURSE.

H.R. 3757: Mr. LANCASTER and Mr. GUNDERSON.

H.R. 3762: Mr. BERMAN, Mrs. MINK of Hawaii, Mr. LINDER, Mr. BATEMAN, Mr. FALEOMAVAEGA, Mr. FISH, and Mr. COX.

H.R. 3783: Mr. HUGHES and Ms. FURSE.

H.R. 3789: Mrs. FOWLER.

H.R. 3810: Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. STUPAK, Mr. PETE GEREN of Texas, Mr. SKEEN, and Mrs. CLAYTON.

H.R. 3814: Mr. KLUG, Mr. LEVY, Mrs. MEYERS of Kansas, Mr. SKEEN, Mr. TORKILDSEN, and Mr. ZIMMER.

H.R. 3851: Mr. KING, Mr. LIPINSKI, Mr. TALENT, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. COLLINS of Georgia, Mr. McINNIS, and Mr. SMITH of Texas.

H.R. 3860: Mr. SOLOMON, Mr. COBLE, Mr. LINDER, Mr. WELDON, and Mr. CALVERT.

H.R. 3862: Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BROWDER, Mr. EVERETT, Mr. HANSEN, Mr. HAYES, Mr. KASICH, Mr.

Roberts, Mr. Schaefer, Mr. Smith of Oregon, and Mr. Tanner.

H.R. 3872: Mr. Gibbons and Mrs. Thurman.

H.J. Res. 21: Mr. Torkildsen.

H.J. Res. 22: Mr. Solomon.

H.J. Res. 103: Mr. Ehlers.

H.J. Res. 173: Mr. DeLay.

H.J. Res. 199: Mr. Durbin, Mr. Gilchrest, Mr. Coyne, Mr. Miller of Florida, Mr. Pickle, Mr. Hobson, Mr. Sundquist, Ms. Snowe, Mr. Volkmer, Mr. Chapman, Mr. Bevill, Mr. Shaw, Mrs. Vucanovich, Mr. Archer, Mr. Lipinski, Mrs. Thurman, Mr. King, Mr. Taylor of Mississippi, Mr. Ford of Michigan, Mr. Goodlatte, Mr. Olver, Mr. Barlow, Mr. Glickman, Ms. Danner, Mr. Kingston, Mr. Rohrabacher, Ms. Margolies-Mezvinsky, Mr. Gingrich, and Mr. Hutto.

H.J. Res. 209: Mrs. Meyers of Kansas and Mr. Knollenberg.

H.J. Res. 303: Mr. McDermott, Mr. Regula, Mr. Pastor, Mr. Levy, Mr. Waxman, Mr. Gekas, Mrs. Meyers of Kansas, Mr. Vento, Mr. Synar, Mr. Kopetski, Mr. Sisisky, Mr. Bonior, Mr. Romero-Barcelo, Mr. Hughes, Mr. Mann, Mr. Bevill, Mr. Lightfoot, and Mr. Sawyer.

H.J. Res. 310: Mr. Frank of Massachusetts, Mr. Payne of New Jersey, Mr. Washington, Mr. LaFalce, Mrs. Meyers of Kansas, Mr. Levin, Mr. Deutsch, Mr. Gekas, Mr. Sanders, Mr. Holden, Mr. Ridge, Mr. Fish, Ms. Shepherd, Mr. Stark, Mr. Hamilton, Mr. Borski, Mr. Levy, Mr. Hoke, Mr. Andrews of New Jersey, Mr. Schiff, Mr. Sundquist, Mr. Baker of California, Mr. Fawell, Mr. Rose, Mr. Bilbray, and Mr. Gejdenson.

H.J. Res. 318: Mr. Montgomery, Mr. Oberstar, Mr. Knollenberg, Mr. Hochbrueckner, Mr. Wolf, Mr. Leach, Mr. Traficant, and Mr. Kasich.

H.J. Res. 321: Mr. Evans, Mr. Blute, Mr. Hansen, and Mr. Petri.

H. Con. Res. 84: Mrs. Meek of Florida, Mr. Fields of Louisiana, Mr. Lewis of Georgia, Mr. Johnson of Georgia, and Mrs. Schroeder.

H. Con. Res. 110: Mr. Farr.

H. Con. Res. 148: Mr. Tucker and Mr. Fish.

H. Con. Res. 150: Mr. Gene Green of Texas, Mr. Levy, and Mr. Castle.

H. Con. Res. 156: Mr. Brown of Ohio and Ms. Slaughter.

H. Con. Res. 199: Mr. Hughes, Mr. Livingston, Mr. Dellums, Mr. McCloskey, Mr. Johnson of South Dakota, Mr. Regula, and Mr. Pickett.

H. Res. 236: Mr. Gutierrez, Mrs. Kennelly, Mr. Myers of Indiana, Mrs. Bentley, Ms. Lowey, Mr. Markey, Mr. Cardin, Mr. Sarpalius, Mr. Hoekstra, Mr. Sharp, Mr. Bliley, Mr. Glickman, Mr. Sangmeister, Mr. Hamilton, Mr. Calvert, Mr. Leach, Mr. Hefley, Mr. Evans, Mr. Filner, Mr. McCloskey, Mr. Visclosky, Ms. Cantwell, Ms. DeLauro, Mr. Scott, Mr. Traficant, Mr. Talent, Mr. Coble, Mr. Minge, Mr. Gejdenson, Ms. Dunn, and Mr. Conyers.

H. Res. 238: Mr. Ehlers, Mr. Walsh, Mr. Ravenel, Mr. Ballenger, Mrs. Vucanovich, Mr. Bachus of Alabama, and Mr. Wolf.

H. Res. 281: Mr. Valentine, Mr. Hamilton, Mr. Inslee, Mr. Barrett of Wisconsin, Mr. Brewster, Ms. Schenk, Mr. Clement, and Ms. Shepherd.

H. Res. 343: Mr. Waxman, Mr. LaRocco, and Mr. Hughes.

H. Res. 354: Mr. Torkildsen.

H. Res. 362: Mr. Traficant, Mr. Rose, Mr. Moakley, Ms. Schenk, Mr. Blute, Mr. Gejdenson, Mrs. Meek of Florida, Mr. DeFazio, Mr. Boucher, Ms. Snowe, Mr. Manton, and Ms. Shepherd.

H. Res. 365: Mr. Klug and Mr. Poshard.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

71. By the SPEAKER: Petition of the Delegation of the Commission of the European Communities, Washington, DC, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

72. Also, petition of the Ambassador of the Embassy of Ethiopia, Washington, DC, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

73. Also, petition of the Charge d'affaires of the Embassy of Ireland, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

74. Also, petition of the Speaker of the House of Representatives, Tokyo, Japan, relative to expressing condolences at the passing of former Speaker O'Neill; to the Committee on House Administration.

75. Also, petition of the Kansas Republic State Committee, Topeka, KS, relative to the proposed Federal Health Security Act; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

By Mr. ARMEY:

—On page 218, line 10, strike subsection 2124(e) in its entirety.

—On page 735, line 6, insert "institutional" after "nonprofit".

—On page 737, line 13, insert "institutional" after "nonprofit".

—On page 762, line 9, insert the following new section and redesignate subsequent sections accordingly:

"SEC. 9508. GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any federal control over any aspect of any private, religious, or home school that does not receive funds under the Act. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under the Act.".

By Mr. BATEMAN:

—At the end of Title VIII, add section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress, 20 U.S.C. section 241). This section shall be designated "Section 8015. Education of children where local agencies cannot support facilities."

By Mr. BARRETT of Nebraska:

—Page 413, strike line 14 and all that follows through line 17.

—Page 413, line 18, strike "(2)" and insert "(1)".

—Page 414, line 6, strike "(3)" and insert "(2)".

—Page 414, line 12, strike "(4)" and insert "(3)".

—Page 414, line 18, strike "(5)" and insert "(4)".

—Page 414, line 22, strike "(6)" and insert "(5)".

—Page 415, line 1, strike "(7)" and insert "(6)".

—Page 416, after line 4, insert the following:

"(c) Governor's Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103A by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4103A will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4103A and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

—Page 416, line 24, strike "the total amount" and insert "an amount equal to 80 percent of the total amount".

—Page 419, line 14, strike "(1)".

—Page 419, strike line 18 and all that follows through line 21.

—Page 422, after line 21, insert the following:

"SEC. 4103A. GOVERNOR'S PROGRAMS.

"(a) Use of Funds.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer shall use not less than 10 percent of the 20 percent of the total amount described in paragraph (1) for each fiscal year for drug abuse resistance education programs in accordance with subsection (e).

"(3) A chief executive officer may use no more than five percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) Advisory Panel.—

"(1) Establishment.—

"(A) In general.—Except as provided in subparagraph (B), a chief executive officer shall establish an advisory panel in accordance with this subsection for the purpose of developing a plan for the use of funds reserved under subsection (a)(1).

"(B) Exception.—The chief executive officer of a State shall be exempt from the requirement under subparagraph (A) if such State, on or before January 1, 1994, has established an independent agency as described in section 4103(a)(2)(A).

"(2) Plan.—The advisory panel established under paragraph (1) shall develop a plan under which—

"(A) existing drug and violence prevention programs, projects, and activities in the State (including activities of the State educational agency and local educational agencies and community-based organizations) that are determined by the panel to be successful are continued, or, where appropriate, coordinated with new programs, projects, and activities established and carried out with funds reserved under subsection (a)(1); and

"(B) technical assistance and training is provided to local educational agencies, consortia of such agencies, and partnerships consisting of such agencies and community-based organizations, for drug and violence prevention, community outreach, and mobilization and coordination of alcohol, tobacco, and other drug prevention programming.

"(3) MEETINGS.—The advisory panel shall meet at least once every 2 years after the establishment of the plan described in paragraph (2) for the purpose of reviewing and evaluating the use of funds under this section.

"(4) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory panel shall consist of not less than 9 members, but not more than 12 members, including the chief executive officer of the State (or the designee of such chief executive officer) and at least 1 individual appointed by such chief executive officer from each of the following categories:

"(i) Parents.

"(ii) Students.

"(iii) Chief state school officers (or their designees).

"(iv) School administrators or teachers.

"(v) Substance abuse prevention workers or administrators.

"(vi) Community-based providers.

"(viii) Law enforcement officers or district attorneys.

"(ix) Mayors, city councilpersons, or county commissioners.

"(B) POLITICAL AFFILIATION.—Not more than ½ of the members of the advisory panel may be of the same political party.

"(C) COMPENSATION.—Members of the advisory panel shall serve without pay.

"(5) ADMINISTRATIVE EXPENSES.—The administrative expenses of the advisory panel shall be paid for from the State administrative funds under subsection (a)(2)

"(c) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (d) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"(e) DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.—(1) A chief executive officer shall use funds reserved under subsection (a)(2) for grants to local educational agencies in consortium with entities which have experience in assisting school districts to provide instruction to students grades kindergarten through 6 to recognize and resist pressures that influence such students to use controlled substances, as defined in Schedules I and II of section 202 of the Controlled Substances Act the possession or distribution of which is unlawful under such Act, or beverage alcohol, such as Project Drug Abuse Resistance Education, that meet the requirements of paragraph (2).

"(2) A local educational agency in consortium with an entity shall not be eligible for a grant under paragraph (1) unless such local educational agency in consortium with an entity will use assistance provided under such grant to provide or arrange for the provision of services that shall include—

"(A) drug abuse resistance education instruction for students grades kindergarten through 6 that is designed to teach students to recognize and resist pressures to experiment that influence such children to use controlled substances, as defined under paragraph (1), or beverage alcohol, including instruction in the following areas—

"(i) drug use and misuse;

"(ii) understanding the consequences of drug abuse;

"(iii) resistance techniques;

"(iv) assertive response styles;

"(v) managing stress without taking drugs;

"(vi) decisionmaking and risk taking;

"(vii) media influences on drug use;

"(viii) positive alternatives to drug abuse behavior;

"(ix) interpersonal and communication skills;

"(x) self-esteem building activities; and

"(xi) resistance to peer pressure and gang pressure;

"(B) provisions for parental involvement;

"(C) classroom instruction by uniformed law enforcement officials;

"(D) the use of positive student leaders to influence younger students not to use drugs;

"(E) an emphasis on activity-oriented techniques designed to encourage student-generated responses to problem-solving situations; and

"(F) the awarding of a certificate of achievement to each student who participates in a drug abuse resistance education program.

"(3) Amounts received under paragraph (1) by any local educational agency or entity shall be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of projects of the type described in paragraph (2).

—Page 427, line 24, strike "under this part; and" and insert "under this part.".

—Page 428, strike line 1 and all that follows through line 3.

—Page 431, strike line 18 and all that follows through line 15 on page 433.

—Page 433, line 16, strike "(d)" and insert "(c)".

By Mr. BOEHNER:

—Page 66, after line 18, insert the following (and redesignate the subsequent sections accordingly):

"SEC. 1116. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local education agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels will have equal access to the program;

"(2) the program does not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, and other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public; and

"(7) the program shall not include schools that do not receive funds under this title.

—Page 66, after line 18, insert the following (and redesignate the subsequent sections accordingly):

"SEC. 1116. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local education agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels will have equal access to the program;

"(2) the program does not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, and other staff, parents, and, if the plan relates to a secondary school, students from the school; and

"(6) the plan will be made available to parents and the public.

—Beginning on page 190, strike line 1 and all that follows through line 13 on page 194 (and redesignate the subsequent sections accordingly).

—Beginning on page 240, strike line 1 and all that follows through line 4 on page 264 (and redesignate the subsequent subparts accordingly).

—Beginning on page 264, strike line 5 and all that follows through line 4 on page 272 (and redesignate the subsequent subparts accordingly).

—Beginning on page 272, strike line 5 and all that follows through line 8 on page 284 (and redesignate the subsequent subparts accordingly).

—Beginning on page 284, strike line 9 and all that follows through line 5 on page 290 (and redesignate the subsequent subparts accordingly).

—Beginning on page 290, strike line 6 and all that follows through line 7 on page 293.

—Page 350, strike line 13.

—Beginning on page 354, strike line 1 and all that follows through line 22 on page 363 (and redesignate the subsequent parts accordingly).

—Beginning on page 367, strike line 1 and all that follows through line 19 on page 372 (and redesignate the subsequent parts accordingly).

—Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

—Beginning on page 398, strike line 1 and all that follows through line 21 on page 404 (and redesignate the subsequent parts accordingly).

—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 456, strike line 5 and all that follows through line 15 on page 458 (and redesignate the subsequent parts accordingly).

—Beginning on page 768, strike line 22 and all that follows through line 7 on page 776 (and redesignate the subsequent parts accordingly).

—Beginning on page 776, strike line 8 and all that follows through line 19 on page 798 (and redesignate the subsequent parts accordingly).

—Beginning on page 870, strike line 1 and all that follows through line 20 on page 875 (and redesignate the subsequent parts accordingly).

—Beginning on page 190, strike line 1 and all that follows through line 13 on page 194 (and redesignate the subsequent sections accordingly).

—Beginning on page 240, strike line 1 and all that follows through line 4 on page 264 (and redesignate the subsequent subparts accordingly).

—Beginning on page 264, strike line 5 and all that follows through line 4 on page 272 (and redesignate the subsequent subparts accordingly).

—Beginning on page 272, strike line 5 and all that follows through line 8 on page 284 (and redesignate the subsequent subparts accordingly).

—Beginning on page 284, strike line 9 and all that follows through line 5 on page 290 (and redesignate the subsequent subparts accordingly).

—Beginning on page 290, strike line 6 and all that follows through line 7 on page 293.

—Beginning on page 354, strike line 1 and all that follows through line 22 on page 363 (and redesignate the subsequent parts accordingly).

—Beginning on page 367, strike line 1 and all that follows through line 19 on page 372 (and redesignate the subsequent parts accordingly).

—Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

—Beginning on page 398, strike line 1 and all that follows through line 21 on page 404 (and redesignate the subsequent parts accordingly).

—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 456, strike line 5 and all that follows through line 15 on page 458 (and redesignate the subsequent parts accordingly).

—Beginning on page 768, strike line 22 and all that follows through line 7 on page 776 (and redesignate the subsequent parts accordingly).

—Beginning on page 776, strike line 8 and all that follows through line 19 on page 798 (and redesignate the subsequent parts accordingly).

—Beginning on page 190, strike line 1 and all that follows through line 13 on page 194 (and redesignate the subsequent sections accordingly).

—Beginning on page 272, strike line 5 and all that follows through line 8 on page 284 (and redesignate the subsequent subparts accordingly).

—Beginning on page 367, strike line 1 and all that follows through line 19 on page 372 (and redesignate the subsequent parts accordingly).

—Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

—Beginning on page 398, strike line 1 and all that follows through line 21 on page 404 (and redesignate the subsequent parts accordingly).

—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 870, strike line 1 and all that follows through line 20 on page 875 (and redesignate the subsequent parts accordingly).

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—Beginning on page 272, strike line 5 and all that follows through line 8 on page 284 (and redesignate the subsequent subparts accordingly).

—Beginning on page 367, strike line 1 and all that follows through line 19 on page 372 (and redesignate the subsequent parts accordingly).

—Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

—Beginning on page 398, strike line 1 and all that follows through line 21 on page 404 (and redesignate the subsequent parts accordingly).

—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 240, strike line 1 and all that follows through line 4 on page 264 (and redesignate the subsequent subparts accordingly).

—Beginning on page 264, strike line 5 and all that follows through line 4 on page 272 (and redesignate the subsequent subparts accordingly).

—Beginning on page 272, strike line 5 and all that follows through line 8 on page 284 (and redesignate the subsequent subparts accordingly).

—Beginning on page 284, strike line 9 and all that follows through line 5 on page 290 (and redesignate the subsequent subparts accordingly).

—Beginning on page 290, strike line 6 and all that follows through line 7 on page 293.

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—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 367, strike line 1 and all that follows through line 19 on page 372 (and redesignate the subsequent parts accordingly).

—Beginning on page 372, strike line 20 and all that follows through line 22 on page 397 (and redesignate the subsequent parts accordingly).

—Beginning on page 398, strike line 1 and all that follows through line 21 on page 404 (and redesignate the subsequent parts accordingly).

—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 776, strike line 8 and all that follows through line 19 on page 798 (and redesignate the subsequent parts accordingly).

—Beginning on page 190, strike line 1 and all that follows through line 13 on page 194 (and redesignate the subsequent sections accordingly).

—Beginning on page 240, strike line 2 and all that follows through line 4 on page 264 (and redesignate the subsequent subparts accordingly).

—Beginning on page 264, strike line 5 and all that follows through line 4 on page 272 (and redesignate the subsequent subparts accordingly).

—Beginning on page 272, strike line 5 and all that follows through line 8 on page 284 (and redesignate the subsequent subparts accordingly).

—Beginning on page 284, strike line 9 and all that follows through line 5 on page 290 (and redesignate the subsequent subparts accordingly).

—Beginning on page 290, strike line 6 and all that follows through line 7 on page 293.

—Page 350, strike line 13.

—Beginning on page 354, strike line 1 and all that follows through line 22 on page 363 (and redesignate the subsequent parts accordingly).

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—Beginning on page 404, strike line 22 and all that follows through line 18 on page 406 (and redesignate the subsequent parts accordingly).

—Beginning on page 456, strike line 5 and all that follows through line 15 on page 458 (and redesignate the subsequent parts accordingly).

—Beginning on page 768, strike line 22 and all that follows through line 7 on page 776 (and redesignate the subsequent parts accordingly).

—Beginning on page 776, strike line 10 and all that follows through line 12 on page 791 (and redesignate the subsequent parts accordingly).

—Beginning on page 791, strike line 13 and all that follows through line 19 on page 798 (and redesignate the subsequent parts accordingly).

—Beginning on page 870, strike line 1 and all that follows through line 20 on page 875 (and redesignate the subsequent parts accordingly).

By Mr. CASTLE:

—Page 112, lines 19 and 20, strike "150 percent of the national average per pupil payment with funds available" and insert "150 percent of the amount that the State would otherwise have received, without application of the State minimum".

—Page 114, lines 16 and 17, strike "150 percent of the national average per pupil payment made with funds available" and insert "150 percent of the amount that the State would otherwise have received, without application of the State minimum".

By Mr. CONDIT:

—Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

"(g) Notwithstanding any other provision of this Act, the provisions of the model opportunity-to-learn standards that impose requirements on States, local education agencies, and schools (whether it be the actual development of the opportunity-to-learn standards or actions taken to meet the standards) shall be treated as recommendations to the States, local education agencies, and schools and compliance with such provisions shall be voluntary on the part of the States, local education agencies, and schools until the costs of implementing such provisions are fully funded by the Federal Government."

—Page 762, after line 8, insert the following new section (and redesignate accordingly):

"SEC. 9508. PROVISIONS TO BE TREATED AS VOLUNTARY UNTIL FULLY FUNDED.

"Notwithstanding any other provision of this Act, the provisions relating to opportunity-to-learn standards that impose requirements on States and local educational agencies (whether the development of opportunity-to-learn standards or actions taken to meet such standards) shall be treated as recommendations to the States and local educational agencies and compliance with such provisions shall be voluntary on the part of the State and local educational agencies until the costs of implementing such provisions are fully funded by the Federal Government."

By Mr. COX:

—After section 9507, insert the following new section and redesignate subsequent sections accordingly:

"SEC. 9508. Nothing in this act shall be construed to infringe upon the right of a parent to teach his or her child."

By Mr. CUNNINGHAM:

—In Title VIII:

On page 729 strike "Section 8014, lines 15–24"

—On page 730 strike "lines 1–21".

By Mr. DOOLEY:

"On page 55, line 22, redesignate paragraph (G) as paragraph (H) and insert a new paragraph (G) to read as follows:

"(G) Strategies to ensure that the health and welfare needs of children from migratory families are addressed.

—On page 55, line 1, insert after "students", "and children from migratory families".

—On page 59, line 14, insert a new paragraph (4) to read as follows:

"(4) The Secretary shall report no later than December 31, 1997 to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources on how schoolwide programs are meeting the needs of children from migratory families."

By Mr. DUNCAN:

—Page 762, after line 8, insert the following:

"SEC. 9508. PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.".

By Mr. DURBIN:

—Page 439, strike paragraph (1) and insert the following:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

—Page 408, after line 12, insert the following paragraph (and redesignated succeeding paragraphs accordingly):

"(6) Every day approximately 3,000 children start smoking for the first time and 30 percent of all high school seniors are smokers. Half of all new smokers begin before the age of 14, 90 percent before the age of 21, and the average age of the first use of smokeless tobacco products is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is an addictive substance, many tobacco users find it difficult to stop using tobacco once they have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco. Drug prevention programs for youth that address only controlled drugs send an erroneous message that the use of tobacco does not have adverse consequences. To be credible, messages opposing illegal drug use by youth should also address other harmful substances.

—Page 439, strike subsection (1), and insert the following:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

By Mr. ENGEL:

—Title III, Part E, section 3502:

"SEC. 3502. SHORT TITLE.

"This part may be cited as the Community Arts Partnership Act of 1994".

(a) FINDINGS.

"Congress finds that—

"(1) with local school budgets cut there are inadequate arts programs available for children and youth in schools;

"(2) the arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts;

"(3) the arts access multiple human intelligences and develop higher-order thinking skills;

"(4) the arts generate self-esteem and positive emotional responses to learning; and

"(5) children and youth who receive instruction in the art remain in school longer and are more successful than children who do not receive such instruction.

(b) PURPOSE.

"The purpose of this part is to make demonstration grants to eligible entities to improve the educational performance and future potential of at risk-children and youth by providing comprehensive and coordinated educational and cultural services.

(c) GRANTS AUTHORIZED.

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in subsection (f).

"(2) SPECIAL REQUIREMENTS.—The Secretary shall award grants under this Act only to program designed to—

"(A) promote educational and cultural services;

"(B) provide multi-year services to at-risk children and youth;

"(C) serve the target population described in subsection (e);

"(D) provide integration of community cultural resources in the regular curriculum;

"(E) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(F) provide effective cultural linkages from preschool programs, including the Head Start Act and preschool grants under the Individuals with Disabilities Education Act, to elementary schools;

"(G) facilities school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment;

"(H) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

"(I) replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum.

"(3) Requirement of coordination.—Grants may only be awarded under this part to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this part, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) Duration.—Grants made under this part may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in application.

"(5) Geographic distribution.—In awarding grants under this part, the Secretary shall ensure—

"(A) an equitable geographic distribution; and

"(B) an equitable distribution to both urban and rural areas with a high proportion of at-risk children and youth as defined in subsection (e).

(d) Eligibility.

"(1) Services for in-school youth.—For the purpose of providing a grant under this part to serve in-school children and youth, the term "eligible entity" means a partnership between a local education agency that is eligible for funds under title I of this Act, and at least 1 institution of higher education or cultural entity located within or accessible to the geographical boundaries of the local education agency with a history of providing quality services to the community, and which may include—

"(A) nonprofit institutions of higher education; museums; libraries; performing, presenting and exhibiting arts organizations; literary arts organizations; local arts organizations; and zoological and botanical organizations; and

"(B) private for-profit entities with a history of training children and youth in the arts.

"(2) Services for out-of-school youth.—For purposes of providing a grant under this part to serve out-of-school youth, the term 'eligible entity' means a partnership between at least 1 entity of the type described in paragraph (A) and (B) of subsection (1), or a local education agency eligible for funds under chapter 1 of title I of this Act and at least 1 cultural entity described in subsection (1).

(e) Target Population.

"In order to receive a grant under this part, an eligible entity shall serve—

"(1) students enrolled in schools in participating schoolwide projects assisted under title I of this Act and the families of such students; or

"(2) out-of-school youth at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, disability, limited English proficiency, family migration, illiteracy, being the child of a teen parent, living in a single parent household, or being a high school dropout; or

"(3) any combination of in-school and out-of-school at-risk children and youth.

(f) Authorized Activities.

"(1) In general.—Funds made under this part may be used—

"(A) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school and out-of-school at-risk youth through cooperative agreements, contracts for services, or administrative coordination;

"(B) to provide at-risk students with integrated cultural activities designed to develop a love of learning to ensure the smooth transition of preschool children to elementary school;

"(C) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(D) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(E) to provide transportation necessary for participation in the program;

"(F) to work with existing school personnel to develop curriculum materials and programs in the arts;

"(G) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

"(H) for stipends that allow local artists to work with at-risk children and youth in the schools;

"(I) for cultural programs that encourage the active participation of parents in their children's education;

"(J) for programs that use the art reform current school practices, including lengthening the school day or academic year;

"(K) for appropriate equipment and necessary supplies; and

"(L) for evaluation, administration, and supervision.

"(2) Priority.—In providing assistance under this part, the Secretary shall give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hour, that may include year round programs that provide services in the evenings and weekends.

"(3) Planning grants.—

"(A) Application.—An eligible entity may submit an application to the Secretary for a planning grants for an amount not to exceed $50,000. Such grants shall be for periods of not more than 1 year.

"(B) Limit on planning grants.—Not more than 10 percent of the amounts appropriated in each fiscal year under this part shall be used for grants under this subsection, and an eligible entity may receive not more than 1 such planning grant.

(g) General Provisions.

"(1) In general.—Each eligible entity desiring a grants under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Contents.—Each application submitted pursuant to subsection (a) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) describe, for a local educational agency participant, how services will be perpetuated beyond the length of the grant;

"(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site.

(h) Payments—Federal Share.

"(1) Payments.—The Secretary shall pay to each eligible entity having an application approved under subsection (g) the Federal share of the cost of the activities described in the application.

"(2) Amounts of grants.—The amount of a grant made under this part may not be less than $100,000 or exceed $500,000 in the first year of such grant.

"(3) Federal share.—The Federal share shall be 80 percent.

"(4) Non-federal share.—The non-Federal share shall be equal to 20 percent and may be in cash or in kind, fairly evaluated, including facilities or services.

"(5) Limitation.—Not more than 25 percent of any grant under this part may be used for noninstructional services such as those described in paragraphs D, E, and L of subsection (f).

"(6) Supplement and not supplant.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this part, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

"(7) Dissemination of models.—The Secretary shall disseminate information concerning successful models under this part through the National Diffusion Network.

(i) Authorization of Funds.

"There are authorized to be appropriated to carry out this subpart, $75,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

By Mr. FARR:

—Title III

Insert new Part .

SEC. . SHORT TITLE.

This part may be cited as the "National Center for Second Language Development Act."

SEC. . FINDINGS.

The Congress finds that:

1. At a time when international opportunities and challenges are escalating, there exists no national education effort to develop second language capabilities in the United States.

2.1. In the present international economic context, it is critical for Americans to become skilled speakers of other languages.

2. There is a widespread recognition of this need, but little awareness of important advances in the technology of language instruction and in our understanding of the processes involved in acquiring a second language.

3. These technological and conceptual advances need to be incorporated in language instruction and in the professional development of language teachers.

4. The technological and conceptual advances currently in use and being developed in the second language arena can improve our ability to instruct the millions of immigrant school children and adults who have limited proficiency in English. Without flu-

ency in the English language these individuals remain an untapped national resource.

5. The concentration of talent focused on research on second language acquisition, language instruction, teaching technology, and curriculum development and publications housed at the Defense Language Institute (DLI—a teaching facility of the Department of Defense, located in Monterey, California), provides an optimal environment for the incipient development of a nationwide effort in second language training and acquisition.

SEC. . PURPOSE.

It is the purpose of this part to—

1. implement advances in research and technology in the language education of children, college students, and adults and in the professional development of language instructors.

SEC. . NATIONAL CENTER FOR SECOND LANGUAGE DEVELOPMENT.

a. ESTABLISHMENT. In order to better effectuate the purposes of this part through assistance in the coordination of services and programs provided for under this part, the Secretary shall establish a National Center for Second Language Development.

b. COMPOSITION. The Center shall consist of, but not be limited to:

1. The Defense Language Institute.

2. Other public, government and private entities with expertise in the education and training of second language curricula, as determined necessary by the Secretary.

c. MISSION. The Center shall:

1. Study the current potential for second language capabilities of the population of the United States;

2. Make recommendations to the Secretary from that study the most appropriate means of increasing widespread second language capabilities in the United States;

3. Implement pilot programs to effectuate a greater second language capability within the United States.

By Mr. FISH:

—Page , after line (at the end of section 8003), insert the following:

"(e) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From amounts appropriated under section 8013(a)(2) for a fiscal year, the Secretary shall provide additional assistance under this subsection to local educational agencies that are heavily impacted because of Federal acquisition of real property in such local educational agencies.

"(2) ELIGIBILITY.—A local educational agency shall be eligible to receive assistance under this subsection only if Federal property in such agency comprised 25 percent or more of the total land area within such agency during the preceding fiscal year.

"(3) MAXIMUM AMOUNT.—The amount that a local educational agency may receive under this subsection for a fiscal year may not exceed the difference of—

"(A) the amount such agency is entitled to receive under subsection (b) for such fiscal year; and

"(B) the amount such agency actually receives under such subsection for such fiscal year.

—Page , strike line and all that follows through line (subsection (a) of section 8013) and insert the following:

"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—

"(1) IN GENERAL.—For the purpose of making payments under section 8003 (except subsection (e) of such section), there are authorized to be appropriated $16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(2) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 8003(e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

By Mr. FORD of Michigan:

—Page 218, strike lines 10 through 18.

—Page 762, after line 8, insert the following:

"SEC. 9508. APPLICABILITY TO HOME SCHOOLS.

"Nothing contained in this Act shall be construed to affect home schools."

By Mr. GILMAN:

—Page 193, line 15, strike "and".

—Page 193, after line 15, insert the following:

"(iii) have established or plan to establish a mentoring program for elementary students formerly enrolled in Head Start of Even Start programs using high school or college students trained to provide tutoring to such elementary students, and".

By Mr. GLICKMAN:

—Page 218, strike lines 10 through 18.

By Mr. GOODLING:

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike ", provided" and all that follows through "section" on line 18 and insert a period.

—Page 39, strike lines 13 through 17 (and redesignate any subsequent subsections accordingly).

—Page 42, line 18, strike "; and" and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike ", provided" and all that follows through "section" on line 18 and insert a period.

—Page 39, strike lines 13 through 17 (and redesignate any subsequent subsections accordingly).

—Page 42, line 18, strike "; and" and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 69, line 3, strike "and".

—Page 69, after line 3, insert the following (and redesignate any subsequent clauses accordingly):

"(ii) using only funds allocated under subsection (e), identify strategies to ensure that children participating in programs funded under this section are provided with an opportunity to learn, including strategies which may address—

"(I) the quality and availability of curricula, instructional materials, and technologies;

"(II) the capability of teachers to provide high quality instruction;

"(III) the extent to which teachers, principals, and administrators have access to professional development;

"(IV) the extent to which school facilities provide a safe and secure environment for learning and instruction;

"(V) the capability of schools to comply with the requirements of section 1112(c)(3) with respect to addressing the comprehensive needs of children and the requirements of section 1114(b) or section 1115(c), whichever is applicable; and

"(VI) such other factors as the State deems appropriate to ensure that all children participating in programs funded under this section receive an opportunity to achieve the knowledge and skills in order to meet the State's performance standards; and,"

—Page 69, after line 5, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(B) The strategies referred to in subparagraph (3)(A) shall be used only as guidelines for a school to improve the performance of children participating in programs funded under this section in meeting the State's performance standards.

"(C) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(D) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(E) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school."

—Page 69, at the end of line 13, insert "The school shall use only funds allocated under subsection (e) to carry out this subparagraph."

—Page 70, at the end of line 3 insert the following: "Federal technical assistance centers under part D of title II shall give priority to schools identified under paragraph (1) who request technical assistance in order to improve student achievement."

—Page 72, line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(5) Each local educational agency identified under paragraph (3) shall establish a strategy for developing or adopting opportunity-to-learn standards that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards. Such standards may include those referred to in subsection (c)(3)(A)(ii). Such strategy shall be used only as a guideline for schools and local educational agencies to improve their performance in meeting the performance standards of the State. The local educational agency shall use only funds appropriated under subsection (e) to carry out this paragraph.

"(6) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(7) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(8) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school."

—Page 73, at the end of line 15 insert the following: "Federal technical assistance centers under part D of title II shall give priority to local educational agencies identified under paragraph (3) who request technical assistance in order to improve student achievement."

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike ", provided" and all that follows through "section" on line 18 and insert a period.

—Page 39, strike lines 13 through 17 (and redesignate any subsequent subsections accordingly).

—Page 42, line 18, strike "; and" and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 69, line 3, strike "and".

—Page 69, after line 3, insert the following (and redesignate any subsequent clauses accordingly):

"(ii) using only funds allocated under subsection (e), identify strategies to ensure that children participating in programs funded under this section are provided with an opportunity to learn with such strategies used only as guidelines for a school to improve the performance of children participating in programs funded under this section in meeting the performance standards of the State; and

—Page 69, after line 13, insert the following (and redesignate the subsequent subparagraph accordingly):

"(C) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(D) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(E) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 70, at the end of line 3 insert the following: "Federal technical assistance centers under part D of title II shall give priority to schools identified under paragraph (1) who request technical assistance in order to improve student achievement.".

—Page 72, line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(5) Each local educational agency identified under paragraph (3) shall establish a strategy for developing or adopting opportunity-to-learn standards that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards. Such strategy shall be used only as a guideline for schools and local educational agencies to improve their performance in meeting the performance standards of the State. The local educational agency shall use only funds appropriated under subsection (e) to carry out this paragraph.

"(6) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(7) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(8) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 73, at the end of line 15 insert the following: "Federal technical assistance centers under part D of title II shall give priority to local educational agencies identified under paragraph (3) who request technical assistance in order to improve student achievement.".

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2, and insert a period.

—Page 28, after line 11, insert the following:

"(iii) opportunity-to-learn standards that are consistent with standards established under title III of the Goals 2000: Educate America Act, except that—

"(I) the Secretary may not withhold funds appropriated under this title on the basis of the content of the opportunity to learn standards adopted by the State or promulgate regulations with regard to such standards;

"(II) a State may waive such requirement if it has met the opportunity-to-learn standards established by title III of the Goals 2000: Educate America Act.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 14, strike ", provided" and all that follows through "section" on line 18 and insert a period.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

—"(h) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

—"(i) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

—"(j) Nothing in this section shall be construed to mandate national standards for school buildings for a State, local educational agency, or school.

—Page 42, line 18, strike "; and" and insert a period.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—Page 75, line 12, strike "and opportunity-to-learn standards".

—Page 85, line 7, strike "opportunity-to-learn standards".

—Page 91, beginning on line 19, strike "and opportunity-to-learn standards".

—Page 328, beginning on line 11, strike "and opportunity-to-learn standards".

—Beginning on page 28, strike the semicolon on line 10 and all that follows through page 30, line 2 and insert a period.

—Page 28, after line 11 insert the following:

(iii) strategies for providing all students with an opportunity to learn.

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 38, beginning on line 16, strike "specific" and all that follows through line 18.

—Page 38, beginning on line 16, after the first "the"; insert, "opportunity to learn strategies developed or adopted by a State under this section."

—Page 39, beginning on line 16, strike "or" and all that follows through line 17.

—Page 39, beginning on line 15, after "agency" insert, "or school's opportunity to learn strategies as a condition of eligibility to receive funds under this title."

—Page 39, after line 17, insert the following (an redesignate any subsequent subsection accordingly):

"(h) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on voluntary opportunity to learn standards.

"(i) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency or school.

"(j) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 42, strike lines 19 through 22.

—Page 42, after line 18, insert the following:

(4) a description of the strategies a local educational agency will use to ensure that all students have an opportunity to learn.

—On page 67, strike lines 7 through 9 (and redesignate any subsequent paragraphs accordingly).

—On page 75, line 12, strike "and opportunity to learn standards".

—On page 85, line 7, strike "opportunity to learn standards".

—On page 91, line 19, strike "and opportunity to learn standards".

—On page 328, line 11–12, strike "and opportunity to learn standards".

—Beginning on page 28, strike line 12 and all that follows through page 30, line 2.

—Page 28, after line 11, insert the following:

"(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

"(I) the alignment of curricula, instructional media, and other school resources with the content and performance standards adopted by the State;

"(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

"(III) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State."

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly.)

—Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

"(g) Notwithstanding any other provision of this Act, the provisions of the model opportunity to learn standards that impose requirements on States, local education agencies, and schools (whether it be the actual development of the standards or actions taken to meet the standards) shall be treated as recommendations to the States, local educational agencies, and schools and compliance with such provisions shall be voluntary on the part of the States, local education agencies, and schools until the costs of implementing such provisions are fully funded by the Federal Government.".

—Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

"(i) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

"(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency or school

"(k) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9.

—Page 75, line 12, strike "and opportunity to learn standards".

—Page 85, line 7, strike "opportunity to learn standards".

—Page 91, line 19, strike "and opportunity to learn standards".

—Page 328, line 11-12, strike "and opportunity to learn standards".

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section regarding opportunity-to-learn standards shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school.

"(i) Nothing in this section shall be construed to mandate equalized per pupil spending for a State, local educational agency, or school.

"(j) Nothing in this section shall be construed to mandate national standards for school buildings for a State, local educational agency, or school.

—Page 39, after line 17, insert the following (and redesignate any subsequent subsections accordingly):

"(h) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school.

—Page 657, after line 15, add the following section:

"(l) EXCEPTION.—States which do not, as of the date of enactment of this Act, have in place a system for collecting such data for all students in such State, are not required to meet the requirement of this section as it pertains to the educational programs and services available to limited English proficient students. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State is required to comply with this requirement.

By Mr. GUNDERSON:

—Page 82, strike lines 1 through 4.

—Page 127, after line 21 insert:

"Subpart 3—Presidential Awards Program

"SEC. 1131. PRESIDENTIAL AWARDS PROGRAM.

"(a) DEVELOPMENT.—The Secretary shall, in consultation with the chairpersons and ranking minority members of the Committee on Education and Labor for the House of Representatives and the Committee on Labor and Human Resources of the Senate and educational leaders, develop a Presidential awards program that will recognize and provide a cash award to schools that excel in educating their students to high levels as defined by the National Education Goals and the standards certified by the National Education Standards and Improvement Council established under the Goals 2000: Educate America Act.

"(b) NOMINATIONS.—Schools recognized under this program will be selected by the Secretary from a list of nominees. Each State shall select a nominee to be submitted to the Secretary from among schools designated as distinguished schools under section 1119.

"(c) SELECTION.—The Secretary shall annually convene a panel of experts who will review nominated schools and select those who will receive awards. In addition to Presidential recognition, selected schools will receive a cash award which may be applied without restriction to enhance the educational programs in those schools or to provide cash awards to personnel in the school.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

—Page 311, on line 20, strike Part E—Education Program Strategies and insert the following:

PART E—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 2401. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources for all members of a community;

(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school to work programs, community colleges, and universities), recreational, cultural, and other community and human service entities for the purpose of meeting the needs and expanding the opportunities available to the residents of the communities served by such schools;

(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

SEC. 2402. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(a) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner city community.

(1) No school or consortia thereof shall receive a grant award of less than $50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluation of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs:

(A) A mechanism to disseminate information in a manner that is understandable and accessible to the community.

(B) Identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized.

(C) A description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunications used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) PRIORITY.—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2403. USES OF FUNDS.

(a) AUTHORIZED PROGRAMS.—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall include not less than 4 of the following activities:

(1) Literacy education programs.

(2) Senior citizen programs.

(3) Children's day care services.

(4) Integrated education, health, social service, recreational, or cultural programs.

(5) Summer and weekend school programs in conjunction with recreation programs.

(6) Nutrition, health, and/or physical therapy.

(7) Expanded library service hours to serve community needs.

(8) Telecommunications and technology education programs for all ages.

(9) Parenting skills education programs.

(10) Support and training for child day care providers.

(11) Employment counseling, training, and placement.

(12) Services for students who withdraw from school before graduating high school, regardless of age.

(13) Services for individuals who are either physically or mentally challenged.

SEC. 2404. AWARD OF GRANTS.

(a) IN GENERAL.—In approving grants under this section, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) GRANT PERIOD.—Grants may be awarded for a period not to exceed 3 years.

SEC. 2405. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996–1999.

—Page 323, on line 14, strike Section 2441 and insert the following:

SEC. 2441. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources for all members of a community;

(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school to work programs, community colleges, and universities), recreational, cultural, and other community and human service entities for the purpose of meeting the needs and expanding the opportunities available to the residents of the communities served by such schools;

(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

SEC. 2442. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(a) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner city community.

(1) No school or consortia thereof shall receive a grant award of less than $50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluation of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs:

(A) A mechanism to disseminate information in a manner that is understandable and accessible to the community.

(B) Identification of Federal, State, and local programs to be merged of coordinated so that public resources may be maximized.

(C) A description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunications used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) PRIORITY.—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2443. USES OF FUNDS.

(a) AUTHORIZED PROGRAMS.—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall include not less than 4 of the following activities:

(1) Literacy education programs.

(2) Senior citizen programs.

(3) Children's day care services.

(4) Integrated education, health, social service, recreational, or cultural programs.

(5) Summer and weekend school programs in conjunction with recreation programs.

(6) Nutrition, health, and/or physical therapy.

(7) Expanded library service hours to serve community needs.

(8) Telecommunications and technology education programs for all ages.

(9) Parenting skills education programs.

(10) Support and training for child day care providers.

(11) Employment counseling, training, and placement.

(12) Services for students who withdraw from school before graduating high school, regardless of age.

(13) Services for individuals who are either physically or mentally challenged.

SEC. 2444. AWARD OF GRANTS.

(a) IN GENERAL—In approving grants under this section, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) GRANT PERIOD.—Grants may be awarded for a period not to exceed 3 years.

SEC. 2445. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of education, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2446. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996–1999.

—Page 323, on line 12, strike "Subpart 4—21st Century Community Learning Centers", and insert the following:

PART F—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 2441. FINDINGS.

The Congress finds that—

(1) a local public school often serves as a center for the delivery of education and human resources for all members of a community;

(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school to work programs, community colleges, and universities), recreational, cultural, and other community and human service entities for the purpose of meeting the needs and expanding the opportunities available to the residents of the communities served by such schools;

(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

SEC. 2442. PROGRAM AUTHORIZATION AND DISTRIBUTION.

(A) GRANTS BY THE SECRETARY.—The Secretary is authorized in accordance with the provisions of this subsection to make grants to rural and inner city schools or consortia thereof to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner city community.

(1) No school or consortia thereof shall receive a grant award of less than $50,000 in each fiscal year; and

(2) such grant projects do not exceed a 3-year period.

(b) APPLICATION.—To be eligible to receive funds under this section, a school or consortia thereof shall submit an application to the Secretary of Education at such time and in such manner as the Secretary may reasonably prescribe, that shall include—

(1) a comprehensive local plan that enables such school to serve as a center for the delivery of education and human resources for members of a community; and

(2) an initial evaluation of needs, available resources, and goals and objectives for the proposed community education program to determine programs that will be developed to address these needs:

(A) A mechanism to disseminate information in a manner that is understandable and accessible to the community.

(B) Identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized.

(C) A description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations.

(D) A description of how the school will assist as a delivery center for existing and new services, especially inter-active telecommunication used for education and professional training.

(E) The establishment of a facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

(3) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

(4) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

(c) PRIORITY.—The Secretary shall give priority to applications that offer a broad selection of services that address the needs of the community.

SEC. 2443. USES OF FUNDS.

(a) AUTHORIZED PROGRAMS.—Grants awarded under this section may be used to plan, implement, or expand community learning centers which shall include not less than 4 of the following activities:

(1) Literacy education programs.

(2) Senior citizen programs.

(3) Children's day care services.

(4) Integrated education, health, social service, recreational, or cultural programs.

(5) Summer and weekend school programs in conjunction with recreation programs.

(6) Nutrition, health, and/or physical therapy.

(7) Expanded library service hours to serve community needs.

(8) Telecommunications and technology education programs for all ages.

(9) Parenting skills education programs.

(10) Support and training for child day care providers.

(11) Employment counseling, training, and placement.

(12) Services for students who withdraw from school before graduating high school, regardless of age.

(13) Services for individuals who are either physically or mentally challenged.

SEC. 2444. AWARD OF GRANTS.

(a) IN GENERAL.—In approving grants under this section, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) GRANT PERIOD.—Grants may be awarded for a period not to exceed 3 years.

SEC. 2445. DEFINITIONS.

(1) the term "Community Learning Center" means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, and cultural, recreational, and other community and human service entities; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 2446. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996–1999.

—Page 826, after line 18, add a new section:

SEC. 254. DISCLOSURE REQUIREMENTS.

Each educational organization, prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

(A) the origin of any mailing list used for such solicitation and selection;

(B) any recruitment through teacher or school personnel, including any enticements offered to such teacher or personnel for the recommendation of a minor for participation in the educational program;

(C) any open enrollment activity, including the method of outreach; and

(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

(2) COST AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

(i) food;

(ii) lodging;

(iii) transportation;

(iv) program staffing;

(v) textbooks, syllabi, or other scholastic educational program materials;

(vi) speaker fees; and

(vii) administrative expenses, including expenses related to—

(I) the preparation of non-scholastic educational program materials;

(II) the provision of financial assistance;

(III) mailing list rental or other recruitment activity; and

(IV) administrative salaries and consulting fees;

(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

(3) NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.—

(a) IN GENERAL.—Each educational organization shall include a verifiable statement on all enrollment or recruitment material that the educational organization does not—

(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, or

(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program, on the basis of race, disability, or residence in a low-income area.

(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

(1) participation in an educational program or any benefit associated with such program; or

(2) a waiver of any fee charged for such participation or benefit.

(4) ENFORCEMENT.—

(a) IN GENERAL.—The Secretary of Education shall monitor compliance with the provisions of this section.

(b) CIVIL PENALTY.—If an educational organization knowingly violates any provision of this Act, the Secretary of Education, after notice and opportunity for hearing, may impose on such organization a civil fine of not more than $1,000 for each such violation.

(1) participation in an educational program or any benefit associated with such program; or

(2) a waiver of any fee charged for such participation or benefit.

—Page 901, after line 4, insert the following:

TITLE VI—PROGRAM STRATEGIES

SEC. 601. INNOVATIVE PROGRAM STRATEGIES.

Part E of title II of the Elementary and Secondary Education Act of 1965, as amended by section 101 of this Act, is further amended to read as follows:

"PART E—EDUCATION PROGRAM STRATEGIES

"SEC. 2401. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that chapter 2 of the Education Consolidation and Improvement Act of 1981 has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this part:

"(1) To support local education reform efforts which are consistent with and support statewide reform efforts under Goals 2000.

"(2) To support State and local efforts to accomplish the National Education Goals.

"(3) To provide funding to enable State and local educational agencies to implement promising educational reform programs that can be supported by State and local sources of funding after such programs are demonstrated to be effective.

"(4) To provide a continuing source of innovation, educational improvement, and support for library services and instructional materials, including media materials and,

"(5) To meet the special educational needs of at risk and high cost students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own districts.

"SEC. 2402. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this part, there are authorized to be appropriated $435,000,000 for fiscal year 1995 and such sums in each of the fiscal years 1996 through 1999.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending, September 30, 1999, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this section.

"Subpart 1—State and Local Programs

"SEC. 2411. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the

Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this subpart—

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 2412. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families,

"(2) children from low-income families, and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—(1) The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools, and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this part, for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

"(2)(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families,

"(ii) children from low-income families, or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) From the funds paid to it pursuant to section 2402 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 2423 the amount of its allocation as determined under subsection (a).

"(2)(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit school in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"Subpart 2—State Programs

"SEC. 2421. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this section only for—

"(1) State administration of programs under this section including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this part; and

"(2) technical assistance and direct grants to local educational agencies and statewide education reform activities which assist local educational agencies to provide targeted assistance.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 2423. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive a grant under this subpart shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part;

"(2)(A) provides for an annual submission of date on the use of funds, the types of services furnished, and the students served under this section; and

"(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this subpart;

"(3) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(4) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision making processes of local educational agencies as to the expenditure made pursuant to an application under section 2433; and

"(5) contain assurances that there is compliance with the specific requirements of this chapter.

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average of $5,000 each under this section need not be audited more frequently than once every 5 years.

"Subpart 3—Local Targeted Assistance Programs

"SEC. 2431. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds allocated for use under this subpart shall be used by local educational agencies for targeted assistance described in subsection (b).

"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) include—

"(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

"(2) instructional and educational materials, assessments, and library services and materials (including media materials) tied to high academic standards and which are part of an overall education reform program;

"(3) promising education reform projects, including 21st Century Learning Center school projects in accordance with subpart 4; and

"(4) computer hardware and software purchased under this section should be used only for instructional purposes.

"SEC. 2432. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this part, each State or local educational agency may use funds reserved for this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums , and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 2433. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this subpart for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1) sets forth the planned allocation of funds among targeted assistance programs described in section 2431 of this part and describes the programs, projects and activities designed to carry out such targeted assistance which it intends to support, together with the reasons for selection of such programs, projects and activities; and

"(2) describes how assistance under this section will contribute to meeting the National Education Goals and improving student achievement or improving the quality of education for students;

"(3) agrees to keep such records, and provide such information to the State educational agency as may reasonably be required for fiscal audit and program evaluation, concession with the responsibilities of the State agency under this part; and

"(4) provides in the allocation of funds for the assistance authorized by this part, and in the design, planning and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this section (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"Subpart 4—21st Century Community Learning Centers

"SEC. 2441. FINDINGS.

"The Congress finds that—

"(1) there are influences outside of school which affect the ability of a child to achieve academically and schools are in a unique position to identify student and family needs to coordinate programs;

"(2) access to health and social service programs can assist children and their families to improve the ability of the family to take an active role of their child's education;

"(3) coordination of health and social service programs with education can help the Nation meet the National Education Goals and ensure better outcomes for children;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful;

"(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities; and

"(6) local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages.

"SEC. 2442. FUNDS FOR COMMUNITY LEARNING CENTERS.

"(a) IN GENERAL.—Local educational agencies may use funds provided under section 2412 to pay the Federal share of the cost for enabling schools to serve as centers for the delivery of education and human services for members of a community.

"(b) USES OF FUNDS.—Local educational agencies may use funds provided under section 2412 for projects described under this subpart.

"SEC. 2443. PROGRAMS.

"Local educational agencies that receive funds under this subpart may develop programs that include—

"(1) literacy education programs;

"(2) senior citizen programs;

"(3) children's day care services;

"(4) integrated education, health, social service, recreational, or cultural programs;

"(5) summer and weekend school programs in conjunction with summer recreation programs;

"(6) nutrition programs;

"(7) expanded library service hours to serve community needs;

"(8) telecommunications and technology education programs for all ages;

"(9) parenting skills education programs;

"(10) support and training for child day care providers;

"(11) employment counseling, training, and placement;

"(12) services for students who withdraw from school before graduating high school, regardless of age; and

"(13) services for individuals who are either physically or mentally challenged.

"SEC. 2444. REQUIREMENTS.

"A local educational agency that uses funds to develop programs under this subpart shall, at the end of the first year for which funds are used for this purpose, provide information to the State educational agency which describes the activities and projects established with funds under this subpart and includes—

"(1) information on the comprehensive local plan that enables such school to serve as a center for the delivery of education and human services for members of a community; and

"(2) information on the initial evaluation of needs, available resources, and goals and objectives for the proposed community education program and how such evaluation was used to determine the program developed to address such needs; including—

"(A) the mechanism used to disseminate information in a manner understandable and accessible to the community;

"(B) identification of Federal, State, and local programs merged or coordinated so that public resources could be maximized;

"(C) a description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school will assist as a delivery center for existing and new services; and

"(E) the establishment of the facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

"SEC. 2445. DEFINITION.

"For purposes of this subpart, the term 'Community Learning Center' means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, cultural, recreational, and other community and human service entities.

By Mr. HEFLEY:

—Page 28, line 12, before "opportunity" insert: "to the extent that Federal funds are available,".

—Page 218, strike lines 10 through 18.

By Mr. HOAGLAND:

—Page 49, line 24, strike "and".

—Page 50, line 12, strike the period and insert "; and".

—Page 50, line 13, strike "Notwithstanding" and insert "notwithstanding".

—Page 50, line 19, strike the period and insert; and" and add after that line the following:

"(4) to the extent feasible, use funds received under this part to serve educationally deprived children who reside in school attendance areas having high concentrations of children from low-income families or who are under a school desegregation plan and who otherwise meet the eligibility requirements of this part and who attend schools in noneligible attendance areas.

—Sec. 1113.

I am submitting the following amendment to the Sec. 1113 "Eligible School Attendance Areas" of H.R. 6 because as it is currently written, school districts under a desegregation order of voluntary desegregation plan do not use "geographical area" as the criteria for defining school attendance area. Instead, they can be based on census tract data, or other data. These school districts would thus not be able to continue funding for otherwise eligible students because of the language in H.R. 6. This is clearly not the intent of the bill, and I think this must be corrected. There are currently 41 schools in my district served by Chapter 1. H.R. 6 would limit that number to 25, and would discontinue funds for 1200 eligible students in my district. I am submitting this amendment to correct this unintended inequity.

By Mr. HOYER:

—Page 51, line 25, after "funds" insert "for the activities set forth in this section, in order".

—Page 52, line 11, strike "60" and insert "50".

—Page 55, line 1, after "students," insert "provide timely assistance to students having difficulty meeting the standards,".

—Page 59, line 8, strike "shall" and insert "may".

—Page 59, beginning on line 8, strike "in addition to" and insert "as part of".

—Page 71, line 2, strike "that it deems appropriate" and insert ", which may include actions to withhold or transfer funds and authority from schools that are failing to make adequate progress as defined in section 1111(b)(2), as will assure adequate progress for all students".

—Page 900, after line 23, insert the following (and redesignate any subsequent sections accordingly):

SEC. 502. STUDY OF THE EFFECTIVENESS AND IMPACT OF FEDERAL CATEGORICAL AID PROGRAMS.

(a) STUDY.—In addition to the national assessment conducted pursuant to section 1501 of the Elementary and Secondary Education Act of 1965, as amended by section 101 of this Act, the Secretary of Education shall conduct a comprehensive study of the effectiveness of other Federal categorical aid programs and the administrative impact of such programs on schools and local educational agencies.

(b) CONTENTS.—Such study shall—

(1) examine the effectiveness of elementary and secondary school categorical programs, including those authorized in this Act and elsewhere, in improving the educational achievement of participating students;

(2) encompass an in-depth evaluation of the administrative impact of the broad range of categorical programs on participating schools and local educational agencies;

(3) include a comprehensive review of the programs to determine their effect on—

(A) the improvement in educational achievement of participating students;

(B) school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students; and

(C) overall school reform efforts, including efforts undertaken by States and encouraged by Federal laws, such as the Goals 2000: Educate America Act;

(4) evaluate the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, and the impact on student achievement and school and local educational agency administrative responsibilities and structure; and

(5) examine the effect of waivers on categorical program requirements and other flexibility provisions in this Act, the School-to-Work Opportunities Act, and the Goals 2000: Educate America Act on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources.

(c) PANEL.—The Secretary shall appoint an independent panel to review the plan for the study, to advise on the progress of the study, and to comment, if it so wishes, on the final report.

(d) REPORT.—The Secretary shall submit the report not later than January 1, 1997, to the Committee on Education and Labor of the House of Representatives, to the Senate Committee on Labor and Human Resources, and to the Labor, Health and Human Services, and Education Subcommittees of the House and Senate Appropriations Committees.

By Mr. SAM JOHNSON of Texas:

—No funds made available through the Department of Education under this Act shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local education agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

By Mr. KILDEE:

—Page 53, line 8, strike "60" and insert "50".

—Page 729, strike lines 15 and all that follows through page 730, line 21.

—Page 762, after line 8, insert the following:

"SEC. 9508. APPLICABILITY TO HOME SCHOOLS.

"Nothing contained in this Act shall be construed to affect home schools.

—Page 218, line 14, strike "in schools under the jurisdiction of the agency" and insert "in public schools".

—Page 218, line 16 after "assigned." insert "This requirement shall not apply to any private school or home school."

—Page 53, line 8, strike "60 percent" and insert "50 percent, if the amount appropriated under section 1002(1) for a fiscal year equals or exceeds $10,500,000,000".

—Page 884, line 25, strike "influence," and insert "influence; and".

—Page 885, line 1, insert "and the National Assessment Governing Board" after "Commissioner".

—Page 885, line 2, strike "Progress," and all that follows through line 12 and insert "Progress."

—Page 896, strike lines 6 through line 9 and insert the following:

"(e) STUDENT PERFORMANCE LEVELS.—(1) The National Assessment Governing Board established under section 412, working with the Assistant Secretary, shall develop appropriate student performance levels for each age and grade in each subject area to be tested under the National Assessment.".

—Page 896, line 8, strike "goals" and insert "levels".

—Page 896, line 12, strike "goals" and insert "levels".

—Page 896, line 13, strike "goals" and insert "levels".

—Page 896, line 20, strike "goals" and insert "levels".

—Page 896, after line 23, insert the following:

"(4) The Commissioner may use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

—Page 897, line 4, strike "goals" and insert "levels".

Redesignate section 412 as section 413.

—Page 898, after line 5, insert the following:

"SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (the "Board") which shall formulate policy guidelines for the National Assessment, as provided in subsection (e).

"(b) MEMBERSHIP.—(1) The Board shall be appointed by the Secretary and shall be composed of—

"(A) 2 Governors, or former Governors, who shall not be members of the same political party;

"(B) 2 State legislators, who shall not be members of the same political party;

"(C) 2 chief State school officers;

"(D) 1 member of a State board of education;

"(E) 1 superintendent of a local educational agency;

"(F) 1 member of a local board of education;

"(G) 3 classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) 1 representative of business or industry;

"(I) 2 curriculum specialists;

"(J) 3 testing and measurement experts;

"(K) 1 nonpublic school administrator or policymaker;

"(L) 2 school principals, one of whom is an elementary school principal and the other of whom is a secondary principal; and

"(M) 4 additional members who are representatives of the general public, including parents.

"(2) The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio and nonvoting member of the Board.

"(3) In making appointments under this subsection and filling vacancies under subsection (d), the Secretary shall ensure that the membership of the Board reflects regional, racial, gender, and cultural diversity and balance.

"(c) TERMS.—(1) Terms of service of members of the Board shall be staggered and may not exceed a period of 3 years, as determined by the Secretary.

"(2) Members of the Board may serve not more than two consecutive terms.

"(3) A member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

"(d) VACANCIES.—The Secretary shall appoint new members to fill vacancies on the Board—

"(1) after soliciting recommendations from a wide variety of organizations, including those representing the types of individuals listed in subsection (b)(1); and

"(2) in a manner which maintains the composition, diversity and balance of the Board required under subsection (b).

"(e) DUTIES.—(1) The Board, working with the Assistant Secretary, shall develop—

"(A) appropriate student performance levels as provided in section 411(e);

"(B) assessment objectives and test specifications through a national consensus approach which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public;

"(C) guidelines for analysis plans and for reporting and disseminating National Assessment results; and

"(D) recommendations for actions needed to improve the form and use of the National Assessment.

"(2) The Board, working with the Commissioner, shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

"(3) In carrying out the duties required by paragraph (1), the Board shall seek technical advice, as appropriate, from the Commissioner and the Advisory Council on Education Statistics.

"(f) PERSONNEL.—(1) The Secretary may appoint, at the request of the Board, such staff as will enable the Board to carry out its responsibilities under subsection (e)(1).

"(2) Such appointments may include, for terms not to exceed 3 years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(h) ADMINISTRATION.—(1) The Board shall be subject to the provisions of the Federal Advisory Committee Act, including the requirement for open meetings.

"(2)(A) No member or employee of the Board, in the course of the official duties of such member or employee, may engage in activities designed to directly or indirectly influence legislation which is or may be considered by the Congress, except in instances where a representative of the Board has been invited to provide testimony before a committee of the Congress.

"(B) Any member or employee of the Board who knowingly engages in the conduct prohibited by subparagraph (A) may be subject to either confinement for a period not to exceed 6 months or a fine not to exceed $10,000, or both.

—Page 898, line 7, strike "There" and insert "(1) There".

—Page 898, line 8, strike "title" and insert "title (except section 412)".

—Page 898, after line 10, insert the following:

"(2) There are authorized to be appropriated to carry out section 412 $1,000,000 for each of the fiscal years 1995 and 1996.

—Page 752, strike line 2 and all that follows through line 12 of page 754 and insert the following:

"SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

"(a) GENERAL.—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or any regulation under this Act for a State educational agency, local educational agency, Indian tribe, or school, or that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver as prescribed in subsection (b).

"(b) REQUEST FOR WAIVER.—(1) A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

"(i) increase the quality of instruction to students; or

"(ii) improve the academic performance of students;

"(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies or Indian tribe and schools to achieve the objectives described in this paragraph;

"(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

"(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

"(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

"(2) Such requests under this section—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools.

"(B) shall be developed and submitted—

"(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

"(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

"(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

"(c) NOTICE REQUIREMENT.—(1) Prior to requesting a waiver under subsection (b), a State educational agency, local educational agency, or Indian tribe shall provide notice and information to the public regarding the waiver or waivers to be requested.

"(2) Such notice and information shall be provided in the manner that such agencies or tribes customarily provide similar notices and information to the public.

"(d) RESTRICTIONS.—Nothing in this section shall be construed to authorize any changes in—

"(1) requirements relating to—

"(A) the allocation of funds;

"(B) maintenance of effort;

"(C) comparability of services;

"(D) use of Federal funds to supplement, not supplant non-Federal funds;

"(E) equitable participation of private school students and teachers; and

"(F) parental participation and involvement;

"(2) the elements of a charter school described in section 3407(1); or

"(3) the prohibitions regarding—

"(A) State aid in section 9502; or

"(B) use of funds to religious worship or instruction in section 9507.

"(e) DURATION AND EXTENSION OF WAIVER.—(1) The duration of a waiver approved by the Secretary may be for a period not to exceed 3 years.

"(2) The Secretary may extend such period if the Secretary determines that the use of such waiver has increased the quality of instruction or the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if—

"(1) the Secretary determines that the use of a waiver has not increased the quality of instruction or improved the academic performance of students; or

"(2) such waiver is no longer needed by the recipient to achieve the objectives of such waiver.

"(g) REPORTS.—

"(1) A local educational agency that receives a waiver under this section shall annually submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) A State educational agency that receives reports required by paragraph (1) shall annually submit a report to the Secretary that summarizes such reports.

"(3) An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(3) The Secretary annually shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

By Mr. KILDEE:

—Page 5, amend the heading for part E of title II of the Elementary and Secondary Education Act of 1965 in the table of contents as follows:

"PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES".

—Page 8, in the item relating to title V, strike:

"TITLE V—MAGNET SCHOOLS ASSISTANCE

"PART A—PROMOTING EQUITY"

and insert

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE"

—Page 15, in the item relating to section 501, strike "study" and insert "evaluation".

—Page 37, strike lines 8 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 37, line 23, strike "and revision".

—Page 37, after line 23, insert the following (and redesignate any subsequent paragraphs accordingly):

"(2) shall appoint individuals to the peer review process who shall be representative of State educational agencies, local educational agencies, teachers, and parents;".

—Page 52, line 19, after "1117" insert "(c)(1) and (e)".

—Page 52, line 20, after "system" insert ", together with other providers of assistance with which the State has made specific arrangements to assist schoolwide programs, such as comprehensive technical assistance centers, regional laboratories, and institutions of higher education,".

—Page 52, line 22, strike ", including" and all that follows through "team" on line 24.

—Page 56, line 18, after "local educational agency" insert "and its school support team or other technical assistance provider consistent with the provisions in subsections (c)(1) and (e) of section 1117".

—Page 59, strike lines 8 through 14 and insert the following:

identification shall be subject to corrective actions by the local educational agency, as well as, where appropriate, termination of schoolwide program status.

"(3) A school that has forfeited its schoolwide status may not regain such status until the local educational agency determines that the school has adequately reformed its schoolwide program plan to enable it to make adequate progress toward meeting the State's challenging performance standards.

—Page 70, line 16, strike "; and" and insert a comma.

—Page 70, line 18, before the period insert ", and in the case of schoolwide programs, terminating schoolwide status".

—Page 72, line 20, strike "standards." and insert "standards, and submit such plan to the State educational agency for approval.".

—Page 188, line 21, strike "and middle schools" and insert ", middle schools, and secondary schools".

—Page 311, strike line 20 and insert the following:

"PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES".

—Page 312, line 8, strike "Goals 2000" and insert "Goals 2000: Educate America Act".

—Page 313, beginning on line 25, strike "the Trust Territory of the Pacific Islands".

—Page 314, line 1, insert "and Palau (until the effective date of the Compact of Free Association with the Government of Palau)," after "the Northern Mariana Islands,".

—Page 319, line 19, strike "chapter" and insert "part".

—Page 322, line 15, after "local" insert "educational".

—Page 445, strike lines 7 through 9 and insert the following:

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE".

—Page 757, line 5, strike "and".

—Page 757, line 6, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(B) Subpart 1 of part B and part C of title II; and".

—Page 802, strike lines 14 through 25.

—Page 898, line 12, strike "Study" and insert "Evaluation".

—Page 898, line 14, strike "In addition to" and insert "In collaboration with".

—Page 898, line 17, strike "study" and insert "evaluation".

—Page 898, line 21, strike "study" and insert "evaluation".

—Page 898, line 25, strike "study" and insert "evaluation".

—Page 899, line 2, after "Opportunities Act" insert "and shall be coordinated with evaluations of such acts".

—Page 899, line 3, strike "study" and insert "evaluation".

—Page 899, line 13, strike "study" and insert "evaluation".

—Page 899, line 20, strike "to such" and insert "with such".

—Page 900, line 3, strike "study" and insert "evaluation".

—Page 900, line 11, strike "study" and insert "evaluation".

—Page 900, line 17, strike "study" and insert "evaluation".

—Page 900, line 19, after "report." insert "The panel shall not be subject to the Federal Advisory Committee Act.".

—Page 901, strike lines 2 through 4 and insert the following: "Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriation Acts.

Strike out part G of title VI of the Elementary and Secondary Education Act of 1965, as proposed to be added by the amendment made by section 101 of the bill (page 519, line 8 through page 617, line 24).

—Page 875, after line 20, insert the following:

PART F—AMENDMENTS TO STATUTES PERTAINING TO INDIAN EDUCATION

SEC. 351. BUREAU OF INDIAN AFFAIRS.

Part B of title XI of Public Law 95-561 (25 U.S.C. 2001 et seq.) is amended to read as follows:

—Page 875, after line 20, insert the text set out in the bill as part G of title VI of the Elementary and Secondary Education Act of 1965 (page 519, line 8 through page 617, line 24) and redesignate that part as part B, redesignate the sections in that part so as to begin with section 1121, and revise cross references to those sections accordingly.

—Page 875, after line 20, insert the following:

SEC. 352. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) Certain Provisions To Apply to Grants.—All provisions of section 5, 6, 7, 104, 105(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.".

SEC. 353. PAYMENTS.

Section 5209(e) of Public Law 100-297, the Tribally Controlled Schools Act of 1988, is amended—

(1) by striking "the amount of the grant under section 5205 (and the amount of funds referred to in that section), any payments to be made under section 5208 of this Act," and inserting in lieu thereof: "a grant authorized to be made pursuant to this part or any amendment to such grant";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting in lieu thereof "an administrative cost grant"; and

(3) by adding at the end thereof "and the Equal Access to Justice Act shall apply to administrative appeals filed after January 1, 1994, by grantees regarding the Tribally Controlled Schools Grant and Administrative Cost Grants.".

SEC. 354. ENDOWMENT FUNDS.

Section 302 of Public Law 95-471, the Tribally Controlled Community Colleges Assistance Act of 1978, is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331";

(2) in subsection (b), by deleting paragraph (1) and inserting in lieu thereof the following:

"(1) provides for the investment and maintenance of funds covered by such endowment account under the same conditions and limitations as are in section 331 of the Higher Education Act and the regulations implementing such provisions in effect at the time such funds are invested;

(3) in subsection (b)(3) by striking "same" the first time it appears.

SEC. 355. HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1518 of title XV of the Higher Education Amendments of 1992 (relating to the Santa Fe Arts Institute) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(6) For the purpose of complying with the contribution requirement in this subsection, the Institute may use funds or in-kind contributions of real or personal property. For the purposes of this paragraph, all contributions, in-kind and real estate, which are on hand as of November 29, 1990, and which were received after June 2, 1988, but which have not been included in their entirety in computations under this section shall be eligible for matching with Federal funds appropriated in any year."; and

(2) in subsection (c), by striking paragraph (1) and inserting in lieu thereof the following:

"(1) Funds in the trust funds described in subsections (a) and (b) shall be invested under the same conditions and limitations as are in section 331 of the Higher Education Act, and the regulations implementing such provisions in effect at the time such funds are invested.".

—Page 738, line 8, insert the following:

"SEC. 9104. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act, the Bureau of Indian Affairs may apply on behalf of the schools which it operates and it shall be subject to all program and application requirements of the program for which it applies.".

—Page 486, strike line 24 and all that follows through page 487, line 21 and insert the following:

"(f)(1)(A) The Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this part each fiscal year, such sampling to take into account size of the recipient and geographic location. The purpose of the sampling shall be to provide the Secretary with such information as is necessary to assist the Secretary in carrying out his or her responsibility to provide technical assistance under this part.".

—Page 491, strike line 13 and all that follows through page 500, line 2, and insert the following:

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) Purpose; Coordination.—(1) It is the purpose of this section to support projects that are to develop, text, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) The Secretary shall take such steps as are necessary to achieve coordination of projects funded under this part with other programs funded under this Act and with other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) Eligible Applicants.—State educational agencies, local educational agencies, Indian tribes, Indian organizations, federally supported elementary and secondary schools for Indian students, Indian institutions, including Indian institutions of higher education, and consortia thereof may apply for grants under this section.

"(c) Authorized Projects and Activities.—Recipients of grants under this section shall use the grant funds to carry out projects and activities that meet the purpose of this section, such as—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) educational services not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core curriculum areas of English, mathematics, science, foreign languages, art, history, and geography;

"(3) bilingual and bicultural programs and projects;

"(4) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children;

"(5) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school and to increase the rate of high school graduation;

"(6) comprehensive guidance, counseling, and testing services;

"(7) early childhood and kindergarten programs, including family based preschool programs that emphasize school readiness and parental skills, and services to Indian children with disabilities;

"(8) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;

"(9) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(10) programs designed to encourage and assist Indian student to work toward, and gain entrance into, institutions of higher education; and

"(11) other services which meet the needs of this section.

Preservice or in-service training of professional and paraprofessional personnel may be a part of any program authorized under this section.

"(d) Grants and Applications.—

"(1) Grants.—(A) The Secretary may make grants under this section for up to 5 years. Grants may be made for the planning, development, pilot operation, or demonstration of any activity authorized under this section, with priority given to those applications which present a plan for combining 2 or more of these operations over a multiyear period. The Secretary shall make such multiyear grants subject to the conditions included below and shall provide continuation funding for each fiscal year upon a positive determination that the applicant has made substantial progress in carrying out the operations covered under each grant period, as set forth in the initial grant and any subsequent modifications.'

"(B) The Secretary is also authorized to make dissemination grants. Prior to making any such dissemination grant, the Secretary shall make a finding that the material or program to be disseminated has been adequately reviewed and has shown (i) educational merit, and (ii) an ability to be replicated.

"(2) Applications.—(A) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought;

"(ii) as assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and "(iii) such other assurances and information as the Secretary may reasonably require.

"SEC. 6202. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSE.—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people, and to provide training as teachers, administrators, teacher aides, social workers, and ancillary educational personnel, and to improve the skills of those presently serving in these capacities.

"(b) ELIGIBLE APPLICANTS.—Eligible applicants under this section are—

"(1) institutions of higher education, including Indian institutions of higher education;

"(2) State and local educational agencies, in consortium with institutions of higher education; and

"(3) Indian tribes and organizations, in consortium with institutions of higher education.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1) Each recipient of a grant under this section shall use the grant funds to provide support and training for Indian persons, consistent with the purposes of this section. Such activities may include, but are not limited to, a continuing program, symposia, workshops, conferences, and direct financial support.

"(2)(A) For education personnel, such training may be in-service or preservice.

"(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.

"(3) In programs funded under this section, preference shall be given to the training of Indians.

"(4) In making grants under this section, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.

"(d) PROJECT PERIOD.—The project period for each project approved under this section shall be up to 5 years.

"(e) SERVICE OBLIGATION.—The Secretary shall, by regulation, require that individuals who receive training under this section perform related work which benefits Indian people or repay all or a prorated part of the support received. The Secretary shall establish by regulation a mechanism for having the recipient provide information of compliance with this requirement beginning within 12 months of the completion of training received.".

—Page 501, strike line 21 and all that follows through page 502, line 2 and insert the following:

"(e) SERVICE OBLIGATION.—The Secretary shall, by regulation, require that individuals who receive financial assistance under this section perform related work which benefits Indian people or repay all or a prorated part of the support received. The Secretary shall establish by regulation a mechanism for having the recipient provide information of compliance with this requirement beginning within 12 months of the completion of training received.".

—Page 507, strike line 19 and all that follows through page 509, line 2.

—Page 411, line 13, strike "5004(a)(1)" and insert "4004(a)(1)".

—Page 412, line 2, strike "5202" and insert "4202".

—Page 412, line 5, strike "5106(a)" and insert "4106(a)".

—Page 413, line 11, strike "5101" and insert "4101".

—Page 413, line 17, strike "5101" and insert "4101".

—Page 414, line 21, strike "5104" and insert "4104".

—Page 414, line 25, strike "5106(a)" and insert "4106(a)".

—Page 415, line 5, strike "5103(a)" and insert "4103(a)".

—Page 415, line 16, strike "5105" and insert "4105".

—Page 415, line 19, strike "5103(b)" and insert "4103(b)".

—Page 416, line 2, strike "5103(d)(2)(A)(i)(II)" and insert "4103(d)(2)(A)(i)(II)".

—Page 416, line 25, strike "5101" and insert "4101".

—Page 417, line 6, strike "5121" and insert "4121".

—Page 417, line 11, strike "5101" and insert "4101".

—Page 417, line 19, strike "5122" and insert "4122".

—Page 421, line 19, strike "5104" and insert "4104".

—Page 422, line 24, strike "5103(d)" and insert "4103(d)".

—Page 424, line 24, strike "5102" and insert "4102".

—Page 425, line 15, strike "5103(d)(2)(A)(i)(I)" and insert "4103(d)(2)(A)(i)(I)".

—Page 425, line 16, strike "5103(d)(2)(A)(i)(II)" and insert "4103(d)(2)(A)(i)(II)".

—Page 426, line 12, strike "5102" and insert "4102".

—Page 432, line 5, strike "5122" and insert "4122".

—Page 434, line 10, strike "5103(b)" and insert "4103(b)".

—Page 434, line 11, strike "5103(d)" and insert "4103(d)".

—Page 435, line 9, strike "5004(a)(2)" and insert "4004(a)(2)".

—Page 437, line 2, strike "5106(a)" and insert "4106(a)".

—Page 438, line 9, strike "5101(a)(3)" and insert "4101(a)(3)".

—Page 311, strike line 20 and insert the following:

PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES

—Page 313, after line 19, insert the following:

SEC. 2403. DEFINITION.

For the purposes of this part the term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

(1) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

(2) emphasis on the acquisition of basic and higher order skills;

(3) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

(4) a climate of expectation that virtually all children can learn under appropriate conditions; and

(5) continuous assessment of students and programs to evaluate the effects of instruction.

—Page 318, line 11, after "activities" insert "including effective schools programs".

—Page 319, after line 5, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) sets forth the allocation of such funds required to implement section 2252.".

—Page 320, line 24, insert "effective schools and" after "including".

—Page 321, line 19, insert "(A)" after "(1)".

—Page 321, after line 25, insert the following:

"(B) sets forth the allocation of such funds required to implement section 2252;".

—Page 322, after line 4, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section 2252;".

—Page 327, after line 14, insert the following:

"Subpart 5—General Administrative Provisions

"SEC. 2451. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 2252. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

"(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

"(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) Equal Expenditures.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) Funds.—(1) The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

"(d) State Prohibition Waiver.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) Waiver and Provision of Services.—(1) If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(f) Determination.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) Payment From State Allotment.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this part.

"(h) Review.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(i) Prior Determination.—Any bypass determination by the Secretary under chapter 2 of the Education Consolidation and Improvement Act of 1981 shall, to the extent consistent with the purposes of this chapter, apply to programs under this chapter.

"SEC. 2253. EVALUATIONS AND REPORTING.

"(a) Local Educational Agencies.—A local educational agency which receives financial assistance under this part shall report annually to the State educational agency on the use of funds under section 2431. Such reporting shall be carried out in a manner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

"(b) State Educational Agencies.—A State educational agency which receives financial assistance under this part shall evaluate the effectiveness of State and local programs under this part in accordance with section 2423(a)(2)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

"(c) Reports.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this part.

"(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this part.

"(B) The Secretary shall not later than October 1, 1998, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this part.

"SEC. 2254. FEDERAL ADMINISTRATION.

"(a) Technical Assistance.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

(b) Rulemaking.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

(c) Availability of Appropriations.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 2255. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

"(a) General Rule.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this part.

"(b) Applicability.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this part with respect to the programs authorized by this part:

"(1) Section 410(a)(1) of the General Education Provisions Act is superseded by section 2254(b) of this part.

"(2) Section 433(a) of such Act is superseded by section 2254(a) of this part.

"(3) Section 436 of such Act is superseded by sections 2223 and 2233 of this part.

"(c) Special Rule.—Sections 440, 441, and 442 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, may not apply to the programs authorized by this part and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this part.".

—Page 82, line 16; insert "basic" following instructional.

—Page 82, section 1122(c)(2) is amended by inserting after subparagraph (A) the following new subparagraph and redesignating the succeeding subparagraphs and paragraph (2) accordingly:

"(B) for the purpose of subparagraph (A), in the determination of expenditures per pupil from state and local funds or instructional salaries per pupil from state and local funds, staff salary differentials for years of employment shall not be included."

—On page 855, after line 17, insert the following new paragraph:

"(9) A state and local educational agency shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy. Consideration shall be given to state and local housing and shelter policies described in the Comprehensive Housing Affordability Strategy to minimize educational disruption for children who become homeless.

—Page 852, line 24, delete ", to the extent possible,".

—Page 852, line 25, after "selection" add "unless there is a compelling reason for not complying with this request.".

—Page 37, after line 19 insert the following new paragraph:

"(9) how the state will coordinate activities funded under this part with school-to-work and vocational education programs, as appropriate.

—Page 56, line 4, after "development," insert "occupational information.".

—Page 681, line 25, strike "$40,000,000" and insert in lieu thereof "$50,000,000".

—Page 682, line 9, strike "shall" and insert in lieu thereof "may".

—Page 683, line 6, strike "section" and insert in lieu thereof "sections".

—Page 683, line 7, after "7601" insert "and 7607".

—Page 683, line 14, insert a new paragraph (3) and redesignate accordingly:

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs funded under other Parts of this title or title I of the Improving America's Schools Act of 1993;"

—Page 685, line 17, insert:

"(b) APPLICATION REVIEW.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

(1) The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

(2) The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after reasonable notice, provision of technical assistance, and an opportunity for a hearing to the State.

—Page 687, line 21, strike "TRIENNIAL" and insert in lieu thereof "BIENNIAL".

—Page 687, line 23, "3" and insert in lieu thereof "2".

—Page 688, line 4, strike "3" and insert in lieu thereof "2".

—Page 459, Line 14, strike "Special Assistant of the Office of Women's Equity" and insert in lieu thereof: "Secretary".

—Page 465, Line 6, strike "no more than four".

—Page 465, Line 11, strike "four".

—Page 465, Line 12, insert before "The Secretary" "To the extent feasible".

—Page 466, strike lines 6 through 9.

—Page 466, Line 10, before "The Secretary" insert "To the extent feasible".

—Page 469, beginning on line 16, strike "the Secretary shall establish no more than 4 priorities" and on line 17, strike "of which".

—Page 469, Line 21, before "The Secretary" insert "To the extent feasible,".

—Page 829, Line 2 after "technical assistance," insert "and" and on Line 3 strike "and the administration of grant programs.

—Page 829, beginning on Line 5, after "shall" strike "report directly to the Secretary; and perform such additional functions as the Secretary shall prescribe; and insert in lieu thereof "advise the Secretary and Deputy Secretary on all matter relating to gender equity."

—Page 439, line 5, Strike, "the use of tobacco".

—Page 439, line 9 Insert the following paragraph and (redesignate succeeding paragraphs accordingly):

(B) education with respect to the use of tobacco by elementary and secondary school students; and

—Page 297, line 4, strike "and schools" and insert "schools, and other appropriate educational entities".

—Page 297, line 11, strike "comprehensive assistance centers" and insert "technical assistance system".

—Page 298, line 24, strike "system of technical assistance centers" and insert "comprehensive assistance centers and the National Diffusion Network".

—Page 299, line 3, strike "(c)" and insert "(d)".

—Page 299, line 6, strike "2206(c)" and insert "2346(d)".

—Page 301, line 12, after "centers," insert "state literacy centers,".

—Page 302, line 4, strike "2303(a)" and insert "2343(a)".

—Page 304, line 16, strike "Maintenance of Service" and insert "Service and Application Requirements".

—Page 304, line 17, strike "Effort" and insert "Service".

—Page 307, line 16, strike "Facilitator" and insert "Facilitators".

—Page 307, line 20 strike "and schools" and insert "schools, family and adult literacy programs, and other appropriate educational entities".

—Page 310, line 17, strike "projects, local educational agencies," and insert "projects and to local educational agencies".

—Page 689, strike line 20 and all that follows through line 4 on page 729 and insert the following:

"SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then such agency shall be paid the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 8013(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section which exceeds the difference of—

"(i) the maximum amount that such agency is eligible to receive for such fiscal year under section 8004(b)(1)(C); and

"(ii) the amount that such agency receives in such fiscal year under section 8004(b)(2).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency shall be paid for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) containing information on the use of the property;

"(D) except with the approval of the Federal government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal government a right of reversion at any time the Federal government (or its agent) deems it necessary for the national defense.

"SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY-CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(E) resided in low-rent housing.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .20.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 8013(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be entitled to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children, or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by—

"(i) the greater of—

"(I) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the 3rd preceding fiscal year, or

"(II) one-half of the average per pupil expenditures of all of the States for the 3rd preceding fiscal year;

"(ii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1994; or

"(iii) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 8013(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments based upon the provisions of this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereinafter 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under this paragraph represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) USE OF FUNDS FOR CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8013(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of .5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the total amount that the Secretary shall pay to a local educational agency under subsections (b) and (f)—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of the Act of September 30 , 1950 (Public Law 81–874, 81st Congress), as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such payment received for fiscal year 1994; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such payment received for fiscal year 1994.

"(2) REDUCTION IN PAYMENTS.—In order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From amounts appropriated under section 8013(d) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(B)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

"(5) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program to such agency.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall maintain records demonstrating its compliance with requirements contained in subsection (a).

"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 is excused from the requirements contained in subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

"SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8003 AND 8004.

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8003 or 8004 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 8005 (relating to children residing on Indian lands).

"(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

"(d) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

"(A) is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8004(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

"SEC. 8007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

"(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—From the amount appropriated for a fiscal year under section 8013(c), the Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall endeavor to establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

"SEC. 8008. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the enactment of the Improving America's Schools Act of 1994.

"(b) Transfer of Facilities.—

"(1) In general.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1958.

"(2) Other requirements.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer must be consented to by the local education agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this Act.

"SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

"(a) General Prohibition.—Except as provided in subsection (b), a State may not—

"(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) in determining for any fiscal year—

"(A) the eligibility of a local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) State Equalization Plans.—

"(1) In general.—A State may reduce State aid to a local educational agency that receives a payment under sections 8003 and 8004(b) (except the amount calculated in excess of 1.0 under subparagraph (B) of subsection (a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act existed prior to the enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

"(2) Computation.—

"(A) In general.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 10 percent.

"(B) Other factors.—In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) Exception.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 10 percent disparity standard described in paragraph (2) in that fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) Procedures for Review of State Equalization Plans.—

"(1) Written notice.—

"(A) In general.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) Contents.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) Opportunity to present views.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3) Qualification procedures.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(A) certify the program and so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

"(4) Non-qualification procedures.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

"(A) so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) Reductions of State Aid.—

"(1) In general.—A State whose program of State aid has been certified by the Secretary under subsection (c)(3) may reduce the amount of such aid provided to a local educational agency that receives a payment under section 8003 and section 8004(b) by any amount up to—

"(A) the amount of such payment (excluding amounts provided under subsections (d) and (f) of section 8004 and the amount calculated in excess of 1.0 under section 8004(a)(2)); multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) Prohibition.—A State may not make a reduction described in paragraph (1) before its program of State aid has been certified by the Secretary under subsection (c)(3).

"(e) Remedies for State Violations.—

"(1) In general.—The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in a United States district court against any State that violates subsection (a) or subsection (d)(2) or fails to carry out an assurance provided under subsection (b)(3)(B).

"(2) Immunity.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action described in paragraph (1).

"(3) Relief.—The court shall grant such relief as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

"SEC. 8010. FEDERAL ADMINISTRATION.

"(a) Payments in Whole Dollar Amounts.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) Other Agencies.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

"SEC. 8011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

"(a) Administrative Hearings.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

"(b) Judicial Review of Secretarial Action.—

"(1) In general.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) Findings of fact.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) Review.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 8012. DEFINITIONS.

"For purposes of this title, the following definitions apply:

"(1) Armed forces.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

“(2) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’ means—

“(A) the aggregate current expenditures of all local educational agencies in the State; divided by

“(B) the total number of children in average daily attendance for whom such agencies provided free public education.

“(3) CONSTRUCTION.—The term ‘construction’ means—

“(A) the preparation of drawings and specifications for school facilities;

“(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

“(C) inspecting and supervising the construction of school facilities; and

“(D) debt service for such activities.

“(4) FEDERAL PROPERTY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term ‘Federal property’ means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

“(i) owned by the United States or leased by the United States from another entity;

“(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

“(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

“(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92-203, 43 U.S.C. 1601 et seq.) to a Native individual, Native group, or Village or Regional corporation;

“(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

“(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before its use for such housing;

“(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

“(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411); or

“(iv) owned by a foreign government or by an international organization.

“(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term ‘Federal property’ includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

“(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term ‘Federal property’ includes, whether or not subject to taxation by a State or a political subdivision of a State—

“(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

“(ii) any improvement on Federal property as otherwise described in this paragraph; and

“(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

“(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term ‘Federal property’ does not include—

“(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

“(ii) pipelines and utility lines.

“(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, ‘Federal property’ does not include any property on which children reside that is otherwise described in this paragraph if—

“(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

“(ii) no tax revenues of the State are allocated or available for the free public education of such children.

“(F) CERTAIN PROPERTY LOCATED IN STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term ‘Federal property’ includes any real property located in the State of Oklahoma that—

“(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

“(ii) at any time—

“(I) was designated by treaty as tribal land; or

“(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress).

“(5) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is provided—

“(A) at public expense, under public supervision and direction, and without tuition charge; and

“(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

“(i) includes preschool education; and

“(ii) does not include any education provided beyond grade 12.

“(6) INDIAN LANDS.—The term ‘Indian lands’ means any Federal property described in paragraph (4)(A)(ii) or (4)(F).

“(7) LOCAL CONTRIBUTION PERCENTAGE.—

“(A) IN GENERAL.—The term ‘local contribution percentage’ means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

“(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

“(8) LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘local educational agency’—

“(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

“(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

“(B) EXCEPTION.—The term ‘local educational agency’ does not include any agency or school authority that the Secretary determines on a case-by-case basis—

“(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

“(ii) is not constituted or reconstituted for legitimate educational purposes.

“(9) LOW-RENT HOUSING.—The term ‘low-rent housing’ means housing located on property that is described in paragraph (4)(A)(iii).

“(10) REVENUE DERIVED FROM LOCAL SOURCES.—The term ‘revenue derived from local sources’ means—

“(A) revenue produced within the boundaries of a local educational agency and available to such agency for its use; or

“(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as it was collected as a local revenue source.

“(11) SCHOOL FACILITIES.—The term ‘school facilities’ includes—

“(A) classrooms and related facilities; and

“(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

“SEC. 8013. AUTHORIZATION OF APPROPRIATIONS.

“(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8003, there are authorized to be appropriated $16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(b) BASIC PAYMENTS.—For the purpose of making payments under section 8004(a), there are authorized to be appropriated $775,500,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8004(d), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(d) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—For the purpose of making payments under section 8004(f), there are authorized to be appropriated $42,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

—Page 864, after line 4, insert the following:

(a) SECTION 1.—Section 1 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 631) is amended—

(1) by striking the 2nd sentence of subsection (a); and

(2) by amending subsection (b) to read as follows:

“(b) There are authorized to be appropriated to carry out this Act $12,500,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.”.

—Page 864, strike line 5 and all that follows through line 7 and insert the following:

(b) SECTION 2.—Section 2 of such Act is amended to read as follows:

—Page 864, line 19, strike "(b)" and insert "(c)".

—Page 866, line 3, strike "(c)" and insert "(d)".

—Page 869, line 10, strike "(d)" and insert "(e)".

—Page 901, strike lines 2 through 4 and insert the following:

Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriations acts.

By Mr. LANCASTER:

—On page 218, strike lines 10–18.

By Mr. LEHMAN:

—On page 218, line 18, insert the following new sentence:

"Nothing in this title shall be construed to authorize or encourage federal involvement with or control over the curriculum or practices of home schools."

By Ms. LONG:

—Page 330, line 6, strike "and".

—Page 330, line 7, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(M) The development and expansion of public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment into student homes.

—Page 406, after line 18, insert the following:

Part J—Computer Education

SEC. 3941. PURPOSE.

It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment in order to—

(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

(A) mastery of fundamental computer technology and applications;

(B) improved written and visual communication skills;

(C) improved critical thinking and problem solving abilities; and

(D) improved ability to work in a collaborative, teamwork-driven environment;

(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

(3) established foundations for life-long learning through improvement in education skills and student motivation and attitudes.

SEC. 3942. GRANT AUTHORIZATION.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 6 through 8 in accordance with the requirements of section 3943.

(2) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis.

(3) PREFERENCE.—In awarding grants under this part, the Secretary shall give preference to applications—

(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

(b) SITE SELECTION AND PROJECT IMPLEMENTATION.—Site selection and implementation of the computer-based education projects assisted under this part shall take place not later than 9 months after the date of the enactment of this part.

SEC. 3943. PROGRAM REQUIREMENTS.

Each State receiving a grant to conduct a computer-based education project under this part shall—

(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 6th, 7th, and 8th grade school students during the period commencing with each such group's entry into 6th grade and ending the summer following each such group's completion of 8th grade;

(2) ensure that each student in each of the classes participating in the project shall participate in the project;

(3) conduct such project in not more than 7 public schools within the State; and

(4) ensure that each student participating in the project shall have access to a computer—

(A) at school during the school year; and

(B) at home during the school year and summer.

SEC. 3944. APPLICATIONS.

(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the chief State school officer of a State shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

(b) APPLICATION PERIOD.—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

SEC. 3945. ALLOCATION OF FUNDS.

Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

SEC. 3946. EVALUATION.

The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

SEC. 3947. DEFINITIONS.

For the purpose of this part, the term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 3948. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1993, $9,000,000 for fiscal year 1994, $7,000,000 for fiscal year 1995, and $4,000,000 for fiscal year 1996 to carry out this part.

By Mr. MACHTLEY:

—Page 695, line 6, insert "or employed on property under the jurisdiction of the uniformed services" after "United States Code)".

By Mr. MICHEL of Illinois:

—Strike all after the enacting clause and insert the following:

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the "Elementary and Secondary Education Act of 1965".

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United States that a high-quality education for all citizens and a fair and equal opportunity to obtain that education—

"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

"(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;

"(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

"(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;

"(3) educational needs are particularly great for low-achieving children in our highest-poverty schools, children with limited English proficiency, children with disabilities, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) while title I and other programs funded under this Act have contributed to narrowing the achievement gap between children in high-poverty and low-poverty schools, they need to become even more effective in improving high-poverty schools in order to help enable all children to achieve high standards.

"(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

"(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

"(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

"(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.

"(7) Insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

"(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.

"(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach them;

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"Appropriations are authorized for the following programs and activities under this title:

"(1) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1118(e), there are authorized to be appropriated $7,000,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"(2) EVEN START.—For the purpose of carrying out part B of this title, there are authorized to be appropriated $118,000,000 in fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"(3) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(4) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(5) CAPITAL EXPENSES.—For the purpose of carrying out section 1118(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(6) SCHOOL IMPROVEMENT.—For the purpose of carrying out the activities authorized in sections 1119(b)(1), (b)(2), and (e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(7) FEDERAL ACTIVITIES.—(A) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(B) For the purpose of carrying out section 1502 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

"(A)(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with other State plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that these plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other State plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved State plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—(1)(A) Each State plan shall demonstrate that the State has developed or adopted high-quality standards for children served under this title that will be used by the State, its local educational agencies, and its schools to carry out this Act and that these standards be as challenging and of the same high-quality as they are for all children. These standards shall include—

"(i) challenging content standards in the core academic subjects that—

"(I) specify what children served under this title are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) emphasize the teaching of advanced skills;

"(ii) challenging performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, 'proficient' and 'advanced', that determine how well children served under this title are mastering the material in the content standards; and

"(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving the high 'proficient' and 'advanced' performance standards.

"(B) For those core academic subjects in which a State has not adopted challenging content and performance standards, the State plan shall include a schedule for their development that includes the completion of standards in mathematics and reading/language arts by the end of the interim period as described in paragraph (7).

"(2)(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling children to meet the State's 'proficient' and 'advanced' performance standards; and

"(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's 'proficient' and 'advanced' performance standards.

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is consistent with criteria of general applicability established by the Secretary and results in continuous and substantial yearly improvement for economically disadvantaged, limited-English proficient, and all students under this title in each school and local educational agency toward the goal of all children under this title meeting the State's challenging 'advanced' performance standards; and

"(ii) links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other outcome-based measures such as reductions in drop-out rates.

"(3) Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school receiving assistance under this part in enabling children served under this title to meet the State's performance standards and that these assessments be challenging and of the same high-quality as they are for all children. These assessments shall—

"(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment of such standards;

"(B) be used for purposes for which they are valid and reliable, and be consistent with relevant nationally recognized professional and technical standards of assessments;

"(C) measure the proficiency of students in the core academic subjects in which a State has adopted challenging content and performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9;

"(iii) grades 10 through 12.

"(D) be comprised of multiple, up-to-date measures of student performance;

"(E)(i) include limited-English proficient students who shall be assessed, to the extent practicable in the language and form most likely to yield accurate and reliable information on what these students know and can do, to determine their mastery of skills in subjects other than English;

"(ii) include students who have been resident in a local educational agency for a full academic year but have not attended a single school for a full year, provided that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency; and

"(iii) include students with disabilities who shall be assessed, to the extent practicable, in a manner and form most likely to yield accurate and reliable information on what these students know and can do, including assessment accommodations and modifications necessary to make such determinations, provided that those students who are determined, through valid evaluation conducted by qualified personnel, to be so severely cognitively impaired as to permanently lack the capacity to make any educational progress, with the provision of special education and related services, in meeting the State content and performance standards may be exempted from the assessment process;

"(F) provide individual student scores; and

"(G) provide for disaggregated results within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(4) If a State has developed or adopted challenging content and performance standards and an aligned set of assessments for all students such as those developed under title III of the Goals 2000: Educate America Act, or another process, the State shall use such standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).

"(5) If, after 2 years, a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or after 3 years, a State does not have assessments that meet the requirements of paragraph (3), a State shall adopt a set of standards and aligned assessments such as the standards and assessments contained in other State plans that the Secretary has approved.

"(6)(A) If a State does not have assessments that meet the requirements of paragraph (3), the State may propose to use an interim set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

"(B) For any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1119.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall also describe—

"(1)(A) the means by which the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part; and

"(B)(i) where educational service agencies exist, the State educational agency shall consider providing professional development and technical assistance through such agencies; and

"(ii) where educational service agencies do not exist, the State educational agency shall consider providing professional development and technical assistance through other cooperative agreements such as a consortium of local educational agencies;

"(2) the measure of poverty that local educational agencies shall use which shall include such measures as the number of children age 5 to 7 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible to receive free and reduced price lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families With Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program; or a composite of such indicators;

"(3) how the State educational agency will notify local educational agencies of the authority to operate schoolwide programs, and fulfill its local educational agency and school improvement responsibilities under section 1119, including the corrective actions it will take under section 1119(d)(6);

"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(5) how the State educational agency will assess the needs of local educational agencies serving rural areas, and the plans the State educational agency has to meet those needs; and

"(6) how the State educational agency will encourage the establishment and operation of cooperative education, mentoring, and apprenticeship programs, involving business and industry.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary—

"(1) shall establish a peer review process to assist in the review and revision of State plans;

"(2) shall, following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);

"(3)(A) shall, if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of such determination and the reasons for it;

(B) shall not decline to approve a State's plan before offering the State an opportunity to revise its plan or application, provide technical assistance in order to assist the State to meet the requirements under subsections (b) and (c) and a hearing; and

(C) may withhold funds until determining that the plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—(1) Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"(f) Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(g) If aggregate State expenditure by the State educational agency for operation of elementary and secondary education programs is less than the State educational agency's aggregate Federal allocation for State operation of all Federal elementary and secondary education programs, then the State plan for title I must include assurances and specific provisions for State expenditures for operation of elementary and secondary education programs to equal or exceed the level of Federal expenditures for such operation by fiscal year 1999.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—(1) A local educational agency may receive a subgrant under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A)(i) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with local plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that such plans have not already been incorporated into the local educational agency's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other local plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A local educational agency may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects children served under this title to meet;

"(2) a description, based on the assessments described under paragraph (3), of what constitutes adequate yearly progress if a local educational agency elects to establish such measures that are more stringent than the measures described in the State plan under section 1111; and

"(3) a description of additional high-quality student assessments, if any, other than the assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this title in meeting th State's performance standards; and

"(B) determine what revisions are needed to projects under this part so that such children will meet the State's performance standards.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including staff of such agency.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) notify schools of the authority to operate schoolwide programs;

"(B) work in consultation with schools as the schools develop their plans pursuant to section 1115 or 1117 and assist schools as they implement such plans so that each school can make adequate yearly progress toward meeting the State's standards; and

"(C) fulfill its school improvement responsibilities under section 1119, including the corrective actions it will take under section 1119(c)(4).

"(3) To address the comprehensive needs of children served under this title, each local educational agency plan shall describe how the local educational agency will—

"(A) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, including—

"(i) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs, vocational education programs, and school-to-work transition programs; and

"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title or who were formerly eligible for services under part C in the 2-year period preceding the date of the enactment of this title, delinquent youth and youth at risk of dropping out served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(B) coordinate and collaborate with other agencies providing services to children, youth, and families, including health and social services.

"(4) The local educational agency plan also shall include a description of—

"(A) the poverty criteria that will be used to select school attendance areas under section 1113;

"(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

"(C) the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside such schools for children in local institutions for neglected or delinquent children and eligible homeless children, in accordance in section 1115(b)(2)(D);

"(D) how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(E) how a school that plans to serve preschool children through the Head Start or Even Start programs will use its funds to expand such programs to serve preschool children from its attendance area that otherwise would not have been served or increase the level of service to children presently being served; and

"(F) how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and how timely and meaningful consultation with private school officials regarding such services will occur.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, including vocational teachers, where appropriate, and parents of children in schools served under this part; and

"(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help children served under this title to meet the State's challenging performance standards expected of all children.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions required under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by such school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

"(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(2) The local educational agency shall use as the measure of poverty, the number of children ages 5–17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families with Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (c).

"(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—

"(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

“(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

“(3)(A) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

“(i) the school meets the comparability requirements of section 1120(c);

“(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

“(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

“(B) Notwithstanding subparagraph (A), the number of children attending private elementary and secondary schools who are to receive services, and the assistance they are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is passed over under this paragraph.

“(c) ALLOCATIONS.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

“(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be not less than 80 percent of the per-pupil amount of funds the local educational agency received for such year under sections 1124, 1124A, and 1125.

“(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in such school attendance area or school for programs that meet the requirements of section 1114 or 1115.

“(3) A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to the services provided to children in schools funded under this part to serve—

“(A) homeless children in accordance with section 1115(b)(2)(D); and

“(B) children in local institutions for delinquent children.

“SEC. 1114. SCHOOLWIDE PROGRAMS.

“(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

“(A) For school year 1995–96—

“(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

“(ii) at least 65 percent of the children enrolled in the school are from such families.

“(B) For school year 1996–97 and thereafter, the percentage requirement in subparagraphs (A) (i) and (ii) shall be 50 percent.

“(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.

“(B) A schoolwide program school shall use such funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

“(3) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except such a program under the Individuals With Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

“(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:

“(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

“(B) Schoolwide reform strategies that—

“(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;

“(ii) are based on research on effective means of improving the achievement of children;

“(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;

“(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, and how the school will determine if those needs have been met; and

“(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

“(C) Instruction by highly qualified professional staff.

“(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.

“(E) Parental involvement in accordance with section 1117.

“(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

“(i) counseling and mentoring services;

“(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

“(iii) services to prepare students for the transition from school to work.

“(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

“(i) incorporates the components described in paragraph (1);

“(ii) describes how the school will use resources under this part and from other sources to implement those components;

“(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and

“(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

“(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices in the context of available research on effective instructional and school improvement practices.

“(C) The comprehensive plan shall be—

“(i) developed over a one-year period, unless—

“(I) the local educational agency, based on the recommendation of the school support team under subsection (c), determines that less time is needed to develop and implement the schoolwide program; or

“(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;

“(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

“(iii) reviewed and revised, as necessary, by the school; and

“(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

“(c) SCHOOL SUPPORT TEAMS.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.

“(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.

“(3) A school support team shall work with each school as it develops its schoolwide program plan, review the merits of each plan, and make recommendations to the school and the local educational agency.

“(4) During the operation of the schoolwide program, a school support team shall—

“(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;

“(B) identify problems in the design and operation of the instructional program; and

“(C) make suggestions for improvement to the school and the local educational agency.

“(5) Funds available for State administration and for local educational agencies under this part may be used to pay the costs of the school support teams.

“SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

“(a) IN GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN—(1)(A) The eligible population for services under this part is—

"(i) children up to age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

"(B) A child who, at any time in the previous two years, participated in a Head Start, Even Start, or State-run preschool program shall be automatically eligible for services under this part;

"(C)(i) A child who, at any time in the previous two years received services under the program for delinquent youth and youth at risk of dropping out under part D of this title (or its predecessor authority) may be eligible for services under this part.

"(ii) Any child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A local educational agency shall use funds received under this part to serve eligible homeless children who attend a school in the local educational agency that receives funds under this title. To the extent feasible, a local educational agency shall use funds received under this part to serve eligible homeless children who attend schools in noneligible attendance areas, including providing educationally related support services to children in shelters, where appropriate.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—(1) To assist targeted assistance schools and local educational agencies to meet their responsibility to provide all students with the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

"(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

"(B) be based on research on effective means for improving achievement of children;

"(C) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time such as an extended school year and before- and after-school programs and opportunities;

"(ii) involve an accelerated, high-quality curriculum, including applied learning, rather than remedial drill and practice; and

"(iii) minimize removing children from the regular classroom for instruction provided under this part;

"(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

"(E) provide instruction by highly qualified professional staff;

"(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program;

"(G) provide strategies to increase parental involvement, including family literary services;

"(H) provide plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs; and

"(I) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring;

"(ii) college and career awareness and preparation, such as college and career guidance, comprehensive career development, enhancement of employability skills, personal finance education, and job placement services; and

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses.

"(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—

"(i) the selection of children to participate in accordance with subsection (b);

"(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

"(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards such as an extended school year and before- and after-school programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement performance standards in the classroom; and

"(iv) if the school is eligible to operate a schoolwide program under section 1114, why it chose not to do so.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

"(C) Each plan shall be—

"(i) developed with the involvement of the community to be served and the individuals who will carry it out, including teachers, administrators, other staff, parents, representatives from business and industry, and, if the plan relates to a secondary school, students from the school;

"(ii) approved by the local educational agency and made available to parents and the information contained therein translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(iii) reviewed and revised, as necessary, by the school.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff paid with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

"SEC. 1116. PUBLIC SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels shall have equal access to the program;

"(2) the program shall not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public; and

"(7) the program shall not include schools not receiving funds under this title.".

"SEC. 1117. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1119;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parental involvement strategies with other programs, including Head Start, Even Start, and State-run preschool programs; and

"(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.

"(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

"(2) If the school has a parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1119(a)(2);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to their recommendations.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff and observation of classroom activities.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;

"(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

"(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and

"(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.

"SEC. 1118. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—(1) To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.

"(c) PUBLIC CONTROL OF FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(e) CAPITAL EXPENSES.—(1)(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

"(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1119. ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

"(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(G); and

"(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in those schools meet the State's high performance standards.

"(b) DISTINGUISHED SCHOOLS.—(1) Each State shall designate as a Distinguished School—

"(A) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(B) any school in which virtually all students have met the State's 'advanced' performance standards.

"(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.

"(B) Funds awarded to a Distinguished School may be used by the school to further its educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to other schools served under this part that are not making adequate progress.

"(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or

"(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(2)(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

"(ii) submit the revised plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

"(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.

"(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include, but are not limited to, decreasing decisionmaking authority at the school level; making alternative governance arrangements such as the creation of a charter school; reconstituting the school staff; withholding funds; and authorizing students to transfer, including paying transportation costs, to other schools in the local educational agency.

"(C)(i) At any time after a school has been identified under paragraph (1), the local education agency may authorize students eligible for assistance under this title to transfer to another public school receiving funds under this title.

"(ii) During the third and subsequent years following the identification of a school under paragraph (1), the local education agency shall authorize students eligible for assistance under this title to transfer to another public school receiving funds under this title.

"(iii) Funds allocated for a student under this title shall follow such student when transferring to another school.

"(5) The State educational agency shall—

"(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and

"(B) if it determines that a local educational agency failed to carry out its responsibility under paragraphs (3) and (4), take such corrective actions that it deems appropriate.

"(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or

"(B) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its district-level plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

"(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).

"(6)(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; and the withholding of funds.

"(C)(i) At any time after a local education agency has been identified under paragraph (3), the State may authorize students eligible for assistance under this title to transfer to another public school in another local agency receiving funds under this title.

"(ii) During the fourth and subsequent years following the identification of a local education agency under paragraph (3), the State shall authorize students eligible for assistance under this title to transfer to another public school in another local education agency receiving funds under this title.

"(iii) Funds allocated for a student under this title shall follow such student when transferring to another school.

"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.

"(e) DISTINGUISHED EDUCATORS.—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.

"(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).

"(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.

"(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary as part of the State plan.

"(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least $180,000, or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

"SEC. 1120. FISCAL REQUIREMENTS.

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 9501 of this Act, including such effort for professional development activities.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

"(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

"(ii) it has adopted a districtwide salary schedule.

"(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting its compliance.

"(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities.

"Subpart 2—Allocations

"SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1123. ALLOCATIONS TO STATES.

"(a) GENERAL.—For each fiscal year, an amount of the appropriations for this part equal to the appropriation for fiscal year 1994 for part A of chapter 1, title I, Elementary and Secondary Education Act, shall be allocated in accordance with sections 1124 and 1124A. Any additional appropriations for this part for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each local educational agency under each of sections 1124 and 1125 for any fiscal year shall be at least 85 percent of the total amount such local educational agency was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) DEFINITION.—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—

"(A) The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (i) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States, or (ii) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States. For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total population of fewer than 20,000 persons, the State education agency may either (I) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (II) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Secretary.

"(C) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence; and

"(ii) 32 percent of the average per pupil expenditure in the United States.

"(2) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A),

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States) or attending community day programs for such children, but not counted pursuant to subpart 3 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—

"(A) For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (as produced and published under section 181a of title 13, United States Code). If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if it were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which shall distribute to schools in each county within it a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant. If the Department of Commerce has updated data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use the updated data. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(B) For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

"(C) When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—

"(1) The aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2)(A) No State shall, by reason of the application of the provisions of paragraph (1) of this subsection, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (B), whichever is less.

"(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

"(i) the number of children in such State counted under subsection (c) in the fiscal year specified in subparagraph (A), multiplied by "(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1)(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau, which is eligible for a grant under this part for any fiscal year shall be entitled to an additional grant under this section for that fiscal year if—

"(i) the number of children counted under section 1124(c) of this part in the local educational agency for the preceding fiscal year exceeds 6,500, or

"(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged five to seventeen, inclusive, in the local educational agency in that fiscal year.

"(B) Except as provided in subparagraph (C), no State described in subparagraph (A) shall receive less than—

"(i) one-quarter of 1 percent of the sums appropriated under paragraph (6) of this section for such fiscal year; or

"(ii) $250,000, whichever is higher.

"(C) No State shall, by reason of the application of the provisions of subparagraph (B)(i) of this paragraph, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (D), whichever is less.

"(D) For the purpose of subparagraph (C), the amount for each State equals—

"(i) the number of children in such State counted for purposes of this section in the fiscal year specified in subparagraph (B), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the greater of—

"(i) the number of children in excess of 6,500 counted under section 1124(c) for the preceding fiscal year, in a local educational agency which qualifies on the basis of subparagraph (A)(i) of paragraph (1); or

"(ii) the number of children counted under section 1124(c) for the preceding fiscal year in a local educational agency which qualifies on the basis of subparagraph (A)(ii) of paragraph (1); and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for the preceding fiscal year.

"(3) The amount of the additional grant to which an eligible local educational agency is entitled under this section for any fiscal year shall be an amount which bears the same ratio to the amount reserved under paragraph (6) for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) For the purposes of this section, the Secretary shall determine the number of children counted under section 1124(c) for any local educational agency, and the total number of children aged five to seventeen, inclusive, in local educational agencies, on the basis of the most recent satisfactory data available at the time the payment for such local educational agency is determined under section 1124.

"(5)(A) For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with the basic criteria prescribed by the Secretary.

"(b) RESERVATION OF FUNDS.—Of the total amount of funds available for sections 1124 and 1124A, 10 percent of the amount appropriated for that fiscal year shall be available to carry out this section.

"(c) RATABLE REDUCTION RULE.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are entitled to receive under subsection (a) for such fiscal year, the maximum amounts which all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency under subsection 1124(c), before application of the weighting factor, is at least 10.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(1)(C).

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be the number counted in subsection 1124(c) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under section 1124(c) represents of the total population aged 5–17 years in the local educational agency or the number of such children. Weighted pupil counts will be calculated based upon both percentage and number and the larger of the two counts will be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population and 1.50 for children counted under section 1124(c) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, and 2.00 for children counted under section 1124(c) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.67 percent of the total school age population, and 2.50 for children counted under section 1124(c) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.67 percent of the total school age population, 2.50 for a number of children counted in section 1124(c) equal to 7.315 percent of the total school age population, and 3.00 for children counted in section 1124(c) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under section 1124(c) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, and 1.50 for children counted under section 1124(c) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, and 2.00 for children counted under section 1124(c) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, and 2.50 for children counted under section 1124(c) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, 2.50 for a number of children counted in section 1124(c) equal to 35,090 and 3.00 for children counted in section 1124(c) in excess of 42,000. For the Commonwealth of Puerto Rico, the weighting factor shall be no greater than 1.62.

"(d) Local Educational Agency Allocations.—For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(d) State Minimum.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount;

"(2) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) Allocations for Neglected or Delinquent Children.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) Allocations Among Local Educational Agencies.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 between and among the affected local educational agencies when—

"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

"(c) Reallocation.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER.

"(a) Limitation on Carryover.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) Waiver.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) Exclusion.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

"Subpart 3—Presidential Awards Program

"SEC. 1131. PRESIDENTIAL AWARDS PROGRAM.

"(a) Development.—The Secretary shall, in consultation with the chairpersons and ranking minority members of the Committee on Education and Labor for the House of Representatives and the Committee on Labor and Human Resources of the Senate and educational leaders, develop a Presidential awards program that will recognize and provide a cash award to schools that excel in educating their students to high levels as defined by the National Education Goals and the standards certified by the National Education Standards and Improvement Council established under the Goals 2000: Educate America Act.

"(b) Nominations.—Schools recognized under this program will be selected by the Secretary from a list of nominees. Each State shall select a nominee to be submitted to the Secretary from among schools designated as distinguished schools under section 1119.

"(c) Selection.—The Secretary shall annually convene a panel of experts who will review nominated schools and select those who will receive awards. In addition to Presidential recognition, selected schools will receive a cash award which may be applied without restriction to enhance the educational programs in those schools or to provide cash awards to personnel in the school.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1201. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start', that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve challenging State standards.

"SEC. 1202. PROGRAM AUTHORIZED.

"(a) Reservation for Migrant Programs, Outlying Areas, Indian Tribes, and Other Purposes.—(1) In each fiscal year, the Secretary shall reserve not less than 5 percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(A) children of migratory workers;

"(B) the outlying areas;

"(C) Indian tribes and tribal organizations; and

"(2) If the amount of funds made available under subsection (a) exceeds $4,600,000, the Secretary shall make a grant of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities through eligible organizations.

"(c) STATE ALLOCATION.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

"(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to such State under section 1122 of this title bears to the total amount allocated under that section to all the States.

"(3) No State shall receive less than $250,000 under paragraph (1) for any fiscal year.

"(d) DEFINITIONS.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

"(2) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act;

"(3) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(4) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., and the Home Instruction Program for Preschool Youngsters.

"SEC. 1203. STATE PROGRAMS.

"(a) STATE-LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(c)(1) may use not more than 5 percent for—

"(1) administrative costs; and

"(2) the provision, through one or more subgrants or contracts, of access to technical assistance for program improvement and replication to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each State shall use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs.

"(2) No State shall award a subgrant under paragraph (1) for an amount less than $75,000.

"SEC. 1204. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds received under this title.

"(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

"(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program under this part.

"SEC. 1205 PROGRAM ELEMENTS.

"Each Even Start program assisted under this part shall—

"(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

"(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

"(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for participation, such as—

"(A) scheduling and locating of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

"(8) be coordinated with—

"(A) programs assisted under other parts of this title and this Act;

"(B) any relevant programs under the Adult Education Act, the Individuals With Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs; and

"(9) provide for an independent evaluation of the program.

"SEC. 1206. ELIGIBLE PARTICIPANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any parent described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

"(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

"SEC. 1207. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide access to the special training necessary to prepare staff for the program , which may be offered by an eligible organization.

"(c) Plan.—Such application shall also include a plan of operation for the program which shall include—

"(1) a description of the program goals;

"(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(3) a description of the population to be served and an estimate of the number of participants;

"(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

"(5) a statement of the methods that will be used—

"(A) to ensure that the programs will serve families most in need of the activities and services provided by this part;

"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

"(6) a description of how the plan—

"(A)(i) is consistent with and promotes the goals of the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act; and

"(ii) is consistent with the State and local plans under sections 1111 and 1112; or

"(B) is consistent with the State and local plans under sections 1111 and 1112 is the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan.

"(d) The plan described in subsection (c)(6) may be submitted as part of a consolidated application under section 9302.

"SEC. 1208. AWARD OF SUBGRANTS.

"(a) Selection Process.—(1) The State educational agency shall establish a review panel that will approve applications that—

"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, or limited English proficiency;

"(C) provide services for at least a three-year age range, which may begin at birth;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

"(A) target services primarily to families described in paragraph (1)(B); or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) Review Panel.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one or more of the following individuals:

"(1) A representative of a parent-child education organization.

"(2) A representative of a community-based literacy organization.

"(3) A member of a local board of education.

"(4) A representative of business and industry with a commitment to education.

"(5) An individual who has been involved in the implementation of programs under this title in the State.

"(c) Duration.—(1) Subgrants may be awarded for a period not to exceed four years.

"(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3)(A) In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

"(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

"(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

"SEC. 1209. EVALUATION.

"From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

"(1) to determine the performance and effectiveness of programs; and

"(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1301. PROGRAM PURPOSE.

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1302. PROGRAM AUTHORIZED.

"In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"SEC. 1303. STATE ALLOCATIONS.

"(a) State Allocations.—Each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average expenditure per pupil in the United States.

"(b) Allocation to Puerto Rico.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average expenditure per pupil in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average expenditure per pupil in the United States.

"(c) Ratable Reductions; Reallocations.—(1)(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

"(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) Consortium Arrangements.—(1) In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) A State, irrespective of the amount of its allocation, may propose a consortium arrangement.

"(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

"(2) as soon as feasible develop and implement a procedure for more accurately reflecting cost factors for different types of summer program designs which will be used to adjust the estimated number of children who reside in a State in order to reflect the number of migratory children who are served in summer programs (which may include intersession programs) in the State and the additional costs of operating such programs; and

"(3) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

"SEC. 1304. STATE APPLICATIONS; SERVICES.

"(a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306, including, when feasible, recording the migratory status of such children and their average daily attendance on State student collection data;

"(2) a description of the steps the State is taking to provide migratory students with the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1120, and 1121(b) and (c), and part F of this title;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1118 of this title;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

"(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

"SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act and satisfies the requirements of this section that are not already addressed by such State plan; and

"(B) is integrated with other State plans, if any, under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act to the extent that such plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act;

"(2) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(A) is integrated with other State plans, such as those under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act, where such plans exist; and

"(B) satisfies the requirements of this section;

"(3) may be submitted as a part of a consolidated application under section 9302;

"(4) provides that migratory children will have an opportunity to meet the same challenging performance standards, set out in those plans, that all children are expected to meet;

"(5) specifies measurable program goals and outcomes;

"(6) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(7) is the product of joint planning among such local, State, and Federal programs, including those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

"(8) provides for the integration of services available under this part with services provided by such other programs; and

"(9) to the extent feasible, provides for—

"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) parent involvement programs (as defined under section 1117) and, when feasible, the establishment of instructional programs such as use of the model developed under the Even Start Family Literacy Programs that promote adult literacy and train parents to support the educational growth of their children;

"(D) the integration of communication and information technology into educational and related programs; and

"(E) programs to facilitate the transition of high school students to postsecondary education or employment.

A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

"SEC. 1307. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students. Grants under this subpart may be made for up to 5 years.

"(b) ASSISTANCE AND REPORTING.—(1) Within 60 days of enactment, the Secretary shall convene a panel of Chief State School Officers and technical experts to assess alternative methods by which student records may be transferred from one school to another. Within 150 days of having been convened, the panel shall make recommendations to the Secretary on how schools may adopt the most cost-effective means of exchanging of school records. The Secretary shall also develop the most cost-effective and accurate method of determining the number of students or full-time equivalent students in each State on a yearly basis. The Secretary shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the panel's findings and the Secretary's recommendations.

"(2) The Secretary may contract for services for purposes of this section.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to $6,000,000 from the amount appropriated under section 1002(3) for each fiscal year to carry out this part.

"(d) COMPETITIVE GRANTS.—From the amounts made available for this section, the Secretary shall reserve not more than $1,500,000 to award, on a competitive basis, grants in the amount of up to $100,000 each to State educational agencies with consortium agreements described under section 1303(d). Not less than 10 of such grants shall be awarded to States which receive allocations of less than $1,000,000 if such States have approved agreements.

"SEC. 1309. DISTANCE LEARNING.

"(a) PROGRAM.—The Secretary may establish a distance learning program to provide, through competitive grants, continuity in the education of migrant children using technology, interactive learning, computers, and automated technology links achieved with modems and telephone networks.

"(b) FUNDS.—Not more than $3,000,000 may be used to establish the program under subsection (a).

"SEC. 1310. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means—

"(A) for fiscal year 1996 and subsequent years, a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(i) has moved from one local educational agency to another; or

"(ii) in a State that is comprised of a single local educational agency, has moved from one administrative area to another within such agency; or

"(B) for fiscal year 1995 only, a child fulfilling the requirements of subparagraph (A) for a period of 36 months instead of for 24 months; and

"PART D—PREVENTION AND INTERVENTION SERVICES FOR DELINQUENT YOUTH AND YOUTH AT RISK OF DROPPING OUT

"SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.

"(a) FINDINGS.—Congress finds the following:

"(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

"(2) There is a strong correlation between academic failure and involvement in delinquent activities.

"(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

"(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.

"(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.

"(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

"(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

"(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.

"(9) Such youth need a strong dropout prevention program which provides them with high level skills and which provides supports to youth returning from correctional facilities in order to keep them in school.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to improve educational services to children in local and State institutions for delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet;

"(2) to provide such children the services they need to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies and local educational agencies to establish or improve programs of education for delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1403, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or attending community day programs for delinquent children.

"(c) USE OF REMAINING FUNDS.—Each State shall use any funds remaining after allocations are made under subsection (a).

"Subpart 1—State Agency Programs

"SEC. 1403. AMOUNT OF ALLOCATION TO STATE.

"(a) STATE ALLOCATION.—Each State educational agency is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

"(1) the number of delinquent children in State correctional facilities serving youth under the age of 21 who are enrolled for at least 20 hours per week in education programs operated or supported by facilities serving youth, and 10 hours a week in adult facilities serving youth.

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent or more than 48 percent of the average per-pupil expenditure in the United States.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"SEC. 1404. STATE PLAN.

"(a) STATE PLAN.—(1)(A) Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan, which shall be revised and updated as needed, for meeting the needs of delinquent youth and children at risk of dropping out that—

"(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by such State plan; or

"(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act or is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(2) Each such plan shall also—

"(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in schools of local educational agencies in the State;

"(C) describe the manner in which such State educational agency will make subgrants; and

"(D) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1408;

"(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(b) Secretarial Approval; Peer Review.—(1) The Secretary shall approve each State plan that meets the requirements of this part.

"(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

"(c) Subgrants to State Agencies.—A State agency is eligible for assistance under this part if it is responsible for providing free public education for children in institutions for delinquent children.

"(d) State Agency Applications.—A State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided;

"(4) describes how the program will meet the goals and objectives of the State plan under this part;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1406 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 1408 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 9501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, including the Job Training Partnership Act, vocational education, State and local dropout prevention programs, and special education;

"(9) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children from an institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(12) describes how the agency will assist in locating alternative programs through which students can continue their education if they are not returning to school after leaving the correctional facility;

"(13) describes how the agency will work with parents to secure their assistance in improving the educational achievement of their children and preventing their further involvement in delinquent activities;

"(14) describes how the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth is identified as in need of special education services while the youth is in the facility and if the youth intends to return to the local school;

"(15) describes how the agency will work with youth who dropped out of school before entering the facility to encourage such youth to reenter school once their term has been completed or provide the youth with the skills necessary to gain employment, continue their education, or achieve a high school equivalency certificate if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to youth, including career counseling, assistance in securing student loans, grants; and

"(18) describes how this program will be coordinated with any programs operated under the Juvenile Justice and Delinquency Act, if applicable.

"SEC. 1405. USE OF FUNDS.

"(a) General.—(1) A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan referred to in section 1404(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to high school completion, further education, or employment.

"(2) Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1406, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 1408.

"(b) Supplement, Not Supplant.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

"SEC. 1406. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children in an institution for delinquent children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, such institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for such institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that the students will complete high school, attain high school equivalency, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions for delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

"SEC. 1407. THREE-YEAR PROJECTS.

"If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period not to exceed 3 years.

"SEC. 1408. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include counseling and mentoring, to delinquent children in schools other than State-operated institutions.

"Subpart 2—Local Agency Programs

"SEC. 1410. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds retained under section 1402(2), the State educational agency shall make subgrants to local educational agencies with—

"(1) a high number or percentage of youth who are residing in local (including county) correctional facilities for youth (including those involved in day programs); and

"(2) which have the highest numbers or percentage of youth in the State which have dropped out of school in the preceding fiscal year.

"(b) NOTIFICATION.—A State educational agency shall notify local educational agencies which meet the criteria of subsection (a) of their eligibility for participation in the program.

"(c) PURPOSE OF LOCAL EDUCATIONAL AGENCY PROGRAMS.—The purpose of this section is the operation of local educational agency programs which involve collaboration between local educational agencies and local correctional facilities serving such youth to—

"(1) continue transition activities for youth returning from such facilities;

"(2) to operate dropout prevention programs in local schools for youth at risk of dropping out and youth returning from correctional facilities; and

"(3) to prepare youth who have finished their period of incarceration for employment, high school completion, and further education.

"(d) LOCAL EDUCATIONAL AGENCY APPLICATIONS.—(1) Eligible local educational agencies which choose to take part in programs funded under this section shall submit an application to the State educational agency, containing such information on programs to be operated under this section as the State educational agency may require, and which shall include—

"(1) a description of formal agreements between the local educational agency and correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(2) a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(3) a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at risk youth in participating schools and youth returning from correctional facilities;

"(4) a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

"(5) a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(6) a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(7) a description of how the program will involve parents in efforts to improve the education achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(8) a description of how this program will be coordinated with other Federal, State, and local programs, including the Job Training and Partnership Act and vocational education programs serving this at risk population of youth;

"(9) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act, if applicable;

"(10) a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(11) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(12) a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"(e) USES OF FUNDS.—Funds provided to local educational agencies under this section may be used for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parent teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrants, immigrants, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such youth if there is a likelihood that the provision of such services including day care and drug and alcohol counseling, will improve the likelihood such students will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"(f) PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.—Each facility entering into a partnership with a local educational agency to provide services to youth under this section shall—

"(1) ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education servicers while in the facility;

"(3) provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage the youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary for them to gain employment or seek a high school equivalency certificate;

"(5) work to ensure facilities are staffed with teachers and other qualified staff who are also trained to work with children with disabilities and other special needs students taking into consideration such unique needs;

"(6) ensure educational programs in correctional facilities are related to assisting students meet high educational standards;

"(7) use, to the extent possible, technology to assist coordinating educational programs between the juvenile facility and community school;

"(8) involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other available State, local, and Federal funds to provide services to participating youth, including the Job Training Partnership Act, and vocational education;

"(10) coordinate programs operated under this section with activities funded under the Juvenile Justice and Delinquency Prevention Act, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"(g) ACCOUNTABILITY.—The State educational agency may—

"(1) reduce or terminate funding for projects funded under this section in local educational agencies if such agencies do not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after 3 years, that there has been an increase in the number of youth returning to school, obtaining high school equivalency certificates, or obtaining employment after such youth are released.

"SEC. 1411. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every 3 years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) for delinquent youth, make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school (or high school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall —

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"SEC. 1412. DEFINITIONS.

"For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'at risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for such age, have limited-English proficiency, are gang members, have dropped out in the past, or have high absenteeism rates.

"(3) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for delinquent children.

"(4) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

"SEC. 1501. EVALUATIONS.

"(a) National Assessment.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (b) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

"(B) are accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

"(i) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children reach them;

"(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

"(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school, including the provisions of family literacy services;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) Where feasible, the Secretary shall use information gathered from a variety of sources, including the National Assessment of Educational Progress, State evaluations, and available research studies in carrying out this subsection.

"(4) The Secretary shall submit a biennial report summarizing the cumulative findings to date of the assessment to the President and the appropriate committees of the Congress.

"(b) Studies and Data Collection.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(c) National Evaluation of Title I.—The Secretary shall carry out an ongoing evaluation of the program under part A of this title in order to provide the public, Congress, and educators involved in such program, an accurate description of the effectiveness of such program and provide information that can be used to improve such program's effectiveness. Such evaluation shall—

"(1) have a longitudinal design tracking cohorts of students for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(2) be separate and independent from State and local assessments and evaluations as required under this part;

"(3) utilize the highest available content standards that are generally accepted as national in scope;

"(4) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families and limited English proficient students; and

"(5) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

The Secretary shall use the information from this evaluation as part of the national assessment required by subsection (a) and shall report the data from this evaluation to the Congress and the public at least as frequently as that assessment.

"(d)(1) In conducting the National Assessment under subsection (a) and the National Evaluation under subsection (b), the Secretary shall not assess the progress of students in grade 1, kindergarten, and pre-kindergarten on the basis of outcome measures such as content and performance standards;

"(2) any assessments of children in grade 2 shall utilize matrix sampling and be performance-based; and

"(3) any data collected regarding children in grade 2 shall—

"(A) be collected at multiple points in time;

"(B) not be used to stigmatize, label, or place any child; and

"(C) be collected in multiple domains.

"(e) Parental Involvement, Study, Report and Dissemination.—(1) The Secretary, through the Office of Education Research and Improvement, shall conduct a study to identify and describe—

"(A) common barriers to effective parental involvement in the education of participating children; and

"(B) successful local policies and programs which improve parental involvement and the performance of participating children.

"(2) The Secretary shall—

"(A) complete such study by December 31, 1995;

"(B) report the findings of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate; and

"(C) disseminate the findings, relating to the successful local policies and programs which improve parental involvement and the performance of participating children, to local educational agencies.

"SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) Demonstration Programs To Improve Achievement.—(1) From the funds appropriated for any fiscal year under section 1002(7)(B), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public/private partnerships involving business and industry organizations, and consortia of such bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

"(B) integration of education services with each other and with health, family, and other social services such as mentoring programs, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform;

"(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

"(E) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in core academic subjects, instill responsibility, decisionmaking, problem solving, interpersonal skills, and other competencies in students, and make school relevant to the workplace and the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) Partnerships.—(1) From funds appropriated under section 1002(7)(B) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

"PART F—GENERAL PROVISIONS

"SEC. 1601. FEDERAL REGULATIONS.

"(a) In General.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) Negotiated Rulemaking Process.—(1) Prior to publishing proposed regulations in the Federal Register to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of 4 key issues, including—

"(i) schoolwide projects;

"(ii) standards and assessment;

"(iii) parental involvement; and

"(iv) professional development;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions; and

"(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 45 days prior to the first meeting under such process.

"(4) Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than the 240-day period required by section 437 of the General Education Provisions Act;

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) Special Rule.—Funds made available under section 1002(7) may not be released by the Secretary for expenditure until such time as final regulations to carry out part A are published in the Federal Register.

"(d) Limitation.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.

"(a) Program Assistance Manual.—The Secretary shall, not later than 6 months after the publication of final regulations under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

"(1) assist such agencies in—

"(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

"(B) applying for program funds under this title; and

"(C) meeting the program objectives under this title;

"(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

"(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

"(4) ensure that officers and employees of the Department of Education, including officers and employees of the Secretary and officers and employees of such Department charged with auditing programs carried on under this title, uniformly interpret, apply, and enforce requirements under this title throughout the United States.

"(b) Contents of Policy Manual.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such items are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

"(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

"(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

"(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at their discretion, including, application forms, application review checklists, and instruments for monitoring programs under this title.

"(c) Response to Inquiries.—The Secretary shall respond with written guidance not more than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

"SEC. 1603. STATE ADMINISTRATION.

"(a) Rulemaking.—(1) Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the Committee of Practitioners for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's standards.

"(b) Committee of Practitioners.—(1) Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) counselors.

"(3) The duties of the committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"(c) Payment for State Administration.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) one percent of the funds received under section 1002(a) and (c) through (f); or

"(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2101. FINDINGS.

"The Congress finds that—

"(1) reaching the National Education Goals requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels;

"(2) a crucial component of the strategy for achieving these goals is ensuring, through sustained and intensive high-quality professional development, and through the development and adoption of high quality curriculum, that all teachers are capable of providing challenging learning experiences in the core academic subjects for their students;

"(3) decisionmaking as to what activities a State or local educational agency should undertake to improve teaching and learning are best made by individuals in the schools closest to the classroom and most knowledgeable about the needs of schools and students;

"(4) the potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards; and

"(B) effective professional development focuses on discipline-based knowledge and subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(5) engaging teachers in the development of high quality curricula is a powerful professional development activity that improves teaching and learning;

"(6) special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement;

"(7) States and local educational agencies also need to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards in order to improve teaching and learning and ensure that students achieve the State standards;

"(8) professional development is often a victim of budget reductions in fiscally difficult times and curricula development is almost nonexistent in many State and local school systems; and

"(9) the Federal Government has a vital role in helping States and local educational agencies to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system and in providing assistance to such agencies to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards.

"SEC. 2102. PURPOSES.

"The purposes of this part are to provide assistance to States and local educational agencies and to institutions of higher education with teacher education programs so that such agencies can determine how best to improve the teaching and learning of all students through—

"(1) helping to ensure that teachers, other staff, and administrators have access to sustained and intensive high-quality professional development that is aligned to challenging State content and performance standards in the CORE academic subjects and that—

"(A) is tied to challenging State and local curriculum content and student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards.".

"(D) includes strong academic content and pedagogical components;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school; and

"(2) assisting States and local educational agencies to engage teachers in the development of high quality curriculum that is aligned with State or local content and performance standards.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

"(a) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated such sums for fiscal year 1995, 1996, 1997, 1998, and 1999.

"(b) Allocation Between Subparts.—Of the funds appropriated to carry out this part for a fiscal year, the Secretary shall use—

"(1) 5 percent to carry out subpart 1; and

"(2) 95 percent to carry out subpart 2.

"Subpart 1—Federal Activities

"SEC. 2111. PROGRAM AUTHORIZED.

"(a) Program Authorized.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, State educational agencies, State agencies for higher education, educational service agencies, institutions of higher education, and other public and private agencies, other organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas;

"(2) support the development of challenging curriculum that is aligned with State or local content and performance standards;

"(3) evaluate activities carried out under this subpart and under subpart 2.

"(b) Coordination With Other Agencies.—In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

"SEC. 2112. AUTHORIZED ACTIVITIES.

"(a) Activities.—The Secretary shall use funds available to carry out this subpart—

"(1) to provide seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) for the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials which shall be administered as an adjunct clearinghouse of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(3) to support consortia of educational agencies and organizations in disseminating information and providing assistance regarding curricula, teaching methods, and assessment tools that support national or State content standards in mathematics and science; and

"(4) the evaluation of programs under this subpart and under subpart 2.

"(b) CLEARINGHOUSES.—The Secretary may use funds available to carry out this subpart—

"(1) for the development and maintenance of national clearinghouses for core academic subjects as the Secretary determines are needed and which shall be administered as adjunct clearinghouses of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) to provide grants to entities to develop high quality curricula that are aligned with voluntary national or State content standards;

"(3) to sponsor institutes that provide teachers and administrators with professional development that is based on strong and integrated disciplinary content and pedagogical components;

"(4) for efforts to train teachers in the innovative uses and applications of technology to enhance student learning;

"(5) to encourage the development of local and national professional networks of educators;

"(6) to disseminate standards in the core academic subjects, including information on voluntary national content and performance standards and related models of high-quality professional development;

"(7) for efforts to train teachers in innovative uses of applied learning strategies such as service learning;

"(8) to disseminate models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards; and

"(9) to promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions.

"(c) Allocation.—In carrying out subsection (a), the Secretary shall ensure that each program, project, and activity contained in such subsection receives an allocation that is no less than the amount that each such program, project, or activity received in fiscal year 1994.

"Subpart 2—State and Local Activities

"SEC. 2121. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels and the development by teachers and others of high-quality curricula that are aligned with State or local content and performance standards.

"SEC. 2122. ALLOCATION OF FUNDS.

"(a) Reservation of Funds.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—

"(1) reserve one half of one percent for the outlying areas, to be distributed among them on the basis of relative need, as determined by the Secretary in light of the purposes of this part; and

"(2) reserve one half of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) State Allotments.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of one percent of such remaining amount:

"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.

"(c) Reallocation.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with such subsection.

"SEC. 2123. WITHIN-STATE ALLOCATIONS.

"(a) RESERVATIONS.—Of the amounts received by a State under this subpart for a fiscal year—

"(1) not more than 5 percent shall be used for the administrative costs of programs carried out by the State educational agency and the State agency for higher education;

"(2) not more than 5 percent may be used for State-level activities, as described in section 2125; and

"(3) of the remaining amount—

"(A) 87 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:

"(i) 50 percent of such amount shall be distributed in accordance with the relative enrollments in public and private nonprofit schools within their boundaries.

"(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(B) 13 percent shall be used for competitive grants to institutions of higher education as described in section 2129.

"(b) LIMITATION.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), any local educational agency that receives an allocation of less than $10,000 under subsection (a) shall, for the purpose of providing services under this subpart, form a consortium with at least 1 other local educational agency or institution of higher education receiving assistance under this section.

"(2) WAIVER.—The State educational agency shall waive the application of paragraph (1) in the case of any local educational agency that demonstrates that the amount of its allocation is sufficient to provide a program of sufficient size, scope, and quality to be effective. In granting waivers under the preceding sentence, the State educational agency shall—

"(A) give special consideration to local educational agencies serving rural areas; and

"(B) consider cash or in-kind contributions provided from State or local sources that may be combined with the local educational agency's allocation for the purpose of providing services under this part.

"SEC. 2124. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) STATE PLAN TO IMPROVE TEACHING AND LEARNING—(1) Each application under this section shall include a State plan that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(2) Each such plan shall also—

"(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of teachers and administrators and members of the public who are interested in improving education in the State and show the role of each in implementation;

"(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;

"(C) include an assessment of State and local needs for professional development and for the development of curricula that are aligned with State or local content and performance standards;

"(D) include a description of how the plan has assessed the needs of local education agencies serving rural areas, and what actions are planned to meet those needs;

"(E) include a description of how the plan has maintained funding for professional development activities in mathematics and science education;

"(F) include a description of how the activities funded under this subpart will address the needs of teachers in schools receiving assistance under part A of title I of this Act;

"(G) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the disabled, by incorporating pedagogical strategies and techniques which meet their educational need;

"(H) if the State's needs assessment under subsection (C) demonstrates a need for professional development, describe how the State will—

"(i) work with teachers, including teachers in schools receiving assistance under part A of title I of this Act, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in all the core academic subject areas, but especially in mathematics and science;

"(ii) take specific steps to review and, if necessary, reform State requirements for licensure of teachers and administrators, including certification and recertification, to align such requirements with challenging State content and performance standards; and

"(iii) address the need for improving teaching and learning through teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career; and

"(I) if the State's needs assessment under subparagraph (C) demonstrates a need for curricula development, describe—

"(i) a strategy for engaging teachers in the development of curricula that are aligned with State or local content and performance standards; and

"(ii) how the State will also work with administrators, parents, school board members, and other members of the community in developing high quality curricula that are aligned with State or local content and performance standards.

"(c) ADDITIONAL MATERIAL.—Each State application shall also include—

"(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act;

"(B) State and local funds;

"(C) resources from business and industry; and

"(D) funds from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"SEC. 2125. STATE-LEVEL ACTIVITIES.

"(a) ACTIVITIES.—Each State may use funds reserved under section 2123(a)(2) to carry out activities referred to in section 2124(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies especially schools and local educational agencies that receive assistance under part A of title I of this Act, to help such schools and agencies provide effective professional development in the core academic subjects and develop high quality curricula;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content assessment and pedagogy;

"(5) supporting partnerships between schools, consortia of schools, or local education agencies and institutions of higher education, including but not limited to schools of education, which would encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and to encourage students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

"(6) enhancing the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas including—

"(A) efforts to train teachers in the innovative uses and application of instructional technology;

"(B) utilizing and strengthening existing telecommunications infrastructure dedicated to educational purposes; and

"(C) efforts to train teachers in methods for achieving gender equity both in access to and teaching practices used in the application of educational technology;

"(7) providing incentives for teachers to be involved in curriculum development and technical assistance processes for teachers and students;

"(8) professional development enabling teachers and other school staff to ensure that girls, young women, minorities, limited English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve challenging State performance standards in the core academic subjects by, for example, encouraging girls, young women, and minorities to pursue advanced courses in mathematics and science;

"(9) designing professional development activities that increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects; and

"(10) developing high quality curriculum that is aligned with State or local content and performance standards.

"(b) Alternative Methods.—Nothing in this section shall be construed to prevent a State from implementing alternative methods of teacher certification.

"SEC. 2126. LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.

"(a) Local Application.—(1) Each local educational agency that wishes to receive a subgrant under this subpart shall submit an application (singly or as a consortia as described in section 2123(b)) to the State educational agency at such time as the State educational agency shall require, but not less frequently than every 3rd year.

"(2) If the local educational agency has an application approved by the State under title III of the Goals 2000: Educate America Act, the application required by this section shall be a component of (or, if necessary, an addendum to) its Goals 2000 application.

"(3) A local education agency shall set specific performance indicators for improving teaching and learning through professional development and curriculum development.

"(4) A local educational agency shall submit, as part of its application, the results of the needs assessment conducted under subsection (b), and the local educational agency plan developed in accordance with subsection (c).

"(b) Needs Assessment.—(1) A local educational agency that wishes to receive a subgrant under this subpart shall include in its application an assessment of such agency's need for professional development, for the development of high quality curricula that are aligned with State or local content and performance standards.

"(2) Such needs assessment shall be carried out with the involvement of teachers, including teachers in schools receiving assistance under part A of title I of this Act, and shall take into account what activities need to be conducted in order to give teachers and administrators the means, including the knowledge and skills, to provide students with the opportunity to meet challenging State or local performance standards.

"(c) Plan Development.—(1) The plan required under this subsection shall be developed jointly by the local educational agency and by teachers from the core academic disciplines.

"(2) Such teachers shall also be representative of the grade spans within schools to be served and of schools which receive assistance under part A of title I of this Act.

"(3) Based on the needs assessment required under subsection (b), the local educational agency's plan shall include the following—

"(A) a description of the local educational agency's strategy to improve teaching and learning in every school;

"(B) a description of how the plan contributes to the local educational agency's overall efforts for school reform and educational improvement;

"(C) a description of the activities the local educational agency intends to undertake under this subpart consistent with such agency's needs assessment conducted under subsection (b);

"(D) a description of how the plan has maintained funding for professional development activities in mathematics and science education;

"(E) a description of how the activities funded under this section will address the needs of teachers in schools receiving assistance under part A of title I of this Act;

"(F) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the disabled, by incorporating pedagogical strategies and techniques which meet their educational need;

"(G) an assurance that the activities conducted with funds received under this program will be assessed at least every 3 years using the performance indicators;

"(H) a description of how the program funded under this subpart will be coordinated, as appropriate, with—

"(i) activities conducted under section 2130 and other services of institutions of higher education;

"(ii) similar State and local activities;

"(iii) resources provided under part A of title I and other parts of this Act, particularly part B of this title;

"(iv) resources from business, industry, private nonprofit organizations (including museums, libraries, educational television stations, community-based organizations, professional organizations and associations specializing in, or with a demonstrated expertise in the core academic disciplines);

"(v) funds or programming from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Humanities, and the National Endowment for the Arts; and

"(vi) an identification of funding that will provide the local educational agency's contribution under section 2127.

"SEC. 2127. LOCAL COST SHARING.

"(a) In General.—Each local educational agency shall bear not less than 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private schoolteachers.

"(b) Available Resources for Cost-Sharing.—A local educational agency may meet the requirements of subsection (a) through one or more of the following:

"(1) Cash expenditures from non-Federal sources, including private contributions, directed toward professional development and curriculum development activities.

"(2) Release time for teachers participating in professional development or curricula development funded under this subpart.

"(3) Funds received under one or more of the following programs, if used for professional development or curricula development activities consistent with this subpart and consistent with the statutes under which such funds are provided, then such funds must be used for the benefit of students and teachers in the schools that would otherwise have been served with such funds:

"(A) Part A of title I of this Act.

"(B) The Safe and Drug Free Schools program under title IV of this Act.

"(C) The bilingual education program under title VII of this Act.

"(D) The Women's Educational Equity Program under title III of this Act.

"(E) Title III of the Goals 2000: Educate America Act.

"(F) Programs that are related to the purposes of this Act that are administered by other agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

"(c) Waiver.—The State educational agency may approve an application which has not fully met the requirements of subsection (a) and waive the requirements of subsection (a) if a local educational agency can demonstrate that it is unable to meet the requirements of subsection (a) due to economic hardship and that compliance with such requirements would preclude its participation in the program.

"SEC. 2128. ALLOWABLE ACTIVITIES.

"(a) Authorized Activities.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that give teachers and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content and performance standards. Funds received by local educational agencies under this subpart only shall be used for the activities specified under subsections (b) and (c).

"(b) Professional Development.—If a needs assessment conducted under section 2126(b) determines that funds under this subpart should be used to provide professional development in the core academic subjects for teachers and other school staff, the local educational agency shall use such funds for professional development for teachers and other staff to support teaching consistent with State, or local content standards, and shall, to the extent practicable, coordinate such activities with institutions of higher education and activities under section 2129:

"(1) Professional development activities funded under this subpart shall—

"(A) be tied to challenging State or local content and student performance standards;

"(B) reflect recent research on teaching and learning;

"(C) incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards;

"(D) include strong academic content and pedagogical components;

"(E) be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) be part of the everyday life of the school and create an orientation toward continuous improvement throughout the school.

"(2) Funds under this subpart may be used for professional development activities such as—

"(A) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or local content standards;

"(B) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, community-based organizations, and other providers including museums and educational partnership organizations;

"(C) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that knowledge and skills learned by the teacher are implemented in the classroom;

"(D) support for partnerships between schools, consortia of schools, or local education agencies and institutions of higher education, including but not limited to schools of education, which would encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and to encourage students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

"(E) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(F) activities to prepare teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

"(G) activities to enable teachers to ensure that girls, young women, minorities, limited-English proficient students, individuals with disabilities, and economically disadvantaged individuals the opportunity to achieve the challenging State performance standards in the core academic subjects;

"(H) professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and females teaching in the core academic subject in which they are underrepresented;

"(I) other sustained and intensive high-quality professional development activities in the core academic subjects.

"(c) CURRICULUM DEVELOPMENT.—(1) If the needs assessment of a local educational agency determines that funds under this subpart should be used for curriculum development including the development of high quality standards, assessments, and other methods needed to provide teachers with the tools necessary to improve student achievement, such agency shall use the funds provided to develop high quality curricula that is aligned with State or local content and performance standards.

"(2) Funds may be used to purchase the curriculum materials to the extent such materials are essential components of the local educational agency's plan to improve teaching and learning in the core academic subjects.

"SEC. 2129. HIGHER EDUCATION ACTIVITIES.

"(a) GENERAL.—(1) The State agency for higher education, working in conjunction with the State educational agency (if it is a separate agency), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit organizations including museums and educational partnership organizations, which demonstrate consultation and cooperation with a local education agency, consortium of local education agencies, or schools, for—

"(A) professional development activities in the core academic subject areas that contribute to the State plan for professional development;

"(B) engaging teachers in the development of high-quality curricula that are aligned with State or local content and performance standards;

"(C) developing and providing assistance to local education agencies, and the teachers and staff of each such agency, for sustained, high-quality professional development activities;

"(D) improving teacher education programs in order to promote further innovation in teacher education programs within an institution of higher education and to better meet the needs of the local education agencies for well-prepared teachers;

"(2) All such awards shall be made on a competitive basis.

"(3) No institution of higher education may receive assistance under subsection (a)(1) of this subsection unless the institution enters into an agreement with a local education agency, or consortium of such agencies, to provide sustained, high-quality professional development for the elementary and secondary school teachers in the schools of each such agency.

"(4) Each project funded under this section shall involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which assistance may be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use those funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts;

"(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development such as—

"(A) establishment and maintenance of professional networks of teachers that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(B) programs that prepare teachers to be effective users of information technology, able to integrate technology into their pedagogy and their instructional practices, and able to enhance their curricular offerings by appropriate applications of technology;

"(C) programs that utilize information technology to deliver sustained and intensive high quality professional development activities for teachers;

"(D) activities to enable teachers to ensure that girls, young women, minorities, limited-English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve the challenging State performance standards in the core academic subjects;

"(E) professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and other underrepresented groups teaching in the core academic subjects, particularly in mathematics and science;

"(F) establishment of professional development academies operated as partnerships between one or more elementary or secondary schools and one or more institutions of higher education to provide school-based teacher training that provides prospective, novice, and experienced teachers with an opportunity to work under the guidance of master teachers and college faculty members; and

"(G) technical assistance to local educational agencies in providing sustained and intensive high quality professional development activities for teachers.

"Subpart 3—General Provisions

"SEC. 2131. REPORTING AND ACCOUNTABILITY.

"(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every 3 years on the State's progress toward the performance indicator identified in its State plan, as well as on the effectiveness of State and local activities under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every 3 years on its progress toward the outcome performance indicators in its plan.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

"(d) PROHIBITION ON FUNDS BEING USED FOR CONSTRUCTION OR RENOVATION.—Funds received under this part shall not be used for construction or renovation of buildings, rooms, or any other facilities.

"SEC. 2132. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goal Three as set out in section 102(3) of such Act.

"(2) The term 'performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—

"(A) the degree to which licensure requirements are tied to State standards;

"(B) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(C) effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards.

"(3) The term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State or voluntary national content and performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;

"(C) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to assure that all students have the opportunity to achieve challenging performance standards;

"(D) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(E) recognize teachers as an important source of knowledge that should inform and help shape professional development.

"(4) The term 'local standard' means challenging content and performance standards in the core subjects (in addition to State content and performance standards approved by the State for title I).

"PART B—INNOVATIVE EDUCATION PROGRAM STRATEGIES

"SEC. 2201. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that chapter 2 of the Education Consolidation and Improvement Act of 1981 has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this part:

"(1) To support local education reform efforts which are consistent with and support statewide reform efforts under the Goals 2000 Educate America Act.

"(2) To support State and local efforts to accomplish the National Education Goals.

"(3) To provide funding to enable State and local educational agencies to implement promising educational reform programs that can be supported by State and local sources of funding after such programs are demonstrated to be effective.

"(4) To provide a continuing source of innovation, educational improvement, and support for library services and instructional materials, including media materials and,

"(5) To meet the special educational needs of at risk and high cost students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own districts.

"SEC. 2202. DEFINITION.

"For the purposes of this part the term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

"(A) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

"(B) emphasis on the acquisition of basic and higher order skills;

"(C) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

"(D) a climate of expectation that virtually all children can learn under appropriate conditions; and

"(E) continuous assessment of students and programs to evaluate the effects of instruction.

"SEC. 2203. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this part, there are authorized to be appropriated such sums for fiscal years 1995 through 1999.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending, September 30, 1999, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this section.

"Subpart 1—State and Local Programs

"SEC. 2211. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this subpart:

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 2212. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families,

"(2) children from low-income families, and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—(1) The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools, and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this part, for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

"(2)(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families,

"(ii) children from low-income families, or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) From the funds paid to it pursuant to section 2203 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 2223 the amount of its allocation as determined under subsection (a).

"(2)(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"Subpart 2—State Programs

"SEC. 2221. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this section only for—

"(1) State administration of programs under this section including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this part; and

"(2) technical assistance and direct grants to local educational agencies and statewide education reform activities, including effective schools programs, which assist local educational agencies to provide targeted assistance.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 2223. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive a grant under this subpart shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part;

"(2)(A) provides for an annual submission of data on the use of funds, the types of services furnished, and the students served under this section; and

"(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this subpart;

"(3) sets forth the allocation of such funds requested to implement section 2252;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(5) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision making processes of local educational agencies as to the expenditure made pursuant to an application under section 2233; and

"(6) contain assurances that there is compliance with the specific requirements of this part.

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average of $5,000 each under this section need not be audited more frequently than once every 5 years.

"Subpart 3—Local Targeted Assistance Programs

"SEC. 2231. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds allocated for use under this subpart shall be used by local educational agencies for targeted assistance described in subsection (b).

"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) include—

"(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

"(2) instructional and educational materials, assessments, and library services and materials (including media materials) tied to high academic standards and which are part of an overall education reform program;

"(3) promising education reform projects, including effective schools and 21st Century Learning Center school projects in accordance with subpart 4; and

"(4) computer hardware and software purchased under this section should be used only for instructional purposes.

"SEC. 2232. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this part, each State or local educational agency may use funds reserved for this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums , and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 2233. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this subpart for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1)(A) sets forth the planned allocation of funds among targeted assistance programs described in section 2231 of this part and describes the programs, projects and activities designed to carry out such targeted assistance which it intends to support, together with the reasons for selection of such programs, projects and activities; and

"(B) sets forth the allocation of such funds required to implement section 2252;

"(2) describes how assistance under this section will contribute to meeting the National Education Goals and improving student achievement or improving the quality of education for students;

"(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section ____;

"(4) agrees to keep such records, and provide such information to the State educational agency as may reasonably be required for fiscal audit and program evaluation, concession with the responsibilities of the State agency under this part; and

"(5) provides in the allocation of funds for the assistance authorized by this part, and in the design, planning and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local education agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this section (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"Subpart 4—21st Century Community Learning Centers

"SEC. 2241. FINDINGS.

"The Congress finds that—

"(1) there are influences outside of school which affect the ability of a child to achieve academically and schools are in a unique position to identify student and family needs to coordinate programs;

"(2) access to health and social service programs can assist children and their families to improve the ability of the family to take an active role in their child's education;

"(3) coordination of health and social service programs with education can help the Nation meet the National Education Goals and ensure better outcomes for children;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful;

"(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities; and

"(6) local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages.

"SEC. 2242. FUNDS FOR COMMUNITY LEARNING CENTERS.

"(a) IN GENERAL.—Local educational agencies may use funds provided under section 2212 to pay the Federal share of the cost for enabling schools to serve as centers for the delivery of education and human services for members of a community.

"(b) USES OF FUNDS.—Local educational agencies may use funds provided under section 2212 for projects described under this subpart.

"SEC. 2243. PROGRAMS.

"Local educational agencies that receive funds under this subpart may develop programs that include—

"(1) literacy education programs;

"(2) senior citizen programs;

"(3) children's day care services;

"(4) integrated education, health, social service, recreational, or cultural programs;

"(5) summer and weekend school programs in conjunction with summer recreation programs;

"(6) nutrition programs;

"(7) expanded library service hours to serve community needs;

"(8) telecommunications and technology education programs for all ages;

"(9) parenting skills education programs;

"(10) support and training for child day care providers;

"(11) employment counseling, training, and placement;

"(12) services for students who withdraw from school before graduating high school, regardless of age; and

"(13) services for individuals who are either physically or mentally challenged.

"SEC. 2244. REQUIREMENTS.

"A local educational agency that uses funds to develop programs under this subpart shall, at the end of the first year for which funds are used for this purpose, provide information to the State educational agency which describes the activities and projects established with funds under this subpart and includes—

"(1) information on the comprehensive local plan that enables such school to serve as a center for the delivery of education and human services for members of a community; and

"(2) information on the initial evaluation of needs, available resources, and goals and objectives for the proposed community education program and how such evaluation was used to determine the program developed to address such needs; including—

"(A) the mechanism used to disseminate information in a manner understandable and accessible to the community;

"(B) identification of Federal, State, and local programs merged or coordinated so that public resources could be maximized;

"(C) a description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school will assist as a delivery center for existing and new services; and

"(E) the establishment of the facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

"SEC. 2245. DEFINITION.

"For purposes of this subpart, the term 'Community Learning Center' means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, cultural, recreational, and other community and human service entities.

"Subpart 5—General Administrative Provisions

"SEC. 2251. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 2252. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

"(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

"(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

"(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WAIVER AND PROVISION OF SERVICES.—(1) If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this part.

"(h) REVIEW.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 2253. EVALUATIONS AND REPORTING.

"(a) LOCAL EDUCATIONAL AGENCIES.—A local educational agency which receives financial assistance under this part shall report annually to the State educational agency on the use of funds under section 2431. Such reporting shall be carried out in a manner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

"(b) STATE EDUCATIONAL AGENCIES.—A State educational agency which receives financial assistance under this part shall evaluate the effectiveness of State and local programs under this part in accordance with section 2423(a)(4)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

"(c) REPORTS.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this part.

"(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this part.

"(B) The Secretary shall not later than October 1, 1998, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this part.

"SEC. 2254. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 2255. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

"(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this part.

"(b) APPLICABILITY.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this part with respect to the programs authorized by this part:

"(1) Section 410(a)(1) of the General Education Provisions Act is superseded by section 2254(b) of this part.

"(2) Section 433(a) of such Act is superseded by section 2254(a) of this part.

"(3) Section 436 of such Act is superseded by sections 2223 and 2233 of this part.

(c) SPECIAL RULE.—Sections 440, 441, and 442 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, may not apply to the programs authorized by this part and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this part.

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"SEC. 2301. FINDINGS.

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to meet challenging State standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement programs under this Act;

"(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

"SEC. 2302. PURPOSE.

"The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act; and

"(2) coordinating those programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

"SEC. 2303. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is also authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.

"SEC. 2304. ELIGIBLE ENTITIES.

"The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of those agencies and organizations.

"SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

"Each comprehensive regional center established under section 2203(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) Instruction, curriculum improvement, school reform, and other aspects of title I of this Act.

"(B) Development and operation of successful schoolwide programs under title I of this Act, including integrating programs to serve children in high-poverty areas, migratory children, children with limited English proficiency, neglected and delinquent children, homeless children and youth, Indian children, and children with disabilities.

"(C) Meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities.

"(D) Professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards.

"(E) Bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding.

"(F) Safe and drug-free schools.

"(G) Educational applications of technology.

"(H) Parent involvement and participation.

"(I) The reform of schools and school systems.

"(J) Program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

"The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.

"SEC. 2307. TRANSITION.

"(a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART D—TECHNOLOGY FOR EXCELLENCE

"SEC. 2411. SHORT TITLE.

"This part may be cited as the 'Technology for Excellence in Education Act'.

"SEC. 2412. DEFINITIONS.

"(a) IN GENERAL.—The terms used in this part, unless otherwise specified, shall have the same meaning given to such terms in section 9101 of this Act.

"(b) ADDITIONAL DEFINITIONS.—For the purposes of this part—

"(1) the term 'Director' means the Director of Educational Technology as established in subpart 1; and

"(2) the term 'educational technology' includes closed circuit television systems, public telecommunications entities, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser, and CD ROM disc, video and audio tapes, and other technologies related to educational services.

"Subpart 1—National Leadership for Educational Technology

"SEC. 2421. PURPOSES.

"The purposes of this subpart are—

"(1) to establish a national agenda for the use of technology in education to assist all students in attaining world-class academic standards as a means to increasing academic achievement and learning and reaching the National Education Goals;

"(2) to assure that all children in the United States start school ready to learn;

"(3) to increase the high school graduation rate to at least 90 percent;

"(4) to provide all students the opportunity to demonstrate competency in challenging subject matter in core areas and ensure that all students learn to use their minds well;

"(5) to increase the mathematics and science achievement of all students;

"(6) to provide the opportunity for all adult Americans to achieve literacy;

"(7) to ensure that every school in the United States is free of drugs and violence and will offer a disciplined environment conducive to learning;

"(8) to coordinate Federal programs—whose support already accounts for 50 percent of all funds used by schools to purchase software, integrated learning systems, and hardware—that provide for the development, purchase, or use of technology in education, including programs administered by the Department of Education and those administered by other Federal Departments;

"(9) to develop national standards and guidelines for State and local educational agencies to guide future projects and coordinate existing projects to ensure the compatibility of education-related computer and telecommunications networks on a national level; and

"(10) to permit funds distributed to the States and localities under existing Federal programs to be used for education-related technology purposes.

"SEC. 2422. DIRECTOR OF EDUCATIONAL TECHNOLOGY.

"The Secretary shall appoint a Director of Educational Technology within the Department of Education. The Director shall be compensated at an annual rate of not less than a level GS–15 employee under section 5332 of title 5, United States Code.

"SEC. 2423. DUTIES OF DIRECTOR.

"(a) DUTIES.—The duties of the Director of Educational Technology are—

"(1) to provide national leadership regarding the use of technology in education at all levels in achieving the National Education Goals, including—

"(A) submission of an annual report to Congress regarding education-related technology use and recommendations for the continuation of current and the development of future uses of technology to achieve the National Education Goals;

"(B) promotion of the use of technology to achieve the National Education Goals in programs that receive Federal assistance, particularly programs under titles I and II of this Act;

"(C) the development of support programs designed to increase the access of all children, particularly disadvantaged children from rural and urban poverty areas, to high-level learning through the use of quality technologies; and

"(D) the support of research, development, evaluation, and dissemination of educational technologies;

"(2) to provide a mechanism for coordinating existing Federal programs across agencies to encourage joint funding, planning, and implementation of projects;

"(3) to provide a mechanism for the development of standards and guidelines for State and local educational agencies in conjunction with industry to ensure the compatibility of educational computer and telecommunications networks on a national level; and

"(4) to provide support and training programs to educators in the use of technology to help obtain the National Education Goals.

"Subpart 2—State Planning Grants

"SEC. 2431. PURPOSES.

"The purposes of this subpart are—

"(1) to ensure that State educational agencies have a clear, long-term strategic plan for incorporating the use of technology in education; and

"(2) to allow States which have developed a State technology plan to allocate planning funds to local educational agencies to implement strategies developed in such plan.

"SEC. 2432. STATE PLANNING GRANTS.

"The Secretary of Education is authorized to provide a one-time competitive grant to State educational agencies 50 percent of which shall be allocated in accordance with the relative amount the State received under title 1 of this Act for the preceding fiscal year and 50 percent of which shall be allocated in accordance with the relative amount the State received under part B of this title for the preceding fiscal year.

"SEC. 2433. AUTHORIZED ACTIVITIES.

"(a) STATE PLANS.—A State educational agency which receives a grant under this subpart shall not later than 1 year after receipt of funds under this subpart undertake public hearings and complete a comprehensive State plan which includes—

"(1) overall strategic goals for the use of technology in education at all levels within the State;

"(2) a 5-year standards and assessment process to measure progress toward the goals in paragraph (1);

"(3) a follow-up 10-year standards and assessment process to measure progress toward the goals in paragraph (1);

"(4) guidelines for local educational agencies for the incorporation of educational technology into institutions of education at all levels;

"(5) a plan for the dissemination and sharing of information to local educational agencies about innovative and cost-effective uses of educational technology;

"(6) a plan for training educational personnel in the use of technology in the classroom;

"(7) a coordination plan providing mechanisms for the use of educational technology to assist existing and future education reform efforts at both the State and local levels; and

"(8) a plan to leverage public and private support for the funding and provision of educational technology in a cost-effective manner to institutions of education at all levels.

"(b) DEMONSTRATION SUBGRANTS.—States that have completed the State technology plan under subsection (a) may allocate funds received under this section as competitive subgrants to local educational agencies to implement strategies in such plan following the procedures in subpart 3.

"SEC. 2434. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1994 and such sums for fiscal years 1995–1999 to carry out the purposes of this subpart.

"Subpart 3—Local Challenge Grants

"SEC. 2441. PURPOSE.

"The purposes of this subpart are—

"(1) to challenge local communities to incorporate quality, innovative educational technology in their education systems at all levels; and

"(2) to provide practical models of educational technology as provided for in the goals and guidelines under the State plans required in subpart 2.

"SEC. 2442. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—(1) The Secretary is authorized to provide grants to State educational agencies for the use by local educational agencies of 3-year competitive demonstration grants to implement State technology plans.

"(2) Such grants may be awarded only to States which have completed the State technology plan required by subpart 2. The Secretary may waive this requirement if a State has a plan in place which meets the criteria established in subpart 2.

"(3) The State shall give priority consideration to demonstration programs that provide access to quality educational technology to disadvantaged urban and rural areas.

"(4) The State shall give priority consideration to demonstration programs that may be replicated in other areas throughout the Nation.

"(b) DISSEMINATION OF MODEL PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds authorized under this title to allow the Director of Educational Technology to disseminate effective models of the use of high-quality educational technology on a national basis.

"(c) MATCHING REQUIREMENT.—(1) The Federal share under this subpart may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this subpart;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this subpart;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this subpart;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this subpart; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this subpart.

"(2) The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this subpart.

"SEC. 2443. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $25,000,000 for fiscal year 1994 and such sums as may be necessary to carry out the projects under this subpart for each of the fiscal years 1995 through 1999.

"Subpart 4—Star Schools Program

"SEC. 2451. FINDINGS.

"The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

"(3) distance learning programs could also be used to—

"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals; and

"(D) expand learning opportunities for everyone.

"SEC. 2452. STATEMENT OF PURPOSE.

"The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—

"(1) improve teaching and learning;

"(2) achieve the National Education Goals;

"(3) all students learn to challenging State content standards; and

"(4) increase participation in State and local educational reform.

"SEC. 2453. PROGRAM AUTHORIZED.

"(a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including—

"(1) developing, constructing, and acquiring telecommunications facilities and equipment;

"(2) developing and acquiring instructional programming; and

"(3) providing technical assistance regarding the use of such facilities and instructional programming.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) LIMITATIONS.—(1) A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any one fiscal year.

"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

"(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

"(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"SEC. 2454. ELIGIBLE ENTITIES.

"(a) ELIGIBLE ENTITIES.—(1) The Secretary may make a grant under section 2221 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

"(2) An eligible entity may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or

"(B) any two or more of the following, which will provide a telecommunications network:

"(i) a local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act;

"(ii) a State educational agency;

"(iii) an institution of higher education or a State higher education agency;

"(iv) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(v)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vi) a public or private elementary or secondary school.

"SEC. 2455. APPLICATIONS.

"(a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(b) STAR SCHOOL AWARD APPLICATIONS.—Each application for a grant authorized under section 2221 shall—

"(1) describe—

"(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;

"(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;

"(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;

"(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;

"(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and

"(v) the development of educational and related programming for use on a telecommunications network;

"(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level;

"(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart;

"(G) how existing telecommunications equipment, facilities, and services, where available, will be used;

"(H) the activities or services for which assistance is sought, such as—

"(i) providing facilities, equipment, training services, and technical assistance;

"(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(iii) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

"(iv) sharing curriculum materials between networks;

"(v) providing teacher and student support services;

"(vi) incorporating community resources such as libraries and museums into instructional programs;

"(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and

"(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

"(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and

"(3) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

"(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 2221, give priority to applications that—

"(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

"(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 2221, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

"SEC. 2456. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) SET-ASIDE.—From amounts appropriated under section 2221(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—(1) Funds reserved for leadership activities may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) Funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program under this subpart and of distance learning in general, including—

"(A) analyses of distance learning efforts, including both Star Schools projects and efforts not funded by the program under this subpart; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) Funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

"SEC. 2457. DEFINITIONS.

"For the purpose of this subpart, the following terms have the following meanings:

"(1) The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

"(2) The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

"(3) The term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934.

"Subpart 5—Commission on Technology

"SEC. 2461. ESTABLISHMENT OF COMMISSION.

"The Secretary, in cooperation with the Congressional Office of Technology Assessment, shall appoint a Commission that will make recommendations regarding the development and implementation of technology-based education at the State and local levels.

"TITLE III—FUND FOR THE IMPROVEMENT OF EDUCATION

"PART A—IMPROVEMENT FUND

"SEC. 3201.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—(1) Funds under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) research and development related to content and performance standards for student learning; and

"(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to charter schools, public school choice and school based decision-making;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote environmental education;

"(F) activities to assist students to demonstrate competence in foreign languages;

"(G) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(H) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(I) other programs and projects that meet the purposes of this section.

"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.

"(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.

"(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"PART B—GIFTED AND TALENTED CHILDREN

"SEC. 3301. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 3302. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares that—

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and its security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to high standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to develop a rich and challenging curriculum for all students.

"(b) Statement of Purpose.—

"(1) It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students. In addition, the purpose of this part is to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part.

"(2) It is also the purpose of this part to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 3303. DEFINITIONS.

"For purposes of this part, the term 'gifted and talented students' means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"SEC. 3304. AUTHORIZED PROGRAMS.

"(a) Establishment of Program.—

"(1) From the sums appropriated under section 3308 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this Act that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) Applications for funds must include a section on how the proposed gifted and talented services, materials, and methods could be adapted, if appropriate, for use by all students and a section on how the proposed programs can be evaluated.

"(b) Uses of Funds.—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel involved in gifted and talented programs with respect to the impact of gender role socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques, and practices;

"(4) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

"(5) programs of technical assistance and information dissemination which would include how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(6) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) Establishment of National Center.—

"(1) The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (5) of subsection (b).

"(2) Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) Limitation.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsections (b)(5) or (c).

"(e) Coordination.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Education Research and Improvement.

"SEC. 3305. PROGRAM PRIORITIES.

"(a) General Priority.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities; and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and service to gifted and talented students, such as mentoring and apprenticeship programs.

"(b) Service Priority.—In approving applications under section 3304(a) of this part, the Secretary shall assure that in each fiscal year at least one-half of the applications approved address the priority in section 3305(a)(1).

"SEC. 3306. GENERAL PROVISIONS.

"(a) Participation of Private School Children and Teachers.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) Review, Dissemination, and Evaluation.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"SEC. 3307. ADMINISTRATION.

"The Secretary shall establish or designate an administrative unit within the Department of Education—

"(1) to administer the programs authorized by this part;

"(2) to coordinate all programs for gifted and talented students administered by the Department;

"(3) to serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(4) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented students.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999 to carry out the provisions of this part.

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 3401. PURPOSE.

"It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of those schools on improving student achievement, including their effects on students, staff, and parents.

"SEC. 3402. PROGRAM AUTHORIZED.

"(a) GENERAL.—The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

"(b) PROJECT PERIODS.—Each such grant shall be for a period of not more than three years, of which the grantee may use—

"(1) no more than 18 months for planning and program design; and

"(2) no more than two years for the initial implementation of the charter school.

"(c) LIMITATION.—The Secretary shall not make more than one grant to support a particular charter school.

"SEC. 3403. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) SCOPE OF APPLICATION.—Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

"(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—

"(1) a description of the educational program to be implemented by the proposed charter school, including—

"(A) how the program will enable all students to meet challenging State performance standards;

"(B) the grade levels or ages of children to be served; and

"(C) the curriculum and instructional practices to be used;

"(2) a description of how the school will be managed;

"(3) a description of—

"(A) the objectives of the school; and

"(B) the methods by which the school will determine its progress toward achieving those objectives;

"(4) a description of the administrative relationship between the charter school and the local educational agency that will authorize or approve the school's charter and act as the grantee under this part;

"(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(6) a description of how the local educational agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

"(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(8) a description of how the grant funds would be used;

"(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

"(10) a description of how students in the community will be—

"(A) informed about the school; and

"(B) given an equal opportunity to attend the school;

"(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

"(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

"(13) such other information and assurances as the Secretary may require.

"(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

"(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

"SEC. 3404. SELECTION OF GRANTEES; WAIVERS.

"(a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the school;

"(5) the quality of the plan for assessing achievement of those objectives; and

"(6) the likelihood that the school will meet those objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

"(2) represent a variety of educational approaches.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

"(1) the waiver is requested in an approved application or by a grantee under this part; and

"(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

"SEC. 3405. USES OF FUNDS.

"A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment;

"(C) acquiring or developing curriculum materials; and

"(D) other operational costs that cannot be met from State or local sources.

"SEC. 3406. NATIONAL ACTIVITIES.

"The Secretary may reserve up to 10 percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications under section 3404(b); and

"(2) an evaluation of the impact of charter schools on student achievement, including those assisted under this part.

"SEC. 3407. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'charter school' means a school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the local educational agency applying for a grant on behalf of the school;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other public schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements; and

"(K) operates in accordance with State law.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a local educational agency, in partnership with a developer with an application approved under section 3403(d).

"SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART D—ARTS IN EDUCATION

"SEC. 3501. SUPPORT FOR ARTS EDUCATION.

"(a) Findings.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) this transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(7) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) Purpose.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to meet challenging standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) Eligible Recipients.—In order to carry out the purposes of this part, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) Authorized Activities.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) Coordination.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its project with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

"SEC. 3502. COMMUNITY ARTS PARTNERSHIP.

"(a) Purpose.—The purpose of this section is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"(b) Grants Authorized.—

"(1) In general.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in subsection (e).

"(2) Special requirements.—The Secretary shall award grants under this Act only to programs designed to—

"(A) promote educational and cultural services;

"(B) provide multi-year services to at-risk children and youth;

"(C) serve the target population described in subsection (e);

"(D) provide integration of community cultural resources in the regular curriculum;

"(E) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(F) provide effective cultural linkages from preschool programs, including the Head Start Act and preschool grants under the Individuals with Disabilities Education Act, to elementary schools;

"(G) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment;

"(H) increase parental and community involvement in the educational, social, and cultural development of at-risk youth; or

"(I) replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum.

"(3) Requirement of coordination.—Grants may only be awarded under this section to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this section, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) Duration.—Grants made under this section may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in application.

"(5) Geographic distribution.—In awarding grants under this part, the Secretary shall ensure—

"(A) an equitable geographic distribution; and

"(B) an equitable distribution to both urban and rural areas with a high proportion of at-risk youth as defined in subsection (e).

"(c) Eligibility.—

"(1) Services for in-school youth.—For the purpose of providing a grant under this section to serve in-school children and youth, the term 'eligible entity' means a partnership between a local education agency that is eligible for funds under title I of this Act, and at least 1 institution of higher education or cultural entity located within or accessible to the geographical boundaries of the local education agency with a history of providing quality services to the community, and which may include—

"(A) nonprofit institutions of higher education; museums; libraries; performing, presenting and exhibiting arts organizations; literary arts organizations; local arts organizations; and zoological and botanical organizations; and

"(B) private for-profit entities with a history of training children and youth in the arts.

"(2) Services for out-of-school youth.—For purposes of providing a grant under this part to serve out-of-school youth, the term 'eligible entity' means a partnership between at least 1 entity of the type described in paragraph (A) or (B) of subsection (1), or a local education agency eligible for funds under chapter 1 of title I of this Act and at least 1 cultural entity described in subsection (1).

"(d) Target Population.—In order to receive a grant under this section, an eligible entity shall serve—

"(1) students enrolled in schools in participating schoolwide projects assisted under title I of this Act and the families of such students; or

"(2) out-of-school youth at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, disability, limited English proficiency, family migration, illiteracy, being the child of a teen parent, living in a single parent household, or being a high school dropout; or

"(3) any combination of in school and out-of-school at-risk youth.

"(e) Authorized Activities.—

"(1) In general.—Funds made under this part may be used—

"(A) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school and out-of-school at-risk youth through cooperative agreements, contracts for services, or administrative coordination;

"(B) to provide at-risk students with integrated cultural activities designed to develop a love of learning to ensure the smooth transition of preschool children to elementary school;

"(C) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(D) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(E) to provide transportation necessary for participation in the program;

"(F) to work with existing school personnel to develop curriculum materials and programs in the arts;

"(G) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

"(H) for stipends that allow local artists to work with at-risk children and youth in the schools;

"(I) for cultural programs that encourage the active participation of parents in their children's education;

"(J) for programs that use the arts to reform current school practices, including lengthening the school day or academic year;

"(K) for appropriate equipment and necessary supplies; and

"(L) for evaluation, administration, and supervision.

"(2) PRIORITY.—In providing assistance under this part, the Secretary shall give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hours, that may include year round programs that provide services in the evenings and on weekends.

"(3) PLANNING GRANTS.—

"(A) APPLICATION.—An eligible entity may submit an application to the Secretary for planning grants for an amount not to exceed $50,000. Such grants shall be for periods of not more than 1 year.

"(B) LIMIT ON PLANNING GRANTS.—Not more than 10 percent of the amounts appropriated in each fiscal year under this part shall be used for grants under this subsection, and an eligible entity may receive not more than 1 such planning grant.

"(f) GENERAL PROVISIONS.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) describe, for a local educational agency participant, how services will be perpetuated beyond the length of the grant;

"(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site.

"(g) PAYMENTS—FEDERAL SHARE.—

"(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (g) the Federal share of the cost of the activities described in the application.

"(2) AMOUNTS OF GRANTS.—The amount of a grant made under this part may not be less than $100,000 or exceed $500,000 in the first year of such grant.

"(3) FEDERAL SHARE.—The Federal share shall be 80 percent.

"(4) NON-FEDERAL SHARE.—The non-Federal share shall be equal to 20 percent and may be in cash or in kind, fairly evaluated, including facilities or services.

"(5) LIMITATION.—Not more than 25 percent of any grant under this part may be used for noninstructional services such as those described in paragraphs D, E, and L of subsection (f).

"(6) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this part, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

"(7) DISSEMINATION OF MODELS.—The Secretary shall disseminate information concerning successful models under this part through the National Diffusion Network.

"SEC. 3503. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 3601. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (hereinafter in this section referred to as "the contractor") to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or by loan, to children up through high school age, including those in family literacy programs;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities, including children with serious emotional disturbance;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 4001. SHORT TITLE.

"This title may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"The Congress finds as follows:

"(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

"(2) The widespread illegal use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

"(4) The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

"(5) While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread. The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

"(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

"SEC. 4003. PURPOSE.

"The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to local and intermediate educational agencies and consortia for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) public and private non-profit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

"(5) institutions of higher education for the development and implementation of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and drugs by such students.

"SEC. 4004. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999; and

"(2) for national programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999.

"(b) AVAILABILITY.—(1) Appropriations for any fiscal year for payments made under this title in accordance with regulations of the Secretary may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

"(2) Funds appropriated for any fiscal year under this title shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4101. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4004(a)(1), the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with their respective needs;

"(2) shall reserve one percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth; and

"(3) may reserve no more than $1,000,000 for the national impact evaluation required by section 4106(a).

"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124 and 1124A of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments shall be made on the same basis as allotments made under paragraph (1).

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4102. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(3) has been developed in consultation with the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State child welfare agency, and the heads of the State criminal and juvenile justice planning agencies;

"(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4104;

"(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4106(a); and

"(6) includes any other information the Secretary may require.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4105;

"(3) a description of how the State educational agency will use funds it reserves under section 4103(b);

"(4) a description of how the State educational agency will coordinate its activities under this part with drug and violence prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4103(d)(2)(A)(i)(II) and how the supplemental funds will be allocated among those local educational agencies.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103A by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4103A will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4103A and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

"SEC. 4103. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than five percent of the amount reserved under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, counselors, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) demonstration projects in drug and violence prevention;

"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) the evaluation of activities carried out within the State under this part.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use no more than four percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 92 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A)(i) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(I) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(II) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(ii) To the extent practicable, not less than 25 percent of the amount specified in clause (i)(II) for a fiscal year shall be distributed to local educational agencies located in rural areas.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(i)(II) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider such factors as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court;

"(VII) high rates of expulsions and suspensions of students from schools; and

"(VIII) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to it under subsection (d), or if its application under section 4104 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—(1) Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this title receives its allocation under this title—

(A) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

(B) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

"(2) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

SEC. 4103A. GOVERNOR'S PROGRAMS.

(a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer may use no more than five percent of the amount reserved under paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (c) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"SEC. 4104. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4103(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities, including community service and service learning projects, and the agencies that administer them; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) an assessment of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4102 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

"(C) the local educational agency's comprehensive plan for programs to be carried out under this part;

"(D) how the local educational agency will use its regular allocation under section 4103(d)(2)(A)(i)(I) and its supplemental allocation, if any, under section 4103(d)(2)(A)(i)(II);

"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local education agency will coordinate its programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—(1) In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4102 and the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4105. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this part to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under this part; and

"(3) include community-based prevention and education activities in accordance with the requirements of subsection (c).

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this part may include—

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, counseling or rehabilitation referral;

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and

"(D) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) subject to the requirements of the matter following paragraph (8), not more than one half of the cost of—

"(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

"(B) acquiring and installing metal detectors and hiring security personnel;

"(6) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(7) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement;

"(8) the evaluation of any of the activities authorized under this subsection.

A local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for the activities described in paragraph (5).

"SEC. 4106. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the State educational agency shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4103(b) and local programs under section 4103(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under section 4103(b)(1).

"(2) The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"PART B—NATIONAL PROGRAMS

"SEC. 4201. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds appropriated under section 4004(a)(2), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, preschool through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention that are carried out in cooperation with other Federal agencies, including the Department of Health and Human Services, the Department of Justice, the Department of Housing and Urban Development, and the Department of Labor;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 509 of the Public Health Service Act;

"(4) the development, dissemination, and implementation of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students;

"(5) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary school children;

"(6) program evaluations that address issues not addressed under section 4106(a);

"(7) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(9) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(10) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(11) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility.

"(12) other activities that meet unmet national needs related to the purposes of this title; and

"(13) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking.

"(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"PART C—GENERAL PROVISIONS

"SEC. 4301. DEFINITIONS.

"For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(3) The term 'school-aged population' means the population aged five through 17, inclusive, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4302. MATERIALS.

"(a) 'Wrong and Harmful' Message.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) Curriculum.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4303. PROHIBITED USES OF FUNDS.

"No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

"SEC. 4304. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

"(a) In General.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

"(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

"(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

"(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

"(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

"(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

"(8) a biennial review by the applicant of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

"(b) Dissemination of Information.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

"(c) Certification to Secretary.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

"(d) Regulations.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

"(e) Appeal Regarding Termination of Assistance.—Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.

"TITLE V—MAGNET SCHOOLS ASSISTANCE

"PART A—PROMOTING EQUITY

"SEC. 5101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

"(2) the use of magnet schools has increased dramatically since enactment of the magnet program, with approximately 1.4 million students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering this program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

"(B) local educational agencies can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

"(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs are placed; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist local educational agencies to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue its support of local educational agencies implementing court-ordered desegregation plans and local educational agencies seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

"(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

"(C) maximize the ability of local educational agencies to plan, develop, implement and continue new and innovative programs in magnet schools that contribute to State and local systemic reform.

"SEC. 5102. STATEMENT OF PURPOSE.

"The purpose of this part is to assist in the desegregation of local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State performance standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"SEC. 5103. PROGRAM AUTHORIZED.

"The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5104. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5105. ELIGIBILITY.

"A local educational agency is eligible to receive assistance under this part if it—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—An application under this part shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this part have been continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with the State's and local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5103;

"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5107. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegragation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

"(5) propose to draw on comprehensive community involvement plans.

"SEC. 5108. USE OF FUNDS.

"(a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary to conduct programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part.

"(b) SPECIAL RULE.—With respect to subsections (a)(2) and (3), such grants may be used by eligible local educational agencies for such activities only if such activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 5109. PROHIBITIONS.

"Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

"SEC. 5110. LIMITATION ON PAYMENTS.

"(a) DURATION OF AWARDS.—Awards made under this part shall not exceed 3 years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 15 percent for the second year of the project, and up to 10 percent for the third year of the project.

"(c) LIMITATION ON GRANTS.—A local educational agency shall not receive more than $4,000,000 under this part in any one grant cycle.

"(d) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this part no later than June 1 of the applicable fiscal year.

"SEC. 5111. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

"(c) EVALUATIONS.—The Secretary may reserve not more than 2 percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

"PART B—WOMEN'S EDUCATIONAL EQUITY ACT

"SEC. 5201. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds and declares that—

"(1) educational programs in the United States are frequently inequitable as such programs relate to women and girls;

"(2) such inequities limit the full participation of all individuals in American society; and

"(3) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls.

"(b) PURPOSE.—The purpose of this part is to provide gender equity in education in the United States; to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and to provide equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

"SEC. 5202. PROGRAMS AUTHORIZED.

"The Special Assistant of the Office of Women's Equity is authorized—

"(1) to promote, coordinate and evaluate gender equity policies, programs, activities and initiatives in all federal education program and offices;

"(2) to develop, maintain, and disseminate materials, resources, analyses and research relating to education equity for women and girls;

"(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

"(4) coordinate gender equity programs and activities with other federal agencies with jurisdiction over education and related programs;

"(5) to provide grants to develop model equity programs;

"(6) to provide funds for the implementation of equity programs in schools throughout the Nation;

"(7) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

"(8) any other activities consistent with achieving the purposes of this part.

"SEC. 5203. LOCAL IMPLEMENTATION GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including students and community groups, for activities designed to achieve the purposes of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational/technical education; for the establishment and operation, for a period not to exceed four years, of local programs to ensure—

"(1) educational equity for women and girls

"(2) equal opportunities for both sexes

"(3) to conduct activities incident to achieving compliance with title IX of the Education Amendments of 1972; and

"(b) GRANT PROGRAM.—Authorized activities under subsection (a) may include—

"(1) introduction into the curriculum and classroom of curricula, textbooks, and other material designed to achieve equity for women and girls;

"(2) implementation of preservice and inservice training with special emphasis on programs and activities designed to provide educational equity for women and girls;

"(3) evaluation of promising or exemplary model programs to assess their ability to improve local efforts to advance educational equity for women and girls;

"(4) implementation of programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

"(5) implementation of guidance and counseling activities, including career education program, designed to ensure educational equity for women and girls;

"(6) implementation of nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

"(7) implementation of programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low income women; including underemployed and unemployed women and women receiving Aid to Families with Dependent Children benefits;

"(8) implementation of programs to improve representation of women in educational administration at all levels; and

"(9) planning, development and initial implementation of:

"(A) comprehensive plans for implementation of equity programs in state and local educational agencies and institutions of higher education; including community colleges;

"(B) innovative approaches to school-community partnerships for educational equity;

"(C) innovative approaches to equity programs addressing combined bias, stereotyping, and discrimination on the basis of sex and race, ethnic origin, limited English proficiency, and disability.

"(c) APPLICATION; PARTICIPATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant and in cooperation with appropriate educational and community leaders, including parent, teacher and student organizations, educational institutions, business leaders, community-based organizations serving women, and other significant groups and individuals;

"(2) describe a program for carrying out the purpose set forth in Section 5203(b) which holds promise of making substantial contribution toward attaining such purposes;

"(3) describe plans for continuation and institutionalization of the program with local support following completion of the grant period and termination of Federal support under this part; and

"(4) establish policies and procedures which ensure adequate documentation and evaluation of the activities intended to be carried out under the application.

"(d) CRITERIA; PRIORITIES; CATEGORIES OF COMPETITION.—The Secretary shall establish criteria, priorities, and categories of competition for awards under this part to ensure that available funds are used for those purposes that most effectively will achieve the purposes of the act.

"(1) The Criteria shall address the extent to which—

"(A) the program addresses the needs of women and girls of color and women and girls with disabilities:

"(B) the program meets locally defined and documented educational equity needs and priorities, including title IX compliance;

"(C) the program is a significant component of a comprehensive plan for educational equity and title IX compliance in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution;

"(D) the program implements an institutional change strategy with long-term impact and will continue as a central activity of the applicant agency or institution after the grant is completed.

"(2) The Secretary shall establish no more than four priorities, one of which shall be a priority for compliance with title IX of the Education Amendments of 1972. Not more than 60 percent of funds available in each fiscal year shall be allocated to programs under the four priorities.

"(3) The Secretary shall establish 3 categories of competition, distinguishing among three types of applicants and levels of education that shall include—

"(A) grants to local educational agencies, state education agencies, and other agencies and organizations providing elementary and secondary education;

"(B) grants to institutions of higher education, including community colleges and other agencies and organizations providing postsecondary education, including vocational-technical education, adult education, and other programs;

"(C) grants to non-profit organizations, including community-based organizations groups representing students, parents, and women, including women and girls of color and women and girls with disabilities.

"(e) REQUIREMENT.—Not less than 25 percent of funds used to support activities covered by subsection (b) shall be used for awards under each category of competition in each fiscal year.

"(f) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States, including at least one grant in each of the ten federal regions;

"(3) urban, rural, and suburban educational institutions.

"SEC. 5204. RESEARCH AND DEVELOPMENT GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including students, and community groups, for activities designed to achieve the purpose of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational-technical education; to develop model policies and programs, and to conduct research to address and ensure educational equities for women and girls, including but not limited to—

"(1) the development and evaluation of gender-equitable curricula, textbooks, software, and other educational material and technology;

"(2) the development of model preservice and inservice training programs for educational personnel with special emphasis on programs and activities designed to provide educational equity;

"(3) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity;

"(4) the development and evaluation of nondiscriminatory assessment systems;

"(5) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

"(6) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low income women; including underemployed and unemployed women, and women receiving Aid to Families with Dependent Children.

"(7) the development of instruments and strategies for program evaluation and dissemination of promising or exemplary programs designed to improve local efforts to achieve gender equity;

"(8) the development of instruments and procedures to assess the presence or absence of gender equity in educational settings;

"(9) the development and evaluation of various strategies to institutionalize gender equity in education.

"(b) APPLICATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) describe a plan for carrying out 1 or more research and development activities authorized in paragraph (a) above, which holds promise of making a substantial contribution toward attaining the purposes of this act; and

"(3) set forth policies and procedures which insure adequate documentation, data collection, and evaluation of the activities intended to be carried out under the application, including an evaluation or estimate of the potential for continued significance following completion of the grant period.

"(c) CRITERIA AND PRIORITIES.—(1) The Secretary shall establish criteria and priorities to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"(2) The criteria and priorities shall be promulgated in accordance with section 431 of the General Education Provisions Act.

"(3) In establishing priorities the Secretary shall establish no more than 4 priorities, 1 of which shall be programs which address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

"(d) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States;

"(d) COORDINATION.—Research activities supported under this part—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Women's Equity and the Office of Educational Research and Improvement.

"(f) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) for the purpose of carrying out the provisions of section 5203, there are authorized to be appropriated $3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999; and

"(2) for the purpose of carrying out the provisions of section 5204, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"TITLE VI—INDIAN EDUCATION

"SEC. 6001. FINDINGS.

"The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to achieve those standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster such involvement;

"(3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

"SEC. 6002. PURPOSE.

"(a) PURPOSE.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS AUTHORIZED.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6101. PURPOSE.

"It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content and student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(1) was at least 20; or

"(2) constituted not less than 25 percent of the agency's total enrollment.

"SEC. 6103. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANTS.—(1) The Secretary is authorized to allocate to each local educational agency which has an approved application under this part an amount equal to the product of—

"(A) the number of Indian children described in section 6106; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.

"(b) MINIMUM GRANT AMOUNT.—The Secretary shall not make a grant to a local educational agency if the amount determined under subsection (a) is less than $4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

"(1) the total amount so determined for such agencies is not less than $4,000;

"(2) such agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

"(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

"(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

"(2) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"SEC. 6104. APPLICATIONS.

"(a) GENERAL.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each such application shall include a comprehensive program for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students,

"(2)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if such plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;

"(3) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of such students;

"(4) demonstrates how funds under this part will be used for activities authorized by section 6105;

"(5) describes the professional development to be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the project have been properly trained to carry it out; and

"(6) describes how the agency—

"(A) will periodically assess the progress of all Indian children in its schools, including Indian children who do not participate in programs under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of that assessment to the parent committee described in subsection (c)(6) and to the community served by the agency; and

"(C) is responding to findings of any previous such assessments.

"(c) ASSURANCES.—Each such application shall also include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the Secretary's functions under this part; and

"(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;

"(3) the program for which assistance is sought has been based upon a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for which the local educational agency is providing an education;

"(4) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;

"(5) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which such persons have had a full opportunity to understand the program and to offer recommendations regarding such program;

"(6) the local educational agency has developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students and of which at least half the members are such parent;

"(B) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served; and

"(C) that, in the case of an application which includes a schoolwide project (as specified in section 6105(c) of this part) finds that such project will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(D) that adopts and abides by reasonable bylaws for the conduct of the activities of the committee.

"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the local educational agency shall obtain comments on the application from the State educational agency.

"(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.

"SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds for services and activities, consistent with the purpose of this part, that—

"(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of those students; and

"(3) supplement and enrich the regular school program.

"(b) PARTICULAR ACTIVITIES.—Such services and activities include—

"(1) culturally related activities which support the program set out in the application, as required in section 6104;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;

"(4) integrated educational services in combination with other programs meeting similar needs;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep, mentoring, and apprenticeship programs;

"(6) prevention of, and education about, substance abuse; and

"(7) acquisition of equipment, but only if such acquisition is essential to meet the purpose of this part.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made adequate provision for the participation of Indian children in such project and the involvement of Indian parents in the formulation of such project.

"SEC. 6106. STUDENT ELIGIBILITY FORMS.

"(a) The Secretary shall require that each application for a grant under this subpart for each fiscal year be supported by a form, maintained in the files of the applicant, for each eligible Indian child for whom the local educational agency is providing free public education that sets forth information establishing the status of the child as an eligible Indian child.

"(b) The Secretary shall request on the form required under subsection (a) at least the following information:

"(1) either—

"(A) the name of the tribe, band, or other organized group of Indians with which the child claims membership, along with the enrollment number establishing membership (if readily available), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians, or

"(B) if the child is not a member of a tribe, band, or other organized group of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any of the child's parents or grandparents, from whom the child claims eligibility;

"(2) whether the tribe, band, or other organized group of Indians with which the child, his parents, or grandparents claim membership is federally recognized;

"(3) the name and address of the parent or legal guardian;

"(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

"(5) any other information which the Secretary deems necessary to provide an accurate program profile.

"(c) Nothing in the requirements of subsection (b) may be construed as affecting the definition set forth in section 6601. In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at a minimum—

"(1) the child's name;

"(2) the name of the tribe, band, or other organized group of Indians; and

"(3) the parent's dated signature.

The failure of an applicant to furnish any other information listed in subsection (b) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child.

"(d) The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the only forms and standards of proof used to establish such eligibility and to meet the requirements of subsection (a).

"(e) For purposes of determining whether a child is an eligible Indian child, the membership of the child, or any parent or grandparent of the child, in a tribe, band, or other organized group of Indians may be established by proof other than an enrollment number, even if enrollment numbers for members of such tribe, band, or groups are available. Nothing in subsection (b) may be construed as requiring the furnishing of enrollment numbers.

"(f)(1)(A) The Secretary shall establish a method of auditing, on an annual basis, a sample of not less than one-fourth of the total number of local educational agencies receiving funds under this part and shall submit to the Congress an annual report on the findings of the audits.

"(B) For purposes of an audit conducted by the Federal Government with respect to funds provided under this part, all procedures, practices, and policies that are established by—

"(i) the Office of Indian Education of the Department of Education, or

"(ii) a grantee under this subpart who, in establishing such procedures, practices, and policies, was acting under the direction of any employee of such Office that is authorized by the Director of such Office to provide such direction,

shall, with respect to the period beginning on the date of the establishment of such procedures, practices, and policies, and ending on the date (if any) on which the Director of such Office revokes authorization for such procedures, practices, and policies, be considered appropriate and acceptable procedures, practices, and policies which are in conformity with Federal law.

"(C) A local educational agency may not be held liable to the United States, or be otherwise penalized, by reason of the findings of an audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) Any local educational agency that provides false information in the application for a grant under this subpart shall be ineligible to apply for any other grants under this part and shall be liable to the United States for any funds provided under this part that have not been expended.

"(3) Any student who provides false information on the form required under subsection (d)(1) may not be taken into account in determining the amount of any grant under this part.

"(g) For purposes of distribution of funds under this Act to schools funded by the Bureau of Indian Affairs, the Secretary shall use the count of the number of students in each such school funded under the Indian Student Equalization Formula developed pursuant to section 1128 of Public Law 95-561, in lieu of the requirements of this section.

"SEC. 6107. PAYMENTS.

"(a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section and shall notify such local educational agency of the amount no later than June 1 of the year in which the grant will be paid.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by such local agency for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was not less than 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates by local educational agencies or other information, will not be needed by such agencies to carry out their approved projects under this part; or

"(2) otherwise become available for reallocation under this part.

"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) IN GENERAL.—The Secretary shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate—

"(A) the provision of educational services not available to Indian children in sufficient quantity or quality, and

"(B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

"(b) DEMONSTRATION PROJECTS.—The Secretary is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, Indian organizations, and Indian institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services and other related activities which meet the special health, social, and psychological problems of Indian children; and

"(4) coordination of the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) SERVICES AND PROGRAMS TO IMPROVE EDUCATIONAL OPPORTUNITIES.—

"(1) The Secretary is authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Such grants may be used—

"(A) to provide educational services not available to such children in sufficient quantity or quality, including—

"(i) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(ii) comprehensive academic and vocational instruction;

"(iii) instructional materials (such as library books, textbooks, and other printed, published, or audiovisual materials) and equipment;

"(iv) comprehensive guidance, counseling, mentoring, and testing services;

"(v) special education programs for disabled and gifted and talented Indian children;

"(vi) early childhood programs, including kindergarten;

"(vii) bilingual and bicultural education programs; and

"(viii) other services which meet the purposes of this subsection; and

"(B) to establish and operate exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(2) In addition to the grants provided under paragraph (1), the Secretary is authorized to provide grants to consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education for the purpose of developing, improving, and implementing a program of—

"(A) encouraging Indian students to acquire a higher education, and

"(B) reducing the incidence of dropouts among elementary and secondary school students.

"(d) TRAINING.—

"(1) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(A) to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(B) to improve the qualifications of such persons who are serving Indian students in such capacities.

"(2) Grants made under this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(3) In programs funded by grants authorized under this subsection, preference shall be given to the training of Indians.

"(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.

"(d) APPLICATIONS FOR GRANTS.—

"(1) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

"(A) set forth a statement describing the activities for which assistance is sought;

"(B) in the case of an application for a grant under subsection (c)—

"(i) subject to such criteria as the Secretary shall prescribe, provide for—

"(I) the use of funds available under this section, and

"(II) the coordination of other resources available to the applicant,

in order to ensure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section, and

"(ii) provide for the training of personnel participating in the project; and

"(C) provide for an evaluation of the effectiveness of the project in achieving its purpose and the purposes of this section.

"(2)(A) The Secretary may approve an application for a grant under subsection (b) or (c) only if the Secretary is satisfied that such application, and any document submitted with respect thereto—

"(i) demonstrate that—

"(I) there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and

"(II) there will be such participation in the operation and evaluation of the project, and

"(ii) provide for the participation, on an equitable basis, of eligible Indian children—

"(I) who reside in the area to be served,

"(II) who are enrolled in private nonprofit elementary and secondary schools, and

"(III) whose needs are of the type which the program is intended to meet,

to the extent consistent with the number of such children.

"(B) In approving applications under this section, the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"SEC. 6202. SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN.

"(a) IN GENERAL.—

"(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the purpose of—

"(A) preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian people, and

"(B) providing in-service training for persons teaching in such programs.

"(2) Priority shall be given in the awarding of grants, and in the entering into of contracts, under subsection (a) to Indian institutions and organizations.

"(b) FELLOWSHIPS AND TRAINEESHIPS.—

"(1) In carrying out the provisions of this section, the Secretary is authorized to award fellowships and traineeships to individuals and to make grants to, and to enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the costs of education allowances.

"(2) In awarding fellowships and traineeships under this subsection, the Secretary shall give preference to Indians.

"(3) In the case of traineeships and fellowships, the Secretary is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

"SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) IN GENERAL.—During each fiscal year ending prior to October 1, 1999, the Secretary is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not more than 4 academic years leading toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to persons awarded fellowships under subsection (a) such stipends (including such allowances for subsistence of such persons and their dependents) the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship awarded under subsection (a) is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Secretary may determine to be necessary to cover the cost of education provided the holder of such a fellowship.

"(d) SPECIAL RULES.—

"(1) The Secretary may, if a fellowship awarded under subsection (a) is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.

"(2) By no later than the date that is 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of the amount of such fellowship and of any stipends or other payments that will be made under this section to, or for the benefit of, such individual for such academic term.

"(3) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—The Secretary shall, by regulation, require that individuals who receive training under this section perform related work and shall notify such local educational agency of the amount no later than June 1 of the year in which the grant will be paid following that training or repay all or part of the cost of the training.

"SEC. 6204. GIFTED AND TALENTED.

"(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish 2 centers for gifted and talented Indian students at tribally controlled community colleges.

"(b) DEMONSTRATION PROJECTS.—

"(1) The Secretary shall award separate grants to, or enter into contracts with—

"(A) 2 tribally controlled community colleges that—

"(i) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978, and

"(ii) are fully accredited, or

"(B) if acceptable applications are not submitted to the Secretary by 2 of such colleges, the American Indian Higher Education Consortium,

for the establishment of centers under subsection (a) and for demonstration projects designed to address the special needs of Indian students in elementary and secondary schools who are gifted and talented and to provide such support services to their families that are needed to enable the students to benefit from the project.

"(2) Any person to whom a grant is made, or with whom a contract is entered into, under paragraph (1) may enter into a contract with any other persons, including the Children's Television Workshop, for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

"(3) Demonstration projects funded under this section may include—

"(A) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these students and to the provision of those support services to their families that are needed to enable these students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions, and mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools which receive grants under subsection (c) with respect to the activities funded by such grants, the evaluation of programs at such schools funded by such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to their families that are needed to enable such children to benefit from the project.

"(c) ADDITIONAL GRANTS.—

"(1) The Secretary, in consultation with the Secretary of the Interior, shall provide 5 grants to schools that are Bureau funded schools for program research and development regarding, and the development and dissemination of curriculum and teacher training material regarding—

"(A) gifted and talented students,

"(B) college preparatory studies (including programs for Indian students interested in teaching careers),

"(C) students with special culturally related academic needs, including social, lingual, and cultural needs, and

"(D) math and science education.

"(2) Applications for the grants provided under paragraph (1) shall be submitted to the Secretary in such form and at such time as the Secretary may prescribe. Applications for such grants by Bureau schools, and the administration of any of such grants made to a Bureau school, shall be undertaken jointly by the supervisor of the Bureau school and the local school board.

"(3) Grants may be provided under paragraph (1) for one or more activities described in paragraph (1).

"(4) In providing grants under paragraph (1), the Secretary shall—

"(A) achieve a mixture of programs described in paragraph (1) which ensures that students at all grade levels and in all geographic areas of the United States are able to participate in some programs funded by grants provided under this subsection, and

"(B) ensure that a definition of the term 'gifted and talented student' for purposes of this section and section 1128(c)(3)(A)(i) of the Education Amendments of 1978 is developed as soon as possible.

"(5) Subject to the availability of appropriated funds, grants provided under paragraph (1) shall be made for a 3-year period and may be renewed by the Secretary for additional 3-year periods if performance by the grantee is satisfactory to the Secretary.

"(6)(A) The dissemination of any materials developed from activities funded by grants provided under paragraph (1) shall be carried out in cooperation with institutions receiving funds under subsection (b).

"(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (4)(B).

"(7)(A) The costs of evaluating any activities funded by grants made under paragraph (1) shall be divided between the school conducting such activities and the demonstration project recipients under subsection (b).

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities funded by grants made under paragraph (1),

"(ii) technical assistance and coordination with respect to such activities, or

"(iii) dissemination of such evaluations,

the Secretary shall, by grant or through contract, provide for such evaluations, technical assistance, coordination, and dissemination.

"(d) INFORMATION NETWORK.—The Secretary shall encourage persons to whom a grant is made, or with whom a contract is entered into, under this section to work cooperatively as a national network so that the information developed by such persons is readily available to the entire educational community.

"SEC. 6205. TRIBALLY CONTROLLED SCHOOLS ACT.

"(a) TIMELY PAYMENTS.—Subsection (a) is amended to read as follows:

"'(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments:

"'(A) one payment to be made no later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

"'(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made no later than December 1 of each year.

"'(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made no later than December 1 of the academic year.

"'(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which they are appropriated, the Secretary shall make payments to grantees no later than December 1 of the fiscal year.

"'(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.'.

"(b) Paragraph (3) is amended by striking 'Paragraphs (1) and (2)' and inserting in lieu thereof 'Paragraphs (1), (2), and (3)', and is renumbered as paragraph '(5)'.

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

"SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

"(a) IN GENERAL.—The Secretary shall carry out a program of awarding grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate—

"(A) the provision of basic literacy opportunities to all nonliterate Indian adults, and

"(B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary is authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary is also authorized to make grants to, and to enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of such programs in achieving the purposes of such programs with respect to such adults.

"(d) APPLICATIONS.—

"(1) Applications for a grant under this section shall be submitted at such time, in such manner, contain such information, and be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

"(A) set forth a statement describing the activities for which assistance is sought; and

"(B) provide for an evaluation of the effectiveness of the project in achieving its purposes and the purposes of this section.

"(2) The Secretary shall not approve an application for a grant under subsection (a) unless the Secretary is satisfied that such application, and any documents submitted with respect thereto, indicate that—

"(A) there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and

"(B) there will be such a participation in the operation and evaluation of the project.

"(3) In approving applications under subsection (a), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

"SEC. 6401. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—From funds appropriated for any fiscal year to carry out this section, the Secretary may—

"(1) conduct research related to effective approaches to the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities consistent with the purpose of this Act.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"SEC. 6402. STATE EDUCATIONAL AGENCY REVIEW.

(a) Before submitting its application to the Secretary, the local educational agency shall submit its application to the State educational agency.

(b) The State education agency may send to the Secretary comments on each local educational agency application its reviews. The Secretary shall take such comments into consideration in reviewing such application.

"PART E—FEDERAL ADMINISTRATION

"SEC. 6501. OFFICE OF INDIAN EDUCATION.

"(a) OFFICE OF INDIAN EDUCATION.—There shall be an Office of Indian Education (referred to in this section as "the Office") in the Department of Education.

"(b) DIRECTOR.—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.".

"(3) The Director of the Office shall be a member of the career Senior Executive Service.

"(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.

"SEC. 6502. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There shall be a National Advisory Council on Indian Education (referred to in this section as "the Council"), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the country.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;

"(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in such position; and

"(3) submit to the Congress, by June 30 of each year, a report on its activities, which shall include—

"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and

"(B) its recommendations with respect to the funding of any such programs.

"SEC. 6503. PEER REVIEW.

"In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.

"SEC. 6504. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.

"SEC. 6505. MINIMUM GRANT CRITERIA.

"In making grants under parts B and C of this title, the Secretary shall approve only projects that are—

"(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 6601. DEFINITIONS.

"The following definitions apply to terms as used in this title:

"(1) The term 'adult' means an individual who is either—

"(A) not less than 16 years old; or

"(B) beyond the age of compulsory school attendance under State law.

"(2) The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) tribes and bands terminated since 1940; and

"(ii) tribes and bands recognized by the State in which they reside;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) an Eskimo, Aleut, or other Alaska Native.

"SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated $20,925,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(c) PART E.—For the purpose of carrying out part E of this title, including section 6502, there are authorized to be appropriated $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART G—BUREAU OF INDIAN AFFAIRS PROGRAMS

"SEC. 6701. STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the high goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 6711 of this part, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State plans developed and implemented pursuant to the GOALS 2000 Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing these standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established by the Goals 2000: Educate America Act

"(b) The Secretary, in consultation with the Secretary of Education, and in consultation with Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) Within 18 months of the date of enactment of this Act, the Secretary shall revise the minimum academic standards published in the Federal Register of November 1983 for the basic education of Indian children which are consistent with subsections (a) and (b) of this section and section 6711, and shall distribute such revised standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 21 months of the date of enactment of the Elementary and Secondary Education Act Amendments of 1993, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) Such standards shall apply to Bureau schools, and subject to subsection (f), to contract and grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe. Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Centers for Disease Control and Prevention, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (c) and (d), where such standards are deemed by such body to be inappropriate or ill-conceived. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that takes into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f)(1) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract and grant schools in the implementation of the standards established under subsection (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.

"(2) Within 1 year of the date of the enactment of the Indian Education Technical Amendments Act of 1985, the Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract schools. Such standards shall yield data results comparable to those used by Bureau schools.

"(g) Subject to subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. No later than January 1, 1995, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract and grant schools up to the level required by the applicable standards established under this section. Such plan shall include, but not be limited to, detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

"(h)(1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau of Indian Affairs on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, consolidation, or substantial curtailment of Bureau schools in accordance with the requirements of this subsection.

"(3) Whenever closure, transfer to any other authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to any other authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated local school board shall be notified at least 6 months prior to the end of the school year preceding the proposed effective date. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) The Secretary shall make a report to Congress, the affected tribe, and the designated local school board describing the process of the active consideration or review referred to in paragraph (3). At a minimum, the report shall include a study of the impact of such action on the student population, with every effort to identify those students with particular educational and social needs, and to insure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students. No irreversible action may be taken in furtherance of any such proposed school closure, transfer to any other authority, consolidation, or substantial curtailment (including any action which would prejudice the personnel or programs of such school) until the end of the first full academic year after such report is made.

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987,

"(B) any program of such a school that is operated on or after April 1, 1987, or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988 (Public Law 100–297),

only if the tribal governing body approves such action.

"(i) There are hereby authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau and contract schools up to the level required by the applicable standards established under this section.

"(j)(1) All schools funded by the Bureau of Indian Affairs shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of—

"(A) any Bureau of Indian Affairs school (subject to the approval of the school board of such school);

"(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

"(C) any school board of a school operating under a grant under the Tribally Controlled Schools Act of 1988 (Public Law 100–297).

"(2) In schools operated directly by the Bureau of Indian Affairs, the Secretary shall provide for—

"(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

"(B) individual student crisis intervention.

"(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

"(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions.

"(k) For purposes of this section, the term "tribal governing body" means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(l)(1)(A) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(i) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school,

"(ii) applications from any tribe or school board of any Bureau funded school for—

"(I) a school which is not a Bureau funded school; or

"(II) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 6707.

The Secretary shall give consideration to all of such factors, but none of such applications may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(ii) geographic and demographic factors in the affected areas;

"(iii) adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by a tribe or by Bureau personnel;

"(iv) geographic proximity of comparable public education; and

"(v) the stated needs of all affected parties, including (but not limited to) students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) geographic and demographic factors in the affected areas;

"(ii) adequacy and comparability of programs already available;

"(iii) consistency of available programs with tribal educational codes or tribal legislation on education; and

"(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by no later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by no later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"SEC. 6702. NATIONAL CRITERIA FOR DORMITORY SITUATIONS.

"(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau and contract and grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

"(b) No later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of the enactment of this Act, the Secretary shall establish final criteria, distribute such criteria to all the tribes, and publish such criteria in the Federal Register. The Secretary shall revise such criteria periodically as necessary. Any revisions to the standards established under this section shall be developed subject to requirements established under section 6711.

"(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of their establishment. No later than January 1, 1981, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract boarding schools up to the criteria established under this section. Such plan shall include, but not be limited to, predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 6701(c) may be waived under section 6701(e).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By no later than May 1, 1996, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.

"(e) There are hereby authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

"SEC. 6703. REGULATIONS.

"(a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are hereby incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the Executive Branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of no less than 90 days has been afforded the public to comment on the published proposed regulation, and

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term "regulation" means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the Executive Branch.

"SEC. 6704. SCHOOL BOUNDARIES.

"(a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b)(1) Except as provided in paragraph (2), on or after July 1, 1985, no attendance area shall be changed or established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded at least six months notice of the intention of the Bureau to change or establish such attendance area, and (ii) given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs.

"(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) In any case where there is only 1 Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau of Indian Affairs shall include in the final rules the requirement that each appropriate education line officer coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries.

"SEC. 6705. FACILITIES CONSTRUCTION.

"(a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), and with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of this Act.

"(b) By January 1, 1996, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include, but not be limited to, detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

"(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

"(B)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by no later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(3) If—

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by no later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out subsection (a).

"SEC. 6706. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education.

"(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau, including (but not limited to) school or institution custodial or maintenance personnel. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau Offices and the Office to facilitate the consideration of all contract functions relating to education. Except as required by section 6709(d), nothing in this Act shall be construed to require the provision of separate support services for Indian education.

"(c) Education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs,

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

"(A) for school facilities to be constructed under the system required by section 6705(c);

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) including a 5-year plan for capital improvements.

"(2) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau funded schools;

"(C) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate education line officers; and

"(D) a system for the conduct of routine preventive maintenance.

The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the appropriate education line officers, except that no funds from this program may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The requirements of this subsection shall be implemented no later than July 1, 1995.

"(e) Any other provision of law notwithstanding, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift and bequest, the use to which it is put, and any positive results achieved by such action.

"(f) For the purpose of this section the term "functions" includes powers and duties.

"SEC. 6707. ALLOTMENT FORMULA.

"(a) The Secretary shall establish, by regulation adopted in accordance with section 6719, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(1) the number of eligible Indian students served and size of the school;

"(2) special cost factors, such as—

"(A) isolation of the school;

"(B) need for special staffing, transportation, or educational programs;

"(C) food and housing costs;

"(D) maintenance and repair costs associated with the physical condition of the educational facilities;

"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel; and

"(H) special programs for gifted and talented students;

"(3) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located;

"(4) such other relevant factors as the Secretary determines are appropriate.

Upon the establishment of the standards required by sections 6701 and 6702 of this Act, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 1995, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 6701 of this title to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

"(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau funded schools, shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c)(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

"(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1992. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $5,000, or

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(3)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented (as determined pursuant to section 6204 of the Indian Education Act of 1988), and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

"(i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 6204(c)(6)(B) of the Indian Education Act of 1988, or

"(ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) In this section 'eligible Indian student' means a student who—

"(1) is a member of or is at least a ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau or contract school. A student attending a Bureau school under clause (2)(C) of this subsection may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents, and

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students. The tuition collected is in addition to the school's allocation under this section.

"(3) The school board of a contract school or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students is in addition to funding under this section.

"(h)(1) The Secretary shall conduct, through contact or cooperative agreement with an entity having proven expertise in the field of school finance, and after consultation with tribes and national Indian organizations, a study to determine the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school based budget system of financing. The Assistant Secretary shall take such steps as are necessary to immediately implement this provision.

"(2) For the purposes of this study, the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and the program developed under this part), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system would include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau-funded schools, to prepare a budget submission based upon such aggregate and would provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(3) No later than January 20, 1996, the Secretary shall transmit to the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Indian Affairs and Appropriations of the Senate of the United States the study required under this subsection, along with any views or comments of the Secretary on such study.

"(i) Any other provision of law notwithstanding, at the election of the school board made at any time during the fiscal year, a portion equal to no more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision immediately.

"(j) Tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, may be paid from the Indian School Equalization Program funds at a rate not to exceed the amount per Weighted Student Unit for that year for instruction. No additional administrative cost funds will be added to the grant.

"SEC. 6708. ADMINISTRATIVE COST GRANTS.

"(a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract schools in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract schools.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(1) the sum of—

"(A) the amount equal to—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(ii) the minimum base rate, plus

"(B) the amount equal to—

"(i) the standard direct cost base, multiplied by

"(ii) the maximum base rate, by

"(2) the sum of—

"(A) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(B) the standard direct cost base.

The administrative cost percentage rate shall be determined to the $\frac{1}{100}$ of a decimal point.

"(d)(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(e) For purposes of this section—

"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include, but is not necessarily limited to—

"(i) contract (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office of Indian Education Programs of the Bureau;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract or agreement with the Bureau.

"(4)(A) Except as otherwise provided in this paragraph, the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(5) The term 'maximum base rate' means 50 percent.

"(6) The term 'minimum base rate' means 11 percent.

"(7) The term 'standard direct cost base' means $600,000.

"(f)(1) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1130) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted on-site at a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how they may effectively be incorporated into such formula.

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

"(5) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(6) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) ⅓ of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to ⅓ of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus

"(ii) ½ of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to ½ of the excess of—

"(I) such amount received over,

"(II) such amount determined under subsection (b).

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 6709. BUDGET PREPARATION AND SUBMISSION.

"(a) For each fiscal year beginning after October 1, 1994, and ending before October 1, 1998, the Secretary shall enter into an interagency agreement with the Secretary of Education for the purpose of carrying out this section. The Secretary shall take such actions as are necessary to transfer information requested by the Secretary of Education or the entity designated under subsection (b) of this section needed to carry out this section in a timely and accurate fashion.

"(b) The Secretary of Education, through the National Center for Education Statistics, shall prepare and submit to Congress the study set forth in subsection (c) of this section no later than January 20, 1995, and January 20 of each of the next 3 succeeding years. The Secretary of Education shall transmit the report directly and without substantive amendment to the Secretary of the Interior, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Indian Affairs and Appropriations of the Senate of the United States.

"(c)(1) The National Center for Educational Statistics (hereinafter referred to as the 'Center') shall prepare for each of the fiscal years covered under subsection (a) of this section a report on the amount needed to achieve academic and residential programs set forth in this part for Bureau-funded schools funded under section 6707. Such study shall be based on (A) the standards developed and implemented for Bureau-funded schools under section 6701 and 6702 of this part or such other standards as may apply to Bureau-funded contract schools or schools funded under the Tribally Controlled Schools Act of 1988, (B) the student count and characteristics of such schools, as determined pursuant to the formula developed and implemented pursuant to section 6707 of this part for the preceding academic year, adjusted for any changes in student demographics which the Center may project, (C) the employee statistics with respect to such schools for the preceding fiscal year, and (D) such other factors as the Center may set forth, including but not limited to age or physical condition of the schools and changes in isolation.

"(2) Each study shall include a total projected cost for attaining the standards set forth under paragraph (1), and shall presume compliance with those standards. Such study shall also include a projection of the cost for meeting such standards for each Bureau funded school. Such study shall also include a report on any shortfall in the amount needed to fund Bureau-funded schools, as determined by the study conducted pursuant to this section and the appropriations amount requested and enacted for the period covered by the study.

"(d)(1) Within 24 months of the date of enactment of this Act, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(2) The Division shall have the capacity to conduct such studies, surveys, or other activities as are necessary to gather demographic information on Bureau-funded schools (current and future) and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(3) The Division shall prepare projections on such amounts, along with such other information as the Director of the Office shall require, for each fiscal year beginning after October 1, 1996. The Director of the Office and the Assistant Secretary for Indian Affairs shall use such reports when preparing their annual budget submissions.

"SEC. 6710. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a)(1) Within six months after the date of enactment of this Act, the Secretary shall establish, by regulation adopted in accordance with section 6719, a system for the direct funding and support of all Bureau-funded schools. Such system shall allot funds, in accordance with section 6707. Amounts appropriated for distribution under this section may be made available under paragraph (2) or under paragraph (3), as provided in the appropriation Act.

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 6707, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under section 6707 of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under section 6707 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $35,000 of the amount allotted the school under section 6707 to acquire supplies and equipment for the school without competitive bidding if—

"(A) the cost for any single item purchased does not exceed $10,000;

"(B) the school board approves the procurement;

"(C) the supervisor certifies that the cost is fair and reasonable;

"(D) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(E) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this authority, and shall be responsible for the provision of guidelines on the use of this authority and adequate training on such guidelines.

"(4) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 6707 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

"(A) the Secretary may, notwithstanding any other provision of law, use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and

"(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 6707, and

"(B) the Secretary may waive the application of the provisions of section 6701(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 6707 for such fiscal year.

"(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board. The supervisor of the school may appeal any such action of the local school board to the appropriate education officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education officer may, for good cause, overturn the action of the local school board. The appropriate education officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

"(c) Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

"(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and he shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and the Indian Education Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office of Indian Education Programs, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(f)(1) From funds allotted to a Bureau school under section 6707, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 6701(k)), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

"(g) Any other provision of law notwithstanding, where there is agreement on such action between the superintendent and school board of a B.I.A. funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of said project.

"(h) Notwithstanding any other provision of law, funds received by Bureau funded schools under this title shall not be considered Federal funds for purposes of meeting a match requirement in any Federal program.

"SEC. 6711. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

"(a) It shall be the policy of the the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including, but not limited to, tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

"SEC. 6712. EDUCATION PERSONNEL.

"(a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to leave, pay, and classification, and the sections relating to the appointment, promotion and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

"(2) Paragraph (1) shall take effect 1 year after the date of enactment of this Act.

"(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

"(1) the establishment of education positions,

"(2) the establishment of qualifications for educators,

"(3) the fixing of basic compensation for educators and education positions,

"(4) the appointment of educators,

"(5) the discharge of educators,

"(6) the entitlement of educators to compensation,

"(7) the payment of compensation to educators,

"(8) the conditions of employment of educators,

"(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

"(10) the leave system for educators, and

"(11) such other matters as may be appropriate.

"(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

"(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subsection (c)(1)(A)(ii) or that such individual has applied at the national level for an education position.

"(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii).

"(ii) each school supervisor shall be hired by the superintendent for education of the agency office of the Bureau in which the school is located, and

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate agency superintendent for education), the local school board for the school shall be consulted, and that subject to subsection (d)(2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to subsection (d)(3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than thirty days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this subparagraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, if the appointment of such individual at the local level shall be conditional for a period of ninety days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

"(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) educators employed in Bureau schools shall be notified sixty days prior to the end of the school year whether their employment contract will be renewed for the coming year.

"(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the superintendent for education of the appropriate agency office of the Bureau. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) Each local school board for a Bureau school shall have the right (A) to recommend to the supervisor of such school that an educator employed in the school be discharged, and (B) to recommend to the superintendent of education of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, where such a waiver is in writing deemed to be a necessity by the tribal organization, except that this shall in no way relieve the Bureau of its responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if it is intended to fill a vacancy (no matter how such vacancy is created).

"(2) For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1139, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

"(3) The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

"(g) Subject to the authority of the Civil Service Commission to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

"(h)(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 is applicable or on the basis of the Federal Wage System schedule in effect for the locality.

"(B) By no later than October 28, 1988, the Secretary shall establish, for contracts for the 1991–1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By no later than October 28, 1988, the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989–1990 academic year, at rates which reflect ⅓ of the changes in the rates applicable to such positions on April 28, 1988, that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991–1992 academic year, and

"(ii) for contracts for the 1990–1991 academic year, at rates which reflect ⅔ of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o).

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made, except that the individual must use leave accrued during a contract period by the end of that contract period.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.

"(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 per centum of the rate of basic compensation to which such educator is entitled.

"(3)(A) The Secretary may pay a postdifferential not to exceed 25 per centum of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

The request under this subparagraph shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time it is approved, approved with modification, or disapproved by the Secretary.

"(ii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that it be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iii) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.

"(i) Any individual—

"(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under subsection (o)(2) to be covered under the provisions of this section, or

"(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purpose of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to his credit immediately before the effective date of such election, transfer, promotion, or reappointment.

"(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

"(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Civil Service Commission.

"(l) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such a position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in subsection (g)(2) or (g)(3), section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

"(n) For the purpose of this section—

"(1) The term "education position" means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) The term "educator" means an individual whose services are required, or who is employed, in an education position.

"(o)(1) Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2)) and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such individual's right to receive the compensation attached to such position.

"(2) Any individual employed in an education position on October 31, 1979, may, not later than November 1, 1983, make an irrevocable election to be covered under the provisions of subsection (a) through (n) of this section.

"(p)(1) An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue 1 or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency superintendent for education any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, approve the determination of the supervisor. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

"SEC. 6713. MANAGEMENT INFORMATION SYSTEM.

"The Secretary shall establish within the Office, within 1 year after the date of the enactment of the Indian Education Amendments of 1984, a computerized management information system, which shall provide information to the Office. Such information shall include but shall not be limited to—

"(1) student enrollment;

"(2) curriculum;

"(3) staff;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information; and

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

"SEC. 6714. BUREAU EDUCATION POLICIES.

"Within 180 days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

"SEC. 6715. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

"SEC. 6716. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 6717. ANNUAL REPORT.

"(a) The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include (1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458d; 88 Stat. 2216) and recommendations with respect to the future use of such funds; (2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and (3) the plans required by section 1121(f), and 1122(c); and 1125(b) of this Act (25 U.S.C. 2001(f), 2002(c), and 2005(b)).

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.

"SEC. 6718. RIGHTS OF INDIAN STUDENTS.

"Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to insure the constitutional and civil rights of Indian students attending Bureau schools, including, but not limited to, their right to privacy under the laws of the United States, their right to freedom of religion and expression and their right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 6719. REGULATIONS.

"Regulations required to be adopted under sections 6706 through 6718 and any revisions of the standards developed under section 6701 or 6702 of this Act shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 431 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"SEC. 6720. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'agency school board' means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

"(2) the term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior;

"(3) the term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d);

"(6) the term 'education line officer' means education personnel under the supervision of the Director, whether located in central, area, or agency offices;

"(7) the term 'financial plan' means a plan of services to be provided by each Bureau school;

"(8) the term 'grant school' means a school which is provided assistance under the Tribally Controlled Schools Act of 1988;

"(9) the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

"(8) the term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

"(9) the term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected; and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;

"(11) the term 'Secretary' means the Secretary of the Interior;

"(12) the term 'supervisor' means the individual in the position of ultimate authority at a Bureau school; and

"(13) the term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"SEC. 6721. VOLUNTARY SERVICES.

"Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"SEC. 6722. PRORATION OF PAY.

"(a) Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally-assisted programs, because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms "educator" and "education position" have the meaning contained in section 6712(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 6712 of this title or title 5, United States Code.

"SEC. 6723. EXTRACURRICULAR ACTIVITIES.

"(a) Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(c) This section applies to all Bureau employees, whether employed under section 6712 of this title or title 5, United States Code.

"SEC. 6724. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only 1 tribe that has less than 500 members, or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

"(f) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 6725. TRIBAL DEPARTMENTS OF EDUCATION.

"(a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including (but not limited to) the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

but when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 6726. PAYMENTS.

"(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments:

"(A) one payment to be made no later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made no later than December 1 of each year.

"(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made no later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which they are appropriated, the Secretary shall make payments to grantees no later than December 1 of the fiscal year.

"(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.

(b) Paragraph (3) is amended by striking "Paragraphs (1) and (2)" and inserting in lieu thereof "Paragraphs (1), (2), and (3)", and is renumbered as paragraph "(5)".

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"SEC. 7001. SHORT TITLE.

"This title may be cited as the 'Bilingual Education Act'.

"SEC. 7002. FINDINGS, POLICY, AND PURPOSE.

"(a) Findings.—The Congress finds that—

"(1) language-minority Americans constitute a large and growing proportion of the Nation's population;

"(2) language-minority Americans speak virtually all world languages plus many that are indigenous to the United States;

"(3) the presence of language-minority Americans is related in part to Federal immigration policies;

"(4) many language-minority Americans are limited in their English proficiency, and many have limited education and income;

"(5) limited-English-proficient children and youth, like all other children and youth, have diverse educational needs and strengths and therefore require access to all educational programs and services;

"(6) the Federal Government has a responsibility for the education of American Indians and a special obligation to Native Alaskans, Native Hawaiians and native residents of the territories and freely associated nations to redress the effect of past Federal policies;

"(7) institutions of higher education can assist in preparing teachers, administrators and other school personnel to understand and build upon the educational strengths and needs of language-minority and culturally diverse student enrollments;

"(8) it is the purpose of this title to help ensure that limited-English-proficient students master English and develop high levels of academic attainment in content areas;

"(9) quality bilingual education programs enable children and youth to learn English and meet high academic standards including proficiency in more than one language;

"(10) as the world becomes increasingly interdependent and as international communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource which deserves protection and development;

"(11) educational technology has the potential for improving the education of language-minority and limited-English-proficient students and their families, and the Federal Government should foster this development;

"(12) research, development, implementation and dissemination of effective bilingual education methods, practices, and programs for limited-English-proficient children are essential to systemwide school reform that improves education for all children; and

"(13) a recognized means by which a child learns is through the use of the child's native language, cultural heritage, and instructional programs which use and build upon a child's non-English native language and cultural heritage to promote parent and community involvement in education, student self-esteem, proficiency in English, and subject matter achievement.

"(b) Policy.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies, institutions of higher education, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction for language minority and limited-English-proficient children and youth.

"(c) Purpose.—The purpose of this title is to educate language minority and limited-English-proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas by developing—

"(1) systemic improvement and reform of educational programs serving language-minority and limited-English-proficient students through the development and implementation of exemplary bilingual education programs and special alternative instruction programs;

"(2) data collection and dissemination, research, materials development, and technical assistance which is focused on school improvement for language-minority and limited-English-proficient students; and

"(3) programs which strengthen and improve the professional training of educational personnel who work with limited-English-proficient and language-minority students.

"SEC. 7003. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—For the purpose of carrying out the provisions of this title (except part F), there are authorized to be appropriated $215,000,000 for the fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) Distribution.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve at least 25 percent for part C of this title.

"SEC. 7004. DEFINITIONS; REGULATIONS:

"(a) General Rule.—For purposes of this title—

"(1) The term 'native language', when used with reference to an individual, means the language normally used by such individuals, or, in the case of a child, the language normally used by the parents of the child.

"(2) The term 'language-minority' means—

"(A) individuals whose native language is other than English;

"(B) individuals who usually speak a language other than English or come from home environments where a language other than English is usually spoken; or

"(C) American Indians, Alaskan Natives, and Native Hawaiians and native residents of the territories and freely associated nations.

"(3) The term 'limited-English-proficient' means a language-minority person who has difficulty understanding, speaking, reading, or writing the English language at a level appropriate to his or her age and grade and is, thereby, academically disadvantaged in programs conducted exclusively in English.

"(4) The term 'bilingual education' refers to educational programs for limited-English-proficient students which make instructional use of both English and a student's native language. Programs of bilingual education must enable limited-English-proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards in concert with national education goals. Bilingual education programs may also develop the native language skills of limited-English-proficient students, or ancestral languages of American Indians, Alaskan Natives, Native Hawaiians and native residents of the territories and freely associated nations. English proficient students may participate in bilingual education programs if the programs are designed to enable all enrolled students to become proficient in English and a second language.

"(5) The term 'special alternative instructional program' refers to educational programs for limited-English-proficient students which utilize specially designed English language curricula and services but do not use the student's native language for instructional purposes. Special alternative instructional programs must enable limited-English-proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking so as to meet age-appropriate grade-promotion and graduation standards in concert with national education goals. Special alternative instructional programs are suitable for schools where the diversity of the limited-English-proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical and where there is a critical shortage of bilingual education teachers.

"(6) The term 'family education programs' refers to bilingual education or special alternative instructional programs designed to help limited-English-proficient adults and out-of-school youths achieve proficiency in the English language and to provide instruction on how parents and family members can facilitate the educational achievement of their children. When feasible, instructional programs such as the model developed under the Even Start Literacy Programs that promote adult literacy and train parents to support the educational growth of their children shall be developed. Programs shall give preference to participation by parents and immediate family members of children attending school. Family education programs may also provide instruction to facilitate higher education and employment outcomes.

"(7) The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965.

"(8) The term 'Office' means the Office of Bilingual Education and Minority Languages Affairs.

"(9) The term 'community college' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 for an institution which provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled Community College Assistance Act of 1978.

"(10) The term 'paraprofessional' means an individual who is employed in preschool or elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

"(11) The term 'other programs for persons of limited-English-proficiency' means any programs administered by the Secretary that serve persons of limited-English-proficiency.

"(12) The term 'community-based organization' means a private nonprofit organization or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. The term 'community-based organization' includes Native Hawaiian organizations (including Native Hawaiian education organizations) as defined in section 4009 of Public Law 100-297).

"(13) The term 'children and youth' means individuals aged 3 through 21.

"(14) The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not been attending 1 or more schools in any 1 or more States for more than 2 full academic years.

"(b) REGULATION RULE.—In developing regulations under this title, the Secretary shall consult with State and local educational agencies, organizations representing limited-English-proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

"(c) PARENTAL NOTIFICATION.—Parents of children and youth participating in programs assisted under this title shall be informed of—

"(1) a student's level of English proficiency, how it was assessed, the status of a student's academic achievement and the implications of a student's educational strengths and needs for age and grade appropriate academic attainment, promotion, and graduation;

"(2) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a disabled student, how the program meets the objectives of a student's individualized education program;

"(3) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited-English-proficient student acquire English and meet age-appropriate standards for grade-promotion and graduation, including—

"(A) the benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) the reasons for the selection of their child as being in need of bilingual education.

"(4)(A) Parents shall also be informed that they have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to do so if they so choose.

"(B) Local educational agencies are not relieved of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(5) Parents must receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents must receive—

"(A) timely information about projects funded under this part; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(6) no action may involve the admission or exclusion of students to or from any federally assisted education program merely on the basis of the surnames or language-minority status of such students.

"SEC. 7005. INDIAN AND ALASKAN NATIVE CHILDREN IN SCHOOLS.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominately for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; or

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From the sums appropriated pursuant to section 7003, the Secretary is authorized to make payments to applicants to carry out programs of bilingual education or special alternative instruction for Indian children served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) ANNUAL REPORT.—(1) The Assistant Secretary of the Interior for the Bureau of Indian Affairs in collaboration with the Secretary shall submit to the Congress, the President, and the Secretary, by September 30 of each year, a report which provides—

"(A) an assessment of the educational outcomes and needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act and the Native American Languages Act; and

"(B) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"(2) The results presented in this report shall be included in the report under section 7041 of this Act.

"(3) The assessments required under this subsection shall be waived if such assessments duplicate similar assessment requirements under other Federal or tribal laws.

"SEC. 7006. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED NATIONS.

"For the purpose of carrying out programs under this title in Guam and the freely associated nations, the term 'local educational agency' shall include public institutions or agencies whose mission is the preservation and maintenance of native languages.

"PART A—BILINGUAL EDUCATION CAPACITY AND DEMONSTRATION GRANTS

"SEC. 7101. PURPOSE OF GRANTS.

"Grants under this part shall be used to develop the capacity of local educational agencies, institutions of higher education, and community-based organizations which provide educational programs to initiate, develop, enhance or improve bilingual education or special alternative instruction programs for children and youth of limited-English-proficiency.

"SEC. 7102. PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

"(a) PURPOSE.—The purpose of this section is to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for limited-English-proficient students including programs of early childhood education, K-12 education, gifted and talented education, and vocational and applied technology education.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make program development and implementation grants of up to $100,000 annually for 3 years with 1 additional year upon the Secretary's approval.

"(2) Grants approved under this section shall be used to improve the education of limited-English-proficient students and their families by—

"(A) developing and implementing comprehensive preschool, elementary, or secondary bilingual education or special alternative instructional programs that are coordinated with other relevant programs and services to meet the full range of educational needs of limited-English-proficient students; and

"(B) providing in service training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of language-minority and limited-English-proficient students.

"(3) Grants approved under this section may be used to improve the education of limited-English-proficient students and their families by—

"(A) implementing family education programs and activities; and

"(B) improving the instructional program for limited-English-proficient students by upgrading curriculum, instructional materials, and assessment procedures and, if appropriate, applying educational technology.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency. A grant may also be made under this section upon application by a community-based organization which is agreed to by the local educational agency to develop and implement early childhood education or family education programs or to conduct an instructional program which supplements the educational services provided by a local educational agency.

"(d) DISTRIBUTION.—The Secretary shall, to the extent practicable, award grants equally among early childhood education, elementary education, and secondary education programs.

"SEC. 7103. PROGRAM ENHANCEMENT PROJECTS.

"(a) PURPOSE.—The purpose of this section is to carry out highly focused, innovative, locally designed projects to expand or enhance existing bilingual education or special alternative instructional programs for limited-English-proficient students.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make program enhancement project grants of up to $100,000 for 2 years to eligible applicants.

"(2) Grants approved under this section shall be used for providing in-service training to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of language-minority and limited-English-proficient students.

"(3) Grants approved under this section may be used for—

"(A) improving the instructional program for limited-English-proficient students by upgrading curriculum, instructional materials, and assessment procedures and, if appropriate, applying educational technology;

"(B) implementing family education programs and activities; and

"(C) providing intensified instruction.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency. A grant also may be made under this section upon application by a community-based organization which is agreed to by the local educational agency to enhance early childhood education or family education programs or to conduct an instructional project which supplements the educational services provided by a local educational agency.

"SEC. 7104. WHOLE-SCHOOL PROGRAMS.

"(a) PURPOSE.—The purpose of this section is to provide financial assistance to eligible applicants to reform, restructure, and upgrade all relevant programs and operations within an individual school to fulfill the comprehensive educational needs of all of a school's limited-English-proficient students and their families.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make 5-year grants of up to $100,000 for the first year and up to $250,000 for each of the subsequent 4 years to eligible applicants.

"(2) Grants approved under this section shall be used to improve education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading in-service training for all school staff and, if appropriate, for community-based organization personnel.

"(3) Grants approved under this section may be used to improve the education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading—

"(A) the school's instructional program for limited-English-proficient students including curriculum, instructional materials, and assessment systems, and, if appropriate, the application of educational technology;

"(B) family education programs and activities; and

"(C) intensified instruction.

"(4) During the first year of the grant, a priority is established in use of funds for preparatory activities including planning, training, curriculum development, and materials acquisition or development.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organizations or local or State educational agency.

"SEC. 7105. SYSTEM-WIDE IMPROVEMENT GRANTS.

"(a) PURPOSE.—The purpose of this section is to provide financial assistance to improve, reform, and upgrade relevant programs and operations with an entire local educational agency to fulfill the comprehensive educational needs of all the agency's limited-English-proficient students and, to the extent feasible, their families.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make 5-year grants of up to $1,000,000 for the first year and up to $5,000,000 for each of the subsequent 4 years to eligible applicants.

"(2) Grants approved under this section may be used during the first 12 months exclusively for activities preparatory to the delivery of services.

"(3) Grants approved under this section may be used to improve education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading—

"(A) educational goals, curriculum guidelines and content, standards and assessments;

"(B) personnel policies and practices including recruitment, certification, staff development, and assignment;

"(C) student grade-promotion and graduation requirements;

"(D) student assignment policies and practices;

"(E) program delivery standards, management information and accountability systems;

"(F) instructional and extracurricular programs and services; and

"(G) application of educational technology.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency.

"(d) PRIORITY.—The Secretary shall give priority to applications from—

"(1) applicants which enroll a large percentage or large number of limited-English-proficient students; and

"(2) consortia of eligible applicants to serve limited-English-proficient students in rural and linguistically isolated settings.

"SEC. 7106. APPLICATIONS.

"(a) SUBMISSION.—To receive a grant under this part, applicants shall submit an application to the Secretary in such form and containing such information as the Secretary may require:

"(1) An application for a grant under this part shall be developed in consultation with, and shall provide for the continuing involvement of, an advisory council which shall be composed of representatives responsible for implementing grant activities and of parents and other relatives of the children to be served in such programs; parents shall comprise a majority of all council members.

"(2) All applicants for grants under this part, except for those applicants identified in section 7005, shall submit a copy of the application to the relevant State educational agency. The State educational agency may submit to the Secretary written comments on the application with respect to how the applications further State education improvement plans including any developed under Goals 2000: Educate America Act (if such plans exist) or title I of this Act. If the State educational agency of a State submits written comments on any application, it must submit written comment on all applications within that same grant category from within that State. The Secretary shall take comments into consideration when funding applications under this part.

"(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

"(c) CONTENTS.—(1) An application for a grant under this part shall contain the following:

"(A) A description of the need for the proposed program, including data on the number of children and youth of limited-English-proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their English proficient peers, and, where applicable, the recency of immigration.

"(B) A description of the program to be implemented and how its design—

"(i) relates to the linguistic and academic needs of the children and youth of limited-English-proficiency to be served;

"(ii) is consistent with, and promotes the goals in, the local educational agency plan under title III of the Goals 2000: Educate America Act, if such plan exists, and the local educational agency's plan under title I of this Act, particularly as those plans relate to the education of children and youth of limited-English-proficiency;

"(iii) involves the parents of the children and youth of limited-English-proficiency to be served;

"(iv) ensures accountability in the expected student outcomes; and

"(v) promotes coordination of services for the children and youth of limited-English-proficiency to be served and their families.

"(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(D) An assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education or special alternative instruction programs if it receives an award under this part.

"(E) A budget for grant funds.

"(2) An application for a grant under section 7102 or 7104 shall also contain a description of the instructional program, student services, in-service training, and family education programs to be provided under the grant.

"(3) An application for a grant under section 7103 shall also contain the following:

"(A) A description of the existing bilingual education or special alternative instruction program which the project is designed to enhance.

"(B) A description of the proposed project activities.

"(4) An application for a grant under section 7105 shall also contain a description of the activities which would be carried out under the grant.

"(d) APPROVAL OF APPLICATIONS.—An application for a grant under this part may be approved only if the Secretary determines that—

"(1) the program will use qualified personnel, including those personnel who are proficient in the language or languages used for instruction;

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type that the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited-English-proficient students, and that limited-English-proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for children of limited-English-proficient individuals and in no case to supplant such State and local funds, except that nothing in this paragraph shall preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children;

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited-English-proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) the applicant provides for utilization of the State and national dissemination sources for program design and in dissemination of results and products.

"(e) SPECIAL CONSIDERATION AND PRIORITIES.—

"(1) Students may participate in any program receiving funds under this part for the duration of the program.

"(2) The Secretary shall give priority to applications which provide for the development of bilingual proficiency for all participating students.

"(3) Grants for special alternative instructional programs shall not exceed 25 percent of the funds provided for any type of grant under any section or of total funds provided under this part.

"(4) Notwithstanding paragraph (3), the Secretary may award grants for special alternative instructional programs if an applicant has demonstrated that they cannot develop and implement a bilingual education program for the following reasons:

"(A) Where the diversity of the limited-English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical.

"(B) Where, despite documented convincing efforts, the applicant has not been able to hire instructional personnel who are able to communicate in the students' native language.

"(5) In approving applications under this part, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or business.

"(6) The Secretary shall ensure that projects funded under this part address the full needs of school systems of all sizes and geographical areas, including rural schools.

"(7) The Secretary shall give priority to applications providing training for personnel participating in or preparing to participate in the program which will assist them in meeting State and local certification requirements and that, to the extent possible, college or university credit will be awarded for such training.

"SEC. 7107. INTENSIFIED INSTRUCTION.

"In carrying out this part, each grant recipient may intensify instruction for limited-English-proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) expanding the use of professional and volunteer aids;

"(3) applying technology to the course of instruction; and

"(4) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7108. CAPACITY BUILDING.

"Each recipient of a grant under this part shall use its grant in ways that will build its capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited-English-proficiency once Federal assistance is reduced or eliminated.

"SEC. 7109. SUBGRANTS.

"A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7110. GEOGRAPHIC DISTRIBUTION OF FUNDS.

"To the extent possible, the Secretary shall award funds under this part throughout the Nation in a manner that reflects the geographic distribution of children and youth of limited-English-proficiency.

"SEC. 7111. PROGRAMS IN PUERTO RICO.

"Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited-Spanish proficiency.

"SEC. 7112. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this part shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.

"(b) USE OF EVALUATION.—Such evaluation shall be used by a grantee—

"(1) for program improvement;

"(2) to further define the local program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) EVALUATION COMPONENTS.—Evaluations shall include—

"(1) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited-English-proficiency with non-limited-English-proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(2) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English-proficiency; and

"(4) such other information as the Secretary may require.

"PART B—RESEARCH AND DISSEMINATION

"SEC. 7201. USE OF FUNDS.

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities through the Office of Bilingual Education and Minority Languages Affairs for the purpose of improving bilingual education and special alternative instruction programs for children and youth of limited-English-proficiency.

"SEC. 7202. RESEARCH.

"(a) RESEARCH ACTIVITIES.—The Secretary shall support through competitive grants contracts and cooperative agreements to institutions of higher education, nonprofit and for-profit organizations, and local and State educational agencies, funds for research with a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited-English-proficient students and their families.

"(b) AUTHORIZED ACTIVITIES.—

"(1) The Secretary may conduct research activities that include—

"(A) identifying criteria for the establishment, use and monitoring of local, State, or national education goals, content, performance and delivery standards, and assessments for all students that provide for appropriate, valid, reliable, and fair participation by limited-English-proficient and language-minority students;

"(B) identifying determinants of appropriate high quality secondary school programs for limited-English-proficient students, and high quality curriculum-related instructional materials; and

"(C) identifying determinants of appropriate high quality early childhood development programs for limited-English-proficient children, including families, and appropriate high quality materials.

"(D) studies to identify models of effective program coordination that support students while in transition to English language classrooms that develop and maintain high levels of proficiency in the native languages and English;

"(E) studies of effective curricula and instructional strategies for the development and maintenance of high levels of student proficiency in both their native language and English, including the role of family, community, and career contexts;

"(F) identification of strategies for effective participation by limited-English-proficient parents in their children's education for attainment of educational excellence;

"(G) identifying methods of improving classification, placement, and services to limited-English-proficient students including, but not limited to their participation in early childhood development programs, title I, special education, foreign language education, and gifted and talented education;

"(H) identification of methods for effective delivery of bilingual education to rural schools and in the less-commonly-taught languages using educational technology and electronic communications networks;

"(I) identification of trends in demand for language skills and of career opportunities for individuals with high levels of proficiency in English and a second language; and

"(J) establishing through the National Center for Education Statistics and in consultation with the Office of Bilingual Education and Minority Languages Affairs, and experts in bilingual education, second language acquisition and English-as-a-second language, a common definition of 'limited-English-proficient student' for purposes of national data collection.

"(c) FIELD-INITIATED RESEARCH.—The Secretary shall reserve at least 5 percent of the funds available under this section for field-initiated research by current or recent recipients of grants under parts A or C of this title. Research must be conducted by current grant recipients or by former recipients who have received such grants within the previous 5 years. Field-initiated research may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of such students from entry in bilingual education through high school completion. Applicants may submit an application for field-initiated research at the same time as applications are submitted under part A or part C. The Secretary shall complete a review of such applications on a timely basis to allow research and program grants to proceed in coordination where appropriate.

"(d) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(e) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Bilingual Education and Minority Language Affairs and the Office of Educational Research and Improvement.

"(f) DATA COLLECTION.—The Secretary shall provide for the continuation of data collection on limited-English-proficient students as part of the data systems operated by the Department.

"SEC. 7203. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education, special alternative instruction programs, and professional development programs that demonstrate great promise of assisting children and youth of limited-English-proficiency to meet challenging State standards.

"(b) APPLICATIONS.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English-proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate their activities with those carried out by comprehensive technical assistance centers under title II of this Act.

"SEC. 7204. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that its approved plan under title III of the Goals 2000: Educate America Act, if such plan exists, or, if such plan does not exist, its plan under title I of this Act, effectively provides for the education of children and youth of limited-English-proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not be less than $100,000 nor greater than 5 percent of the total amount awarded to local educational agencies within the State under part A of this title for the previous fiscal year.

"(c) USE OF FUNDS.—(1) A State educational agency shall use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) collect data on the State's language-minority and limited English-proficient populations and the educational programs and services available to these populations.

"(2) The State educational agency may also use funds for the training of State educational agency personnel in educational issues affecting limited-English-proficient children and youth.

"(3) Recipients of awards under this section shall not restrict the provision of services under this section to federally-funded programs.

"(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this title and other individuals or organizations involved in the development or operation of programs serving limited-English-proficient children or youth to ensure that funds are used in a manner consistent with the requirements of this title.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(g) REPORT TO THE SECRETARY.—State educational agencies receiving grants under this section shall provide for the annual submission of a summary report to the Secretary containing information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including information on State capacity and progress in meeting the education needs of all limited-English-proficient children, plans for additional action, the effect of standards and assessments in improving their education. Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation.

"SEC. 7205. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) be administered as an adjunct clearinghouse of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(3) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

"SEC. 7206. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"The Secretary may provide grants for the development, publication and dissemination of high quality instructional materials in Native American, Native Hawaiian and other languages for which instructional materials are not readily available. The Secretary shall give priority to the development of instructional materials in languages indigenous to the United States, its territories, and freely associated nations. The Secretary shall also accord priority to applications which provide for developing and evaluating materials in collaboration with activities under parts A and C of this title and which are consistent with national and State content standards.

"SEC. 7207. EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS.

"(a) TRANSITION.—The Secretary shall extend grants or contracts for Evaluation Assistance Centers and Multifunctional Resource Centers that are in effect on the date of enactment of the Improving America's School Act through fiscal year 1996.

"(b) CONTINUITY OF SERVICES.—(1) The Secretary shall ensure that the comprehensive regional technical assistance centers authorized under title II of this Act provide services which are at least equal in volume, scope, and quality to those provided by Evaluation Assistance Centers and Multifunctional Resource Centers.

"(2) The Secretary shall ensure that the comprehensive regional technical assistance centers authorized under title II of this Act, as amended by the Improving America's School Act, provide services which enable children and youth of limited-English-proficiency to meet challenging State and National standards.

"(3) The Secretary shall ensure that the comprehensive technical assistance centers authorized under title II of this Act are established with consideration given to the geographic and linguistic distribution of children and youth of limited-English-proficiency.

"(c) GIFTS, BEQUESTS, AND DEVISES.—The entities may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal for the purpose of aiding or facilitating the work of entities under this section. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the national clearinghouse on bilingual education, the Evaluation and Assistance Center or Multifunctional Resource Center, respectively.

"PART C—BILINGUAL EDUCATION TEACHER TRAINING

"SEC. 7301. PURPOSE.

"The purpose of this part is to assist in preparing educators to improve the delivery of educational services to language-minority and limited-English-proficient children and youth. This part supports the training of all educational personnel to serve more effectively limited-English-proficient students. The goal of this part is to provide for the training of not less than 50,000 teachers who meet professional preparation and certification standards for bilingual education teachers by the year 2000.

"SEC. 7302. TRAINING FOR ALL TEACHERS PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies and resources specific to limited-English-proficient and language-minority students into education personnel preparation programs for teachers, counselors, administrators and other education personnel.

"(b) AUTHORIZATION.—The Secretary shall award grants for up to 5 years to institutions of higher education, local educational agencies, and State educational agencies or to nonprofit organizations which have entered into consortia arrangements with one of such institutions, agencies, or organizations.

"(c) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with training under titles I and II of this Act, the Head Start Act, and other relevant programs.

"(d) PRIORITY.—The Secretary shall give priority to applications from institutions of higher education which currently operate, with full-time tenured faculty, programs to prepare educators and administrators to work with language-minority and limited-English-proficient students in bilingual education settings and from institutions of higher education which are attempting to start bilingual teacher training programs if such institutions demonstrate a significant commitment in financial and human resources, including cash and in-kind. The Secretary shall give special consideration to applications for such programs which provide training of secondary school teachers or early childhood development teachers. Such special consideration would not disallow the funding of applications for exemplary programs for the training of elementary school teachers.

"SEC. 7303. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

"(a) PURPOSE.—The purpose of this section is to provide for degree programs to prepare new bilingual education teachers, administrators, counselors, and other educational personnel to meet high professional standards for bilingual education teachers and to increase the availability of educators to provide high quality education limited-English-proficient students.

"(b) AUTHORIZATION.—The Secretary shall award grants for up to 5 years to institutions of higher education in consortia with local or State educational agencies.

"SEC. 7304. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

"(a) PURPOSE.—The purpose of this section is to upgrade the qualifications and skills of non-certified educational personnel, especially educational paraprofessionals, to meet high professional standards, including certification and licensure as bilingual education teachers and other educational personnel who serve limited-English-proficient students, through collaborative training programs operated by institutions of higher education and local and State educational agencies. Grants for programs under this section may also provide for collaborative programs operated by institutions of higher education and secondary schools which are designed to recruit and train secondary school students as bilingual education teachers and other educational personnel to serve limited-English-proficient students.

"(b) AUTHORIZATION.—The Secretary shall award grants of up to 5 years for bilingual education career ladder programs to institutions of higher education applying in consortia with local or State educational agencies; consortia may include community-based organizations or professional education organizations.

"(c) ACTIVITIES.—Grants funded under this section may—

"(1) include the development of bilingual education career ladder program curricula appropriate to the needs of the consortium participants;

"(2) provide assistance for stipends and costs related to tuition, fees and books for enrolling in courses required to complete degree and certification requirements as bilingual education teachers; and

"(3) include programs to introduce secondary school students to careers in bilingual education teaching that are coordinated with other activities under this program.

"(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section which provide for—

"(1) participant completion of baccalaureate and masters degree teacher education programs, certification and may include effective employment placement activities;

"(2) development of teacher proficiency in English and a second language, including required demonstration of proficiency in the instructional use of English and a second language in classroom contexts;

"(3) coordination with Trio, the Teacher Corps, National Community and Service Trust Act, Mini Corps, and other programs for the recruitment and retention of bilingual students in secondary and post-secondary programs to train as bilingual educators; and

"(4) the applicant's contribution of additional student financial aid to participating students.

"SEC. 7305. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

"(a) AUTHORIZATION.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English-proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study. For fiscal year 1994 not less than 500 fellowships leading to a masters or doctorate degree shall be awarded under this section, rising each subsequent year of this authorization by not less than 50. The Secretary shall include information on the operation and the number of fellowships awarded under the fellowship program in the report required under section 7401 of this title.

"(b) FELLOWSHIP REQUIREMENTS.—(1) Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as those authorized under this title, including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this title; or

"(B) repay such assistance.

"(2) The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"(c) The Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients find employment in the field of bilingual education.

"SEC. 7306. APPLICATIONS.

"(a) IN GENERAL.—Each applicant or consortium that desires to receive a grant under this part shall submit an application to the Secretary and the State educational agency or State board for higher education as appropriate, at such time and in such manner as the Secretary shall prescribe. The application shall demonstrate integration, where appropriate, with the State and local plans, if such plans exist, for serving limited-English-proficient students. The State and local educational agency, and where applicable the State board for higher education, may comment in writing on the application indicating how the application furthers State education reform activities, including the provision of appropriate high quality education to all language minority students. If the State educational agency or State Board for Higher Education submits comments on any application, it shall submit comments on all. The Secretary shall take any written comments that have been made into consideration when considering applications under this part.

"(b) ELIGIBLE ENTITIES.—

"(1) A grant may be made under this part upon application of an institution of higher education, applying individually or jointly with one or more local educational agencies, nonprofit organizations, or State educational agencies.

"(2) The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible under title III of the Higher Education Act and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate their participation in activities under this part.

"(3) In making grants under this part, the Secretary shall, consistent with subsection (d), ensure adequate representation of Hispanic serving institutions that demonstrate competence and experience in the programs and activities authorized under this title and are otherwise qualified.

"(c) APPLICATION REQUIREMENTS FOR BILINGUAL TEACHER TRAINING PROGRAMS.—The application shall demonstrate integration, where appropriate, with the State plan, if one exists, for serving limited-English-proficient students.

"(d) PREFERENCE IN ASSISTANCE AND PURPOSE OF TRAINING.—

"(1) In making a grant under this part the Secretary shall give preference to programs which—

"(A) include tenured faculty in bilingual education, and

"(B) and for institutions of higher education which are attempting to start bilingual teacher training programs if such institutions demonstrate a significant commitment in financial and human resources, including cash and in-kind.

"(C) provide additional resources for such training from other sources.

"(2) In making grants under sections 7302, 7303 and 7304, the Secretary shall give special consideration to programs that ensure that individuals completing such programs demonstrate proficiency in English and a second language.

"SEC. 7307. PROGRAM REQUIREMENTS.

"Activities conducted under this part shall assist educational personnel in meeting State and local certification requirements for bilingual education and, wherever possible, shall award college or university credit.

"SEC. 7308. STIPENDS.

"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this part.

"SEC. 7309. PROGRAM EVALUATIONS UNDER PART C.

Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years. Such evaluation shall include data on—

"(1) post-program placement of persons trained;

"(2) how the training relates to the employment of persons served by the program;

"(3) program completion; and

"(4) such other information as the Secretary may require.

"PART D—ADMINISTRATION

"SEC. 7401. OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGE AFFAIRS.

"(a) ESTABLISHMENT.—There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs through which the Secretary shall carry out functions relating to bilingual education.

"(b) DIRECTOR.—(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

"(2) The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

"(3) The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable and fair under all standards and assessment development conducted or funded by the Department.

"(c) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to Congress, the President, the Governors, and the clearinghouse a report on—

"(1) the activities carried out under this title and their effectiveness in improving the education provided to limited-English-proficient children and youth;

"(2) a critical synthesis of data reported by the States pursuant to section 7204;

"(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding 5 fiscal years;

"(4) the major findings of research carried out under this title; and

"(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited-English-proficient student.

"(d) ASSESSMENT OF GATEWAY EDUCATION.—The Secretary shall prepare a report on the education of all students who reside near the United States border with Canada and Mexico or areas or communities which serve as a gateway for immigrants to the United States. Gateway communities shall include Hawaii, the Commonwealth of Puerto Rico, as well as the territories and freely associated nations. The report shall identify trends in student and out-of-school youth immigration trends, appropriate procedures for the international transfer of records, the language proficiency of students living in border and gateway areas, and opportunities for teacher exchange. Such efforts shall be coordinated with other ongoing efforts in this area. A preliminary report on these issues shall be provided to the Congress not later than 2 years after the enactment of this Act. The final report including policy proposals for improvements in these areas shall be provided to Congress and the President not later than October 21, 1997.

"(e) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited-English-proficient students that are administered by the Department of Education and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, Attorney General and other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited-English-proficient students and their families. The Secretary shall provide for continuing consultation and collaboration between Office and relevant programs operated by the Department, including title I and other programs in this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited-English-proficient students. In no case shall such coordination at the local, State or Federal level permit funds under this title to be used in programs that do not provide bilingual education or special alternative instructional programs for the instruction of language-minority or limited-English-proficient students.

"(f) The Secretary shall, to the extent feasible, ensure that all data collected shall include for the collection and reporting of data on limited-English-proficient students in all Departmental data keeping and with respect to all Federal education programs.

"(g) STAFFING REQUIREMENTS.—The Secretary shall ensure that the Office of Bilingual Education and Minority Language Affairs is staffed with sufficient personnel trained or with experience in bilingual education to discharge effectively the provisions of this title.

"(1) Notwithstanding section 403 of the Department of Education Organization Act, the Assistant Secretary may appoint not more than 7 additional employees to serve as staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the minimum rate of basic pay payable for GS–15 of the General Schedule.

"(h) READING APPLICATIONS.—For the purpose of reading applications for competitive grants authorized under this title, the Secretary shall use persons who are not employees of the Federal Government and who are experienced and involved in bilingual education including teachers, researchers, and administrators of educational programs similar to those assisted under this title. Readers of applications for grants involving conservation of Indian languages and other indigenous language which are subject to loss shall include individuals with expertise in such programs. The Secretary shall solicit nominations for application readers from State directors of bilingual education, graduate programs of bilingual education, tribal organizations and professional associations and shall have readers serve for a period of 3 years.

"(i) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this title.

"SEC. 7402. RELEASE TIME.

"Professional development programs funded under this Act shall permit use of funds for professional release time to enable participation in programs assisted under this part.

"SEC. 7403. EDUCATION TECHNOLOGY.

"Funds available under this Act may be used to provide for the acquisition or development of education technology or instructional materials, including authentic materials in languages other than English, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs such as those funded under this title.

"SEC. 7404. NOTIFICATION.

"The State educational agency, when applicable, the State Board for postsecondary education, when applicable, the clearinghouse, the applicable Evaluation and Assistance Center and Multifunctional Resource Center shall be notified within three working days of the date a grant is made to an eligible entity within the State.

"SEC. 7405. CONTINUED ELIGIBILITY.

"Entities receiving grants under this title shall remain eligible for grants for subsequent activities which extend or expand and do not duplicate those activities supported by a previous grant under this title. In considering applications for grants under this title the Secretary shall take into consideration the applicant's record of accomplishments under previous grants.

"SEC. 7406. LIMITATION OF AUTHORITY.

"The Secretary shall not impose restrictions on the availability of funds authorized under this title other than those set out in this title or other applicable Federal statutes and regulations.

"PART E—TRANSITION

"SEC. 7501. TRANSITION PROVISIONS.

"Any grant or contract awarded under this title prior to the date of the enactment of the Improving America's Schools Act of 1994 shall be allowed to continue the term of the original award in accordance with the conditions of the original award but not for a period in excess of 3 years from the date of the grant or contract.

"PART F—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7601. PURPOSE.

"The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 7602. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve up to 1.5 percent of the amount allocated to it under section 7604 to pay the costs of performing its administrative functions under this part.

"SEC. 7603. WITHHOLDING.

"Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 7604. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 7601.

"(b) ALLOCATIONS.—(1) Except as provided in subsections (c) and (d) of this section, of the amount appropriated for each fiscal year for this part, each State participating in this program shall receive a share equal to the proportion of its number of immigrant children and youth who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency described in paragraph (2) within that State, and in elementary and secondary nonpublic schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in this program.

"(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimate are clearly erroneous.

"(2) No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such agency would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount of carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—(1) If appropriations under this part exceed $40,000,000 for a fiscal year, a State educational agency may reserve up to 20 percent of its payment for redistribution through competitive grants to local educational agencies within the State in the following manner:

"(A) At least one-half of such grants shall be made to local educational agencies within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Remaining funds shall be distributed to local educational agencies within the State with a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) Local educational agencies with the highest number of immigrant children and youth receiving additional funds under this subsection may make information available on serving immigrant children and youth to areas in the State with sparse numbers of such children.

"SEC. 7605. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in section 7601, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes, and how the program designs are consistent with other education improvement plans, including any developed under Goals 2000: Educate America Act, if such plan exists, or title I;

"(3) provide assurances that such payments, with the exception of payments reserved under section 7604(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7604(b)(1);

"(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this part;

"(6) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part and title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

"(7) provide that funds reserved under subsection (e) of section 7604 be awarded on the basis of merit and need consistent with such subsection; and

"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1121(b).

"SEC. 7606. PAYMENTS.

"(a) AMOUNT.—The Secretary shall pay by not later than June 1 of each year to each State educational agency that has its application approved under section 7605 the amount of the State's allocation as determined under section 7604.

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7605(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 7607. USES OF FUNDS.

"(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program; and

"(5) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7608. REPORTS.

"(a) TRIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 3 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 3 years, a report to the appropriate committees of the Congress concerning programs under this part.

"SEC. 7609. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out the provisions of this part. there are authorized to be appropriated $40,000,000 in fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"TITLE VIII—IMPACT AID

"SEC. 8001. FINDINGS.

"The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and

"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

"SEC. 8002. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

"(2) educate children who reside on Federal property and whose parents are employed on Federal property;

"(3) educate children of parents who are in the military services and children who live in low-rent housing;

"(4) experience sudden and substantial increases in enrollments because of military realignments; or

"(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

"SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then such agency shall be paid the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 8014(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section which exceeds the difference of—

"(i) the maximum amount that such agency is eligible to receive for such fiscal year under section 8004(b)(1)(C); and

"(ii) the amount that such agency receives in such fiscal year under section 8004(b)(2).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In making a determination of the amount that would have been derived in such year under paragraph (1)(A)(i), the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) containing information on the use of the property;

"(D) except with the approval of the Federal government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal government a right of reversion at any time the Federal government (or its agent) deems it necessary for the national defense.

"SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY-CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(E) resided in low-rent housing.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .20.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be entitled to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children, or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by—

"(i) the greater of—

"(I) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the 3rd preceding fiscal year, or

"(II) one-half of the average per pupil expenditures of all of the States for the 3rd preceding fiscal year;

"(ii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1994; or

"(iii) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 8014(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments based upon the provisions of this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereinafter 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under this paragraph represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) USE OF FUNDS FOR CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8014(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of .5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the total amount that the Secretary shall pay to a local educational agency under subsections (b) and (f)—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of the Act of September 30 , 1950 (Public Law 81-874, 81st Congress), as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such payment received for fiscal year 1994; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such payment received for fiscal year 1994.

"(2) REDUCTION IN PAYMENTS.—In order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 8014(d) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(B)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) Special rule.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) Current year data.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

"SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

"(a) In General.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program to such agency.

"(b) Records.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall maintain records demonstrating its compliance with requirements contained in subsection (a).

"(c) Waiver.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 is excused from the requirements contained in subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

"(d) Technical Assistance and Enforcement.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

"SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8003 AND 8004.

"(a) In General.—A local educational agency desiring to receive a payment under section 8003 or 8004 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) Contents.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 8005 (relating to children residing on Indian lands).

"(c) Deadline for Submission.—The Secretaryshall establish deadlines for the submission of applications under this section.

"(d) Approval.—

"(1) In general.—The Secretary shall approve an application submitted under this section that—

"(A) is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(2) Reduction in payment.—The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8004(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) Late applications.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

"SEC. 8007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

"(a) Eligibility.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) Application.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) Children To Be Counted.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) Payments.—From the amount appropriated for a fiscal year under section 8014(c), the Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"(e) Notification Process.—

"(1) Establishment.—The Secretary shall endeavor to establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) Information.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

"SEC. 8008. PAYMENTS FOR CONSTRUCTION.

"(a) Payments Authorized.—From the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8004(b); and

"(2) in which the number of children determined under section 8004(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.

"(b) Amount of Payments.—The amount of a payment to each agency described in paragraph (2) of subsection (a) shall be equal to—

"(1) the amount appropriated under section 8014(d); divided by

"(2) the number of children determined under section 8004(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8009 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the enactment of the Improving America's Schools Act of 1994; multiplied by

"(3) the number of such children determined for such agency.

"(c) Use of Funds.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3) of this title.

"SEC. 8009. FACILITIES.

"(a) Current Facilities.—From the amount appropriated for any fiscal year under section 8014(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the enactment of the Improving America's Schools Act of 1994.

"(b) Transfer of Facilities.—

"(1) In general.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1958.

"(2) Other requirements.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer must be consented to by the local education agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this Act.

"SEC. 8010. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

"(a) General Prohibition.—Except as provided in subsection (b), a State may not—

"(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) in determining for any fiscal year—

"(A) the eligibility of a local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) State Equalization Plans.—

"(1) In general.—A State may reduce State aid to a local educational agency that receives a payment under sections 8003 and 8004(a) (except the amount calculated in excess of 1.0 under subparagraph (B) of subsection (a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act existed prior to the enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

"(2) Computation.—

"(A) In general.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 10 percent.

"(B) Other factors.—In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) Exception.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 10 percent disparity standard described in paragraph (2) in that fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) Procedures For Review of State Equalization Plans.—

"(1) Written notice.—

"(A) In general.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) Contents.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) Opportunity to present views.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3) Qualification procedures.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(A) certify the program and so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8012(a), to any local educational agency adversely affected by such certification.

"(4) Non-qualification procedures.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

"(A) so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8012(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) Reductions of State Aid.—

"(1) In general.—A State whose program of State aid has been certified by the Secretary under subsection (c)(3) may reduce the amount of such aid provided to a local educational agency that receives a payment under subsection (b) by any amount up to—

"(A) the amount of such payment (excluding amounts provided under subsections (d) and (f)); multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) Prohibition.—A State may not make a reduction described in paragraph (1) before its program of State aid has been certified by the Secretary under subsection (c)(3).

"(e) Remedies for State Violations.—

"(1) In general.—The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in a United States district court against any State that violates subsection (a) or subsection (d)(2) or fails to carry out an assurance provided under subsection (b)(3)(B).

"(2) Immunity.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action described in paragraph (1).

"(3) Relief.—The court shall grant such relief as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

"SEC. 8011. FEDERAL ADMINISTRATION.

"(a) Payments in Whole Dollar Amounts.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) Other Agencies.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

"SEC. 8012. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

"(a) Administrative Hearings.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

"(b) Judicial Review of Secretarial Action.—

"(1) In general.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) Findings of fact.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“SEC. 8013. DEFINITIONS.

“For purposes of this title, the following definitions apply:

“(1) ARMED FORCES.—The term ‘Armed Forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’ means—

“(A) the aggregate current expenditures of all local educational agencies in the State; divided by

“(B) the total number of children in average daily attendance for whom such agencies provided free public education.

“(3) CONSTRUCTION.—The term ‘construction’ means—

“(A) the preparation of drawings and specifications for school facilities;

“(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

“(C) inspecting and supervising the construction of school facilities; and

“(D) debt service for such activities.

“(4) FEDERAL PROPERTY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term ‘Federal property’ means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

“(i) owned by the United States or leased by the United States from another entity;

“(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

“(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

“(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92–203, 43 U.S.C. 1601 et seq.) to a Native individual, Native group, or Village or Regional corporation;

“(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

“(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before its use for such housing;

“(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

“(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411); or

“(iv) owned by a foreign government or by an international organization.

“(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term ‘Federal property’ includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

“(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term ‘Federal property’ includes, whether or not subject to taxation by a State or a political subdivision of a State—

“(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

“(ii) any improvement on Federal property as otherwise described in this paragraph; and

“(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

“(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term ‘Federal property’ does not include—

“(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

“(ii) pipelines and utility lines.

“(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, ‘Federal property’ does not include any property on which children reside that is otherwise described in this paragraph if—

“(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

“(ii) no tax revenues of the State are allocated or available for the free public education of such children.

“(F) CERTAIN PROPERTY LOCATED IN STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term ‘Federal property’ includes any real property located in the State of Oklahoma that—

“(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

“(ii) at any time—

“(I) was designated by treaty as tribal land; or

“(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress).

“(5) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is provided—

“(A) at public expense, under public supervision and direction, and without tuition charge; and

“(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

“(i) includes preschool education; and

“(ii) does not include any education provided beyond grade 12.

“(6) INDIAN LANDS.—The term ‘Indian lands’ means any Federal property described in paragraph (4)(A)(ii) or (4)(F).

“(7) LOCAL CONTRIBUTION PERCENTAGE.—

“(A) IN GENERAL.—The term ‘local contribution percentage’ means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

“(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

“(8) LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘local educational agency’—

“(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

“(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

“(B) EXCEPTION.—The term ‘local educational agency’ does not include any agency or school authority that the Secretary determines on a case-by-case basis—

“(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

“(ii) is not constituted or reconstituted for legitimate educational purposes.

“(9) LOW-RENT HOUSING.—The term ‘low-rent housing’ means housing located on property that is described paragraph (4)(A)(iii).

“(10) REVENUE DERIVED FROM LOCAL SOURCES.—The term ‘revenue derived from local sources’ means—

“(A) revenue produced within the boundaries of a local educational agency and available to such agency for its use; or

“(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as it was collected as a local revenue source.

“(11) SCHOOL FACILITIES.—The term ‘school facilities’ includes—

“(A) classrooms and related facilities; and

“(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

“SEC. 8014. AUTHORIZATION OF APPROPRIATIONS.

“(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8003, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

“(b) BASIC PAYMENTS.—For the purpose of making payments under section 8004(a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

“(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8004(d), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

“(d) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—For the purpose of making payments under section 8004(f), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

"(e) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 8007, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(f) CONSTRUCTION.—For the purpose of making payments under section 8008, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(g) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8009, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

TITLE IX—GENERAL PROVISIONS

"PART A—DEFINITIONS

"SEC. 9101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1)(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) The term 'community-based organization' means a private nonprofit organization that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.

"(6) The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(7) The term 'covered program' means each of the programs authorized by—

"(A) part A of title I of this Act;

"(B) part C of title I of this Act;

"(C) part A of title II of this Act; and

"(D) part A of title IV of this Act except section 4104.

"(8) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.

"(9) The term 'Department' means the Department of Education.

"(10) The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services and programs to local educational agencies.

"(11) The term 'elementary school' means a nonprofit day or residential school that provides elementary education, as determined under State law.

"(12) The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(13) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(14)(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(15) The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and exposing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(16) The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(17) The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

"(18) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(19) The terms 'pupil-services personnel' and 'pupil services' mean, respectively—

"(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and

"(B) the services provided by such individuals.

"(20) The term 'secondary school' means a nonprofit day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. This definition shall not apply to any private, religious, or home school that does not receive funds under this Act.

"(21) The term 'Secretary' means the Secretary of Education.

"(22) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(23) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"SEC. 9102. APPLICABILITY OF THIS TITLE.

"Parts B through F of this title do not apply to title VIII of this Act.

"SEC. 9103. REFERENCES IN OTHER ACTS.

"References to section 1471 of this Act, as it existed prior to the enactment of the Improving America's Schools Act of 1994, shall be deemed to refer to this section.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 9201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

"(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7)(C) and (D).

"(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—

"(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to it under this section for administration, it may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SEC. 9202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.

"SEC. 9203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use these consolidated funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 9204. ADMINISTRATIVE FUNDS STUDY.

"(a) STUDY.—(1) The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

"(2) Based on the results of such study, the Secretary shall develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies.

"(3) Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study conducted under this section within 30 days of its completion.

"SEC. 9205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

"SEC. 9206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"(a) UNNEEDED PROGRAM FUNDS.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I of this Act are not needed for the purpose of that covered program may use such funds, not to exceed five percent of the total amount of its funds under that covered program, for the purpose of another covered program.

"(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of up to 5 percent of the funds it receives under this Act for the establishment and implementation of a coordinated services project consistent with the requirements of Title X of this Act.".

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"SEC. 9301. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 9302. OPTIONAL CONSOLIDATED STATE APPLICATION.

"(a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) A State educational agency may also include in its consolidated application—

"(A) the Even Start program under part B of title I of this Act;

"(B) the education of neglected and delinquent youth program under part D of title I of this Act;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

"(D) Goals 2000: Educate America Act;

"(E) School-to-Work Opportunities Act; and

"(F) such other programs as the Secretary may designate.

"(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

"(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.

"(3) The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the State application.

"SEC. 9303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 440 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 9304. CONSOLIDATED LOCAL APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

"(d) The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the application of the local educational agency.

"SEC. 9305. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to section 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

"PART D—WAIVERS

"SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act.

"SEC. 9402. APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—A school, local educational agency, or State that desires to receive a waiver under this Act shall—

"(1) indicate which Federal requirements are to be waived and how waiving such requirements will improve educational achievement among all students;

"(2) describe educational programs and goals being proposed and how such programs will meet the needs of all students;

"(3) identify the Federal programs to be included in the project;

"(4) indicate which State and local requirements to be waived;

"(5) describe specific, measurable educational improvement goals and expected outcomes for all affected students;

"(6) describe methods to be used to measure progress toward meeting such goals;

"(7) describe how programs will continue to focus on the same populations served by programs for which waivers are requested;

"(8) describe how students not now eligible for programs for which waivers are granted can be served without weakening the program benefits for eligible populations; and

"(9) describe the student population at proposed schools, including—

"(A) current data regarding the achievement levels of students, particularly disadvantaged students;

"(B) the number of students who—

"(i) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(ii) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act;

"(iii) are currently or were, within the past 5 years, migratory;

"(iv) are educationally disadvantaged for the purposes of title I of the Elementary and Secondary Education Act of 1965; and

"(v) are eligible for a free or reduced-price lunch.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Education may include additional requirements as may reasonably be required.

"(c) INDIVIDUAL SCHOOL APPLICATIONS.—A local school that desires to receive a waiver under this Act shall submit an application to the local educational agency, which, after review, shall submit such application to the State educational agency.

"(d) LOCAL APPLICATIONS.—(1) A local educational agency that desires to receive a waiver under this Act shall submit an application to the State educational agency for review.

"(2) A State educational agency that approves an application submitted by a local educational agency shall forward such application to the Secretary of Education for consideration.

"(3) If an application requests a waiver for a program other than an education program, the State educational agency shall submit such application to the chief executive of the State for review before forwarding such application to the Secretary of Education.

"(e) STATE APPLICATIONS.—(1) A State educational agency that desires to receive a waiver under this Act shall—

"(1) submit an application to the Secretary of Education for consideration; and

"(2) provide all interested local education agencies in the State with notice and an opportunity to comment on the proposal.

"(f) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) maintenance of records;

"(7) applicable civil rights requirements; or

"(8) the requirements of sections 444 and 445 of the General Education Provisions Act.

"SEC. 9403. EVALUATIONS AND TECHNICAL ASSISTANCE.

"(a) WAIVERS.—Three years after a waiver is provided to a school or local educational agency, the Secretary of Education shall evaluate the effectiveness of such waiver, based on reports and evaluations conducted by the State educational agency, in meeting the goals outlined in their application, in achieving educational reform, in raising student achievement for all students, including students with disabilities, students who are disadvantaged, and students who are limited English proficient, and in meeting the National Education Goals.

"(b) TECHNICAL ASSISTANCE.—If the Secretary determines that progress in achieving education reform is not satisfactory, the Secretary may provide technical assistance to a school or local educational agency.

"(c) TERMINATION.—If the Secretary determines that the technical assistance does not improve education reform efforts, the Secretary may immediately terminate any waivers previously granted.

"(d) NATIONAL EVALUATION.—Three years after the flexibility program is implemented and at the end of every succeeding 3-year period, the Secretary shall evaluate the effectiveness of the flexibility program nationwide. The findings of such evaluation shall be submitted to the Congress not later than 120 days after such evaluation is completed.

"SEC. 9404. REPORTS.

"(a) LOCAL REPORTS.—A local educational agency or school that participates in a flexibility project under this Act shall submit an annual report to the State educational agency that—

"(1) describes project activities;

"(2) evaluates the progress in achieving the goals stated in the application; and

"(3) evaluates the effectiveness of coordinating services for students and their families.

"(b) STATE REPORTS.—(1) A State that participates in a flexibility project under this Act shall submit an annual report to the Secretary of Education which evaluates the progress in achieving goals stated in the application.

"(2) The State Educational Agency, upon receipt of reports of local educational agencies or schools participating in a flexibility project, shall review such documents and evaluate the progress of such programs in elevating academic achievement for all students, accomplishing education reform and meeting the National Education Goals. Such reports and evaluations shall be submitted to the Secretary of Education on an annual basis.

"(c) SECRETARY REPORTS.—The Secretary of Education shall submit to the Congress a biennial report, based on State reports, regarding the national progress of flexibility programs and the effect of such programs on improving educational achievement for all students and meeting the National Education Goals.

"SEC. 9405. GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal involvement with or control over any aspect of any private, religious, or home school that does not receive funds under the Act.

"TITLE X—COORDINATED SERVICES PROJECTS

"SEC. 10001. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Growing numbers of children are negatively affected by influences outside of the classroom which increase their risk of academic failure.

"(2) Factors such as poor nutrition, unsafe living conditions, physical and sexual abuse, family and gang violence, inadequate health care, unemployment, lack of child care and substance abuse adversely affect family relationships and the ability of a child to learn.

"(3) Parents and other caregivers in today's high pressure society often face demands which place restraints on their time and affect their ability to adequately provide for the needs of their families.

"(4) Access to health and social service programs can address the basic physical and emotional needs of children so that they can fully participate in the learning experiences offered them in school.

"(5) Services for at-risk students need to be more convenient, less fragmented, regulated and duplicative in order to meet the needs of children and their families.

"(6) School personnel, parents, and support service providers often lack knowledge of, and access to, available services for at-risk students and their families in the community, and have few resources to coordinate services and make them accessible.

"(7) Service providers, such as teachers, social workers, health care and child care providers, juvenile justice workers and others, are often trained in separate disciplines that provide little support for the coordination of services.

"(8) Coordination of services is more cost effective because it substitutes prevention for expensive crisis intervention.

"(9) Coordinating health and social services with education can help the Nation meet the National Education Goals by ensuring better outcomes for children.

"(b) PURPOSE OF COORDINATING SERVICES.—The purpose of this section is to provide elementary and secondary school students and their families better access to the social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that children receive the best possible education.

"SEC. 10002. DEFINITIONS.

"(a) The term 'coordinated services project' refers to a comprehensive approach to meeting the educational, health, social service, and other needs of children and their families, including foster children and their foster families, through a communitywide partnership that links public and private agencies providing such services or access to such services through a coordination site at or near a school.

"(b) An 'eligible entity' is a local educational agency, individual school, or consortium of schools.

"SEC. 10003. PROJECT DEVELOPMENT AND IMPLEMENTATION.

"(a) PROJECT PLANS.—Eligible entities exercising their authority under section 9206(b) shall submit to the Secretary an application for the development of a plan or a plan for the implementation of a coordinated services project.

"(b) PROJECT DEVELOPMENT.—The application for the development of the coordinated services project, which can last for up to one year, shall:

"(1) demonstrate that an assessment will be performed of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and the local, State, federal, and privately funded services available to meet such needs;

"(2) identify the measures that will be taken to establish a communitywide partnership that links public and private agencies providing services to children and families; and

"(3) identify any other measures that will be taken to develop a comprehensive plan for the implementation of a coordinated services project or projects.

"(c) PROJECT IMPLEMENTATION.—Eligible entities shall submit to the Secretary a plan for the implementation or expansion of a coordinated services project. Such plan shall include—

"(1) the results of a children and families needs assessment, which will include an assessment of the needs of foster children;

"(2) the membership of the coordinated services project partnership;

"(3) a description of the proposed coordinated services project, its objectives, where it will be located, and the staff that will be used to carry out the purposes of the project;

"(4) a description of how the success of the coordinated services project will be evaluated;

"(5) a description of the training to be provided to teachers and appropriate personnel; and

"(6) information regarding whether or not a sliding scale fee for services will be employed, and if not, an explanation of why such scale is not feasible.

"SEC. 10004. USES OF FUNDS.

"(a) Funds utilized under the authority of section 9206(b) may be used for activities under this title which include—

"(1) hiring a services coordinator;

"(2) making minor renovations to existing buildings;

"(3) purchasing basic operating equipment;

"(4) improving communications and information-sharing between members of the coordinated services project partnership;

"(5) providing training to teachers and appropriate personnel concerning their role in a coordinated services project; and

"(6) conducting the needs assessment required in section 10003(b)(1).

"(b) Projects operating under the authority of this title shall comply with the requirements of section 1121(b).

"SEC. 10005. CONTINUING AUTHORITY.

"The Secretary shall not approve the plan of any project which fails to demonstrate that it is achieving effective coordination after 2 years of implementation.

"SEC. 10006. FEDERAL AGENCY COORDINATION.

"(a) AGENCY COORDINATION.—The Secretaries of Education, Health and Human Services, Labor, Housing and Urban Development, Treasury, and Agriculture, and the Attorney General shall review the programs administered by their agencies to identify barriers to service coordination.

"(b) REPORT TO CONGRESS.—Such Secretaries and the Attorney General shall submit jointly a report to the Congress not later than 2 years after the date of the enactment of the Improving America's Schools Act, based on the review required under paragraph (a) recommending legislative and regulatory action to address such barriers, and during this time, shall use waiver authorities authorized under this and other Acts.

"SEC. 10007. LIMITATION ON USE OF FUNDS FOR COORDINATION OF SERVICES.

"None of the funds authorized under this Act which are used for projects which include the coordination of health and social services with education may be used to provide family planning or reproductive health services.".

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.; referred to in this title as "the Act") is amended to read as follows:

"TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

SEC. 212. REPEAL AND REDESIGNATION.

(a) The following provisions of the Act are repealed:

(1) Sections 400A, 401, 402, 405, 406, 406A, 406B, 406C, 407, 413, 416, 419, 421, 423, 424, 426A, and 429; and

(2) part D.

(b) Sections 403, 408, 409, 411, 412, 414, 415, 417, 420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, and 440 are redesignated as 401, 410, 411, 420, 421, 422, 423, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, and 446 respectively.

(c) Part E is redesignated as Part D.

PART B—THE DEPARTMENT OF EDUCATION

SEC. 221. NEW HEADING FOR PART A.

The heading for Part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

SEC. 222. OFFICE OF NON-PUBLIC EDUCATION.

Section 401 of the Act (as redesignated) is amended by—

(1) striking the heading of such section and inserting the following new heading:

"OFFICE OF NON-PUBLIC EDUCATION".

(2) striking subsections (a), (b), and (c); and

(3) striking "(d)(1) There" and inserting "SEC. 401 (1) There".

SEC. 223. GENERAL AUTHORITY OF THE SECRETARY.

Section 410 of the Act (as redesignated) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 410. The Secretary, in order to carry out functions otherwise vested by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

SEC. 224. COORDINATION.

The Act is amended by inserting the following new section 412:

"COORDINATION

"SEC. 412. The Advisory Council on Education Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.".

PART C—APPROPRIATIONS AND EVALUATIONS

SEC. 230. FORWARD FUNDING.

Section 420 of the Act (as redesignated) is amended to read as follows:

"FORWARD FUNDING

"SEC. 420. (a) To the end of affording the responsible State, local, and Federal officers adequate notice of available Federal financial assistance for carrying out ongoing education activities and projects, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(b) In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for an applicable program (whether in the same appropriations Act or otherwise) for 2 consecutive fiscal years.".

SEC. 231. AVAILABILITY OF APPROPRIATIONS.

(a) The heading for section 421 of the Act (as redesignated) is amended to read as follows: "AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR EXPENDITURE OF FUNDS".

(b) Section 421 of the Act (as redesignated) is further amended—

(1) in subsection (b) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding"; and

(2) in subsection (c) by striking "section 3679(d)(2) of the Revised Statutes" and inserting "section 1341(a) of title 31 of the United States Code".

SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.

Section 422 of the Act (as redesignated) of the Act is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

"SEC. 422. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.

"(c) During the period of automatic extension of an applicable program under subsection (a), the Secretary shall administer such program, including the performance of all required acts and determinations, in the same manner required in the termination fiscal year by the applicable statute.

"(d) This section shall not apply to the authorization of appropriations for a commission, council or committee which is required by an applicable statute to terminate on a date certain.".

SEC. 233. STATE REPORTS.

Subpart 2 of part B of the Act is amended by inserting the following new section 424 at the beginning of such subpart.

"RESPONSIBILITY OF STATES TO FURNISH INFORMATION

"SEC. 424. (a) Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

"(1) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and

"(2) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

"(b) Each report submitted as required by subsection (a) shall—

"(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;

"(2) analyze the information included in the report by local educational agency and by program;

"(3) include the total amount of funds available to the State under each such program for each fiscal year concerned; and

"(4) be made readily available by the State to local educational agencies and institutions within the State and to the public.

"(c) If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.

"(d) When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available, at a reasonable cost, to any individual who requests it.

"(e) The Secretary shall consult with the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate regarding the costs and feasibility of making the information described in subsection (a) available as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.

"(f) On or before August 15th of each year in which reports are submitted under subsection (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—

"(1) an analysis of the content and data quality of such reports;

"(2) a compilation of statistical data derived from such reports; and

"(3) information obtained by the Secretary with respect to—

"(A) direct grants made to local educational agencies by the Federal Government; and

"(B) contracts entered into between such agencies and the Federal Government.".

SEC. 234. BIENNIAL EVALUATION REPORT.

Section 425 of the Act (as redesignated) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 425. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—

"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;

"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, evaluation information on the costs and benefits of the applicable programs being evaluated.

"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in such report; and

"(5) be prepared in concise summary form with necessary detailed data and appendices, including available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.".

SEC. 235. TECHNICAL AMENDMENT.

(a) Section 423 of the Act (as redesignated) is amended by striking "Commissioner" and inserting "Secretary".

(b) Section 426 of the Act (as redesignated) is amended by—

(1) striking "title I of" and all that follows through "Congress)" and inserting "title VIII of the Elementary and Secondary Education Act of 1965"; and

(2) striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C)" and inserting in lieu thereof "sections 8003(c) or residing on property described in section 8012(4)(B)(ii)".

SEC. 236. COORDINATION.

The National Assessment Governing Board, the Advisory Council on Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

SEC. 241. RACE-NORMING.

The Act is amended by inserting after section 426 (as redesignated) the following new section:

"PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES

"SEC. 426A. No funds appropriated for the purpose of carrying out any applicable program may be used to adjust the scores of, use different scores for, or otherwise alter the results of educational tests on the basis of race, color, religion, sex, or national origin.".

SEC. 242. JOINT FUNDING OF PROGRAMS.

Section 430 of the Act (as redesignated) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 430. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds, and shall be made available by contract or grant only to recipients eligible to receive such funds under such statutes.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to award contracts or grants and to administer such awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. An applicant for such a joint award must meet the eligibility requirements of each such program.

"(c) The Secretary may not construe the provisions of this section to take precedence over a limitation on joint funding contained in an applicable statute.

"(d)(1) The Secretary shall provide notice to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate of each joint funding agreement made with other Federal agencies not later than 60 days following the making of such agreements.

"(2) Such notice shall include—

"(A) a description of the purpose and objectives of the joint funding arrangement;

"(B) the amounts and sources, by program, of the funds dedicated to such arrangement; and

"(C) the criteria developed to govern the award of contracts and grants.".

SEC. 243. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 431 of the Act (as redesignated) is amended by—

(1) striking "(a) The Commissioner" and inserting "The Secretary";

(2) inserting "and" at the end of paragraph (2);

(3) striking "; and" at the end of paragraph (3) and inserting "."; and

(4) striking paragraph (4) and subsections (b) and (c).

SEC. 244. REVIEW OF APPLICATIONS.

(a) Section 432 of the Act (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence thereof, by inserting a comma after "the hearing"; and

(D) in the fourth sentence thereof—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place it appears and inserting "Secretary"; and

(3) in subsection (d), by striking "Commissioner" each time it appears and inserting "Secretary" and by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

(b) All statistics and other data collection and analysis reported under this section shall, whenever feasible, be collected cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status. In the event that the Secretary determines that such statistics or data collection and analysis reveals no significant differences among such categories, the Secretary shall include in the relevant report incorporating such statistics or data an explanation of such determination.

SEC. 245. TECHNICAL AMENDMENT.

Section 434 of the Act (as redesignated) is amended in the first sentence by striking "the Commissioner" and "he" and inserting "the Secretary" in lieu of each.

SEC. 246. USE OF FUNDS WITHHELD.

Section 435 of the Act (as redesignated) is amended to read as follows:

"USE OF FUNDS WITHHELD

"SEC. 435. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

SEC. 247. APPLICATIONS.

Section 436 of the Act (as redesignated) is amended by striking "for three fiscal years" and inserting "for more than one fiscal year".

SEC. 248. REGULATIONS.

Section 437 of the Act (as redesignated) is amended—

(1) in the heading by striking ": REQUIREMENTS AND ENFORCEMENT";

(2) in subsection (a) by—

(A) striking, in paragraph (1), "Commissioner" and inserting "Secretary"; and

(B) striking, in paragraph (2), "Department of Health, Education, and Welfare or the Office of Education, or by an official of such agencies" and inserting "Secretary";

(3) in subsection (b) by—

(A) striking "Commissioner" each place it appears and inserting "Secretary"; and

(B) striking the last sentence of paragraph (2)(B);

(4) in subsection (d) by—

(A) striking, in paragraph (1)—

(i) in the second sentence, "transmission unless the Congress shall, by concurrent resolution, find that the final regulation is inconsistent with the Act from which it derives its authority, and disapprove such final regulation, in whole or in part" and insert "transmission";

(ii) the last sentence; and

(iii) "(1)";

(B) striking paragraph (2);

(5) by striking subsections (e) and (f); and

(6) in subsection (g), by striking "Commissioner" each place it appears and inserting "Secretary".

SEC. 249. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.

Section 443 of the Act (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking out "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting in lieu thereof "grant, subgrant, cooperative agreement, loan or other agreement";

(B) by inserting "financial or programmatic" immediately before "audit."; and

(C) by striking "five" in the last sentence and inserting "three"; and

(2) in subsection (b), by striking out "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting in lieu thereof "to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

SEC. 250. RELEASE OF RECORDS.

Section 444(b)(1)(E) of the Act (as redesignated) is amended to read as follows:

"(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted—

"(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or

"(ii) after November 19, 1974, if—

"(I) the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, and

"(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent.".

SEC. 251. PROTECTION OF PUPIL RIGHTS.

Section 445 of the Act (as redesignated) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 445. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, antisocial, self-incriminating, and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

SEC. 252. ENFORCEMENT.

(a) Section 452 of the Act is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking "stating" and all that follows through the end of such sentence and inserting "establishing a prima facia case for the recovery of funds, including an analysis reflecting the value of the program services actually obtained in a determination of harm to the federal interest.";

(2) in the first sentence of paragraph (1) of subsection (b), by striking "30" and inserting "60"; and

(3) in subsection (d) by—

(A) striking "(d) Upon" and inserting "(d)(1) Upon";

(B) adding a new paragraph (2) as follows:

"(2) During the conduct of such review, there shall not be any ex parte contact between the Secretary and individuals representing the Department or the recipient.".

(b) Section 459 of the Act is amended—

(1) in paragraph (1) of subsection (a) by striking ", and that the recipient is in all other respects in compliance with the requirements of that program"; and

(2) subsection (c) is amended to read as follows:

"(c) Notwithstanding any other provisions of law, the funds made available under this section shall remain available for expenditure for a period of time deemed reasonable by the Secretary, but in no case to exceed more than 3 fiscal years following the later of—

"(1) the fiscal year in which final agency action under section 452(e) is taken; or

"(2) if such recipient files a petition for judicial review, the fiscal year in which final judicial action under section 458 is taken.".

SEC. 253. TECHNICAL AMENDMENTS.

(a) The heading for Part C of the Act is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) Section 434 of the Act (as redesignated) is amended in the second sentence thereof, by inserting "is made" after "such determination".

(c) Section 436 of the Act (as redesignated) is amended by striking "Commissioner" each place it appears and inserting "Secretary".

(d)(1) The heading of section 440 of the Act (as redesignated) is amended by striking "EDUCATIONAL".

(2) Section 440 of the Act (as redesignated) is amended—

(A) by striking "Commissioner" each place it appears and inserting "Secretary"; and

(B) by inserting "(c)" before the last sentence and by deleting "paragraph (3)" in such sentence and inserting "subsection (b)(3)".

(e) Section 441 of the Act (as redesignated) is amended—

(1) by striking "Commissioner" each place it appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan"; and

(B) by striking "(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965, to the provisions of title V of such Act)".

(f) Section 442 of the Act (as redesignated) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking "Commissioner" each place it appears and inserting "Secretary"; and

(C) in paragraph (7), by striking "handicapped individuals" and inserting "individuals with disabilities".

(g) Section 444 of the Act (as redesignated) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period at the end thereof and inserting a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking "The Secretary, or an administrative head of an education agency," and inserting "The Secretary";

(B) by striking "provisions of" after "enforce";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "the provisions of" after "with"; and

(5) in subsection (g)—

(A) by striking "Health, Education, and Welfare" and inserting "Education"; and

(B) by striking "the provisions of".

SEC. 254. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.

The Act is further amended by inserting after section 426 (as redesignated) a new section 427 to read as follows:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 427. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program and promoting their ability to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".

PART E—RELATED AMENDMENTS TO OTHER ACTS

SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT

The Department of Education Organization Act is amended—

(1) by repealing sections 414 and 427;

(2) by redesignating sections 209, 210, 211, 212, 214, 215, 303, 304, 305, 306, 307, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, and 428 as sections 208, 209, 210, 211, 212, 213, 302, 303, 304, 305, 306, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, and 426;

(3) the table of contents is amended to read as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Findings.
"Sec. 102. Purposes.
"Sec. 103. Federal-State Relationships.
"Sec. 104. Definitions.

"TITLE II—ESTABLISHMENT OF THE DEPARTMENT

"Sec. 201. Establishment.
"Sec. 202. Principal officers.
"Sec. 203. Office for Civil Rights.
"Sec. 204. Office of Elementary and Secondary Education.
"Sec. 205. Office of Postsecondary Education.
"Sec. 206. Office of Vocational and Adult Education.
"Sec. 207. Office of Special Education and Rehabilitative Services.
"Sec. 208. Office of Educational Research and Improvement.
"Sec. 209. Office of Bilingual Education and Minority Languages Affairs.
"Sec. 210. Office of General Counsel.
"Sec. 211. Office of Inspector General.
"Sec. 212. Office of Correctional Education.
"Sec. 213. Federal Interagency Committee on Education.

"TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS

"Sec. 301. Transfers from the Department of Health, Education, and Welfare.
"Sec. 302. Transfers from the Department of Labor.
"Sec. 303. Transfers of programs from the National Science Foundation.
"Sec. 304. Transfers from the Department of Justice.
"Sec. 305. Transfers from the Department of Housing and Urban Development.
"Sec. 306. Effect of transfers.

"TITLE IV—ADMINISTRATIVE PROVISIONS

"PART A—PERSONNEL PROVISIONS

"Sec. 401. Officers and employees.
"Sec. 402. Experts and consultants.
"Sec. 403. Personnel reduction and annual limitations.

"PART B—GENERAL ADMINISTRATIVE PROVISIONS

"Sec. 411. General authority.
"Sec. 412. Delegation.
"Sec. 413. Reorganization.
"Sec. 414. Contracts.
"Sec. 415. Regional and field offices.
"Sec. 416. Acquisition and maintenance of property.
"Sec. 417. Facilities at remote locations.
"Sec. 418. Use of facilities.
"Sec. 419. Copyrights and patents.
"Sec. 420. Gifts and bequests.
"Sec. 421. Technical advice.
"Sec. 422. Working capital fund.
"Sec. 423. Funds transfer.
"Sec. 424. Seal of department.
"Sec. 425. Annual report.
"Sec. 426. Authorization of appropriations.

"TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

"Sec. 501. Transfer and allocation of appropriations and personnel.
"Sec. 502. Effect on personnel.
"Sec. 503. Agency terminations.
"Sec. 504. Incidental transfers.
"Sec. 505. Savings provisions.
"Sec. 506. Separability.
"Sec. 507. Reference.
"Sec. 508. Amendments.
"Sec. 509. Redesignation.
"Sec. 510. Coordination of programs affecting handicapped individuals.
"Sec. 511. Transition.

"TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

"Sec. 601. Effective date.
"Sec. 602. Interim appointments.".

(4) in section 202(b), by inserting after paragraph (2) the following:

"(3) There shall be in the Department, a Special Assistant for Gender Equity who shall be appointed by the Secretary. The Special Assistant shall promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, coordination of research activities, and the administration of grant programs. The Special Assistant shall report directly to the Secretary, and shall perform such additional functions as the Secretary shall prescribe.".

TITLE III—AMENDMENTS TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.

(a) GRANT AMOUNTS.—Section 611(a) of the Individuals with Disabilities Education Act (referred to in this title as the "IDEA") is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged six through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) the number of such children in the State, aged three through five, if the State is eligible for a grant under section 619; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in paragraph (5)(A)—

(A) in clause (i)—

(i) by striking "and the State" and inserting "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 199— allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State"; and

(ii) by inserting "and" at the end therof;

(B) in clause (ii)—

(i) by striking "and the State" and inserting "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State"; and

(ii) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) AMOUNT RECEIVED.—Section 611(b) of the IDEA is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, for children with disabilities aged three through 21.

"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for such State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, the amount determined under paragraph (1) for such State shall be reduced by the same percentage by which the number of such children so declined.

"(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the immediate preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.".

(c) USES OF FUNDS.—Section 611(c) of the IDEA is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) the State may use up to 25 percent in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).";

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

(d) STATE FUNDS.—Section 611(d) of the IDEA is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State-owned or State-operated school or program or State-supported school or program that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-owned, State-operated, or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.

"(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.".

(e) JURISDICTION.—Section 611(e)(1) of the IDEA is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

(f) POSSIBLE RATABLE REDUCTION.—Section 611(g) of the IDEA is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

"(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as it so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to such local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".

SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

Part B of the IDEA is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.

"(b) The State educational agency shall ensure that each State agency that owns or operates or supports a program or school for children with disabilities with funds under this part—

"(1) provides each child with a disability in such school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and

"(2) has on file with the State educational agency an application that meets the requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.".

SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) ALLOTMENTS.—Section 684(c) of the IDEA is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking paragraph (1) and inserting paragraphs (1) through (4) to read as follows:

"(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to the relative numbers of infants and toddlers who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1994.

"(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), not including any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect beginning in fiscal year 1995.

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 320. AMENDMENTS TO TABLE OF CONTENTS.

Section 101 of the Stewart B. McKinney Homeless Assistance Act is amended by striking subtitles A and B of title VII and inserting the following:

"Subtitle A—Adult Education for the Homeless

"Sec. 701. State literacy initiatives

"Subtitle B—Education for Homeless Children and Youth

"Sec. 721. Statement of policy.
"Sec. 722. Grants for state and local activities for the education of homeless children and youth.
"Sec. 723. Local educational agency grants for the education of homeless children and youth.
"Sec. 724. Secretarial responsibilities.
"Sec. 725. Definitions.
"Sec. 726. Authorization of appropriations.".

SEC. 321. STATEMENT OF POLICY.

Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"Subtitle A—Adult Education for the Homeless

"SEC. 701. STATE LITERACY INITIATIVES.

"(a) GENERAL AUTHORITY.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.

"(2) The Secretary of Education shall, in awarding grants under this section, give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts he or she determines would best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"SEC. 721. STATEMENT OF POLICY.

"It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families, including children who are preschool age; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3)(A) The local educational agency that serves each homeless child and youth shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent possible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

"(7)(A) Each local educational agency in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of such agency; and

"(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Each State and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, on an incidental basis. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Services provided under this section are not intended to replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring and accelerated instruction and enriched educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(J) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(e) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(f) REPORTS.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"SEC. 725. DEFINITIONS.

"For the purpose of this subtitle, unless otherwise stated—

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriate $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.".

PART C—IMPACT AID STATUTES

SEC. 331. AMENDMENTS TO PUBLIC LAW 815.

(a) SECTION 2.—Section 2 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 632) is amended to read as follows:

"SEC. 2. PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS.

"For each fiscal year the Secretary shall distribute the funds appropriated in accordance with section 1 which shall be available for carrying out the provisions of sections 5, 9, 10, and 14. The funds provided under section 1 for the schools serving military dependents and Indian lands shall be divided equally between section 5 and section 14 of this Act. Funds provided under section 5 of this Act shall be divided equally between the priority categories of section 1(a)(1) and 1(a)(2) of this Act.".

(b) SECTION 3.—Section 3 of such Act (20 U.S.C. 633) is amended to read as follows:

"SEC. 3. ESTABLISHMENT OF PRIORITIES.

"Applications for construction or modification projects provided for under this Act must be filed by June 30 of the fiscal year prior to the year in which funds are first requested. The Secretary shall use the following order of priority in approving applications under section 5 and funded in accordance with section 1(a)(1) and section 1(a)(2) of this Act. The priority of payment of application under section 1(a)(1) shall be based on the highest percentage of number of children in need of minimum school facilities. The priority of payment of applications under section 1(a)(2) shall be based on the highest percentage of federally connected students eligible for payment. The Secretary shall use the priorities stated in this section in approving applications in the event the funds appropriated under section 1 of this title and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under section 1 have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6(b)(2)(C)) shall be considered applications for purposes of the preceding sentence. Such order of priority shall provide that applications payments based upon increases in the number of children residing on, or residing with a parent employed on property which is party of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraph (2) of subsection (a) of section 5 have been approved for the fiscal year.".

(c) SECTION 5.—Section 5 of such Act (20 U.S.C. 635) is amended to read as follows:

"SEC. 5. LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY.

"(a) Subject to the limitations in subsection (c) the total of the payments to a local educational agency under this Act may not exceed the sum of—

"(1) the estimated increase, since the base year, in the number of children determined with respect to such agency who live on Federal property and have a parent who works on Federal property multiplied by 100 percent of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated;

"(2) the estimated increase, since the base year, in the number of children determined with respect to such agency who have a parent who lives on or works on Federal property multiplied by 50 percent of such cost;

"(3) In computing for any local educational agency the number of children in an increase under paragraph (1) or (2), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in average daily membership of the schools of such agency during the base year. However, the base year average daily membership shall be adjusted to exclude the number of children that formed the basis for previous payments on applications approved 30 or more years prior to the close of the increased period for the current application.

"(b) If two of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

"(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraphs (1), (2), and (3) of subsection (a) unless the increase in children referred to in such paragraph is at least 20, and in the case of paragraphs (1), (2), and (3) of subsection (a), is—

"(1) equal to at least 6 percent of the number of federally connected children who were in the average daily membership of the schools of such agency during the base year, or

"(2) at least 750,

whichever is the lesser.

"(d) Notwithstanding the provisions of subsection (c) of this section, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of the Act, the Secretary may waive or reduce the minimum number requirement or any percentage requirement or requirements in subsection (c).

"(e) In determining under this section the total of the payments which may be made to a local educational agency on the basis of any application, the total number of children counted for purposes of paragraph (1) or (2), as the case may be, of subsection (a) may not exceed—

"(1) the number of children whose membership at the close of the increase period for the application is compared with average daily membership in the base period for purposes of that paragraph, provided that the base year average daily membership does not include any children which formed the basis of payment in the applications approved 30 or more years ago, minus

"(2) the number of such children whose membership at the close of the increase period was compared with membership in the base year for purposes of such paragraph under the last previous application, provided the application was funded within the last 4 years, if any, of the agency on the basis of which any payments have been or may be made to that agency.".

(d) SECTION 6.—Section 6 of such Act (20 U.S.C. 636) is amended by adding at the end the following new subsection:

"(d) If the application has not been funded within the 3-year period, the local educational agency must recertify their need to have the application remain active.".

SEC. 332. REPEAL OF PUBLIC LAW 874.

The Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.) is hereby repealed.

PART D—AMENDMENTS TO ADULT EDUCATION ACT

SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.

(a) Section 342(c)(11) of the Adult Education Act is amended by inserting "Even Start," after "1963,".

(b) Section 384(n) is amended by striking "and 1995" and inserting "1995, and 1996".

TITLE IV—NATIONAL EDUCATION STATISTICS

SEC. 401. SHORT TITLE.

This title may be cited as the "National Education Statistics Act of 1994".

SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds that—

(1) a Department of Education was established in 1867 "for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country";

(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Department's Office of Educational Research and Improvement continues to perform those crucial original purposes; and

(3) looking to the 21st century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in reform of the Nation's educational systems.

(b) PURPOSE.—It is the purpose of this title to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

(c) DEFINITIONS.—For the purpose of this title, the term—

(1) "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement, provided for under section 202(b)(1)(E) of the Department of Education Organization Act;

(2) "Department" means the Department of Education;

(3) "institution of higher education" has the same meaning given such term in section 1201 of the Higher Education Act of 1965;

(4) "local educational agency" has the same meaning given such term in section 9101(13) of the Elementary and Secondary Education Act of 1965;

(5) "Secretary" means the Secretary of Education;

(6) "State educational agency" has the same meaning given such term in section 9101(20) of the Elementary and Secondary Education Act of 1965; and

(7) "United States" and "State" mean—

(A) other than for the purpose of section 411, each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) for the purpose of section 411, mean the same as in subparagraph (A) and include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau).

SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (the "Center").

(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—(1) The Center shall be headed by a Commissioner of Education Statistics (the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(A) have substantial knowledge of programs encompassed by the Center;

(B) be paid in accordance with section 5315 of title 5, United States Code; and

(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.

(2) The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

SEC. 404. DUTIES OF THE CENTER.

(a) DUTIES.—The duties of the Center are to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, and

postsecondary levels in the United States, including data on—

(A) State and local school reform activities;

(B) student achievement and other educational outcomes at all levels of education;

(C) out of school youth and adults;

(D) teachers, administrators, counselors, and other educational personnel at all levels of education;

(E) the learning and teaching environment;

(F) financing and management of education; and

(G) the socioeconomic status of children;

(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

(4) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;

(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and

(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.

(b) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

SEC. 405. PERFORMANCE OF DUTIES.

(a) IN GENERAL.—In carrying out the duties under this title, the Commissioner may enter into grants, contracts, and cooperative agreements.

(b) GATHERING INFORMATION.—(1) The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.

(2) The Commissioner may, as the Commissioner considers appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

(3) The Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with an agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

(4) In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

(A) provide technical assistance to Department offices that gather data for statistical purposes; and

(B) coordinate closely with other Department offices in the collection of data.

SEC. 406. REPORTS.

(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, no later than June 1 of each year, submit to the President and the Congress a statistical report regarding the condition and progress of education in the United States.

(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.

(a) ESTABLISHMENT.—There is established, within the Center, the Advisory Council on Education Statistics (the "Council").

(b) MEMBERSHIP.—(1) The Council shall be composed of—

(A) 15 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field, of whom at least—

(i) three shall be educators;

(ii) three shall be education policy-makers;

(iii) three shall be professional statisticians; and

(iv) three shall be education researchers;

(B) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

(2) The Secretary shall appoint the presiding officer of the Council from among the voting members.

(3) Members of the Council appointed under paragraph (1)(A) shall be appointed for three-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than five members in the same calendar year.

(4)(A) The Council shall meet at the call of the presiding officer, except that it shall meet—

(i) at least two times during each calendar year; and

(ii) in addition, whenever eight voting members request in writing that the presiding officer call a meeting.

(B) Nine voting members of the Council shall constitute a quorum.

(5) The Council shall review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence.

SEC. 408. CONFIDENTIALITY.

(a) GENERAL.—(1)(A) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section.

(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

(2) No person may—

(A) use any individually identifiable information furnished under this title for any purpose other than a statistical purpose;

(B) make any publication whereby the data furnished by any particular person under this title can be identified; or

(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

(b) ADMINISTRATION.—(1)(A) No department, bureau, agency, officer, or employee of the Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent.

(B) Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).

(2) Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such individual's possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in 18 U.S.C. 3571, or both.

(3) The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities including local educational agencies, and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

(4) No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the Commissioner determines that such review or coordination would be beneficial.

(5) For the purposes of this section—

(A) the term "individually identifiable information" means any record, response form, completed survey, or aggregation thereof from which information about individuals may be revealed; and

(B) the term "report" means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

(6) This paragraph shall not apply to—

(A) the survey required by section 1303(c) of the Higher Education Amendments of 1986; or

(B) to any longitudinal study concerning access, choice, persistence progress, or attainment in postsecondary education.

(7) Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or

other individual and who knowingly discloses, publishes, or uses for a purpose other than a statistical purpose, or who otherwise violates subsection (a)(2)(A) or (B), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18 of the United States Code, or both.

(8) Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply to the Center under subsection (b)(1) and (7) shall apply.

SEC. 409. DISSEMINATION.

(a) General Requests.—(1) The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist such educational agencies.

(b) Congressional Requests.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

(c) Joint Statistical Projects.—The Secretary may engage in joint statistical projects related to the purposes of this Act or other statistical purposes authorized by law with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) Fees.—(1) Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) All funds received in payment for work or services described in this paragraph shall be deposited in a separate account that may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) Access.—(1) The Center shall cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

(2) The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Commissioner shall establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance and make grants and enter into contracts and cooperative agreements.

SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) Establishment.—The Commissioner shall, with the advice of the Governing Board established under section 412, carry out, through grants, contracts, or cooperative agreements with 1 or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (the "National Assessment").

(b) Purpose; Contents.—(1) The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and other subjects that are included in National Education Goal Three.

(2) The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (3). In addition, the Commissioner shall—.

(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12 in public and private schools;

(B) report achievement data on a basis that ensures valid and reliable trend reporting;

(C) include information on special groups; and

(D) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

(3)(A)(i) The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

(ii) Each such State assessment, in each subject area and at each grade level shall be conducted on a trial basis.

(B)(i) States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2).

(ii) Such agreement shall contain information sufficient to give States full information about the process for consensus decisionmaking on objectives to be tested, and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

(C) A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(4) In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

(5) In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

(c) Access.—(1) Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

(2)(A) The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

(B) Notwithstanding any other provision of law, the Commissioner may decline to make available to the public for a period, not to exceed 10 years after initial use, cognitive questions that the Commissioner intends to reuse in the future.

(C)(i) The Commissioner may, upon the request of a State educational agency or a local educational agency, in a limited number of cases and on a trial basis, make National Assessment test instruments available for assessing aggregate student achievement at the local educational agency level.

(ii)(I) Participation by a local educational agency shall be voluntary.

(II) A State requesting the participation of a local educational agency must accompany this request with a statement of full written concurrence by such agency and that such agency is requesting to participate in the local assessment.

(iii) Before receiving such instruments, an agency shall provide the Commissioner with assurances that confidentiality and security requirements and testing protocols, prescribed by the Commissioner, will be complied with in the use of such instruments.

(d) Participation.—(1) Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

(2) Participation in assessments made on a State basis shall be voluntary. The Commissioner shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

(A) participate in the assessment; and

(B) pay from non-Federal sources the non-Federal share of participation.

(3)(A) For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

(i) the cost of conducting the assessment at the school level for all public schools in the State sample, including the analysis and reporting of the data;

(ii) the cost of coordination within the State; and

(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).

(B) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

(C) The agreement described in paragraph (2) shall describe the manner in which, the costs of administering the assessment to private nonprofit schools included in the State sample may be met.

(4) The implementation of subparagraph (C) of paragraph (2) of subsection (d) shall involve no cost to the Federal Government.

(e) Review of National and State Assessments.—(1) The Commissioner shall provide for continuing reviews by the National Academy of Education or the National Academy of Sciences of the National Assessment, State assessments, local educational agency assessments, and student performance goals. Such reviews shall address whether each trial state assessment is properly administered, produces high quality data that is valid and reliable, produces data on student achievement that is not otherwise available to the State exclusive of data comparing participating States to each other and the Nation, and is a cost-effective method of producing the data. The Commissioner shall also carry out evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Commissioner shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews.

(2) The Commissioner shall consider the findings and recommendations in designing

the competition to select the organization, or organizations, through which the Office carries out the National Assessment.

(f) COVERAGE AGREEMENTS.—(1) The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment the defense dependents education system established under the Defense Dependents' Education Act of 1978.

(2) The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD

(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (the "Board"), which shall formulate policy guidelines for the National Assessment.

(b) MEMBERSHIP.—(1) The Board shall be appointed by the Secretary and be composed of—

(A) two Governors, or former Governors, who shall not be members of the same political party;

(B) two State legislators, who shall not be members of the same political party;

(C) two chief State school officers;

(D) one superintendent of a local educational agency;

(E) one member of a State board of education;

(F) one member of a local board of education;

(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

(H) one representative of business or industry;

(I) two curriculum specialists;

(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

(K) one nonpublic school administrator or policymaker;

(L) two school principals, one elementary and one secondary; and

(M) four additional members who are representatives of the general public, including parents.

(2) The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

(3) The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that it exercises its independent judgment, free from inappropriate influences and special interests.

(c) TERMS.—Members of the Board shall serve for terms not to exceed four years which shall be staggered, as determined by the Secretary. Any appointed member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(d) VACANCIES.—As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subsection (b)(1). For each vacancy, the Board shall nominate at least three individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

(e) DUTIES.—(1) In carrying out its functions under this section the Board shall—

(A) select subject areas to be assessed (consistent with section 11(b)(1));

(B) identify appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

(C) develop assessment objectives;

(D) develop test specifications;

(E) design the methodology of the assessment;

(F) develop guidelines for analysis plans and for reporting and disseminating results;

(G) develop standards and procedures for interstate, regional, and national comparisons; and

(H) take appropriate actions needed to improve the form and use of the National Assessment.

(2) The Board may delegate any of its procedural and administrative functions to its staff.

(3) The Board shall have final authority on the appropriateness of cognitive items.

(4) The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

(5) Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public.

(f) PERSONNEL.—(1) In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department of Education.

(2) The Secretary may appoint, at the direction of the Board, such staff as the Board requires. Such appointments may include, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees to administer this subsection, who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) COMMISSIONER REPORTS.—The Commissioner shall report to the Board at regular intervals on the Department's actions to implement the decisions of the Board.

(h) ADMINISTRATION.—(1) Not more than 10 percent of the funds available for the National Assessment for any fiscal year may be used for administrative expenses (including staff, consultants, and contracts) and to carry out the Board's functions described in subsection (e).

(2) For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $103,200,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

Amend the title of the bill so as to read: "A bill to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.".

By Mr. MINGE:

—Page 218, strike lines 10 through 18.

By Mr. OBEY:

—Page 458, after line 10, insert the following:

"SEC. 5202. STATISTICAL AND POLICY ANALYSIS.

"(a) NATIONAL CENTER FOR EDUCATION STATISTICS.—The National Center for Education Statistics (established under section 403 of the Improving America's Schools Act of 1994) using standard statistical methods, shall conduct analysis of issues such as—

"(1) Federal policy issues regarding educational access and equity;

"(2) spending inequities at the State and local levels and alternative mechanisms for financing;

"(3) the ability and willingness of States and local educational agencies to generate new revenue sources for education;

"(4) the effect of Federal education assistance on the equalization of education funding at the State and local levels;

"(5) the effects of school finance equalization on the quality of education;

"(6) the costs in providing education to students with special needs;

"(7) the effects of high and low population density on education needs and costs;

"(8) the effects of different teacher compensation policies on costs of providing education services;

"(9) relationships among expenditures, the quality and quantity of instruction, and the different backgrounds of students; and

"(10) how legislation and judicial decisions regarding school finance programs affect education and equalization of funding.

"(b) DATA AND INFORMATION.—In addition to the issues reviewed in subsection (a), the National Center for Education Statistics may utilize data and information which includes—

"(1) sources of revenue and types of taxes;

"(2) tax assessment rates and ability of the State or local educational agency to generate additional revenues;

"(3) the cost of providing services to students with different abilities and needs; and

"(4) student enrollment, per pupil expenditures, and average daily attendance figures.

"SEC. 5203. STUDY OF EDUCATIONAL EQUITY.

"(a) STUDY.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct an in-depth study of school finance. The study by the National Academy of Sciences shall include the following:

"(1) Review Federal policy issues regarding educational access and equity with respect to fiscal and educational resources.

"(2) Review existing State and local systems and evaluate alternative mechanisms for school financing programs with regard to equity and adequacy.

"(3) Review the legal and constitutional context of school finance and equalization programs.

"(4) Evaluate the costs of providing education to students with special needs.

"(5) Evaluate the costs entailed in providing education that promotes the student outcomes called for in the National Education Goals.

"(6) Review the relationships between resources, instruction and children's learning needs, explore a variety of indicators of need, how to measure need, and how to link need to expenditure, and develop illustrative indicators of student achievement and other desired outcomes that might clarify the relationship between education expenditures, the quality and quantity of instruction and resources available, and the background characteristics of students.

"(7) Propose funding models for States and local educational agencies to consider and explicate the conceptual framework of each approach with regard to tax policy, equity, compensatory aid to populations with special needs, and a performance-oriented education policy.

"(b) Interim Report.—(1) The National Academy of Sciences shall prepare and submit to the Secretary and the Congress an interim report not later than 24 months after the procurement is made and a final report not later than 36 months after the date of procurement. The interim report shall—

"(A) review the data collection design prepared by the Secretary and any preliminary data on the current state of education finance; and

"(B) communicate appropriate findings to date.

"(2) The final report shall—

"(A) provide a comprehensive analysis of education finance structures and the legal context of school finance;

"(B) provide guidance on the resources that will be needed at the school, district, and State level to implement reform plans and meet the National Education Goals;

"(C) bring together the best thinking on equity and adequacy as philosophical underpinnings of education finance systems; and

"(D) propose and explicate a variety of funding models."

—Page 458, strike lines 11 through 15 and insert the following:

"SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.

"(a) Technical Assistance.—For the purpose of carrying out sections 5201 and 5202, there are authorized to be appropriated $8,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) National Academy of Sciences.—For the purpose of carrying out section 5203, there are authorized to be appropriated $3,865,000 to be available until expended.

By Mr. ORTON:

—Page 201, line 6, strike "$325,000" and insert "$375,000".

By Mr. OWENS:

—Beginning on page 28, strike line 12 and all that follows through page 30, line 2, and insert in lieu thereof the following:

"(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

"(I) the alignment of curricula, instructional materials, and other school resources with the content and performance standards adopted by the State;

"(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

"(III) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State."

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly)

—Page 36, line 18 after "agencies" insert "and the public of the standards and assessments developed under this section, and"

—Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

"(g) Notwithstanding any other provision of this Act, the implementation of model opportunity to learn standards shall be voluntary on the part of the States, local educational agencies, and schools. It is the sense of the Congress that the Federal government should provide additional assistance to States, local educational agencies, and schools to support the implementation of model opportunity to learn standards."

—Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

"(i) Nothing in this section shall be constructed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

"(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(k) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school."

—Page 42, strike lines 19 through 22

—Page 67, strike line 7 through 9

—Page 69, line 3, after "standards" insert "including reviewing the school's plan in the context of the State's model opportunity to learn standards"

—Page 70, line 13 after "include" insert "implementing the State's model opportunity to learn standards,"

—Page 72, line 20, after "standards" insert "including reviewing the local educational agency's plan in the context of the State's model opportunity to learn standards"

—Page 74, line 1, after "including" insert "implementing the State's model opportunity to learn standards,"

—Page 75, line 12, strike "and opportunity to learn standards"

—Page 91, line 19, strike "opportunity to learn standards"

—Page 183, after line 16 insert the following (and redesignate accordingly):

"(v) developing and voluntarily implementing model State opportunity to learn standards, including whether such standards are useful in improving teaching and learning;"

—Page 23, after line 20, insert the following:

"(e) Adequate Funding.—In recognition of—

"(1) the special educational needs of children from low income families and the impact of concentrations of low income families on the ability of local educational agencies to provide educational programs which meet such needs; and

"(2) the special educational needs of children of migrant parents, of Indian children, of delinquent youth, and of youth who are at risk of dropping out,

the Congress declares it to be the policy of the United States to—

"(A) provide financial assistance to State and local educational agencies to meet the special needs of such educationally deprived children at the preschool, elementary and secondary levels;

"(B) expand the program authorized by this title over the next five years by increasing the funding for this title by at least $1,000,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 1999;

"(C) provide such assistance in a way which eliminates unnecessary administrative burden and paperwork and overly prescriptive regulations and provides flexibility to State and local educational agencies in making educational decisions."

—Page 24, line 2, strike "$7,400,000,000" and insert in lieu thereof "$7,600,000,000"

—Beginning on page 20, strike line 12 and all that follows through page 30, line 2, and insert in lieu thereof the following:

"(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

"(I) the alignment of curricula, instructional materials, and other school resources with the content and performance standards adopted by the State;

"(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

"(III) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State."

—Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly).

—Page 37, after line 7 insert the following (and redesignate any subsequent paragraphs accordingly):

"(6) how the State educational agency will inform the public about the content of its model State opportunity to learn standards;"

—Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

"(i) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

"(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(k) Noting in this section shall be construed to mandate national school building standards for a State, local educational agency, or school."

—Page 42, strike lines 19 through 22.

—Page 67, strike lines 7 through 9.

—Page 69, line 3, after "standards" insert "including reviewing the school's plan in the context of the State's model opportunity to learn standards".

—Page 70, line 13 after "include" insert "implementing the State's model opportunity to learn standards,"

—Page 72, line 20, after "standards" insert "including reviewing the local educational agency's plan in the context of the State's model opportunity to learn standards"

—Page 74, line 1, after "include" insert "implementing the State's model opportunity to learn standards,".

—Page 75, line 12, strike "and opportunity to learn standards"

—Page 91, line 19, strike "opportunity to learn standards"

—Page 183, after line 16 insert the following (and redesignate accordingly):

"(v) developing and voluntarily implementing model State opportunity to learn standards, including whether such standards are useful in improving teaching and learning;"

—Page 264, line 17, after "facilities" insert "adult and family education programs,"

—Page 267, line 15, after "Labor" insert "the National Institute for Literacy,"

—Page 268, after line 12, add a new "(E)" (and redesignate succeeding paragraphs accordingly)

"(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development;"

—Page 269, line 20, delete "and" and insert "," and line 21, after "1993" insert ", and the National Literacy Act"

—Page 270, line 3, after the comma insert "adult and family education,"

—Page 272, line 20, after "students" insert "of all ages" and line 21, strike "local educational agencies" and insert in lieu thereof "educational settings"

—Page 276, after line 8 insert "(iii) adult and family education programs;" (and redesignate succeeding paragraphs accordingly)

—Page 277, line 17, delete the first "and" and line 18, after "efforts" insert ", and how it will contribute to creating a high quality system of lifelong learning"

—Page 280, line 23, after "staff" insert ", and adult and family educators"

—Page 282, line 7, insert a new "(2)" (and redesignate the following paragraphs accordingly)

"(2) would provide services to programs serving adults, especially parents, with low levels of literacy; and"

—Page 287, line 2, after "agencies" insert ", and adult and family education programs"

—Page 288, line 21, after "students" insert "of all ages"

—Page 409, line 18, strike paragraph (2) and insert in lieu thereof:

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

—Page 410, line 24, insert the following new paragraph:

"(3) for State grants under part C, $100,000,000 for fiscal year 1995 and such sums as may be necessary for each of fiscal years 1996 through 1999."

—Page 416, line 23, strike "Except as provided in subparagraph (2)"

"(a) USE OF FUNDS.—The total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section."

—Page 417, line 4, strike paragraph (2).

—Page 431, line 19, strike "shall expend not less than 21 percent" and insert in lieu thereof "may expend"

—Page 438, line 22, insert the following: (and redesignate succeeding section accordingly).

"PART C—GRANTS TO STATE GOVERNORS"

"SEC. 4203. (a) STATE ALLOTMENTS.—The Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the amount appropriated under paragraph (3) of section 5004 according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one half of the amount appropriated under paragraph (3) of section 5004 according to the ratio between the amount each State received under sections 1124 and 1124A of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount less than 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotment shall be made on the same basis as allotments made under paragraph (1).

"(4) For the purposes of this subsection, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"STATE APPLICATIONS"

"SEC. 4204. (a) IN GENERAL.—In order to receive its allotment under section 4203 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that contains a comprehensive plan for the use of funds under section 4203 by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate activities under section 4205 with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds allotted under section 4203 will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services;

"(4) a description of how the chief executive officer will award funds under section 4205 and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of the special initiatives that will be undertaken with the funds allotted under section 4103 to assist those communities within the State which have the greatest need for drug and violence prevention assistance, as measured by objective factors which include—

"(A) high rates of alcohol or other drug abuse among youth;

"(B) high rates of victimization of youth by violence and crime;

"(C) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(D) the extent of illegal gang activity;

"(E) high rates of referrals of youth to drug and alcohol abuse treatment and rehabilitation programs;

"(F) high rates of referrals of youth to juvenile court;

"(G) high rates of expulsions and suspensions of students from schools; and

"(H) high rates of reported cases of child abuse and domestic violence.

"(6) a description of the special outreach efforts and other activities which will be undertaken to ensure the full participation of community-based organizations located in communities with high rates of poverty, as well as organizations which provide services to African-Americans, Hispanics, and other minorities; and

"(7) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"SEC. 4205. (a) USE OF FUNDS.—The amount allocated to a State under section 4203 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(b) STATE ADMINISTRATION.—A chief executive officer may use no more than 4 percent of the amount allotted under subsection (a) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(c) PROGRAMS AUTHORIZED.—A chief executive officer shall use funds reserved under subsection (a) for grants to, or contracts with, parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations to support programs and activities such as—

"(1) development and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(2) planning and implementing drug and violence prevention activities that coordinate the efforts of community-based agencies with those of the local educational agency;

"(3) activities to protect students traveling to and from school;

"(4) developing and implementing strategies to prevent illegal gang activity;

"(5) coordinating and conducting community-wide violence and safety assessments and surveys;

"(6) programs and activities which address the needs of children and youth who are not normally served by the local educational agency, including preschoolers, dropouts, youth in juvenile detention facilities, and runaways or homeless children and youth;

"(7) disseminating information about drugs and violence prevention;

"(8) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(9) before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(10) evaluating programs and activities carried out under this section."

—Page 762, after line 23, insert the following new part:

"PART G—CUSTODIAL SERVICES

"SEC. 9701. COMPENSATION OF CUSTODIANS.

"Notwithstanding any other provisions of law, a local educational agency which contains five counties in their entirety and has a student population which exceeds 900,000 may not use any assistance under this Act to provide compensation or other financial benefits to personnel who provide janitorial or custodial services to and within schools."

—Page 762, after line 23, insert the following new part:

"PART G—CUSTODIAL SERVICES

"SEC. 9701. COMPENSATION OF CUSTODIANS.

"Notwithstanding any other provisions of law, a local educational agency may not use any assistance under this Act to provide compensation or other financial benefits to personnel who provide janitorial or custodial services to and within schools."

—Page 880, line 1, insert the following new subparagraph (and redesignate succeeding subparagraphs accordingly)—

"(F) violence against teachers and students, and other indices of school safety;"

By Mr. PETRI:

—Page 218, line 18—following "of teacher certification." add

"Nothing in this section shall be construed to supersede waivers of teacher certification requirements, consistent with State law, that are granted to public charter schools by State and local educational agencies."

By Mr. PORTER:

—Page 701, strike line 14 and all that follows through line 13 on page 705 and insert the following:

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 8013(d) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(B)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

By Mr. RICHARDSON:

—Page 713, line 24, strike "For purposes" and insert "(i) For purposes".

—Page 714, after line 11, insert the following:

"(ii) If a program of State aid uses a 'weighted-pupil', a 'classroom', 'instructional unit', or other designated unit of need in determining allocations of State aid in order to take account of special cost differentials, the computation of per-pupil revenue or current expenditures may be made on the basis of any such unit of need.

By Mr. ROEMER:

—Page 313, after line 19, insert the following:

"(c) LIMITATION.—No funds shall be appropriated to carry out this part for a fiscal year until the funds appropriated to carry out section 2103 of this Act for such fiscal year equals the amount of funds authorized to be appropriated to carry out section 2103 for such fiscal year.

By Mr. ROMERO-BARCELÓ:

—Page 106, line 20 before "the percentage" insert "the greater of".

—Page 106, line 21, after "sentence" insert "and 60 percent for fiscal year 1995, 70 percent for fiscal year 1996, 80 percent for fiscal year 1997, 90 percent for fiscal year 1998, and 100 percent for fiscal year 1999 and succeeding fiscal years".

—Page 123, line 15, after "1.62" insert "for fiscal year 1995, 2.0 for fiscal year 1996, 2.33 for fiscal year 1997, 2.67 for fiscal year 1998, and 3.0 for fiscal year 1999 and succeeding fiscal years".

—Page 123, line 15, strike "1.62" and insert "2.5".

By Mr. ROHRABACHER:

—Page 25, after line 18, insert the following:

"SEC. 1003. REPORTING REQUIREMENTS.

"None of the funds authorized in section 1002 shall be made available to a local educational agency unless—

"(1) such agency, beginning on October 1, 1994, and continuing on or before such date in each subsequent year, submits to the Assistant Secretary of Education for Elementary and Secondary Education, a statement regarding the total number of students enrolled in its school system, the number of students enrolled who are not lawfully in the United States, the number of students who are lawfully in the United States who do not have at least 1 parent or legal guardian who is lawfully in the United States, and the average per pupil expenditure of the local educational agency.

"(2) The data submitted under paragraph (1) shall be current as of any date in the 30-day period prior to the date that the Assistant Secretary requires.

—Page 762, after line 8, insert the following:

"SEC. 9508. PROHIBITING BENEFITS FOR ILLEGAL ALIENS.

"No funds authorized in this Act may be used to provide any benefit or assistance to any individual who is not—

"(1) a citizen or national of the United States;

"(2) a permanent resident alien; or

"(3) an alien who is a parolee, asylee, or refugee under the Immigration and Nationality Act.".

By Mr. ROTH:

—Page 619, beginning on line 15, strike "including" and all that follows through "language" on line 16.

—Page 620, line 7, strike "; and" and insert a period.

—Page 620, strike lines 8 through 15.

—Page 621, strike lines 7 through 12 (and redesignate subsequent paragraphs accordingly).

—Page 622, line 15, insert "or" after the semicolon.

—Page 622, strike lines 16 through 19 (and redesignate any subsequent subparagraphs accordingly.

—Page 623, beginning on line 2, strike "is, thereby," and all that follows through line 3 and insert "is, as a result, in need of additional or remedial English assistance.".

—Page 623, line 6, after "which" insert "may, but are not required, to".

—Page 628, line 6, strike "(A)".

—Page 628, strike lines 10 through 13.

—Page 628, line 16, strike "and to the extent feasible".

—Beginning on page 618, strike line 1 and all that follows through page 688, line 10.

By Mr. SKAGGS:

—Page 430, line 12, after "mediation" insert ", student pledges to renounce the use of violence, student non-violence awareness days, student outreach efforts against violence,".

—Page 431, at the end of line 17, add the following sentence: "Local educational agencies may use funds obtained under this part to pay the costs of programs and activities complying with the requirements of this section that are carried out by student organizations.".

By Ms. SLAUGHTER:

—Page 852, line 24, strike ", to the extent possible,".

—Page 852, line 25, after "selection" insert "unless the local education agency has a compelling reason for not complying with this request."

By Mr. SMITH of Michigan:

—Page 26, after line 14, insert the following new subparagraph (B) and redesignate subsequent provisions:

"(B) supports the family unit by incorporating into instruction given to children the teaching of one or more of the following ethical principles—

"(i) Honesty: To be truthful, sincere, forthright, straightforward, frank and candid; to not cheat, steal, lie, deceive, or act deviously.

"(ii) Integrity: To be principled, honorable, and upright; to not be two-faced or unscrupulous.

"(iii) Promise-keeping: To be worthy of trust, keep promises, fulfill commitments, and abide by the spirit as well as the letter of an agreement.

"(iv) Loyalty: To be faithful and loyal to family, friends, employees, clients, and country.

"(v) Fairness: To be fair and open-minded, willing to admit error, and, if appropriate, change positions and beliefs; to demonstrate a commitment to justice and the equal treatment of individuals.

"(vi) Caring for others: To be caring, kind, and compassionate; to share; to be giving and of service to others; to help those in need and avoid harming others.

"(vii) Respect for others: To demonstrate respect for other people's property, human dignity, and privacy; to be courteous, prompt, and decent; to not patronize, embarrass, or demean.

"(viii) Responsible citizenship: To obey the laws and, if a law is unjust, protest it and try to change it but continue to obey.

"(ix) Pursuit of excellence: To pursue excellence in all matters and in meeting personal responsibilities; to diligent, reliable, industrious, and committed; to perform all tasks to the best of one's ability, develop and maintain a high degree of competence, and be well informed and well prepared; to not be content with mediocrity; to not strive to 'win at any cost'.

"(x) Accountability: To be accountable and accept responsibility for decisions, for the foreseeable consequence of actions and inactions, and for setting an example for other.".

By Mr. STEARNS:

—In Title III—Amendments to Other Acts, Part A—Amendments to the Individuals With Disabilities Education Act, page 840, after line 25, insert new Sec. 314—With Respect to Disciplinary Proceedings for Possession of Deadly Weapons:

SECTION 1. INAPPLICABILITY OF REQUIREMENT REGARDING CONTINUED EDUCATIONAL PLACEMENT OF CHILDREN WITH DISABILITIES DURING DISCIPLINARY PROCEEDINGS FOR POSSESSION OF FIREARMS OR OTHER DEADLY WEAPONS OR ASSAULT WITH DEADLY WEAPONS.

(a) IN GENERAL—Paragraph (3) of section 615(e) of the Individuals with Disabilities Act (20 U.S.C. 1415(e)(3)) is amended—

(1) by inserting "A" after the paragraph designation;

(2) in subparagraph (A) (as so designated), by striking "During" and inserting "Except as provided in subparagraph (B), during", and

(3) by adding at the end the following new subparagraph:

"(B) The requirement contained in subparagraph (A) regarding the maintenance of a child with a disability in the current educational placement of such child shall not apply with respect to a disciplinary proceeding against such child for possession of a firearm or other deadly weapon or assault with a deadly weapon.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to a disciplinary proceeding commenced on or after the date of the enactment of this Act.

By Mr. THOMAS of Wyoming:

—On Page 52, line 11, strike "60 percent" and insert in lieu thereof the following: "50 percent".

By Mrs. THURMAN:

—Beginning on page 100, strike line 1 and all that follows through page 127, line 21, and insert the following:

"Subpart 2—Allocations

"GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of up to 0.8 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) GENERAL.—After reserving funds under section 1121(a), the Secretary shall allocate the remaining funds appropriated under section 1002(a) to States as follows:

"(1) 50 percent of such funds shall be allocated for basic grants in accordance with section 1123.

"(2) 50 percent of such funds shall be allocated for concentration grants in accordance with section 1124.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) If the sums available under subsection (a) for any fiscal year are insufficient to pay the full amounts that all counties in States are eligible to receive under sections 1123 and 1124 for such year, the Secretary shall ratably reduce the allocations to such counties, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1123 and 1124 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each county under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such county was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) STATE MINIMUM.—Notwithstanding any other provision of this part, from the total amount available for any fiscal year to carry out sections 1123 and 1124, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount; or

"(2) the amount it was allotted under such sections (or, for fiscal year 1995, under their predecessor authorities) for the previous year increased or decreased, as the case may be, by the same percentage by which such total amount appropriated for those sections increased or decreased from the previous year.

"(e) DEFINITION—For the purpose of this section and sections 1123 through 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1123. BASIC GRANTS.

"(a) ELIGIBILITY OF COUNTIES.—A county in a State is eligible for a basic grant under this section for any fiscal year only if the number of children in the county counted under subsection (c)(1)(A) is at least—

"(1) 100; or

"(2) 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that such percentage shall not be less than 32 percent nor more than 48 percent of the average per-pupil expenditure in the United States.

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(A) the number of children counted under subsection (c) for Puerto Rico, multiplied by the product of—

"(B)(i) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(ii) 32 percent of the average per-pupil expenditure in the United States.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be—

"(A) the total number of children aged five through 17 in a county—

"(i) from families below the poverty level, as determined under paragraph (2)(A);

"(ii) from families above the poverty level, as determined under paragraph (2) (B) and (C); and

"(iii) living in institutions for neglected or delinquent children (other than institutions operated by the United States and those with children counted under part D of this title) or being supported in foster homes with public funds, as determined under paragraph (2)(C); less

"(B) two percent of the total number of children aged five through 17 in the county.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(i) on the basis of the most recent satisfactory data available from the Department of Commerce for counties, the District of Columbia, and Puerto Rico.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(B)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(ii) on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, for a family of four, in such form as those criteria have been updated to reflect increases in the Consumer Price Index.

"(C) The Secretary shall determine the number of children described in paragraph (1)(A) (ii) and (iii) on the basis of—

"(i) caseload data for the month of October of the preceding fiscal year, using, in the case of children described in paragraph (1)(A)(ii), the criteria of poverty and the form of such criteria that were determined for the calendar year preceding such month of October; or

"(ii) to the extent that such data are not available to the Secretary by January 1 of the calendar year in which the Secretary's determination is made, on the basis of the most recent reliable data available to the Secretary at the time of such determination.

"(D) For purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(E) The Secretary of Health and Human Services shall collect and transmit information on the number of children described in paragraph (1)(A)(ii) and the number of foster children described in paragraph (1)(A)(iii) to the Secretary by January 1 of each year.

"(d) Local Educational Agency Allocations.—(1) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as provided in section 1125(d), a State educational agency shall allocate each county amount determined under subsection (b) among all local educational agencies in the county or counties in which the agencies are located on the basis of—

"(A) the total number of children aged five through 17 in the local educational agency—

"(i) in local institutions for neglected or delinquent children; and

"(ii) from low-income families, as determined under paragraph (2); less

"(B) two percent of the total number of children aged five through 17 in the local educational agency.

"(2) The State educational agency shall determine the number of children from low-income families in local educational agencies—

"(A) based on the best data available on a Statewide basis; and

"(B) using the same measure of low income throughout the State.

"(3) The State educational agency shall distribute funds under this section to each local educational agency in proportion to the number of children counted under paragraph (1) in the local educational agency compared to the number of such children in all local educational agencies in the county.

"SEC. 1124. CONCENTRATION GRANTS.

"(a) Eligibility of Counties.—Except as otherwise provided in this section, a county in a State is eligible for a grant under this section if—

"(1) the number of children counted under section 1123(c)(1)(A) in the county is more than 6,500; or

"(2) the percentage of children counted under such section is greater than 18 percent of the total number of children aged five through 17 in the county.

"(b) Grants for Counties, the District of Columbia, and Puerto Rico.—(1) The amount of the grant that a county in a State or that the District of Columbia or Puerto Rico is eligible to receive under this section for any fiscal year is the product of—

"(A) the number of children counted under section 1123(c)(1)(A), minus two percent of the total number of children aged five through 17 in the county; and

"(B) the per-pupil amount determined under section 1123(b) for the fiscal year for which the determination is being made for that county.

"(c) Local Educational Agency Allocations.—(1)(A) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as otherwise provided in this subsection and in section 1125(d), funds allocated to counties under this section shall be allocated by the State educational agency only to those local educational agencies whose school districts lie, in whole or in part, within the county and that are determined by the State educational agency to meet either of the eligibility criteria in subsection (a).

"(B) Such determinations shall be made on the basis of the same poverty data used by the State educational agency under section 1123(d). If the State educational agency does not use census poverty data to determine eligibility, it must equate the poverty measure it uses to the latest available census data in order that eligibility is not affected by differences in sources of poverty data.

"(C) The State educational agency shall distribute funds under this section to each local educational agency that is eligible to receive those funds in proportion to the number of children counted under section 1123(d) in each local educational agency compared to the number of such children in all local educational agencies that are eligible for concentration grants in the county.

"(2)(A) In counties where no local educational agency meets either of the criteria in subsection (a), the State educational agency shall allocate such funds among the local educational agencies within such counties, in whole or in part, based on their respective concentrations and numbers of children counted under section 1123(d).

"(B) Only local educational agencies with concentrations of poverty that exceed the countywide average percentage of children counted under section 1123(d) or the countywide average number of such children may receive any funds on the basis of this paragraph.

"(3) In States that receive the minimum grant under section 1122(d), the State educational agency shall allocate such funds among the local educational agencies in such State either—

"(A) in accordance with paragraphs (1) and (2) of this subsection and section 1125(d); or

"(B) without regard to the counties in which such local educational agencies are located, based on their respective concentrations and numbers of children counted under section 1123(d), except that only those local educational agencies with concentrations of children counted under section 1123(d) that exceed the Statewide average percentage of such children or the Statewide average number of such children shall receive any funds on the basis of this subparagraph.

"(4) A State educational agency may reserve not more than ten percent of its allocation under this section to make direct payments to local educational agencies that meet either of the criteria in subsection (a), but are in ineligible counties.

"SEC. 1125. SPECIAL ALLOCATION PROCEDURES.

"(a) Hold-Harmless Amounts.—The total amount made available to each local educational agency under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such agency received under such sections (or, for fiscal year 1995, under their predecessor authorities) for the preceding fiscal year.

"(b) Allocations for Neglected or Delinquent Children.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1123(c)(1)(A)(ii), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1123 and 1124 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(c) Allocations Among Local Educational Agencies.—The State educational agency may allocate the amounts of grants under sections 1123 and 1124 between and among the affected local educational agencies when—

"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

"(d) Allocations Without Regard to Counties.—A State educational agency may allocate funds under sections 1123 and 1124 directly to eligible local educational agencies without regard to counties if the State educational agency can demonstrate to the Secretary's satisfaction that doing so will result in a reasonable allocation of those funds.

"(e) Reallocation.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1123 and 1124 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1126. CARRYOVER AND WAIVERS.

"(a) Limitation on Carryover.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) Waiver.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) Exclusion.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.".

By Mr. TRAFICANT:

—Page 762, after line 8, insert the following:

"SEC. 9508. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

"SEC. 9509. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

"SEC. 9510. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

—Page 829, after line 11, insert the following:

SEC. 310. DEFINITIONS.

Section 602 of the Individuals with Disabilities Education Act is amended by adding at the end the following:

"(28) The term "blind or visually impaired student" means an individual who—

"(1) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

"(2) has a medically indicated expectation of visual deterioration; or

"(3) has a medically diagnosed limitation in visual functioning that restricts the student's ability to read and write standard print at levels expected of other students of comparable ability and grade level.

"(29) The term "Braille Literacy Plan" means the components of an Individualized Education Plan (IEP) for a child who is blind or visually impaired which, through braille instruction and use, are designed to enable the child to communicate effectively. The plan shall—

"(1) be based on a presumption that effective communication commensurate with ability and grade level requires that a child who is blind or visually impaired must be given an assessment for braille and braille instruction and use unless, on an individual basis, the results of such assessment provide clear and convincing evidence that a child's reading and writing performance is not affected by a visual impairment;

"(2) describe the program of braille instruction designed for the child, including the frequency and length of instructional sessions, goals to be achieved, and the objective measures to be used for assessing progress; and

"(3) describe how braille will be implemented as the child's primary mode for learning through integration with other classroom activities.".

—Page 837, after line 25, insert the following (and redesignate any subsequent sections accordingly):

SEC. 312. STATE PLANS.

Section 613(a)(11) of the IDEA is amended by inserting " and Braille Literacy Plans" after "programs" the 2d place it appears.

SEC. 313. APPLICATION.

Section 614(a) of the IDEA is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) provide satisfactory assurances that the local educational agency or intermediate educational unit will—

"(A) establish or revise, whichever is appropriate, a Braille Literacy Plan which shall be incorporated into the Individualized Education Program of each child with a disability who is blind or visually impaired;

"(B) assure that braille instruction under each such plan is provided by personnel who have demonstrated competency in the teaching of braille consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped of the Library of Congress; and

"(C) require that the publisher of any textbook or other educational material obtained with funds provided under the Elementary and Secondary Education Act of 1965 shall furnish along with the ink-print editions at least one digital text version of such textbook or other educational material.".

—Page 838 after line 25, insert the following (and redesignate any subsequent sections accordingly):

SEC. 313. GRANTS FOR PERSONNEL TRAINING.

Section 631(a)(1) of the IDEA is amended—

(1) in subparagraph (D), by striking "and post-doctoral levels), and" and inserting "and post-doctoral levels),";

(2) by striking the period at the end of subparagraph (E); and

(3) by adding after subparagraph (E) the following:

"(F) training of special education personnel and other personnel in braille instructional services using standards consistent with the Competency Test for Teachers developed by the National Library Service for the Blind and Physically Handicapped of the Library of Congress.".

By Ms. VELÁZQUEZ:

—Page 406, after line 18, insert the following:

"PART J—HATE CRIME PREVENTION

"SEC. 3941. GRANT AUTHORIZATION.

"The Secretary of Education may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"SEC. 3492. USE OF FUNDS.

"(a) Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(1) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(2) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(3) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(4) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

"(b) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency or a local educational agency in conjunction with a community-based organization shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

"(c) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in this part;

"(2) a description of the schools and communities to be served by the grants; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds.

"(d) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(1) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(2) a description of the program to be developed or augmented by these Federal and matching funds;

"(3) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(4) proper and efficient administration of such program; and

"(5) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this part.

"SEC. 3943. ALLOCATION OF FUNDS; LIMITATIONS OF GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Secretary shall use not more than 5 percent of the total funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—Grants under this part shall be limited to a total of $100,000 per recipient for a 2-year period.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 80 percent of the total costs of the projects for the fiscal year for which the project receives assistance under this part.

"SEC. 3944. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this part.

"(b) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(c) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this part.

"SEC. 3945. REPORTS.

"The Secretary shall submit to the Congress a report every 2 years which shall contain a detailed statement regarding grants and awards, activities of grant recipients and an evaluation of programs established under this part.

"SEC. 3946. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'hate crime' means a crime as defined by the Hate Crime Statistics Act of 1990;

"(2) the term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary and secondary schools and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

"(3) the term 'community-based organization' means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

"SEC. 3947. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $5,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999.

By Mr. WHEAT:

—Page 406, after line 18, insert the following:

"PART J—PARENTS AS TEACHERS

"SEC. 3941. SHORT TITLE.

"This part may be cited as the 'Parents as Teachers: the Family Involvement in Education Act of 1994'.

"SEC. 3942. FINDINGS.

"The Congress finds—

"(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

"(2) providing seed money is an appropriate role for the Federal Government to play in education;

"(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

"(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

"(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

"SEC. 3943. STATEMENT OF PURPOSE.

"It is the purpose of this part to encourage States to develop and expand parent and early childhood education programs in an effort to—

"(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

"(2) strengthen partnerships between parents and schools; and

"(3) enhance the developmental progress of participating children.

"SEC. 3944. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'developmental screening' means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

"(2) the term 'eligible family' means any parent with one or more children between birth and 3 years of age, or any parent expecting a child;

"(3) the term 'lead agency' means the office or agency in a State designated by the Governor to administer the parents as teachers program authorized by this part;

"(4) the term 'parent education' includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

"(5) the term 'parent educator' means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 3948; and

"(6) the term 'Secretary' means the Secretary of Education.

"SEC. 3945. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) The Secretary is authorized to make grants to States to pay the Federal share of the cost of establishing, expanding, and operating parents as teachers programs.

"(2) In awarding grants under paragraph (1), the Secretary shall give special consideration to applicants whose programs primarily serve hard-to-serve populations, including—

"(A) teenaged parents,

"(B) illiterate parents,

"(C) economically disadvantaged parents,

"(D) offenders and their families,

"(E) unemployed parents,

"(F) learning disabled parents, and

"(G) non-English speaking parents.

"(3) In determining the amount of a grant under paragraph (1), the Secretary shall take into consideration the size of the population to be served, the size of the area to be served, and the financial resources of such population and area.

"(b) SPECIAL RULE.—Any State operating a parents as teachers program which is associated with the Parents As Teachers National Center located in St. Louis, Missouri, shall be eligible to receive a grant under this part.

"SEC. 3946. PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—(1) Each State receiving a grant under section 3945(a) shall conduct a parents as teachers program which—

"(A) establishes and operates parent education programs including programs of developmental screening of children; and

"(B) designates a lead State agency which shall—

"(i) hire parent educators who have had supervised experience in the care and education of children;

"(ii) establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 4 group meetings and 8 home visits for each participating family;

"(iii) be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

"(iv) develop recruitment and retention programs for hard-to-reach populations.

"(2) Grants awarded section 3945(a) shall only be used for parents as teachers programs which serve families during the period of time beginning with the last 3 months of a mother's pregnancy and ending when a child attains the age of 3.

"SEC. 3947. PARENTS AS TEACHERS NATIONAL CENTER.

"The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States establishing and operating parents as teachers programs.

"SEC. 3948. EVALUATIONS.

"The Secretary shall complete an evaluation of the State parents as teachers programs within 4 years from the date of enactment of this part.

"SEC. 3949. APPLICATION.

"Each State desiring a grant under section 3945(a) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

"SEC. 3950. PAYMENTS AND FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each State having an application approved under section 3949 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—(1) The Federal share—

"(A) for the first year for which a State receives assistance under this part shall be 100 percent;

"(B) for the second such year shall be 100 percent;

"(C) for the third such year shall be 75 percent;

"(D) for the fourth such year shall be 50 percent; and

"(E) for the fifth such year 25 percent.

"(2) The non-Federal share of payments under this part may be in cash or in kind fairly evaluated, including planned equipment or services.

"SEC. 3951. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1998 to carry out this part.".

By Ms. WOOLSEY:

—Title 9, p. 743, sec. 9206:

On line 21 change "Availability of Unneeded program funds" to "Availability of Flexible program funds"

On line 22 (a) change "unneeded" to "flexible".

Add the rest of section 9206 as it presently appears in the bill.

—Title 10, pg. 763, line 9 add "and youth" after the word children.

On line 24 add "and youth" after the word children.

Page 764: on line 3 add "youth" after the word children.

Page 765:

On line 18 change "the development of a plan" to "planning"

on line 19 delete "a plan for the"

on line 19 change "implementation of" to "implementing"

on line 22 delete "development of the"

—To Title IX, on p. 763, add a new Part G

Beginning on line 4 add "Part G—Sense of the Congress to Increase the Total Share of Federal Spending on Education

"The Congress finds that—

"(1) in order to increase our Nation's standard of living and to increase the number of good jobs, the United States must increase its productivity and ability to compete in the international marketplace by improving the educational level of our workforce;

"(2) although efforts are being made to establish higher educational standards and goals, there is a substantial shortage of resources to meet such standards and goals;

"(3) States and local communities are finding it increasingly difficult to meet even higher educational standards and goals, and States will not be able to fund needed changes without Federal help to reach such standards and goals;

"(4) the Federal Government has established many education programs but failed to provide adequate funding for such programs, for example one such program provides education to our Nation's disabled students and was established with a promise of 40 percent Federal funding but currently receives only 8 percent Federal funding;

"(5) the annual shortfall in Federal education programs is approximately half of the promised funding;

"(6) many needed education improvements will not need Federal funds, however, other suggested changes such as lengthened school years, better pay, after-school activities, mentoring for students at risk, programs for gifted students, and replacing substandard buildings will require substantial Federal assistance; and

"(7) the Federal contribution to education is less than 2 percent of the total Federal budget, and in order to make education a national priority, the total percentage of Federal education funding should be increased by 1 percent each year over the next 8 years to reach 10 percent of the total Federal budget.

"(b) It is the sense of the Congress that the total share of the Federal spending on education should increase by at least 1 percent each year until such share reaches 10 percent of the total Federal budget."

EXTENSIONS OF REMARKS

THE PRESIDENT'S 1995 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 16, 1994 into the CONGRESSIONAL RECORD:

THE PRESIDENT'S 1995 BUDGET

Last week President Clinton submitted to Congress his 1995 budget. It makes only fairly modest shifts in priorities, and includes no bold innovation. It reflects the constraints of two big deficit reduction agreements in recent years, and combines spending cuts in many programs and elimination of others, with modest new initiatives to promote technology and education, and to fight crime.

MAJOR THEMES

President Clinton proposes spending $1.52 trillion in 1995, up from $1.48 trillion this year. As in past years, the biggest spending increases are for Social Security (up $17 billion), Medicare and Medicaid (up $22 billion), and interest on the national debt (up $10 billion). Spending on these three areas now comprises 51% of total federal spending, and without the increases in these three areas, overall federal spending would actually drop next year.

The other major category of federal spending, national defense, would decline by $9 billion under the Clinton plan. Some 17% of total federal spending goes to defense.

Everything else the federal government does makes up the remaining 32% of total federal spending. Under the Clinton budget, spending in this category would basically remain unchanged from the 1994 level. The President would, however, shift around some spending. He would eliminate 115 programs, cut spending for more than 200 others, and reduce the federal workforce in order to increase spending for his investment agenda. Savings from energy programs, foreign aid, and farm programs, for example, would be used to fund science and technology, infrastructure, education, job training, environmental protection, and anti-crime efforts.

The President's budget proposes $1.35 trillion in revenues, up from $1.25 trillion this year. Most of the increased revenue results from the strengthening economy.

The President estimates that the 1995 deficit will be $176 billion, down from $255 billion in 1993 and an expected $235 billion this year. the deficit would be at its lowest level since 1985.

The modest economic assumptions underlying the budget seem in line with private forecasts. The budget assumes 3.0% economic growth in 1994 declining to 2.7% next year, inflation rising from 3.0% to 3.2%, and unemployment dropping from 6.4% to 6.0%.

The budget reflects the major Clinton themes—cutting the deficit and increasing investment on programs intended to boost U.S. productivity. The budget leaves out several important items, including the cost of welfare reform and implementation of the worldwide trade agreement.

MAJOR BUDGET ISSUES BEFORE CONGRESS

It is my sense that Congress will generally be comfortable with the broad outlines of the Clinton budget. Yet several major budget questions will have to be considered by Congress this year.

How much to provide for new investment? The Clinton emphasis on shifting a greater share of federal spending to productivity-enhancing investment and away from consumption is a good one. Greater investments in public infrastructure, education and training, science and technology, and programs for children are central to a growing economy that produces good jobs and is internationally competitive. Yet, since 1980 the share of total federal spending going to nondefense investment has decreased sharply from 16% to 9%.

The President's investment agenda halts that decline and increases it slightly. Yet funding these investments will not be easy. Tight caps on discretionary spending will make these investments difficult without offsetting cuts in other programs. And some of the cuts the President has proposed, such as cuts in mass transit operating subsidies and in low-income energy assistance, will have difficulty getting through Congress.

How much to reduce the deficit? The President and Congress gave top priority last year to reducing the deficit, and that has clearly paid dividends. The lower deficit has helped bring down long-term interest rates and stimulate the economy. The principal message of the President's budget is that the deficit is coming down. The 1995 deficit would be 2.5% of Gross Domestic Product—down from 4.9% in 1992 and the lowest percentage of GDP since 1979.

Deficit reduction will be a major concern of Congress again this year. The balanced budget amendment is scheduled for a Senate vote later this month, and Congress will continue to consider additional spending cuts totalling $35 billion or more over the next five years.

Although major progress has been made on the deficit, more can be done. We need to cut deeply into programs that have outlived their usefulness, and look not just at spending subsidies but also tax subsidies, such as tax breaks for companies to build plants overseas. At the same time, we need to make sure that the cuts proceed at a reasonable pace and do not stall the current economic recovery or preclude productivity-enhancing investments central to the long-term health of the economy. Any sustained attack on the deficit must include a healthy economy that ensures a strong stream of federal revenues.

What to do about health care? Most of the changes from health care reform under consideration would kick in after 1995. Yet the key to reducing the budget deficit in future years is getting federal health care spending under control. For example, federal Medicare costs were $57 billion ten years ago, now stand at $143 billion, and, without program changes, will rise to $435 billion in another ten years.

Reining in federal health care costs must be a central component of the health care reform debate. We need a package that meets unmet needs and increases the health security of Americans, but also is fiscally responsible and helps bring down health care outlays. Otherwise, all the recent progress we have made on the deficit will be wiped out.

CONCLUSION:

The President's budget is the most important document of the federal government, but it does not get the public attention it should and once did. The budget reflects hundreds of tough decisions, assures a contentious debate, and puts some real limitation on federal spending. Over the past several years, Congress typically has changed a President's budget proposal by less than 1% of total spending, though it has rearranged some priorities. In this sense, the President is still the chief budgetmaker, setting the agenda which Congress largely follows.

TRIBUTE TO NARCISA RUIZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to commend Narcisa Ruiz, a dedicated community worker who serves the needs of elderly Hispanic residents in Brooklyn, NY. Narcisa is the executive director of the Diana H. Jones Senior Center which operates in Williamsburg, Greenpoint, Bushwick and surrounding areas in Brooklyn. She is an advocate for programs that will enhance the quality of life for elderly citizens.

Narcisa has served as the director of the Hispanic Outreach Program for the elderly for the past 8 years, a program geared specifically toward servicing the needs of Spanish speaking elderly.

Narcisa, as the past director of the New York State legalization impact assistance grant in Williamsburg/Bushwick, assisted thousands of immigrants to prepare for the second stage of the immigration process to become a legal permanent resident. Clearly, she has provided critical services to a constituency that vitally needs her expertise.

Her efforts have assisted in addressing the often unmet needs of Hispanic elderly. It is my pleasure and honor to recognize the contributions of Narcisa Ruiz on behalf of Brooklyn's seniors.

TRIBUTE TO THOMAS GRASSO

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Scout in the Boy Scouts of America. He is Thomas Grasso of Troop 10 in Westerly, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boys Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Thomas repaired and reshingled storage sheds at the Frank A. Olean Regional Center in Westerly.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Thomas Grasso. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Thomas Grasso will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

AUTHORIZING CONVEYANCE OF U.S.S. "SPHINX"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ORTIZ. Mr. Speaker, today I am introducing legislation to authorize the conveyance of the U.S.S. *Sphinx* to the Rio Grande Military Museum in Port Isabel, TX for use as an all wars service museum.

The U.S.S. *Sphinx* is an amphibious vessel that first saw action during World War II. In all, the *Sphinx* has received nine battle stars and has served in three wars. It is now the last of its kind and deserves preservation. This vessel was transferred from the Department of Defense to the Department of Transportation, where it has been set aside for potential donation to a State for use as an artificial reef. My bill would instead authorize the Secretary of Transportation to convey the vessel to the Rio Grande Military Museum for use as a museum and tourist attraction to be located in the Port Isabel-South Padre Island area.

The cost of this conveyance would be taken up by the museum and the legislation specifically states that the movement and transfer of the vessel will be without cost to the Federal Government. Furthermore, the bill stipulates that the museum, an established not-for-profit corporation, shall demonstrate sufficient financial resources prior to conveyance.

Mr. Speaker, the benefits and value of this transfer and of the creation of this museum are numerous. The vessel will serve as a physical monument to the numerous individuals who served on the U.S.S. *Sphinx* and similar vessels in defense of our Nation. Its location will allow it to serve not only as a thriving tourist attraction for the numerous visitors that come to South Padre Island each year, but also as a reunion location for a number of military veterans groups from throughout the country that have expressed a strong interest in the project. In addition, the vessel and its equipment on board will be available for emergency readiness in case a natural disaster such as a hurricane strikes the area. Finally, museum officials intend to use the vessel as the vehicle for a youth vocational training program that will engage young people from the community in research and restoration projects aboard ship and in the construction and exhibition of the museum.

Mr. Speaker, this bill will allow the U.S.S. *Sphinx* to serve one last important mission: To preserve for future generations the valiant efforts and deeds of the U.S.S. *Sphinx* and its crew and to actively engage the youth of the area in this process. This no-cost-to-the-Government transfer will provide a fitting end to the U.S.S. *Sphinx'* honorable service record and I urge my colleagues to support this bill. Thank you.

THE LEGACY AND FUTURE OF NUCLEAR WEAPONS PRODUCTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, February 9, 1994, into the CONGRESSIONAL RECORD:

THE LEGACY AND FUTURE OF NUCLEAR WEAPONS PRODUCTION

During the cold war the United States spent hundreds of billions of dollars producing nuclear weapons. The end of that era is bringing dramatic changes to nuclear weapons production. Arms control agreements and independent national security decisions under both the Bush and Clinton administrations have begun substantial reductions in the nuclear arsenal. With the nuclear threat from abroad sharply diminished, the U.S. plans to dismantle thousands of nuclear warheads this decade and is closing several production facilities as the stockpile of weapons shrinks. Combined with similar efforts in the former Soviet Union, this will make the world a safer place. Unfortunately, nearly five decades of production have left a dangerous, vast, and expensive environmental legacy, in the form of nuclear waste. Consequently, we will be paying the costs of nuclear weapons production for years to come.

The Nuclear Weapons Complex: The nuclear weapons production complex, which is run by the Department of Energy (DOE), consists of 17 major facilities for the design, construction, and testing of nuclear warheads, and production of naval reactor fuel. Major installations include the Hanford reservation near Richland, WA, and the Pantex plant near Amarillo, TX, which are run by contracted private corporations. Another is the Fernald facility in Ohio, just across the border from Indiana's 9th District. These facilities encompass about 4,000 square miles in 13 states.

As part of the reductions in military forces and spending, the nuclear weapons complex is shrinking and changing. Warhead production has ceased. Several facilities are partially closed and others, such as Fernald, are shutting down completely. The work being done at several of the remaining facilities is now largely weapons disassembly. The other shift is from the production of nuclear materials to the environmental cleanup and storage of nuclear wastes.

Although the exact number is classified, the United States currently has roughly 20,000 nuclear weapons. The number has been dropping as defense planning and arms control treaties have reduced substantially the number of necessary warheads. In 1993 the DOE was scheduled to dismantle about 1,400 weapons, but plans for the eventual size of the stockpile are not public information.

While warhead assembly has been stopped, future needs are an open question. Billions of dollars could be spent to modernize production facilities and construct new ones. Some plants are no longer needed and will remain closed; others might be required to maintain limited production of some nuclear materials. Stockpiles of plutonium, including that from warhead disassembly, eliminate the need for further production. However, tritium, another key ingredient in thermonuclear weapons, has a relatively short life span. Nevertheless, a 1991 National Academy of Sciences study found that if the stockpile were reduced to a few thousand warheads, the current supply of tritium would last for several decades. A new facility for tritium would be very expensive for what looks like a very limited need.

The Environmental Legacy: The scale of environmental contamination at these facilities is staggering; 80 million gallons of high-level waste, and millions of cubic meters of lower level wastes, are stored or disposed of at several of the facilities. Vast quantities of nonradioactive waste add to the problem. The DOE estimates that 3,700 sites throughout the nuclear weapons production complex have been contaminated by radioactive waste and other hazardous materials, which in several locations are escaping into the environment. These facilities were not designed for the long term storage of waste; in most cases the waste must be removed and prepared for permanent storage. The main threat posed by the disposed waste and deteriorating temporary storage facilities is to water sources, particularly ground water.

We are faced with two formidable environmental problems: the clean-up of radioactive and other hazardous waste at the production facilities and the longterm isolation and storage of various types of radioactive materials. Neither problem is simply one of time and money. Most of the several billion dollars spent on DOE environmental restoration has been exclusively for research into how to clean up and store various types of waste; very little storage or cleanup has actually occurred. The DOE now spends about one third of its total budget on environmental restoration. Even such a large sum is a small down payment on the eventual total cost of cleaning up all the nuclear weapons facilities in the country. Projected cleanup costs over the next 30 years range from $100 to $300 billion.

The long-term isolation and storage of radioactive materials and waste is the second major problem. Plutonium, one of the most expensive materials ever produced, may be the hardest thing on earth to dispose of. It reaches background levels of radioactivity in 240,000 years. Despite years and billions of dollars of work on a solution, the best means for the disposal of highly radioactive waste is still a matter of dispute. Current plans center on vitrification (the transformation of the waste into a glass-like solid) and underground storage in the Yucca Mountain facility in Nevada. Work is proceeding amid concerns that even such elaborate measures cannot guarantee safe isolation for the thousands of years necessary. It is possible to recycle both highly-enriched uranium and plutonium for use in commercial electricity production, but some of the technology is untested, and nuclear power remains quite controversial in this country. Furthermore, the commercial recycling of weapons-grade materials, both here and especially in Russia, raises the specter of nuclear proliferation should even small quantities fall into the wrong hands.

Conclusion: During the cold war, national security priorities prevailed to such an extent that other concerns frequently were neglected. We were reminded of this recently with the disclosures about human radiation experiments. The veil of secrecy that shrouded the nuclear weapons production complex obscured vast environmental problems, the full extent of which is still being discovered. While national security remains a paramount concern, other matters demand our attention, including the environment. We must confront this nuclear legacy and deal with its consequences. Most pressing is the need for a solution to the long term storage or disposal of radioactive waste. We have to accelerate efforts to find a safe, permanent method of disposal, including a nuclear waste repository. And while we clean up the mess we must ensure that any future production is absolutely necessary and does not repeat the mistakes of the past.

TRIBUTE TO JEANETTE RAMSEUR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to commend Jeanette Ramseur for her dedication to excellence and public service. Jeanette personifies the pursuit and the realization of academic excellence. She received her law degree from the University of Michigan, her master's from Boston University, and her bachelor's from Hofstra University. She presently works for the Civil Court, city of New York, and is a member of the New York State Bar.

In her current capacity, Jeanette assists housing court judges in scheduling their calendars. She also assists in landlord-tenant mediation, nonpayment, and holdover cases. She has worked in a number of other capacities such as an attorney, a psychotherapist, a law assistant, and an adoption worker. The diversity of her work experiences is a tribute to her numerous talents.

Jeanette embodies the attributes of academic achievement, community service, and professional dedication. There is no doubt that she is destined for even greater successes in life. It is my pleasure to introduce her to my colleagues.

CONGRESS' ROLE IN SHAPING THE FUTURE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GALLO. Mr. Speaker, last Thursday, February 17, I held a town meeting in Roseland, NJ, that demonstrates that the people in my district—and, I imagine, people around America—are deeply concerned abut their future and about Congress' role in shaping that future.

In a room designed to hold 100, so many people were squeezed in that we had to run the air-conditioning—despite the fact that a foot and a half of snow was on the ground outside.

Those who were unable to find space inside the meeting room—and there were at least 50—stood in the hall, listening and writing down questions and comments that were passed inside to be read to those gathered.

In my 10 years in Congress, I cannot remember a larger or more interested group of citizens at a town meeting.

Mr. Speaker, I believe that so many people braved the cold and ice on a weekday night because they are vitally interested in what Government is going to do in an effort to address the problems our country is facing.

However, the common theme that ran through the meeting, and through the written comments of those who did not have a chance to speak, was not "how will government solve my problems," but rather, "what will government do to help me solve my problems."

In addressing health care, there was very little support expressed for the President's effort to turn over to the Federal Government our health care system.

People identified problems that Government could help people solve, but there was no expectation—indeed there was strong opposition to the idea—that expanding the size of Government's control over this part of our lives would solve the problems in our health care system.

Regarding crime, people expressed concern that Congress' efforts to reduce crime would instead restrict the rights of law abiding citizens. There was support, not only for harsher punishment for criminals, but for making certain that our judicial system does not give more weight to the rights of criminals than to those of the victims and the rest of society.

People are also concerned about Federal spending and Congress' inability to bring the deficit under control. One small business owner in the audience told me that he wished Congress would approach its budgetary problems the way he would, by finding things to cut before raising taxes.

All of these issues impact our future. What will the future of our health care system be? Will it continue to provide the best quality health care available anywhere in the world?

What will the future of our communities be like? Will we be able to walk the streets without fear? Will our children feel safe in school?

What will the future of our children and grandchildren be like? Will they find themselves so overwhelmed by the burden of Government debt that their ability to support themselves and their families will be even further eroded?

Many other issues were raised—too many to enumerate here—but what they all had in common was their concern with the future of our families, communities, State, and Nation.

Actions Congress takes in the coming months will help determine the answers to these and other important questions. I believe that each of the answers we attempt to provide should keep one fundamental thought in mind: "Will the action we take make it easier for people to solve problems and plan for a better future or will they make it easier for government to control the shape of our future?"

If we can keep this basic question in mind, I believe that we can help our constituents face the future with the optimism, spirit, and determination that has been the hallmark of Americans down through the generations.

RICHARD ROBERTS WAS OUTSTANDING PUBLIC SERVANT IN QUEENSBURY, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, one of the finest public servants I have ever known, Richard Roberts of Queensbury, NY, died recently, leaving a void that can never be filled.

When I moved into the Glens Falls area Richard Roberts was one of the first people I met. And when I became supervisor of the Town of Queensbury, I asked him to serve on the planning board. He had a quality that's so important for a board like that, and that's respect for the feelings of other people. He looked out for the best long-term interests of Queensbury, but he treated people fairly.

He was the chairman of the planning board from 1978 to 1990, and lead the Town of Queensbury through a period of unprecedented growth and development.

But the planning board wasn't Richard Roberts only contribution to the town and to his neighbors. He also served as director of the Warren County Dairy Association and as chairman of the Committee of Agriculture Stabilization and Conservation.

Last year, he was the recipient of the Liberty Bell Award from the Warren County Bar Association for his years of service on the planning board.

Mr. Roberts operated a dairy farm for several decades, but before that he served with the 45th Infantry Division in Korea.

He was also an avid sailor, golfer, and gardener. But the most important thing about Richard Roberts is that he was also a good family man who was loved by all who knew him.

Mr. Speaker, I ask you and every member to join me in expressing condolences to his wife, Grace, and to his three children. The Town of Queensbury has lost an outstanding public servant, and I have lost a good friend.

TRIBUTE TO THE PHILADELPHIA TRIBUNE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute the Philadelphia Tribune, America's oldest African-American newspaper, on the occasion of its 110th anniversary. The paper was founded in 1884 as a forum for African-American progress and justice by Christopher James Perry, Sr., and continues that mission today under current chairman of the board, Walter R. Livingston, and president, Robert W. Bogle.

The Tribune has a great history of service to the African-American community in the Philadelphia area, paving the road for positive change to the political and social landscape. In 1929, under the leadership of editor E. Washington Rhodes, the Tribune launched a campaign for the appointment of a black to the city's board of education, the election of a black city council member, and the election of a black judge. In 1932, these efforts began to bear fruit, as Dr. John P. Turner was named to the school board where he served with distinction until his death in 1958.

In 1934, the Tribune fought, through its news and editorial pages, to help bring an end to racial riots in Chester, PA, where movie theaters were segregated and where African-American children went to "for colored only" schools until they reached the 11th grade. In 1937, the Tribune joined with the North Philadelphia Civic Betterment League and the black veterans organizations to sponsor America's first Clean Block Campaign, and in 1947, the Philadelphia Tribune Charities was established to assist the community's needy, to foster civic pride and betterment, and encourage worthy students through scholarship aid.

The Philadelphia Tribune has always been blessed with strong, active leadership. E. Washington Rhodes, in addition to his duties as president of the Tribune from 1922 through 1970, served in a wide variety of distinguished positions. In 1926, he was appointed Assistant U.S. Attorney for the Eastern District of Pennsylvania by President Calvin Coolidge. He was the first African-American ever to hold such a position. From 1933 to 1935, Rhodes served as president of the National Bar Association, the professional association of African-American attorneys. In 1938, Rhodes was elected as a State Representative in the 6th legislative district. As the Tribune's publisher, E. Washington Rhodes was in 1962 elected as president of the National Newspaper Publisher's Association. Reaffirming the Tribune's continued prominence as a national leader in its field, this same position is now held by current Tribune president, Robert Bogle, who is serving his second term as president of this, the oldest trade association for African-American media.

Mr. Speaker, the Philadelphia Tribune is well into its second century of service to the Philadelphia community. I join with the Philadelphia community in congratulating the Tribune on its 110 years of history.

TRIBUTE TO ELAINE FIGUEROA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it gives me great pleasure to recognize Ms. Elaine Figueroa. Ms. Figueroa is a devoted wife, mother of two, humanitarian, and community activist.

Elaine has dedicated herself to providing desperately needed services to the east New York community. She has volunteered her time supporting many community projects. Elaine has helped feed the homeless at Saint Rita's soup kitchen, and actively participates in parent-supported programs at I.S. 302, and the Police Athletic League [PAL]. Elaine is also responsible for introducing a new school program called Victim Service. Ms. Figueroa serves as a member of the New Democratic Club and her block association committee.

She truly symbolizes her quote, "My goal is to be there for my family and the community." It is my pleasure to salute Elaine on her tremendous efforts to help members of her community.

THE STATE OF THE UNION AND THE CONGRESSIONAL AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 2, 1994, into the CONGRESSIONAL RECORD:

THE STATE OF THE UNION AND THE CONGRESSIONAL AGENDA

President Clinton delivered his first State of the Union address last week with no major surprises but plenty of policy recommendations, detail, and moral passion. The programs that the President emphasized were the ones everyone expected him to emphasize: health care, crime, education, welfare. It was a strong speech, and his rhetorical gifts were on full display. The President clearly set an ambitious agenda for the nation, but he also used symbols and illustrations in an effort to seize the moral high ground.

MAJOR THEMES

The speech took place against a backdrop of solid economic accomplishments. The economic recovery that is occurring in the country has helped President Clinton's standing in the polls. Particularly encouraging has been the dramatic success in reducing the deficit—originally projected to be $300 billion in 1995 but now expected to be less than $180 billion. The President called for continued attention to deficit reduction, saying that his budget will be one of the toughest ever presented to Congress and will cut spending for 300 programs and eliminate 100 others.

The President gave nearly equal billing to health care reform, welfare reform, and crime. On health care the President pushed his plan to expand the employer-based system to guarantee insurance for everyone. His insistence that health care reform means comprehensive, guaranteed benefits for every American and his threat to veto any health care package without it was a tough stance. His veto threat increased the stakes for health legislation, but he did indicate a willingness to negotiate on all other aspects of the health care proposal.

He emphasized overhauling the welfare system to reward work over welfare, and repeated his view that after two years on welfare, anyone who can work must work—in the private sector if possible, in community service if necessary.

Responding to the increased national concern about crime, he said that we must reclaim our streets from violent criminals. He called for life behind bars for those convicted of three violent crimes, more police on the streets, and a ban on assault weapons, while at the same time saying that we need to improve economic opportunities in America's poorest and toughest neighborhoods.

Several other items were on the President's domestic agenda: education reform, a new "reemployment" program replacing current job training and unemployment programs, campaign finance and lobbying reform, clean water legislation, and creation of an information superhighway linking every classroom, library, and hospital by the end of the century.

The President clearly did not intend to make foreign policy the focus of his speech. He barely mentioned the crises in Bosnia and Somalia. Much criticized recently for failing to articulate his foreign policy goals, he made an effort to be clearer about those goals in his State of the Union address. His refusal to cut military spending further was strongly stated and widely applauded. It indicates a clear shift in the mood of Congress in the last few years on the level of military spending.

The dramatic highlight of the 63 minute speech came at the closing with his emphasis on family, community, and work. One of the President's major themes has been that America can prosper only if its citizens rely less on government and more on themselves. When he said in his speech that our problems go beyond the reach of government, he drew strong applause from legislators who are very conscious of the limitations of lawmaking.

CONGRESSIONAL AGENDA

The major themes emphasized by the President mean that the 103rd Congress could well turn out to be the "reform Congress". Besides taking up the policy reforms urged by the President—in health care, welfare, education and training—Congress will take up several reforms in the way it does business. It will continue its work on campaign finance and lobbying reforms and take up a wide-ranging package that would cut congressional committees and staff, curb "pork barrel" spending, reform the budget process, make Congress live under the laws that apply to everyone else, and improve the ethics process.

There are several reasons for the emphasis on reform this year. Some of the reform areas are left over from the Bush presidency, in which the domestic agenda was fairly modest and the emphasis was on "staying the course". President Clinton emphasized many of these reforms during his presidential campaign, and he wants to make good on his promises. And after a year of focussing mainly on economic matters—cutting the deficit and reducing trade barriers—he is prepared to move on to other priorities this year. In addition, public opinion polls continue to show low approval ratings of the job Congress is doing, and Congress and the President want to show that they can tackle the issues that Americans care most about.

OUTLOOK

Although each item on this reform agenda before Congress is important, it will be extremely difficult, if not impossible, to accomplish all of it in one year. Many of the problems are complex and technical, with little consensus over how they should be handled. In some areas, there is not even agreement over what the problem is—for example, whether the health system is in crisis or not.

Political obstacles also loom large. Partisan considerations could increase during this election year, and many of the reforms need to work their way through multiple congressional committees, are opposed by determined special interest groups, and face the threat of a filibuster in the Senate. It is my sense that a large dose of bipartisanship will be needed to pass these reform bills.

Despite the difficulties ahead, I expect some significant accomplishments during this second session of the 103rd Congress. Congress and the President broke gridlock last year, but a great deal remains to be done.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE UKRAINIAN NATIONAL ASSOCIATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. PETRI. Mr. Speaker, it is my pleasure to congratulate the Ukrainian National Association for its century of dedication and service to the Ukrainian-American community.

While the Ukrainian National Association was preserving the Ukrainian culture in the United States, it never lost sight of its goal of helping Ukraine become an independent and democratic nation.

The Ukrainian National Association has assisted its 66,000 members through financial, education, and cultural endeavors to preserve the customs and heritage of the Ukrainian-American community. It has also assisted United States policymakers by keeping them up-to-date on the continually changing struggle for independence in the Ukraine.

Since Ukraine gained its independence the Ukrainian National Association has continued its commitment to the people of Ukraine by providing humanitarian, educational, and technical assistance. I applaud the Ukrainian National Association for its effort.

It is my hope that the Ukrainian National Association will continue to work in cooperation with the Ukraine and the United States to promote and develop democracy and free markets in the Ukraine.

LEGISLATION TO MODIFY BOUNDARIES OF FLOWER GARDENS NATIONAL MARINE SANCTUARY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ORTIZ. Mr. Speaker, I rise today to introduce legislation which will modify the boundaries of the Flower Gardens National Marine Sanctuary.

The Flower Gardens Sanctuary was established by Congress in 1992 and has been a model in the National Marine Sanctuary Program which is administered by the National Oceanic and Atmospheric Administration. The sanctuary is located 120 miles off of the Texas coast, and protects the northern-most living coral reefs on the U.S. continental shelf. The Flower Gardens Sanctuary protects two discrete areas encompassing 47.1 square miles which are used by sport divers, fishermen, and researchers.

The bill I introduce today will add a small, nearby bank to the Flower Gardens Bank Sanctuary. The area, known as Stetson Bank, is known for its spectacular array of fish and invertebrates and is a common destination for scuba divers. Damage to the bank due to anchoring and depletion of resources through shell collecting and spearfishing has led scientists and sport divers to call for inclusion of the bank within the Flower Gardens Sanctuary. The proposed legislation directs the Secretary of Commerce to modify sanctuary boundaries and regulations to include Stetson Bank, and to provide public notice in the Federal Register.

Mr. Speaker, this small but important area is a valuable marine resource and warrants protection as part of the Flower Gardens National Marine Sanctuary. I urge you and the other Members of the House to support this bill.

TRIBUTE TO YVETTE C. GRANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to introduce the Members of the House of Representatives to Yvette C. Grant. Yvette is a full-time educator, community leader, and mother. She was born in Harlem, NY. She attended Boston University, and received her master's of education from Columbia University.

Yvette's achievements include being a research associate and education coordinator at the ARTC Skills Training Center in Brooklyn, NY. She is an educator at P.S. 213 in the New York City Board of Education. To her credit, she is involved in progressive programs that promote conflict resolution, mentoring, and remedial tutorial assistance.

Yvette is the director of Why See Grant? Enterprises. She also is responsible for a host of projects that promote artistic development among black youth. A physically active person, Yvette is also an aerobic and step instructor. She is an active walker, and enjoys photography, dance aerobics, and reading.

The hallmark of Yvette Grant is her dedication to family, and their love, respect, and admiration for her.

HONORING THEIR BRETHREN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BARCIA. Mr. Speaker, it is with great pride that I pay tribute to the Saginaw Township Police Department Honor Guard, as we celebrate their first year of dedicated service to our Saginaw community.

This year past, the Saginaw Township Police Department established the honor guard to represent the Police Department at funerals for fallen officers throughout the State, parades, ceremonies and other local functions to highlight the integral role the police play in our community.

The tenets subscribed to by the Saginaw Township Police Department Honor Guard echo the commitment and dedication with which officers pledge to uphold every waking moment, recognizing their badge as a symbol of public faith and accepting it as a public trust.

Often forgotten in our litigious society is the awesome responsibility vested in local police departments. The Saginaw Township honor guard reminds each of us that as officers, their fundamental duty is to serve and protect, to safeguard lives and property, to protect the innocent against deception, the weak from oppression, and the peaceful from violence.

Mr. Speaker, I urge all my colleagues to salute the continuing efforts of our local police departments, notably the lofty principles which the Saginaw Township Honor Guard continually preserve.

TIMES-UNION EDITORIAL TELLS TRUTH ABOUT CLINTON HEALTH CARE PLAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, on February 13, the Albany Times-Union, a fine Hearst daily newspaper in 22d district of New York, published what I consider the finest editorial I've ever read concerning health care.

The editorial argues what more and more Americans have come to realize. The Clinton health care plan not only won't work, it will worsen health care, greatly expand the Federal bureaucracy, and bankrupt the economy.

Mr. Speaker, I proudly place this outstanding editorial in today's RECORD, and urge all Members to read it.

WRONG RX FOR HEALTH CARE

The issue: An examination of the proposed Clinton plan shows it won't do what it claims.

Our opinion: An alternative to overhauling the whole system is needed.

The more closely one examines the proposed Clinton health care reform plan, the more it is evident that those responsible for it have learned nothing from the failed efforts of centralized planning.

For the Clinton reform scheme is nothing if not a blueprint for converting America's largely private health care industry into a single, micromanaged bureaucracy whose head, naturally, would lie in Washington, D.C.

An outline of the bureaucracy that would be needed to carry this off should by itself be enough to give the game away. One member of Congress whose staff actually bothered to read the full plan has reported that it will require 59 new federal programs or bureaus, expand 20 others, and will impose almost 80 new federal mandates, besides changing the tax code. It would include—as a small sample—an agency for health care policy, a drug pricing committee, the by now notorious health alliances, a bureau to regulate the corporate alliances, another to monitor the performance of regional alliances, yet another monitor health care implementation at the county level, and the list goes on.

This bureaucracy is needed, presumably, to control costs. Controlling costs would entail the government dictating how much money overall is to be spent on health care. The White House has denied that this is so, saying that only insurance premiums would be controlled. But, clearly, if insurance premiums are annually fixed, it necessarily follows that the amount of money available for health care will also be fixed. Thus it would seem to be true, as some critics contend, that the plan entails dictating, albeit indirectly, how much money doctors can receive for what treatment.

Naturally, given such a grandiose plan, the proposal must, and does, detail how most persons will be required to enroll in one of the regional alliances, how health care will be limited and rationed, and how doctors will be directed into certain fields of practice.

The plan requires as much bureaucracy as it does because of the desire to fix beforehand every little aspect of health care—everything from what treatment is available in what amounts to who should be treated (people over 65, for example, would not have access to most new cures).

Unfortunately, the Congressional Budget Office has now given the lie to claim the money will be saved, at least in the short run. Instead of trimming $59 billion in the first six years, as the President claimed, it will likely add $74 billion to the total cost of health care.

Central planning, it turns out, cannot even deliver on cost cutting. What reason is there to believe it could deliver health care?

The proposal itself suggests that for many people health care could be considerably worse. In addition, we would be saddled with a huge, and expensive, new bureaucracy; while the unanticipated added costs, laid on small business for the most part, would very likely depress the economy.

Hillary Rodham Clinton publicly has stated that the plan would not restrict the patient's choice of doctor. The written plan itself contradicts that. The head of the Office of Management and Budget said the plan will neither set prices nor allocate care. By fixing insurance premiums, it would almost surely do both.

Of course, it has some good points, not least of which are the guarantee for universal health insurance; the portability of insurance, and the promise of coverage for people with "pre-existing" ailments. Any revised plan should include these elements, but should most certainly exclude any reliance on the creation of a new bureaucracy, and all the rules, regulations, employees and pension plans that that entails.

LEGALIZING DRUGS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 23, 1994 into the CONGRESSIONAL RECORD:

LEGALIZING DRUGS

In recent high school convocations I have held in southern Indiana, the question of whether drugs should be legalized is almost always asked. It is a timely question. Late last year, when Surgeon General Joycelyn Elders suggested that the idea of legalizing drugs should be studied, her remarks drew harsh criticism from the public, law enforcement officials, and President Clinton. I do not support legalization.

Arguments for Legalization: Drug legalization has over the years attracted proponents from all points on the political spectrum. But even they do not always agree on answers to serious questions about where to draw the line: which drugs would be legal, who would administer the dosage of drugs, what quantities each individual would get, would the government establish tax-supported facilities to sell drugs, where would the supply of drugs come from, how much would drugs cost, how would underage people be dealt with? Some proponents favor selling drugs in the same manner as tobacco and alcohol, with restrictions only on sales to minors and licensing requirements for retailers. Most proponents of legalization, though, favor additional regulations, such as monitoring drug production carefully, including health warnings on drug labels, and allowing only certain establishments, such as pharmacies, to sell drugs. Some favor assessing a substantial tax on drugs offered for sale, limiting the quantity of drugs a person could buy, legalizing only certain drugs, or only legalizing drugs prescribed as part of treatment and detoxification programs for addicts.

Proponents' primary argument is that drug legalization would reduce violent crime. They often liken the current drug-related crime problem to the Prohibition era, when ruthless gangsters operated an illicit trade in alcohol. If the black market for drugs were eliminated, their price would be drastically reduced, and drug users would no longer have to resort to crime to support their habit. Furthermore, drug pushers would be put out of business, thereby ending their violent turf wars.

Second, legalization advocates believe that the public health would improve. Money currently devoted to drug enforcement activities could be used instead for treatment and prevention. Since drug addicts would no longer fear prosecution, they might be more apt to seek treatment. Intravenous drug users would have access to clean needles, and thus be less likely to spread the virus which causes AIDS. Since the government would be able to closely monitor the production of drugs, drug deaths that are currently caused by ingestion of impure or too potent drugs would be prevented.

Third, proponents argue that a punitive approach toward drug use is a futile and inefficient use of law enforcement resources. Drugs will always flow into this country to some extent, no matter how great an effort is made to stop them, and drug dealers will become increasingly violent and sophisticated in response to more vigorous law enforcement. Were drugs no longer illegal, the intense pressure on the courts, the prison system and police would be abated.

Arguments Against Legalization: Those who oppose drug legalization, like me, argue that while the cost of fighting drugs is very high, the cost of not doing so is higher.

First, there is general agreement that drug use will increase under legalization. Open availability of drugs would compound already mammoth social problems in the country. It would increase drug abuse and addiction, perhaps to catastrophic levels, by making highly dangerous substances cheaper, purer, and more widely available. Many Americans currently do not use drugs precisely because they are illegal. If drugs were made legal, a whole new class of potential addicts would be opened up. It is entirely possible that the new treatment facilities made available because of drug legalization would see a substantial number of people who would never have become addicted were drugs still illegal. The most apt analogy to Prohibition may be that after its repeal, alcohol consumption increased by 350%. Furthermore, the threat posed to the public health by illegal drugs does not even approach that presented by currently legal drugs. Tobacco and alcohol kill over 500,000 Americans every year, and exact a huge toll on society through lost productivity, rising health costs, chronic disease and premature death. What is to make us think that use of other drugs will not follow the same trend if made legal?

Second, legalization would fail to eliminate drug crime, except by defining it away. Even if drugs were cheaper, some drug addicts would not be able to afford all the drugs they want to would continue to rob and steal to support their habit. Moreover, some drug users would be unhappy with the regulations that are placed on legal drug sales. If drugs were only available in certain quantities, to certain people, or in certain varieties, the black market, and its attendant violence would continue to exist.

Third, legalization would send precisely the wrong message to our young people. Drug legalization would undermine any educational effort to persuade young people about the harmful effects of drugs. It would shift social approval toward drug use and away from abstinence, and suggest that the government is morally indifferent to drugs.

Assessment: Most of us would probably agree that our nation's current anti-drug efforts are not working as well as we would like, but I do not believe that legalization is the answer to America's drug problem. Health concerns and increasingly negative social attitudes about drugs are probable reasons for declining drug use. We must build on those gains. Fortunately, more 85% of American voters believe that drugs should be illegal.

I support strengthened efforts to eradicate foreign drug crops, interdict the flow of drugs into this country, and lock up drug dealers. But I also believe we must put much more effort into reducing demand for drugs, through prevention, education and treatment. Most of the answers to American drug problems lie here at home. We most not legalize drugs and concede defeat to those whose goal is to ruin others' lives.

TRIBUTE TO JUDITH MARY MUNEIO FOUST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, many of us owe a debt of gratitude to librarians, for it is they who have promoted literacy and intellectually enriched the lives of countless Americans. I am honored to recognize Judith Mary Muneio Foust, a dedicated librarian.

Judith received an undergraduate degree in mathematics from Nazareth College, and graduate degrees respectively from Wayne State and Penn State Universities. She presently serves as the deputy director for the Brooklyn Public Library.

Judith is actively involved in her community. She is a member of the 10th Congressional District Education Commission. She also serves as a delegate to the New York Urban League from the NYUL Brooklyn Advisory Board.

Ms. Foust is a highly published author who has dedicated herself to enlightening avid readers, students, and professionals. I salute Judith Foust for her dedication to the Brooklyn Public Library.

TRIBUTE TO HENRY NICHOLAS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise today to honor a dedicated, long time advocate of organized labor and a very distinguished resident of the city of Philadelphia. Henry Nicholas began his career as a labor organizer in 1959, when as a worker at Mount Sinai Hospital in Manhattan, he led the campaign to organize local 1199 of the Drug and Hospital Employees Union. Soon after, he was instrumental in the 1199 strike which led to the first union contracts for thousands of New York City hospital employees.

By 1969, thanks to Henry's tireless organizational efforts for local 1199 in New York, the union drive was expanded to the national level, with Henry being named as the assistant director for the 1199 National Organization Committee. In this role, Henry led hospital worker organizational campaigns in Pittsburgh, Ohio, and Detroit. He also gained national attention for leading the 113-day hospital strike in Charleston, SC, a major event in the struggle for black civil rights. By 1973, the success of the national hospital organizing drive, due in large part to Henry's enthusiasm and tireless dedication, led to the creation of the National Union of Hospital and Health Care Employees, with Henry elected as its first secretary-treasurer.

Henry arrived in Philadelphia that same year and within 2 years won contracts for over 5,000 employees of Philadelphia's major health care institutions. He also played a key role in winning the right to union representation for Pennsylvania hospital workers. Henry's hard work led to the chartering of district 1199C, the Philadelphia local of the national union by the spring of 1974. This local now represents over 15,000 hospital and health care employees from 110 institutions in the Delaware Valley area. Henry's achievements were recognized in 1981 by his election as the second national president of the National Union of Hospital and Health Care Employees. Under his leadership, the national union has extended its membership to 21 States, the District of Columbia, and Puerto Rico.

Henry has had a profound impact on my district, where he lives. Despite all his successes on the national level, he has not abandoned north Philadelphia or its people. He has been one of my closest advisors, demonstrating great concern for the quality of life for health care workers, the homeless, the elderly, and children. Henry has emerged as a national spokesman in the fight to preserve quality patient care, opposing economic cutbacks in health care and insensitive health care reimbursement policies and programs. As the current debate on health care reform proceeds, he will continue to be a forceful advocate for providers and patients alike in the Philadelphia area.

In recognition of Henry Nicholas' dedication to his work and compassion for his community, I join with his family, friends, colleagues, and all members of the National Union of Hospital and Health Care Employees in honoring him. He is a true leader for these times and a model for us all.

THE JUNIOR LEAGUE OF SAGINAW VALLEY: 60 YEARS OF INVALUABLE COMMUNITY SERVICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I am pleased to highlight the outstanding efforts of the Junior League of Saginaw Valley as we celebrate their 60th year of dedicated service to our Saginaw Valley community.

As advocates for community empowerment, the Junior League of Saginaw Valley has successfully developed reciprocal programs which not only educate communities on those issues elevating the quality of life for Michigan residents, but continually focus their energies on major legislative initiatives to enhance the impact of direct service projects.

At present, the Junior League of Saginaw Valley has initiated, staffed, or funded several of the most successful community-based programs in the mid-Michigan area, notably the First Ward Community Center, the Voluntary Action Center, the Saginaw Art Museum, and the Saginaw Community Foundation.

Yet while affecting many in our community, the true commitment of the Junior League is to children, and their subsequent relation to family development. The Junior League's efforts in such areas as teen pregnancy support and prevention, transitional housing programs, children's grief support, and community immunization programs highlight a necessary, constructive, perpetual force for change in our community.

Mr. Speaker, I urge all my colleagues to salute the dedicated efforts of the Junior League of Saginaw Valley as they pave the way for tomorrow's leaders.

NARCOTICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to draw your attention to the recent remarks by the gentleman from New York, Mr. BEN GILMAN, before the 42d European Parliament/United States Congress Interparliamentary Meeting in Athens, Greece, regarding narcotics.

At the meeting, Representative GILMAN remarked on narcotics. In those remarks, he noted that drug trafficking is at an alltime high. Not only does this problem hit us here in the United States, but it also affects other nations all over the globe. In Southeast Asia, for example, Burma has a never-ending growth rate in opium production and heroin trade. In Colombia, despite drug lord Escobar's death, drug suppliers continue to increase cocaine trafficking.

My friend from New York correctly points out that this is an administration problem. Unfortunately, neither the Clinton administration nor Congress are making the war on drugs their top priority.

Stricter sentences and penalties must be imposed on those caught trafficking, dealing, or using narcotics. We need to work together with other governments to establish these tough penalties at home and abroad.

We must be firm and resolute in our opposition to drug use. In this regard, I am pleased to have worked with Mr. GILMAN in requiring drug testing for certain Government employees who are involved in safety related or national security positions.

I am inserting the full text of Representative GILMAN'S remarks on the international efforts to combat narcotics trafficking.

NARCOTICS

I had the opportunity last year of meeting with Ms. Heinke Salish in Washington to exchange views on the narcotics-related work of the European Parliament's Committee on Civil Liberties and Internal Affairs. I want to congratulate my European colleagues for increasing the visibility of the narcotics issue within the European Parliament with this important effort.

In the U.S., the new Clinton Administration struggled last year with developing its own anti-drug policy. We, on our side of the Atlantic, lost ground to the drug traffickers. The Administration's indecision and the change in emphasis away from interdiction and eradication to primarily treatment of the hard core user, has set us back in the battle against the traffickers.

In the Congress, as well, we lost further ground in 1993 with the elimination of the House Select Committee on Narcotics for cost saving reasons, not lack of interest, I might add. Ironically, I have long urged that the European Parliament establish its own special Narcotics Committee as you have, sadly only to see the U.S. Congress eliminate its own select committee.

Despite these changes, for the drug traffickers, it has been business as usual. Heroin use is once again on the rise in our country. Opium production and heroin trade from Southeast Asia, especially Burma, is higher than we can ever recall, and shows no sign of abating. Even with Drug Kingpin Pablo Escobar's death in Colombia, the cocaine traffic will continue, carried on by the more sophisticated Cali cartel.

However, let us not overlook the fact that Escobar's death was an important victory for legitimate governments over those who would rule by violence and intimidation to promote the illicit drug trade. It is a trade that soon infects an entire society, including its government systems, and all other institutions of stability that we know. We must protect our societies from the traffickers, if freedom is to survive.

Escobar's death is reflective of the violent nature of the narcotics trade. Those who live by the sword die by the sword. Hopefully, from his violent death, the youth of the world will learn that the glamour and attraction that the drug trade may hold can also lead to a violent end. The Colombian government is to be complimented for its courageous and dogged pursuit of this international outlaw.

Throughout the world today there is a growing awareness that illicit drugs are a major international problem. It is no longer just an American problem, as we heard from too many just a few years ago. Narcotics producers, traffickers and consumers are not limited by any geographic, political, ethnic or ideological boundaries. Traffickers produce and sell to anyone, and consumers can be found in every society and at every socioeconomic level.

Europe has long been a consumer market and a transit point for Asian heroin. It has also become an increasingly attractive market for Latin America's cocaine cartels. The U.S. Drug Enforcement Administration (DEA) estimates that 55 percent of the cocaine destined for Europe transits through the Iberian Peninsula. The Cali Cartel, stronger than ever with Escobar's demise, is the major source of European cocaine.

Europe has also grown as a money laundering location, and seen the development of new and menacing criminal organizations, especially in some of the states of the former Soviet Union. Joint U.S.-European-Latin law enforcement efforts have disrupted money laundering operations in Italy, Spain, Switzerland, Germany and Belgium to mention only a few.

According to both the U.S. State Department and our General Accounting Office, European commitment to international counternarcotics controls is growing. There is also growing cooperation among our law enforcement communities. All of these positive steps we must continue to support to be effective against the scourge of illicit narcotics.

As these important cooperative strides continue, permit me to share with you some insights I have gained in over twenty years of action and legislative involvement in counternarcotics efforts.

In fighting illicit narcotics, no one government action or program by itself is sufficient. There must be a combination of programs to address both the supply and demand aspects of this epidemic. The narcotics problem cannot be overcome by concentrating all one's resources on the demand side of treatment, education and rehabilitation efforts alone.

Any successful drug war must truly be comprehensive and fought simultaneously on many fronts. It must contain components that support eradication and alternative development for producing countries, effective, interdiction and enforcement programs, along with education, treatment and rehabilitation efforts at home. Any emphasis of one to the detriment of the other, simply doesn't work.

Over the last few years, the United States has gained invaluable experience in fighting narcotics production, distribution, and use. Together, we should build on these experiences and increase cooperation with all our allies around the globe to defeat this plague.

We stand ready to further those cooperative and productive relationships that can benefit all of our people, and generations to come, in defeating the scourge of drugs.

TRIBUTE TO CAROLYN SANDERS-JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the vast contributions and achievements of Carolyn Sanders-James. Carolyn is a native of South Carolina and has lived in New York City since 1963. She received her undergraduate degree from Pace University, and a master's degree from Long Island University.

Carolyn's life is rich with achievement and service. A politically active person, she serves as the vice chair of the Democratic County Committee in Brooklyn. She currently works full-time as a special liaison for Council President Andrew Stein.

Everywhere Ms. Sanders-James has worked she has made a vital contribution. As a manager at Morgan Guaranty Trust Co., she specialized in community reinvestment service programs. She has been instrumental in developing economic development packages for the 55th Assembly District.

Some of her notable accomplishments include the development of a joint program with St. Mary's Hospital and Paul Robeson High School students to help crack-addicted babies. Carolyn was recently honored for winning State funds for the Bedford-Stuyvesant Volunteer Ambulance Corps, the only black volunteer ambulance corps in the State of New York.

Carolyn also has been instrumental in establishing a Meals-on-Wheels Program for senior citizens of Greater Bibleway Church in Brooklyn, and a health workers training program between Medgar Evers College and Pratt Institute.

A recipient of numerous awards for civic and community service, she is a member of the Coalition of African-American Elected Officials, and the Central Mobilization Political Club.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD the first part of a sworn affidavit from one Luis Rodriguez:

STATEMENT OF LUIS RODRIGUEZ—STATE OF NEW YORK, COUNTY OF NEW YORK

1) Luis Rodriguez, being duly sworn deposes and says I am a Dominican national and a naturalized United States citizen residing in the State of New Jersey.

2) In April and May of 1991, I agreed to work as an undercover investigator for a private investigator called David Venezian.

3) The goal of the investigation was to prove that certain Dominican merchants in upper Manhattan were involved in various crime. These merchants claiming to be honest merchants testified against the immigration officer Joseph Occhipinti had violated their civil rights and in some cases stolen money.

4) I agreed to do this undercover work at great personal risks and free of charge. The reasons were many: Mr. Occhipinti is well respected in the Dominican community for helping illegal aliens and fighting the drugs dealers and criminals who kill our children; also, Mr. Occhipinti arrested my sister about fifteen years ago as an illegal alien. He never abused her or violated her rights as these merchants say. In fact, he helped my sister to get her green card and eventually became a US citizen.

5) In April, 1991 I began to enter various Dominican bodegas and stores posing as a drug dealer from New Jersey interested in buying and selling all kind of illegal things. In these conversations I gave permission to have my conversations monitored with a tape recorder. I succeeded in proving that these merchants were involved in some of the following illegal activities: smuggling aliens, selling false documents, drug trafficking, gambling, illegal wiring of drug money to the Dominican Republic, IRS frauds, illegal sale of untaxed liquors and others. During these investigations, I successfully bought illegal bolitas (illegal gambling numbers), untaxed rum and false documents. I also negotiated the sale of stolen property, drug trafficking and illegal money transfers.

6) During this period, I conducted undercover work at the following businesses which relate to the witnesses who testified against the Officer Occhipinti.

THE CRUCEY GROCERY

(1) On April 19, 1991, I went to the Crucey Grocery at 3882 Broadway, New York, New York. I placed an illegal bet and bought untaxed rum from an employee.

(2) On May 6, 1991, I met with Altagracia Crucey who was the owner of the Bodega and one of the witnesses who testified against Mr. Occhipinti. I told her I had a truck load of stolen beer that I wanted to sell. She told me she was afraid at this time to buy it because she was a government witness. She explained to me that she had been pressured to testify by the prosecutor, who was also tell-

ing her how to testify. She was upset about being a witness because the government kept on going to her house. She admitted being arrested by immigration for having a gun. She told me that she was thinking of suing the government because she had a miscarriage.

(3) I have been told that Ms. Crucey testified at trial that her bodega doesn't sell untaxed rum and bolitas. She also denied ever negotiating with me to buy the stolen beer. That testimony was a lie and could be verified by hearing the tape.

LIRANZO GROCERY

(1) On April 22nd, 1991, I spoke to the wife of Antonio "Santana" Marte at the Liranzo Grocery, 352 Audubon Avenue, New York, New York regarding the sale of stolen beer. The wife told me to speak directly to "Santana" and gave me his telephone number, (212) 928-2266.

(2) On April 27th, 1991, I called "Santana" about the stolen beer. He explained to me he was afraid to buy it because the beer was from New Jersey and did not have the five cents return stamp on the can. I also discussed with "Santana" about buying a case of untaxed Dominican rum. He told me that there was a shortage of rum because recent shipments of rum were confiscated by US Customs after they found cocaine.

3) On April 30th, 1991, I met with "Santana" at the Liranzo Grocery in order to discuss the sale of the stolen beer.

I made up the story that immigration had confiscated some of my rum. At that time, "Santana" told me that he was a government witness against an immigration officer. He was bragging how he admitted to the court being an illegal alien and how he entered the United States with someone's passport. He explained that the prosecutor promised him and other witnesses that if they testify against the officer, they will no longer be bothered by the police or immigration. So, he agreed. "Santana" bragged how he told the prosecutor he was still selling "bolitas" and did not intend to stop. The prosecutor never responded to his statement. "Santana" said that when the newspaper articles came out against the immigration officer saying he had stolen money from Liberato, "Santana" received a phone call asking him "how much money are you going to say was taken." "Santana" also said that the prosecutor had changed the first Judge in order to get a stricter Judge. He identified the Judge as being a black woman. "Santana" said that on April 29, 1991, the prosecutor had a private meeting for the witnesses testifying, he cautioned them to be careful because people may be coming around to them asking questions.

4) I have been informed that the trial "Santana" denied any interest in buying the stolen beer because it was illegal. That was a lie, The only reason he refused to buy the beer because it did not have the five cent return deposit stamp as required in New York State.

LIBERATO GROCERY

1) On April 19, 1991, I placed a gambling bet at the Liberato Grocery located at 369 Audubon Avenue, New York, New York.

TERRORISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to draw your attention to the recent remarks by the gentleman from New York [Mr. GILMAN] before the 42d European Parliament/United States Congress Interparliamentary Meeting in Athens, Greece, regarding terrorism.

In his remarks, Representative GILMAN succinctly outlines the nature of the threat facing both our Nation, and our European allies, and notes that this threat is growing, and must not be ignored. Rather, he recommends that through enhanced cooperation among governments, we can and should earnestly fight this criminal scourge on all of our societies.

I have worked closely with Mr. GILMAN on this issue, including introduction of my legislation, H.R. 1241, the Domestic Anti-Terrorism Reward Act, a measure to increase the reward for information on domestic terrorism from $500,000 to $2 million.

Furthermore, Representative GILMAN has introduced the Anti-Terrorism Act, of which I am an original cosponsor. This bill imposes a full embargo on imports from nations which continue to support international terrorism. It also addresses the threat of nuclear terrorism, and it creates a government/business antiterrorism council to seek out additional measures which our Government and businesses can take to counter terrorist activities. Finally, the bill calls for the death penalty for terrorists who murder Americans, whether at home or abroad.

I am inserting the full text of Representative GILMAN's remarks on terrorism.

REMARKS OF REPRESENTATIVE BENJAMIN A. GILMAN, 42ND EP/U.S. CONGRESS INTERPARLIAMENTARY MEETING, ATHENS, GREECE—JANUARY 1994

TERRORISM

As we begin a new year, this is a good time to reflect on events of the past year, especially in this troubling area of international terrorism. We can never be too alert, or prepared enough, against this evil of worldwide terrorism.

On the terrorism front, 1993 was a difficult and alarming year for us in the United States. We witnessed the terrorist bombing of the World Trade Center in New York. It was a cowardly deed that took six innocent lives, caused more than a thousand injuries, and resulted in well over $600 million in property damage and business disruption. International terrorism had come home to America. We Americans, frequently the target of terrorists abroad, were no longer safe, even on our own soil.

In addition, in 1993 we saw the arrest in our nation by the FBI of several Abu Nidal terrorists who were plotting to attack the Israeli embassy in Washington, D.C. We also had a plot uncovered in Kuwait to assassinate former President George Bush. Finally, the FBI exposed and thwarted the plot to blow up the U.N. complex and commuter tunnels in New York City, as well as planned attacks on several U.N. and U.S. public officials.

In each of these incidents our government's response was swift, sure, and tough. Almost all of the figures in the World Trade Center bombing have been arrested, one with the very valuable assistance of the government of Egypt. They now face trial in our federal courts. Another suspect is the subject of a $2 million U.S. government international reward for his capture. The U.N. plotters, along with the Abu Nidal terrorists, have also been charged and await federal trial. President Clinton responded quickly in a appropriate retaliatory missile strike on the Iraqi government's intelligence headquarters for its involvement in the plot against former President Bush, based upon evidence clearly establishing a link.

These tough, aggressive responses are necessary against those who utilize terrorism as a tool for resolution of their international grievances.

The lessons for us in the U.S. in combating terrorism are clear. They are applicable here as well. Even in this post-Cold War era, we still face threats from the scourge of international terrorism. We must always maintain our guard. The threat of terrorism is still with us, whether from organized or state sponsored groups, or the newer, and looser, religiously knit groups we have observed most recently. No anger—for whatever cause—justifies the cowardly acts of the terrorist.

These unlawful acts must be met with swift, sure, and appropriate punishment from civilized society. We cannot surrender one iota of legitimacy to the terrorist in any debate on whatever cause, or for whatever grievance.

In Europe you have seen and felt the sting of terrorism this past year as well. For example, from the well coordinated and extensive acts by the Turkish Kurds (PKK), to the violent events we are all too familiar with, emanating from the situation in Northern Ireland, to cite just a few. Incidentally, we are all very hopeful for a peaceful solution in Northern Ireland to the violence that has gone on from both sides, for far too long. Our compliments to the Prime Ministers of Britain and Ireland for their courageous efforts to find a peaceful and fair solution for all concerned. We wish them success in their courageous efforts to bring about peace.

Together, all of our governments must work closely to diminish the threat of terrorism. We must cooperatively work to prevent, and solve terrorist acts. We must work to swiftly bring to justice those who must be punished for these barbaric acts. The U.N. sanctions against Libya for the Pan Am 103 bombing, is a clear case in point. Cooperatively, the international community must help bring to justice those responsible for that act that took so many innocent lives. As President Clinton said recently on the fifth anniversary of the Pan Am 103 bombing "* * * our nation will never stop pursuing justice against whose who caused it." The state sponsors of terrorism must know that it is never going to be business as usual, and that there is a heavy price to pay for behaving as international outlaws.

Our law enforcement entities must be able to share intelligence and evidence with each other, and help thwart planned acts before they occur. We must—where appropriate—permit and encourage the extradition of those responsible for acts of terrorism to face trial and swift punishment, and they must serve their full sentences. Finally, no nation must be willing to give safe haven to those who would plot from, or seek to use one nation's soil, as a base to conduct terrorism against another.

In the European Community you face even tougher new challenges against terrorism. As your border barriers diminish, along with the greater free flow of commerce, the job grows even tougher. The terrorists' travel and the cross shipment of some of the tools of their violence, is made easier. The EC's Justice Council's working groups on terrorism will have to labor even harder to foster greater cooperation and information sharing to thwart terrorism under these improved conditions for border travel and commerce.

We must not, and cannot, let the terrorists dictate or limit the ability of free nations to progress and improve commerce, and travel freely throughout the world today.

We in the U.S. stand ready to work with you against the threat of international terrorism. Together we can, and will make 1994 a better and safer year for all nations rightfully concerned about the safety of their citizens from this grave threat of terrorism.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD NOT HAVE GRANTED DIPLOMATIC RECOGNITION TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. SNOWE. Mr. Speaker, like all Americans of Greek ancestry, I was extremely disappointed by the administration's recent decision to recognize the Skopje regime as an independent nation while it continues to insist on calling itself Macedonia. This decision was an insult to a loyal and trusted ally, and the only true democracy in the region—Greece. This misguided decision could further inflame tensions in a region already plagued by terrible violence and instability.

Today, I have introduced a resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav republic of Macedonia. The resolution also calls on the President to reconsider his decision and withdraw diplomatic recognition until such time as the Skopje regime renounces its use of the name Macedonia.

The name "Macedonia" is Hellenic in origin, and for thousands of years it has been the traditional name of the northern Greek province whose capital is Salonika. Archaeological evidence clearly demonstrates that the ancient Macedonians were Greek. The Macedonia of Alexander the Great was Greek, and Alexander himself was tutored by Aristotle. The Slavic people of the Skopje regime have no links to classical Greece and are not entitled to use a name that is a fundamental part of Greek history and culture.

It is also an accepted historical fact that, in 1945, Marshall Tito gave the region surrounding Skopje the name "Macedonia" in order to frustrate Bulgarian claims to that territory. It was part of a campaign to usurp Greek history and claim it for Tito's communist system. Tito's Macedonia was an artificial creation meant to serve only one purpose—giving communist Yugoslavia territorial access to the Aegean Sea through the port of Salonika.

The Skopje regime has refused to remove from its constitution a reference to the 1944 declaration by the then Communist regime calling for the unification of neighboring territories in Greece and Bulgaria with this false Macedonian Republic. Despite other amendments to that constitution adopted over the last few years, this clause reflecting an expansionist philosophy remains intact.

In addition to its flagrant and illegal use of the name Macedonia in its constitution, the Skopje regime persists in using the 16-pointed Star of Vergina, an ancient Greek emblem, in its flag and state symbols. These are just part of that regime's blatant attempt to manipulate history for its own purposes and to monopolize the Macedonian name to further its territorial claims on sovereign Greek territory. Greece, on the other hand, has repeatedly stated that it has no territorial claims on the Skopje regime.

I urge my colleagues to support this resolution. By doing so we will send an unequivocal message that the United States should support stabilizing policies that promote peaceful coexistence in the Balkans.

TRIBUTE TO SANDRA BREAKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is my pleasure to recognize Sandra Breaker, a native New Yorker. She has been a resident of East New York for the past 20 years.

Sandra attends Salem Baptist Missionary Church. She is active in many community organizations, including local parent teacher associations and public housing advocacy groups.

During her summers, Ms. Breaker can be found working with youth groups. She brings a special vitality to everything she does. For example, she spearheaded, along with the Fiorentino Plaza Tenant Association president Juanita Fisher, an increase the peace, stop the violence demonstration. She is currently pursuing a degree at the Metropolitan Educational Center, a community based campus of Molloy College.

I want to congratulate Sandra Breaker on her community activism as an East New Yorker.

PERSONAL EXPLANATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TRAFICANT. Mr. Speaker, in my 1 minute statement on Thursday, February 3, 1994, I stated that Eastman Kodak Co. cut 400,000 jobs. To clarify, Eastman Kodak Co. will cut 10,000 jobs over the next 3 years.

UKRAINIAN NATIONAL ASSOCIATION SALUTED ON 100TH ANNIVERSARY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BOEHLERT. Mr. Speaker, it gives me great pleasure to honor the Ukrainian National Association, Inc., which is celebrating its 100th anniversary on the birthday of George Washington. Like the Father of our country, the UNA is pledged to freedom. UNA has never forgotten the people left behind in the Ukraine, living under the yoke of a totalitarian government. The organization's first century was devoted to preserving and supporting the ideal of a free Ukraine. With that goal accomplished, UNA has embarked on helping the Ukraine build a democratic, free market society.

Here at home, UNA's achievements are equally noteworthy. Over the past 100 years it has grown from 13 branches to 370 branches and 66,000 members in 27 States and 7 Canadian provinces. Along with providing for the life insurance needs of the Ukrainian-American community by offering low-cost life insurance protection, the UNA provides its members with a wide range of educational, cultural, social and charitable benefits.

In addition to publishing Svoboda, the oldest Ukrainian-language daily in the world, UNA has been publishing an English language newspaper, The Ukrainian Weekly, for more than 60 years, and a monthly children's magazine, Veselka [Rainbow]. As part of its fraternal benefit work, the UNA annually provides more than $120,000 in scholarships to its members. It operates Soyuzivka, a year-round, full-service resort in the beautiful Catskill Mountains of New York State.

With its stellar history and record of accomplishments, UNA deservedly looks to a second century of service and achievement as rich as the first.

It is a special privilege for me to represent a sizeable Ukrainian community in the 23rd District of New York. They are caring, sharing, loving neighbors who give unselfishly to so many worthy causes and help make a great area even greater.

THE GIFT OF SIGHT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BRYANT. Mr. Speaker, I rise today to remind my colleagues of the importance of preserving sight. Impairment of this precious sense can be debilitating, and in some cases cause complete dysfunction, robbing an individual of living a normal, productive life. Unobstructed sight serves as the largest data intake function of the human body. Special care and attention must be paid to improving, maintaining, and restoring this sense.

It is not only important to observe routine eye care, but to advance initiatives which educate Americans on methods to protect the human eye from damage and to provide options for those with impaired sight. Today, corneal transplantation provides many Americans with a chance of sight. In 1992, over 92,000 donor eyes were used by eye banks across the United States and Canada to restore or enhance sight and conduct research. It is with this valuable service in mind, I join with the Eye Bank Association of America [EBAA] in their effort to promote the month of March 1994 as "National Sight Conservation and Eye Donor Awareness Month."

Since 1961, when the EBAA was founded, more than 440,133 corneal transplants have been performed with a 90-percent success rate. The success rate of this procedure represents the highest success rate among all transplant surgical procedures. The thousands who have had their sight restored by transplant know firsthand the importance of support for donor programs and the EBAA's role in promoting sight restoration education. The EBAA, through its member eye banks, provides programs to increase eye donations, expedite research and maintain high-quality medical services for the deliver of corneal transplant.

Although donation of eyes for transplant and research has risen in recent years, many people are still waiting for the precious gift of sight which can only be achieved through donation. Their hopes rest with a public that is completely aware of the donation process. Great effort must be made to inform Americans that eyes are acceptable for donation, regardless of the donor's quality of vision.

We in Congress can help educate the public about the need for eye donation and encourage more Americans to become donors. We have joined the EBAA every year since 1983, and so again by saluting their commemoration of March, 1994, as "National Sight Conservation and Eye Donor Awareness Month." In so doing, we call on all Americans to support us in promoting the worthy endeavor of enhancing the lives of fellow citizens through restoration of sight.

TRIBUTE TO CLAUDETTE SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am honored to introduce to my colleagues, Ms. Claudette Smith. Claudette works as a staff manager for NYNEX. Claudette is a tireless humanitarian and community servant. She consistently tutors with Project Live a corporate tutorial aid program coordinated with the New York City public school system.

Claudette has been recognized for her community efforts. In 1993 she received an award for the Philadelphia S.D.A. Bronx Church for outstanding community service. She is that special someone who feeds the homeless, assists her elderly neighbors, and helps friends and strangers.

Claudette was born in Kingston, Jamaica and came to the United States when she was 10 years old. Claudette personifies the work ethic. She attended school at night earning a degree in accounting, while working full time. Her daughter is a freshman at Wesleyan University. This family tradition of hard work and commitment to education has continued with her daughter, who is a freshman at Wesleyan University.

PRIVATE SCHOOL AND HOME SCHOOL FREEDOM AMENDMENT INTRODUCED

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ARMEY. Mr. Speaker, yesterday, I introduced the private school and home school freedom amendment to H.R. 6. This en bloc amendment is designed, first, to address the concerns of private school teachers and home-schooling parents who would inadvertently be required to undergo State certification under section 2124(e) of the act, and, second, to exempt from Federal control any private, religious, or home school that receives no funds under the act. This is a package of clarifying changes I think all Members of Congress will endorse.

I have today learned that the language of our amendment could inadvertently prevent some private schools, especially Catholic schools, from participating in Federal education programs under which they technically do not receive funds but do administer funded services. I am more than happy to accommodate this very important concern, and so I am introducing a revised version of our amendment.

NATIONAL ENGINEERS WEEK 1994

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BROWN of California. Mr. Speaker, I rise today to pay special tribute to America's engineers, who will be celebrating National Engineers Week 1994 beginning on February 20th.

Not a day goes by in this great Nation without the brilliant creations of engineers impacting our lives in some positive way. Towering bridges that span great waterways, instant communications, faster, smaller, and more powerful computers, life saving medical devices and daring space missions are just a few reminders of the myriad contributions America's great engineers have made to our quality of life, economic strength, and global leadership. To borrow from an old ad campaign, "without engineers, life itself would be impossible."

As the cold war continues to recede and the intense competition of the international marketplace heats up, it is important to remember and honor America's engineers, because it is their new ideas, innovations, and inventions that will determine our position as a first class power or also-ran in the next century. It is the engineers who create the new technologies that make us more productive and fuel U.S. economic growth.

As in recent years, engineers will take their message directly to America's classrooms during National Engineers Week. Donald R. Beall, honorary chair of National Engineers Week and chairman of Rockwell International, and James W. Poirot, chair of National Engineers Week and president of the American Society of Civil Engineers will lead some 35,000 engineering professionals into the nation's classrooms to show 3 million students and teachers the contributions of engineers and how math and science relate to the world around them.

Another highlight of National Engineers Week is the Future City Competition which involves engineers helping intermediate school students design computer generated cities of the 21st century. Winners of local contests will compete in the national finals here in the Nation's Capital during Engineers Week.

In yet another effort to raise public awareness of engineering, as well as to have some fun, teams of engineers and engineering students will set up interactive exhibits at shopping malls across the country.

Mr. Speaker, I urge my colleagues to add to the success of National Engineers Week by joining the numerous engineering organizations and corporations in promoting Engineers Week in their own congressional districts. THe excitement and interest surrounding National Engineers Week has the potential to serve as the catalyst for students to become America's next generation of engineers.

CHINESE NEW YEAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. PELOSI. Mr. Speaker, I rise to note that today marks the Year of the Dog in the Chinese New Year, the first day of the first Moon of the Chinese lunar calendar year 4692.

In San Francisco, which has the largest Chinatown in the United States, the streets are mostly quiet as people celebrate the first few days of the New Year at home with their families and loved ones. The public schools have also closed for the holiday to enable parents and children to observe the traditions together.

During this festive season, the streets of Chinatown will fill with banquet-goers and street carnivals, firecrackers to ward off evil spirits, lion dancers and traditional music, culminating with the great dragons heralding the Chinese New Year Parade this February 26.

Mr. Speaker, the Chinese-American communities of this Nation have contributed greatly to our Nation. On behalf of the Congress, we salute all Chinese-Americans during their season of celebration.

TRIBUTE TO ELIZABETH RAMSEUR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am pleased to acknowledge Elizabeth Ramseur, a dedicated community worker. Elizabeth has been active in a number of community endeavors. She has served as the president of Tompkins Houses Tenants Union, Inc., and the NYCHA Police Service Area No. 3. Ms. Ramseur is a member of the Brooklyn Community Correction Center advisory board, a supervisor for the Tompkins tenant patrol, and a member of the Marcus Garvey Local Development Corp. She is the president of P.S. 77 parent's association.

Her other endeavors include service as the past president of the pastor's aide committee, supervisor of the youth choir, and a member of both the trustee and deaconess boards.

Ms. Ramseur is a former paraprofessional with the New York City Board of Education, and also works with handicapped children. She and her husband have 4 children and 2 grandchildren.

I salute Elizabeth Ramseur as one of Brooklyn's dedicated tenant leaders.

TRIBUTE TO DON LUIS A. FERRÉ ON HIS 90TH BIRTHDAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SERRANO. Mr. Speaker, as chairman of the Congressional Hispanic Caucus and as a Member of this body, in the history of which so many outstanding men and women have been honored, I rise to pay tribute to a great Puerto Rican, don Luis A. Ferré, who celebrated his 90th birthday last Thursday.

Mr. Speaker, words cannot adequately express the depth of my admiration for don Luis. And I am certain that once they learn about him, all of my colleagues, no matter what their background or political persuasion, will share my admiration for this eminent industrialist, philanthropist, art collector, musician and ex-governor of Puerto Rico.

Luis A. Ferré was born in Ponce, on February 17, 1904. The second of four sons, he was groomed to help run Ferré Industries, an enterprise which his father Antonio began as a small foundry in 1918. After attending elementary school in Ponce and high school in Morristown, NJ, Luis Ferré studied mechanical and electrical engineering at the Massachusetts Institute of Technology, where he earned a B.S. and an M.S. in 1924 and 1925, respectively.

Mr. Speaker, in the course of an address he delivered to the Puerto Rico Iron Works Cooperative Association on Three Kings' Day in 1929, the 24-year-old engineer touched on two topics which are receiving a great deal of attention today: The importance of employee profit-sharing and the need for comprehensive health insurance. Early in the year that would see the dawn of the Great Depression, and more than 4 years before Franklin D. Roosevelt's New Deal, the young Luis Ferré was enunciating principles of social justice and workers' rights which were, increasingly, to become crucial to our Nation's workplaces. The employees of the Puerto Rico Iron Works soon enjoyed the benefits Luis Ferré identified in his speech, as did the employees of Ferré Industries.

Luis Ferré became politically active, and in the mid-1940's he successfully promoted the entry of Puerto Rico into the U.S. Social Security system. He was a member of the Constitutional Convention of Puerto Rico in 1951, and having been elected in 1952 as a member of the Republican Statehood party to the Puerto Rico Legislative Assembly, helped preside over the adoption of Puerto Rico's constitution. In 1967 he founded the New Progressive Party, and was elected Governor the following year with a promise to work for subsidization of farm wages, rehabilitation of slums, and control of Puerto Rico's burgeoning narcotics problem. His party, meanwhile, won half of all seats in the Puerto Rico Senate and House of Representatives, and 26 mayoral elections.

Cofounder with his brothers of the Puerto Rican Cement Co., the first Puerto Rican company to be listed on the New York Stock Exchange, don Luis had become a very wealthy man early in life. His first philanthropic venture was the founding of the Ponce Public Library in 1937. Around the same time he saved the city's only newspaper, El Día, from bankruptcy. He founded the Luis A. Ferré foundation in 1950, and the Ponce Museum of Art, now rated the finest in all of Latin America, in 1959.

Mr. Speaker, among don Luis A. Ferré's many awards are the U.S. Medal of Freedom from President Bush, the Americas Award from the Americas Foundation, an honorary Doctor of Laws from Harvard University, and an honorary Doctor of Music from the New England Conservatory of Music, where he had studied after earning his engineering degrees. At 90 years of age don Luis is still an accomplished piano player, and is still active politically.

don Luis has described himself as "revolutionary in my ideas, liberal in my objectives, and conservative in my methods." In 1969, Aspira of America, an agency promoting Puerto Rican youth, honored don Luis as a man whose life and commitments exemplify the aspirations of Puerto Rico and its people. Mr. Speaker, I know my colleagues will agree that for all of his achievements, don Luis A. Ferré is a marvel and an inspiration for us all.

CONGRESSMAN WELDON SALUTES HARRY JONES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to an outstanding constituent of mine, Mr. Harry Jones, for his selfless acts of service to our Nation. We must never forget the contributions of those who fought for this country nor miss an opportunity to honor brave acts of patriotism.

Like many young men his age, Harry Jones joined the service set to give his all to protect our Nation and its ideals. After 2 years of service, he was challenged to do just that during the Battle of Iwo Jima. After 21 days and nights of continuous battle, he was wounded. He lay helpless for 2 hours in an enemy fire lane as the Japanese fired at his every move.

Many men were wounded as they tried to rescue him, and he was finally dragged to safety by another Philadelphian, Cpl. William P. Ward. In fact, he was the only one in his unit to survive Iwo Jima. Upon rescue, he was given water to revive him. Harry's first response was to apologize for drinking another soldier's water. It is individuals like this, Mr. Speaker, who have made America great and whose acts will live down in history.

Regrettably, Harry was severely wounded in all four limbs and lost his right arm and left leg. He suffered greatly, receiving over 4,000 needles to keep him alive. Harry suffered great physical injury, but it has never touched his spirit, which burns with patriotism and lives on as a shining example of all that is great about America.

TRIBUTE TO MATHURINE LUCY ROWLING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is my pleasure to salute Mrs. Mathurine Lucy Rowling, a native of St. Martin, the West Indies. She was born on September 18, 1914. She came to America in 1952, where she met and married Mr. Langston C. Rowling on November 26, 1960.

After becoming a citizen of the United States, Mathurine dedicated herself to civic service. She has received numerous awards for her leadership activities in the community.

Currently, Mrs. Rowling is involved with the Morris L. Einstein Learning Center, Mutual Housing Association [ACORN], 75th Precinct Council, and the East New York Diagnostic and Treatment Center. Mathurine is also a member of St. Barnabas Episcopal Church, and the Women's Caucus.

Of all her accomplishments, Mathurine is most proud of her two sons, three grandchildren, and one great-grandchild.

A LETTER FROM JONNY DAUTRICH

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. ROHRABACHER. Mr. Speaker, I call to the attention of all my colleagues the following letter I received from one of my 7-year-old constituents who wrote to me of his experience with home schooling. From personal experience he favors this method of education and urges the Congress to oppose the amendment to H.R. 6 that would inhibit parents from home schooling their children.

> Hello, I'm Jonny Dautrich, I'm 7 years old and in 2nd grade and home schooled. I think home schooling is better. One reason is you can help with chores more, and you can get ahead on home schooling if you want a day off, and when you go to real school you can't. So I think you should still allow home schooling.
>
> JONNY DAUTRICH.

TRIBUTE TO MICHAEL HILL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. CALLAHAN. Mr. Speaker, I would like to take this opportunity to rise and recognize an outstanding Alabamian, Mr. Michael L. Hill, who was recently honored nationally by the Carnegie Hero Fund Commission.

On December 22, 1993, in its fifth and final award announcement in 1993, the Carnegie Hero Fund Commission named Mr. Hill as 1 of 21 recipients of the Carnegie Medal for Heroism. The medal is given to civilians who risk their lives for others.

Because of Mr. Hill's heroic efforts, Ms. Glenda A. Brock is alive today. Mr. Hill saved Ms. Brock from drowning in the Gulf of Mexico on July 2, 1992.

Ms. Brock was wading in the gulf when she was pulled away from the shore by a very strong current. She struggled to return to shore but could not make progress against the current. Walking on the beach, Mr. Hill was alerted to her situation. He entered the water and swam several hundred feet to her, grasping Ms. Brock by an arm.

Mr. Hill then swam against the current toward the shore. En route, he became tired and began pushing Ms. Brock in the direction of the shoreline. When they reached a wadable depth, Ms. Brock was aided from the water by a friend. Mr. Hill crawled out of the water and collapsed on the beach. Both he and Ms. Brock were exhausted, and required 2 days to recover fully from the incident. His valor and unselfish regard for human life serve as a standard for us all.

I commend Mr. Hill for his selfless act. All of us in the First Congressional District are proud to claim him as a citizen of south Alabama.

Mr. Speaker, I join Mr. Hill's friends and family in applauding him on this well-deserved recognition. He stands as a paragon of courage. I offer Michael Hill my warmest congratulations and wish him well in all he strives to accomplish.

INTRODUCTION OF THE "PRIVATE PROPERTY OWNERS BILL OF RIGHTS"

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FIELDS of Texas. Mr. Speaker, 200 years ago, the people of this country declared their independence from a government that had forgotten it derived its powers from the consent of the governed. When the tyrant, King George, pushed the people around just a little too much—when he tried to destroy these rights—they rebelled.

They replaced tyranny with a Constitution and a Bill of Rights that guaranteed each and every one of us our basic rights to life, liberty, and property. The protections embodied in these two masterpieces ensure that the Government cannot come in and take our property for public use without just compensation. These protections are supposed to keep the Government from forcing some people to bear public burdens that, in all fairness and justice, should be borne by the public as a whole.

But then came the Clean Water Act and the Endangered Species Act, and just about blasted those protections apart. Of course, constitutional scholars might tell you that is impossible. But, most likely, their property has not been classified as wetlands and the Government has not spotted any spotted owls on their property.

The history of wetlands regulation would be interesting if it were not so tragic. Back in 1972, Congress passed the Clean Water Act. One section, little noted but long remembered, prohibited the discharge of dredged materials into navigable waters without a permit. It was not until 1975 that the Corps of Engineers expanded the definition of navigable waters from waters that could be navigated to include wetlands—land that may only be wet occasionally. Since that time, bureaucrats and lawyers, not Congress have been "writing wetlands law."

Many Americans have become increasingly alarmed about the arbitrary implementation of the Clean Water Act. I, too, am deeply concerned that the wetlands law, which is having such a devastating effect on American landowners, is the result of overly broad judicial and bureaucratic interpretations of the law. Today, landowners are being denied their basic constitutional right to use their land and to be compensated for the loss of that land. Let me share several horror stories about the current enforcement of wetlands regulations.

A Pennsylvania family was prevented from selling their 127 acre ancestral farm, valued at $190,000, after it was labeled a wetland. The Federal Government offered the family no compensation.

A Texas rancher had a man-made earthen stock tank for his cattle. When he moved his headquarters to the other end of the ranch, he dug a new tank, filling in the old one. The U.S. Fish and Wildlife Service cited him for converting a wetland.

A Missouri farmer wanted to repair one of his farm's levees that was built in the 1930's. The land had been farmed for over 100 years. He was told that in order to repair the levee he would have to get a permit from the Corps of Engineers and maintain 25 percent of his property, without compensation, as a permanent wetland.

And, a Minnesota rancher had two one-acre glacial potholes on his farm. To make farming around them easier, he filled one and expanded the other to two acres. The Corps of Engineers objected. The Federal Government fined him $5,000 and made him dig out the original pothole.

There is little doubt that wetlands are an important habitat for many species that need protection. Regrettably, current Federal wetlands laws simply do not work. They neither improve our environment nor do they help our local communities. In short, our wetlands protection system must be improved in a comprehensive manner.

Although the Endangered Species Act has a much more structured past, its impact has not been any the less burdensome and onerous on the private citizen. There is no shortage of stories of property owners being deprived of their constitutional rights to use their property, of landowners being harassed by Government officials, and of landowners being denied the peaceful enjoyment of their property continues to grow each day.

Let me give you a few vivid examples.

In Travis County, TX, property values have dropped $359 million since the Fish and Wildlife Service listed the golden-cheeked warbler and the black-capped vireo as endangered. The State of Texas will lose $2 million in property taxes and the residents of the area are going to find it difficult, if not impossible, to sell their homes. An 80-year-old woman has been told to stop brush clearing her land. The Government has warned her that failure to do so will subject her to fines of up to $50,000 and up to 1 year in prison.

In Maryland, a couple was prohibited from preventing erosion on their property because the Government told them that it might destroy tiger beetles. Meanwhile, a 15-foot section of their property plunged into the bay. Their home is now the endangered species.

In Idaho, the water level of the Granite Dam was decreased by 37 feet to test the physical impact of a plan designed to benefit the endangered sockeye salmon. Besides thousands of other fish stranded and killed, a marina went bankrupt, docks were destroyed, and a half million dollars in damage was done to neighboring Whitman County, WA. Physical damage amounted to almost $2 million and business losses exceeded $3 million.

In Idaho, farmers have coexisted with the microscopic Bruneau Hot Spring snail for generations until the U.S. Fish and Wildlife Service listed the snail as endangered. Now, the Service has told area farmers they can no longer share the water, and rural farming must be shut down so as not to the disturb the snail's habitat. Not only that, but the Service has also prohibited any cattle grazing. An entire valley of people was out of business. Fortunately, a U.S. district judge has declared the Service's designation as arbitrary and capricious and delisted the snail. But this case is the exception, not the rule.

The abuse of private property rights cannot be ignored any longer. But now, we are told that reform of the Endangered Species Act will not occur in this Congress, and while wetlands reform is moving along, that is not enough.

Today, we are taking our first step to taking back our rights—today we are introducing the private property owners bill of rights. This bill reaffirms our basic property rights and returns some balance to our legal system. This bill returns control of property to its owner. It ensures that if there is some public purpose to be served by conserving property and protecting species, the average citizen will not be forced to shoulder the entire burden. It gives the individual the right and means to expeditiously appeal decisions by unelected bureaucrats. And finally, it expeditiously appeal decisions by unelected bureaucrats. And finally, it provides swift and fair compensation to those property owners who happen to own land where the bald eagle likes to nest or the fountain darter likes to swim.

Each day Government regulations trample over private property. The people are angry.

We have new tyrants depriving us of our inalienable rights of life, liberty, and property—King George has been replaced by bureaucrats and kangaroo rats. This bill will take a first step to righting those wrongs.

TRIBUTE TO WILLIAM CARCIERI, JR.

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished individual from Rhode Island who has through his dedication, hard work and professionalism served the people of Rhode Island proudly in his role as an administrator with the State department of transportation.

Upon his graduation from the University of Rhode Island, Bill was employed by the New England Division of the U.S. Army Corps of Engineers, undertaking various construction projects throughout our region. While with the corp, he was also assigned to the design branch, responsible for civil and military projects, and then to the operations division, where he oversaw the maintenance and operations of flood control facilities.

After leaving the corps in 1959, he spent a brief time in California as assistant traffic engineer for the city of Los Angeles and studied advanced traffic engineering at UCLA. Upon Bill's resignation, Rhode Island was fortunate that he returned home to begin what has been a lengthy and distinguished tenure in State service.

Bill has held various positions of responsibility while at the Rhode Island Department of Transportation. He began as resident engineer, and in 1977 was appointed chief design engineer. In 1981, Bill was promoted to chief engineer and during his tenure he oversaw the largest ever increase in both production and Federal funding. It is through his leadership and professionalism that many established policy procedures were enacted to maintain this continued growth of projects and public funding.

Bill is presently a registered professional engineer in the State of Rhode Island, a member of the Rhode Island Society of Professional Engineers and the National Society of Professional Engineers.

Mr. Speaker, transportation efforts in the Northeast corridor of our country have been greatly enhanced by Bill's efforts here in Rhode Island and I would urge my colleagues to join me in saluting this outstanding public servant upon his retirement.

DEMOCRACY AND HUMAN RIGHTS FOR KOSOVO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GILMAN. Mr. Speaker, on February 3 numerous dignitaries from around the world attended the National Prayer Breakfast here in Washington. Among those dignitaries and officials was Dr. Ibrahim Rugova, who represents the predominantly Albanian population of Kosovo, one of the regions lying within the borders of the former Yugoslavia.

In elections held by the Albanian majority, Dr. Rugova was overwhelmingly supported for the Presidency of Kosovo. In that capacity, he delivered a statement here on Capitol Hill to Members and others who share an interest in the events taking place in Kosovo and the rest of the former Yugoslavia.

Mr. Speaker, I would like to insert at this point in the RECORD Dr. Rugova's statement on the situation in Kosovo. I am hopeful that it will assist my colleagues in understanding events in the southern Balkans and the aspirations of the ethnic Albanian residents of Kosovo for democracy and human rights.

STATEMENT BY DR. IBRAHIM RUGOVA, PRESIDENT OF THE REPUBLIC OF KOSOVA

I wish to express my sincere appreciation for the active concern shown by the US Administration in the tragic situation in our Republic. At the same time, we feel constrained to emphasize the following points:

The situation in Kosova is ready to explode. Since the refusal by Belgrade authorities to permit the operation of the CSCE long-term monitoring mission in our territory, repression has increased significantly. Over the past months human rights abuses have grown even worse. There are numerous well-documented instances of arbitrary arrests followed by torture, which have resulted in several deaths in the last five months. The people of Kosova are faced with a campaign of "quiet" ethnic cleansing by the Belgrade regime. Arrests, torture, and intimidation are coupled with a campaign to disenfranchise the Albanian people within their own homeland. The already grave situation is furthermore burdened with a heavy presence of police, military, paramilitary, and various armed gangs from Serbia hovering all over Kosova.

With the expulsion of international monitoring the people of Kosova now feel abandoned by the international community. For them, the only option left seems to be leave their homeland or an urgent need for concrete international support. Unless the international community, guided by US leadership, acts in a decisive manner, instability in Kosova will rapidly transform itself into an open and ever-widening conflict. Such a conflict will lead to massive bloodshed. It will be impossible to control and it may well result in widespread hostilities among states in the region, possibly even involving NATO members. Rather than waiting for such a horrendous outcome, it is essential to act now, while it is still possible to influence events. We believe that the following actions should be taken by the United States government.

The United States should restate its pledge that an armed intervention of the Belgrade government in Kosova would be met with a decisive US military response:

The United States should press for the reestablishment of the CSCE long-term monitoring mission in Kosova;

The United States should press for a United Nations protectorate and for the deployment of a UN preventive force in Kosova, including a human rights component with a mandate to monitor developments, assist in the process of restoring local control over state institutions, and preclude human rights violations;

The United States should press for serious dialogue between the Kosova authorities and the Belgrade government, with a view to achieving a peaceful solution towards the realization of the rights of the people of Kosova. Such dialogue must be supported by more vigorous international involvement;

The United States should seek confirmation in the UN Security Council of the fact that the removal of sanctions against Serbia cannot be contemplated until the situation concerning Kosova has been resolved.

TRIBUTE TO PEARL LUCILLE JONES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am pleased to salute Pearl Jones, a native of Brooklyn, for her extraordinary efforts as an educator in the public school system.

Ms. Jones obtained a bachelor of science degree and masters of science in elementary education at Brooklyn College. She then received a Certificate of Supervision and Administration at Hunter College. Subsequently she studied at Sophia University in Japan and the University of Legon in Ghana. After spending several years studying, Pearl became a teacher and childhood coordinator at P.S. 304. She was then appointed to the position of assistant principal twice, serving at P.S. 262 and P.S. 243. Ms. Jones later became the principal of P.S. 185 in 1979 where she is currently serving.

Pearl dedicates a great deal of her time to organizations that provide students with college scholarships. She presently serves on the board of the Association of Black Educators and the Girls' High Alumnae Association. Pearl is also a member of the Women's Caucus for Congressman EDOLPHUS "ED" TOWNS, the New York Urban League, and Bethany Baptist Church.

Ms. Jones has spent over 30 years proving her philosophy that "all children can learn." It is my pleasure to salute Ms. Jones on her successful efforts as an educator.

TRIBUTE TO HAROLD E. DOLEY, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Mr. Harold E. Doley, Jr. Mr. Doley, chairman of Doley Securities, Inc., is the first—and at present, only, African-American to hold a seat on the New York Stock Exchange.

A native of Louisiana, Mr. Doley began his career in the property business around 1968 and from there, moved on to become an account executive for Bache and Company. In 1972, he was selected by Shareholders Management Company as Outstanding Stockbroker of the Year.

Mr. Doley's widely acknowledged expertise about the stock exchange was gained the practical way—as a floor broker. As assistant vice president with the firm of Howard, Weil, Labouisse, Friedrichs, Inc., he handled the accounts of banks, insurance companies, and universities with portfolios totaling over $500 million. During the same period, he served as an instructor at Southern University in New Orleans.

In 1973, using his life's savings, Mr. Doley became the first African-American to own a seat on the New York Stock Exchange. Three years later, in 1976, he founded Doley Securities, Inc., a firm which offers an array of brokerage, trading, financial advisory, and investment banking services to institutions, government organization, and selected individuals. Doley Securities is a member of the Municipal Securities Rulemaking board and the Securities Investor Protection Corporation.

From 1980 to 1981, Mr. Doley served as a board member of the Louisiana State Mineral Board. As chairman of the Royalty Accounting Committee, he supervised and advised the staff to ensure that established guidelines and procedures for payment of royalties were complied with.

Mr. Doley also served as director of the United States Department of Interior's Minerals Management Service [MMS]. During his term of office, he presided over the development and implementation of initiatives to improve the overall fiscal accountability of MMS. In addition, he directed implementation of the largest nondefense computer installation in the U.S. Government.

In 1983, then-President Ronald Reagan appointed Mr. Doley to serve as U.S. Executive Director of the African Development Bank and the African Development Fund [AFDB/AFDF]. As the U.S. representative, Mr. Doley was responsible for Federal Government policy on major issues and supervised the preparation of reports, analysis, and legal documents required to implement a range of sophisticated and complex economic, monetary, and financial operations. In addition, he was designated to represent the United States at international conferences related to the AFDB/ADF.

Mr. Doley is a frequent quest lecturer on fiscal management and investment banking to trade and professional organizations and at many institutions of higher learning. He is a graduate of Xavier University in New Orleans, the Harvard Business School, and holds honorary degrees from Clark Atlanta University and Shaw University. In addition, he is a member of the board of trustees of Shaw University.

Mr. Doley's other affiliations include the African-American Institute, Population Resource Center, and the United States-African Chamber of Commerce.

In 1989, 1990, and 1992 he was selected by the Wall Street Journal, along with three other of the Nation's top money management experts, as a participant in the Stock Pickers' Choices contest; participants were to make projections on the best stock picks for each respective year. Mr. Doley was the overwhelming winner in 1989.

Mr. Doley, who continues to serve as Chairman of Doley Securities, Inc., has appeared as a guest on CNBC, CNN, FNN, the Today Show, Nightly Business Report, Wall Street Week, and has been featured in the New York Times Sunday financial section and in U.S. News and World Report.

Mr. Doley is married and the father of two children. His son, Harold, III, serves as the president of Doley Securities, Inc.

Mr. Speaker, I am pleased to join with Mr. Doley's family and colleagues in the business and financial community in saluting him on his two decades of outstanding achievements as a member of the New York Stock Exchange. I join with them in wishing him continued success.

INTRODUCTION OF LEGISLATION TO RESTORE STATES RIGHTS TO MEDICAID ABORTION FUNDING

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. DICKEY. Mr. Speaker, today I am introducing legislation to reverse recently enunciated policy of the Department of Health and Human Services [HHS] to require States to use Medicaid funds for abortions in cases of rape or incest, even in States whose constitutions or laws forbid abortion funding for those purposes. Arkansas is one of those State.

I agree with and voted for the modified Hyde amendment last year in the Department of Health and Human Services appropriations bill, to allow taxpayer funding of abortions for poor women in cases of rape and incest. However, that amendment contained no language to require States to fund such abortions if it is contrary to State law. Nor did the modified Hyde amendment provide the States with additional Federal funding for those purposes.

Nonetheless, last December, the Clinton administration issued an interpretation of the modified Hyde amendment to require, rather than allow, States to use public funds to pay for abortions in cases of rape, incest, or danger to the mother's life. This low-key policy change, retroactive to October 1, 1993, appeared first in newspapers. This is where many of the State Medicaid Directors learned of the change. Ray Hanley, the Arkansas State Medicaid Director, first learned of the change after reading about it in the newspaper. Subsequently, the new guidelines were quietly faxed to each State Medicaid director.

The letter, dated December 28, 1993—Congress was out of session, the President was on vacation—was signed by Sally K. Richardson, the Director of the Medicaid Bureau, Health Care Financing Administration. The letter directed States to pay for abortions for low-income women in cases of rape or incest.

Ms. Richrdson's order also contained a quirky little provision that interpreted the Hyde amendment to allow an abortion provider to suspend any State requirement that the rape or incest be reported to law enforcement officers. At least five States have such reporting requirements. The Hyde amendment includes no mention of reporting requirements.

This HHS policy change is in conflict with the laws and constitutions of at least 36 States. Arkansas is one State that specifically prohibits State public financed abortions in cases of rape or incest, amendment 66 to the Arkansas Constitution.

In a letter dated December 30, 1993, the State Medicaid Directors' Association, chaired by Ray Hanley of Arkansas, expressed its strong objection to HHS's new interpretation of the law. The letter characterized the interpretation as an unfunded mandate in clear violation of President Clinton's pledge to reduce unfunded mandates. Several State Medicaid Directors, including those from Arkansas, Utah, Pennsylvania, Colorado, and South Dakota, have also written in protest. State refusal to obey the administration's edict threatens future Federal matching funds.

On January 19, 1994, Representative HENRY HYDE issued a news release stating that "there is no basis in the 'Hyde amendment' for the recent Clinton administration decree that 37 States must rewrite their laws limiting State-funded abortions." Other Congressional leaders, such as Senate Minority Leader BOB DOLE, on January 7, 1994, have said that Congress should look into the question of whether the congressional intent of the Hyde amendment was to require all States to pay for Medicaid abortions for low-income women in cases of rape or incest.

My legislation provides that opportunity. My legislation reverses the HHS interpretation of the modified Hyde amendment by allowing, not requiring, States to use Medicaid funds to pay for abortions for poor women in cases of rape and incest, as well as to protect the life of the mother.

I hope my colleagues, especially those from the States that prohibit such funding or have reporting requirements, will join me in this effort to reverse this unfortunate HHS interpretation of the modified Hyde amendment. Your support will support States rights; support funding of Federal mandates on the States; and support proper administrative procedures in changing public policy.

AMERICAN HEART MONTH

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SYNAR. Mr. Speaker, I am enclosing the proclamation signed by President William J. Clinton on February 3, 1994, which designates February as American Heart Month.

A PROCLAMATION

The heart is one of nature's most efficient and durable machines. During an average lifetime, the heart contracts an amazing 2.5 billion times. Although we now realize that it functions as a life-giving pump, the human heart was thought of by ancient man as the very soul of one's being. Certain words, such as "courage" and "cordial," are derived from the Latin word for heart, symbolizing prominence and significance.

Heart disease was not recognized until about 1500 A.D., for the heart was considered so delicate and sensitive that death was believed to be inevitable if the heart were injured in any way. Although most causes of heart disease observed early in the 20th century are still present today, the treatment and cures of the diseases are now dramatically altered.

Today, heart disease is one health threat that Americans can conquer. Extraordinary scientific advances, together with increased public awareness, have forged one of this century's greatest medical achievements, saving untold lives through improved prevention and treatment. However, as long as cardiovascular diseases and stroke threaten the lives of Americans, we must continue in our diligent efforts to fight these diseases.

Today, many Americans are joining in this fight by taking steps to reduce their changes of developing a cardiovascular disease. They have learned to avoid the major risk factors by controlling blood pressure and blood cholesterol, by avoiding tobacco products, and by becoming more physically active.

At the same time, scientists are developing better ways to detect and treat cardiovascular diseases and stroke. Revolutionary advances are reducing the physical suffering exacted by heart disease and are making diagnosis and treatment more successful.

The Federal Government has contributed to these achievements by supporting research and public education through its National Heart, Lung, and Blood Institute. The American Heart Association, through its research and education programs and its vital network of dedicated volunteers, has played a crucial role in bringing about these remarkable accomplishments.

The results of the many scientific and public education achievements are dramatic. From 1972 through 1990, the death rate from heart disease dropped 39 percent and the death rate from strokes fell 57.4 percent.

However, these advances have not yet eradicated the devastating consequences of heart disease, which remains the leading cause of death in the United States today. American men and women still suffer about 1.25 million heart attacks each year. About 50 million Americans still have high blood pressure—and uncontrolled high blood pressure is a major cause of stroke. Virtually every American has grieved for a relative or friend debilitated or killed by a cardiovascular disease or stroke.

In recognition of the need for all of us to become involved in the ongoing fight against cardiovascular diseases, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 38 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

Now, therefore, I, William J. Clinton, President of the United States of America, do hereby proclaim the month of February 1994 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

In witness whereof, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON.

TRIBUTE TO BERNICE SHOFFNER WILEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to recognize the numerous achievements of Mrs. Bernice Shoffner Wiley. Bernice is a distinguished graduate of North Carolina A&T State University. She received her master's in nutrition from NYU.

Bernice is a former principal for a junior high school in Brooklyn. As the director for Reimburseable Programs in District 17, she was responsible for administering a budget in excess of $7 million for educationally disadvantaged students.

For the past 9 years, she has served as the principal of P.S. 289. Under her leadership, the academic performance of schools within the district have dramatically improved. She and her staff have been recognized by city officials and the Federal Government for excellence in education. In 1993, Bernice was designated as the superintendent for District 17.

Bernice and her husband Albert have two children, a son, Albert Jr., and a daughter, Courtney. Bernice is a member of the Deaconess Board of the Concord Baptist Church of Christ. I am honored and pleased to recognize Bernice Shoffner Wiley.

NATIONAL WILD BIRD FEEDING MONTH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. PORTER. Mr. Speaker, I would like to recognize February, one of the most difficult months in the United States for wild birds, as National Wild Bird Feeding Month. During this month, individuals are encouraged to provide food, water, and shelter to help wild birds survive. This assistance benefits the environment by supplementing wild bird's natural diet of weed seeds and insects. Currently, one-third of the U.S. adult population feeds wild birds in their backyards.

In addition, Mr. Speaker, backyard bird feeding is an entertaining, educational, and inexpensive pastime enjoyed by children and adults. Bird feeding provides a needed break from today's frantic lifestyles. Adults enjoy the relaxation and peacefulness afforded by watching birds—nature serves to relieve the stress and can get one's day going on a tranquil note.

Young children are naturally drawn to the activities involved in feeding wild birds, which can serve as excellent educational tools. Children can identify different species of birds with a field guide and can learn about the birds' feeding and living habits. These observations can then provide excellent research opportunities for school projects and reports.

Feeding wild birds in the backyard is an easy hobby to start and need not overtax the family budget. It can be as simple as mounting a single feeder outside a window and filling it with bird seed mix. For many people, the hobby progresses from there. They discover the relationship between the type and location of feeders, and the seeds offered in them, and the number and varieties of birds attracted. Parents can challenge an inquisitive child's mind as they explore together these factors in trying to encourage visits by their favorite birds.

DEMOGRAPHY AND TECHNOLOGY TIME BOMB

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BAKER of California. Mr. Speaker, I rise today to share with my colleagues a poignant article by Mr. Thomas Loarie, from my hometown of Danville, CA. Mr. Loarie's article, entitled "Demography and Technology Time Bomb," appeared in the Wall Street Journal of February 16, 1994.

In the article, Mr. Loarie warns against just one of the dangers of President Clinton's health care plan—that of the stifling of new medical technologies. Instead of causing health care costs to rise, medical research and development will actually bring costs down. More efficient and less intrusive surgical techniques will reduce the length of a hospital stay in some instances.

We have the best health care system in the world. We must not prevent the crucial research and development that will allow it to continue to improve.

[From the Wall Street Journal, Feb. 16, 1994]

DEMOGRAPHY AND TECHNOLOGY TIME BOMB

(By Thomas M. Loarie)

In its quest to squeeze savings from the health care system, the Clinton health care plan threatens to put a chokehold on the single greatest source of efficiency and productivity: medical technology.

This is shortsighted because in less than a decade, the baby-boom generation will begin entering the peak years of health care consumption. The need for efficient, labor-saving, resource-stretching tools to handle the boomers' health care needs will be greater than ever.

But perhaps the administration already knows this and chooses to ignore it. As a developer of medical technology, I know that the Clinton plan's impact on technology innovation will not be widely felt for about 10 years. This is roughly the time-line for a new medical device to go through development, testing and evaluation by the Food and Drug Administration.

Health care is the one industry where, erroneously, technological advances tend to be viewed as burdens, not solutions. But medical technology prices increased at an average annual rate of 2.9% between 1985 and 1992, vs. the 3.1% rate in the primary index of producer prices throughout the U.S. economy, according to the Health Care Technology Institute in Alexandria, Va. This is despite the rapid rate of medical technology innovation during that period, a period that saw seismic changes in the way health care is delivered.

Development of less invasive surgical technologies, for instance, helped drive the trend toward outpatient surgery, which now constitutes nearly 60% of all hospital-based procedures. One of the most important of these technologies, laparoscopy, was considered an exotic idea when introduced in the late 1970s for a small population of infertile couples desiring pregnancy. Since then, spinoff technologies have made its applications widespread.

The savings that come from such innovation are often ignored. Prior to 1989, for example, it cost about $21,000 plus six days in a hospital to have a gall bladder removed by conventional surgery. Today, a laparoscopic procedure performed in an ambulatory surgery center can accomplish the same thing for about $6,400.

Labor costs, which account for 80% of health care spending, are the true wild card, yet they are not addressed in the reform plan. Another wild card is over-utilization of technology that occurs at the direction of physicians, hospitals and consumers themselves. Here the Clinton plan proposes to attack the problem by ensnaring medical technology makers in the same bureaucratic net as technology users. This is like cooling down the pace of telecommunications innovation as a national strategy for dealing with teenagers' overuse of their parents' telephones.

If the health care system fails to fully exploit technology's leveraging capacity, the needs and demands of an aging population will either bust the nation's treasury or require unnecessary, if not politically unacceptable, rationing.

Since coming under the regulatory purview of the FDA in 1976, our industry has undergone a series of ever-tightening R&D controls and product requirements. A three- to five-year FDA review process that was in force when my company started in 1986 is now a five- to seven-year process, which extends the full R&D cycle for many companies to 10 years or more. As a result, costs associated with surviving the FDA new product gauntlet have grown substantially higher, while potential returns have been further deferred.

The chilling effect of the administration's plans for health care spending caps can be seen by almost every leading health care analyst on Wall Street. Their nearly unanimous evaluation is that medical technology companies are among the "big losers" in the Clinton plan. Uncertainties over how new technologies will be assessed, how prices will be set, and how global budgets will affect new technologies over the long term have added measurably to the risk of investment.

It is fantasy for Washington to think medical technology investors have unlimited reserves of courage and patience. A bureaucratic scheme that makes irrelevant such foundational concepts as market research, pricing strategies and product-development timelines may be just the thing to steer investors into less precarious pursuits, along such lines as oil drilling or perhaps gold prospecting.

The president's plan puts the brakes on new advances that might otherwise be there to serve aging boomers like the Clintons, at a moment when the health care system will be put to its strongest test yet.

HEALTH CARE REFORM JOB PRESERVATION ACT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GALLO. Mr. Speaker, I rise today to ask my colleagues to support a bill that I am introducing jointly with our distinguished colleague, Representative JAN MEYERS from Kansas—the Health Care Reform Jobs Preservation Act.

Too frequently, Members of Congress pass legislation without knowing what impact these changes will have on U.S. jobs. As Congress begins reforming our health care system, it is imperative that Members of Congress and the President be fully informed of the impact any health care reform measure will have on U.S. jobs.

That is why I am introducing this legislation—to provide Members of Congress and the President with information at least as important as whether a payroll tax should be on or off budget, and that is "how will reforming the health care system impact American workers."

The bill states that before any comprehensive health care reform takes effect a job impact study will be done by CBO and OMB determining the effect of health care reform on job loss or gain, impact on jobs requiring lesser levels of education or skill, shifts from full-time to part-time employment, and a decrease in wages or salaries.

I plan to offer this bill as an amendment to any health care reform plan considered in the House this session, because without a stable job base health care reform will fail.

In 1991, Congress passed legislation to raise the luxury tax on boats without information on how the increase would impact boating industry jobs. Not until virtually killing this industry did Congress, 18 months after it was enacted, repeal the luxury tax. In that short time, thousands of skilled American jobs were lost to other countries, and the tax even failed to raise anywhere near the revenue that was promised by supporters.

I fear a repeat of the luxury tax nightmare, but this time, in an area of our economy as large as health care, it would be even more disastrous.

I am asking this critical question because we cannot act in good conscience on reform without an answer to what will happen to American workers—and they deserve to know the truth. We know, for instance, that when you overtax small businesses, investment capital to these important job-generating companies dries up, leaving no alternative but to lay people off.

The Congressional Budget Office routinely assesses the impact of new laws on revenues, but the same importance is not afforded to jobs impact. As we learned with the boat tax, no revenue estimate is complete without the knowledge of who will lose their jobs if Congress makes the wrong decision.

Mr. Speaker, health care reform will affect every American in one way or another and Americans deserve to know the truth. Unless we pass my legislation, we risk blindly moving forward with legislation that could put hundreds of thousands of Americans out of work.

I urge my colleagues to cosponsor the Health Care Reform Preservation Act so that Congress and the President will be fully aware of possible job loss and shifts in reforming the health care system.

TRIBUTE TO RUTH A. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I would like to familiarize my colleagues with Ms. Ruth A. Williams, a dedicated community service worker.

Ms. Williams has been actively involved in her community for a number of years. She has devoted a great deal of time to the New York Lioness Club. As a Lioness, Williams has held positions as chapter president, director, and membership chairperson of the East New York Lioness Club. She organized and founded 14 Lioness Clubs, and is responsible for establishing the first Lioness District, and District Convention in the State of New York.

As a Lioness, Ruth has held the position of zone chairman for two consecutive years. She is also a former regional chairperson, lieutenant governor, and cabinet secretary-treasurer in her district. Ms. Williams has been commended on her endeavors. She has received a number of awards including, Lions International Extension Award, Lioness of the Year Award, International President Banker, Certificate of Appreciation, and 100 Percent Attendance Award.

Ruth is also an active member in other community organizations. She is presently a member of the Laurencian Guild of St. Lawrence Parish, and a troop leader for the Girl Scouts.

I salute Ruth Williams for her fine accomplishments as a community activist and a member of the Lioness Clubs.

ESTABLISHING OFFICES OF WOMEN'S HEALTH WITHIN THE PUBLIC HEALTH SERVICE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. SNOWE. Mr. Speaker, today I introduce the Women's Health Offices Act, a bill which I previously introduced, as part of the Women's Health Equity Act. Just as there was a need for the statutory creation of an Office of Women's Health Research at the National Institutes of Health, I believe that there is a need for additional women's health offices. This bill would establish women's health offices within the Public Health Service and at the Food and Drug Administration, the Agency for Health Care Policy and Research, the Health Resources and Services Administration, and Centers for Disease Control.

Women's health concerns need to be addressed nationally at the highest levels of government. A recent, as yet, unpublished survey concluded that physicians are more than twice as likely to perceive that the same disease affects men more seriously than women. A study by the Commonwealth Fund found that more women than men failed to receive the care they need and that in the past year, about one-third of the women surveyed did not have any basic preventive services: a Pap smear, a clinical breast exam, a pelvic exam, or a complete physical exam. Women also reported greater communications problems with their physicians. The survey found that women lack the information they need, and they are not getting it from their doctors. They are not linking at-risk behavior and disease. Another recent study conducted by the Centers for Disease Control concluded that about 84 percent of American women think that they will not contract sexually transmitted diseases, although 13 million cases are contracted annually in this country. As with other diseases, women often are undiagnosed for a long period of time. This not only complicates treatment and recovery, but often proves fatal.

For the diseases that are not preventable, early discovery greatly increases a woman's chance of survival. It improves the quality of her life and that of her family. For the diseases that are preventable, communication programs and education leading to prevention is vital. Short of eradication, early diagnosis and treatment are the keys to survival.

Women have been shortchanged. There are no textbook descriptions of the disease that is their number one killer—heart disease, and they are more than twice as likely as men to die after a heart attack. There is no known cause for breast cancer, the second leading cause of cancer deaths among women. Until recently, there was no mandate that they be included in clinical trials despite the fact that their physiology is distinct from men and they react to drugs differently. There is a desperate need to address these discrepancies in women's health.

This legislation would provide for short and long-range goals and coordination of all activities that relate to disease prevention, health promotion, delivery of health services, and scientific research concerning women. By statutorily creating offices of women's health, the new Deputy Assistant Secretary for Women's Health would be able to better monitor various Public Health Service agencies and advise on scientific, legal, ethical, and policy issues. Agencies would establish a coordinating committee on women's health with the director of each office as chair and identify and prioritize which women's health projects should be conducted. This would provide a mechanism for coordination, with each agency, among agencies and with the voluntary and corporate sector. This bill would require reports to the main women's health office culminating in a report by the Secretary to appropriate committees of Congress describing the actions taken during the preceding years and would appropriate such sums as necessary for fiscal years 1994 through 1996.

I urge my colleagues to support the Women's Health Offices Act. We all know there are deficiencies in communication, education, research, and services relating to women's health. Now is the time to prescribe a remedy and act. By providing offices of women's health in the Public Health Service, you would be ensuring that the health concerns of a majority of your constituents are being addressed.

NEW HOPE CANCER FOUNDATION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. SUNDQUIST. Mr. Speaker, I rise to share with my colleagues the ambitious and noble efforts of the New Hope Cancer Foundation of Memphis, TN, which is working to build bridges between the American medical community and those of the New Independent States of the former Soviet Union.

The New Hope Cancer Foundation, in conjunction with the Oblast of Pskov, Russia, is working to design and develop a model cancer treatment complex there. Funded through private donations and government grants in aid, the center will serve patients in a 200-kilometer area. Ultimately, it will be a 200-bed hospital and outpatient treatment center serving children and adults, and patterned after successful centers such as the St. Jude's Research Center in Memphis.

The New Hope Cancer Center will be a model for others in the New Independent States. I salute the initiative of those working to make this center a reality, and I share with them a belief in its promise and potential.

STATEMENT ON POLICY TOWARD NEW ZEALAND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. HAMILTON. Mr. Speaker, I welcome the administration's decision last Friday, February 18, to restore senior-level contacts between United States officials and their New Zealand counterparts for discussion on political, strategic and broad security issues.

Restrictions on New Zealand officials' access to the executive branch date back to 1987, when New Zealand adopted antinuclear legislation preventing U.S. Navy vessels and military aircraft from visiting New Zealand. The policy of keeping senior New Zealand officials at arms length since that time has had no impact of New Zealand's antinuclear stance. Nor has it served any other identifiable U.S. interest.

Despite its continuing differences with the United States on nuclear issues, New Zealand is a friendly country that shares United States values and has similar approaches to the United States on many issues. In recent years New Zealand has played an active and positive role on international issues of importance to the United States. Cases in point are its current participation in the Security Council, its contribution to U.N. peacekeeping operations and its strong support for the Asia Pacific Economic Cooperation forum.

In this post cold war period, when multilateral effort and burden-sharing are so important, maintaining restrictions on New Zealand's access to United States officials was no longer appropriate.

The increased contact with New Zealand that will now occur will help ensure that the United States continues to have New Zealand's support on important issues. By encouraging greater bilateral dialog, it could also contribute to an eventual resolution of the differences between us in the defense and security area.

TRIBUTE TO BISHOP GORMAN HIGH SCHOOL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BILBRAY. Mr. Speaker, today I rise to honor 40 years of educational excellence in southern Nevada. Bishop Gorman High School, the only Catholic high school in southern Nevada, will celebrate the beginning of their 40th anniversary year at the 12th annual Knight of the Gael on March 16, 1994.

Gorman High is an institution in southern Nevada. Over 6,350 students have graduated from Gorman since 1957. This accredited school offers students of all racial, national, and ethnic background strong academic curriculum and college preparatory programs. In addition, the spirit of community and friendship instilled at Gorman has made it extraordinary since doors were opened September 7, 1954.

Students and faculty are important parts of Bishop Gorman High. Graduates have gone on to serve with distinction in most every discipline. Members of Gorman's faculty have been recognized for excellence on many occasions. In fact, 73 percent of the current faculty have at least a master's degree. To be sure, the students and teachers through the years at Bishop Gorman High have formed a bond that benefits each other as well as the community.

Students and teachers, however, only make up part of the educational team at Gorman. The clerics of St. Viator—an order of priests headquartered in the great State of Illinois—have administered Bishop Gorman High School from the beginning. The late Fr. Francis Williams, the late Fr. Harold Devereaux, Fr. Phillip Clifford, the late Fr. William Anson, the late Fr. John Shiels, Fr. Edward Anderson, Fr. Lawrence White, Fr. George Harris, Fr. Charles Bolser, and Fr. Richard Rinn have all brought inspirational leadership to Gorman High School. These former principals deserve recognition and a hearty Thank You.

I ask my colleagues to join me in recognizing the contribution of these gentleman in making Bishop Gorman High School an outstanding institution and wishing the Bishop Gorman community a happy and fruitful 40th anniversary year!

TUSKEGEE AIRMEN HONORED

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize the Tuskegee Airmen, on the occasion of their 50th anniversary.

Due to the rigid pattern of racial segregation that prevailed in the United States during World War II, 966 black military aviators were trained at an isolated training complex near the town of Tuskegee, AL. Four hundred and fifty black fighter pilots under the command of Col. Benjamin O. Davis, Jr., fought in the aerial war over North Africa, Sicily, and Europe. These gallant men flew 15,553 sorties and completed 1,578 missions with the 12th Tactical U.S. Army Air Force and the 15th Strategic U.S. Army Air Force. Colonel Davis later became the U.S. Air Force's first black general and later rose to the rank of lieutenant.

These airmen were called the Schwartze Vogelmenschen—Black Birdmen—by the Germans, who both feared and respected them. White American bomber crews reverently referred to them as "The Black Redtail Angels" because of the identifying red paint on their tail assemblies and because of their reputation for not losing bombers to enemy fighters.

The 99th Fighter Squadron, which had already distinguished itself over North Africa, Sicily, and Anzio, joined three other black squadrons: the 100th, the 301st, and the 302d. These four squadrons, designated as the 332d Fighter Group, comprised the largest fighter unit in the 15th Air Force. Sixty-six of these pilots were killed in aerial combat while another 32 were either forced down or shot down and captured to become prisoners of war. These black airmen came home with 150 Distinguished Flying Crosses, Legions of Merit, and the Red Star of Yugoslavia.

Other black pilots, navigators, bombardiers, and crewmen who were trained for medium bombardment duty were joined by 332d combat returnees and formed into the 477th composite Fighter-Bomber Group (B–52's and P–47's). This group never entered combat because of the surrender of Germany and Japan in 1945. Significantly, the 477th's demands for parity and recognition as competent military professionals combined with the magnificent wartime record of the 99th and the 332d led to a review of the U.S. War Department's racial policies.

For every black pilot there were 10 other civilian or military black men and women on ground support duty. Many of these men and women remained in the military service during the post-World War II era and spearheaded the integration of the armed forces of the United States with their integration into the U.S. Air Force in 1949.

Nearly 30 years of anonymity were ended in 1972 with the founding of Tuskegee Airmen, Inc., at Detroit, MI. Organized as a nonmilitary and nonprofit entity, Tuskegee Airmen, Inc., exists primarily to motivate and inspire young Americans to become participants in our Nation's society and its democratic process. In addition TAI's National Scholarship Fund awards scholarship grants across the Nation to young men and women who wish to pursue careers in aviation or aerospace industry.

With a growing number of chapters located in major cities throughout the United States, Europe, and in Japan, the membership of Tuskegee Airmen, Inc., is made up, principally, of veterans of the armed forces and active duty personnel representing all the branches of the military. It also includes a growing number of civilians who demonstrate sincere interest in helping the organization achieve its goals and objectives. All officers and directors of the organization serve without salary or fee.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in recognizing the Tuskegee Airmen. As they celebrate their 50-year anniversary, let us remember the important contributions these individuals have made to the history of our country.

TRIBUTE TO HELEN L. WELLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, it is gratifying to introduce my colleagues to Helen L. Wells. Helen Wells is a native of Clayton, LA. She obtained her bachelor of arts degree from Long Island University. She subsequently acquired a master's of arts and a law degree from the State University of New York at Buffalo.

During the 1960's, Helen played an active role in the Civil Rights Movement in Natchez, MS. After receiving her law degree, she served as a community legal service community volunteer for the National Association for the Advancement of Colored People [NAACP]. As a volunteer, Ms. Wells offered free legal advice to members of the Concord Baptist Church, as well as members of the Rosetta Gaston Democratic Club.

Helen also should be recognized for her active participation with the Concord Baptist Church, the Association Board of Regents at Long Island College Hospital, the Kings County Bar Association, the New York State Bar Association, and the New York State Association of Criminal Defense Lawyers. She has also held the positions of administrative law judge for the Department of Social Service for the State of New York, and the Environmental Control Board of the city of New York.

Since 1982, Helen Wells has practiced law at her Brooklyn office where she handles cases in Federal, State, and city court.

IN HONOR OF DAVID R. YOUNG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to David R. Young of Sonoma, CA.

I offer great thanks and heartfelt appreciation for Mr. Young's contribution to educating the children of Marin and Sonoma Counties about HIV, the virus that leads to AIDS.

Living with the HIV and knowing only too well how the disease was robbing him of his days, David, with the full support of his life partner, Douglas Pinter, nevertheless sacrificed many of those precious remaining days to helping our children avoid becoming infected with HIV.

While we may never know exactly how many children's lives David has saved, we know it is many, and even if he saved only one, we will be eternally grateful for his gift to our community. It is more precious than gold.

Thank you, David. Godspeed and comfort in the days to come.

INTRODUCTION OF THE FEDERAL RESEARCH INFORMED CONSENT ACT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. COOPER. Mr. Speaker, when the Secretary of Energy, Hazel O'Leary, announced the Department's openness initiatives in December, few of us imagined exactly what the declassification of documents would reveal. How could we possibly imagine that the Department of Energy would find that the Federal Government sponsored radiation experiments on American citizens during the cold war—that Americans have been used as guinea pigs without their consent?

It shocked me. It shocked my colleagues. It shocked many of my constituents in the State of Tennessee, where many of the radiation experiments were conducted. We were all alarmed at the thought that American citizens were exposed to radiation without their consent, and that some may have suffered serious health problems as a result.

Since Secretary O'Leary's announcement, I have received calls and letters from across Tennessee. People are panicked—afraid that they or members of their family may have been used as subjects in the cold war radiation experiments. These people have asked that I assure them of two things: first, that the Federal Government will provide full information to unwitting participants in the past experiments; and second, that American citizens will not be used as guinea pigs again.

The Secretary of Energy has testified to several congressional committees that the Clinton administration is determined to disclose all records relating to the experiments in question. I intend to hold the administration to that promise. The Secretary also committed to a review of current experimentation involving human exposure to radiation. I applaud that effort as well. There has been no attempt, however, to ensure that the Federal Government may never use its citizens as unknowing subjects again.

In seeking to provide that assurance to the people I met in Tennessee, I tried to find a Federal statute that prohibited the use of humans as subjects in experiments without their informed consent. I was surprised to find that none exists—there are regulations, but they leave a great deal of discretion in the hands of Federal agency heads.

The regulations have done a good job of protecting human subjects in the last decade. The United States is among the world leaders in the regulation of human experimentation. The chance that Americans could be subjected to radiation experiments without their knowledge today is small. When we are dealing with the health and welfare of American citizens, however, small is not small enough. I think that we should go that extra mile to protect people—a statutory ban on the use of humans in federally sponsored experiments without their consent would provide that extra protection.

Mr. Speaker, today I am introducing the Federal Research Informed Consent Act. This legislation establishes a statutory requirement of informed consent in Federal research using human subjects. It centralizes authority over such experiments at the Department of Health and Human Services, and requires the Secretary of that Department to notify the Congress of any exemptions made. In short, it creates an oversight mechanism that will protect the American public.

I hope that never again are American citizens violated by their own Government. I think that this legislation will ensure that. We can never project into the future, however. That is why I have included a provision in this bill to provide legal remedy for individuals whose right to informed consent is violated. Americans have confidence in their Government, and most assume that their Government will not subject them to harm. If the Government abuses that relationship, citizens are entitled to recover.

Mr. Speaker, I introduce the Federal Research Informed Consent Act today to provide American citizens with renewed confidence in the relationship they have with their Government. The experiments revealed by the Department of Energy have troubled us all. We must ensure that such a terrible chapter in our Nation's history cannot be repeated. I encourage my colleagues to give serious consideration to this legislation, and hope that they will offer their support.

RACISM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. CARDIN. Mr. Speaker, again I must rise to speak out against racism. Last Wednesday night, February 16, 1994, members of the Hagerstown Moose Lodge overwhelmingly, by a 52–19 vote, rejected a black man's application for membership.

Moose International has close to 2 million members. The Hagerstown Moose Lodge has about 8,000 members, making it the largest Moose Lodge in the world.

This Hagerstown lodge vote indicates that hatred and bigotry are still prevalent in our communities and in our country. Discrimination by private clubs on the basis of race, religion, or gender should be denounced by all people. The public should not sit idle and accept such racist actions.

We must all continue to condemn such racism. Prejudicial actions, just like hate speech, cannot be tolerated in our society.

A SALUTE TO FATHER SVETOZAR KRALJEVIC, O.F.M.

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. KING. Mr. Speaker, I rise today to submit for the RECORD, a salute to Father Svetozar Kraljevic, O.F.M., prepared by Ted Conlin of St. Brigid's Parish of Westbury, NY.

Father Kraljevic, a Roman Catholic priest of the Franciscan Order, and native of Bosnia and Herzegovina, has done much to help alleviate the suffering of the people of that tragically, war-torn region.

Mr. Conlin movingly tells Father Kraljevic's story of compassion and courage. Having traveled to Bosnia and Herzegovina last year, I understand the suffering that Father Kraljevic has seen.

Last spring, I took part in a week-long mission to the Balkans with my fellow members of the Balkan Crisis Task Force. Our itinerary included stops in Croatia, Bosnia and Herzegovina, Kosova, and the former Yugoslav Republic of Macedonia. Our delegation met with government officials, toured refugee camps and hospitals and received detailed briefings on the military situation in the Balkans.

At a meeting with Serbian Government officials, I personally confronted Serbian Vice President Zoran Arndjelovic on his Government's complicity in atrocities against Bosnian Moslem civilians. These crimes against humanity are the result of the heinous policy of ethnic cleansing, the genocidal program driving the creation of a greater Serbia.

I have long been in support of decisive action to halt the march of Serbian aggression, stop the genocide, and give the oppressed the means of defending themselves. This is the only way to stop the slaughter. Above all, those guilty of war crimes must be brought to justice and made to pay for their crimes against humanity.

Unfortunately, the killing and suffering continues in the former Yugoslavia. The following account of Father Svetozar Kraljevic's pastoral and relief activities in Bosnia is truly inspiring. His efforts to ease the pain and suffering of all those touched by the war are worthy of our gratitude and admiration. Someday I hope to visit with Father Kraljevic in an independent Bosnia, free from the shadow of war and oppression.

Father Svetozar Kraljevic's story follows:

A doctor tells of an operation which, as a young student, he observed in a London hospital. "It was the first time that this particular brain operation had been carried out in this country. It was performed by one of our leading surgeons upon a young man of great promise for whom, after an accident, there seemed to be no other remedy. It was an operation of the greatest delicacy, in which a small error would have had fatal consequences. In the outcome, the operation was a triumph. But it involved seven hours of intense and uninterrupted concentration on the part of the surgeon. When it was over, a nurse had to take him by the hand, and lead him from the operating theater like a blind man or a little child." This, one might say, is what limitless self-giving is like. It is what people and peoples, individuals and humanity, neighborhoods and nations, must emulate and demonstrate, if today's world is to overcome its chaos, absurdities and lies.

Father Svetozar Kraljevic, a Roman Catholic Priest of the Franciscan order, and native of Bosnia-Hercegovina, in the former Yugoslavia, is just such an individual. Father "Svet", as he is affectionately known by millions, mostly because of his pastoral and relief activities on behalf of all those who suffer in today's war that is the Balkans On Fire, is a man no less remarkable in what means limitless self-giving than that London brain surgeon. Even more, he is remarkable for his humility. He is remarkable for how, in what is an instinctive if not rare humility, he shares himself with the victims of this war. A war that is neither a civil war nor a religious war as some have said but, rather, a land grab by the last of the old-guard communist dictators, Slobodan Milosevic, for a "Greater Serbia" that's been a dream of the Serbs for a hundred years. Too, Father Svet in this war is remarkable for how he leaves a trail of light wherever he goes thus keeping cool, under any confusion from terror and trauma, those to whom he ministers and brings relief supplies.

Here is a man who was born in the mountains of Hercegovina . . . the first reality of his childhood. His parents and his neighbors farmed their slopes and dwelt in their hollows. And when they had to go somewhere, they did not go around; they went over. It would never occur to them to do otherwise, and they expected their children to do the same . . . From Father Svet's earliest recollection, the mountains were a central feature in their lives. "They did not give us much of a living but", says Father Svet, "we did not need much. They, the mountains, taught us to be satisfied with what we had. In a way, they were like parents, they shaped our lives. The other reality was God. Like the mountains, He was just there . . . in my parents prayers, in their plans, in their Sunday worship, an hour's walk away. And so He was there for me too. In the hills, in the trees, in the cows; God was an ever present reality." . . . Father Svet grew up in a one room, dirt floor mountain dwelling built by his father and his father's two brothers. It was after the war and there was total deprivation. The Nazi and the partizani had left no crops, no livestock, nothing. All the people had was a trust in God . . . In his village, there was no school. So at seven his mother walked him over the mountains to the school two kilometers away. The school was one room with benches like pews. The next morning, when it was time to leave for school, Sveto (as he was called at home) stood by the door with his book bag. His mother said, "What are you waiting for?" "I'm waiting for school." "Then why don't you go?" "I'm waiting for you." "You go alone today, Sveto". And so he took his first step into the world alone . . . barefooted, as did many of the mountain children. "When you have nothing," says Father Svet, "parents cannot buy you shoes. My older brother's shoes would not fit me for several years."

After World War II, under Communism the Church posed the only threat. At first, they simply killed the priests. In Hercegovina alone, sixty-nine Franciscans were murdered. Most of the others, including bishops, especially those whose example encouraged the people to keep the faith, were thrown into prison, with the prospect of a limitless sentence, months in solitary confinement, and possible torture. Thus as Svet-the-child took that first step into the world, "alone and barefooted," this was the world he entered, the reality he faced, the persecution he would come to know in a deeply personal and collective way. And years later, when he felt called to the priesthood, he elected to walk in the footsteps of the murdered and imprisoned Franciscans by becoming one of them.

In 1991 Croatia and Slovenia declared independence, as permitted by Yugoslavia's constitution; and then Macedonia; and later, Bosnia-Hercegovina. By radio Father Svet heard the news: Serbs had destroyed a Croatian village . . . while the Yugoslav Army, led by Serbian Communist, looked the other way. Senior Croatian officers in that army were being discharged. The borders were closing. . . . To Father Svet it seemed it would take a miracle to save Croatia—and neighboring Hercegovina—from a bloodbath. The hatred between the Serbs and Croats ran as deep as that between Catholics and Protestants in Northern Ireland, or between Jews and Palestinians in the Holy Land. Present for so long that it was now ingrained in the racial memories of these two peoples, it had been suppressed under Communist rule. But now, the Communists were no longer in power. . . . The next morning after hearing this news, he walked with a friend in a little graveyard behind his retreat house. Pointing out two unmarked graves, he shared that after the war the partizani had come there and killed thirty villagers, after first making them dig those graves. Father Svet knew if there was war, there would be fresh graves. And there would be priests in them . . . yet he had the faith to believe for the miracle of peace. And he shared with his friend the message he had for the leaders of both sides who would be responsible for whatever was coming: "Accountability!" he exclaimed. "Most of them have forgotten—if they ever knew—that they will have to stand before God and answer to Him for every life that he had entrusted into their care, for every drop of blood needlessly shed." . . . Father Svet thought about that for a moment, then said: "The message for the leaders, for the politicians, is the Truth. If they will see the Truth and come to know it, they will do it. And the Truth will set them, and everyone else, free."

The rest now is history. Croatia first and then Bosnia-Hercegovina became a land of shameless slaughter, organized persecution and mass deportation . . . in the style of Hitler and the Khmer Rouge. Indeed it has become the most disgusting war of a century that has had too many. Into this scenario the good Father took the best of his heart, the best of his calm and confidence, the best of his courage, the best of his compassion, and he put them to work on the side of that land's victims, never asking whether they were Croatian, Muslim or Serbian. For going on three years now, Father Svet in his drive to minister and bring relief supplies to this war's victims, he's had to face down a Serb aggressor who, with bestial abandon and no thought for the soul of humanity, has aimed contempt and worse at all of humanity, especially those who would arrest his course and rescue victims, a Serb aggressor who has spat on innocence and crushed, defiled, destroyed whole generations of yesterday, today and tomorrow . . . leaving corpses that clutter the roads, the cries of wounded orphans, the tears of overburdened widows, and over half the children traumatized.

Father Svet has been able to do more than any other of the Franciscan friars because of his involvement with Medjugorje where, in 1981, began the reported appearances daily of the Blessed Virgin Mary. Today, nearly thirteen years later, she still appears and gives inspiration, instructions and messages; including warnings about the future of the world, and unprecedented pleas for a turning to God, prayer, reconciliation, and peace. Medjugorje is located in the Hercegovina sector of Bosnia-Hercegovina. Incredibly, while so much around has been scorched or reduced to rubble, Medjugorje itself, just outside heavily shelled Mostar, has remained untouched and thus become an Oasis of Peace during this war.

Father Svet has traveled far and wide, all over the world, Africa, the United States, Ireland and England organizing and seeking help for his relief efforts. He then personally escorts and leads relief convoys into the war zones and refugee camps, going always to where the suffering is at its worst and danger most extreme. "He just lets himself go," says a brother Franciscan priest, "for our times and for the love of all people . . . in the process exposing himself to danger in efforts that are extremely daring." Recently guaranteed safe passage by both the Serbian and the Muslim forces, the latter now a foe by how the logic of war can make adversaries out of allies, Father Svet made his way to the encircled people of Konjic who were without priests for Christmas, but not without first spending a night with a Serbian commander in the mountains. Very daring, very dangerous. Months ago, while celebrating Mass in his convent at Bijelo Polje, where he served as spiritual adviser for that convent's nearly ninety nuns, a bomb landed in the next room. Through smoke and dark, without lights of any kind, he guided the nuns through gunfire and into the mountains, to safety, and then returned to help others. His convent now a heap of rubble . . . and Father Svet himself, a refugee. Indeed, at one point, for several days, he was listed as "missing", thus alarming millions from round the world who had come to know of him through his association with Medjugorje and his 'round-the-clock relief work in Mostar and elsewhere.

Because it would be Father Svet's wish, it should be pointed out that it is not his life which is being presented here, but rather what God has done in such a life. Thus God, not he, must receive the credit, which is as it should be.

Finally, at a time in history when the world, especially its young people, are in desperate need of role models of the Mother Teresa kind, Father Svet is one man at least who qualifies. Like Mother Teresa, and too that remarkable London "brain surgeon", his "limitless self-giving" on behalf of all who suffer in today's Balkan war is so extraordinary as to merit special mention in public and private meeting places everywhere. For with his life, Father Svet strengthens all of us against suffering, sorrow and frustration. With his life he brings into our lives an Infallible Guide. With his life be brings the consciousness of a global unity in God, a new dependence on that God, a new sense of the brother- and sisterhood of people and peoples. He brings Peace!

We cannot tell what may happen to us in the strange medley of life. But we can decide what happens in us . . . and that is what really counts in the end. How to take the raw stuff of life and make it a thing of worth and beauty . . . that is the test of living. For Father Svet, that raw stuff ranged from the "dirt floor" home of a childhood whose priests were killed, imprisoned and tortured, to the killng fields of Croatia and Bosnia-Hercegovina in war whose course is always horrid. Father Svet, we of St. Brigid's Parish in Westbury, Long Island, New York, salute you! America salutes you!! Clearly we are grateful for all you are and all you do.

REPUBLICAN SUBSTITUTE AMENDMENT TO H.R. 6, THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1993

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. MICHEL. Mr. Speaker, today I have submitted a Republican substitute amendment that may be offered at the end of consideration of H.R. 6, the Elementary and Secondary Education Amendments of 1993. I am submitting this amendment on behalf of myself and the Republican members of the Education and Labor Committee, including Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. ARMEY, Mr. FAWELL, Mr. BALLENGER, Ms. MOLINARI, Mr. BARRETT, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. MCKEON, Mr. MILLER, and Mr. CASTLE.

Below please find a description of the guiding principles underlying this amendment, as well as a summary of the provisions of the amendment:

21ST CENTURY EXCELLENCE IN EDUCATION ACT—GUIDING PRINCIPLES

Local control: This legislation honors the tradition of local control of education and exemplifies the belief that Federal programs, which supply only 6% of the funds, should to the maximum extent possible defer to educators, parents, and leaders in the community to craft and implement the activities to educate their children.

Flexibility: Since we believe that the best educational programs are those designed at the local level to respond to unique local circumstances, we must give schools the flexibility to adapt Federal programs to their own experiences and needs. In return, the Federal government should demand accountability in the form of improved student learning outcomes.

Bureaucracy and red tape: The demands on the resources and energies of local schools and school districts are great enough without the added burden of excessive Federal paperwork and reporting requirements. Accountability for use of Federal funds should be linked to student learning rather than reams of regulations dictating how money may and may not be spent. Access to Federal funds should be streamlined so that they move quickly and as directly as possible to the schools.

High standards and expectations: For too long we have short-changed our most disadvantaged students by refusing to forcefully declare that they can and must perform as well as other students. Federal programs to aid disadvantaged students must set the same high standards and expectations for them that we have for all other students.

Parental rights: No single factor is more important to student success than parental involvement. Federal education programs should foster parental involvement and access to training. Furthermore, Federal policies should foster greater access to quality education by encouraging approaches such as magnet schools, parental choice and charter schools.

The 21st century: A rapidly changing and increasingly demanding world means the Federal government must assist States and school districts to move toward technology-based education that will meet the demands of the next century.

General: Streamlines the legislation that was reported out of Committee; provides greater flexibility to SEAs and LEAs in the use of Federal funds; eliminates programs that Committee Republicans and the Administration argued do not serve useful purposes;

Title I: Carefully limits provisions and requirements to children served under this Title; the Federal Government is only justified in demanding accountability for those funds it provides.

Establishes an accountability mechanism that requires high standards for students served and assessments of student progress but does not permit the Secretary to dictate or condition the receipt of funds on specific standards or assessments.

Allows hundreds more Title 1 schools to operate schoolwide projects which allows them to combine funds from nearly all ESEA programs to benefit the entire school.

Encourages activities to increase parental involvement and to integrate these with programs such as Even Start and Head Start without specifically directing methods or funding levels.

Allows LEAs to use Chapter 1 funds to develop local option public schools choice programs for students served under this Title.

Establishes programs to recognize successful schools and educators based on student learning improvements, and directs the Secretary to develop a Presidential recognition program to provide cash awards to exceptional schools.

Retains the funding formula carefully worked-out in Committee that protects services to all eligible students, particularly in rural areas, and focuses new funds more on schools with greater concentrations of disadvantaged students.

Eliminates opportunity to learn standards and the unfunded reporting requirements imposed on schools; decisions on the resources and strategies to be employed to educate all of our children are necessarily local matters, and this legislation protects that important prerogative.

Even Start, Migrant Education, and Neglected and Delinquent programs are retained as reported by Committee.

Title II: Retains the Eisenhower Professional Development program but restores greater flexibility by eliminating limits on use of funds for curriculum materials; the provision on teacher certification that concerned home schoolers is stricken.

Restores the Chapter 2 program with the enhanced focus on the National Education Goals contained in the amendment offered by Messrs. Goodling and Gunderson.

Incorporates the Administration's attempt to streamline and consolidate technical assistance efforts and requires that the regional centers develop expertise in assisting schoolwide projects and in better coordinating services provided under a range of programs such as Chapter 1, Even Start, Bilingual Education, etc.

Employs the more realistic technology education program crafted by Messrs. Gunderson, Goodling, and Castle, and provides for a proportionate distribution of such funds between rural and urban districts. Incorporates the Star Schools program as an allowable use of funds under this part.

Directs the Secretary to establish a commission to study and make recommendations about the best ways to assist SEAs and LEAs to move toward technology-based education.

Title III: Incorporates a more flexible version of the Fund for Improvement of Education and adds charter schools as an allowable demonstration project.

Creates a competitive grant program to assist in the planning and implementation of charter schools; in exchange for waivers of restrictive regulations these schools are to develop innovative approaches to raising student achievement.

The Community Arts Partnership Act is folded into Arts in Education as an allowable use of funds.

The Gifted and Talented and Inexpensive Book Distribution programs are retained as reported by Committee.

Title IV: Mr. Barrett's amendments restoring the governors' funds and removing restrictions on contracting out are included in the Drug Free Schools Act.

Titles V, VI, VII: These programs are retained as reported by Committee.

Title VIII: Payments for civilian "B" students are eliminated and the Mink amendment moving funding to the Department of Defense budget is stricken.

Title IX: Waiver language is modified to provide the maximum flexibility at the State and local levels while preserving reasonable assurances for the use of Federal funds.

Title X: Adds language prohibiting the use of funds for family planning and reproductive services.

National Center for Education Statistics: Preserves the National Assessment Governing Board to assure that policy-makers and the public have a voice in shaping the assessments used to measure student progress.

H.R. 3875, THE PRIVATE PROPERTY OWNERS BILL OF RIGHTS INTRODUCED

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to join with Representative BILLY TAUZIN and a broad-based bipartisan group of Members to introduce the "Private Property Owners Bill of Rights."

Government trying to take private property for their use without paying for it is not new. The first recorded attempt at a "taking" occurs in the Bible, 1st Kings, chapter 21. King Ahab wanted Naboth's farm but he would not sell it to the King. So Queen Jezebel by official decree ordered Naboth stoned to death. And Ahab had his farm.

The main difference between this story and what is happening today under section 404 is, in the biblical story, the government at least tried to buy the land before they put poor Naboth to death. Today in many of the wetlands cases and an increasing number of endangered species cases the Government is simply taking land for public purposes without paying for it.

You may ask why is the concept of private property so important? In my opinion it is the concept of private property and respect of property rights that is one of the cornerstones of our free and democratic society. As the writer L.H. Rockwell said in the "Free Market" in November 1991:

> Private property is the real human right, and the foundation of all freedom. If a church can't own its building, there can be no freedom of religion. If a newspaper can't own its newsprint, there can be no freedom of press. If there is no private land there can be no freedom of speech.

As Pope Pius XII said on September 1, 1944:

> Private property is a natural fruit of labor, a product of intense activity of man, acquired through his energetic determination to ensure and develop with his own strength, his own existence, and that of his family, and to create for himself and his own an existence of just freedom, not only economic, but also political, cultural and religious.

Our Founding Fathers clearly understood this truth and the importance of this fundamental right. They provided for its protection in the fifth amendment's provision that "* * * private property shall not be taken for public use without just compensation." Unfortunately, many in the Federal Government and in the environmental community seem to forget this fundamental truth. I believe that the Founding Fathers would be turning over in their graves if they knew what the Federal bureaucracy was doing in the name of the environment.

The very foundation of our fundamental right to use our own property is under tremendous attack in this country right now. Just as the former Soviet Union and Eastern bloc are discovering the critical need for private property, there are those in this country who in the name of environmental protection would seek to destroy the right to use your own land.

At best these extremists tend to believe that our traditional notions of private property are old fashioned throwbacks to our capitalist past that have outlived their usefulness. At worst they believe that all resources are to be shared by the masses and that they should be managed by the Government for the benefit of all.

If we don't stand up to these radicals and counter the slide toward Government imposed environmental extremism, we will produce the same disastrous standard of living now being suffered by the former Soviet Union. If this happens our families, our society and our environment will all pay the price.

Our environment will suffer because the single largest cause of environmental degradation in the world is poverty. And one of the major causes of poverty in this country is the excessive regulatory climate that has make jobs this Nation's largest export. We can't build anything anymore in this country because we can't afford the costs associated with permitting, regulations, and lawsuits. The most egregious examples are found with the wetlands regulations under section 404 of the Clean Water Act and the requirements of the Endangered Species Act.

In order to remedy these most intrusive statutes this bill would require that if the Federal Government effectively confiscates half the value of your property then they will be obligated to pay for it. In order to be fiscally responsible this legislation requires the agency responsible for the taking must reimburse the treasury for the cost of the taking.

The bill also clarifies that Federal employees who enter onto private property must get written permission before they can do so. They must also make available at no charge any information that is found on the property and give the landowner the opportunity to challenge the validity of the data. This will prevent the types of abuses that have occurred in several programs such as the National Natural Landmarks Program.

If we are to reverse the slide we must all band together and fight. I and several of my colleagues will continue to fight to protect true wetlands, provide habitat for wildlife, and protect property rights but we need the help of every owner of property or those who wish to own property.

If we all work together I am convinced that we can protect property rights and still have a cleaner environment, because there is no better steward of the land than the person who owns it. If we provide some incentives the private sector will help improve our Nation's resources, not destroy them. All we need is to get back to the concepts of the private property and stewardship that built this country and I believe this legislation is a critical first step.

TRIBUTE TO DEIRDRA JEANINE SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I want to recognize the accomplishments of Deirdra Jeanine Smith, daughter of Dorothy and John Smith. She received her elementary education in Brooklyn, NY, attended Brooklyn Technical High School, and received her bachelor's degree from North Carolina Agricultural and Technical State University.

As a college student, she was a founding member of Students Against Drunk Driving [SADD]. She was the first recipient of the Beta Epsilon Chapter's Alpha Phi Alpha Student Woman of the Year Award. Upon graduation Deirdra was chosen to participate in Teach For America, a highly competitive program which places graduates in under resourced schools throughout the Nation to help ensure that all children receive a quality education.

Deirdra is on the faculty of Community Elementary School 53, in the Bronx, where she teaches fifth grade. She resides in Brooklyn and attends St. Paul Community Baptist Church. Deirdra is a member of Delta Sigma Theta Sorority Inc., and hopes to pursue graduate studies in social work.

A GOLDEN OPPORTUNITY FOR UNITY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. NADLER. Mr. Speaker, I rise today to inform my colleagues of the outstanding work of an organization in my congressional district which is working to heal the rifts which have for too long divided our city and our Nation along racial and ethnic lines. The Foundation for Ethnic Understanding, an organization of concerned citizens, is working to promote understanding and peace between the diverse communities that make up the greatest and most vibrant of cities in the world.

They have chosen as their emblem the GOLDEN OpportUNITY FOR UNITY universal harmony insignia created by Artist-in-Residence Regi Taylor.

The foundation president, Rabbi Marc Schneier, has called the GOLDEN opportUNITY for UNITY an artistic expression which exemplifies a very profound social ideal. Rabbi Schneier has observed that:

> Regi has, in this work, captured the spirit of mutual ethnic understanding, respect and cooperation which is at the foundation's philosophical core. I believe we can reach multitudes with the insignia's message, encouraging positive racial dialog on a large scale.

Regi Taylor's vision is equally forward looking, and his work demonstrates the power of artistic expression to affect people deeply and truly change the world.

Mr. Speaker, sometimes it seems that mistrust, a failure to communicate, and fear combine to fuel the fires of hatred in our Nation and around the world. We need potent and profound reminders that our strength lies in our diversity and our ability to build on the combined strengths of many traditions. We are Americans, not so much because of where we are from, but because of what we have done here together to build this Nation. Each of us has a part. As we face the challenges that lie ahead, we are going to need the talents and abilities of everyone.

Mr. Speaker, I am proud that in the city of New York, neighbors are working together for a better day. They are using the power of artistic expression and the moral leadership of example to bring about the kind of change we will need if this Nation is to survive. I am pleased to commend their efforts to my colleagues.

TRIBUTE TO LT. GEN. NEAL T. JACO

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TEJEDA. Mr. Speaker, I rise today to pay tribute to Lt. Gen. Neal T. Jaco, commanding general of the 5th U.S. Army and Fort Sam Houston in San Antonio, TX. General Jaco's retirement ceremony is Friday, February 25, and I know that I can speak for many in the San Antonio community when I say his presence and his service will be sorely missed.

General Jaco was born in Springfield, MO, on October 28, 1937. He was commissioned through the ROTC program in 1959, and holds a bachelor's degree from Southwest Missouri State University and a master's degree in international relations from George Washington University. His military education includes the infantry officer's basic course, the armor officer's advanced course, the Naval Command and Staff College, and the Army War College.

General Jaco has held several command and staff positions including: Battalion personnel officer and brigade operations officer at Fort Benning, GA; company commander and battalion operations officer in Korea; division operations adviser in Vietnam; and training staff officer at the Department of the Army Office of the Deputy Chief of Staff for personnel.

In November 1975, General Jaco assumed command of the 1st Battalion, 28th Infantry at Fort Riley, KS. Just 1 year later, he took command of the 3d Battalion, 28th Infantry in West Germany. He later returned to Fort Riley to become the division personnel officer for the 1st Infantry Division. After attending the Army War College, General Jaco assumed duties as the corps personnel officer/director of personnel and community activities of III Corps and Fort Hood, TX. In May of 1982, he assumed command of the Armor Center and School Brigade at Fort Knox, KY. He then served as the operations officer for III Corps at Fort Hood. He transferred to Fort Polk, LA, where he served as the chief of staff for the 5th Infantry Division, and then returned to Fort Hood to assume duties as assistant division commander of the 2d Armored Division, and later, chief of staff of III Corps and Fort Hood.

General Jaco's most recent assignments include service as the commanding general of the U.S. Army Community and Family Support Center at Department of the Army. In May 1990, he assumed command of the 4th Infantry Division, mechanized, and Fort Carson, CO. He has earned many military awards including the Distinguished Service Medal, Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Combat Infantryman Badge, Parachutist Badge, and the Army General Staff Identification Badge.

On November 14, 1991, General Jaco took command of 5th U.S. Army and Fort Sam Houston, TX. It was in this capacity that I began to work with General Jaco on matters of importance to the San Antonio community. Those of my colleagues who represent military bases know how often a Congressman is called upon to work with those bases, on constituent matters or on base issues. San Antonio has five military bases, so, over the years, I have worked with many commanders.

General Jaco is an accomplished leader, but he also is an accomplished listener. He knows how to command, and how to respond. He understands that an Army post is more than a collection of buildings and men and women, that it works with the surrounding community to solve common problems. Each time that I have asked for assistance in addressing an issue, General Jaco has responded quickly and courteously. He is a problem-solver with uncommon skill and zeal.

Being a leader is never easy. But it is all that much more difficult to manage the modern American Armed Forces in a time of such dramatic change. General Jaco came to Fort Sam Houston, an old and historic installation, in such a time of change for this Nation's military. We all know that the military budget is shrinking, and that our forces are being asked to do more with less. So a commander like General Jaco is asked to manage an installation a century old at a time of great technological change. And he must do so in the midst of a community that now numbers over a million people with all the urban problems and tensions that they can bring.

Let me say that General Jaco distinguished himself in the modern armed forces just as he distinguished himself on the battlefield. He has been a good friend to me, and more importantly, to the San Antonio community. But most of all, he has been everything that our armed services and this Nation could ask. On behalf of my colleagues, I would like to wish him many years of well-earned retirement, secure in the knowledge that he has many years of contribution to his country.

TRIBUTE TO ELIZABETH LACRETIA SINCLAIR

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding member of the community, Ms. Elizabeth Lacretia Sinclair, in honor of her 43 years as a teacher in the public schools of Columbia, SC.

It is fitting that we honor Ms. Sinclair during the month we celebrate as Black History Month. At 103 years of age, she has lived through many of the most significant events in African-American history, as well as world history. Few people are granted such longevity. After graduating from Benedict College, she began her teaching career in 1915, and, I imagine that she has outlived many of her former students. Having retired in 1958, she ended her illustrious teaching career before the dramatic civil rights events of the 1960's and 1970's.

It is a privilege to represent an individual such as Ms. Sinclair in the House of Representatives. The schools where she taught—the Old Waverly School, the I.S. Leevy School, and the Ridgewood Elementary School—were all located in what is now the Sixth Congressional District, which I am proud to represent.

Mr. Speaker, Elizabeth Sinclair is a living legacy who has stood the test of time. I join with her former students and community in honoring her on Saturday, February 26, 1994, at the Ridgewood Baptist Church for a distinguished life of service to young people and to mankind.

TRIBUTE TO CAPT. LARRY FRANKLIN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Capt. Larry Franklin who is the first African-American captain in the history of the Paterson Fire Department. I am very proud to join Councilwoman Vera Ames and the city of Paterson Fire Department in congratulating him for his recent promotion and significant achievement.

Captain Franklin dreamed of serving all people and his community when he was young. After growing up in South Carolina, he received his formal education at the Passaic County Community College where he received his AAS degree in criminal justice/fire science. he is presently attending Jersey City State College where he will receive his bachelor of arts degree.

Captain Franklin has served as an emergency medical technical for 15 years, and believes that these have been the most rewarding years of his life. Captain Franklin has also helped the city of Paterson in other ways. He has worked the Paterson Public School system as a mentor of Project 2000 at Public School No. 6. Through this program, Captain Franklin visits classrooms and teaches students about fire prevention, fire education procedures, and first aid.

The Paterson Fire Department and the entire city of Paterson have benefited from Captain Franklin's service. His achievement of becoming Paterson's first African-American fire captain could not come at a better time as we celebrate Black History Month. For his valued effort, I join with my colleagues in wishing him continued success.

CONGRESSMAN MFUME SUPPORTS SAFE SCHOOLS ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. MFUME. Mr. Speaker, violence in our society has become a national crisis. Stories in the press about children as victims of crimes and children committing crimes seem to be more frequent and more gruesome. Too many American children are raised in neighborhoods fraught with drugs and violence, creating escalating cycles of violence. In order to help our youth break the cycles of violence, they must be provided a quality education. Unfortunately, the education of our young is hindered by the plague of drugs and violence in our schools. It is for this reason that I strongly support the Safe Schools Act.

A National School Boards Association survey shows that 82 percent of 729 school districts responding said that violence in their schools had increased over the past 5 years. In 1992, 2 percent of eighth graders, 4 percent of 10th graders and 3 percent of 12th graders nationwide reported that they regularly carried a weapon to school. In addition, 14 to 19 percent of eighth, 10th and 12th graders reported being threatened with a weapon; 25 to 29 percent reported being threatened without a weapon; and 5 to 9 percent reported being injured with a weapon in school. According to newspaper accounts between 1986 and 1990 at least 71 persons—65 students and 6 school employees—were killed by guns at school, 201 were severely wounded, and 242 were held at gunpoint.

The plague of violence in our schools is epidemic. Although responsbility for school safety rests with State and local officials and the community, the crisis is overwhelming and financial resources and research are inadequate. The Safe Schools Act will provide grants to local education agencies which receive, or are eligible to receive, grant funds for concentrations of poverty and serve in an area with high crime rates. Local education agencies must also assess the violence in the schools and communities that will be served, have written safety and discipline policies, and explain how activities will be corrdinated with its education reform plan.

The grants included in the Safe Schools Act will support activities such as identifying and assessing the violence and discipline problems in schools; planning comprehensive, long-term strategies to address these problems; educating the community about the agencies safety plans, and developing and implementing violence prevention activities that may include conflict resolution, disciplinary alternatives to expulsion and suspension, peer mediation and counseling, and after school programs. Other activities include training staff to deal with violent behavior; providing safe passages between home and school, and security activities such as installing metal detectors and video surveillance devices.

The Safe Schools Act is long overdue. Our teachers cannot continue to attempt to educate our youth with the fear of being threatened or attacked by one of their students; children cannot continue to try to learn in spite of threat of danger within their own classrooms, and parents should not continue to fear for the safety of their children. The education of the youth of America has been compromised for far too long. The Safe Schools Act will not end the violence our society, but it is an important step in curbing the violence to which our children are exposed and provide them with a safe haven in which they may learn and grow.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. NATCHER. Mr. Speaker, last week, February 13–19, was National FHA/HERO Week and at this time, I would like to say a few words about the Future Homemakers of America. FHA/HERO is a national vocational organization in which students participate in a variety of activities and projects focusing on the family and community service. Participation in these projects helps to prepare these young people to become community leaders, wage earners, and caring family members. This year's theme, "Make It Happen," emphasizes how FHA/HERO members make a difference in the lives of others while learning valuable skills for life.

In 1993 over 263,000 members in 10,200 chapters across the Nation were involved in projects stressing family relationships, self-esteem, nutrition, teen issues, and environmental awareness. They participated in programs such as Leaders at Work in Food Service designed to sharpen skills in communication, management, and entrepreneurship or the Community Service Award Program in which chapter members identify a specific community need and carry out a service project to meet that need.

In my home State of Kentucky there were 10,242 members in 249 FHA/HERO chapters last year. These students took part in programs such as STAR Events in which activities are designed to recognize student achievements in leadership and job-related skills. Many were involved in Power of One which includes completing individual projects in five areas: improving self, strengthening family life, exploring careers, developing leadership skills, and promoting the organization.

In Kentucky's Second Congressional District, there were 1,564 members during the past year. At this time, I would like to recognize those from the district I represent in Congress for their outstanding achievements through the FHA/HERO organization over the last year.

At the 1993 national leadership meeting in Anaheim, CA, the following were recognized for their participation in STAR Events: Melissa Moore from Marion County High School received a gold medal for the occupational job application and interview event; Nathan Johnson, Pam Barnes, Sara Ross, Shannon Johnson, and Amy Wallace of Greenwood High School received gold medals for parliamentary procedure.

Those from the Second Congressional District of Kentucky who received Power of One recognition at the national leadership meeting were: Stephanie Bowman, April Bryant, Donita Denton, Jamie Hood, Tonya London, and Kelly Smith of Barren County High School; Nellie Bratcher, Sandy Pennington, Kandy Pennington, Debra Ramsey, Darleen Singleton, and Wendy Trowbridge of Hart County High School; Howard Stinson III of Churchill Park High School; Misty Cable, Deanna Caulk, Kacey Chowning, Veronica Duka, Andrea Elliot, Ashlee Fields, Robin Gray, Jennifer Gribbons, Tabatha Greer, Melissa Howard, Kim Keeney, Chanci Knifely, Jessica Pierce, Anna Rogers, Dana Smith, Jennifer Spear, and Carla Underwood of Campbellsville High School.

I would also like to mention those from the district I represent who are serving on the State executive council. Sara Ross of Greenwood High School is vice president for achievement and Melissa Boils from Taylor County High School is activity leader.

At this time I would like to commend all of the members and advisors of FHA/HERO in the State of Kentucky and throughout the United States for their many accomplishments through this organization. All down through the years, FHA/HERO programs have taught young people useful problem-solving skills which enable them to help themselves while helping others in their families and communities. For this reason, those involved in FHA/HERO really are making it happen.

UNITED NATIONS MEMBERSHIP FOR TAIWAN

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. JEFFERSON. Mr. Speaker, the United Nations today includes 184 member nations—almost all of the nations of the world, except Taiwan. Taiwan has a population of 21 million—more than that of 130 members of the United Nations, but Taiwan is not a member.

In the economic field, Taiwan is the 14th largest trading nation in the world; its gross national product is the world's 20th largest; its annual per capita income exceeds $10,000; it has the largest foreign exchange reserves worldwide at $80 billion; it is the United States' sixth largest trading partner. But again, Taiwan is not a member of the United Nations.

In the field of democracy, Taiwan has begun to make exceptional progress in recent years toward establishing democracy and securing political freedoms for its people. And again, Taiwan is not a member of the United Nations.

Despite this economic and political progress and despite the people of Taiwan's strong desire to be recognized as a political entity separate from China, Taiwan has not been the beneficiary of representation in the United Nations. This gross lack of international recognition has left 21 million Taiwanese voices unheard in world affairs.

It is uncontestable reality that the government in Taipei only exercises effective control over the Island of Taiwan and that the government in Beijing only exercises effective control over China. Since China is already seated on the United Nations' Security Council, I strongly believe that the people of Taiwan now also deserve a separate Taiwan seat in the United Nations.

It is important to realize that the fact that 21 million residents of free and democratic Taiwan are not represented in the United Nations clearly goes against the United Nations' principle of universal representation.

When the United Nations replaced the government in Taipei with the government in Beijing in 1971, this was done in order to "strengthen the authority and prestige of the UN." And with Taiwan's ever increasing economic and political importance, the same argument which was used for China over 20 years ago must be applied to Taiwan's current bid to join the United Nations. Taiwan must now also join the United Nations in order to "strengthen the authority and prestige of the United Nations."

IMPROVEMENTS TO PUBLIC HOUSING

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mrs. ROUKEMA. Mr. Speaker, today I am introducing legislation making much needed improvements to our public housing and related housing programs.

Many of these provisions were requested by the Department of Housing and Urban Development last year but were not acted on by the Banking Committee. Many of these provisions also have the support of the public housing industry as well.

Mr. Speaker, there are over 3,100 public housing authorities throughout the Nation providing critically needed affordable housing to well over 100,000 low- and moderate-income families, elderly persons and those who are handicapped. Most of these authorities are doing a very good job and are providing the safe, decent, and affordable housing the law requires.

However, there are a small group of housing authorities who are faced with such overwhelming problems as crime, drugs, deteriorating developments, poor location, few job opportunities for their residents, and excessive vacancies which has resulted in the negative reputation accorded public housing in general. Regrettably, some of these PHA's are just not up to the task of running a successful public housing program.

My legislation is intended to help eliminate some of the problems which may contribute to the difficulties many PHA's have in running their developments.

Specifically, my legislation makes several technical changes to existing programs in order to achieve efficiencies and addresses five major issues. These include:

SEVERELY DISTRESSED PUBLIC HOUSING

In the 1992 Housing Act, our committee created the Severely Distressed Public Housing Program (aimed at providing funds to clean up the worst public housing projects). While the committee was waiting to finish that bill (October), the Appropriations Committee funded a similar program called Urban Revitalization Program. However, the appropriations bill required that the provisions of the two initiatives be conformed. This provision does that. Specifically, the legislation:

Requires applicants to propose community service as part of the revitalization effort;

Eliminates the requirement to publish a list of severely distressed projects;

Clarifies replacement rules to allow section 8 assistance rather than new units in certain circumstances;

Raises the cap on amount of funds which can be used for support services from 15 percent to 20 percent; and

Eliminates the requirement that grant awards be made on a geographic basis.

INCOME DISALLOWANCE

Under current law, a public housing tenant pays a rent based on 30 percent of his/her earned income. So, when a public housing resident moves from welfare to work, their rent immediately increases. This has often provided a disincentive to work. This section would allow the PHA to either deduct 20 percent of the earned income for purposes of the rent calculation or freeze the families current rent for 18 months as incentives for encouraging work. The legislation also allows the PHA to discount part of the salary earned by a dependent who lives in the same unit. This would eliminate the penalty for a family who has a son or daughter who secures employment to help the family survive.

CEILING RENTS

Because of the location or condition of some public housing, the 30 percent of income rule may actually result in a family paying rent in excess of the actual value of the apartment thus forcing the family—especially working families—to seek better living accommodations. The result is often an increase in vacancy rates or occupancy by a nonworking family which requires additional Federal subsidy. My provision would allow the PHA to set rents based on the market value of the apartment in order to allow working families to remain in their public housing apartment.

STREAMLINE PUBLIC HOUSING DEVELOPMENT

This provision would attempt to streamline public housing development by giving PHA's more flexibility in the type, size, location, and design of the units they are developing or replacing. It would eliminate current unrealistic cost limits; would allow PHA's to use non-Federal funds for development amenities without reducing the overall grant they would receive; it allows PHA's to build to local neighborhood standards and to use local housing codes. The provision would also allow the PHA to change the development plan after receiving a grant without going back through the HUD approval process. And finally, it would provide the PHA an incentive for achieving cost savings by allowing the PHA to share 50 percent of any savings generated by efficient and timely development of units.

PAYMENT IN LIEU OF TAXES

Currently, public housing developments are not assessed a local property tax. In lieu of this, the PHA and the local unit of government negotiate an amount of payment to be made by the PHA for services such as education of the children in the development, refuse collection and police protection. However, the payment is based on a formula which takes a percentage of the actual rents collected by the PHA. In many areas of the country, the rents paid by the tenants are so low that the payment made to the local government is almost negligible. My provision would not change the formula currently in use but it would require a minimum payment for each unit occupied by a family in a public housing development.

Mr. Speaker, these proposed changes to the operation of public housing represent modest but sensible changes to the way we do business. All of them represent improvements designed to enhance the efficiency and effectiveness of our Federal housing programs.

THE PRIVATE PROPERTY OWNERS BILL OF RIGHTS

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TAUZIN. Mr. Speaker, I rise today to introduce legislation that every property owner in America should welcome. The private property owners bill of rights reawakens America's commitment to the concept of private ownership of property. The greatness of our country arises from the economic opportunities afforded by the use and ownership of private property. Ownership of property makes most of us better citizens and increases our involvement in local and national government activities. Our Government ought to be encouraging, not discouraging private property ownership.

As we watch former Communist governments move in the direction of a free enterprise economy based on ownership of private property, our own Government is moving in the opposite direction. Greater burdens are being placed on private property owners and the Government is making it riskier to own private property. An individual who purchases property, assumes the debt to make that investment, and pays substantial property taxes, should at least be able to expect that the Government will not actively work to prevent some return on that investment.

Unfortunately, there is a growing attitude within the Federal bureaucracy that it is acceptable to disregard the legal rights of private property owners, as long as the goal is a laudable one. There is a growing movement to preserve various types of habitat in order to protect plants and animals to benefit the general public but at the total expense of the individual property owner. Many of these owners have been good stewards of their property, preserving forests and wetlands in their natural state. However, when those landowners choose to use their property, they are prevented from using it because it has been preserved.

I have had constituents in my district who were denied wetlands permits to use their land based on the fact that their property was wooded or provided habitat. When a landowner is denied a permit to use their land for an activity that would otherwise be harmless, I believe that this is a taking. The fifth amendment of our Constitution clearly states that private property may not be taken for a public purpose unless just compensation is paid. Our Constitution was adopted, not just to grant power to the Government, but also to limit the power of the Government and to protect the rights of the individual. Without the protection of the fifth amendment, our Government could solve all its budgetary problems by simply confiscating any property it needed for any purpose at will through restrictive regulations. The fifth amendment is a curb on the abuse of power by Government and the compensation provision makes Government accountable for its actions.

If the Government can force land into public service as habitat or for flood control purposes, without the payment of compensation, then Government can and will abuse its citizens by taking property freely for any well-intended public program.

The bill I introduce today is intended to make our Government accountable to its citizens. The bill clearly sets forth that it shall be a Federal policy to encourage, support, and promote the private ownership of property. Most of the cases that have arisen in which landowners have lost the use of their property have been under the Endangered Species Act and the wetlands permitting program under section 404 of the Clean Water Act. Therefore, the bill limits most of its provisions to these two acts. Let me make it clear that I support the goals of both of these laws. However, they can be carried out without depriving property owners of their legal rights.

The bill requires Federal agents who enter private property to gather information under either the Endangered Species Act or under section 404 to first obtain the written consent of the landowner. It guarantees administrative appeals for landowners from decisions made under ESA or 404. Property owners are guaranteed the right of access to information gathered on their property and the right to dispute the accuracy of the information. The bill requires that when property is devalued by 50 percent or more based on a decision under ESA or the wetlands permitting program he or she is entitled to be compensated.

Administrative procedures are established so that property owners have a simple and inexpensive way to seek a fair and equitable resolution of their claim that their property has been taken. Currently if a property owner is denied the use of their property, their only recourse is to file a suit in the U.S. Court of Claims in Washington. The suits that have been filed have taken many years to litigate and hundreds of thousands of dollars and, in most of the cases, the litigation continues without resolution. Most of our constituents simply cannot afford the claims court process with all its procedural and financial hurdles.

We need a process in which the agency deals fairly and equitably with the landowner. This bill will accomplish that result. The fifth amendment is clear that property should not be taken for a public purpose without compensation. There is no exception in the fifth amendment for wetlands or the Endangered Species Act. The private property owners bill of rights will bring sanity and responsibility back to the manner in which our Federal Government carries out these laws.

I urge my colleagues to join with me in cosponsoring this bill.

AUSPICIOUS CHANCE FOR HILL'S FRESHMEN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of all of my colleagues an enlightening article in the Washington Times on February 8, 1994. The article was written by Congresswoman JENNIFER DUNN entitled "Auspicious Chance for Hill's Freshman."

I think that she hit on some extremely vital points in regard to reform within Congress. I hope that all of my colleagues will take some time to read what the Congresswoman from Washington has to say and learn from it.

[From the Washington Times, Feb. 8, 1994]

AUSPICIOUS CHANCE FOR HILL'S FRESHMEN

(By Jennifer Dunn)

Most American citizens thought 1993 would be the "year of reform" in Congress. To drive the message home, voters sent 114 new faces to the House of Representatives to improve the way Congress conducts its business. But 1993 yielded little reform.

Now, early in 1994, those reform-minded freshmen have the opportunity to fish or cut bait on reform. As early as March, the House will take up the pallid recommendations of the temporary reform panel, known as the Joint Committee on the Organization of Congress.

This committee, which was formed over a year ago amidst House bank and post office scandals, was charged with seeking improvements in the operation of the House and Senate. Unlike most committees in Congress, it was comprised with complete fairness in mind. It was bicameral—with 14 members from the House and 14 from the Senate—and composed equally of Democrat and Republican members.

Over the course of the year, the committee heard hours of testimony from hundreds of current and former members of Congress, journalists, and other congressional scholars on what bold and sweeping changes were needed to improve how Congress conducts its business. Many reform-minded freshmen, both Democrat and Republican, have already supported various bold proposals to get at the obvious problems that plague the Congress. For instance:

The present committee structure is an inefficient, ineffective tangle. The House and Senate do not have coordinated structures. In each, jurisdiction over legislation is shared by so many committees competing for political "turf," that issues of national priority can become bogged in gridlock.

The chaotic scheduling system now forces members of Congress to race back and forth from one hearing to another, often interrupted to go to the floor for votes, then back to committee hearings or meetings with constituents. Using "proxy" votes, members don't even have to be present when major decisions are made in committee.

One result of the helter skelter on Capitol Hill is that Congress frequently fails to adequately follow up on, or oversee, effects of legislation. A painful example was the savings-and-loan debacle.

There should be more turnover among committee chairmen. At present, chairmen exercise far too much power over the shaping of legislation, Committee staff, unelected and entrenched, hold too much power, as well.

(The committee discovered that more than 80 committee staff members received salaries above $110,000 a year. That's more than Gen. Colin Powell made as chairman of the Joint Chiefs of Staff.)

Too many public-policy decisions are made behind closed doors. (House Resolution 237, The "Sunshine bill," would force virtually all committee action decisions to be made in open session.)

For democracy to work effectively, there's need for more thoughtful deliberation of issues and for the voice of the minority to be heard.

Congress has become a place where debate is often stifled by rules that endow the majority party with overwhelming power. Minority Republicans and reform-minded Democrats are often prevented from offering amendments or alternative ideas.

That unnecessarily inflames and raises the level of rancor in the House.

In late November came the moment for the Joint Committee's decisions. In a series of party-line votes, House Democrats thwarted significant reforms. Primarily cosmetic changes were recommended.

There was no bold reform of the committee system, no change in the overlapping jurisdictions of committees that contribute to gridlock (As one example, more than 40 committees and subcommittee will continue to claim jurisdiction over surface transportation.)

There was refusal to require computerized scheduling, to avoid conflicts of meetings. There was refusal to have the House adopt the Senate schedule—three weeks of work per month, with a full week to spend with citizens in the home district.

There was broad committee agreement on a two-year budget-appropriations cycle, rather than the present one-year cycle. That can afford better oversight of programs.

The final report of the Joint Committee, drawing public criticism for the mostly pale, pastel changes it recommends, is on the action agenda now that the House has reconvened.

Clearly, powerful committee chairmen, and other senior members of the majority party have a stake in preserving the status quo and will continue to attempt to thwart any effort to bring real change to our legislative process. Republicans (especially the freshmen among them) have led the reform charge since they owe no fealty either to the White House or Democratic committee chairmen.

This leaves only one hope for reform: the Democratic freshmen.

Stuck between the rock of their campaign promises and the hard position presented by leaders of their party who prefer the status quo, Democratic freshmen will be on the spot. But there is evidence that many of them will rise to the occasion. Many of them privately express great frustration with the lack of reform in 1993. Many have assured me that they will support open meetings, bans on proxy voting and other bold reforms anathema to senior Democrats.

Should the Democratic freshmen take up the cause and join with their Republican counterparts as they did when the veil of secrecy was lifted from the discharge petition, we may yet achieve the significant improvements in the operations of Congress largely disdained by their senior colleagues. Then, regardless of which party controls the House, Congress will be the better for our efforts.

TRIBUTE TO CAROL PARRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. TOWNS. Mr. Speaker, I am indeed pleased to recognize the sterling achievements of Carol Parry, managing director in charge of the community development group at Chemical Bank. Carol is responsible for all lending for low and moderate income multifamily housing; corporate contributions and community outreach; the Minority and Women Vendor Program, and Community Reinvestment Act compliance. Additionally, she also chairs the Chemical Bank Community Development Corp.

Carol's career includes 25 years of management experience in the financial services industry. Ms. Parry has the distinction of being named the first woman senior vice president for the company. She was formerly the director of Manufacturers Hanover's regional banking group's business banking unit, responsible for the bank's tri-State area relationships with small- and mid-size businesses with annual sales generally in the $3 to $50 million range.

Among her other notable accomplishments, she is the former chairwoman of the Brooklyn Navy Yard Board of Directors. The board is responsible for overseeing and setting policy for the center which houses 190 businesses employing 3,000 people. The Navy Yard has been an economic lifeline in Brooklyn. Under Carol's stewardship, profits rose from $500,000 in 1991 to $1 million per year in 1993; revenue increased from $11 million to $13.7 million from 1991 to 1993; tenancies increased from 150 to 200; and occupancy rose from 90 to 95 percent. There can be no doubt that Ms. Parry's management and financial prowess was largely responsible for those improvements.

Carol Parry is a graduate of Tufts University, and also has a M.S.W. degree from the University of Connecticut School of Social Work. I am immensely pleased to recognize this outstanding professional. She has demonstrated that she not only cares about the Brooklyn community, but has worked diligently to ensure its vitality.

THOMAS P. "TIP" O'NEILL, JR. HONORED

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. MORAN. Mr. Speaker, I would like to submit a recent transcript by the Reuter's news service of an interview I had with Fox "Morning News" honoring the late Speaker, the Honorable Thomas P. "Tip" O'Neill, Jr.

A FAREWELL TO "THE MAN OF THE HOUSE"

LARK MCCARTHY. Virginia Congressman Jim Moran felt a special kinship with Tip O'Neill. Their families hailed from the same neighborhood in Boston. Jim Moran joins us now to reflect on the life and times of Tip O'Neill.

Is this the end of an era?

Representative MORAN. I think he may have been the last of the great, truly unapologetic liberals. He really believed in what he did. You know, we asked him one time, "What's the definition of a liberal?" And he used the story of how he had been told by Dr. DeBaecky (sp), I think it was, that if they could develop this drug, they could extend the height of dwarfs by three to six inches. And he went back to the Appropriations Committee and insisted that they put this money in. And he got all kinds of derisive laughter. The Wall Street Journal criticized him and the Republicans criticized him. In fact, the big joke was that, why don't they just go down and buy a Cuban lift for all of their shoes, and it would save the taxpayers a lot of the money. But he insisted.

And today, you know, if a child is born a dwarf, their parent can take them down to Baylor University and extend their height by about six inches. And, you know, you can never measure something like that, but he was proud of it because those people are going to be able to live lives with a little greater dignity. He said that you could probably add up all the mistakes in dollars and cents, but I don't think you can ever quantify what good we've been able to accomplish. And I know that's true, that his life was of immeasurable value. But the people that benefited most are the ones we'll never hear from.

Ms. MCCARTHY. Yes. He liked to think of himself as the working man, working class politician, didn't he?

Representative MORAN. You know, over 50 years, he had to run every other year. He never lost an election. And he said, it's because he kept the same wife, the same values.

Ms. MCCARTHY. And he always called her, "My Millie," right?

Representative MORAN. Yes. He married her back in 1941. The same wife, the same values, and the same lifestyle—he never changed. And, in fact, in his recent book that he was nice enough to autograph for me and write some nice words, that's what he talks about. You've got to stay the same. You've got to know what you believe in. And you've got to live your life that way. And he did. And I think he was a great guy. He may have had——

Ms. McCARTHY. Just quickly, because he's also being remembered as the last of the old Boston-Irish halls, and your family is from that same area. What was it about, that climate or that time, you know, that Boston influence on him?

Representative MORAN. Well, you know, he was personable. He just loved to be with people. They believed in him. I'll never forget. I mean, during the 1990 campaign, I got this check for $176.82, signed by Thomas P. O'Neill. And I was so desperate for money—it was my first campaign and all—I cashed it. I'll never forgive myself for doing that. But later on, he told me that it was the last check he had ever written out of his office. He paid off all his debts. He gave money to every good cause that he had ever wanted to, and he was left with $176.82, and he sent it to me.

You know, most members of Congress—and I think they would agree—would have walked off with hundreds of thousands of dollars after having served as Speaker for that many years. But he never kept anything for himself. His reward was in the good that he did, and he did an awful lot of good.

TRIBUTE TO EVANS SCOGGINS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. DARDEN. Mr. Speaker, I rise today to pay tribute to Mr. Evans Scoggins of Summerville, GA, a man who has made a contribution of inestimable value to the well-being of his community. Evans has served for the past 15 years on the Boy Scouts of America Executive Board. He has been involved in the Boy Scouts for 66 years, since he first joined the Scouts in 1927. He later became Scout Leader of Troop 7.

Mr. Speaker, I can think of few who are better role models for young people than Evans Scoggins. His enthusiasm, respect for others, and dedication to youth have helped to improve the quality of life in northwest Georgia. However, I can offer no words of praise for Evans higher than those bestowed upon him by former Scouts he has led. Listen to the words of praise for Evans Scoggins from former Troop 7 Boy Scouts. James "Bud" Jackson, who now owns the Jackson Drug Co., said this about Evans Scoggins: "He's a hero * * * He is a true hero because he took nothing for spending his life for young people." Or how about the words of Allan Eleam, the president of Guffin and Eleam Insurance, Inc. of Summerville: "I feel like what leadership qualities I have were influenced by him and his Christian attitude." And Jon Payne, a probate court judge and former Troop 7 Scout remembers Evans spent so much time trying to teach us things that we needed to be taught about Scouts and about life.

Truly, no one can doubt that Evans Scoggins has distinguished himself in his work for young people. Evans has instilled in so many young men the moral and ethical principles and attitudes which are conducive to good character and citizenship. Most importantly, his teachings have stayed with these young men throughout their lives.

Mr. Speaker, a newspaper article on Evans Scoggins recently appeared in the Summerville News. With the consent of my colleagues in the House, I would like to submit this article for the RECORD.

BOY SCOUTING IS AN ADVENTURE—SCOGGINS INFLUENCES LIVES FOR MORE THAN 50 YEARS

(BY JULIE GRIFFIS)

Billy Mitchell still holds a special place in his heart for his former scoutmaster, as do other former Boy Scouts who grew up in Summerville.

Evans Scoggins has been involved in scouting for 66 years, since he first joined the scouts in 1927. Later he became a scout leader and for the past 15 years, he has served on the Boy Scouts executive board.

"Fred Ray, a Methodist minister, started the troop in Trion," Scoggins explained. "I joined and it (scouting) taught me more about life and had more effect on me than any one person I ever knew."

From that beginning, Scoggins became the person who had more effect on several area young boys than anyone they ever knew.

"He was like a father to me and other boys. He considered me one of his own," Mitchell recalled fondly from his home in Orange Park, Fla.

"He was a good motivator and has been to a lot of boys," added the retired Navy command master chief.

Scoggins said scouting taught him what he could do with his life.

According to Mitchell, Scoggins ran with that thought and used it to show others what they could do with their lives.

As a youngster, Scoggins said he attended the Rev. Ray's church, but never remembered anything that was said from the pulpit. But he remembered everything Ray said around the campfire.

"He taught us about other people and how to help them and the community," Scoggins said. "I learned that there's always something you can do for someone or the community whether you have money or not."

Scoggins, Job Development Specialist of the Chattooga County Chamber of Commerce Jobs Training Partnership Act (JTPA) program, was a Boy Scout until he was 17. He then began his work as scoutmaster of Summerville Troop 7. He led the troop for 31 years.

"I think the Boy Scout program turned my life around," Scoggins said. "I grew up during the Depression and it was tough."

"It doesn't matter how poor you are, in the Boy Scouts everyone is exactly alike. There's no such thing as a poor boy. They're all Boy Scouts," he added.

Once he became a scoutmaster, Scoggins said he had a fine troop—always the best one in the region.

"Some of the finest young men in the country came out of my troop," Scoggins said, naming off four lieutenant colonels, one colonel, teachers, pharmacists, ministers, etc.

"One reason I had a good troop is I always had good boys," he said, adding that he's taken as many as 95 boys on a camping trip at one time with no other adult help.

"I have no regrets for the nights I spent away from my wife with the boys. Thank God I had an understanding wife," he said.

Scoggins has attended three National Boy Scout Jamborees and one World Jamboree that hosted Boy Scouts from 100 countries and attended three National Order of the Arrow Conventions.

Through Scouting, Scoggins has met four presidents: Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy and Richard M. Nixon.

"There are more opportunities in scouting for the average boy than any program I know of in the world," Scoggins said.

He led his last troop in 1976, deciding to retire from that phase of scouting for health reasons.

He worked in the textile trade for 43 years and was with the Georgia Department of Labor for five years. He accepted his position with JTPA nine years ago.

"If I had to do it over again, I'd spend another 50 years in scouting," he said. "It pays off in the community and people."

Scoggins still has a poem presented to him by scout Mitchell, several years ago, when Mitchell didn't have the money to buy his scoutmaster a Christmas present.

"He'll never know how much that poem meant to me," Scoggins said. And, by the look in his eyes you can tell it still means a lot.

"I can still see him standing there. I keep it (the poem) framed now. It's the most valuable thing in this house."

It follows:

SCOUT

(By Billy Mitchell)

If I were asked to name a man
I thought was really great
I wouldn't have to ponder or even hesitate.
He's as gentle as my mother, yet he's firm and strict with rules
And he teaches us so many things we could never learn at school.
Yes, wherever I may go
The greatest man I know is our scoutmaster
He listens to our troubles, he's so gentle and so kind
And He's so understanding he can almost read our mind.
He works so hard to help us and he gives his time so free
And I wish that I could thank him for all he's done for me.
Yes, wherever I may go
The greatest man I know is my scoutmaster.
When I see a scout official I raise my head so high
Like a soldier in the army when a general passes by.
They will never, never die when their time on earth is spent
In the hearts of all their boys they have built their monument.
Yes, wherever I may go
The greatest man I know is our scoutmaster.
And to all the scout officials with your hearts so big and true
I say thank you, and God bless you for the glorious work you do.

Scoggins kept his scouts busy.

"We planted 2,000 pine trees in 1954. I saw them being cut not long ago," he explained. "We put up 75 feed stations for birds and squirrels, and cleared 15 piles of brush and 500 feet of creek.

The troop attended five gun safety demonstrations, and averaged about one camping trip a month. While under Scoggins' leadership, his troop even won a national camping award.

And through it all, Scoggins said it was worth every night he was kept awake during those camping trips long ago.

"They'd slip around and pull the pegs out of my tent and the tent would fall down on me," he grinned.

"I used to be a boy with 'em," Scoggins laughed. "And it liked to have killed me."

A simple way to describe Evans Scoggins is as a "hero."

And the meaning behind that is best explained by former Troop 7 boy scout James "Bud" Jackson, who was a member of Scoggins' troop for four years.

"He's a hero—a hero of mine," the Jackson Drug Co., owner and pharmacist said. "He did all that work for all those people just for the good it did. Most heroes are sports people and greedy folks with big salaries. He (Scoggins) is a true hero because he took nothing for spending his life for young people.

"He's led an exemplary life in an exemplary way—a good way. And, at an age when most people say, 'I've done enough,' he's helping people find jobs."

Jackson not only described a man who was his hero as a child, but to this day remains a hero and continues to make an impression on him.

Just about everyone who was a scout back then wanted to be in Troop 7, according to Lann Cordle, Chattooga clerk of court, who was in Scoggins' troop for about two to three years.

"There was a troop in Trion and another one in Summerville, but everyone knew Troop 7 was the best one and that was the one they wanted to be in," explained Cordle, who is now an assistant scout leader for Troop 7.

When asked about Scoggins, Cordle replied, "I don't have anything but praises for the man. He means a lot to me and any boy who was in the troop. He's given a lot of folks, some wouldn't have had the opportunities in life they had if it wasn't for him."

"He was always ready to listen to you and help in any way he could," Cordle continued. "I don't know how he kept from having a nervous breakdown. We'd all load up in a big truck and take off on a camping trip. When we got there, everyone jumped out and some of the boys he probably didn't see until it was time to leave. A good time was had by everybody."

Cordle said he'd never be able to oversee 95 scouts on a campout like Scoggins did.

"He had special days set aside to work on ranks and stuff. He just seemed to give and give, and give and give of himself."

Allan "Butch" Eleam, a scout under Scoggins' leadership for five years, attributes most of his leadership qualities to his former scoutmaster.

"I feel like what leadership qualities I have were influenced by him and his Christian attitude," Eleam said.

Eleam is president of Guffin and Eleam Insurance Inc., Summerville. He is a past president of the Summerville-Trion Rotary Club and currently serves as sergeant of arms for the organization. He also is a former Eagle scout.

He remembers when Troop 7 was one of the largest.

"Around 1968 or '69 we went on a camping trip and 116 boys went. Nowadays most scout camps with dozens of troops might not have 116 boys," he explained.

Eleam attributes the size of the campout and the size of the troop to Scoggins "making it fun."

"He's a real leader," Eleam summed up.

Jon Payne, Probate Court judge, remembers a bunch of rambunctious boys and Scoggins on several campouts.

"One time, we were camping out in a field owned by a farmer who also had a watermelon patch," Payne fondly remembered. "That night, the watermelon patch got raided. I had nothing to do with it, of course."

"Boy, did he (Scoggins) get mad at us...uh...I mean them," Payne added. "He had to work something out with the farmer."

"And there was another time when we all had new sleeping bags and didn't want to sleep inside out tents. It was a beautiful night but he (Scoggins) said it was going to rain, Payne said.

"Well, we weren't worried because our new sleeping bags were waterproof, or so we thought. Actually they were water repellent. Around 10 or 11 p.m. it started to pour. We were soaked. I remember we had to get in the back of the truck. We ate peanut brittle," he said.

"He's a super person," Payne said. "He's taken care of so many of us kids for several years and helped our parents keep us on the straight and narrow."

"He spend so much time away from his wife trying to teach us things that we needed to be taught about scouts and about life," the probate judge said.

THOMAS P. "TIP" O'NEILL, JR., HONORED

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 23, 1994

Mr. FALEOMAVAEGA. Mr. Speaker, I rise this afternoon to pay tribute to Thomas P. O'Neill, Jr., Speaker of the House of Representatives from 1977 to 1987.

In 1977 when Tip O'Neill was elected to the position of Speaker, I was a staffer with the House Committee on Interior and Insular Affairs. Having come shortly after the watershed year of 1974 and the post-Watergate elections, it was time for a change in the congressional leadership, and Tip O'Neill was a new kind of leader. Less autocratic than the previous Speakers, his manner was well suited to the House of Representatives at that time, and remains so today.

Speaker O'Neill's style of leadership was one of personal contact, and in that vein he spent a considerable amount of his time talking to his colleagues. His door was routinely open to the other Members of the House of Representatives, and the Members used the opportunity presented to them. This was also true for his work in his congressional district.

The stories of his local upbringing and his never forgetting his roots are legendary, as is his quote "all politics are local." His willingness to hold open sessions in his district office, even when he was Speaker, is commendable, and points out that he practiced what he preached—most of the time.

I am reminded of the story he told that when campaigning for reelection he frequently saw and remembered a lady over a 20-year period. Each time he would greet her, always assuming she had voted for him in the past and that she would vote for him at the next election. It was only after doing this for 20 years that it came up in conversation that, in fact, she had not voted for him all those years. When asked why she had not, she responded that candidate O'Neill never asked her to.

Speaker O'Neill said this incident reminded him again that "all politics are local." Despite constant repetitions of this political truism, even a consummate politician and creator of the phrase needed an occasional reminder as to its ramifications. That is a lesson we can all take to heart, and with today's computerized voting records and increased public disclosure of the operations of government, the lesson is even more relevant today than it was in the past.

Mr. Speaker, Speaker O'Neill's reputation has spread much further than many of us would think. I recently received a copy of a resolution passed by the Legislature of American Samoa, paying tribute to the accomplishments and public service of Tip O'Neill, and I request the resolution be included with my statement today.

The Twenty-Third Legislature, Third Regular Session, H.C.R. No. 23-21.

HOUSE CONCURRENT RESOLUTION

A House concurrent resolution paying tribute to the accomplishments and public service of the late Thomas P. "Tip" O'Neill and conveying the condolences of the Legislature and people of American Samoa to Mrs. O'Neill and family.

Whereas, the former democratic Speaker of the United States House of Representatives, the Honorable Thomas P. "Tip" O'Neill at the age of 81 passed away peacefully at Boston's Brigham and Women's Hospital on January 5, 1994; and

Whereas, the Honorable Thomas P. "Tip" O'Neill devoted many years of his life in the service of the people of the United States, and served with honor and distinction; and

Whereas, during his 34 years in the House, Thomas P. "Tip" O'Neill served for an unequaled ten consecutive years as Speaker; and

Whereas, Thomas P. "Tip" O'Neill in 17 House terms rose to become the most powerful democrat in the country; and

Whereas, Minority Leader Bob Dole characterizes Thomas P. "Tip" O'Neill as "* * * the model of what a Representative and a leader of the American people should be" and that "he will go down in history as one of the great political leaders of our time"; and

Whereas, a close friend of the former Speaker said that "when he would talk to an audience about seniors or about the government's responsibility to help the less fortunate, you could hear a pin drop. He captivated people, he moved them, and he appealed to what's best in us."; and

Whereas, Thomas P. "Tip" O'Neill honored American Samoa with an official visit which is fondly remembered by the people of American Samoa; and

Whereas, Thomas P. "Tip" O'Neill has rendered outstanding service to the people of the United States through his many years of community and public service; and

Whereas, it is fitting and proper to commend and thank this great person and pay tribute to his compassionate, generous and highly skilled service to his people; and

Whereas, Thomas P. "Tip" O'Neill's passing away not only is tragedy to Mrs. O'Neill and his family, but is a great loss to the people of the United States and her territories: now, therefore, be it:

Resolved by the House of Representatives of the Territory of American Samoa, the Senate Concurring: That, the Legislature on its behalf and on behalf of the people of American Samoa convey their deepest sympathies to the bereaved family of Thomas P. "Tip" O'Neill on the occasion of his passing; and

Be it further resolved, That Honorable Letuli Toloa, President of the Senate, Honorable Savali Talavou S. Ale, Speaker of the House of Representatives and Honorable Faleomavaega Eni Hunkin, Representative to the U.S. Congress, are respectfully requested to present this concurrent resolution to Mrs. Thomas P. "Tip" O'Neill, and to his family at an appropriate occasion; and

Be it further resolved, That the Chief Clerk of the House of Representatives is directed to transmit copies of this concurrent resolution to: Honorable A.P. Lutali, Governor of American Samoa, Honorable Faleomavagea Eni Hunkin, Representatives to the U.S. Congress; and Honorable Thomas Foley, Speaker of the House of Representatives, U.S. Congress.

tuli Toloa,
President of the Senate.
SAVALI TALAVOU S. ALE,
Speaker of the House.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 24, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:30 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings on welfare reform issues.
SD-215

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1801, to apply certain minimum standards to the conversion of savings associations and savings banks from the mutual form to the stock form.
SD-538

Foreign Relations
To hold hearings on the nominations of Thomas L. Baldini, of Michigan, to be a U.S. Commissioner on the International Joint Commission, U.S. and Canada, Charles R. Baquet III, of Maryland, to be Deputy Director of the Peace Corps, and Jeanette W. Hyde, of North Carolina, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to the Commonwealth of Dominica, St. Lucia, and to St. Vincent and the Grenadines.
SD-419

FEBRUARY 28

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States, Elaine A. McReynolds, of Tennessee, to be Federal Insurance Administrator, Federal Emergency Management Agency, William Alan Reinsch, of Maryland, to be Under Secretary of Commerce for Export Administration, and Raymond E. Vickery Jr., of Virginia, to be an Assistant Secretary of Commerce.
SD-538

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1614, to authorize funds through fiscal year 1998 for programs of the Child Nutrition Act and the National Lunch Act.
SH-216

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1995 for the Office of Civilian Radioactive Waste Management.
SD-366

Labor and Human Resources
To hold hearings to examine the Employee Retirement Income Security Act's (ERISA) preemption of State prevailing wage laws.
SD-430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of the United States Trade Representative, and the Small Business Administration.
S-146, Capitol

MARCH 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Alcohol, Tobacco and Firearms, and United States Customs Service, both of the Department of the Treasury.
SD-116

Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
To hold hearings on the Superfund cleanup process, focusing on States' responsibility and community participation.
SD-406

Small Business
To hold oversight hearings on the Small Business Administration's 7A guaranteed business loan program, and disaster loan program.
SR-428A

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to authorize funds for fiscal year 1995 for the National Aeronautics and Space Administration (NASA).
SR-253

1:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

MARCH 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.
SR-332

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

Rules and Administration
To hold hearings to examine emerging and current state-of-the-art technology which may have an impact on the future operations of the Senate.
SR-301

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the U.S. Senate, and the Congressional Budget Office.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Su-

preme Court of the United States, and the Judiciary.

S-146, Capitol

Budget

To hold hearings to examine defense contractor abuses.

SD-608

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 274, to establish the Casas Malpais National Historical Park in Springerville, Arizona, S. 859, to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926, S. 1233, to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, S. 1586, to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and H.R. 1183, to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company.

SD-366

1:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-138

MARCH 4

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Resolution Trust Corporation's Inspector General Office, the Consumer Product Safety Commission, the Office of Consumer Affairs, the Consumer Information Center, the Neighborhood Reinvestment Corporation, and the Court of Veterans Affairs.

SD-106

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Agriculture.

SD-138

MARCH 7

1:30 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the U.S. Capital Police Board, and the Architect of the Capitol.

SD-116

MARCH 8

9:30 a.m.

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1995 for the Department of Energy, focusing on renewable energy programs.

SD-366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Library of Congress, and the Office of Technology Assessment.

SD-116

MARCH 9

10:00 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1995 budget for the Federal Government, focusing on defense.

SD-608

MARCH 10

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to the Standing Rules of the Senate.

SR-301

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Navy and Marine Corps.

SD-192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Highway Administration, Department of Transportation.

SD-138

1:30 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Government Printing Office, and the General Accounting Office.

SD-116

2:00 p.m.

Veterans' Affairs

To hold hearings on proposed budget requests for fiscal year 1995 for veterans programs.

SR-418

MARCH 11

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the General Services Administration, and the Federal Law Enforcement Training Center, Department of the Treasury.

SD-116

10:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation to reauthorize the Earthquake Assistance Program.

SR-253

MARCH 15

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Army.

SD-192

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of the Attorney General.

S-146, Capitol

MARCH 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Health and Human Services.

SD-192

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Small Community and Rural Development, Farmers Home Administration, and Rural Electrification Administration, all of the Department of Agriculture.

SD-138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of State.

S-146, Capitol

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD-116

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on competition in the U.S. biotechnology industry.

SR-253

MARCH 17

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Institutes of Health, Department of Health and Human Services.

SD-116

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title I, relating to the Standing rules of the Senate.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Blinded Veterans Association, and Non Commissioned Officers Association.

345 Cannon Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Air Force.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Science Foundation, and the Office of Science Technology Policy.

SD-124

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Inspector General, Department of Transportation, and the Interstate Commerce Commission.

SD-138

MARCH 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Education.

SD-138

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on manpower and personnel programs.

SD-116

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Commerce.

S-146, Capitol

MARCH 23

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Secret Service, Department of the Treasury, and the Executive Residence at the White House.

SD-116

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine science and technology policy issues.

SR-253

MARCH 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Labor.

SD-138

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Veterans of World War I, Association of the U.S. Army, The Retired Officers Association, and the Military Order of the Purple Heart.

345 Cannon Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for National Guard and Reserve programs, focusing on manpower and equipment requirements and the restructuring of brigades.

SD-116

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Emergency Management Agency.

SD-124

2:00 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).

SD-138

MARCH 25

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Management and Budget, and the Executive Office of the President.

SD-116

APRIL 11

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Marketing and Inspection Services, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service, all of the Department of Agriculture.

SD-138

APRIL 12

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.

S-407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Oceanic and Atmospheric Administration, Department of Commerce.

S-146, Capitol

APRIL 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Coast Guard, Department of Transportation.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Postal Service, and the Financial Crimes Enforcement Network.

SD-192

APRIL 14

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on health services and infrastructure.

SD-192

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, both of the Department of Justice.

S-146, Capitol

APRIL 18

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Science and Education, Agricultural Research Service, Cooperative State Research Service, Extension Service, and Alternative Agricultural Research and Commercialization, all of the Department of Agriculture.

SD-138

APRIL 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD-192

APRIL 20

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Treasury.

SD-116

APRIL 21

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.

S-407, Capitol

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development.

SD-106

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Securities and Exchange Commission, and the Federal Communications Commission.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Aviation Administration, Department of Transportation.

SD-138

APRIL 25

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for International Affairs and Commodity Programs, Natural Resources and Environment, Agricultural Stabilization and Conservation Service, Foreign Agriculture Service, Soil Conservation Service, and Federal Crop Insurance Corporation, all of the Department of Agriculture.

SD-138

APRIL 26

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).

S-407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Justice Programs, and the Immigration and Naturalization Service, both of the Department of Justice.

S-146, Capitol

APRIL 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.

SD-138

APRIL 28

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-106

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency.

S-146, Capitol

MAY 3

9:30 a.m.

Energy and Natural Resources

To hold hearings on Boron-Neutron Cancer Therapy.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for Food and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.

SD-138

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.

SD-192

MAY 5

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.

SD-138

MAY 10

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Commodity Futures Trading Commission, the Farm Credit Administraion, and the Food and Drug Administration, Department of Health and Human Services.

SD-138

MAY 12

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-106

MAY 17

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.

SD-192

MAY 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.

SD-106

MAY 20

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies.

SD-138

MAY 26

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.

SD-106

JULY 19

10:00 a.m.

Appropriations

Defense Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.

SD-192